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SITTING DAYS—2009

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<td>26, 27, 28, 29</td>
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<td>November</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
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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
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

<table>
<thead>
<tr>
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<th>State or Territory</th>
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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.
(4) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments

Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—A Thompson
Rudd Ministry

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<tr>
<td>Prime Minister</td>
<td>Hon. Kevin Rudd, MP</td>
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<tr>
<td>Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion</td>
<td>Hon. Julia Gillard, MP</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Immigration and Citizenship and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for Defence and Vice President of the Executive Council</td>
<td>Senator Hon. John Faulkner</td>
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<tr>
<td>Minister for Foreign Affairs and Deputy Leader of the House</td>
<td>Hon. Simon Crean MP</td>
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<td>Minister for Health and Ageing</td>
<td>Hon. Stephen Smith MP</td>
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<tr>
<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Nicola Roxon MP</td>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<td>Minister for the Environment, Heritage and the Arts</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Attorney-General</td>
<td>Hon. Robert McClelland MP</td>
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<tr>
<td>Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Hon. Tony Burke MP</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<td>Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services</td>
<td>Hon. Chris Bowen, MP</td>
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[The above ministers constitute the cabinet]
**Rudd Ministry—continued**

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

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

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

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

Shadow Minister for Financial Services, Superannuation and Corporate Law The Hon. Chris Pearce MP
Shadow Assistant Treasurer The Hon. Tony Smith MP
Shadow Minister for Sustainable Development and Cities The Hon. Bruce Billson MP
Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House Mr Luke Hartsuyker MP
Shadow Minister for Housing and Local Government Mr Scott Morrison
Shadow Minister for Ageing Mrs Margaret May MP
Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence The Hon. Bob Baldwin MP
Shadow Minister for Veterans’ Affairs Mrs Louise Markus MP
Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth Mrs Sophie Mirabella MP
Shadow Minister for Justice and Customs The Hon. Sussan Ley MP
Shadow Minister for Employment Participation, Training and Sport Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Northern Australia Senator the Hon. Ian Macdonald
Shadow Parliamentary Secretary for Roads and Transport Mr Don Randall MP
Shadow Parliamentary Secretary for Regional Development Mr John Forrest MP
Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs Senator Marise Payne
Shadow Parliamentary Secretary for Energy and Resources Mr Barry Haase MP
Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector Senator Mitch Fifield
Shadow Parliamentary Secretary for Water Resources and Conservation Mr Mark Coulton MP
Shadow Parliamentary Secretary for Health Administration Senator Mathias Cormann
Shadow Parliamentary Secretary for Defence The Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Education Senator the Hon. Brett Mason
Shadow Parliamentary Secretary for Justice and Public Security Mr Jason Wood MP
Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry Senator the Hon. Richard Colbeck
Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate Senator Concetta Fierravanti-Wells
TUESDAY, 15 SEPTEMBER

Chamber
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009—
First Reading ................................................................. 6533
Second Reading .............................................................. 6533
Business—
Consideration of Legislation ......................................... 6534
Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009—
Second Reading .............................................................. 6534
In Committee ................................................................. 6544
Questions Without Notice—
Telstra ................................................................. 6554
Economy ................................................................. 6555
National Security .......................................................... 6557
Water ................................................................. 6558
Traveston Crossing Dam .................................................. 6559
Green Loans Program .................................................... 6560
Distinguished Visitors ..................................................... 6562
Questions Without Notice—
Centrelink ................................................................. 6562
Telecommunications ....................................................... 6563
Second Sydney Airport ..................................................... 6564
Liquefied Natural Gas Exports ........................................ 6565
Questions Without Notice: Additional Answers—
Breast Cancer Screening ................................................. 6568
Traveston Crossing Dam .................................................. 6568
Questions Without Notice: Take Note of Answers—
Telstra ................................................................. 6569
Traveston Crossing Dam .................................................. 6569
Green Loans Program .................................................... 6569
Petitions—
Parallel Imports of Books .............................................. 6576
Notices—
Presentation ................................................................. 6576
Leave of Absence .......................................................... 6578
Committees—
Fuel and Energy Committee—Meeting ............................. 6578
Australian Curriculum, Assessment and Reporting Authority .............................................. 6578
Notices—
Withdrawal ................................................................. 6579
Committees—
Corporations and Financial Services Committee—Meeting .......................................................... 6579
Business—
Withdrawal ................................................................. 6579
Consideration of Legislation ........................................... 6580
Committees—
Finance and Public Administration Legislation Committee—Meeting............................. 6580
Millennium Development Goals ....................................... 6580
CONTENTS—continued

Matters of Public Importance—

Border Security................................................................. 6581

Ministerial Statements—

ABC Learning Childcare Centres........................................... 6594
Pension Reform ................................................................. 6594
Zimbabwe ......................................................................... 6594

Auditor-General’s Reports—

Report No. 4 of 2009-10 .................................................. 6596

Committees—

Corporations and Financial Services Committee—Report .... 6596
Public Works Committee—Report ........................................ 6597
Treaties Committee—Report ................................................ 6598

Delegation Reports—

Parliamentary Delegation to the Philippines, Cambodia and Malaysia........................................ 6600

Committees—

Membership ........................................................................ 6601

Telecommunications Legislation Amendment (National Broadband Network Measures—Network Information) Bill 2009—

First Reading ......................................................................... 6602
Second Reading ...................................................................... 6602

Military Justice (Interim Measures) Bill (No. 1) 2009 .............. 6604

Military Justice (Interim Measures) Bill (No. 2) 2009—

Returned from the House of Representatives ......................... 6604

Export Control (Fees) Amendment Orders 2009 (No. 1) .......... 6604

Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1) ......................... 6604

Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1) ................................. 6604

Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1)—

Motion for Disallowance .................................................... 6605

Documents—

Consideration ...................................................................... 6624

Adjournment—

Dr June Canavan .............................................................. 6624
Victorian Bushfires ............................................................ 6627
Abbotsford Public School .................................................. 6629
Iraq ..................................................................................... 6631
Abbotsford Public School .................................................. 6633
Japanese Comfort Women ................................................ 6635
Papua New Guinea ........................................................... 6637
National Broadband Network ........................................... 6639
Child Care .......................................................................... 6643

Documents—

Tabling ............................................................................... 6646

Questions on Notice

Health and Ageing: Consultancies—(Question Nos 1882, 1901, 1905 and 1907)........ 6649
Broadband, Communications and the Digital Economy: Water—(Question No. 1970)................................................................. 6650

Health and Ageing: Media Training—(Question Nos 2003, 2022, 2026 and 2028) .... 6651
CONTENTS—continued

Health and Ageing: Hospitals and Aged Care—(Question No. 2041) .......................... 6651
Reserve Bank of Australia—(Question No. 2054) ......................................................... 6651
Defence: Staffing—(Question Nos 2071 and 2072) ....................................................... 6652
Tuesday, 15 September 2009

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

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE LEGISLATION AMENDMENT BILL 2009

First Reading

Bill received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (12.31 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (12.31 pm)—I table a revised explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This Bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Act) to address minor policy and technical issues identified during consultative processes reviewing the operation of the Act over the past two years. The Bill also provides corrections and clarifications to a small number of provisions in the Act arising during the introduction of greenhouse gas storage provisions and from a renumbering of the Act.

The effect of the proposed amendments is to reduce regulatory burden while maintaining an effective and consistent regulatory system.

Minor policy amendments include changing the decision maker who can declare a petroleum location and grant a scientific investigation consent from the Designated Authority to the Joint Authority. The decision maker is changed from the State or Territory Minister acting on behalf of the Commonwealth to a joint decision between the relevant State or Territory Minister and the Commonwealth Minister.

Scientific investigation consents are provided for in the Act in recognition of Australia’s obligations under the United Nations Convention on The Law of the Sea, to allow marine scientific research on the continental shelf. As these are Commonwealth obligations it is appropriate the Commonwealth Minister, as part of the Joint Authority, has a role in granting these consents.

Other minor policy amendments proposed in this Bill are to:

• provide an expedited consultation process for the granting of an access authority to titles in adjoining offshore areas where the title holders have consented to the access;

• to require notification of a petroleum discovery in a production licence area, as is required for other titles and extend the period to notify a discovery of petroleum in all title areas from immediately to 30 days.

Technical amendments included in this Bill include changes to the occupational health and safety (OHS) requirements set out in the Act in Schedule 3, Clauses 9-15. The Bill provides that the fault element that applies to the conduct and result elements of these offence provisions is negligence. Also absolute liability will apply to the element in these provisions that a person is subject to an occupational health and safety requirement.

This is to provide a regulatory regime that is enforceable and is consistent with fault elements of the Occupational Health and Safety Act 1991 (the OHS Act). The penalties set out for these offences do not change under these amendments and are themselves consistent with the OHS Act and other Commonwealth legislation such as the Therapeutic Goods Act 1989.

Other technical amendments include new maps showing the extension of Australia’s offshore
areas following recent findings of the United Nations Commission on the Limits of the Continental Shelf which confirmed Australia’s claims.

This Bill removes references to the pipeline safety management plan levy and removes a consent to operate a pipeline. These two amendments are linked to planned amendments to regulations in force under the Act which will see regulatory arrangements for the construction and operation of pipelines being incorporated into safety regulations.

This Bill also removes the requirement for data management plans. Plans already in force will continue until they terminate at the end of their five-year lives. The collection of petroleum data is a very important part of attracting petroleum companies to explore Australia’s offshore waters. It is, however, sufficient that regulations require companies to collect, store and provide this valuable data without requiring a plan to set out how that is to be achieved.

The Bill also amends the Administrative Decisions (Judicial Review) Act 1977 to include in Schedule 3 of that Act the Western Australian mirror legislation to this Act.

The Bill also includes amendments to the greenhouse gas provisions of the Act, which were passed in November 2008 with a number of late changes being made in the Senate. These amendments are needed to give effect to the policy intention surrounding the Senate amendments and are technical in nature and remove ambiguities. They do not change the intent of the legislation.

There are also minor amendments to fix grammatical or punctuation errors and correct references to provisions in the Act. An amendment is required to several related Acts to correct the reference to the definitions section of the Act. This arose through renumbering of the Act.

The amendments I introduce today bring into effect solutions to issues identified over the past two years from reviews of the offshore petroleum regulatory regime conducted by the Department of Resources, Energy and Tourism. These reviews involved the upstream petroleum industry, the States and the Northern Territory and the National Offshore Petroleum Safety Authority.

The amendments also provide improvements to the recently introduced regulatory regime for greenhouse gas storage.

While each of these amendments are in themselves quite small they together bring effective improvements to the Act and allow for further streamlining of regulations in force under the Act.

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

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.32 pm)—I move:

That the government business orders of the day relating to the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2009 and the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009 may be taken together for their remaining stages.

Question agreed to.

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

Second Reading

Debate resumed from 14 September, on motion by Senator Wong:

That this bill be now read a second time.

Senator HANSON-YOUNG (South Australia) (12.32 pm)—I would like to continue, briefly, my comments from last night. I was talking about the various concerns that we have about the government’s proposed amendments in the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009. The Australian Greens position is that we do believe that this bill will offer some improvements on the current citizenship test. I put firmly on the record once again that the citizenship test is
something that the Greens have always opposed. We do not believe that the most appropriate way of testing or ascertaining somebody’s allegiance to Australia is by doing a written test. However, we understand that that is the current situation and that this bill does build on the current legislation and improve it somewhat.

We also would like to highlight, briefly, that there were a number of recommendations made by the Australian Citizenship Test Review Committee—on which the amendment that has been put forward by the Greens and circulated in the chamber is based—that have been adopted by the government. But there were a number of other recommendations which the review committee put in their report which have not been adopted by the government. I encourage them to do so. One of the main issues was to ensure that we maintain transparency and appropriate levels of scrutiny over the make-up of the citizenship test. I strongly urge the government to reconsider the recommendation made by the Citizenship Test Review Committee to ensure that all questions are made publicly available, to allow the appropriate scrutiny and discussion around what are appropriate questions to be included in the test.

In summary, our major concerns are with the current wording of the definition of torture and trauma. We understand that the government’s approach is to try to be more inclusive of vulnerable people who are disadvantaged by the way that the test is currently carried out. We understand that, but we believe that the terminology put forward by the government in this amendment bill is not quite clear enough and does not necessarily deal with all of the concerns. We are also concerned that, for people who are listed as sufferers of torture or trauma, and who therefore have an inability to complete the test, that suffering of torture or trauma has to have happened offshore. The legislation does not recognise that there are people who come to Australia on various types of visas. They may be trafficked to Australia as part of the sex trade and they obviously suffer torture and trauma while here in Australia. We would like to ensure that those people are looked after as well.

We are concerned also about the amendment that has been circulated by the government in relation to changes to do with the length of time that somebody needs to be a permanent resident before applying for citizenship—in particular, elite sportspeople. I will take some time during the committee process to question the minister about that. The Greens are not necessarily opposed to the idea, but we would like to see what the evidence is behind needing those amendments, seeing as they were put forward after the committee process. It would have been helpful to have been able to deal with that issue during the committee inquiry. I know that that is the opposition’s view as well. It would have been good to have been able to do that. We were not able to, so I guess in the committee stage we can try and get some more clarity on that issue.

I also stressed last night the issue in relation to minors and removing the ability for somebody under 18 to apply for citizenship without being a permanent resident. I am concerned that that amendment will mean that decisions are not always going to be made in the best interests of the child. That is obviously a concern. We are signatories to the Convention on the Rights of the Child, and we need to ensure that decisions are made in the best interests of the child. That is an important element we need to maintain. Therefore, the
Greens do not support that particular part of this amendment bill. Thank you.

Senator BARNETT (Tasmania) (12.37 pm)—I stand to speak on the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009. I would draw the Senate’s attention to the Senate Legal and Constitutional Affairs Legislation Committee report just tabled, in September 2009, and in particular the Liberal senators’ comments in that report. I note that the bill was referred to the Senate committee on 25 June, to deliver a report by 7 September.

The bill seeks to amend the Australian Citizenship Act 2007, and we know that it makes changes to the citizenship program which you might consider technical and administrative but are actually very important. The funding for the citizenship program is $123.6 million, provided over five years in the 2007-08 budget, to establish and implement the test. The need for the test has certainly received strong community support. There has been a review of the citizenship test. The Hon. Dick Woolcott headed the Australian Citizenship Test Review Committee, undertaking that review with others and delivered a report, which of course took many months.

I give that as the background, because, just days before the report was tabled by the Senate Legal and Constitutional Affairs Legislation Committee on September 7, the government introduced amendments to their own amendments. And then, subsequent to that, they introduced further amendments to those amendments. What we have here is a problem for the government in terms of process—in terms of getting their act together to ensure that the parliament, the public and certainly the people in this chamber have a proper opportunity for full and frank discussion to take place with respect to the merits or otherwise of these amendments. Senator Hanson-Young has quite rightly noted on behalf of the Greens the concerns that she has in this respect. She needs time to review those amendments and consider them. Of course she does; all senators should have adequate time to consider and review them. So there is a real problem there.

The government have had time. They had so many months during the Woolcott review, the Australian Citizenship Test Review Committee. The review committee went all around Australia, took submissions, listened to members of the public and delivered their report. The government acted on that report, but subsequent to that they had a knee-jerk reaction and introduced further amendments. I will come to those shortly, but, clearly, the cart has been put before the horse.

The substantive bill, prior to those recent amendments, provides:

… that certain applicants may be eligible for citizenship without sitting the citizenship test if, at the time of application, they have a physical or mental incapacity that is as a result of suffering torture or trauma outside Australia …

Senator Hanson-Young referred to this provision, and the committee report made it very clear that there were concerns, certainly from the Liberal senators’ perspective, about the focus on the torture or trauma being ‘outside Australia’. I will come to that in a minute. The bill also provides:

… that the citizenship test must be successfully completed within a period specified … and

• provides that to be eligible for citizenship by conferral, applicants who are under 18 years of age must be permanent residents at both the time of application and the time of decision.

The bill also streamlines the application process so that citizenship testing and citizenship application can take place in one visit to an Immigration office.
The Senate committee had 21 submissions, with a public hearing in Melbourne on 27 August. At this point in time I would like to register my thanks to the committee secretariat for their great support and assistance: Peter Hallahan in particular, Tim Watling, Cassimah Mackay and others in that team. We had some very capable, competent witnesses, including Professor Kim Rubenstein, who sat on the Citizenship Test Review Committee; she provided invaluable advice. We thank her and the other witnesses for their submissions.

Concerns expressed about the bill in the opposition senators’ dissenting report made it very clear that the effort to remove the requirement for a ‘permanent’ physical or mental incapacity was not on. We did not support it, we still do not support it and we note that the government has now amended the bill to substantially accommodate at least the coalition senators’ views, and, I believe, other people’s views, to ensure that that is taken into account.

Concerns were raised at the hearing about the extension of the exemption to one category of people, namely those who had suffered torture and trauma outside Australia, to the exclusion of others—for example, women who have suffered torture and trauma in Australia as a consequence of trafficking. That is a very important issue. In fact, I know that you, Mr Acting Deputy President Bernardi, view that with abhorrence. Why should they be excluded because it happened in Australia? The government have tied themselves up in knots by identifying one group only, to the exclusion of others. Even this week we have heard from the Voices for Justice people, who support the Make Poverty History campaign and the Millennium Development Goals, and we know their views with respect to people-trafficking, whether it is in Australia or in another country. They certainly oppose it, as do I, and I know others in this chamber do also.

The methodology suggested by the Citizenship Test Review Committee is simpler and non-discriminatory, and coalition senators suggested in their dissenting report that the review committee’s proposed amendment be adopted, with the addition of the word ‘permanent’. We have an amendment circulating in the chamber, and I know Senator Fierravanti-Wells, during the committee stage of the bill, will prosecute the case to ensure that we get a balanced, fair approach rather than a discriminatory approach, as was listed in the primary amending bill.

What we do support is providing as much assistance as possible to people who perhaps for physical or mental incapacity or whatever other reason are prevented from sitting the standard test. That is set out in our report. For example, the administrator may read aloud the questions and multiple-choice answers, ask the person which answer they think is correct and select on the computer the answer that the person indicates, and an applicant would have 90 minutes to complete the test, double the time allotted for others. So we support extending the assistance available to people to help them pass the test rather than opening up the category to a wider group of people and hence to potential exploitation.

I note the fact that the Hon. Chris Evans, the Minister for Immigration and Citizenship, provided the amendments to our Senate committee in a letter dated 31 August. As I indicated earlier, we had to deliver our report on 7 September, so there was an entirely insignificant and inadequate amount of time to consider those amendments. There were some four pages of amendments and some seven pages of notes, which obviously had to be considered on their merits. I also note that the government has now amended those
amendments, which puts everybody under pressure and makes it challenging and difficult at the very least. So the onus is on the government to outline the urgency of waiving the residency requirements for athletes and other categories. In the ordinary course, the proposed amendments ought to have been open to proper examination and scrutiny by the committee and by groups and organisations wishing to make submissions on them. That will now have to take place in an ad hoc and challenging way.

I will speak very broadly to those amendments. There appear to be two significant additional amendments. One relates to elite athletes. That has been rushed into the bill. The other relates to discounting the residency requirements for citizenship for professionals whose work takes them regularly offshore. With respect to elite athletes and, indeed, non-citizen tennis players currently unable to satisfy residency requirements for citizenship in time for international competitions where they would like to represent Australia, I have to say, frankly, that I am a very keen tennis player, as many senators and members know—I play tennis on a Thursday morning with colleagues to ensure a healthy, active lifestyle in and around Parliament House—and I strongly support Tennis Australia and the work that they do. However, with respect to determining the appropriateness or otherwise of certain tennis players for citizenship purposes, I am at a loss to understand why the government would want to go down the track of picking out Tennis Australia and certain elite athletes and passing an amendment specifically for them.

What is wrong with the ministerial discretion approach, where the minister can take into account the public interest and the circumstances of the person concerned and pass that person in terms of their citizenship test? Why not go down that track and ensure that the minister has that discretion? I think that is a far better and safer way to go. Perhaps there is a workload issue there for the minister, but that is what ministers are for. Particularly with respect to immigration, they are to provide the check and balance in the public interest, to determine what is right and wrong, to look at the merits of the case and to make that decision. We can still accommodate the needs of any particular stakeholders or people concerned, so long as that is in the public interest and so long as they meet the relevant requirements of the citizenship test.

We look forward with interest to the committee stage of this bill and to the government fleshing out in further detail the reasons they have introduced not only the initial amendments but the amendments to the amendments. We want to get a good grip on the government’s objectives and to express the coalition’s views in response to them. Again I commend Senator Fierravanti-Wells for her work and effort in prosecuting the case to ensure that we get a balanced approach.

Senator XENOPHON (South Australia) (12.49 pm)—Before addressing the specifics of the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009, I wish to make a few comments about the history of the citizenship test. The stated rationale for the introduction of the test was to make sure that new citizens had a good comprehension of the rights and requirements of citizenship, that they had a sound understanding of the application process and that they had a basic knowledge of English. That first test commenced, as I understand it, back in October 2007.

The original testing process was to answer a series of multiple-choice questions which were selected randomly and answered via a computer. This immediately raised issues of fairness around the level of computer literacy
of those undertaking the test—in other words, a person may have had a basic ability in English but they may not have had any experience with computers. This is a challenge that is not unique to people new to Australia. Computers can be daunting for many people who are already Australian citizens—such as me!

Other questions were raised about the confidentiality and content of the questions that were included in the test. And, given that the questions were selected randomly, some asked why it was a requirement for the questions to be confidential: surely if this information is so important for all Australians to know, it can hardly be a secret? There was also some public concern that historical and sporting figures and facts were included amongst the list of possible questions. Most notably, the media coverage was quite extensive about questions on Don Bradman’s performance in test cricket. It was in the information booklet, and perhaps the minister can correct me if I am wrong, but I do not think it was actually in the test itself. It may have been alluded to obliquely in one of the test questions, but it did become a focus of public and media concerns.

Due to these concerns the government announced an independent review into the citizenship test and its report was released in August last year. This bill seeks to implement the findings of that review. However, there is much more to the story of this bill than this brief history of it. There has been a debate about the nature of the test and what is the fairest and best process for becoming an Australian citizen. One of the key findings of the review was that there was a need for a greater emphasis on education and the civic responsibilities required of Australian citizens. I welcome the change stipulated in this bill to put the emphasis of testing on the pledge of commitment, while information about the history and lifestyle of Australians has become an important but untested resource provided to test applicants. I also note that the review was critical that there was not enough allowance for those who understood the requirements of citizenship but struggled to retain the English language due to mental incapacity, traumatic experiences or other incapacities. I welcome the spirit of these changes made in this bill, although I am aware of the coalition’s concerns in relation to aspects of these changes.

In relation to these specific changes, the bill firstly seeks to make it easier for certain people who have a mental incapacity due to torture or trauma suffered outside Australia to be eligible to apply for citizenship by not sitting the citizenship test. Secondly, it allows prospective applicants for citizenship by conferral to sit the test at the same time as making the application. Thirdly, it makes arrangements for applicants under 18 years of age who apply for citizenship to be permanent residents both at the time of application and time of decision.

On the whole I think it is fair to say that the main thrust of the bill was supported by all parties. That said, I note the Greens have raised concerns about the definition of torture and trauma used for exemption from the test, the need to include trauma caused within Australia as a criterion and the importance of matching the international standards of the rights of the child when considering conferral. I discussed these with Senator Hanson-Young last night and I am quite persuaded by the arguments she has put forward. I can indicate that I am supportive of the amendments to be moved by the Greens.

The government has also foreshadowed amendments to the bill. These amendments have been the subject of a more concerted interest in the last few days. My office has had consultation with the offices of the Minister for Immigration and Citizenship and
The purpose of the government’s most recent amendment is to provide for a reduced period of residence for persons in special circumstances who wish to become Australian citizens. My understanding is that originally these persons included athletes for whom the full residence period would prevent them from qualifying for international sporting events and offshore workers whose work, by its nature, requires them to be away from Australia regularly, such as offshore oil workers or airline staff. The government has argued that without these changes their professional opportunities would be inhibited, making it impossible for those who must travel overseas for work to ever become Australian citizens.

I am aware that the coalition has expressed its concern that these amendments need to be more overtly in the public interest and more transparent. Further, in relation to the access for athletes to shorter qualification periods, I understand the coalition is concerned about any move that may represent ‘medals for citizenship’. In information received by my office this morning, the minister’s office has flagged further amendments to expand the definition from ‘athletes’ to ‘a specialised activity’ and I think that is much better approach. This would broaden the category to other important groups, such as scientists or musicians, who contribute to the public interest in a sense. They have valuable skills that this country would benefit from. I am looking forward to the committee stage in relation to these changes, but I can indicate that I think that broadening the category is a much better approach. I am also looking forward to the committee stage debate on a number of these matters. In relation to the other coalition concerns about the definitions of torture and trauma, as well as the whole issue of permanent or long-term incapacity, I understand that these will be supported and I think that Senator Hanson-Young has a number of amendments in relation to these issues.

I think the public interest test and greater ministerial discretion over decisions will be the main battleground of this bill. My understanding is that the government is concerned that a public interest test would open a floodgate of applications. I note that the minister has shown a disinclination towards greater ministerial discretion on a number of issues. He has set that out clearly in the past and I am sure we will hear more about that in the committee stage. I would like to hear the debate on the issue of the public interest test, along with greater transparency of decision-making processes. In relation to the issue of immigration, citizenship and Australian identity, I think in the past there has been a bit of ideology used, but I think that what the government is seeking to do is, on balance, a good thing and that broadening the categories is the right thing to do. I look forward to having an improved citizenship test process because Australia is one of the countries that has been built by immigration, particularly in the post-war period. Australia really has a proud record of multiculturalism and being welcoming to citizens from all around the world.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.57 pm)—I wish to thank all the senators for their largely positive contributions to the debate on the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009. I table a replacement explanatory memorandum relating to the bill. The government is very committed to a pathway to Australian citizenship that is robust, involves active learning about
citizenship and empowers our new citizens with knowledge of this country, our people, our traditions and our laws. We believe it can play an important role in a migrant’s journey to Australian citizenship.

We also believe that there ought to be pathways for all who seek to join our society and who meet our basic requirements. We do not believe we should place artificial barriers that are unreasonable or unfair in the way of potential citizens. A lot of what this bill is about is making sure that, having seen the experience of the citizenship test, we ensure that there are no false or unfair barriers. I think the Citizenship Test Review Committee did a fantastic job in speaking with the community, analysing their concerns and coming back with recommendations which the government, in large part, have adopted. I think their move to put the pledge of commitment as the centrepiece of our citizenship test provides an intellectual framework that was missing from the previous test. It is a great initiative and that is why the government endorsed it.

We are very keen to get through this bill before question time today, so I will be brief. In this bill we have attempted to respond to the concerns of the committee regarding torture and trauma victims. During the review by the Senate Standing Committee on Legal and Constitutional Affairs, their attention was drawn to the fact that the bill, as it is currently worded in relation to this provision, may have been inadvertently focused too heavily on incapacities arising from traumatic events only when they have occurred outside Australia. Obviously there are instances of people who have been trafficked et cetera who may require a broader definition.

I hasten to stress that these provisions are designed for a small group of people who might be incapable of meeting the other requirements. It is not envisaged that they will be used for a large group. They are to deal with a specific group that the committee found to be disadvantaged and perhaps incapable of becoming citizens as a result of those requirements. Senator Hanson-Young indicated she would move amendments that I think will address concerns about incapacity arising from traumatic events, where they have may have occurred inside Australia. I think those amendments are worthy, and the government is inclined to support them. As I say, all the measures in the bill and the measures we are taking in relation to the test are designed to ensure that everyone has a pathway to citizenship, that we meet their needs and that they have a knowledge and understanding of the step they are taking.

I want to focus on why the government will today move further amendments to those we moved on 7 September. Effectively, we will do so in response to the debate we have had not in the chamber but around the parliament. I appreciate that Senator Fierravanti-Wells and others have engaged with us on how we might address genuine concerns with how we originally framed those amendments. I understand they may well move further amendments, but I want to stress that this is our response to the concerns they have raised. We think these amendments adequately address those and are in the best format to address them. I am grateful that people have attempted to deal with these issues in a constructive way, and we think the response is constructive in meeting those concerns. We think the bill will be better for the amendments I will move today. Those amendments have come out of suggestions and concerns raised with us as part of the discussions.

On 7 September in response to a number of organisations and individuals the government circulated a draft amendment to this bill. I know there has been some concern
about process, but these issues arose more recently and this is a good opportunity to include them in this bill now rather than wait until we get through the whole legislative process again. The amendments seek to introduce a special resident requirement for a small group of people who did not have a pathway to citizenship due to work related travel requirements. While such people remain in those occupations, they will never be able to meet the current residence requirement for Australian citizenship. This issue has been raised with me by a number of members of parliament, including Liberal members of parliament, who have had constituents come to them. I think Ms Julie Bishop raised the issue with me regarding a scientist in the Antarctic. We were able to resolve it. This is an issue where people basically cannot, as a result of their occupation and being out of the country for long periods, get access to citizenship. They are Australian permanent residents—that is, people who have made their lives here. As we know, we live in a global economy now and people work in quite unusual arrangements.

In order to meet the current resident requirement, people who became permanent residents of Australia on or after 1 July 2007 must have been present lawfully in Australia for four years immediately before applying, including for 12 months as a permanent resident immediately before applying. In this period of four years, a person may have had absences from Australia of no more than 12 months, including no more than 90 days in the 12 months immediately before applying. I remind the Senate that these changes were made in July 2007 by the previous government. The changes increased the residency requirement from two years to four years. If you like, what we are dealing with now are some unintended consequences—that is, issues that were not addressed then—and the impact of moving to the higher residency requirement. I do not think any of the changes run counter to the intent of the legislation of 2007, but with the experience of the new act we have come across a range of problems with pathways for people. These amendments seek to address those.

Elite athletes, tennis players and professionals such as international airline pilots and offshore oil rig workers often do not meet the residency requirements for Australian citizenship because they travel extensively outside Australia as part of their employment. Some would say I do not meet the residency requirement to be classed as a West Aussie these days, given the amount of time I spend here. But luckily that is not a formal requirement. I keep my biases, which is the main qualification! Many people in this category have partners who are Australian citizens and children who are Australian citizens and attend Australian schools and it is simply because of their professional travel commitments that they have not become Australian citizens. Their partner and their kids may be Australian citizens, but they are prevented from qualifying. This effectively excludes a cohort of permanent residents who are 100 per cent committed to Australia. We do not believe that the general residency requirement as applied to this group is fair. We think it is an artificial barrier that ought to be fixed.

There are some activities, such as those conducted by elite athletes, which further require them to have Australian citizenship to participate in their chosen activity. There is a lack of a variable pathway to citizenship for people who require citizenship and travel for work related activities. They are particularly disadvantaged by the current residency requirements. People in the special circumstances outlined above will under the proposed amendments: need to have been a permanent resident for two years before their application, with at least six months physi-
ally in Australia; require citizenship for a specified activity; and have to have their application supported by a recognised national peak body. Specialist professionals such as oil rig workers and airline pilots will need to: have been lawfully resident in Australia for the four years immediately before applying for Australian citizenship, with at least 16 months physically in Australia; travel extensively in the course of their work; and have their citizenship application supported by their current employer. One person in this category I was approached by was an Emirates pilot. He was unable to qualify because of the nature of his shifts.

All applicants will need to be able to show that, despite spending periods of time overseas, their home is in Australia. They will also need to meet all other legal requirements for citizenship, including sitting and passing the citizenship test. We believe the revamped requirements will create a fairer system for people who, due to circumstances related to their work, are currently ineligible for citizenship.

Since moving those amendments, the Liberal opposition and others have raised with me issues that effectively say the amendments, as currently worded, are defined too narrowly. The effect of this is that the amendments may have excluded some people who require citizenship to engage in particular activities which are of benefit to Australia. Therefore, the government is proposing to introduce the revised provisions, which I have circulated, which seek to provide, in schedule 2 of the bill, for a special residence requirement for (1) people seeking to engage in activities that are of benefit to Australia and (2) certain people engaged in particular kinds of work requiring regular travel outside Australia. This takes away what was an unnecessary focus for the requirement of a person to represent Australia at events, which is one of the concerns the opposition raised, and refocus it on the nature of a person’s activity and the requirement for citizenship to engage in that activity. These amendments, while minor, will give the flexibility to include people, as Senator Xenophon mentioned, who are engaged in activities which are of benefit to Australia, activities which require them to be citizens and to travel extensively outside Australia.

I understand the opposition will be proposing an amendment to give more discretion to the minister in relation to these measures. Effectively, I think that puts us in the same policy space and direction but also in an argument about the best way of doing this. If that is the case, and it seems to be, I would argue that the way we have constructed these amendments in response to those concerns expressed by the opposition is a better legislative solution. Perhaps I will be clear on that during the committee stage when Senator Fierravanti-Wells speaks to the amendments.

We reiterate that the bill is an important advancement on the citizenship provisions. It takes advantage of the experience and the work of the Citizenship Test Review Committee. The amendments which I have moved today seek to address a number of problems which have been raised by sporting organisations—such as the Australian Olympic Committee and Tennis Australia—and by individuals and members of parliament on behalf of those individuals who have been frustrated by the lack of a pathway to citizenship. The fundamental approach and principles behind this bill are to ensure there are pathways for genuine applicants for Australian citizenship, that all those who make a genuine commitment to Australia and are of good character can find a pathway to citizenship and can fully participate in our society. It is not in the nation’s interests to exclude people who would otherwise be good citi-
zens. This amendment bill seeks to address some of those issues and continues to build on what is probably one of the world’s leading pieces of citizenship legislation. Australia has been at the forefront of development of citizenship concepts and legislation and I think this will further enhance that position.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (1.11 pm)—I table a supplementary explanatory memorandum and a revised supplementary explanatory memorandum relating to government amendments to be moved to this bill, as circulated in the chamber.

Senator FIERRAVANTI-WELLS (New South Wales) (1.11 pm)—Can I make a couple of comments in relation to what the minister has just said, particularly in terms of process. The matter was referred by the Senate to the Legal and Constitutional Affairs Committee. The committee had the benefit of a day of inquiry, which was very useful, and I think we can say it has collectively led to reconsideration of concerns that we, from a coalition perspective, put in our dissenting report, and I think the Greens have raised, not only in relation to the matters we raised in our dissenting report, but also in other provisions, which are going to be the subject of certain amendments they are going to put concerning torture and trauma.

It was disappointing that when the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009 and amendments were put before the Senate we did not have the opportunity to consider these matters in the appropriate committee forum. The committee became aware of these changes by correspondence to our chair after we had concluded our deliberations at the hearing. These are not insignificant amendments. In particular they affect residency requirements regrettably and I will come in a moment to the way this matter was reported in the press. Given the nature and scope of the proposed amendments that initially referred to athletes and subsequently have become a broader category of people, and also in relation to people who have spent periods overseas, offshore workers, I think they and interested organisations should have been afforded some opportunity to come before the Senate committee to express their opinion. There could have been a proper examination and scrutiny and the committee may have heard evidence from them. Perhaps it would have been the appropriate time to have done that. Regrettably those of us on the committee read about it in the press with headlines such as, ‘Athletes get easier run to citizenship,’ and ‘Minister melts to give skater citizenship.’ I had this view of the minister potentially putting on a pair of skates in a press announcement!

Senator Chris Evans interjecting—

Senator FIERRAVANTI-WELLS—I did think about that, Minister, and I wondered whether as part of the photo shoot you were going to don a pair of skates and pirouette on the ice—

Senator Chris Evans interjecting—

Senator FIERRAVANTI-WELLS—Perhaps that would not have been a pleasant view, Minister. To some extent this has resulted in concerns and criticisms, certainly when you look at some of the letters to the editor and at some of the reactions that have had occasion to categorising this as ‘citizenship for medals’ and a push to fast-track athletes simply so that they can go and compete in events overseas. Indeed, Minister, when we do go to the committee stage with those amendments, it will still be of concern, be-
cause, even though the amendments that have been circulated refer to activities of people, nevertheless the schedules have a very sporting focus. As I understand it, the schedules will basically have two sporting committees. In effect, we have had some changes but those changes have been couched in more neutral language. The real effect of the amendments that the government is proposing will be to fast-track athletes so that they can compete in events and ultimately go on to win medals. That, unfortunately, has coloured to the debate somewhat.

In general terms, and I will discuss this in more detail in the committee, I say that we are pleased that the government did take into account the concerns that were raised by coalition senators in our dissenting report—in particular about the removal of the requirement for ‘permanent’ physical or mental incapacity and the removal of the word ‘permanent’ and the potential effect this could have. At the hearing, the evidence that was given was very helpful because it helped identify, certainly for coalition senators and other senators who sat at the hearing, some of the unintended consequences of simply confining the exception to a particular class and category of people who had suffered torture and trauma. Confining that category had consequential effects on other people. Senator Hanson-Young gave the example of women who get trafficked and then, as a consequence, suffer trauma. It is important that we look at this in the broader category of incapacity, so that that broader category of incapacity, albeit defined and restricted to permanency, whether it be long-term or enduring as the Greens have suggested. Nevertheless, permanency is still the important parameter, so that we do not have unintended circumstances where we open this up to a broad range of people.

We will be circulating an amendment which picks up our concerns in relation to permanent and long-term physical and mental incapacity and the consequential amendments. As we note, the amendments that we and the Greens are proposing look at exemptions for sitting the citizenship test. Consequential on that, the Citizenship Act also contains an exemption for permanent and physical incapacity in relation to the pledge. So, as a consequence of one change, there is also the other change that will need to be looked at in terms of the pledge and the consequential amendments to that.

In the minutes remaining to me, I want to put on record and reiterate the comments we made in the dissenting report. We believe that the citizenship test has been a very successful test. In fact, one only has to look at the pass rates and at the Australian citizenship test snapshot report of July 2009 to see just how successful it has been. We have had pass rates of about 97 per cent overall. Even if you break that down, in other streams such as the family stream, the pass rate is about 95 per cent. Even in the humanitarian stream, pass rates are approximately 84 per cent.

In this bill we are really only looking at two of the recommendations of the Citizenship Test Review Committee required legislative changes. But, from the coalition’s perspective, I put on the record our concerns that there is a whole raft of other changes that the government is making to citizenship which do not require legislative changes. They do nevertheless, and this is our concern, change the nature of the citizenship test requirement. We are pleased that the government is retaining the test in the English language and that there will not be any changes to that.

Citizenship is important and we do encourage citizenship. The test was set up not only to encourage citizenship but to promote
citizenship as the single most unifying force in our community. Therefore, it is very important that the changes do not lose the focus of the core values and beliefs that underpin our Australian way of life. Our history and our culture are important components of new citizens understanding the Australian way of life. From the coalition’s perspective, we have always seen the citizenship test as an important values document and we believe that new Australians should fully understand and embrace not only the rights but also the responsibilities that being an Australian citizen brings. Therefore, we are particularly concerned that there will be a removal of mandatory questioning. Whilst this is not part of the bill, I do want to take the opportunity to say that we have expressed our concerns about the government’s plan to abolish mandatory questioning which covers the rights and responsibilities of Australian citizens. Again, I put on the record our concern that, instead of questioning as to a range of matters including obligations, responsibilities, history, values and the Australian way of life, the government is replacing the highly successful system with a limited test focused only on the pledge of commitment, which is of course very much confined to five lines pledging loyalty, sharing democratic beliefs, respecting rights and liberties, and upholding the law and obeying the law. You can choose to do this whether you use the words ‘under God’ or not. Our concern is that the test has been watered down. There are no mandatory questions which will require applicants to understand rights and responsibilities and we are very much concerned that this has simply been the result of an ideological attack.

We do know, and we recognise, that on the other side there are people who do not believe that we should have a citizenship test. In fact, if I recall correctly, in 2007 the member for Banks, Daryl Melham, described the test as a disgrace. Indeed in Senate estimates on 28 May another Labor senator actually questioned the need for the test. Therefore, it is our concern—and in this debate I want to put on record this concern—that we are currently seeing what is potentially a watering down. We are seeing these changes to the citizenship test, which do not require legislative provisions to give force to them, as being in effect a watering down of the citizenship test. I think it is appropriate at this point to put these matters on the record before we embark on a discussion on amendments.

**Senator CHRISS EVANS** (Western Australia—Minister for Immigration and Citizenship) (1.22 pm)—Could I check, and perhaps Senator Fierravanti-Wells could confirm this for me for the purposes of clarity, that the opposition will only be moving that one amendment relating to the physical and mental incapacity exemption?

**Senator FIERRAVANTI-WELLS** (New South Wales) (1.26 pm)—Minister, we will be suggesting alternative sections 22A, 22B and 22C. I will be putting that regime of 22A, 22B and 22C, and those amendments are currently being prepared and, hopefully, will be shortly distributed in the chamber. Minister, might I suggest, so that we can move this along: what if we deal with the amendments that look at the humanitarian and the refugee exception? I think they are the Greens amendments. I would be happy to look at those Greens amendments and deal with those upfront. If that would be acceptable, Minister, I think we should do that subject to what Senator Hanson-Young may wish to proceed with.

**Senator HANSON-YOUNG** (South Australia) (1.27 pm)—Based on the running sheet, I think the two amendments that the opposition senator referred to actually have been noted ‘not to be moved’ so it is the other two amendments that I would like to
move on behalf of the Greens. They relate to our amendment, which I believe was circulated last night, in relation to permanent or enduring physical and mental incapacity and then also our concerns around the eligibility for minors.

The TEMPORARY CHAIRMAN (Senator Bernardi)—Senator Hanson-Young, are you formally moving the amendments?

Senator HANSON-YOUNG—by leave—yes, I formally move the amendments in relation to schedule 1, items 1, 3, 4, 7 and 9. So I move Australian Greens amendments (1) to (4) on sheet 5927:

(1) Schedule 1, item 1, page 3 (lines 4 and 5), omit the item, substitute:

1 Section 19G

Omit “permanent”, substitute “permanent or enduring”.

(2) Schedule 1, items 3 and 4, page 3 (line 21) to page 4 (line 11), omit the items, substitute:

3 Paragraph 21(3)(d)

Repeal the paragraph, substitute:

(d) has a permanent or enduring physical or mental incapacity, at the time the person made the application, that means the person:

(i) is not capable of understanding the nature of the application at that time; or

(ii) is not capable of demonstrating a basic knowledge of the English language at that time; or

(iii) is not capable of demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time; and

Note: The heading to subsection 21(3) is altered by omitting “Permanent” and substituting “Permanent or enduring” [physical and mental incapacity].

(3) Schedule 1, item 7, page 4 (line 28) to page 5 (line 8), omit the item, substitute:

7 Paragraph 26(1)(b)

Repeal the paragraph, substitute:

(b) has a permanent or enduring physical or mental incapacity, at the time the person made the application to become an Australian citizen, that means the person:

(i) is not capable of understanding the nature of the application at that time; or

(ii) is not capable of demonstrating a basic knowledge of the English language at that time; or

(iii) is not capable of demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time; or

(4) Schedule 1, item 9, page 5 (line 17), omit “4.”.

As have already outlined in additional comments to the committee looking into this bill and in what I have said today, while the Greens believe that the torture and trauma exemption is a good idea and admirable, we agree with evidence that was presented to the committee that, while trying to be inclusive, it actually ends up being too exclusive of people who need that exemption. The way in which we could best achieve getting around this particular problem is by adopting the recommendation, put forward by the Australian Citizenship Test Review Committee, for the suggested words to remain broad but also not be too prescriptive and to ensure that it does capture those people who have suffered torture and trauma whether that has been inside Australia or outside Australia, which, as I mentioned numerous times in the second reading debate, was a particular concern. The fact is a number of people who come in under the humanitarian program have not necessarily suffered torture and trauma in the
legal sense of the words, but they have suffered from some disability or incapacity. Under the current draft of the legislation, they would not be included under these exemptions. This is why we have come up with this amendment. It is the amendment that was recommended by the Australian Citizenship Test Review Committee and it has now been referenced by both the government and the opposition.

I would also like to clarify the point in the amendment around permanent incapacity. The Greens agree with the way this term is currently used within the Australian Citizenship Act. We understand that it is too prescriptive for some applicants who have suffered some sort of incapacity but may not be permanent in the forever sense of the word. While the amendment would retain the term ‘permanent’, we would be including the term ‘enduring’ as the alternative criteria for the applicant to meet. The reason we have chosen enduring rather than long term is simply based on advice that this is the more appropriate wording in this case. That is what we would like to see the committee adopt. My understanding is that Senator Xenophon is supporting that amendment, and I guess we will hear from the government about it. I understand is that Senator Hanson-Young is supporting that amendment, and I guess we will hear from the government about it. I would like to see the opposition support it. I understand they have circulated an amendment that is almost word for word, except for the term ‘long term’. As I said, the term ‘enduring’ was given to us on the basis that in dealing with medical issues, this is the more legalistic term that is appropriate.

Senator FIERRAVANTI-WELLS (New South Wales) (1.31 pm)—I just want to follow on from what Senator Hanson-Young said. Listed in the circulated amendments is an amendment from the opposition, which, as Senator Hanson-Young correctly points out, is almost word for word the same as the Greens’ amendment. The difference between the two amendments is that our suggested amendment picked up on the suggestion of the Australian Citizenship Test Review Committee, and perhaps at this point I might take the opportunity to put this into context.

The Australian Citizenship Test Review Committee suggested a much simpler amendment. In fact, in their chapter 8 they actually discussed this question in relation to torture and trauma in detail. Their suggested amendment was that section 21(d) be amended to read that the person has a:

... physical or mental incapacity at that time means the person is not capable due to the permanent physical or mental incapacity of:

- Understanding the nature of the application at that time; or
- Demonstrating a basic knowledge of the English language at that time; or
- Demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time.

These are the three criteria attached to the citizenship test.

According to the committee, section 23A sets out the process for a citizenship test. It stated in the note, as I have said:

... the test must be related to the eligibility criteria referred to in paragraphs 21(2)(d) understanding of the nature of the application, (e) a basic knowledge of the English language and (f) an adequate knowledge of Australia and the responsibilities and privileges of Australian citizenship.

The committee:

... argued that ‘mental incapacity’ ought not to be confined to just understanding the nature of the application at that time, but ought to refer to all three criteria, all of which are relevant to citizenship testing.

Of course one could think of circumstances where clearly if one does not understand the nature of the application, it is not unreasonable to think that one does not have a basic knowledge of the English language at that time and may not necessarily demonstrate an
adequate knowledge of Australia and the responsibilities and privileges of Australian citizenship at that time.

The methodology suggested by the review committee was simpler and non-discriminatory. Coalition senators in the dissenting report suggested:

... the Review Committee’s proposed amendment be adopted with the addition of the word ‘permanent’.

Accordingly we suggested that the proposed provisions in the bill, which are set out at sections 21(3A) and 21(3B) of the bill, be removed and substituted with a much simpler—basically section 21(d). This removes—and this is the point that Senator Hanson-Young was making—the proposed amendments of the government (3A) and (3B), which went to saying that a person had a physical or mental incapacity at the time the person made the application as a result of that person having suffered torture or trauma outside Australia. Of course, that consequently means that that person is not capable of understanding the nature of the application, not capable of demonstrating a basic knowledge of English and not capable of demonstrating an adequate knowledge of Australia and responsibilities and privileges of citizenship.

There was also a concern that the removal of ‘permanent’ from the definition would lead to confusion about eligibility and definitions about permanent and temporary incapacity. At that stage we did not have numbers in relation to how many people would be in this category, and regrettable the department was unable to assist us with that information at the time. They subsequently did provide us with that information, and I will come to that in a moment.

The concern was that if the criterion of temporary incapacity was left in there, it could potentially open up to a much broader category of people. Concerns were expressed at the hearing that this exemption could be used by some to bypass the requirement to have adequate English and knowledge of Australian values, and in particular limit the opportunity for women to learn English. This was a point that was canvassed by quite a number of witnesses at the hearing, in particular in relation to women with backgrounds that are much more closed and that perhaps the facility to learn English and the fact that they have to sit a citizenship test may be, for some, the opportunity—and a limited opportunity—for them to go out and learn English. We did look at the potential need to get assistance in relation to the test as well, and perhaps we might look at that a little bit later.

As a consequence, the opposition has circulated this amendment. From our perspective, our concern primarily is the retention of the word ‘permanent’. The importance becomes apparent when you look at the figures in relation to conferral of citizenship in this area. The department advised us that, for the period 1 October 2007 to 30 June 2009, 366 people applied under the permanent physical or mental capacity provisions of section 21(3). Of these, 189 had citizenship conferred. When you look at that in the broader picture, it is a limited number.

The object of retaining permanency was simply for it to be just that—that there be a permanent physical or mental incapacity. So, for us, the important criterion was the retention of permanency and the government’s temporary criteria did cause us concern. I take the point that, whether it is ‘long term’ or ‘enduring’, neither of those two descriptors are temporary in nature and they certainly do achieve the objective of demonstrating a longer term period. On that basis, we will be happy to support the amendment of the Greens and not pursue our amendment, which is in the same terms but which,
rather than ‘permanent or enduring,’ refers to ‘permanent or long-term physical or mental incapacity’ at the time that the person makes the application, leaving them incapable due to that permanent or enduring physical or mental capacity of understanding. Senator Hanson-Young, perhaps you can clarify whether your amendment refers to permanent or enduring in both parts of part D.

Senator HANSON-YOUNG (South Australia) (1.40 pm)—Yes, it does.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (1.41 pm)—Could I just say at the outset that, if the opposition are not ready to go with their amendments, we might just adjourn rather than force Senator Fierravanti-Wells to speak at great length when we are in thunderous agreement. I think I have indicated that we are supporting the amendment, and the opposition have indicated they are supporting the amendment, for the reasons outlined by Senator Hanson-Young in moving it. I think the opposition had already adopted that position with their proposed amendment. As I say: if the opposition need time to finalise their amendments, I would rather we adjourn than see Senator Fierravanti-Wells have to talk under water while we wait for it. While her contributions are valuable, I suspect we would be better off moving on. I think there is agreement across the chamber to support the Greens’ amendment.

Senator FIERRAVANTI-WELLS (New South Wales) (1.42 pm)—I thank the minister. The prospect of me talking under water is just as daunting as him skating on ice.

Question agreed to.

Senator HANSON-YOUNG (South Australia) (1.42 pm)—We oppose schedule 1, item 5 in the following terms:

(3) Schedule 1, item 5, page 4 (lines 12 to 21), item to be opposed.

I also move Australian Greens amendment (5) on sheet 5911:

(5) Schedule 1, page 4 (after line 27), after item 6, insert:

6C After subsection 24(2)

Insert:

Minors

(2A) In making a decision under subsection (1) in relation to a person who is eligible to become an Australian citizen under subsection 21(5) (the child), the Minister must give primary consideration to the best interests of the child.

I understand that we will have to vote on them separately, but I will speak to them collectively. The amendment goes to concerns that I raised in the second reading amendment in relation to the exemption item on minors under the arrangements currently in place. Amendment (5) builds on this notion. As I mentioned during my contribution and to the department when my office received a briefing, we are concerned over removing the ministerial discretion clause. As it currently stands, the legislation allows the minister to grant citizenship to a child or a young person who is not a resident. I have already spoken at length about our concerns with decisions that may, if this is removed, not be made in the best interests of the child as per our obligations under the United Nations Convention on the Rights of the Child.

Amendment (5) builds on what the Greens were trying to achieve with my previous amendment, and this is to insert a new requirement into section 2A that the minister would have to give primary consideration to the best interests of the child. It is understood that this affects only a small number of people. I am completely aware of that and recognise that. I guess, in the same tone, I therefore think that, if it is only a small number of people, the last thing we want to see, even if it were only for one child, is a decision not
made in their best interests. Often they do not have a say over their applications for various visas and different types of immigration status. If it were in the best interests of the child to apply for citizenship and there was no ability to do that because we had removed the ability to apply without being a permanent resident, I am just concerned that down the track there may be a child or children subject to decisions not made in the best interests of their welfare.

That is the crux of the argument. I am concerned about it and I have raised it. I understand that the coalition and the government have a different point of view. There was also a concern that those issues need to be managed through the migration process and the Migration Act as opposed to the Citizenship Act. I accept that, but until I see where we might move to address those concerns I would not want us to leave a child in a situation where a decision is being made that is not in their best interests.

Senators—Minister for Immigration and Citizenship (1:45 pm)—I understand the sentiments expressed by Senator Hanson-Young and share some of the concerns in the sense that I think the Migration Act does not currently deal adequately with the needs and rights of children. It is antiquated in that respect. I have commissioned the department to do a complete review of how we interact with children and how the act affects children to try and ensure that the provisions are brought up to 21st century standards and that we place the best interests of the child at the forefront of every decision that we take.

On taking up my role as Minister for Immigration and Citizenship I was shocked to find out that I am guardian of children who I am also legally detaining. It seems to me there is a bit of conflict of interest there. If I am the guardian and—I should not use the word ‘jailer’—the person who detains them, perhaps I would have difficulty in resolving those conflicts. We certainly would not do it in that way in any other setting. Again, that is not because these provisions were borne out of a bad motive; it is just that the minister was appointed as guardian of people who arrive unlawfully. Clearly there are instances like that and clearly there has been a lot of concern about children whose parents are detained and how we treat them. There are questions about how children are removed et cetera when they and their family are found to be unlawful.

We will be doing a lot of work in this space. I intend to bring that before the parliament at some stage as well as dealing with the procedural issues. We have done some work already. We need to understand that, effectively, the Australian Citizenship Act has begun to be used as a means by which people can circumvent the Migration Act and the rules that apply. Effectively, we have the situation where people who have no right to be resident in Australia apply for citizenship as a way of delaying their departure and the departure of their families, often in the hope of having children reach an age where they can qualify for citizenship, and pursue all means at their disposal to overcome migration decisions. I know some of the cases that have been pursued on this ground were pursued for the right reasons. Professor Kim Rubenstein and others have done a range of work in this area, very much with the best interests of children at heart. I acknowledge that and her concerns about this measure. I respect her opinion. I take on board the concerns she has raised.

If you look at what is occurring, we have seen a dramatic increase in the number of applications for citizenship from persons who do not have a right to stay in Australia. In the past 13 months we have seen 49 litigants at the AAT, 50 per cent of whom had
previously been unsuccessful at seeking a protection visa or ministerial intervention. These people have failed to win their argument for being allowed to stay in the country and then use an application through the Australian Citizenship Act to try and prevent their departure from Australia. In the last 11 months we have seen a growing number of applications. I think we are up to over 100 now. The number of people who have been previously unsuccessful in protection or ministerial intervention requests is growing as a proportion as well.

Senator Fierravanti-Wells will know about this: unfortunately in migration law, when a crack opens trucks usually start pouring through. While I understand the sentiments of some of those who seek to access the Australian Citizenship Act in this way, what we have seen is the start of a move to try and use a citizenship application to circumvent migration law. Fundamentally, the principle we seek to enshrine here is that only people who have a right to be in Australia ought to be able to apply for citizenship—people who have a right to residency. You have to satisfy the residency requirement first—the right to be in Australia—before you can qualify to become an Australian citizen. Unless we close this loophole, you can be someone who has never lived in Australia and has no right to be in Australia, but you can pursue citizenship. It is a nonsense. I think we deal adequately with some of the special cases that occur, but this is not the way to resolve some of the special cases.

As I said, we have serious concern about the way these provisions are now being used. To be very frank, we are seeking to close off what we think is a loophole which is beginning to be utilised, if not exploited, and which has the potential to become a very serious impediment to the proper operation of the Migration Act and regulations. People who have no right to reside in Australia or stay in Australia are able to access these provisions in applying for citizenship to frustrate their departure from Australia. People who have had access to the department’s decision making, access to the Migration Review Tribunal or the Refugee Review Tribunal, access to ministerial interventions and have had three goes at having their case reviewed, and have failed at each level, then seek to use an alternative path through the Australian Citizenship Act.

Quite frankly, it would not be good public policy to leave that ajar and, as I say, the number of cases and the history of the clients convince us that there is a developing problem and an attempt to exploit those provisions. We think we can adequately deal with other concerns in other ways, but we need to close off this loophole. It is the case that I am very sensitive to the concerns with the way the Migration Act deals with children and deals with putting their interests first. I do not think we do that adequately now and I am concerned about it. I am concerned about my responsibilities in that regard and I have been pushing the department to do the work necessary to try to resolve those issues. That may require legislation; it may require regulations; it certainly requires a change of policy. But a suite of issues need to be addressed and I think addressing them in the migration context is the way to do it, not using the Australian Citizenship Act to remedy concerns about what might be in the Migration Act or the way that operates.

Senator Fierravanti-Wells (New South Wales) (1.53 pm)—I will also make some comments. I accept the sentiment with which this amendment has been put and this item opposed, but we support the government on this issue. As the minister said, over the years—and it is certainly my experience of immigration cases—regrettably in some circumstances people often do use their children, and they use them mercilessly, as a
backdoor way of exploiting the immigration system. As the minister correctly pointed out, if there is a slight gap in the door they will go right ahead and use it.

Indeed, this issue took up quite a proportion of the hearing of the Legal and Constitutional Affairs Legislation Committee into this bill. I would like to refer to the department’s submission. It states:

In recent years the provision to confer citizenship on children under the age of 18 has been increasingly utilised by clients and their agents in an attempt to circumvent migration requirements or as a last resort when all migration options have been exhausted, including requests for ministerial intervention, and removal from Australia is imminent. This can result in children being conferred citizenship but there being no or little prospect of their family remaining lawfully in Australia or returning to Australia in the foreseeable future because there is no migration option available to those family members.

I appreciate the issues around removal—and certainly Professor Rubenstein and others made comments in relation to this—but it was not the intention of the Australian Citizenship Act, in particular section 21(5), that unauthorised arrivals in Australia who are under 18 years of age at the time of their arrival would have the right to Australian citizenship on their arrival. So the requirements that all applicants be under the age of 18, be permanent residents at the time and be eligible for citizenship to be conferred are supported.

At the hearing, evidence was given by people who work in this area and, of course, are very familiar with the few cases that deal with this particular issue. But there are a very small group of people and when we pressed them we saw how small that group really is. I think the opportunity should not be there any longer for potential exploitation. It is anticipated that, with exceptional circumstances, these people can be appropriately accommodated, as the minister said, under the Migration Act provisions and if necessary, as the department pointed out at the hearing and in its submission, by way of ministerial intervention powers available under the act. Of course, once granted a permanent resident visa under the Migration Act, there would be a pathway there for citizenship.

On that basis we will not be supporting the Greens amendment (3) or opposition of item 5 in relation to eligibility for minors.

The TEMPORARY CHAIRMAN (Senator Hutchins)—The question is that Greens amendment (5) on sheet 5911 be agreed to.

Question negatived.

The TEMPORARY CHAIRMAN—The question now is that item 5 of schedule 1 stand as printed.

Question agreed to.
enormous growth in applications from a couple of hundred when the changes were made to, now, more than 5,000 per year.

I fundamentally believe that a decision about a person’s right to citizenship ought to be determined by this parliament. It ought to be laid down in the act and in the regulations, and it should not be a question of the personal fiat of the then minister to determine who should be a citizen or not of this country. I much prefer that and I think it is a much sounder approach for us to set out the guidance and the legal requirements in the act and have the department apply those against the applications made by those seeking citizenship. I think that allows the parliament to properly express its view.

Progress reported.

QUESTIONS WITHOUT NOTICE

Telstra

Senator MINCHIN (2.00 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy. Given the minister’s statement as recently as May and the previous statements of the Minister for Finance and Deregulation, Lindsay Tanner, that Labor does not advocate the structural separation of Telstra and that it has never previously been Labor policy, why has the government now decided that it intends to force the breakup of Telstra?

Senator CONROY—I thank Senator Minchin for his question and for his 150th press release since he became shadow minister. There has not been one policy in the 150. It is an auspicious day today—150 press releases and not one single policy!

The historic reforms that the government will introduce today will fundamentally reform existing telecommunications regulations in the interests of Australian consumers and businesses. They will drive future growth, productivity and innovation across all sectors of the economy.

For years, telecommunications companies, industry experts and the regulator have been calling for fundamental reforms in telecommunications. In the past, these tough decisions have been avoided by governments of both persuasions. Regulatory reform is critical for the future of communications in Australia. It should have been done in the past, a fact acknowledged by the former Minister for Communications, Information Technology and the Arts, Senator Coonan, who on 13 May 2008 conceded that, ‘More thought could have gone into a policy that would have separated the network.’ Senator Helen Coonan said that just last year.

Today, we are delivering historic reforms in Australia’s long-term national interest that will address Telstra’s high level of integration to promote greater competition and consumer benefits; streamline and simplify the competition regime to provide more certain and quicker outcomes for telecommunications companies; strengthen consumer safeguards—(Time expired)

Senator MINCHIN—Mr President, I ask a supplementary question. Why does the government consider it necessary to force the breakup of Telstra when the government itself has declared that its $43 billion National Broadband Network proposal is supposed to ‘fundamentally transform the competitive dynamics of the Australian telecommunications sector’?

Senator CONROY—The premise of that question fails on two fronts. We are not forcing Telstra to structurally separate; we are putting forward a series of reforms, and Telstra have a choice. They have a choice about the path they want to take: they can sit on their existing assets—the decrepit, dying, old, copper network—or they can move into the future with the new mobile spectrum and
the new applications and technologies that will bring. Telstra have the choice about how they want to proceed—

Honourable senators interjecting—

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

Senator CONROY—The entire premise of the question is based on a false assertion. Telstra have a choice. Telstra are currently engaged in constructive, sensible discussions with the government about the future—

(Time expired)

Senator MINCHIN—Mr President, I ask a further supplementary question.

Honourable senators interjecting—

The PRESIDENT—One moment, Senator Minchin. I cannot hear your question when there is noise on both sides.

Senator MINCHIN—Has the government taken into account the security and position of Telstra’s 30,000 employees, its 1.4 million shareholders—who have today lost $2 million as a result of the government’s announcement—and its nine million customers in reaching its decision to force the breakup of Telstra?

Senator CONROY—I am genuinely pleased that the shadow minister wants to talk about the share value of Telstra, because the share value of Telstra on the day that the former minister—now shadow minister—appointed Mr Sol Trujillo to manage Telstra was $5.30. There was $30 billion in value lost at various points due to the management and leadership of those opposite. The share price when Mr Trujillo left the country was $3.30. Two dollars per share—

Honourable senators interjecting—

The PRESIDENT—Order! When we have silence on both sides, we will proceed.

Senator CONROY—The value of Telstra shares fell from $5.30 to $3.30 under the regime promoted, supported and welcomed by Senator Nick Minchin. When Mr Trujillo left the country, who was the one person in the country who said he had done a fantastic job and that we would miss him? Senator Nick Minchin! I did not hear that from Senator Coonan. (Time expired)

Economy

Senator POLLEY (2.06 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer inform the Senate about the latest international efforts to fight the global recession, especially in the light of today’s address by the US President, Barack Obama, marking the collapse of Lehman Brothers Holdings Inc. investment bank?

Senator SHERRY—Thank you to my colleague Senator Polley. The American President, Mr Obama, has delivered a strong reminder, for those who needed it, that the job of rebuilding the global economy as a consequence of last year’s events—the global financial and economic crisis; the worst economic crisis in some 75 years—is far from over. Unfortunately, those opposite—the Liberal and National parties—have seen a few green shoots and they think they have seen a jungle.

Opposition senators interjecting—

Senator SHERRY—They laugh and they scoff in the same way they skated their way through last year with a very negative attitude to the decisive actions taken by the Rudd Labor government: to the guarantee, to the stimulus packages and to a range of other actions that were absolutely necessary to prevent Australia, like the rest of the world, plunging into a very deep recession—certainly the worst since the Great Depression.

As US President Obama has pointed out, some $5 trillion of Americans’ household
wealth has evaporated in this global financial crisis. He said:

There will be those who engage in revisionist history or have selective memories and don’t seem to recall what we just went through last year.

I know he was not referring to the Liberal and National parties but I could not think of a more appropriate comparison. The Liberal and National parties have absolutely no appreciation of the level of seriousness—

Opposition senators interjecting—

Senator SHERRY—Certainly, the leader, in the case of the National Party—going by those polls of today. If anyone is in the jungle it is certainly him. (Time expired)

Senator POLLEY—Mr President, I have a supplementary question for the Assistant Treasurer. Does the Australian government intend to maintain the economic policies and measures that it has implemented in the past year, which have been so effective in cushioning Australia from the worst effects of the global recession? Are there any creditable alternatives?

Senator SHERRY—As I have indicated on a couple of occasions, despite the comparatively good growth of the Australian economy—the only advanced economy in the world to have growth of some 0.6 per cent—it is way short of what is required to prevent unemployment going up. You need at least three per cent growth to ensure that unemployment will not rise. So we know that, even with a comparatively well-performing economy with economic growth of 0.6 per cent, unemployment will rise over the next year due to the financial and economic crisis. Yet we have those opposite in the Liberal and National parties advocating that we should abandon our stimulus measures. I make the point very strongly that 0.6 per cent growth will not deliver employment growth. You need at least three per cent, yet those opposite are effectively arguing for higher unemployment.

Senator POLLEY—Mr President, I ask a further supplementary question. Can the Assistant Treasurer inform the Senate what the greatest challenges are in achieving sustainable recovery? How long will the near collapse of the world financial system continue to adversely affect global and Australian economies?

Senator SHERRY—As I have said, whilst we have outperformed the rest of the world in terms of economic growth there are significant challenges ahead. We are certainly not out of the woods yet. One of the greatest challenges will be in job creation. Unfortunately, as I have said, jobs are the last things that those opposite have thought about in the context of this recession.

Senator Abetz—It was 3.9 per cent. What was it under you?

Senator SHERRY—Senator Abetz is interjecting. Again he displays a total ignorance of the events of the world financial and economic crisis. He refuses, like those opposite, to understand that if it had not been for the decisive interventions of the Rudd Labor government over the last year unemployment would reach 10 per cent.

Senator Coonan—So why is it so much higher in the United States?

Senator SHERRY—Well, I know it is certainly—

The PRESIDENT—Order! The time for debating this is at the end of question time. Senator Sherry, continue your remarks to the chair.

Senator SHERRY—Thank you, Mr President. What I do notice about the United States is that they have one of the most ‘liberal’ labour markets in the world, and amongst the highest unemployment. (Time expired)
National Security

Senator JOHNSTON (2.12 pm)—My question is to the Minister for Defence, Senator Faulkner. Have the security upgrades announced last Friday been implemented at all Defence bases?

Senator FAULKNER—As Senator Johnston would be aware, it would be difficult, at this stage, to implement all the security upgrades at all Defence bases, because of the amount of work that would be required to achieve such an outcome. It is true that, following the government’s direction, Defence has conducted a review of security at all its bases and key locations. That followed, of course, the recent arrests of individuals allegedly planning an attack on the Holsworthy Army base. I can say to Senator Johnston and the Senate that the review that was conducted was a very rigorous review. It was conducted in a short time frame—a matter of weeks. It has made a series of recommendations to enhance security and respond to the changing nature of potential threats at bases and key locations.

I can also say to the Senate through you, Mr President, that the government has accepted the findings of the review. It has directed Defence to implement the enhanced security measures consistent with the review, and I can assure Senator Johnston that the enhancements are underway. (Time expired)

Senator JOHNSTON—Mr President, I thank the minister for his answer and I ask a supplementary question. Why then, Minister, after all of what you have said, was it apparently a simple and straightforward task for thieves to enter Edinburgh Air Force base yesterday morning, hot-wire and steal a truckload of copper wire, and then, undetected, stroll out of the front gates of the base?

Senator FAULKNER—Of course I am aware that on Sunday night a breach of the perimeter of a construction compound that was adjacent to RAAF Base Edinburgh in South Australia occurred.

Honourable senators interjecting—

Senator FAULKNER—This is important. While the construction compound is dedicated to a defence project, it is external to the current RAAF Base Edinburgh perimeter. I can assure Senator Johnston, as I know he would want to be assured and as I have been assured, that the security integrity of RAAF Base Edinburgh was not compromised at any time during this incident. I also assure Senator Johnston— (Time expired)

Senator JOHNSTON—Mr President, I ask a further supplementary question. Minister, I am instructed that the compound is adjacent to and connected to the Edinburgh Air Force base—

Honourable senators interjecting—

The SPEAKER—Order! I need order on both sides. In fairness to you, Senator Johnston, interjections across the chamber are disorderly. It is impossible to hear Senator Johnston’s question. Start again, Senator Johnston; you are entitled to be heard.

Senator JOHNSTON—I am instructed that this compound is connected to the Air Force base and the contractor is carrying out vital work on the base. Why is it, six weeks after we have had one of the most violent terrorist allegations, against TAG/East, that people with criminal intent can stroll onto a base or into a compound connected to the base and steal a truckload of copper?

Senator FAULKNER—I have heard what Senator Johnston has been advised and I have outlined to the Senate what I have been advised. As I have indicated, it is true that there was a breach of a construction compound that was adjacent to RAAF Base Edinburgh, as Senator Johnston has asked me about. It is true the construction com-
pound is dedicated to a defence project. I have certainly been advised, Senator, that it is external to the current RAAF Base Edinburgh perimeter. I can assure you, Senator Johnston, that this matter is being investigated by the South Australia Police, but I have been assured that the security integrity of the base was not compromised—(Time expired)

Water

Senator McEwen (2.18 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister advise the Senate on the progress of the Rudd government’s Water for the Future plan, given that the circumstances in the Murray-Darling Basin are very challenging, and in the context of the government’s $12.9 billion plan to secure our water supplies, to take action on climate change, to use water wisely and to support healthy rivers? Can the minister describe the challenges in getting the Murray-Darling Basin back on a sustainable footing?

Senator Wong—Can I thank Senator McEwen for her question and for her ongoing interest, along with many senators on this side from South Australia and from other states, in ensuring the health of the Murray-Darling Basin after so many years of neglect under those opposite. We on this side are getting on with preparing the Murray-Darling Basin for a future with less water. Let us not underestimate the challenge that is in the face of drought and the emerging—

Honourable senators interjecting—

The Speaker—Order! Senator Wong, resume your seat. On both sides, shouting across the chamber is disorderly. I need to hear Senator Wong.

Senator Wong—Let us not underestimate the scale of this challenge. With this extreme drought and the emerging impacts of climate change— Senator Bernardi interjecting—

Senator Wong—the average amount of water flowing down the River Murray system annually for each of the last three years has been just one-fifth of the long-term average. We cannot ignore, although Senator Bernardi would like to, the findings of the South Eastern Australian Climate Initiative, which showed there is a clear link between rainfall reduction over south-eastern Australia and observed global warming. Australia’s own scientists are telling us this fact.

These challenges have been compounded further by decades of mismanagement of the system. Whilst no government can make it rain, the Rudd government are delivering our plan to meet these challenges. We have taken over basin-wide planning, and for the first time Australia will have a scientifically based limit on water use in the basin. That is the only takeover that counts. All the bluff and bluster on the other side would mean nothing more than further delay on real action, just as we saw exemplified during their more than decade in government on this issue. We are investing in irrigation to help our farmers in regional communities and to protect water security, and we are purchasing water to return to our rivers. Those opposite—(Time expired)

Senator McEwen—Mr President, I have a supplementary question. Can the minister outline to the Senate any alternative policies proposed to respond to the current critical situation in the Murray-Darling Basin? If the Rudd government’s approach to the situation in the Murray-Darling Basin is based on taking action to prepare the basin for a future with less water, what are these alternative policies based on?

Senator Wong—Thank you very much for the question, Senator McEwen. The utterances from those opposite would suggest that they think that they have a magic wand
to create more water. All we have seen from the other side is opportunism and division. It is interesting to note the example we have had of this in the last 24 hours with Senator Bernardi issuing a press release saying that the Rudd government is not spending enough on purchasing water. It is interesting. I wonder where he was when they were in government and did not buy a single drop of water. But he is saying, ‘Not enough, we should be purchasing more water.’ I wonder whether Senator Bernardi has spoken to his shadow minister, because Mr Hunt has previously said, in reference to buybacks, it will not help the Murray. So Senator Bernardi wants us to buy more water and Mr Hunt says it will not help the Murray. (Time expired)

Senator McEWEN—Mr President, I ask a further supplementary question. Can the minister also outline for the Senate the importance of the states working with the federal government to get the Murray-Darling Basin back on a sustainable footing? What role are the states playing in helping the Rudd government deliver its plan to prepare the basin for a future with less water?

Senator WONG—The first issue that has obviously been important is that the states have agreed to a Commonwealth takeover of basin planning. That is the first and most important historic agreement achieved. But obviously there are many areas where we need state governments to continue the reform process and one of them is removing the barriers to trade in the water market. We on this side are clear: water should go where it is most highly valued. I welcome the legislative change in Victoria to remove the 10 per cent limit on the amount of water in a district that can be held by non-landowners. This delivers on the agreement between Prime Minister Rudd and Premier Brumby. This delivers on our continued series of reforms in the Murray-Darling. Again, this is an area where we see the opportunism of those opposite. We have a press release from Dr Stone calling moves to scrap the four per cent cap—another trade restriction—a ‘cruel attack’. (Time expired)

Traveston Crossing Dam

Senator IAN MACDONALD (2.24 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong. Has Mr Garrett been present at the meetings, widely reported in today’s Australian and yesterday’s Courier-Mail, between Prime Minister Rudd and Queensland Premier Bligh on the subject of the Traveston Crossing dam on the Mary River in South-East Queensland, at which Ms Bligh claims to have been lobbying the Prime Minister for approval?

Senator WONG—I think it is important for us to recall the state which this proposal is at—which I thought I explained in detail yesterday to Senator Brown, from memory. Obviously, Senator Macdonald has come late to this question. It is important to note that the proposal for a Traveston dam has not formally been referred to the Commonwealth. It is only a preliminary or a draft report, I think, from the Queensland Coordinator-General, which has been provided to Minister Garrett’s department.

As I made clear yesterday, Mr Garrett has no formal involvement as a decision maker under the EPBC Act in this matter until he receives the final assessment report from the Queensland Coordinator-General. It is not the case that this has happened as yet and therefore Mr Garrett’s involvement is not yet enlivened, in the legal sense, under the EPBC Act. So, as yet, it is not the case that Mr Garrett has to make a decision on this issue.

Senator IAN MACDONALD—Mr President, I ask a supplementary question. The fact that the minister has not answered
the question as to whether Mr Garrett was present at those meetings leads me and others to assume that he was. Can the Senate be assured that the close political relationship between the Prime Minister and the Premier will not in any way influence the decision of the environment minister on the Traveston Crossing dam? And does the fact that Mr Garrett, then the President of the Australian Conservation Foundation, and Mr Rudd, then the senior advisor to the then Queensland Premier, worked together to stop the Wolffedene dam in South-East Queensland in 1989 have any influence on Mr Garrett’s responsibilities for the Traveston Crossing dam, given that it is accepted that the failure to construct the Wolffedene dam in 1989 is the reason for the critical water situation in Queensland in the last decade?

Senator Wong—Mr President, that seems to me to be more of a speech and a range of assertions than a question. I do not propose to give opinions on what has happened in the past. But I will say that a number of questions put there by Senator Macdonald implied quite clearly that Mr Garrett was going to do something other than act in accordance with the law. I invite Senator Macdonald to reconsider the way that question was framed. I have made it very clear in this place, as has Mr Garrett on many occasions, how he will approach decisions under this legislation, whether it is Traveston or others, and he has been absolutely clear that he will be guided according to his statutory responsibilities. The implication in the question, Senator Macdonald, really is I would say beneath you but others might not say that. (Time expired)

Senator IAN MACDONALD—Mr President, I ask a further supplementary question. That leads to my next question as to whether the minister can give an assurance about which she is talking. Can she assure the Senate that the Traveston Crossing dam has not been mentioned or discussed in any cabinet meeting? I am not asking for any advice on what the discussion was. I simply ask whether she can assure us that it has not been mentioned. And will the minister give an assurance that he will refuse to discuss the matter of the Traveston Crossing dam with the Prime Minister, Mr Rudd, or any of Mr Rudd’s staff?

Senator Wong—I can give an assurance that Mr Garrett will ensure that his decision making under the EPBC Act will be conducted according to law. That is the way Mr Garrett has approached every decision he has made. He has been absolutely clear about how scrupulously he will observe that act and his discretion under it. I am absolutely clear about this, and I want no senator in this place to have a different understanding: Mr Garrett will ensure he applies his discretion and decision making powers under the EPBC Act appropriately.

Green Loans Program

Senator MILNE (2.30 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong. It refers to the Green Loans Program, which was supposed to begin in January and eventually commenced in July. Can the minister confirm to the Senate that, in spite of 25,000 home sustainability assessments having been completed, three months into the program not one report necessary to secure a green loan from a lending institution has been approved by DEWHA? When can any of the 25,000 Australians waiting for a green loan expect to see the report that will facilitate the money?

Senator Wong—Senator Milne, I have information in relation to the Green Loans Program. Can I say first that obviously the Green Loans Program is one of a range of programs across government which are aimed at improving household energy effi-
ciency and household water efficiency. A number of those are in Mr Garrett’s portfolios, the most high profile of which is the Home Insulation Program, which is being rolled out as part of the government’s stimulus package and will achieve a significant reduction in energy use.

As part of this largest ever rollout of energy efficiency programs to Australian households the government has included its Green Loans Program. This provides sustainability assessments for an estimated 360,000 households free of charge and loans of up to $10,000 to an estimated 75,000 households through participating financial institutions, with no interest payments for four years. I am advised the program commenced with a national rollout as of 1 July 2009. Since the start of the program more than 17,300 householders have registered for an assessment through the website or the call centre, with 7,900 assessments completed already. I am advised that this includes 600 under the trial program. It is the case that this is an ambitious and unprecedented program. Its development has involved the building of key sustainability assessment tools and business support systems.

Senator MILNE—Mr President, I ask a supplementary question. The minister did not answer my question about why not one report has been generated from the 25,000 assessments. I wonder whether she can confirm that that is because the government-designed software running the online calculator used to generate the reports is inaccurate? When does the government expect that that software will be fixed so that accurate assessments can be made, reports can be generated and the first green loan offered—three months into the program, if not more?

Senator WONG—I believe that the senator is referring to the household assessment tool.

Senator MILNE—I am.

Senator WONG—Thank you. It is the case that this has been available since the program commenced trials in May. I am also advised that it is in use by assessors right around the country to make calculations about household energy efficiency. I am also advised that the trial rollout did identify some issues that required some changes to be made to the operation of the calculator, including the reporting function. I understand that the updated calculator has been in place since mid-August. However, it is also the case that assessors have been able to use the calculator to undertake household assessments while the reporting function has been rectified. In terms of other progress, I can also indicate that partnerships deeds have been signed with 13 financial partners in the credit union and building—(Time expired)

Senator MILNE—Mr President, I ask a further supplementary question. Perhaps the minister could tell me when the calculator was rectified, because to date no reports have been issued. And can she tell me why many of the 800 assessors have not been paid within the 30-day agreed contract period, with some outstanding payments dating back to July? Why is the government not honouring the 30-day contract period for the assessors?

Senator WONG—In relation to the first part of the question, I indicated that the updated calculator had been in place since mid-August. In relation to the second question, I am advised that assessors who undertook assessments in July were asked to provide invoices for this work in early August. Many of the invoices had errors, and those were returned to assessors for amendments. In those cases, Minister Garrett’s department has worked closely with assessors to ensure they understand the requirements for the provision of invoices, which is required for
all payments made by the Commonwealth. According to my advice in those circumstances where invoices were correct, the payments have been made within 30 days, as required by Commonwealth payment policy.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation led by Her Excellency Professor Slavica Djukic-Dejanovic, Speaker of the National Assembly of the Republic of Serbia. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I ask the Speaker to take a seat on the floor of the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Centrelink

Senator WILLIAMS (2.36 pm)—My question is to the Minister representing the Minister for Human Services, Senator Ludwig. Will the minister inform the Senate how many people were detected breaching their obligation to look for work last financial year?

Government senators interjecting—

Senator LUDWIG—I am just reminded that I should be able to remember that! In terms of providing the number of people who have breached I can indicate that any issues around breaching can be serious matters. The Minister for Human Services, whose portfolio this matter falls under, has advised me that Centrelink is currently conducting an investigation into areas where there are issues with the social security system. Investigations are currently underway and it would be inappropriate for me to comment given the serious consequences, including criminal charges, that can follow from those types of investigations.

But, more generally, this government has a zero tolerance approach to social security fraud. In terms of ensuring that those people are dealt with under the social security system, it is appropriate that there are penalties for those people who do not undertake the requirements of the social security system. It is a system that is designed to ensure that those people, such as job seekers, should be looking for employment and, if they are not looking for employment, there is a range of other activities that they can undertake. It is important to keep that in mind when you are talking about the issue of breaching. Breaching usually comes about as a consequence of there having been a failure on behalf of the job seeker to participate in the system. In terms of the precise figures, which Senator Williams is seeking, I will undertake to check with the Minister for Human Services and get back to the senator. (Time expired)

Senator WILLIAMS—Mr President, I ask a supplementary question. Will the minister reassure the Australian taxpayers that the subject of last night’s television program, Justin Sheridan, will be fully investigated by Centrelink for his wanton disregard of welfare payment rules?

Senator LUDWIG—What I have already indicated is that Centrelink has a responsibility to apply the legislation as stated in the social security law and this includes decisions relating to Newstart allowance. While the government is committed to providing a safety net to those who through no fault of their own cannot support themselves, it is always committed to ensuring that unemployment benefits only go to those people who are genuinely unemployed. In return for financial support, the government expects unemployed people to demonstrate that they are actively looking for work or undertaking activities to improve their employment prospects. In order to qualify for Newstart allowance, a customer must meet a number of re-
quirements, including activity tests. But in terms of providing an answer to the specific question, which goes to a named individual, I will take that on notice. It is a matter that may very well be under investigation and I do not want to compromise that investigation. I am sure—(Time expired)

Senator WILLIAMS—Mr President, I ask a further supplementary question. Given that the Labor government has forecast a massive increase in the number of people seeking to claim unemployment benefits, will the minister explain why the government has not increased the resources to assess and audit these claims? Doesn’t this failure mean that the number of Justin Sheridans in our community is likely to increase?

Senator LUDWIG—That question does presuppose a range of issues that I can reject. Centrelink is an organisation that has sufficient resources to deal with a whole range of work activities. They are currently operating in the Northern Territory emergency response. They are currently responding to the bushfire disaster in Victoria with continuing support. Centrelink works to provide Newstart allowance to customers who meet the requirements. They have an activity test, which means that customers must be actively looking for suitable paid work. They also have a fraud and compliance program in place to ensure that those people who do seek to undermine our strong social security network are actively sought out, and it is ensured that a compliance program is put in place. In terms of the premise of the question, I can reject—(Time expired)

Telecommunications

Senator LUNDY (2.42 pm)—My question is the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate about the government’s reforms to telecommunications regulation? Can he outline the benefits of the government’s reform package that are expected to be brought to Australian consumers and businesses?

Honourable senators interjecting—

The PRESIDENT—Order! I am going to have to ask you to repeat the question. If people want to debate these issues, the time for both sides is at the end of question time. I am entitled to hear the questioner.

Senator LUNDY—I will start my question again. Can the minister inform the Senate about the government’s reforms to telecommunications sector regulation? Can he outline the benefits the government’s reform package is expected to bring to Australian consumers and businesses?

Senator CONROY—I thank Senator Lundy for her question and her ongoing interest in this area. In April the Rudd government embarked upon an ambitious program to fundamentally transform Australia’s telecommunications industry in the interests of all Australians. The National Broadband Network will be the largest nation-building investment in Australia’s history. Today the Rudd government is taking the next step in revolutionising Australia’s communications landscape by delivering long overdue reform of the telecommunications sector. These historic reforms will ensure the delivery of high-quality services to Australian businesses and consumers. As the government proceeds with the rollout of the National Broadband Network, these reforms are critical to ensuring that our communications services operate effectively and efficiently in Australia’s long-term national interest.

Contrary to the views put by Senator Minchin, today’s reforms address structural problems in the marketplace while giving Telstra flexibility to choose its future path. If only those opposite when they had their chance had listened to Senator Coonan when she was minister or had listened to Senator
Nash or Senator Joyce when they put forward some courageous policy proposals. But no, Senator Minchin had the dead hand of the Howard government under his control and he would not listen to Senator Coonan, he would not listen to Senator Nash and he would not listen to Senator Joyce. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! When there is order on both sides I will proceed. There is time for debating this issue at the end of question time.

Senator LUNDY—Mr President, I ask a supplementary question. Can the minister advise the Senate why it is necessary to implement regulatory reform of the telecommunications sector in Australia now? What are the specific challenges confronting the telecommunications sector and how do the government’s proposed reforms address those challenges?

Senator CONROY—While significant structural reform has occurred in other key infrastructure industries, previous governments have failed to undertake necessary structural microeconomic reform in telecommunications. Since 1997, in other regulated sectors including aviation and energy, there have been just three access disputes. Over the same period in the telecommunications sector, there have been more than 150 access disputes. The measures in this legislation will finally correct the mistakes of the past. They will address the legacy left by those opposite who privatised Telstra without implementing necessary reforms and left it as one of the most highly integrated telecommunications companies in the world.

Senator LUNDY—Mr President, I ask a further supplementary question. Can the minister outline any alternative policies that might address the unique challenges and opportunities brought about by recent developments in the telecommunications sector, including the government’s decision to build a high-speed, fibre-to-the-premises national broadband network?

Senator CONROY—I would love to be able to contrast this government’s historic policies with alternatives put forward by those opposite.

Senator Sherry—There aren’t any.

Senator CONROY—You guessed it, Senator Sherry, there aren’t any. I do, though, congratulate Senator Minchin on an important milestone that he has reached today—and I believe it could be even higher since question time started: 150 media releases since he took on the shadow communications portfolio 51 weeks ago today. That is 150 media releases in 357 days and not one of them has flirted with a policy. That is a lot of time at the crease without troubling the scorer. That milestone is the sole portfolio achievement of an opposition bereft of communication policies. (Time expired)

Second Sydney Airport

Senator PAYNE (2.48 pm)—My question is to the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, Senator Conroy. I refer the minister to the decision of the government, announced in the green paper of 2 December last year, to exclude Badgerys Creek as a potential site for Sydney’s second airport. Can the government now provide a guarantee to residents of the Sydney basin that it has also ruled out Kurnell, Holsworthy army base and Richmond as potential sites for a second airport?

Senator CONROY—I will attempt to give you as much information as I have at this stage, Senator Payne. While approving the 2009 Sydney Airport Master Plan, the government made it clear that Sydney will require new airport capacity in the future. The process of identifying additional airport
capacity needs to be considered in the context of strategic transport planning for the Sydney region. The Australian government has invited the New South Wales government to participate in a joint study to assess options, potential sites and investment strategies for additional airport capacity for the Sydney region. This joint study will also consider ways to improve the public transport links and roadways to Kingsford Smith airport and, in due course, the potential second Sydney airport. It will also consider the future of the Badgerys Creek site, given the government has ruled it out as an option for a second Sydney airport. I will not be speculating on possible sites for a second airport. If there is any further information that the minister is able to provide in answering the question, I will seek it and get it to you as fast as possible.

Senator PAYNE—Mr President, I ask a supplementary question. Can the minister please advise what the final terms of reference are for the joint study and can the minister please explain why a reference in the 2007 platform of the Australian Labor Party ruling out a second airport inside the Sydney basin has been removed from the Australian Labor Party’s 2009 platform?

Opposition senators interjecting—

Senator Carr—Are you looking for a policy?

Senator CONROY—that is right. Senator Minchin, any time you want to go there, the address is www.dbcde.gov.au. Senator Payne, I am happy to seek any further information from the minister in answer to those questions and come back to you as soon as possible.

Senator PAYNE—I thank the minister very much for the undertaking as to further information and I ask a further supplementary question. Can the minister also advise whether it is the government’s policy that the provisions of the long-term operating plan for Sydney (Kingsford Smith) Airport only apply to aircraft flying below a certain height and only to certain airspace around the airport and whether the government believes it is acceptable for families to be consistently disturbed by significant amounts of aircraft noise?

Senator CONROY—I have no further information on that matter. It is quite specific, and I am sure you understand. Again, I am happy to take that on notice and provide you with any information that is available from the minister.

Liquefied Natural Gas Exports

Senator PRATT (2.52 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister please inform the Senate as to the Gorgon liquefied natural gas project which is to be developed off Western Australia? Specifically, what benefits is the project expected to bring, with particular reference to employment, export earnings and government revenue? More specifically, what opportunities is the project expected to create for Australian industry? What action has the joint venture taken to maximise these opportunities?

Honourable senators interjecting—

The PRESIDENT—Order! Resume your seat, Senator Pratt. When there is silence we will proceed. Continue, Senator Pratt.

Senator PRATT—I was asking what action the joint venture has taken to maximise these opportunities. Also, what support has the Commonwealth provided to facilitate the joint venture’s engagement with local suppliers? How does this relate to the government’s wider agenda to increase Australian industry participation in major projects? (Time expired)
Senator CARR—I thank Senator Pratt for her question, and it is a pity the opposition was not more interested in creating jobs for Australians. The final investment decisions signed off by the Gorgon joint venturers yesterday will generate jobs and exports for Australians without Work Choices while making huge contributions to Australia’s greenhouse gas abatement worldwide. The project is to support 10,000 direct and indirect jobs in the peak construction phase and 3,500 ongoing—Senator Cormann interjecting—Senator Sterle interjecting—

The PRESIDENT—Senator Carr, resume your seat. Senator Cormann and Senator Sterle, it is disorderly to engage in shouting across the chamber whilst Senator Carr is answering the question. Senator Carr, continue.

Senator CARR—The project will create some 3½ thousand ongoing direct and indirect jobs throughout its life. It will deliver around $300 billion in export earnings over the next 20 years. It will generate $40 billion in government revenue, which can be used to fund schools, hospitals, roads and other infrastructure for decades to come. It is a pity the opposition is not concerned about these matters. Critically, it will also use $33 billion worth of locally purchased goods and services. Our aim is to get more people buying Australian at home and abroad. The Gorgon joint venture development is an Australian Industry Participation Plan project, which will see that in early stages of the project there will be opportunities given for local firms to establish their competitive positions. It is working with the Industry Capability Network to identify Australian suppliers for the project, and the Commonwealth has granted the network $159,000 to support this work. The Gorgon project is also advertising upcoming program procurement contract opportunities on its website. (Time expired)

Senator PRATT—Mr President, I ask a supplementary question. Can the minister please inform the Senate on further measures to support Australian industry participation through reform of the Enhanced Projects By-Law Scheme and the Tariff Concession System, as recently outlined in the Australian Government Procurement Statement released in July? What is the purpose of these programs and why is reform necessary? How will these reforms foreshadowed by the government increase transparency and accountability? What benefits can be expected to flow from the reform process, not only for industry but also for project proponents and consumers?

Senator CARR—Again, it is a pity the opposition is not interested in creating jobs for Australians. The reform package included a pledge to tighten guidelines for the Enhanced Projects By-Law Scheme and the Tariff Concession Scheme. Yesterday the Minister for Home Affairs and I started consultations on the proposed changes to both these import duty relief programs. These changes will ensure that clearer Australian industry participation plans are developed upfront when projects are being designed. They will ensure that people only apply for import duty concessions after making a genuine, and I emphasise the word ‘genuine’, attempt to establish that no Australian producer can supply suitable goods. We want to ensure that these programs give Australian industry a fair go and reduce costs for project proponents, for businesses and for consumers. (Time expired)

Senator PRATT—Mr President, I ask a further supplementary question. Can the minister advise the Senate how these reforms relate to the other measures announced in the Australian Government Procurement State-
ment? What are the key elements of this statement? What implications do they have for existing initiatives, such as the Industry Capability Network and Australian industry participation plans? What new initiatives are proposed?

Senator Chris Evans—Mr President, I rise on a point of order. Senator Cormann has been making a series of gestures towards government ministers during this question time.

Honourable senators interjecting—

The President—Order! Order on both sides!

Senator Sterle interjecting—

The President—Senator Sterle! Senator Evans is on his feet to make a point of order. He is entitled to be heard and I need to hear what he is saying.

Senator Chris Evans—My point of order, Mr President, is if you would call Senator Cormann to order. His behaviour is, I think, unparliamentary. I have always been in favour of robust debate in this chamber but I think making signals to ministers when they are in the middle of their answering questions or a question is disorderly and I ask you to bring Senator Cormann to order.

The President—There is no point of order. I have been watching to my right and listening to the matter that has been raised as part of the question. I cannot look at both sides at once.

Senator Chris Evans interjecting—

The President—Order! I am saying at this stage there is no point of order. I will review the tape, and if there is a need to come back to the chamber then I will. But at this stage it is not possible for me to look at both sides at the one time, in spite of some of the capabilities people might think I have from time to time.

Senator Abetz—Mr President, I rise on a point of order.

The President—I have ruled on the point of order. Is this a separate point of order?

Senator Abetz—Yes, it is. Mr President, when you review the tape, I would invite you to come back into the chamber and report whether there is any substance to the quite outrageous allegation made on broadcast by the Leader of the Government in the Senate that slurs Senator Cormann. The gestures that Senator Cormann made, I am told, refer to numbers and there is the implication that the finger gestures were somehow inappropriate or rude. And to make that slur, Mr President, is as unparliamentary as that which the leader asserted.

Senator Chris Evans—No, if it was a slur then I would not have asserted it.

The President—Order!

Senator Cormann—Mr President, on the same point of order: I just wanted to clarify that I was counting the number of questions that were being asked with my fingers, and if you rule that this is out of order, I will obviously—

The President—Senator Cormann, I had already—

Honourable senators interjecting—

The President—I am trying to get question time to the situation where it can flow as smoothly as possible. I said there was no point of order. I said that I would get the tape reviewed. And I said that if needs be I would come back and report to the Senate—if needs be. But I will not come back to this Senate and report unnecessarily if there is nothing that happened on the tape. We will review the tape and we will review the Hansard.

Senator Abetz—Mr President, if I may have your indulgence: if the tape shows that
there was nothing untoward done by Senator Cormann then you will not be reporting, but the assertion by the Leader of the Government in the Senate will remain on the Hansard and that is what the opposition objects to.

The PRESIDENT—I will review the totality of what has been raised and, if needs be, I will report back to the Senate. I will review the totality.

Senator Chris Evans interjecting—

The PRESIDENT—Order! Senator Pratt, have you finished?

Senator PRATT—No, Mr President, and I would like to conclude my question, if I may. I would like to know how these measures improve the chances of local firms securing work on major projects and procurements, including those funded by the Commonwealth.

Senator CARR—I am keen to answer this question. The overall effect of the changes involves an extra $8.5 million—

Senator Conroy—How much?

Senator CARR—$8.5 million, Senator Conroy—over four years for the Industry Capability Network, which uses procurement experts to link Australian companies to project opportunities in Australia and overseas. It includes another $8.2 million over four years to appoint business specialists to supplier advocates to champion Australian industry, to develop networks and supply chain partnerships, and to improve competitiveness. It also includes $2.5 million over four years to extend the Australian Industry Participation Plan program to firms bidding for major Commonwealth contracts and work on Commonwealth funded infrastructure projects, including projects supported by the Build Australia Fund. Along with these reforms announced yesterday—(Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Breast Cancer Screening

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.04 pm)—I have additional information in respect of a question asked by Senator Adams on 8 September 2009. I table the response and seek leave to have it incorporated in Hansard.

Leave granted.

The response read as follows—
The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
The BreastScreen Australia Evaluation was undertaken by an independent expert advisory committee and is based on the best available evidence from Australia and overseas. No decisions have been made on the recommendations and these decisions will be made collaboratively by all Australian governments.

Traveston Crossing Dam

Senator WONG (South Australia—Minister for Climate Change and Water) (3.04 pm)—I have some further information in relation to a question asked by Senator Bob Brown yesterday. I table the response and seek leave to have it incorporated into Hansard.

Leave granted.

The response read as follows—
On 14 September 2009 during question time, Senator Bob Brown asked me a question as Minister representing the Minister for the Environment, Heritage and the Arts concerning the Queensland Coordinator-General’s draft report on the proposed Traveston Dam.

Senator Brown asked:
(1) Is the minister for the environment going to release the report for public comment; and what status does a draft report have in his deliberations.

The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable Senator’s question:

(1) The EPBC Act contains a process to follow, should I exercise my discretion to seek public comment. I will make this decision once I have all of the relevant information before me.

The draft report is with my department for comment. I will only consider the Queensland Coordinator-General’s final report once it is submitted to me.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Telstra
Traveston Crossing Dam
Green Loans Program

Senator MINCHIN (South Australia)

(3.05 pm)—I move:

That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Minister for Climate Change and Water (Senator Wong) to questions without notice asked by Senators Minchin, Macdonald and Milne today.

Today the government has announced significant changes to the regulation of telecommunications. I took the opportunity to ask Senator Conroy, as the Minister for Broadband, Communications and the Digital Economy, about one of the announcements that he—

The DEPUTY PRESIDENT—Order! I have asked senators on my right to please leave the chamber or resume their seats. I can understand the whip having to move around, but not everybody else.

Senator MINCHIN—Thank you, Mr Deputy President, I appreciate your indulgence. Today’s announcement by the government of its policy of forcing the break-up of Telstra contradicts everything that the government has said, to this point, whether as an opposition or as a government. It certainly contradicts what the Minister for Broadband, Communications and the Digital Economy said as recently as the May estimates and what former spokesmen in this area have said.

The Labor Party never told the Australian people when it went to the last election that after it got elected it would sneak through the forced break-up of Telstra. It has never been Labor policy to propose the forced break-up of Telstra. Indeed, as we all know, it was the Labor Party, when in government back in the early 90s, that actually created Telstra—this company which it now says is too big and too much of a monster and has to be broken...
up by force of law. This is their creation. At no point since then have they dared to suggest that they would want to see this company broken up by force of law.

The government will, of course, go on pretending that it is not about forcing the break-up, but it is evident from the statement made today that the government intends to hold a cannon—not merely a handgun, but a cannon—to the head of Telstra to force it to behave in the fashion which this Labor government wants to dictate to it. This is a radical and risky policy which the Labor Party has announced today. This is a company which employs 30,000 Australians. This is the Labor Party which professes a concern for employees—there are 30,000 in this company who are now being put at risk by this policy.

There are 1.4 million shareholders. We know the Labor Party totally opposed the sale, but apparently this is the punishment that mums and dads of Australia who bought shares in this company are now having meted out to them by the Labor Party. Today, already, within minutes of the government making this announcement, the mums and dads of Australia who own shares in this company have seen $2 billion wiped off the value of their shares by this government.

This company has nine million customers. This company is critical to the telecommunications infrastructure of Australia, but this risky, radical and careless government is now going to adopt Telstra as its plaything. Why break up this company? Why take all this risk if, indeed, the government is serious about building a national broadband network? The government says that it wants to borrow up to $43 billion to roll out, right across Australia, a whole new optical fibre network—fibre to the premises—to service 90 per cent of Australian homes in order to provide them with a new wholesale-only, fixed-line network to compete with Telstra. If the problem with Telstra is that it is this so-called monopoly—which of course it no longer is—that we cannot have and must break up, why on earth would you do that if you were going to build a $43 billion telecommunications network to compete with it?

The question the government has got to ask today is: why is it undertaking this radical and risky policy if it is serious about building this network? What we see today is the government itself implicitly accepting that its $43 billion NBN is pie in the sky. It knows that this is a radical and risky proposal which it has put on the desk, that it will never be able to raise the money, that this will never be commercially viable and that there are so many questions about this NBN that it simply cannot answer. And the money that is going out the door on this NBN is unbelievable—a CEO being paid $40,000 a week to run a company which has no employees, no revenue, no customers and no nothing!

Senator FARRELL (South Australia) (3.10 pm)—I rise to take note and to make the observation that Senator Minchin has made some announcements today himself. One of them related to the relevance of fast broadband when wireless is popular with the Australian population. Labor’s policy provides both for fast broadband and for wireless. Nothing that the Labor Party is proposing to do—

Senator Fisher—To whom? Where is your analysis?

Senator FARRELL—Senator Fisher seeks to interject. Our proposal is very clear. We are going to provide a combination—we will provide fast broadband to as much of the Australian population as we can and, for those who live where we cannot, we will provide wireless. Nothing that the Labor Party is proposing to do—

Senator Fisher—Is that a promise?
Senator FARRELL—Yes, we keep our promises, Senator Fisher. That is what distinguishes the Labor Party from the Liberal Party. We do keep our promises. One of the promises we made to the Australian people at the last election was that we would introduce fast broadband to this country. You did nothing about this issue for the 11 or 12 years that you were in government, but Labor is going to do something about it. We are going to introduce fast broadband to this country.

This is the way of the future. If you have children, you know how important broadband is to them. As soon as they get home at night they race not to the fridge, not to the television, but to the computer. They turn on their computer and turn on the internet. They start facebooking or they start twittering or they start youtubing. Yes, Senator Kroger, this is what they do. This is the future for Australia. We have politicians now, even Mr Turnbull, doing this. The Deputy President will know the Premier of South Australia is a big twitterer. He gets involved in twittering.

Senator Ian Macdonald—He is a big twit.

Senator FARRELL—No, he is not a twit. He is a twitterer. There is quite a distinction, Senator Macdonald, between being a twit and twittering, as you ought to know.

Senator Ludwig interjecting—

Senator FARRELL—As Senator Ludwig points out, he comes from Queensland and he knows a lot more about you, Senator Macdonald, than I do. This is all about the future. The future involves fast broadband. That is not to say that we will not have wireless. Of course we are going to have wireless. Lots of people will have wireless, maybe in Maitland, for example. I do not know whether they get fast broadband over there, but they would like some wireless.

What fast broadband enables you to do is have wireless in your own house. That is what a lot of families do. They connect to ADSL at the moment, but they have a number of laptops. The children, in particular, have laptops at school thanks to our education revolution. They can go home and they can access the computer so they can download their movies, their TV programs or whatever else it is that they might want to do on the internet.

Our fast broadband is going to speed that up. We are going to speed up access on wireless. I am not an expert on this, but I understand that this new fast broadband might be up to 10 times as fast as wireless is able to provide at the moment. In other words, we will still give people the option of having wireless but will enable that at a much faster speed so that people can access whatever they want to do on the internet at a very much faster speed. We are all about choice—not about Work Choices; we know what Work Choices was all about. This is about choice: broadband, wireless and freeing up the system that at the moment is quite restrictive.

Senator FISHER (South Australia) (3.15 pm)—I rise to take note of answers given today by Ministers Conroy and Wong, and in particular Minister Conroy’s answer to Senator Minchin when he had the cheek to suggest that the government’s legislation today gives Telstra choice. Minister Conroy had the cheek to suggest that today’s legislation gives Telstra choice to structurally separate or not, or else ‘We’ll do it for you.’ The government says the only choice left open to Telstra is to cooperate so that the government can, says Minister Conroy, deliver equivalence of access and equivalence of service to the National Broadband Network so that everybody will get the same and nobody will be worse off. That sounds a bit like a promise made elsewhere by this gov-
ernment: no worker will be worse off, no business will be worse off—for example, with its award modernisation program. It is the same sort of promise with the same sorts of underpinnings: no analysis to prove that the promise is deliverable, when there is the same competition between supply and demand.

In saying to Telstra, ‘Choose to cooperate,’ what is the government saying to Telstra’s workers in the face of warnings from the Telstra workers’ union, the CPSU, that Telstra’s workers face competing supply and demand sides of the equation? Is the government really saying to Telstra’s workers, ‘You won’t be worse off through this’? The CPSU says that not only do Telstra’s workers need their award conditions transferred to the government if Telstra structurally separates, in order to ensure that workers are not worse off, but there is a double-sided hit for Telstra’s workers in structural separation, because Telstra’s workers are also Telstra’s shareholders in many cases. So what is the promise that the government is making to Telstra’s workers?

The government and Minister Conroy know this game. Minister Conroy knows why he can have the cheek to suggest that Telstra has a choice—‘choose to cooperate’—because it is the same so-called choice that the government has foisted upon every other participant, every other stakeholder and would-be participant in the National Broadband Network. It is silencing them with the process of having them hope that they will be able to participate in the process. It is saying: choose to cooperate and we will look after you; choose to not cooperate and we will do it without you.

Experts talk about the National Broadband Network as the biggest infrastructure spend ever. Mark McDonnell, an analyst at BBY, said:

… few analysts have been moved to describe it as a rational investment proposal.
When it comes to risk, this is about as high risk as it gets.
… lacking in any measure of financial or commercial rigour.

How does a government get away with no cost benefit analysis for the biggest infrastructure spend ever? There is no cost benefit analysis to show who will want this thing, how they will get it or whether they will be prepared to pay for it. There is no analysis from the government. On the other side of the coin, there is no indication to consumers as to who will get what, when they will get it, where they will get it, how they will get it and what price they will be required to pay for it. No, no—we have a government confident to make promises because it knows it is able to silence the would-be and should-be critics by a supposed choice: choose to cooperate or not.

Senator McLUCAS (Queensland) (3.20 pm)—I am pleased to be able to join this taking note debate today, and particularly to follow Senator Fisher. As a woman in this chamber, it is interesting to note that all four questions asked by the government today were asked by women. I note that only one question asked by the opposition was asked by a woman. In taking note of—

Senator Cash—We don’t have a quota system, though. I got here on merit.

Senator McLUCAS—And so did I. I would like to observe that before taking note. Hopefully, I will get an opportunity to get to the subject of the Traveston Crossing Dam, because I am sure there is plenty to say about that. What a great day this is for communications in this country. I commend Minister Conroy for the work that he has undertaken over the last 18 months or so, his openness to consult, his ability to manage the enormous portfolio responsibilities that he has and his
ability to announce historic reforms to telecommunications regulation today.

The Minister for Broadband, Communications and the Digital Economy, Senator Conroy, announced fundamental reforms today to existing telecommunications regulations in the interests—and this is the important thing—of Australian consumers and businesses. The reforms will drive future growth, productivity and innovation across all sectors of the economy by addressing Telstra’s high level of integration to promote greater competition and consumer benefits, by streamlining and simplifying the competition regime to provide more certain and quicker outcomes for telecommunications companies, by strengthening consumer safeguards to ensure service standards are maintained at a high level, and by removing redundant and inefficient regulatory red tape.

I think the important message out of today’s announcement is that consumer safeguards will be strengthened. For a person who comes from rural Australia, that is something that I know my constituency will particularly welcome. We have had difficulty ensuring access by rural, regional and remote Australians to telecommunications generally and broadband and mobile phone services in particular. I am thrilled that our government, the Labor government, has ensured that access to telecommunications services will be a priority wherever you live. I am particularly proud of that.

The universal service obligation requires Telstra as the universal service provider to enable all people in Australia to have reasonable access on an equitable basis to standard telephone services, including payphones. The legislation will strengthen the USO by enabling the minister to specify the standards, terms and conditions of services, connection and repair periods and reliability requirements of the standard telephone service. Telstra will be required to meet new minimum performance benchmarks. Failure by Telstra to meet the requirements will expose it to a civil penalty of up to $10 million.

The legislation—and I welcome this as well—will also include more stringent rules on the removal of payphones and new provisions to allow people concerned about payphone removal to apply to the Australian Communications and Media Authority to direct Telstra not to remove a payphone. Failure to comply with the new rules will expose Telstra to civil penalties or on-the-spot fines.

Unfortunately, I will not be able to get to the Traveston dam issue, but I certainly will listen with interest to Senator Macdonald’s contribution.

In closing, this is a really important day for telecommunications in Australia. We will see a revolution in terms of access to services and the ability of services to be provided, particularly to those who, over the last 10 to 15 years, have been missing out—we know that. Australia’s access to broadband services in particular lags behind and, as a result of it lagging behind, our children, our businesses and our opportunities, particularly for those in rural Australia, have been limited.

Senator IAN MACDONALD (Queensland) (3.25 pm)—The hypocrisy and mismanagement of the ALP knows no bounds. If they had not stopped the OPEL contract, which was in place at the change of government two years ago, all of the people that Senator McLucas and Senator Farrell talked about benefiting from broadband would have had broadband today. This thing that Senator Conroy has announced today might happen, but I regret to say I probably will not be alive by the time it is in place. We could have all been using it today if it had not been for the Labor Party.
I wanted to draw attention to Senator Wong’s answers, or lack of answers, to the questions over the Traveston Crossing Dam on the Mary River in South-East Queensland, the home of the critically endangered lungfish and the Mary River cod and turtle, all of which could be destroyed as a result of this dam, which the Labor Premier of Queensland is determined to construct. A few months ago, just before the Queensland state election, she promised Queenslanders that it would be delayed for four years—that is, two state election periods—before any work was taken to construct the dam. In another massive breach of trust and promises that this Premier of Queensland is becoming renowned for, she has upgraded the work and has just this week sent to the federal Minister for the Environment, Heritage and the Arts the draft proposals for the Traveston Crossing Dam. She tells Queenslanders every day, ‘The dam will go ahead.’ I do not know how she can be so confident, unless her lobbying, which has been reported in major Queensland and national newspapers in the last couple of days, of the Prime Minister, Mr Rudd, is achieving results. Why else would she spend the time talking to Mr Rudd—in her own words, ‘lobbying’ him—for this dam approval if she did not believe that the close political association between Ms Bligh and Mr Rudd would not bear fruit?

We all know that, under the Environment Protection and Biodiversity Conservation Act, introduced by my Liberal colleague, former minister Robert Hill, the decision on the dam has to be taken by the environment minister on certain grounds and bases, mainly on the science and environmental aspects. But here is the Queensland Premier talking to the Prime Minister. Can anyone imagine that the time for a decision will come and Mr Garrett will say, ‘Oh, sorry about the lungfish; I’ll stop it’? If he does that the Queensland Labor Premier will stand guilty of spending hundreds of millions of dollars on a dam which nobody wants but which she is determined to press ahead with. How is she going to get the approval? If Mr Garrett has an ounce of environmental sensitivity within his body he will refuse the application. The Queensland Premier should know that, but she is circumventing that by approaching the Prime Minister and lobbying him over the dam, as the headline in the Australian says.

I am not one of those conspiracy theorists, but I do wonder how Mr Garrett, when he was head of the Australian Conservation Foundation, and Mr Rudd, when he was a senior adviser to Premier Wayne Goss, worked together to stop the Wolfdene Dam. It is well recognised in Queensland that, if the Labor Party had not stopped the Wolfdene Dam, we would not have had the critical water situation that we have had in South-East Queensland for 10 years. One could be forgiven for thinking that perhaps Mr Rudd and Mr Garrett feel some guilt at having stopped water to South-East Queensland and, for that reason, will roll over and give Anna Bligh what she wants with the Traveston Crossing Dam. I certainly hope that does not happen. I think that we have made it very clear that we on this side—and, on this rare occasion, the Greens agree with us, even though they gave preferences to Ms Bligh to help her win the election, knowing that she would construct a dam—will be watching Mr Garrett very, very closely as he makes his decision on this awful abomination of a proposal for a construction.

Senator MILNE (Tasmania) (3.30 pm)—I wish to take note of an answer given by Senator Wong regarding the Green Loans Program. I want to remind the Senate that the Green Loans Program was announced by the Labor government last year. This was a big opportunity for people to borrow money at no interest in order to implement green ini-
Initiatives, and this was a good idea. But the good idea has translated into a complete shambles under the so-called oversight of the Minister for the Environment, Heritage and the Arts, Mr Garrett. I think that it is time that the government found somebody in the department who can administer this with some degree of competence. I want to outline to the Senate what a complete shambles and mess this is in.

It was announced last year and meant to start in January this year. It did not start in January and was postponed until July, when it finally got under way. Since then, some 800 assessors have gone out and assessed 25,000 households—25,000 assessments have been done by 800 assessors. The contracts for those assessors say that they must be paid within 30 days for the work that they do, but what has happened? They have not been paid within 30 days. That is a breach of their contract. These, too, are members of working families; these, too, deserve to have their money within the 30 days specified in the contract.

But worse than all the talk from the government is the reality of these assessments on the ground. The assessments were made, but then the assessors tried to generate the reports from the assessment. The report is what you needed as a household to take in your hand to the bank—to the provider of the loan—so that you could get the loan, and not one report has been issued. There have been 25,000 assessments and not one report. And why not? Because the government-designed software has failed—it has got mistakes in it and is generating inaccurate reports. The assessors cannot generate the reports because the software is wrong, and it is still not fixed.

I heard Senator Wong tell the Senate today that it was fixed in late August. Well, that is news to the people out there who are assessing these projects, because they have not been able to generate accurate reports. Minister Wong herself acknowledged that the reason people have not been paid is that the invoices are all wrong. What sort of a shambles is that? Add to that that there was supposed to be an online facility through which the assessors could book the various assessments, but it has failed; it has not happened. They are stuck with a call centre where they have to hang on the phone lines for up to half an hour, in the worst case scenario, in order to be able to register the booking that they are trying to make. Where is the online booking facility? Why has the call centre not got more people in it?

If the government have failed to deliver the online booking facility, they should at least give people the opportunity to get their bookings organised; the government should honour the 30-day contract—if they say they are going to pay, they should pay within 30 days; and, if the software is wrong, the government should get it right. The government promised that the reports would be issued within 10 days of an assessment being completed, and here we are, nearly three months down the track, and there are still no reports.

This matters very much, particularly to people who believed the government when it said that they would get their report in 10 days. After their assessment, expecting to receive their report in 10 days, some of them went and paid a deposit on equipment—on technology—so that, when the green loan came through, they actually had the money to pay for it. The green loans have not come through, and the result is that people have lost their deposits. That is plain wrong, and I am calling today on the government to go back and sort out the green loans. We desperately need them. People want to take this opportunity to borrow money and be able to put in energy-efficient technologies. They want to be able to do it, but this is a complete and utter shambles from the government,
overseen by a minister who, clearly, has not taken the time out to get this right.

There has not been one green loan, and it is more than a year since this program was announced. It is time that the government got its act in order, supported the assessors, supported the community and reimbursed those deposits that people have lost. Let us get this program rolled out, make it efficient and, for goodness sake, get some accountability going, because—as it currently stands—this is one big shambles of a program.

Question agreed to.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Parallel Imports of Books

We, the undersigned, ask the Parliament to retain the current restrictions on the Parallel Importation of books for the following reasons:

1. There is no guarantee books will be cheaper, but removing the Restrictions will cause severe job losses in the publishing, book printing, packaging, and distribution Industries.

2. The diversity of local and international book titles will diminish as publishers are forced to make smaller print runs, and take fewer risks with new authors.

3. Australian authors should not be forced to rely on unspecified extra taxpayer funded grants and subsidies, as suggested by the Productivity Commission, to compensate income lost under Parallel Importation.

4. Imported versions of Australian-authored books will be in direct competition with authentic editions. Foreign versions often change drastically to suit overseas markets - removing Australian Idioms, references, humour and spelling. This is of particular concern for those Australian children who already struggle with spelling and literacy.

by Senator Moore (from 1,141 citizens)

Petition received.

NOTICES

Presentation

Senator Humphries to move on the next day of sitting:

That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on the oversight of the child care industry be extended to 29 October 2009.

Senator Barnett to move on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on Australia’s judicial system and the role of judges be extended to 18 November 2009.

Senator Cash to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Renewable Energy (Electricity) Act 2000 in relation to certificates, and for other purposes. Renewable Energy (Certificates and Other Matters) Amendment Bill 2009.

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

That the Senate—

(a) notes that:

(i) Brown Mountain in East Gippsland, Victoria, is a natural treasure with 600-year-old trees (carbon dated) and at least five threatened species, including the long-footed potoroo, the spot-tailed quoll, the Orbost spiny crayfish, the sooty owl and the large brown tree frog,

(ii) the long-footed potoroo and the spot-tailed quoll are federally-listed as endangered and the forests are covered by the East Gippsland Regional Forest Agreement which commits Victoria to ‘ecologically sustainable’ forest management including biodiversity conservation, and

(iii) Environment East Gippsland has been granted an injunction restraining
VicForests from logging two forest areas at Brown Mountain;

(b) calls on the Victorian Government to meet its ecological obligations to protect threatened wildlife by halting logging at Brown Mountain; and

(c) calls on the Minister for Agriculture, Fisheries and Forestry (Mr Burke) and the Minister for the Environment, Heritage and the Arts (Mr Garrett) to ensure that the Victorian Government fulfils its ecological obligations and to inform the Senate, no later than 26 October 2009, of the steps they are taking to do so.

**Senator Minchin** to move on the next day of sitting:


**Senator Colbeck** to move on the next day of sitting:

That the Inclusion of ecological communities in the list of threatened ecological communities [Lowland Native Grasslands of Tasmania], made on 18 June 2009 under section 181 of the *Environment Protection and Biodiversity Conservation Act 1999*, be disallowed.

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

That the Senate—

(a) notes that:

(i) the inclusion of expenditure not for the ordinary annual services of the government in the appropriation bill for the ordinary annual services, which is required to be separated from other appropriations by section 54 of the Constitution, was raised by the Australian National Audit Office and the Appropriations and Staffing Committee in 2005;

(ii) the matter has been the subject of successive reports by the Appropriations and Staffing Committee and the Finance and Public Administration Committee since that time;

(iii) the Minister for Finance and Deregulation has not yet carried out an undertaking to provide to the Appropriations and Staffing Committee proposals whereby this problem might be overcome;

(b) calls upon the Minister for Finance and Deregulation to provide a substantive response to the Appropriations and Staffing Committee on this matter by 16 November 2009.

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

That the Senate—

(a) notes that:

(i) the young people detained in the Magill Youth Training Centre in South Australia are being held in degrading conditions, and

(ii) in the assessment of the 2009 Australian Youth Representative to the United Nations (UN), Mr Chris Varney, this represents a breach of the UN Convention on the Rights of the Child;

(b) recognises that:

(i) in 2006, the South Australian Labor Government acknowledged that the centre was in need of replacement, as it breached modern building codes and occupational health and safety requirements, and

(ii) the South Australian Government is yet to keep its election promise to build a new facility; and

(c) calls on the Federal Minister for Early Childhood Education, Childcare and Youth (Ms Ellis) to intervene in this urgent matter and ensure that a new centre is built, as promised by the South Australian Government.

**Senator Bob Brown** to move on the next day of sitting:
That the Senate calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to make public in the week beginning 13 September 2009 the draft report on the Traveston Dam by Queensland’s Coordinator-General.

Senator Milne to move on the next day of sitting:

That there be laid on the table, no later than 4 pm on 26 October 2009, a map of Australian forest cover using the Kyoto definition of ‘forest’ for each year since 1990, at the highest available resolution, in any widely used GIS format.

Senator MILNE (Tasmania) (3.37 pm)—Pursuant to standing order 78(1) I give notice of my intention, when business is called on later today, to withdraw business of the Senate notice of motion No. 2 standing in my name for today for the disallowance of legislative instruments relating to export control, export licensing and export inspection.

LEAVE OF ABSENCE
Senator O’BRIEN (Tasmania) (3.38 pm)—by leave—I move:

That leave of absence be granted to Senator Wong from 16 September to 18 September 2009, on account of parliamentary business.

Question agreed to.

Senator Bob Brown—I rise on a point of order. Deputy President, it would be very helpful to the Senate if, in moving such a motion as the minister just did, a reason were given for the absence of an important minister during that period.

The DEPUTY PRESIDENT—It is not a point of order, Senator Brown. I cannot instruct them how to write their motions, or in what order the motions ought to be.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.39 pm)—I seek leave to make a short statement.

Leave granted.

Senator LUDWIG—As I understand it the absence relates to parliamentary business. If I can seek further information from the minister I will convey your inquiry to her. That may help.

Question agreed to.

Senator PARRY (Tasmania) (3.40 pm)—by leave—I move:

That leave of absence be granted to Senator Joyce from 15 September to 18 September 2009, for personal reasons.

Question agreed to.

COMMITTEES
Fuel and Energy Committee

Meeting

Senator PARRY (Tasmania) (3.40 pm)—by leave—At the request of the Chair of the Senate Select Committee on Fuel and Energy, Senator Cormann, I move:

That the Select Committee on Fuel and Energy be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 16 September 2009.

Question agreed to.

AUSTRALIAN CURRICULUM, ASSESSMENT AND REPORTING AUTHORITY

Senator HANSON-YOUNG (South Australia) (3.41 pm)—I move:

That the Senate calls on the Government to:

(a) release the protocols for the Australian Curriculum, Assessment and Reporting Authority’s reporting information and publication of national schools data;

(b) amend the Australian Curriculum, Assessment and Reporting Authority Act 2008 to provide that these protocols be made as a legislative instrument; and

(c) after 2 years, review the impact of the testing and reporting regime on resourcing, educational outcomes and teaching workforce.
Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.41 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes

Senator LUDWIG—The government is not supporting this motion as it is not a sensible motion. The motion calls for the public release of the national protocols for school reporting. The principles and protocols for reporting on schools in Australia were endorsed by education ministers in June this year and published on the ministerial council website. The protocols are already published and publicly available, and can be found at the website. I will not go to the address for the protocols but it is on the ministerial council’s website.

These protocols do not need to be made a legislative instrument. The protocols have been endorsed by and agreed to at the ministerial council and, as the Australian Curriculum Assessment and Reporting Authority reports to the ministerial council, it is already bound by those protocols without the need for further legislative action. With regard to review of the testing and reporting regime, the publication of school-level information is a major reform and a step forward in the transparency and accountability of the Australian education system and will be closely monitored and subject to ongoing evaluation. I can make that website available to the Greens subsequent to this.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.43 pm)—I thank the minister for that information about this motion, but one of two things is happening here: either the information that this motion seeks to have released is publicly available, in which case I would have thought the government should have informed the mover, Senator Hanson-Young and/or the whips meeting that has been held in the interim; or the information is not available and the motion is very legitimate indeed. It cannot be both ways. I have not heard from the minister that the information on the release of the protocols is, in fact, complete and is on the public record. In the absence of that the motion has the requirement in it that the government proceed to release that information.

Question negatived.

NOTICES
Withdrawal
Senator MILNE (Tasmania) (3.44 pm)—I withdraw general business notice of motion No. 549 standing in my name for today.

COMMITTEES
Corporations and Financial Services Committee
Meeting
Senator PARRY (Tasmania) (3.44 pm)—At the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services, Senator Mason, I move:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 September 2009, from 6.30 pm.

Question agreed to.

BUSINESS
Withdrawal
Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.45 pm)—I move:

That the government business order of the day relating to the Telecommunications Legislation Amendment (National Broadband Network...
Measures No. 1) Bill 2009 be discharged from the Notice Paper.

Question agreed to.

**Consideration of Legislation**

**Senator LUDWIG** (Queensland—Special Minister of State and Cabinet Secretary) (3.45 pm)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Asian Development Bank (Additional Subscription) Bill 2009  
Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009  
Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009  
International Tax Agreements Amendment Bill (No. 1) 2009  

Question agreed to.

**COMMITTEES**

**Finance and Public Administration Legislation Committee**

**Meeting**

Senator O’BRIEN (Tasmania) (3.46 pm)—At the request of the Chair of the Finance and Public Administration Legislation Committee, Senator Polley, I move:

That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 16 September 2009, from 1.50 pm.

Question agreed to.

**MILLENNIUM DEVELOPMENT GOALS**

Senator BARNETT (Tasmania) (3.46 pm)—I seek leave to amend general business notice of motion No. 554 standing in my name and the name of Senator Payne.

Leave granted.

**Senator BARNETT**—I, and also on behalf of Senator Payne, move the motion as amended:

That the Senate—

(a) welcomes the news of recent progress on the Millennium Development Goals (MDGs), particularly Goal 1 which seeks a substantial decline in the proportion of people living on less than US$1 a day and Goal 7 which, among other objectives, seeks substantial increases in the proportion of people with access to clean water, are on track to be met globally by 2015;

(b) notes, with concern, that:

(i) despite some progress, a number of MDGs are off-track and on current progress will not be met globally by 2015, including Goal 1 on hunger, Goal 2 on primary education, Goal 4 on child mortality, Goal 5 on maternal mortality and Goal 7 on access to sanitation, and

(ii) in a world of plenty, each year nearly 10 million children die before their 5th birthday and more than 500,000 women lose their lives in pregnancy and childbirth;

(c) recognises that progress towards the MDGs is being undermined by the global financial crisis, the global food crisis and the slow progress on the Doha trade talks;

(d) welcomes Australia’s progress towards Goal 8 which aims to create a global partnership for development; and

(e) calls on the Australian Government to further intensify its efforts and actions towards alleviating global poverty in line with the ideals and aspirations at the heart of the MDGs.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (3.47 pm)—by leave—I wholeheartedly welcome and support this motion from Senators Barnett and Payne, welcoming the news of recent progress on the Millennium Develop-
ment Goals, which are basically to improve the lot of the most poverty stricken people on earth by 2015. However, I cannot allow it to go past without recounting events earlier this decade. When the Earth Summit was held in Johannesburg, the then Howard government made it part of its mission to that summit to pull the rug from under the very targets that we are looking at here. In particular, it ensured that that summit failed to reach any agreement on goals to alleviate the then onrush of climate change, which made all of these goals much more difficult.

It is good that now some good-hearted senators on the coalition opposition benches are moving towards fostering this alleviation of poverty. I only wish this was consistent and it had been part of Howard government policy in 2003, when the then Australian government became a stopper to the globe reaching for these very worthy goals for its poorest citizens.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Border Security

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 Rudd Government’s inability to manage Australia’s border security.

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 BERNARDI (South Australia) (3.50 pm)—It has oft been said that a country that loses control of its borders is no longer a country. It has been said that a country that loses control of its borders loses control of its destiny. I regret to say, standing here in the Senate chamber today, that the Rudd government is rapidly losing control of Australia’s borders. I have no doubt that in this debate there will be attempts by the Labor Party to obfuscate and to hide the real crisis that is appearing on Australia’s doorsteps. There will be much talk about legal and illegal asylum seekers. The Labor Party would have you believe that those who arrive here with a valid visa and then seek asylum are exactly the same as those that arrive here illegally. They are prepared to break the law to get into our country, fleeing countries of safe haven. There is no question that we have been seeing more asylum seekers entering Australia illegally since this government started winding back the policies that served Australia so well.

Once again, it will come as no surprise to you, Mr Deputy President, but it may surprise those who are listening to this broadcast, that once again the Rudd government has broken promises. In an interview just before the last election, on 23 November 2007, the very day before the last federal election, Mr Rudd made a number of promises that have since been broken. In that interview, with representatives of the Australian newspaper, he said we need:

... effective laws, effective detention arrangements, effective deterrent posture vis-a-vis vessels approaching Australian waters.

He said:

You’d turn them back. You cannot have anything that is orderly if you allow people who do not have a lawful visa in this country to roam free.

He was going to turn the boats back. But what he has done is to turn back the clock to
a time before 2002 when the Howard government strengthened our border protection laws. He turned back the clock to a time when thousands of people were entering this country illegally. The consequences of his irrational, ill-considered and, quite frankly, cruel policies are there for all of us to see. Since Mr Rudd was elected, 1,464 illegal arrivals have entered Australian territorial waters. In 13 months we have had 31 boats. There is no sign that they are stopping. There is no sign that they are dissuaded at all by our border protection policies. The only sign we have is that they are being encouraged by the winding back of the laws. They are being encouraged to hop into dangerous leaky boats by people smugglers in Indonesia, who are going around saying, ‘We can get you into Australia, life will be better there and you will be out in the community within a couple of months.’

The laws that the Rudd government have wound back—the legislation that it has repealed or changed—go to the very heart of our border security. It scrapped the Pacific solution, which many people did not agree with but which, frankly, offered an extreme deterrent to those who sought to enter our country illegally. It has abolished temporary protection visas. It has abolished the 45-day rule, which was designed to stop rorts of our Medicare and our social security system. The Rudd government has cut the budget for the Department of Immigration and Citizenship by $124 million and it has cut 600 staff over the last 18 months. This is a shameful record. The government has abolished the debt which acted as a deterrent to those who were found to have claimed fraudulently, illegally and without any basis to have refugee status or asylum. It acted as a deterrent for them to try again to get into this country. I am ashamed to say that we are now getting people who were rejected under the Howard government’s legislation from entering this country illegally trying to again enter. Why wouldn’t they? They get put up on Christmas Island. They get fed and clothed. The conditions there are much better than they have perhaps experienced from where they have come.

The Rudd government will have you believe that these people are impoverished and fleeing some sort of persecution. They may have indeed fled persecution from their original domicile or residence, but more often than not they have been through one, two and sometimes three other countries. They have paid along the way thousands—if not tens of thousands—of dollars to get into a leaky boat to come to Australia. Just yesterday I heard from one of the senators on the government benches that these people hopped into these boats and did not actually know where they were going to. They just knew they had to get somewhere safer than a hotel in downtown Jakarta or a village in Indonesia, where their lives are not under threat. They are paying hard cash to cruel people smugglers to get to Australia because they know that when they get here they are going to get a better life. They know they are going to get it because there is very little penalty attached to it.

This government is losing control of the battle against illegal arrivals. As I said, 1,464 people have arrived illegally in this country since the Rudd government started to change the laws. It is a record which no country should be proud of. It is a record that stands in stark contrast to the humanitarian efforts that Australia has typically represented on the world stage in dealing with those people who seek through the appropriate channels genuine humanitarian or refugee assistance. As I understand it, on the refugee scale Australia ranks third in the world in accepting those who are displaced. We had a prudent, effective and very sensible approach to migration and humanitarian assistance to refu-
gees in this country. Every single one of these 1,464 illegal arrivals in this country that is granted asylum, refugee status or permanent residence in Australia is taking the place of those people who seek to do the right thing and are waiting in accordance with the United Nations mandated requirements or are complying with Australia’s own visa and migration requirements. No other conclusion can be drawn by a sensible and considered analysis of what has transpired. This government has changed the laws. It has wound back the clock. As a consequence of this, in less than 13 months, more illegal arrivals have bobbed up in Australian waters than in the previous six years since the Howard government enforced and strengthened the integrity of Australia’s borders.

I jump back to my opening remarks. A country that loses control of its borders is no longer a country. A country that loses control of its borders is no longer in control of its destiny. The very question of the integrity of the future of our nation resides in making our borders strong and secure and in ensuring that we decide who will come to this country and who will be allowed to stay here. It is not humanitarian, fair or equitable, and it is completely unrealistic, to expect that you can soften our borders, you can soften our laws and you can wind back the clock and not be implicitly supporting those who seek to breach our border security. Mark my words: there are people smugglers that are plying their trade up and down the coast, looking for people to arrive in our country and to enter Australian waters illegally. They are making a grotesque profit by putting people’s lives at risk and making promises based on the headlines in the paper which are directly related to the softening of these border protection programs. This is not a question of Australia’s humanitarian efforts. It is not a question of Australia not doing its bit. It is a question of Australia maintaining its integrity and sending a very strong message to people smugglers that Australia is not open for their business. (Time expired)

Senator HURLEY (South Australia) (4.00 pm)—The Rudd Labor government are taking all possible steps to ensure the integrity of our border, but we are certainly winding back some of the more punitive aspects of the Howard government’s border protection policies and its Pacific solution. The Rudd Labor government has taken strong steps since it came into power in 2007 to combat people-smuggling, principally by regional engagement and cooperation, including through the International Organisation for Migration. It has taken significant steps to enhance border protection at both sea and air ports and to ensure that the integrity of our borders are protected.

Where the Rudd Labor government differs from the Howard government is in not assigning blame to the people who come to our border seeking protection. Senator Bernardi referred repeatedly to ‘illegals’. I take exception to that description of people who come to our borders by boat. They are often people who are quite legitimately seeking protection as refugees. I believe it is wrong and extremely misleading to refer to them as ‘illegals’, and it does indeed hark back to the former attitude of border protection and the Pacific solution policy. Senator Bernardi referred to the way that the Rudd government had ended the Pacific solution policy, under which asylum seekers—not ‘illegals’; ‘asylum seekers’—who arrived offshore were processed overseas.

The Rudd government also abolished the temporary protection visa for asylum seekers who arrived unauthorised, which was much hated, and announced reforms to the policy of mandatory immigration detention for unauthorised arrival. The Rudd Labor government has people detained only for as long as
necessary to perform initial health, identity and security checks. The checks are in place. The protections are in place. It is just that they are in place in a way that is more humane and that allows for the fact that the people seeking protection on our borders might indeed be trying to seek, as Senator Bernardi said, a better world and a better life. And who amongst the opposition would blame anyone for seeking a better world, a better life?

Many of the people opposite have come from immigrant backgrounds. I do not accuse anyone in the opposition of any racism or prejudice against immigrants, because I know that most if not all of the opposition members, certainly in this place, support what immigrants have done for Australia and the backgrounds they have brought to Australia, which have improved and enhanced life in Australia and the success that Australia has been able to enjoy. But I think that, by overenthusiastically adopting the border protection package and the Pacific solution, the former Liberal government fostered a culture which was harsh and unreasonable in terms of its attitude to asylum seekers in our country.

Nowhere is that clearer than in the attitude towards detention debt. This was a means by which, having allowed people to stay permanently in our country, the then government continued to punish immigrants to our country by allowing the threat of debt to hang over them. This was indeed very difficult for many people. In my office I dealt with several people in exactly this situation. One was an Iraqi citizen who was granted asylum on his arrival. But, after a period of detention, because he had come through Germany and was deemed to have come through another country that might have given him asylum, this person, who was eventually allowed to stay in Australia because of his pre-eminent expertise in chess, was asked to repay a debt totalling just over $150,000. This person, although he immediately got jobs in Australia and participated in the life and culture of Australia, and was very happy to be here, was overshadowed by this enormous debt of $152,000, which he was unable to get waived. He spoke to lawyers through his contacts in the Chess Federation but felt that he could not get married, he could not start his life in Australia with this debt hanging over his head. Through my office I did take his case up, but this poor man felt that he could not make a life at all. Before the Rudd government was able to come in and abolish this detention debt, he declared himself bankrupt and has had to start all over again.

Another person who came to my attention, through the Blackwood Hills Circle of Friends in Adelaide, was a Sri Lankan person who was given a bill of $187,000 for his detention. This person arrived in Australia as an unauthorised air arrival in August 2005. He was granted a bridging visa—removal pending—and released from detention. But in February 2007 this Sri Lankan refugee lodged an application for a permanent protection visa and was granted it in December 2007. Until very recently he was still uncertain as to whether he would have to pay that money back. Even though he had been living in Australia with friends and was prepared to undertake an active part in Australian life, he was nevertheless prevented from fully participating by the, again, enormous debt hanging over his head.

It is clear, even though we still have the opposition claiming that it is not so, that most of those unauthorised arrivals did get refugee status—they were recognised as genuine refugees. Yet some in the opposition continue to propagate the misleading impression that people who have come to Australian shores are illegal refugees who are sent back. It was the Howard government that in fact said to people, ‘Go back home and apply
again.’ We heard a senator here today decrying the fact that someone is trying again, when in fact that was something that was encouraged under the Howard government.

In view of the fact—and it has been repeated many times by all parties in this parliament—that we in Australia have benefited from immigration and from the children and grandchildren of the immigrants that we have seen in this country, it is hard for those of us who do believe strongly in the value of immigration, and those immigrants who take up citizenship, to see people in this place still decrying immigration. Governments in America, in Europe, in countries such as Italy and Greece and even in little Malta would laugh at the hysterical reaction to increasing numbers of people coming to Australia given the many, many thousands more people that they see coming to their shores.

The minister has said, and it is demonstrably true, that the latest wave of people seeking asylum in Australia is part of an international trend. These trends will continue from time to time, depending on what is happening around the world. Countries around the world have noticed an increase in people seeking asylum and people taking the most extreme measures to seek asylum, including coming to Australia by boat. The latest figures are not extreme at all. In 1999, there were 86 boat arrivals in Australia. We have something like a third of that number at the moment. It might increase or it might decrease. But we should not condone again the hysterical reaction of the government to that increase that saw the border protection policy and the Pacific solution. It demeans our country and it demeans the contribution of immigrants to this country. To call anyone who seeks asylum in this country an ‘illegal’ and talk again about queue-jumping is going back in time. It is a place that most people in Australia do not want to see us go back to. That is not the place that we want to go back to. I think that has been demonstrated very clearly by the general public reaction to the Rudd Labor government’s policies.

In the last few minutes I want to talk a little bit more about citizenship. I also want to congratulate the minister on the proposed changes to the citizenship laws. Once we do accept immigrants to this country we should encourage people to take out citizenship. That is something that we probably did not do enough in the wave of citizenship that came through after the Second World War. Clearly a number of people did take up citizenship and proved to be very valuable citizens. They did not have to pass through the hoops that were put in place, such as citizenship testing and English testing, in order to become citizens. We have measures in place now and I do support education in civic responsibility and in what it means to be an Australian citizen.

I am very pleased to see some changing in the period of time that permanent residents have to be in Australia before they are allowed to take up citizenship. I have one case that I am pursuing at the moment where a person is an actor and model and is out of Australia fairly frequently. He is clearly a successful person in modelling and gets contracts overseas fairly regularly. He has so far been prevented from taking out citizenship, even though he has an Australian wife and has been living in Australia as a permanent resident for eight years. I think that sort of case illustrates that we must not complicate our systems too much otherwise we miss out on accepting as citizens people who are going to be very valuable to our country. It is not only those persons themselves; it is their children and grandchildren. I do not need to repeat the stories of the immigrants and their children and grandchildren who have been extremely valuable to our country even when they have not completely complied with the rules when they have come here. Even back
in the immigration wave after the Second World War people lied about where they came from and lied about their religion in order to get to Australia to have the better world and the better life Senator Cory Bernardi referred to. I do not think anyone would now complain about that wave of immigration after the Second World War because many of us—not me but many others in this parliament—are children or grandchildren of that wave of immigrants. But I think all of us value the contribution that those people made to Australia and I am sure we will value future contributions by migrants.

Senator HANSON-YOUNG (South Australia) (4.15 pm)—I cannot believe that we are back here discussing this issue of asylum seekers. The coalition moved a matter of public importance very similar to this only six months ago. They tried their very best to whip up fear, to whip up hysteria around refugees—desperate people seeking protection, seeking freedom, seeking our assistance. I just cannot get over how out of touch the opposition are on this issue. We have come so far. We have come out of the dark days; out of the dark old ages where we saw children locked in detention centres in the middle of the desert, where we saw young people so desperate for somebody to listen to them, for someone to see their desperation that they sewed their lips together. So dark were these days that people were so desperate that they did have to come on boats to seek our protection.

What has changed is government policy. What has changed is the will of the community and the belief in the community that we need to have compassion. What has not changed is people around the world still needing protection, people still fleeing persecution and war. In fact, we have seen an increase of that over the last few years, which obviously adds to the increase of people knocking on our door and asking for our protection.

It staggers me that the opposition want to continue to drag out these issues when we know that the Australian community will not stand for it, when we actually want to be a country of the fair go, when we want to be a nation that prides itself on compassion, on human rights, on justice. Yet clearly the opposition must be feeling so irrelevant in their position that the only thing that they can do to make themselves feel good, to add to their own self-assurance, is to attack those who are more vulnerable than themselves. That is what today’s debate is about; they are trying to make themselves feel a bit better. It is like the grumpy kid in the schoolyard, not having many friends anymore and thinking: ‘What will I do? I’ll go and pick on the small guy.’ That is exactly what the opposition are doing today. It is disgusting. It is gross. It is absolutely disgusting.

A term like ‘illegals’ is absolutely offensive. Not only is it offensive but it is completely inaccurate. It is actually not illegal to seek asylum in Australia. Australia has signed the United Nations Convention Relating to the Status of Refugees that says people can seek asylum, it is not illegal and they should have their claims processed. They should not be demonised and they should not be punished for their mode of arrival or the claim that they are making. As a signatory to the 1951 United Nations Refugee Convention this is something that Australia pledged to do; that we would act in the best interest of the global community and help those people who are seeking protection, knowing that we are pretty lucky here in Australia. We have a safe and stable country, and, despite the antics in our chambers of parliament, we actually get along quite well. Why would we not have a responsibility to share that with people who are vulnerable, who deserve our protection and who deserve that type of free-
dom as well? It is not illegal to seek asylum in Australia. I am getting sick and tired of hearing various voices from the coalition benches referring to innocent asylum seekers as ‘illegals’.

I do not know how many times this has been raised over and over again by members of the Australian Greens, members of the government, as well as various experts in the field, that advocating for harsher immigration policies—as the opposition tends to do, and this is becoming more frequent of late—does not stop desperate people fleeing war and persecution. Desperate people will seek freedom. Desperate people will do what it takes to ensure that they can give their children the best life possible. If that means jumping on a boat with some hope and desire that they will give their children a better future, that is what they will do. Members in this chamber need to have a good long think about what they would do in their position; if they had no other choice to give their children a future. Would you really care whether Australia had some policy written up on its website that said that it will charge you a debt for your immigration detention? No, of course not. It does not work like that. Desperate and vulnerable people fleeing war and persecution will do what it takes to give their children the best chance at life. Frankly, so they should. Every parent should do what it takes to give their child the best life possible. They should not be demonised for it. They should not be blamed for it.

This whole idea of whipping up fear and scaremongering and hysteria around the recent boat arrivals takes us back to the days when we used to lock children in detention in the middle of the desert. We know that is wrong. Let us not go back there. Let us not allow ourselves, as parliamentarians—as representatives of an amazing democratic country where we do have safety, where we do have stability—to debate these silly ideas of hysteria about something that is actually not there. Australia takes in hardly any refugees in comparison to comparable countries such as Canada. In fact, we have a responsibility to help those people who do apply. We should not be blaming innocent people for seeking protection.

It is fair to say that on all sides of politics we can agree that the people-smuggling trade is an appalling way to exploit innocent people who are in a desperate situation. The point at which we differ is at the role that Australia should be taking; it is not to punish those innocent people who have sought protection through those services but to help to combat the global rise of numbers of asylum seekers fleeing their homelands in search of a safe and peaceful environment.

That is where we should be expending our energies, not on punishing those people who arrive in Australian waters by boat. So the question I put to Senator Bernardi is: given what you say, Moses was a people smuggler by your definition but do we demonise him? Do we say that Moses was the lowest form of vile? No, of course we do not. We understand that desperate people do desperate things in order to seek protection and freedom. Australia has a really important role to play but we need to make sure we play the right role in helping to ease the numbers of asylum seekers around the world. As one of the wealthiest nations in our region, we need to provide positive support and not put our energies into whipping up fear and hatred. Instead of spending millions of dollars on pushing people back from our borders, we need to be thinking of innovative ways to create a safer, more humane pathway by which people can seek asylum. Simply demonising innocent people who are arriving in Australian waters by boat does not do that. It is simply for political gain.
It is time that some members in this chamber and in the other place stopped peddling a myth of fear around asylum seekers. We all need to recognise that the exploitation of innocent people through the trade of people-smuggling is not to be encouraged and that what we need to be doing is encouraging our neighbours, such as Indonesia, to sign the UN convention on the status of refugees, which would then allow them to recognise the need for these people to be protected. We need to be working with our neighbours to do these things, not simply pushing boats back and saying it is somebody else’s problem. If we espouse to be leaders in the global community, we need to take some responsibility for helping those desperate people around the world as well. Simply pushing them back out to sea and saying it is not our problem is just not good enough.

Language such as ‘queue jumpers’ and ‘illegal entrants’ whips up an unnecessary storm over those seeking asylum in Australia. Surely all of us here can recognise that when you are fleeing persecution or a war ravaged country you may not have the necessary means to apply for a visa to arrive in Australia lawfully. People who are desperate enough to jump on a boat in the vain hope of protection and safety for their children are not in a position to put in an application and wait year after year after year for a response. That is not the way it works. In fact, if some members of the opposition believe that is the way it is, I suggest that they take some study leave and go off to spend a few weeks in Afghanistan.

Senator SCULLION (Northern Territory) (4.25 pm)—I rise to speak to the matter of public importance, namely ‘the Rudd government’s inability to manage Australia’s border security’. There have been a couple of contributions to this debate today which I have found to be somewhat startling, and I will get to those in a moment. Clearly we have seen an increase in the numbers of people principally leaving ports in Indonesia and travelling to Australia. We know this is because there has been a change in policies by the current government. I remember Senator Hurley, in her contribution, saying that the government she represents was winding back policies that somehow were offensive. I would like to put that in another way. They are winding back policies that worked and prevented people from taking risks and putting their families’ lives at risk. That is not just an emotive statement. We know that many people have lost their lives. Many more that we would not even know of have lost their lives. All we know is that they have left port and simply not arrived in Australia. So those policies ensured that we minimised the opportunity of those people making that voyage. In fact, Senator Wong acknowledged in April this year that a range of asylum seekers from Afghanistan ‘intercepted in the last few days’ had left Afghanistan in the days of the Howard government.

That is the case, and I think it is important to reflect on the situation in Indonesia around that time. I remember hearing an interview with a refugee who was in Indonesia. He had been there for a number of years. He was bemoaning the fact that he had been assessed by the UNHCR, which was sponsored and paid for by the Australian government at the time to be able to assess individuals over there. He said it was taking so long that if it were possible to go to Australia directly by boat he would have done so. In the interview, they said, ‘Why haven’t you done so?’ He said, ‘Well, there are no boats going.’ The reason there were no boats going was of course the Pacific solution, and the outcome was not the outcome that the people smugglers desired as it had a real impact on the opportunities to traffic in human misery.

According to the UNHCR’s annual global trends, there are about 16 million refugees
and asylum seekers around the world. As most people in this place have reflected, and nobody would disagree, many of those people are in dire circumstances. But we have had a lot of emotive discussion today about the circumstances as to whether someone is arriving lawfully or otherwise and whether or not they are queue jumpers. I think this is the most important aspect of this debate. Whilst the Greens senator who spoke previously has said that obviously we in this country are pretty small minded and small hearted, I note that per capita we take the second highest number of humanitarian refugees in the world. But the most important point is that, somehow, we are cruel.

Take people arriving by boat—for each person on that boat who will go through the process of seeking permanent residency in Australia and get it, one person will come off the humanitarian aid list. Let me talk for a moment about the sort of people who are on that list. People say there is no queue. Well, there is a queue and it is characterised by people from the Horn of Africa who have lived in a refugee camp for the last five or six years. One of them would be a woman whose day or month gets better because another one of her children dies and that is one mouth less to feed. People in those sorts of circumstances are the very highest priority and it is the responsibility of this government to prioritise who comes to this country. I think it is laughable to suggest that it be otherwise for those who come to this country in a vessel. Let me tell you that the convention of 1951 says that people shall seek refuge in the first country that they go to—so you do not leave Afghanistan and get on a plane to fly to Malaysia, then get on a ferry to get to Jakarta and then seek a fishing vessel to travel to Australia. If the very first place that you went to you were safe, that is what the convention encourages. It says that we do not encourage people to forum shop.

But for those on the other side who say we are all mean hearted on this side, just remember it is about two principal things: we do not want people to put their lives and their families’ lives at risk, and we also think that it is so important that we prioritise those 13,000-plus people who come to this country as humanitarian refugees as those who are in the most in need. And if you can envisage for a moment those circumstances, the worst possible circumstances, compared to somebody in a family who decides: ‘I can afford it. I’m going to leave. I’m safe now in another country, and in fact I travelled through several safe countries.’ Those are the sorts of issues that do need to be discouraged, and I do not think it is reasonable or fair to describe the coalition as people who are heartless and have not thought about those things.

There is a whole suite of scientific indicators that said back in 2000 that we had some 4,000 refugees. The previous government acted strongly to provide disincentives to those who wanted to come and forum shop and come around the long way to come here. We did that because we thought the people who were in refugee camps, particularly in the Horn of Africa and other places, were such a priority that they were the people who needed the most help, and so we helped those most in need. It made sense, and it was with a wide and Australian heart that we took that focused decision.

Of course as soon as those opposite came in they changed the policies. They said: ‘We’re abolishing the Pacific solution. In other words we’ll ignore the convention of 1951 and we’ll provide an end-game or an end-stop, so you can forum shop and you can come to Australia and we’ll hold you in Australia.’ Those numbers are increasing, but let me tell those who are listening: for every single person who comes that way, there is somebody in the most heinous circumstances in a refugee camp somewhere who does not
come to Australia and does not get the help or the opportunities that they deserve. So all of the rhetoric from the other side about how heartless the coalition is is absolute rubbish, and it detracts from the facts of the matter—that is, that at the heart of the coalition’s policy it ensures that those most in need are helped.

Their principal policies abolished the Pacific Solution, they abolished the TPVs and they ended by returning the boats—we actually go back and pull them forward. We actually go and give them a hand to bring them in. Well that has increased the numbers of people who come to this country in a way that the convention never envisaged and never encouraged. And so the coalition stands proudly behind its policy of ensuring that those most in need of humanitarian aid get the opportunity to come to this country.

(\textit{Time expired})

\textbf{Senator STERLE} (Western Australia) (4.33 pm)—I rise to make a contribution to Senator Parry’s MPI too. The only thing that all members of this chamber could agree on is that this issue is very emotive. But it does sadden me to witness what happens on that side of the chamber when they get bored during general business. We have seen it; we have seen it for the last 12 or 18 months. They bring on MPIs about the reckless spending of the Rudd government on our stimulus packages. How reckless we were! We should be condemned because we took the initiative. We should be condemned because we tried to save jobs. We should be condemned because on Treasury figures 200,000—through you, Madam Acting Deputy President, to that lot over there—Australian jobs were saved. Week in, week out what do the hapless, leaderless opposition do over there with the assistance of the doormats? I tell you what they do: they bring up these nonsense MPIs—an absolutely ridiculous waste of the Senate’s precious time—to talk about us.

And then you know what happened? Out came the surveys. The majority of Australians supported the Rudd government’s decisive and quick action on our stimulus spending and saving jobs. So what do they do next? They sit there and they think, ‘The former member’—I am sorry, was a Freudian slip: she is still the member for Curtin, but is the former opposition Treasurer. Her view of the world when the global financial crisis was confronting us was, ‘Let’s sit on our hands and see what happens first.’ Great policy. What do they do on that side? Move her aside. Then they bring out the big guns: Mr Turnbull and Mr Hockey. They say we should be backing off. That has all gone quiet now because they have egg over their faces. And if I can use Senator Boswell’s terminology, they have egg over their faces from head to toe. No answer? No, that is right. Sorry I had to remind you, through you, Madam Acting Deputy President.

So the next attack comes in the form of the Leader of the Opposition, the member for Wentworth, Mr Turnbull, saying to the crew over there: ‘Look, we’ve really absolutely stuffed that up. Let’s talk about individual contracts. That’s it! We’ll deflect the wonderful job that the Rudd Labor government’s doing on stimulus spending and saving jobs and saving the economy. We’ll talk about Work Choices. No, we won’t call it Work Choices. Sorry. Let’s not call it Work Choices. I think I mentioned Work Choices, but I think we got away with it. Let’s just call it workplace flexibility individual contracts.’ That lasted about three or four days. What a spectacular crash that was! ‘What do we do next?’ I would love to be a fly on the wall in the opposition party room. It must be like a scene from \textit{Sesame Street}. ‘What happens next? Hello, let’s tug on the next emotive
issue we can raise because we have absolutely mucked up our attack on the Rudd Labor government’s stimulus spending packages. We’ve absolutely mucked up again. Oops-a-daisy, we’ve mentioned individual workplace agreements and that didn’t work, so let’s yank on the Tampa chain; let’s have a grab at that.’

I will come to the MPI, but I do want to make my contribution as a first generation Australian. My parents are from war-torn Europe. They had the opportunity to come to Australia—they did not know each other; they met over here—to give not only themselves the opportunity for a wonderful life, but to also bring their children up in what I would say is God’s greatest country on this earth. What if we had those same views back then? While I am on it, I just want to keep touching on the opposition’s claims, because there is so much emotion, but there are so many untruths.

I think Australia is a fantastic country. There is room for all of us, but there must be procedures. We agree with that. But let us look at where these asylum seekers are coming from. Through 2009, 1,181 of these irregular maritime arrivals—IMAs—have arrived in 22 vessels. In 2008, there were 161 arriving in seven vessels. Let us compare that with other countries around the world. I have figures here from 2008 which say that in Greece alone there were 15,300 IMAs. In Italy, there were 36,000. Remember that this year so far we have had 1,181—I am not detracting from that. In Spain, there were 13,400. One could argue that Greece, Italy and Spain would be wonderful places to relocate, if it were possible. So would Australia. We have to start using some sensibility in this argument. Those three countries are closer to where the majority of these asylum seekers are coming from.

Let us look at where they are coming from. It has been mentioned, but I would like to take the opportunity to reiterate for those opposite. I have a list here of where they are all coming from. There are Afghans, Iranians, Sri Lankans, Afghans, Iraqis, Iraqis, Afghans, Iranians, Sri Lankans—the list goes on and on. We know why these people are desperately trying to leave these war torn countries. Senator Scullion makes a good point: there are other war torn countries around the world. It is a lot easier to get to Australia by land-hopping through Asia, as we all know, than it is to jump on a rickety boat out of Africa and take your chances crossing the Indian Ocean. That must not go unchallenged.

It brings me to the opposition’s claims. Time is against me, unfortunately, because I would love the opportunity to spend most of my time on this, but I am constrained. These are the opposition’s claims. I opened the Saturday paper and read this. I could not believe it. ‘No, I must still be in bed dreaming.’ Unfortunately, I was not; I was awake. Dr Stone, the opposition spokesperson on immigration and the member for Murray, had used some wonderful mathematics. She started doing a few calculations and thought: ‘Right, this is the latest scare tactic. This will get Australians jumping up and down. Let me throw out this ridiculous statement.’ She did. She got a run. That is fine. I think it just denigrates her position even more, but that is just my opinion. She said that Australia will be the recipient of 8,000 to 10,000 IMAs each year in coming years. She just used the figures for how many had come for a couple of months and then multiplied that by the number of months that were left and that is the figure she came to. That was on 13 September.

The opposition have no policy. I am very, very happy to have the debate. If they have a policy, I invite them to jump up and come on
the attack. I will take any interjection. As I thought—silence. It is just political expediency. We must clarify where the coalition has been. I did not interrupt the other speakers. I let them go. I had the view, ‘Make sure they get it out and then I can have my turn to correct the record.’ In December 2007—I know that seems a long time ago but it was not that long ago; it was only one month after Australians decided to change their government—they did not oppose the closure of the Pacific solution. The silence is deafening. In August 2008, the opposition did not seek to disallow regulations which abolished temporary protection visas. They are on their high horse. There is nothing else to frighten the Australian public about, but the mistruths cannot go unchallenged. Dr Stone, the shadow spokesperson on immigration, supported in December 2008 the detention policy through the Joint Standing Committee on Migration. She supported Labor’s detention policy. Only now do the coalition have a problem. Despite the decisions they made in December 2007, the decisions they made in August 2008 and the detention policies they supported through the Joint Standing Committee on Migration in December 2008, all of a sudden today the coalition have a problem. Where were they two years ago? They were silent. I can understand why.

It is in their DNA. It is etched in their DNA—deflect at any opportunity. If the government is doing something that is good for Australia or good for future Australians, deflect. Bring out the fears. We have seen it all before: workplace relations, the attack on our stimulus spending and now good old-fashioned race—yank that chain. Unfortunately, the coalition are playing politics. They are not good at it, but they are playing politics by blaming Labor’s policies for the five tragic deaths resulting from the boat explosion in April. Fortunately, they were rebuked by Mr Turnbull. There is some leadership there. But here is a classic claim for my last 20-odd seconds—this is fair dinkum; I am not joshing you here. There was a claim that there was a link between asylum seekers and swine flu—asylum seekers from the Middle East and swine flu from Mexico. I do not know how that claim came about. Maybe the person on the opposition who made that claim had just eaten a worm out of the tequila bottle, I do not know. (Time expired)

Senator CASH (Western Australia) (4.43 pm)—Senator Sterle said that today’s matter of public importance on the inability of the Rudd Labor government to protect Australia’s border security is a waste of time. Senator Sterle sees it as a waste of time discussing Australia’s border security. Senator Sterle, I will remind you that all serious policymakers—and you will certainly never be mistaken as one—know that a fundamental responsibility of a federal government is to ensure the security of its nation. Therefore, ensuring that Australia’s borders are properly protected is a fundamental responsibility of the current government. It is a fundamental responsibility which Labor is failing at. However, what the current government is very, very good at is spin over substance. How do we know that? Last week, the Minister for Immigration and Citizenship, in answer to a question without notice regarding whether Rudd Labor’s new border protection policies were actually working, said yes. The minister’s answer was:

The Rudd Labor government remains absolutely committed to strong border security measures. With the evidence that is now before us in relation to the increase in unlawful arrivals, that answer demonstrates to all Australians just how out of touch with reality the Labor government is. I ask as part of this debate today: which part of ‘Labor has gone soft on border protection’ doesn’t the minister understand? Which part of ‘Labor is unable to manage Australia’s border security’ does the
minister just not get? Is it the part where the evidence shows that Labor’s softer border protection measures have given the green light to people smugglers? Maybe it is the fact that, as at 13 September 2009, 31 new boats and 1,456 new asylum seekers have attempted to enter Australia illegally since August 2008. What is the minister’s response to this in question time? He pathetically tries to make light of the fact that the opposition has called for an urgent inquiry into the effect of the government’s immigration policies on people-smuggling. This is what the minister said:

We are not proposing an inquiry because we are proposing to continue strong action to try and combat people-smuggling. We are absolutely committed to the task at hand.

The only task at hand that the Labor government is committed to is to systematically and deliberately unravel the suite of measures that the Howard government put in place over time that collectively gave Australia strong border protection.

Why has the coalition called for an urgent inquiry? Because, based on last week’s rate of unlawful arrivals, we could see between 8,000 and 10,000 people attempting to enter Australia unlawfully in one year.

Senator Sterle interjecting—

Senator CASH—Senator Sterle laughs at those figures, but those people are being exploited by the people smugglers to whom you, with your policies, have given the green light, and that is absolutely shameful. The Minister for Immigration and Citizenship last Thursday during question time also said that boat arrivals are ‘an ongoing problem for Australia’. Without doubt, on that point he is correct.

I will get to Mr Rudd’s evidence based policy shortly, but let us get the facts straight. The increase in the number of unlawful arrivals is only a problem for Australians because of the Labor government’s soft border protection policies. The facts speak for themselves. Under the Howard government Australia sent a strong, consistent message to people smugglers: our doors are closed to unlawful people. The weakening, though, of the immigration policy by the Labor government has encouraged the biggest surge in people-smuggling since 2001 and 2002. In fact, after the Howard government put in place strong border protection measures, how many boats arrived in Australia between 2002-03 and 2004-05? None.

The Minister for Immigration and Citizenship raised an interesting statistic yesterday. He said, ‘But hold on, we need to look back at the figures from 2001 and 2002, when we had some 4,137 people arrive illegally here in the first year and 1,212 in the second year,’ and the minister is right. But, based on that evidence—because we know the Labor Party love evidence based policy—the Howard government took steps to put in place policies that would ensure that people smugglers were not able to ply their despicable trade. What did we have as a result of the strong policies implemented by the Howard government? The number of people trying to come here unlawfully went down to zero.

Unlike Senator Sterle, unlike the Labor Party, the Howard government recognised that the most fundamental responsibility of a federal government is to ensure the security of the nation and its people, and it took effective steps to ensure that it discharged its responsibility. Mr Rudd keeps telling the Australian people he is committed to evidence based policy. Well, Mr Rudd, here is some evidence for you in relation to the unlawful arrivals into Australian waters and onshore since your Labor government was elected. Thirty-one boats have been intercepted. I have here pages and pages setting out the number of people who have arrived in this country unlawfully. If you want evidence,
there it is, and the evidence supports your inability to manage Australia’s border security. *(Time expired)*

The ACTING DEPUTY PRESIDENT *(Senator Troeth)*—Order! The time for discussion has concluded.

MINISTERIAL STATEMENTS

ABC Learning Childcare Centres

Pension Reform

Zimbabwe

Senator SHERRY *(Tasmania—Assistant Treasurer)* *(4.50 pm)*—I present three ministerial statements, relating to the future of ABC Learning childcare centres; pension reform; and Zimbabwe.

Senator SIEWERT *(Western Australia)* *(4.50 pm)*—by leave—I move:

That the Senate take note of the document on pension reform.

I am concerned that, throughout the ministerial statement today on delivering pension reform, the Minister for Families, Housing, Community Services and Indigenous Affairs continues to refer simply to pensioners. This might be taken to imply that all pensioners were included in these changes, when this of course is not the case. There is one very important group of pensioners who were deliberately excluded from these reforms: single parent pensioners. The Australian Greens welcomed the move to increase the base rate of the age pension and a range of other pensions by $32.49 per week for singles and $10.14 for couples. The Greens have been campaigning for a number of years on the inadequacy of pension payments in the face of the rising cost of living and other costs and welcomed the increase in the pension rate as an important step in the right direction.

The increase announced by the minister to the base pension rate includes some, but not all, disability support pensions as well as carers pensions and veteran widows and wives pensions. It does not include the single parent pension and it also excludes disability support pensioners who are under 21 and do not have dependent children. That these groups were excluded from an increase in the base pension rate, which was designed to deal with the rising cost of living, makes absolutely no sense to us as these groups face exactly the same cost of living pressures—greater pressures, in fact, in the case of single parents, who have several mouths to feed and growing children. It does not extend to those on unemployment benefits, which includes those single parent families with school age children, who were forced onto Newstart under the previous government’s punitive Welfare to Work regime.

In the ministerial statement, the minister shared with us a heartbreaking story about an age pensioner living on vegetable scraps and noodle soup. While increasing the base rate of the age pension may now help out this particular pensioner, which of course we are very pleased about, you have to wonder: are unemployed Australians struggling to get by with even less income support, now to the tune of around $106 less per week, any less deserving than these age pensioners? What about the plight of children growing up in single parent families who are excluded from the increase in the rates of the other pensions? Not only will they suffer poor nutrition, which of course will impact their health and wellbeing in exactly the same way as it does age pensioners; they will also suffer long-term developmental impacts, reducing their prospects in life and increasing the risk of chronic long-term health problems. The Greens remain extremely concerned that these groups have been excluded from the pension rise for no valid reason and that the disparity in the different types of income support payments continues to grow.
This measure arguably represents one of the most significant changes to Australia’s social security safety net since the Whitlam era. For the first time in our history, we have a Labor government deliberately making a distinction between types of pensioners. On the one hand, we have a group, including those on the age pension, who are finally receiving a deserved significant increase. On the other hand, we have those on the single parent pension and younger disability support pensioners who will not receive this increase. There is no credible rationale at all for this distinction. On the face of it, the only reason could be that perhaps we have the deserving poor and then another group of undeserving poor. No evidence has been presented that the impacts of the cost of living are greater for one group than for another—none. There is no justification for why one group gets it and one does not.

If current pension rates cannot adequately sustain a single age pensioner, which, of course, they clearly do not, how is it that the government thinks that those on sole pensions trying to raise children or unemployed people will be able to get by on even less? The minister uses quite legitimate examples to show what impacts the costs of living have on age pensioners, but it seems those costs of living do not apply to those trying to raise children on a single pension. I suspect and I hope that some of my colleagues in the government can see and are uneasy about this one-sided reform. I know that many people in society share our concern about these inequitable changes to pensions.

I will say it again so no-one is under any illusions: the Greens strongly support and always have supported the increase in the age pension. But we absolutely reject any justification for the fact that that increase was not delivered to single parents, who are raising the next generation of Australians. You will have nearly one million people living in poverty because they have not been granted that increase. Then you will have the people trying to survive on Newstart who are struggling on even less than single parents receive. How is that fair in a so-called equitable and fair society? It is not. A lot more work needs to be done to improve our income support and pension system. We need ongoing pension reform so that those left behind in these last increases are included in further reforms. These reforms represent the introduction of significant structural changes and we need further reforms.

The government has attempted to argue that there was an opportunity for consultation around these increases—or an increase in one case and not in another. There was no consultation in that process. There was no consultation on the issue of only delivering the pension reforms to one group of people and not another. The government claims that that was done through the Harmer pension review and the Henry review of retirement incomes and that these reforms were based on the findings of those inquiries. However, both of those inquiries had narrow terms of reference. They did not include the social security system as a whole, so the government cannot use those reviews to justify the fact that whole groups of people were left out of the reform process. It did not look at the impacts of the cost-of-living pressures on other groups on income support, including single parents and unemployed people.

We are now seeing a significant change to our social security system where, as I said, we are moving away from the base rate of pension being delivered to all pensioners and towards an approach where there is a deserving group and an undeserving group. Not only did the government not increase the pension for single parents; they also changed the family tax benefit A and B rates, which also have a significant impact on single parents trying to raise children.
These people need our support. These children who will be growing up in poverty need the support of a just and equitable society. Unfortunately, they are not getting it. The Greens are extremely concerned about the plight of the 600,000 or more children growing up in 360,000 single parent homes. As I said, that is nearly one million people who will be living in poverty and moving further down the poverty ladder because they simply cannot meet the increasing cost of living.

At least 20,000 other single-parent families have been moved onto the Newstart allowance under Welfare to Work. These people have also been excluded from these pension increases. I ask the government: how do they think this policy is consistent with their policy agenda of social inclusion? It is complete anathema to social inclusion.

Then there are the issues around Newstart, which, as I said, is now $106 less per week than the single age pension. This was designed as a short-term payment for unemployed people to support and encourage them in transitioning into the workforce; it was not designed as long-term support to families. However, that is exactly what is happening, as an increasing number of people, unfortunately, are becoming unemployed. People are not helped by living in poverty, even on a short-term basis. We know that social science shows us that, if people remain in poverty, they become involved in a poverty trap and that it is a downward spiral; they do not easily come out of that.

If you only look at this from an economic perspective, leaving aside the social perspective, you know that the social science shows that it is better to support people, not drive them into poverty. It is much better from a societal point of view to assist people out of poverty, not to condemn them to poverty.

That is what this government’s approach did—it condemned a million people in this country to poverty, and it is not good enough. These people deserve a rise, the same as any other pensioner. The government has let these families down, and I urge them to reconsider their position. (Time expired)

Question agreed to.

AUDITOR-GENERAL’S REPORTS
Report No. 4 of 2009-10

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 4 of 2009-10: Performance audit: The management and processing of annual leave: Australian Bureau of Statistics, Australian Taxation Office and the Department of Broadband, Communications and the Digital Economy.

COMMITTEES
Corporations and Financial Services Committee
Report

Senator PARRY (Tasmania) (5.02 pm)—On behalf of Senator Mason, I present the report of the Parliamentary Joint Committee on Corporations and Financial Services, Statutory oversight of the Australian Securities and Investments Commission, together with the Hansard record of proceedings.

Ordered that the report be printed.

Senator PARRY—by leave—I move:
That the Senate take note of the report.

I seek leave to have the tabling statement incorporated in Hansard.

Leave granted.

The statement read as follows—
I am pleased to speak to the Joint Corporations and Financial Services Committee’s report on the statutory oversight of ASIC. I would like to thank
the secretariat for their assistance in preparing this report and ASIC officials for their continuing cooperation with the committee. I would particularly like to thank former Deputy Chairman Jeremy Cooper for all his assistance to the committee over the years and wish him the best in his new role as head of the government’s recently announced review of Australia’s superannuation system.

The oversight report covers a number of issues including the lift on the short selling ban; ASIC’s efforts to improve market integrity; and recent corporate collapses including Storm Financial, Timbercorp and Great Southern. The committee also continued to seek information about mortgage fund redemptions, credit rating agency regulation and professional indemnity insurance arrangements for the financial services industry. The ban on covered short selling of financial stocks was lifted on 25 May, exceeding the length of similar measures in overseas jurisdictions. ASIC defended its cautious approach and suggested that a ban could be re-introduced if extreme market conditions justify it. The committee welcomes the lifting of the ban. We will monitor the effectiveness of the new reporting arrangements for covered short sales in bringing transparency to this area.

ASIC has also sought to address the market integrity issues that made short selling such a problem during the period of market volatility. Although the steps ASIC has taken to stamp out false and misleading market rumours have not generally led to successful prosecutions, they claim that their efforts had a deterrent effect. The committee expects that the resources allocated to this task through Project Mint will result in more tangible results in the near future. We also look forward to seeing more effective market surveillance now ASIC has taken responsibility for this from the ASX.

The collapses of Storm Financial and agribusiness MIS companies Timbercorp and Great Southern have led to the committee conducting two separate committee inquiries into the regulatory issues around these events. In terms of the collapses themselves, the committee strongly supports ASIC taking whatever steps it can that lead to prosecution of regulatory breaches, wherever they may have occurred.

Freezes on redemptions from mortgage funds and cash management trusts continue. A number of hardship payments have been made so far, and ASIC has announced that it will extend the scope for hardship payments to assist those who remain affected by the freezes. But the task of unfreezing these funds is a difficult one—they need new funds to allow redemptions, yet such an inflow of funds is unlikely while they remain frozen. The committee welcomes the expansion of hardship payments and will continue to monitor this sector.

The new arrangements for the regulation of credit rating agencies have been delayed until the first of January 2010. These changes will require credit rating agencies to hold an Australian financial services licence and report on their ratings processes and on how they manage conflicts of interest. ASIC told the committee that the delay is due to international developments. The committee reiterates ASIC’s warning that the ratings provided by these agencies should not be blindly relied on.

Finally, the phasing in of professional indemnity insurance requirements for financial services providers is causing concern in the industry. Cover is getting more difficult to obtain, which might cause problems for smaller operators when the implementation period for compulsory cover concludes at the end of this year. The committee will continue to seek further updates on this problem as the requirement for a higher standard of cover begins. The committee would also like to see ASIC better explain the limited capacity for PI insurance to compensate investor losses.

Question agreed to.

Public Works Committee

Report

Senator McLUCAS (Queensland) (5.03 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present the 5th report of 2009 of the committee, Fit-out and external works, Anzac Park West, Parkes, and fit-out of Tuggeranong Office Park, Greenway, ACT, and seek leave to move a motion in relation to the report.
Senator McLUCAS—I move:

That the Senate take note of the report.

This report addresses proposals to fit out two buildings in Canberra: Anzac Park West in Parkes and Tuggeranong Office Park in Greenway. In both cases the committee has recommended that the Senate agree to the works proceeding.

The first project discussed in the report is the fit-out of Anzac Park West in Canberra for the Department of Defence. The project was referred to the committee on 14 May 2009 at an estimated cost of $45.5 million. Anzac Park West is a heritage building, as well as being an important part of the National Capital Plan. The committee is pleased to consider a project that will see it occupied after a very extended period of vacancy. This building first came before the committee in 2006 in a proposal by the Australian Federal Police. Senators may be aware that this inquiry was rescinded from the committee’s consideration, and thus it did not have the opportunity to complete this inquiry and some $48 million was spent on base building works. The building was ultimately too small to accommodate the AFP, and it has remained empty. This series of events is unfortunate and the committee discusses its specific concerns in the report.

Given this background, the committee is happy to see the Department of Defence plans to occupy the building. The re-use of an existing building will realise significant savings in both money and energy, and demonstrates the opportunities to creatively refurbish buildings almost half a century old and greatly extend their economic life.

The second project discussed in the report is the fit-out of Tuggeranong Office Park in Canberra for the Department of Families, Housing, Community Services and Indigenous Affairs. The project was referred to the committee on 28 May this year at an estimated cost of $29.8 million. The department has occupied parts of the Tuggeranong Office Park since 1991, and the building generally is in need of base building works to maintain it as a safe work environment. In addition, the department will refit much of the building to improve disability access and environmental performance. The department is to be commended on its use of environmental initiatives, in particular the extensive use of water tanks to service the grounds and some parts of the building.

This proposal also raised some concerns for the committee, particularly in terms of the investment over a short lease term. However, the committee ultimately accepted the department’s assurances that the proposal represented value for money for the Commonwealth. I would like to thank the committee members for their work in relation to this inquiry and I commend the report to the Senate.

Question agreed to.

Treaties Committee

Senator PARRY (Tasmania) (5.06 pm)—On behalf of the Joint Standing Committee on Treaties and Senator McGauran, the deputy chair, I present report No. 105 of the committee, Treaties tabled on 13 May, 25 June and 20 August 2009, and seek leave to move a motion in relation to that report.

Leave granted.

I present Report 105 of the Joint Standing Committee on Treaties. The report reviews two treaty actions:

Leave granted.

The statement read as follows—

I present Report 105 of the Joint Standing Committee on Treaties.
the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel (the optional protocol); and

the Convention on the Service Abroad of Judicial and Extra-judicial Documents in Civil or Commercial Matters (Hague service convention)

In each case the committee has supported the proposed treaties and recommended that binding treaty action be taken.

UN personnel involved in delivering humanitarian, development, or emergency assistance are often exposed to a security environment of exceptional risk. In the 2007-08 year, 25 civilian UN personnel lost their lives as a result of malicious acts while engaged in humanitarian work. The optional protocol is a supplementary treaty of the Convention on the Safety of United Nations and Associated Personnel.

The optional protocol is intended to rectify this situation. The optional protocol expands the protection of the convention to personnel involved in additional types of UN operations, including personnel engaged in delivering humanitarian, political or development assistance in peace building and delivering emergency humanitarian assistance. This includes for example personnel employed by the UN Development Programme, UN Children’s Fund, the World Food Programme and the UN High Commissioner for Refugees.

There are good reasons for Australia to ratify the optional protocol. A large number of Australians are involved in working for the UN in humanitarian work, and it is in their interests for Australia to ratify the Optional Protocol. Ratification of this treaty will bring the optional protocol closer to being in force. It will also encourage other nations to undertake the ratification process. In addition, while the optional protocol will not necessarily prevent attacks from happening, bringing it into force will strengthen the rule of law and create an additional sense of obligation on nations where humanitarian assistance is delivered.

The committee believes that ratification of this treaty will send a message to the international community about Australia’s commitment to the safety of UN and associated personnel involved in humanitarian work. If Australia’s ratification of this treaty results in another country prosecuting someone who has attacked an Australian working for the UN, it will have been well worth the effort.

I will now turn to the Hague service convention. There are many legal professionals in the parliament who will understand the importance attached in the litigation process to the serving of documents. The service of documents performs the function of advising a person that they are considered by a court to be a defendant in a matter before the court, and enables the court to establish its jurisdiction over a defendant. Because of the importance of a person knowing that they are a defendant in a matter before a court, there are rules governing the service of documents. The rules are generally directed at ensuring that the defendant is aware that they are party to a matter before a court and have accepted the documents.

The Hague service convention streamlines and harmonises the process of serving court documents between countries that are party to it by establishing a framework for the transmission of court documents between countries. The committee supports ratification. The Hague service convention has the potential to replace a slow, complex process with a transparent and timely procedure more appropriate to the globalised world in which we live.
I thank the numerous agencies, individuals and organisations who assisted in the Committee’s inquiries. I commend the report to the Senate.

Question agreed to.

DELEGATION REPORTS

Parliamentary Delegation to the Philippines, Cambodia and Malaysia

Senator STERLE (Western Australia) (5.07 pm)—by leave—I present the report of the Australian parliamentary delegation to the Philippines, Cambodia and Malaysia, which took place from 19 April to 1 May 2009, and move:

That the Senate take note of the document.

In April 2009 there was a parliamentary delegation to Cambodia, the Philippines and Malaysia. The delegation members were the member for Parramatta, Ms Julie Owens MP; the member for Lyne, Mr Rob Oakeshott MP; and me. The purpose of the delegation was to examine opportunities to broaden links with those countries, focusing on economic development, including responses to global economic issues and opportunities to strengthen trade and investment links; the environment, including policies and initiatives to meet the challenges of climate change; security, including defence cooperation and responses to the threat of terrorism; co-operation within the multilateral system; and social development, including community health and education.

In February of this year, a free trade agreement was signed between Australia, New Zealand and ASEAN. As a group, ASEAN and New Zealand constitute Australia’s largest trading partner, valued at over $103 billion in 2007-08, accounting for no less than 21 per cent of Australia’s total trade. Australia’s two-way trade with ASEAN has grown by an annual average of 10 per cent, therefore the delegation felt it was an opportune time to begin this program of visits.

In each of these three countries we were warmly welcomed and supported by our embassies, high commissions and their staff. We had numerous meetings with politicians, community leaders, NGOs, Australian expats and proud Australian companies doing business in these countries. We visited these countries at the height of the global financial crisis and although there are challenges for the world I would like to take this opportunity to highlight some of the challenges for these countries in particular.

In the Philippines there are three major issues. One is people-smuggling, a topic that is very relevant to this country. Another issue is terrorism at Mindanao, in the southern end of the Philippines, where the Abu Sayyaf Group are still operating. Fortunately, through the efforts of the Philippine government with the assistance of other countries—Australia being one—that threat is being slightly reduced, but not to the point where you could honestly say that these extreme terrorist groups are completely on the way out. There is a lot of work to be done down there and I am proud that Australia is continuing to be part of that work.

Obviously, another problem for the Philippines is corruption, and the perception of corruption. We noted that the Philippines was ranked 131st on Transparency International’s 2007 corruption perception index, which rates countries—the best being No. 1 to the worst lower down. The rank of 131st speaks for itself.

We had a very interesting time in Cambodia. As most senators would know, Cambodia is the least developed of the three countries that we visited. It was a moving experience to learn of the history of Cambodia, which is currently in the process of rebuilding following the terrible years of the Khmer Rouge regime from 1975 to 1979. Up to one quarter of the Cambodian population died as
a result of the Khmer Rouge purges, starvation and disease. The Khmer Rouge also destroyed much of Cambodia’s infrastructure, including the irrigation systems. Professionals such as doctors, teachers and lawyers were targeted, leading to a lack of educators and role models in Cambodian society. We are very mindful that it has only been for 10 years that Cambodia has experienced the current peace. It is quite daunting when you think about that. Rebuilding in Cambodia is taking place; however, it has unfortunately started from a very low base, and it is happening at a snail’s pace.

One of the confronting things that I took away from Cambodia is that the major industry is the textile and garment industry—I believe that 20-odd per cent of America’s garment market comes from Cambodia. We witnessed in the time we were there in April, when the financial crisis was well and truly affecting the world, that no fewer than 70,000 Cambodians had lost their jobs in just that industry. It was alarming. I do not know how far that number has increased but although 70,000 was a lot back then I would say the number would be a lot higher by now. The sad part is that it was put to us during the delegation that 70,000 jobs going in the garment industry would be fine—it does not matter!—because these low-skilled farmers would go back to the family farms. So everything would be all right!

Our other port of call was Malaysia. The big industry in Malaysia is electronics, and they were certainly feeling the effects of the global financial crisis. It does not take Einstein to work out that, if money is drying up and jobs are disappearing, without aid from the government people certainly will not be investing in televisions and electrical hardware. Malaysia is the most developed of the three countries that we visited. The delegation’s briefing from the economic policy unit indicated that Malaysia is at risk—it was, back then—of being affected by downturns in the United States economy, which they rely so heavily upon.

In fact, it was important to note that the Malaysian government had initiated two stimulus packages. I remind senators in the chamber that we were there in April. It did not take the Malaysians long to work out that they had to start spending and injecting the money into the economy very quickly if they were to save their economy from sliding into the red. Their first stimulus package was seven billion ringgits and their second stimulus package was a mini-budget of some 60 million ringgits.

I know time is against me but I would like to take this opportunity to once again thank the embassies, the ambassadors, the high commission in Malaysia, their staff, their secretaries and all the Australian expats that we met overseas. When we are travelling the world, one thing we have in common is that we are all Aussies when we get together. It is wonderful to see what Australian companies are putting into these ASEAN countries and what they are doing, especially in Cambodia, in terms of training and employment and sharing our skills and knowledge.

A special thanks has to go to the delegation secretary, Ms Natalie Cooke, who had to put up with us for those eight or nine days. As you, Mr Acting Deputy President Hutchins, and every senator in this building would know, they do a sterling job and without them our job would be absolutely unbearable. They make it all happen. They are the glue. Natalie, mate, thank you very much.

Question agreed to.
CHAMBER

has received letters requesting changes in the membership of committees.

Senator SHERRY (Tasmania—Assistant Treasurer) (5.16 pm)—I move:
That senators be discharged from and appointed to committees as follows:

Economics References Committee—
   Appointed—
   Substitute member: Senator O’Brien
to replace Senator Pratt for the committee’s inquiry into the Australian
dairy industry
   Participating member: Senator Pratt

Electoral Matters—Joint Standing Committee—
   Discharged—Senator Hutchins
   Appointed—Senator Feeney.

Question agreed to.

TELECOMMUNICATIONS
LEGISLATION AMENDMENT
(NATIONAL BROADBAND NETWORK
MEASURES—NETWORK
INFORMATION) BILL 2009

First Reading
Bill received from the House of Representatives.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (5.17 pm)—I move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.
Bill read a first time.

Second Reading

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (5.17 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—
Access to high-speed broadband services is critical to Australia’s future economic prosperity and social well-being. This is why, on 7 April 2009, the Government announced it would establish a company (NBN Co Limited) to invest up to $43 billion in partnership with private investors to build a new superfast, fibre optic based National Broadband Network.

The Government is committed to roll-out the National Broadband Network as quickly as possible, within an overall eight year timeframe. In addition, we have indicated we will consider necessary regulatory changes to facilitate the roll-out.

The Government has announced an Implementation Study that will provide advice on the National Broadband Network, including:

• operating and governance arrangements for NBN Co Limited;
• ownership caps and ways to attract private sector investment; and
• ways to provide procurement opportunities for local businesses.

The Implementation Study will report back to the Government in early 2010.

Accessing information about existing infrastructure that might be used in the network, such as ducts, pits and poles, is important to ensure the network can be rolled out as cost-effectively as possible. This information will support the work of the Implementation Study, and, if appropriate, the roll-out of the network by NBN Co Limited.

For this reason, the Government is introducing the Telecommunications Legislation Amendment (National Broadband Network Measures—Network Information) Bill 2009. The Bill will
amend the existing information access regime in Part 27A of the Telecommunications Act 1997.

The current motion in the Senate is preventing Bills relating to the National Broadband Network being debated in the Senate. In the meantime, in order to progress this Bill and the rollout of the National Broadband Network as quickly as possible, this Bill has been introduced in the House.

This Bill will replace the Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009 currently before the Senate. The only difference in this Bill is to the definition of the term ‘NBN Company’, which has been updated to reflect the fact that the company established by the Government has recently changed its name to NBN Co Limited.

The Senate Environment, Communications and the Arts Legislation Committee released its report on the Bill in the Senate on Monday 17 August 2009. The report recommended that the Bill should be passed. Concerns raised by Coalition Senators in their minority report were addressed during the Committee’s inquiry.

Part 27A of the Act currently provides for specified information to be provided by telecommunications carriers to the Commonwealth. This information was able to be disclosed to companies that made a submission in response to the request for proposal that was issued by the Commonwealth in 2008 for the creation or development of a National Broadband Network.

It is necessary to make changes to Part 27A to permit information that is obtained to be disclosed and used for purposes associated with the Implementation Study for the National Broadband Network. Part 27A also needs to be amended to deal with disclosure of information to, and use of information by, NBN Co Limited and any associated companies, for purposes related to a broadband telecommunications network.

The Bill:

- amends the provisions in Part 27A that impose the requirement to provide information so that the requirement may apply to utilities as well as to telecommunications carriers;
- amends the provisions of Part 27A that set out the purposes for which information is permitted to be disclosed and used, so that:
  - information may be disclosed to and used by Commonwealth officials and advisers for the purposes of the Implementation Study for the National Broadband Network, or for a purpose specified in the regulations that is related to a broadband telecommunications network; and
  - information can be disclosed to and used by NBN Co Limited and any other company that is specified by the Minister for purposes related to a broadband telecommunications network; and
- amends the sunset periods applying to certain provisions in Part 27A so that information can be obtained, disclosed and used during the period of the roll-out of the National Broadband Network.

There are limitations on the types of information that may be specified by the Minister and that must be provided by carriers and utilities. It must be information about things that could be used for or in connection with the creation or development of a broadband telecommunications network, or the supply of carriage services over this type of network, or a matter ancillary or incidental to those topics. This requirement imposes appropriate restrictions on the type of information that carriers and utilities can be required to provide to the Commonwealth, and reflects the fact that Part 27A deals with information relating to a broadband telecommunications network.

The Bill imposes safeguards and limitations on the permitted purposes for which information may be disclosed and used. These safeguards will apply to all network information provided to the Commonwealth, whether it is provided by carriers and utilities voluntarily, or in response to an instrument made by the Minister to require the information to be provided.

Provisions in Part 27A of the Telecommunications Act permit the Minister to make rules in subordinate legislation about the storage, handling and destruction of information, which are intended to protect the confidentiality and security of network information. These arrangements will continue to apply to information that is pro-
vided under the Act as amended, both information that is provided voluntarily or under law.

The Bill provides for a draft instrument requiring the provision of information to be circulated to relevant carriers and utilities. Affected parties will have five business days to make submissions — extended from three business days in the existing Part 27A — and those submissions will be considered before the final instrument is made. Copies of instruments will be published on the Internet. Once a final instrument is in place, affected parties will have a minimum of ten business days to provide the information, although the Minister can set a longer timeframe than this.

Where an instrument applies to a utility, it is intended that a copy of the instrument will be provided to the appropriate Commonwealth portfolio Minister. For example, if an instrument is made that would apply to one or more electricity suppliers, a copy of the instrument would be provided to the Minister for Resources and Energy.

The Bill also includes sunset clauses that will mean the obligation on carriers and utilities to provide information to the Government will cease 10 years following commencement of the Bill. This will ensure sufficient time is provided for the roll-out to be completed and to demonstrate to carriers and utilities there is a time limit on the likely calls for information. The Bill also inserts a time limit on the ability to disclose and use information for purposes relating to the Implementation Study. This reflects the fact that the Implementation Study is due to report early in 2010.

The Bill empowers the Minister for Broadband, Communications and the Digital Economy to impose further conditions on the access to and use of information collected through this process. Those conditions can restrict the use of the information by NBN Co Limited, any other designated company that receives the information, and officers of the Commonwealth.

Carriers and utilities will retain ownership of information provided in accordance with the requirements of Part 27A.

The legislation retains existing penalty provisions for misuse of information. Breach of the non-disclosure prohibition by an entrusted public official remains a criminal offence under section 70 of the *Crimes Act 1914* and breach of the provisions by an entrusted company official would be a contravention of a civil penalty provision.

The Bill is an important step in the process for building the new high-speed national broadband network that is so important to Australia’s future. While the Government expects carriers and utilities will provide information on a cooperative or commercial basis, the legislation provides a useful safety-net if needed. As such, it will help ensure the roll-out of super-fast broadband to all Australians is not unnecessarily delayed and is done so in a cost-effective manner.

**The ACTING DEPUTY PRESIDENT (Senator Hutchins)** — This bill is subject to the order of the Senate of 13 May 2009 which requires the presentation of documents relating to the National Broadband Network tender process, and standing order 111.

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

**MILITARY JUSTICE (INTERIM MEASURES) BILL (No. 1) 2009**

**MILITARY JUSTICE (INTERIM MEASURES) BILL (No. 2) 2009**

Returned from the House of Representatives returning the bills without amendment.
EXPRESS INSPECTION (QUANTITY CHARGE) AMENDMENT REGULATIONS 2009 (No. 1)

Motion for Disallowance

Senator MILNE (Tasmania) (5.18 pm)—Pursuant to the notice of intention I gave earlier today, I now withdraw business of the Senate notice of motion No. 2 standing in my name for today for the disallowance—

Senator FIELDING (Victoria—Leader of the Family First Party) (5.19 pm)—Mr Acting Deputy President, I object to the withdrawal of business of the Senate notice of motion No. 2 and ask to have my name put on that notice. The intention to withdraw this notice of motion was given earlier. I am getting in first to object to the withdrawal of business of the Senate notice of motion No. 2. I ask to have my name put on that notice.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I had a bit of cross-information. Of course that motion can now stand in your name, Senator Fielding.

Senator COLBECK (Tasmania) (5.20 pm)—I move:

That the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982, be disallowed.

At the request of Senator Fielding, I also move:

That the following legislative instruments be disallowed:

(a) the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982 [F2009L02097];

(b) the Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 108 and made under the Australian Meat and Live-stock Industry Act 1997 [F2009L02110];

(c) the Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 109 and made under the Export Inspection (Establishment Registration Charges) Act 1985 [F2009L02113]; and

(d) the Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 110 and made under the Export Inspection (Quantity Charge) Act 1985.

Mr Acting Deputy President Hutchins, as we discussed at the tabling of the report on the disallowance of AQIS fees and charges yesterday, it is with no pleasure that we do this, but we find it necessary because of the complete and utter mismanagement of this process. There are real concerns about the way that the minister has negotiated this process, right from the time that we first put a disallowance on the table.

We are genuinely concerned about this process. If the government had been prepared to have or were interested in a genuine reform process, it would have adequately resourced it right from the start. It would not have come as a complete surprise, out of the blue, from the Beale process. The industry understood that Beale was reviewing AQIS in respect of imports into Australia. Industry told us that the meat industry knew about it was at a meeting with the Minister for Agriculture, Fisheries and Forestry, Mr Burke, in February. They told us that at the meeting on Friday.
Over the last 24 hours, when the minister has suddenly realised that this is going to go pear shaped, there has been this frantic process to try to negotiate a way out of his problem. Again, it is a demonstration that the government has no real plan for reform. It has tried to cobble together a deal at the last minute. In fact, as late as two o’clock, when the beef industry found out that there was supposedly a deal floating around—they had not been consulted—they were trying to negotiate an outcome on behalf of their industry with the minister. But what about the fishing industry? What about the horticulture sector? What about those small abattoirs who still do not know, under this alleged deal that Minister Burke has done with the Greens, whether they are still paying an extra $50,000 a year? This does not demonstrate that. All that we know will happen under this deal is that the fees and charges will go up. We do not know how it is going to be applied. The government said in the budget that by going to full cost recovery there would be a $43 million a year saving in the budget. That is what the budget papers said. The government put $40 million on the table. Supposedly that $40 million is going into ‘effectively allowing a rebate on fees’, but what does that mean? Nobody knows what it means. Nobody knows what the bottom line of the deal is. We cannot tell the abattoirs in Victoria who look after the emu industry or the ostrich industry—the only abattoirs that do that—whether they are going to have to pay a $50,000 registration fee or whether the only export abattoir in Western Australia is going to be charged extra. We do not know.

The industry has put to the minister a list of demands. We do not know whether the minister has signed that off or not. He was almost promising them anything they wanted at one stage during the afternoon, but they have not had that signed off. He has looked after the big guys, but what about the rest? Those that ring up and complain might get some attention. Yet the Greens call this a great deal. They are prepared to sell-out agriculture for a bit of publicity. Granted, there is some money attached to this, and we said all along that there should be some more money put into this process.

**Senator Milne interjecting—**

**Senator COLBECK**—Senator Milne, I am glad you interjected, because that brings me to another point about the dishonesty of this government. John Cobb, the opposition spokesman on agriculture, went to the minister yesterday to try and do a deal. He was almost promising them anything they wanted at one stage during the afternoon, but they have not had that signed off. He has looked after the big guys, but what about the rest?

**Senator Milne**—What did he ask for?

**Senator COLBECK**—He was told there was no more money at one o’clock yesterday, yet by yesterday evening there was $20 million on the table. How can you trust what this government says? How can the industry trust what this government says? They do not know whether there is going to be some money on the table. They do not know what it is going to apply to. We gave the government an opportunity three months ago to work through the industry plans and to put them on the table. We suspended our disallowance motion so that the government could have the opportunity to work through things with industry. We gave them the chance to work and negotiate with industry and to come back and show us the progress on the industry plans. They came to our inquiry last week on Thursday night and told us that all this could be sorted out in 12 months. AQIS said to the committee, ‘We are confident that all of these six reform plans can be dealt with within six months.’ Industry came the next day and said, ‘We don’t think that’s the case.’ The grains industry told us that it would be at least two years. The meat industry told us a minimum of two years for the big items and out to five years.
The government appears now to be conceding that this is the case. Where is the confidence that existed last Thursday night? The whole process is a complete shambles. The government will not negotiate with the opposition but can do a deal worth $20 million later that night with the Greens.

What this deal does not do is protect the industry from higher prices. The government is going to charge higher fees. Then it is going to put it into the industry liability accounts and perhaps apply it later to fees and charges. This is what the letter says:

All cost reductions will accumulate to the benefit of affected sectors within the industry liability accounts, potentially enabling downward adjustment of fees and charges for 2010 and 2011, or continued investment in further reforms.

We said that this process needed funding in the first year and that the rebate should continue for the next 12 months. This does not guarantee that. The charges will continue. The only way to guarantee the rebate continues for 12 months is to disallow these regulations. That is the only way industry has any guarantee that the rebate will continue. The government is also saying, as I said yesterday, ‘reform or rebate.’ The government needs to continue this process. Everybody accepts that there needs to be reform. The opposition has said all along that there should be reform, and we support reform. What we want is a proper process.

We said at the outset: put the industry plans in place, fund them, implement them and then pass the savings back to industry. That is a reasonable process. And industry sector after industry sector came to us last week and said exactly that: ‘We want the reforms identified, we want them implemented and then we’re prepared to go into a new cost structure.’ Where is the problem with that? Why is that an issue? The problem is that the government is not being straight up and down. It will not deal with the opposition. The opposition spokesman went to meet with the minister and was told there was no money.

Senator Milne interjecting—

Senator COLBECK—Well, if you are told there is no money, Senator Milne, what are we supposed to say?

Senator Milne—I don’t accept that; I never accept that!

Senator COLBECK—It is just absurd, Senator Milne.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! Address your remarks through the chair, Senator Colbeck. And Senator Milne, please cease your interjecting.

Senator COLBECK—The way that the government are treating agriculture generally is completely absurd. It is completely and utterly absurd. This industry exports close to $30 billion a year. They almost wet themselves when there is a gas deal signed with China that runs for 25 years for $25 billion—they go berserk. But here is an industry that is doing more than that every year, and what are they prepared to do? They will not even genuinely fund the reform process. There is $30 billion worth of exports every year. The beef industry on its own exports more than the car industry. They supply hundreds of millions to the car industry but they will not fund a simple reform process of export fees and charges. It is absolutely absurd.

Let us have a look at what happens in other countries. In Argentina, industry funds the on-plant inspection component only. In Australia they want us to fund that plus all the overheads. In Canada: on-plant inspection only. In Denmark: on-plant inspection only. In Great Britain: on-plant inspection only. In Japan: laboratory testing regimes only. In Korea, industry pays nil. In Mexico:
vet costs only. And in the United States: shift and overtime only.

This is a significant industry for Australia. It is the sector that kept us out of recession, yet this is how this government treats it. It is not prepared to put up the money. The department have been absolutely decimated because of the fact that the minister will not stand up for them in cabinet. They have been coping all the cuts, and yet the government will not put in the money for a simple reform process, even though we are talking about an industry that exports $30 billion a year.

Senator Sterle—Oh, come on Richard—what did your lot do in 11½ years?

Senator COLBECK—You’ll get your chance. We put the 40 per cent rebate in place, Senator Sterle.

The ACTING DEPUTY PRESIDENT—Order! Senator Sterle.

Senator COLBECK—I say to industry that, by moving this motion, what we are looking to do is to ensure that the government engages with them in a genuine reform process. That is what we are looking to do. Moving this motion does not mean that reform is all over. The government might be threatening that, but the government knows that it has to go ahead with the reform process. Yesterday there was no money available; suddenly today there is $20 million. We know that they have the money. They can spend $43 billion on stimulus but they cannot put money in to effectively fund a reform process. It is absolutely ridiculous. What we want the government to do now is to put in place a process that has agreed timelines, that has agreed work plans, that has agreed costings—and then to fund it. They can then come back to this place with that new reform process.

We have tried to be constructive all the way through this process. We could have disallowed these regulations back in June. But we did not. We gave the government the opportunity to continue with its reform process—to work with industry, to come back with agreed work plans, and then for us to have the opportunity to peruse that, look and see how they were getting on and then to assess whether or not we saw things as being genuine.

On top of that, we asked industry to come and speak before us. We put in place a Senate inquiry—which the government opposed; they were not interested in genuinely hearing what industry said—and industry came in and told us that they wanted a reform process that allowed them to work out what the savings might be: implement the reforms and then change the fees and charges. There is no equivocation on industry’s part. They want a reform process—as do the opposition and as do the miners, I am sure. I am sure they are all looking to see something like this happen. So, we say to industry: we know there is concern out there about what is happening here today, but now is your opportunity to sit down with government and negotiate a proper reform process. The pressure is now on the government. We said last week, in a taking note debate, that if this fell over it would be the government’s fault. Do not go blaming us: we gave you every chance. We gave the government every chance to sort this out, and they did not. They were running around between 10 o’clock this morning and four o’clock this afternoon trying to negotiate some sort of last-minute deal, but nobody can tell us what the deals mean. So how can we, with confidence, go back to that small abattoir in Myrtleford and say: ‘Look, you are not going to be charged a $50,000 registration fee’? We cannot. How can we go back to the cherry growers in Tasmania and say: ‘We are confident that you are not going to see an explosion that puts you out of the Japanese market’? We cannot. We cannot
even go to the abattoir in Western Australia, which is the only one between South Australia and Townsville, right around the top, and say, ‘Your fees and charges will not go up.’

So what I say to industry is: go back to Minister Burke, take your proposals and your plans, and come and talk to us as well because we are genuinely interested in progressing this reform process. If the government is prepared to put a real deal on the table, we will support it. We have tried to be constructive all the way through this process. We did not come in here quoting press releases that were three months old or read last week’s submission to the inquiry to try to justify our position. We have worked with industry all the way through. We have taken on board their concerns and we will continue to do that so that we get a good outcome. We are prepared to work with the government to achieve that if they are prepared to work with us. So here is the opportunity for the government: if you want to get this right, sit down and deal with industry and this parliament in a genuine way and we will be part of the deal.

Senator FIELDING (Victoria—Leader of the Family First Party) (5.37 pm)—Here we are after having only a few weeks ago debated this same issue about the AQIS export certification functions, the fees associated with it and the 40 per cent rebate that is given. The heart of the issue is: should we at this time be slugging horticulture, meat and livestock and the agricultural sectors, which are exporting, with extra costs. I do not think so. I have been consistent on this since the last time we debated the issue. Do I think that the government needs to ensure that the services that are provided to these industries become more efficient and are of a lower cost so as to increase Australia’s competitiveness? Of course I do. But to basically say to the industries that are exposed and are being given higher costs at this time, ‘We need to partner with you but you bear the costs,’ is ridiculous. At the last minute the government has come up with another $20 million to say, ‘We will cover the costs for the industry.’

Senator Milne interjecting—

Senator FIELDING—I will tell you something: you have got to smell a rat when the Greens say that they are friends of the meat and livestock industry. You have got to smell a rat when they stand up and say that they are friends of agriculture or that they are there for horticulture. I have listened to them in the last two or three years that I have been here and they are not friends of those industries at all. When you see them doing a deal with the government you can bet your bottom dollar that there is something horribly wrong here.

The government has to get fair dinkum. They are going to have to do their homework. They are going to have to put decent reform in place. Get the efficiencies up-front before you start slugging hardworking Australian industries that are exposed competitively internationally. Talk to the exporters. They are still very concerned. I have spoken to them today, even since the other $20 million has come in. It is still basically saying, ‘You have got a one-year reprieve.’ The government should get on with it, get the efficiencies in place and then, as the costs come down, come back to the parliament and seek approval for jacking up the prices. That way it is a fair deal—rather than just saying, ‘No, industry can bear the cost.’ And then they say, ‘Don’t disallow this stuff now because we have got a deal with the Greens which says that the $20 million will actually help to offset the cost.’ How much it will do that, I do not know. But then at the end of that year, guess what? They are exposed again. And the government would say, ‘Trust me.’ Well, this one is a problem.
I do not see enough work being done in this area and I do not want to slug hardworking industries, that are exposed internationally, with extra costs at this time. You use the global financial crisis—which is there; it is legitimate—but you pick and choose what you use it for. These are hardworking Australians. They are already doing it tough. I cannot see the sense in getting them to foot the bill for your inefficiencies. The report itself said that a common theme in submissions was that the removal of the rebate should not have been contemplated ahead of the implementation reform. It is in the report as part of 2.4 under the heading ‘Industry support for removal of the rebate’.

I have spoken to some people this afternoon, even since the $20 million, and I tell you: when the Greens say that they are friends of the meat and livestock industry they have got to be kidding. When the Greens say that they are friends of agriculture they have to be joking. Let us be fair and reasonable here. Get on with the reforms yourself and get the efficiencies in there. The costs savings need to be there first and then we can look at how much of the rebate should be passed on to these hardworking Australian industries that are exposed on exports.

Senator MILNE (Tasmania) (5.43 pm)—I rise to comment on this issue, with which I have been involved since the start. People in the Senate will be aware that it was my disallowance that went on the Notice Paper straight after the budget. I note with interest that it is Senator Fielding and Senator Colbeck who have taken over my motion, because the one on the books that Senator Colbeck had did not do the job. It did not get it right.

I want to say to the Senate that I find Senator Fielding’s remarks beneath contempt. If you check the record, my colleague Senator Siewert served as chair, and I have served as deputy chair, of the Rural and Regional Affairs and Transport Committee in the time that I have been in the Senate. Senator Siewert and I have consistently been members of that committee and have served on inquiry after inquiry and moved for inquiry after inquiry, unlike Senator Fielding, who has not moved for any rural and regional inquiries, that I am aware of, and nor is he a regular attendee at the committee or at the hearings. Also, he was not at the hearing last Friday when we heard the evidence in relation to this. I am very happy to debate the issues, but I have to say it is a reflection on the speaker if you cannot deal with the issues and you just contribute what is no more than a bigoted diatribe.

However, I move on to the issue in relation to this motion for disallowance. I want to say that I am totally committed to reform in the primary industry sector, in particular in relation to the Australian Quarantine Inspection Service and the reforms that are on the table. As everyone else has said in here, every single one of the sectors that have come before the committee and made a submission over this time have said that they are committed to reform. The issue that they had was that they wanted the reforms in place before the 40 per cent rebate was taken away. That was their issue. They did not want to have to incur the cost until the reforms were in place. I said that yesterday. I make it very clear that it was in 2001 that the rebate was introduced, under the Howard government. But I also want to say that in December 2002 the Howard government adopted a formal cost recovery policy aimed at improving the consistency, transparency and accountability of their cost recovery arrangements. It was the Howard government that did nothing to facilitate reform. They paid the rebate and they said the reform was necessary, but they also indicated that the rebate would run out.
It was moved by the Howard government for one more period of time but the expectation was that it would run out. It was due to run out this year.

The Rudd government came back and said, ‘We will put $39.3 million on the table to facilitate the reform process and the agricultural sector will go to 100 per cent cost recovery for the department.’ In other words, they will pay 100 per cent. I did not believe that was fair because I did not think there was enough time to transition and because there is a global economic crisis. There is a high dollar. Every industry group that came before us said: ‘Look, we’re concerned about this. We actually want the reforms but we are concerned about the money.’ I went through all the evidence and I heard Senator Colbeck say several times that they need more money on the table. I believe that $20 million was the figure that Senator Colbeck referred to. But I want to put on the record in this Senate that it was not the Liberal Party and it was not the National Party that went to the minister and said, ‘I believe we need to have this much money and this is our proposal.’

I have done it twice. I went to the minister when I first moved this and said, ‘I would like to have a work plan on the table by 1 August which will do these things for the horticulture sector,’ because that was the sector that was most divided at the time. The minister agreed. I have to say that on 1 August there was a work plan on the table for the horticulture sector, as had been agreed. After the hearing last week, I was deeply disturbed by the fact that this was going ahead without money on the table for the farmers, so I went to the minister yesterday. I have to say that I am the only one who actually sat down and said, ‘I want $20 million, Minister, because these people need the rebate paid for the next 12 months, while the reform agenda is implemented.’ The minister already had $39 million on the table. He agreed to put $20 million on top of that so that the rebates and fees will be paid, the 40 per cent will be paid, for the next 12 months, until the end of the financial year. The farmers all know now that they will get the reform agenda, the work plans and the whole system that they are working on in place and they will get their rebate of fees and charges until the end of the financial year.

Senator Nash—There’s not enough money.

Senator MILNE—It is interesting that the National Party says there is not enough money when the National Party did not put a proposition to the minister. How much money did you ask for? I do not believe the coalition spokesperson went to the minister and put a figure on the table. I will stand to be corrected. I would like to hear from any senator in here who knows that Mr Cobb or anyone else went to the minister and said, ‘I want X amount of dollars.’ I do not believe they did. I believe they said, ‘We need more money.’ They did not ask for a specific amount. They did not have a specific proposal. They are clearly not used to negotiating if they take no for an answer. I do not believe in taking no for an answer if someone says that there is no more money. There was $3 billion on the table yesterday for the car industry. I made the point in my speech in here that if there is that much money on the table for the car industry then there is money available for the farmers. Senator Colbeck said before that $20 million would fix the problem. I am back here with $20 million, in addition to the $39.3 million the government had on the table. Now the coalition, together with Senators Fielding and Xenophon, are going to reject the $39.3 million for reform and the $20 million rebates for the farmers.

For the next 12 months that money will be recouped and they will get their 40 per cent,
but the reforms will not proceed because there is no additional money in order to take both the rebates and the reforms beyond this particular package. I was at least prepared to go to the government and say, ‘This is what we need.’ The grain industry said that they want this to proceed; they do not want the disallowance. The horticulture council, having been very conflicted before, I have to say, were back today saying that with that $20 million on the table and the fact that they will get their rebate on fees for the next 12 months, until the end of the financial year, they do not want the disallowance to proceed.

I think you are going to find as you go out there that a lot of industry sectors are very annoyed, because the progressive end of the industry sectors realises that the best way forward for them is to get the reforms in order to reduce the costs. There is duplication. There is no doubt that there is duplication between federal and state inspection services. There is no doubt that we need an electronic system to be able to lodge documentation for accreditation and that sort of thing. There is no doubt that we need the AAs in place and the government negotiating with our high-value export markets like Japan and the US to get the protocols changed. Whether that can be achieved in the time frame I do not know. If it cannot then there has to be another mechanism because we have to get these costs down.

The only way you are going to get efficiencies is if you actually try for a reform process. I have to say that the coalition did not push a reform process between 2001 and 2007. Not a single reform was on the table from the coalition in that time, and nor is there today a proposal from either the Liberal Party or the National Party for how to progress the reforms—not one. There was not a proposal to the minister about a sum of money. There was not a proposal on the table for the minister about how to proceed. In my view this motion is just purely playing politics, because we now have a situation where the Liberal Party and the National Party are refusing $20 million for rural and regional Australia. What is absolutely on the table is an additional $20 million so that the rebates will be paid for the next 12 months while the reform process is on. So it is almost $60 million—the $39.3 million and the $20 million—that is on the table to get the reform agenda up and the rebates paid for the next year.

You are now risking all of that, and I have no idea what the minister and the government would do in response. But let me say that it will not be Family First putting any proposals on the table. It clearly is not the Nationals, it clearly is not the Liberals and it clearly is not Senator Xenophon with a proposal on the table. I know it is the citrus growers in South Australia who have been talking to Senator Xenophon, and of course he is listening to his constituents and that is more than reasonable. But we have got several industry sectors here who want to proceed. Grains said they want to proceed. Dairy want to proceed. The meat industry want to proceed with the reforms and they were very clear about that. They want the reforms, but they want to make sure they get the rebates so that they have a transitional package, if you like, to the new arrangements. They all want to proceed so that by the end of the next financial year the reforms would be in place, with a transitional arrangement.

Now there is nothing. If this goes down, there is no transitional arrangement. There is no $20 million on the table. There is confusion out there. Yes, they will get their fees and rebates paid for the next 12 months, but under this arrangement that is precisely what I intended—that is what the $20 million is intended to do. So I really think this motion...
is letting down rural Australia with a lack of leadership, to be honest.

Leadership requires that you go out there and drive a reform process that is in the interests of the country in the longer term. It is about making rural and regional Australian export industries more competitive, and that is what they want. I spoke to the cherry growers and what they want is the AAs in place. They want to have accreditation. They want to be able to compete with their New Zealand counterparts. That is what they want, and their frustration is that AQIS has not gone out there and finished the process for them. AQIS has let them down in terms of the reforms that they want, and they want those reforms now. They are not going to get those reforms if this goes down, and there will be a lot of progressive people out there who are frustrated in their efforts to become more competitive in their business and to hold AQIS to account. For years they have been saying that AQIS has been promising these reforms and has not delivered. This was a process for forcing actual reform to occur because the whole thing had to be done in the next 12 months in order to get the fees and charges down in the longer term.

I am not naive about the whole reform agenda being able to be delivered in 12 months. We heard evidence from a number of people that some reforms would be more readily accessible in terms of savings than others and that other reforms may take longer. But the clear evidence is that once you start the reform process you build momentum through that process and you get continual improvement; you get the department focused on actually delivering reform, which is what the agricultural community wants.

Contrary to Senator Fielding’s very poor understanding of this matter, I have been part of the agricultural community for my entire life, having been brought up on a dairy farm in north-west Tasmania. It was in order to save the farmlands of Wesley Vale that I campaigned against the Wesley Vale pulp mill for all those years. I stopped subdivision after subdivision of agricultural land. I brought in the mapping of soils in Tasmania so that we protected high-quality agricultural land, and to this day I am trying to stop the incursion of urban areas into high-quality agricultural land. We have to protect that land for food production into the future, and I am passionate about that. I am also passionate about making sure the people who are growing our food are competitive.

Biosecurity is a key area for Australia’s export competitiveness. We have to do better than we are currently doing in biosecurity, and that is why I have put so much effort into this. That is why I went to the minister the last time we were discussing this here, in June, and said to him: ‘We have to drive this process. We have to get an agreement for horticulture. I want those plans on the table by 1 August.’ And on 31 July I was on the phone to the minister’s office saying, ‘Are you meeting that?’ As a result of the deadline, they had a massive phone link-up that went for hours with the producers to try to get some agreement on a work plan and drive the process during that time. When we came back here after last Friday, I was the one who was then in the minister’s office yesterday with a proposal on the table, and I think $20 million is not to be sneezed at.

I think most growers would be relieved to know that that $20 million was to be spent on giving them their fees and rebates for the next 12 months while that $39 million is being spent on reform. If this goes down, that process will not occur. That would be appalling for competitiveness, because why would there then be any drive for reform into the next 18 months? There will not be, and a lot of these sectors will be very annoyed. So if
the National Party and the Liberal Party and the two Independents think that this is some kind of leadership for rural and regional Australia, let me tell them it is not. It is actually pitching to a populist response rather than looking to industry leaders, who are the ones who are going to take us into the future with the best innovation in their sectors. It is the innovators in their sectors who are begging for this reform. And it is the $20 million that the government was going to deliver on top of its $39.3 million that would have supported those innovators in bringing about the changes in AQIS that need to occur to give us better biosecurity and better security for the producers and exporters around rural and regional Australia.

I ask people to think very carefully about moving this disallowance because this is an opportunity. Of course, there are risks associated with it. I sat and listened to all of the people giving evidence to the Senate inquiry about the risk that the reforms may not be delivered in time and that they would be passing out the cost recovery while the reforms may not be delivered. That is why I said, ‘We want the $20 million to give them the rebate at the same time that the reforms are being implemented so it is not costing them in the meantime.’ You can argue about whether 12 months was long enough, and perhaps it is not. I would have loved to have got more for years further out for some of these sectors; nevertheless, the letter signed by the Minister for Agriculture, Fisheries and Forestry says in black and white that there is $20 million of new money. It says:

... the additional funding will effectively allow a rebate on fees and charges for the 2009-10 financial year to all affected sectors while the full reform agenda developed jointly by industry representatives and AQIS is implemented ...

That is my proposal, that is the proposal I went to the government with, that is the proposal that they agreed to and that is why we now have $60 million on the table. Senator Back said to me last night, ‘Surely there must be some resolution to this,’ and that is right—we want a resolution to it. At least I thought people were committed to finding some way through this to a resolution so that we got reform and money. But it appears that is not the case. I think that you are doing a disservice to the innovators and all of the sectors that have said that they want reform. You are now jeopardising reform for an uncertain future, whereas what is on the table is a reform agenda and 12 months guaranteed to get their fees and rebates paid. I think that is a good proposal for rural and regional Australia. It guarantees improvements in biosecurity and efficiency—those things that the coalition never did when it was in government. From 2001 to 2007 not one single reform was implemented or attempted, yet in that time the coalition government made the decision to go to full cost recovery having not implemented a reform. At least this is an attempt at a reform agenda and $20 million to help farmers adjust to it. The coalition—the Liberal-National Party—Senator Xenophon and Senator Fielding will deny rural and regional Australia this $20 million.

Senator NASH (New South Wales) (6.02 pm)—I rise to make some remarks on the disallowance motion for the 40 per cent rebate. It astounds me how many ways this Labor government can find to belt regional Australia. Here we have yet another example of this government being completely disconnected from and out of touch with our agricultural communities. We are talking about one of the few sectors that is underpinning the recovery of this country from the global financial crisis. But what do we get from the government? ‘Let’s find another way to whack another tax on them.’ It is not fair or right. Not only that but it is completely stupid. Why would this government go down a path that one of the people appearing in front
of the inquiry said was an antistimulus move? Why go down this track when the government says it wants to do everything to stimulate our economy? Why would you put a new tax on one of the very industries that is underpinning the recovery of this nation? It is completely stupid.

There has been some discussion around industry support for the removal of the 40 per cent rebate. As far as I could ascertain through our inquiry and all the discussions with industry, there is no actual support for the removal of that rebate—none, nada, not any. We recognise support exists across all the sectors for reform. We all agree that there needs to be reform. Let us be clear—we have just heard a long contribution from my colleague Senator Milne on my left here—that the only thing tying together the removal of the rebate and progress on reforms is the Minister for Agriculture, Fisheries and Forestry. There is nothing else that is predicating that happening. It is entirely within the minister’s purview to retain the 40 per cent rebate and to progress the reforms. Others in this debate and in this chamber would have you believe that it is some sort of ‘fairies in the garden’ thing, that you cannot possibly have the two together. Let me tell you that you can and you should be very clear that it is within the minister’s purview to do that.

What we have seen pop out of this absolute mess today—and I must say that it is my good colleagues Senator Back and Senator Colbeck who have driven this very clearly—is $20 million. It has popped out of nowhere. My gosh, here is $20 million that the government did not have yesterday and all of a sudden now they do. The question has to be asked: if that bucket of money comes out of nowhere—and we understood prior to now it did not exist for the minister—why on earth was consideration not given to retaining that rebate with the $40 million cost attached to it and putting the other bucket of money towards the reform? Why put the industry through all of this pain and angst when the government could simply have come up with that bucket of money and put it into the reforms to start with? Make no mistake: this is going to cost jobs and industries in regional Australia. We on this side of the chamber are not going to stand and wear it and just watch it happen. We are not going to let it happen.

Gary Burridge of the Australian Meat Industry Council stated last Friday that the removal of the 40 per cent Federal subsidy on inspection fees would come straight off processor margins which are already low and in many cases negative. He said that some small processors will be devastated and suggested it will put some out of business. Either way there would be jobs lost and big impacts on regional communities. We have had enough of regional Australia and farmers having to bear the cost of all of these things. It is simply not right. The minister very clearly outlined in his letter to Senator Milne:

The $60 million Export Certification Reform Package is a very substantial reform package that warrants the support of the Senate. If the fees and charges were disallowed, the Government would not be in a position to proceed with this reform package.

Why not? They have got the money. Why can’t they proceed with the reform package? The minister is having an absolute hissy fit because he cannot get his own way. It stands to reason that, if the money is there, he can put it towards the reform process. No amount of talk in this place, no amount of garble coming out of this place, can remove the very simple option of keeping the rebate and moving down the path of the reform process.

One thing that clearly came out of this inquiry was that the efficiencies from the re-
form process would not happen until further down the track. You do not have to be a rocket scientist to figure out that, if you remove the fees and charges now and if the efficiencies from the reform process will not become effective until further down the track—and some industries are saying for up to five years—there will be a massive hit on our industries. Our industries, particularly our smaller industries, will have to bear the burden now of a massive tax. Some industries will be hit with a $50,000 extra impost, which apparently the minister did not even know about. How is that fair? How is that right? How is that going to provide any incentive or stimulus—and the government is so keen on talking about that the entire time—whatever for the industry to grow and be sustainable? This is again a complete disregard from this government of regional Australia and of what they do.

One thing that was raised was that a lot of these costs are actually legitimate costs of government, and we are seeing the government trying to put the whole lot back onto the industry. A lot of the costs are legitimate costs of government and we know a lot of them are recognised in other countries around the world as for the public good. Yet what do we see our minister trying to do? We see our Labor minister trying to rip the guts out of all of these industries out there in our regional communities. They are doing it tough anyway.

Let us compare this $20 million bucket of money with what the government has on offer for other industries. My good colleague Senator Colbeck compared the beef industry and the car industry. What have we seen from this Labor government? We have seen $6 billion in assistance for the car industry. How many people do they employ, Senator Colbeck? I think it is around 50,000. They produce about $2 billion worth of exports. Let us look at the meat industry in comparison. It employs around 55,000 and generates about $8 billion worth of exports. That is four times what the car industry generates. What are they getting? They are getting relatively nothing.

Senator Colbeck—Higher fees and charges!

Senator NASH—They are getting higher fees and charges. Thank you very much, Senator Colbeck. I will take that interjection. It is simply stupidity to go down that track. All of a sudden, we are told that Senator Milne has found $20 million. Please. That money suddenly materialised today. Why on earth didn’t the minister come up with it a short time ago? He should have said: ‘Okay, industry. Here we go. We recognise we are going to rip the heart out of so many parts of this industry, particularly the smaller sectors, if we impose this new tax.’ That is what it is, my good colleagues. Do not look at it as anything but a new tax on the agricultural export industry. The minister should have said, ‘We’re going to impose this tax.’ That makes a lot of sense, doesn’t it? This tax is being imposed on the one industry, as I said when I started, that is underpinning the recovery of this nation. It is a little bit too cute by half for other senators in this place—and I recognise their absolute right to do it—to sit here and say, ‘I did this and I did that.’ Let us have a look at what it is actually going to do. In the letter from the minister to Senator Milne, he said:
The additional funding will effectively allow a rebate on ... charges ...

When talking about the cost reductions, he used words like:
... potentially enabling downward adjustment ...

I do not have the trust in this government that others do. I think I am very well founded in not trusting this government. This is about jobs in regional communities. This is about industries in regional communities. This is
about sticking up for those parts of the industry that need someone to stick up for them. We are not going to stand here and say, ‘Yes, it’s okay for the minister to use standover tactics and say to the industry’—and this is effectively what he did—‘If you don’t make any noise about losing this rebate then I’ll give you some money for the reform process.’ It is not on. The minister knows he could quite effectively have left the funding there for the 40 per cent rebate and at the same time embarked on the reform process. We are not going to stand here and let those industries be belted by a new tax imposed by this Labor government. It is not fair. Anybody who understood regional Australia would not stand by and let it happen. Senator Milne has a bucket of money, but that is not the answer. The answer is to do it in a way such that the industry will not be belted by a tax while at the same time having the reform process go ahead. The minister knows it is well within his purview to do that, and he should do it.

Senator BACK (Western Australia) (6.13 pm)—What a disappointing process we have found ourselves in this evening. Last Thursday night the Senate Standing Committee on Rural and Regional Affairs and Transport had the opportunity to hear from AQIS and the Department of Agriculture, Fisheries and Forestry. On Friday we heard from industry. It was a very balanced committee inquiry. The process was excellent and the questions were good. The comments from industry all pointed in one direction—that is, that there was a willingness to work with AQIS, to work with industry and to work with the government to achieve the reforms that they wanted to see but that it was essential there was no risk at the time and that the rebate stayed.

We came to this chamber yesterday and flagged what we were going to do. As a result of that, the shadow minister attempted to speak to the Minister for Agriculture, Fisheries and Forestry in an effort to come to some understanding as to what would move this whole process forward, armed with the fact, as I said last evening, that AQIS itself was in a position of negotiation. Most industry was in a position where they were willing—they wanted to see reforms but they wanted to see the rebate in place first. The shadow minister reported that Minister Burke could not give him any undertaking that there were any funds. It was within the capacity of the minister, if he chose to, to convene a meeting with the committee members. I do not think there would have been any members of the committee who would not have been prepared to meet.

Senator O’Brien—It never happened in the time you were in government.

Senator BACK—We have all been in this place, as Senator O’Brien is well aware. Yesterday afternoon, the shadow minister attempted to meet with Minister Burke to put to the minister what the real issues are. The real issues are straightforward: firstly, that the 40 per cent rebate would be retained; secondly, as part of the reform process, that we would see agreement of work plans in each of the six industry sectors; and, thirdly, that those work plans would be fully funded. Only this evening have I had the courtesy, through Senator Milne, of receiving a copy of a letter from the minister to Senator Milne—not to others on the committee—in which he states that he will provide $20 million of extra funding. It was not there yesterday afternoon but was there by last night or by this morning, or by whenever this letter arrived. As Senator Nash has said, far from there being a guarantee of the 40 per cent rebate still being in place—I image the letter is accurate—the letter states:

The additional funding will effectively allow a rebate on fees and charges for the 2009-10 financial year—
How much is it? Is it two per cent? Is it 40 per cent? What is it? Why could the minister not have said in that letter to Senator Milne and why could he not have entrusted others by copying it to them? I do not even know whether my two colleagues on the other side of the chamber, Senators Sterle and O’Brien, have seen a copy of this letter. But why would it be that the minister could not have come straight out and said, ‘There will be a retention of the 40 per cent rebate while we go on with the reform process’? No. We have not been involved in this process. We have not been given the courtesy of the minister’s confidence. All we know, per the courtesy of Senator Milne, is from a copy of a letter to her in which the minister says that he will effectively allow some sort of a rebate on fees and charges while we go on. But it does not stop there either because he then says:

… all affected sectors will … benefit from efficiency gains and cost savings—

but that these cost reductions—

… will accumulate to the benefit of affected sectors within the Industry Liability Accounts—

which are themselves at this time accruing. So we may or may not get cost savings and if we do, they will go into the industry liability account. Then the letter says:

potentially—

potentially—

enabling downward adjustment of fees and charges for 2010-11 …

He has no confidence in industry and he has no confidence in his AQIS executives. Industry has confidence in the AQIS executives— they told us so—but the minister clearly has not because he is talking about cost reductions going into a liability fund and only then potentially will they enable downward adjustment of fees and charges. What a cop-out to go about this in this process, when there was a time when all of us working collectively and collaboratively could have achieved something. I am only new in this place, as you know. If this is the way business is done for an industry which is worth $30 or $40 billion, employing hundreds of thousands of people, with a downside possibility if this fails, as Senator Colbeck said, in Western Australia we will have to go from South Australia around the north of Australia to Townsville to find another export abattoir that kills cattle. That could be the effect of this and to see this opportunity lost in this fashion is a deep disappointment.

Senator BOSWELL (Queensland) (6.19 pm)—I rise today to support the motion for disallowance of the 40 per cent government rebate for the export certificate charges. I do not want to see the export markets that we fight so hard to obtain and hold made less competitive. The industry have said publicly that they do not believe that 12 months will be sufficient time to get the efficiencies through. Senator Milne has $20 million and that $20 million cuts out on 30 June next year. But we were told—and I listened carefully—that many of these efficiencies and reforms could take up to five or six years. Countries relied on having certificates from AQIS and they would not accept other forms of verification. You have to commend Senator Milne. She has tried, but I do not think that $20 million is going to satisfy the needs of the rest of the industries.

Another issue has come up. There is another way of licensing abattoirs and processing works. No-one knows what those costs will be. They could be a huge amount. They could be huge on smaller facilities such as processing works, refrigeration works, fish processing works and so forth. I have thought about this. I was even reluctant to get up to speak because the more I listen to this the more I understand it. Listening to the people from all industries coming to give evidence to the Senate committee, we were told: ‘We are happy for reforms. We want
reforms. We are prepared to pay for reforms, but we are not going to take this huge leap in faith and pay on the never-never for something which we do not have.’

We want to see AQIS actually perform. We want to see AQIS say to some of these people who are redundant: ‘Here’s your redundancy. You can leave.’ Some AQIS inspectors do not even live in towns where there are abattoirs. I have one in mind who has to drive probably a couple of hundred miles from one town to another town. By the time he gets there, he has to drive back. Those are the inefficiencies that need to be cleaned up.

Twenty million dollars is a considerable sum—I do not deny that—but I do not think it will meet the needs of the industries that came before us. The cherry industry, for example—and Senator Milne would know these people because they come from Tasmania—virtually said that to get these efficiencies through, in terms where the government will accept other verifications, could take five years. If we abandon AQIS, it might take another eight to 14 years to get back in the Japanese market. Twenty million dollars is not going to solve the problems of the beef industry or the cherry industry. It is a short-term fix.

I am not churlish enough to say to Senator Milne that she has not tried, but I do not think that $20 million will take us across the line. I do not think it will fix the problems that the industries told us about in the Senate inquiry.

Senator Milne—Well what’s your proposal?

Senator BOSWELL—My proposal is that we take the $40 million that was put up, try to implement the reforms and, as the reforms become available, go to the exporters and say: ‘We can reduce your fees by this; you pay this. Pay as you go.’

This is a giant leap of faith. We will pay for something that we have not got, on the assumption that AQIS will deliver. AQIS then have to say to their employees: ‘Sorry, Fred. We have to sack you. We want reforms.’ It is understandable that they will not want to do that. They will be reluctant to do it, and you can understand that. Senator Milne, I think you have tried, but you have not gone far enough. You cannot buy some of these things. You are trying to buy your way out of this, and I do not think you can.

Senator Milne—It was Senator Colbeck who said $20 million would do it.

Senator BOSWELL—Twenty million dollars is a considerable amount of money, but it is not going to solve the problems of the cherry industry, which cannot get AQIS to sign off on its verifications. We are not playing around here with tiny industries; these are the biggest industries in Australia. They support and sustain the regional and rural communities. Goodness knows after Senator Wong has tried to garrotte them they are going to need all the support they can get.

Senator Sterle—Mr Acting Deputy President, I rise on a point of order. I think Senator Boswell’s comment was completely out of order and disrespectful to the minister. I think it should be withdrawn.

Senator BOSWELL—Mr Acting Deputy President, I rise on a point of order: the minister is not a shrinking violet. She gives plenty. I am sure she can take a bit back. If she asks me to withdraw, I will withdraw in deference to her. I think she can play the game. She is pretty tough and robust. I do not think she would take offence at that.

Senator Wong—Mr Acting Deputy President, on the point of order: I thank Senator Boswell for what I think was a compliment, but ‘garrotting’ is a form of murder, so it is probably not the sort of thing that we...
say in this place, even when we are in a robust debate, which, as Senator Boswell says, I do not mind a bit of when appropriate and necessary. Perhaps you could use a better form of words.

The ACTING DEPUTY PRESIDENT (Senator Humphries)—Are you withdrawing, Senator Boswell?

Senator BOSWELL—If it offends the minister, of course I withdraw, but I cannot think of a better description.

The ACTING DEPUTY PRESIDENT—Senator Boswell, I think an unqualified withdrawal does not allow you to say what you have just said. Do you withdraw on an unqualified basis?

Senator BOSWELL—If that is what the minister requires, I will withdraw.

The ACTING DEPUTY PRESIDENT—Thank you. Please proceed.

Senator BOSWELL—I have a bit of advice from my friend from Western Australia, who is a vet and does understand these things. He suggested the word ‘emasculate’, and that is what is going to happen to rural Australia with the ETS. This industry and all the industries that run fridges and electric motors and provide jobs in rural Australia do not need at this time another 40 per cent tax put on them. For that reason I support this disallowance motion—and I have thought this through. The $20 million only buys 12 months, and those reforms are impossible to implement in 12 months. You cannot do it. The industry has told us that we cannot do it. Senator Milne, if she is honest with herself, will say it cannot be done. I support the disallowance motion and I hope it is carried in the Senate.

Senator WILLIAMS (New South Wales) (6.29 pm)—I will only take a couple of minutes to add my support to my colleagues on this side. Adding costs to export industries does nothing but harm. Of course I have an interest in this. We are fortunate to have Bindee Beef at Inverell, a magnificent abattoir employing around 600 people. It means an extra $350,000 a year for that abattoir. They are going to face enough if the emissions trading scheme is brought in. It is going to cost the abattoir about an extra $1 million a year in electricity alone. So I have just put $1.35 million extra cost onto that industry.

Those costs are not being borne in America. Under the Waxman-Markey bill, when they get the ETS they are not going to have that cost put on them. So this is just another cost put onto export industries, another nail in the coffin of these vital, value-adding industries that are so essential for jobs in our rural communities. That is why I support the disallowance.

The government must get serious about not putting extra costs on or removing benefits from export industries, but instead get behind those very industries. Times are tough in the bush and we know very well that as soon as abattoirs face extra cost they will pass it onto the farmers, the beef producers. Then it will flow right through the whole community and regional communities will lose that money. We know who is going to pay for it. It is wrong. The analogy that some have made about the car industry and our meat industry says it all. The government is putting billions behind the car industry, which exports $2 billion a year. But they want to add some costs to our meat industry, which exports around $8 billion a year. I think that it is unfair and I gladly support the disallowance.

Senator O'BRIEN (Tasmania) (6.31 pm)—I guess we have had a contribution from every member of the National Party present, the Liberal Party spokesman on agriculture, and a Liberal Party senator from Western Australia, all talking about why they
are going to vote for this motion and disallow this particular regulation. There is a lot that could be said in this debate, but we have limited time in which to conclude it and if it is not concluded by 6:50 pm the regulation is automatically disallowed. That is a point of contention as far as I am concerned. So much time has been taken up in this debate by those speakers that it will limit the way that the debate can be concluded, because we now have 18 minutes to conclude the debate. So I really take exception to the use of that time by senators opposite given that their spokesman is here to speak to it. I do not object to the National Party making a contribution, but when every member of the National Party makes a contribution, and Senator Back makes a contribution as well, that really does put pressure on the way that this matter can be dealt with and, with respect, we have had plenty of opportunities to address this, and here we are going to have more time taken.

Senator Back—Mr Acting Deputy President, I rise on a point of order. I waited until either Senator O’Brien or Senator Sterle wished to speak before I stood. Neither did.

The ACTING DEPUTY PRESIDENT (Senator Humphries)—There is no point of order.

Senator O’BRIEN—Another waste of time. Mr Acting Deputy President. Senator Back sought to make a point in his contribution about the fact that he had not been contacted by the minister—he had not got a copy of a letter. I had a message passed to me from the minister’s office just after he made his contribution. The minister’s office said that they rang Senator Back’s office before question time, or left a message for him to get back, to talk to him about the issue, and he did not return the call. I do not know what is happening in his office if he did not get the message, but that is the bona fides of the minister. He did contact Senator Back and something has either gone wrong or the senator has been unable or unwilling to return the call.

But let us get back to tinfoil on this. We have a proposition for reform of the import inspection charges regime, which has been put on the table after many years of complaints by the industry. This was not done by the coalition, who were in government up until the end of 2007. The coalition were content to put a bit of money into the pot and say: ‘We will pay you off. We are not going to actually do anything about the system. We will let the system roll on because it is too hard for us to do something about it.’

So what happened? As usual, Labor came into government and we said that we wanted to do something about it. But we want to do it in such a way that there is not going to be a double-dip, that when we make the reforms we do not come here and see that the Liberal Party and the National Party say: ‘Yes, but we are going to disallow your regulation anyway. We want to keep the charges lower so that we keep the subsidy, because they should be subsidised.’ This is the proposition which is effectively being put: ‘You, as government, go and put the money in and do the reform and then we will tell you whether we will pass your regulation for an appropriate charging regime.’

For years the coalition talked about full-cost recovery. But they avoided dealing with all of the issues by putting a subsidy into the budget and keeping it going, all the while saying, ‘We really want achieve efficiency; we really want to see that these charges are paid for by industry,’ but they were never prepared to bite the bullet. They were never prepared to go down the road and say, ‘Here is a way that we can achieve it, where you the industry make a contribution towards it and we all accept that at the end of the day
there is cost recovery and you get the greatest benefits that we can achieve.’

We established in our inquiry that many of the charges that are imposed on the exporters are imposed because the importing country requires them. The biggest charges, which are costs imposed on our system, are because there is respect for our system. We have a system of quarantine inspection which is respected overseas, and that costs money.

In the evidence before the committee in the hearings we were told that if this regulation were disallowed there would be a $103 million black hole in the Quarantine Biosecurity budget. Those opposite are saying that the government should just put that up, but at the same time we should be funding all of the work that is necessary to achieve efficiencies in the system. At the end of the day, what is a promise from them? Have I heard an ironclad, believable commitment that then they will agree to full cost recovery? No. I know that a reasonable minister would be saying, ‘How could you depend on that?’ What we are again going to see are opportunistic approaches saying that, because someone overseas does not have to pay for their quarantine inspection charges, Australians should not have to pay. Yet that was basically the underpinning of the coalition policy for years: all they did was avoid it with a subsidy that they put into the budget.

As for the shadow minister, Mr Cobb, speaking to the minister yesterday, the suggestion was that he put something concrete forward. What he put forward was: ‘Yes, we will disallow the regulations; we’ll go back to the old fees, and you do the work.’ That is all he put forward. The only person in this debate who has put something to the government to try and take things forward is Senator Milne, who put forward a proposal for an additional $20 million towards effectively subsidising the fees while the work was done.

What we do have from evidence before the committee is that most industry participants want the work done. Most industry participants were keen for the work to be done and indeed had signed up for the work to be done. Frankly, I would have to say that they are in a position now where someone is saying, ‘We can disallow it for you; are you really going to say you don’t want it disallowed?’ And they are saying, ‘Well, we’re happy to have it disallowed as long as we get the work done.’

I do not think a reasonable minister would accept that. I do not think a reasonable minister would accept having a gun held to the head of the Australian government by someone saying, ‘Blow $100 million on your biosecurity budget and put all the work in to put the reforms into the system, but I’m not going to guarantee that you’re going to get full cost recovery then.’ How would the minister be able to convince his cabinet colleagues that it was worth while putting $103 million and more towards this reform when he could not guarantee that at the end of the day there would not be a further drag on the budget for these services—even though there has been a longstanding agreement within both parties that, underpinning it all, there should ultimately be cost recovery? We are dealing here with political opportunism which really does tell the government that it cannot trust those opposite to deliver full cost recovery, even if it puts the work in, even if it spends $100 million, $150 million or $200 million towards achieving that.

I did think that the comments made by Senator Fielding with regard to Senator Milne and the Greens were unfortunate. I have a lot of disputes with the Greens on a range of issues—we do not agree on a lot of things—but I thought that he had, frankly,
quite a cheek to suggest that the Greens had come to this issue with some ulterior motive. It demonstrated that Senator Fielding came to the debate not understanding—of course, if you had heard Senator Milne’s contribution you would understand—where Senator Milne was coming from in terms of her rearing, her family background and the interests she has. I fully accept that Senator Milne and Senator Siewert in particular in the Greens have close contacts with rural industry, and the last thing I would suggest is that somehow they would come to a debate such as this or any rural debate without some regard, whatever their other views, for rural industry. I do think that Senator Fielding should reflect carefully on what he said. I thought it was very unfair, I thought it was very unreasonable and I thought he lowered the tenor of the debate as a result. I think if you reflected on what you said you would say something quite different.

What Senator Milne did in seeking a resolution of this matter was to make a proposal to take this matter forward so we would actually make progress. What those opposite are now doing is leaving us with a proposition where it is clear that this regulation will be disallowed. The minister will then be faced with having to convince his ministerial colleagues that it is worth putting more money into this area to achieve the reforms that everyone wants, but he cannot guarantee that that will result in the aim which he started out to achieve—that is, that the costs incurred in the provision of export inspection services be paid by the beneficiaries of those services and not the taxpayer. That puts him in a difficult position. I do not know what decision he will ultimately come to.

I do hope that, when this matter is dealt with, those opposite, the minor parties, whoever, decide that they can come to a resolution of this matter which gives certainty to the government that enables us to pursue these reforms in a way that is equitable to the taxpayer as well as to the industry. I would urge senators not to support the disallowance. It is pretty clear that the coalition are committed to it. It is clear that Senator Fielding is committed to it. I understand Senator Xenophon, who cannot be here because he is not well, is not prepared to oppose the disallowance, and that is unfortunate, but I am not going to comment on that; I do not fully understand why. That is what we have to live with and, at the end of the day, it may be that the reforms this industry wants just get left sitting on the shelf because it is too hard for those opposite.

Senator COLBECK (Tasmania) (6.43 pm)—I just want to quickly sum up this debate and I thank those who have made a contribution to it. At the end of the day, it is Australia’s farmers who are going to pay the bill for this. It is Australia’s farmers who will pay the bill. We have seen from what is happening in the dairy industry at the moment that, when there is a shift in costs in the industry, the farmers pay. The Grain Council said the farmers would pay. The beef processors said the farmers would pay. It depends on what savings would be achieved, but the farmers are going to pay the bill for this.

What we would like to see is a genuine reform process. That is what we are asking for. We are happy to talk; we have said that in our contributions. What we do not want to see is farmers paying for government to reform itself. That is what they believe is going to happen and that is what we believe is going to happen. So let us have a genuine process, let us deal with it properly, and make sure that Australia’s farmers, who are contributing so much to the economy this country, who are exporting up to $30 billion worth of product on an annual basis, do not end up footing the bill for the process that the government has put in place which can only be described as flawed.
The ACTING DEPUTY PRESIDENT (Senator Humphries)—The question is that the motions of disallowance moved by Senator Colbeck, and Senator Colbeck and Senator Fielding, be agreed to.

The Senate divided. [6.49 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 33
Noes............. 32
Majority......... 1

AYES
Abetz, E.
Back, C.J.
Bernardi, C.
Boswell, R.L.D.
Bushby, D.C.
Colbeck, R.
Cormann, M.H.P.
Ferguson, A.B.
Fierravanti-Wells, C.
Fisher, M.J.
Humphries, G.
Kroger, H.
Mason, B.J.
Nash, F.
Ronaldson, M.
Troeth, J.M.
Williams, J.R. *

NOES
Bilyk, C.L.
Brown, B.J.
Cameron, D.N.
Conroy, S.M.
Farrell, D.E.
Forshaw, M.G.
Hanson-Young, S.C.
Hurley, A.
Ludlam, S.
Marshall, G.
McLusca, J.E.
Moore, C.
Polley, H.
Sherry, N.J.
Stephens, U.
Wong, P.

* denotes teller

Question agreed to.

DOCUMENTS
Consideration

The government documents tabled today were called on but no motion was moved.

ADJOURNMENT

The PRESIDENT—Order! As no-one sought the call during consideration of government documents, I now propose the question:

That the Senate do now adjourn.

Dr June Canavan

Senator MOORE (Queensland) (6.52 pm)—Last month on the Sunshine Coast over a thousand people gathered at the University of the Sunshine Coast Sports Stadium to mourn the passing of and to celebrate and talk about the life of an amazing woman, Dr June Canavan. Dr Canavan and her friend Keith Gracie, a local builder from the region who shared her strong community involvement, were killed in a plane crash on their way to fulfil a dream, a dream they shared with all the people who wanted to walk the Kokoda Trail. The sports centre was festooned with yellow flowers and many of the people who were there were dressed in Dr June’s favourite sunny colour. So many people were there to share their own experiences of Dr June: Olympic and national sports people, families and schoolchildren. They were all people who had had some contact with a woman who had truly changed their lives. As part of the process, her family, who had been overwhelmed by the support that they had received and by the outpouring of
love and of grief, had put up a website on which they encouraged people to put forward their own experiences of Dr June. The website is truly an amazing place, Mr Acting Deputy President Humphries. If you get the chance, and I encourage anyone to do this, go to this website and learn about Dr June Canavan and the difference that she made.

Several words kept coming up consistently on the website about this woman, who turned to medicine late in her life, was a native of Wangaratta, having been born there and having gone to school there after which she did not go immediately into studying medicine. She went out and did other things and then turned to medicine in her 20s. As one of the website contributors said, she might not have been the absolute brightest student but she had enough heart for the whole class and turned into a truly remarkable doctor. People talked about the way that so many turned to Dr June for medical help and then turned into friends. Consistently it was stated how Dr June ‘was first my doctor and then my friend’ and how Dr June made such ‘a difference in my life’. They talked about the process by which she actually changed lives. They spoke consistently of her smile: ‘By all the things in life that you did you made me smile’ and ‘You created miracles every day.’ The process confirmed the fact that Dr June truly believed in working with and caring for her patients. There were many comments about the way in which she listened to the needs of the patient. She listened to her patients and then, as we saw consistently, she left ‘no stone unturned in the way she sought to find ways to help people to make the choices that they had to make’. She ‘always made it easy to understand what was occurring with my injuries and she showed so much compassion’. She was a ‘truly caring doctor’:

She took the time to actually listen to what her patients were saying and to keep searching for an answer when other doctors would have given up long ago.

Many people, particularly her professional peers, talked about her stubborn tenacity and her relentless pursuit to make sure that people reached their goals. She was a ‘wonderful caring doctor and true friend’ who ‘gave real hope and help when we were out of options’.

Dr June was killed when she was in the middle of a process that she had put in place in June 2008, launching a project called ‘Klocking up the Ks’. Her aim was to climb five mountains whose names all began with the letter K during 2009 and to achieve sponsorship for each step that she took for the cause of the St Jude orphanage, which had been set up in Tanzania. Mr Acting Deputy President, you may well know the story of St Jude’s. It was set up by an Australian woman as an orphanage and, as the School of St Jude, is looking at education for people with genuine disadvantage in Tanzania. Gemma Sisia, the woman who set it up, has recently toured Australia seeking further sponsorship and she met with Dr June at that time, leading to the five-Ks plan. The process that Dr June had put in place had been almost completed. She had climbed Kiel Mountain, outside the Sunshine Coast, Mount Kosciuszko and Mount Kinabalu, and had been on her way to Kokoda. This process was going to end with climbing Mount Kilimanjaro and at that stage Dr June was hoping that she would have about $50,000 to put towards her chosen charity.

The community around the Sunshine Coast were caught up in her program to raise this money because she was such a strong community person who drew people into her circle and encouraged them to take up hope. One of the contributions left on her website was put there by the students of grade 6TS at St Thomas’s School Mareeba, in Far North Queensland. I quote it now because I think
the kids have actually poured out their own feelings about what happened to their new friend, Dr June:

Dr June visited our class last term and we feel very privileged to have met her. She was very inspirational as she explained her goals and told us about the school of St Jude. We thought she was very kind-hearted, adventurous and generous. Because of Dr June, our school is participating in ‘Klocking up the Ks’ by running laps of our school oval each week for 6 weeks, and collecting money as sponsorship and donations. We are trying to run as many kilometres as Dr June was planning to climb. We have painted a mountain and are keeping track of our progress. We are now even more committed to raising money for the School of St Jude so we can honour the memory of Dr June. We are even thinking of having an annual fundraising event so we can always remember Dr June. We feel very lucky that we had the chance to meet such a wonderful person who had such an enthusiasm for life and for helping others.

Another contribution to the website was from the Mountain Creek State School Student Council, students and staff. It talked about the way Dr June was concerned with sport and how she was known so far and wide for her interest in sports medicine. It said:

Sport was important to you. You inspired athletes who, like you, wouldn’t settle for the ordinary or the mundane, but aimed for the stars. You would diagnose, treat and ensure a successful recovery to allow athletes to return to high performance of body and mind. You always gave your time so willingly.

And that was a consistent message. Someone said that she was probably the busiest person she ever knew, but, in giving up time to be there to help someone throughout their illness or some bad times, Dr June was always there for them.

John Mendoza, ex-CEO of the Mental Health Council, was a good friend of Dr June Canavan and put a tribute on the website. They were friends, they had worked together in the sporting area, but what John talked about in his tribute was something that I feel very strongly about—that is, the issue of mental health. I quote from John’s tribute:

In 2005, at the time of the release of “Not for Service” Report June rang me and said she would do whatever she could to support the messages from the report about the woeful state of mental health services in Australia. She had numerous first hand experiences of helping patients and their families and managing serious episodes of mental illness with little or no access to acute care services. She was there 24/7 for those who needed her.

It went on to say that June put her enthusiasm into practice and that with her knowledge of sports medicine she was a true expert who understood the serious risks and consequences that come from participation in elite sport from a mental health perspective. He goes on to say that she was always looking at learning and self-development, and in 2007 at the age of 57 she enrolled at the University of Lausanne to do a doctorate on the issues around the impact of elite sport and mental health.

It is so important that we as a community know the difference that Dr June Canavan made to so many people. Her family at this wonderful service on the Sunshine Coast talked about her importance to them, the way she was always there for her family, and the inspiration she was for people to move onwards and do better and achieve their goals. There was a great deal of sadness among the community with the passing of Dr June Canavan; she made a genuine difference to so many lives. She set goals for herself and for other people and she helped people to achieve those goals. The world was a much better place for the work that June Canavan did in her life—naturally for the area of sports medicine, and most particularly for so many patients who relied on her—and I give
my messages of sympathy and also celebration to her family. I thank June Canavan for her life.

**Victorian Bushfires**

Senator TROETH (Victoria) (7.03 pm)—I rise to speak tonight on the woefully inadequate response to the Victorian Black Saturday bushfires in February this year by the Brumby government. That day was a national tragedy, one that was caused by a number of factors, many of which were beyond the control of humans. And let us never forget the Country Fire Authority and the Department of Sustainability and Environment firefighters who risked their own lives to protect others; we will be forever in their debt. However, what is clear now is that the hardship endured by the communities and the firefighters could have been lessened—and not just in hindsight.

Broadly speaking, Australia has always been a country prone to large, intense bushfires to the extent that it is part of the ecology. We have learnt through bitter tears over many years that we must be more vigilant and take more precautions to prevent tragedy. In Victoria we have suffered numerous fires from 1851 to the 1939 Black Friday fires to Ash Wednesday in 1983 to the present day. And we know there will be more fires. However, the more important and relevant issue is what warnings were ignored, what recommendations were disregarded and which people lacked the appropriate judgment because as sure and night follows day there will be more Black Saturdays. I want to highlight the failures of the Brumby government to take preventative steps, and I also want to look at the actions of some individuals who were in charge that day and pose a question about responsibility and judgment.

Firstly, lack of preparedness. In John Brumby and the Labor government’s time in office—now some 10 years—there have been no less than 25 warnings in 17 reports that were ignored or not implemented. These include the failure to update the standard emergency warning signal that interrupts radio and TV broadcasts. Despite being warned in 2003 that this warning needed upgrading, it never was, and was not used at all during Black Saturday. The government refused the request of electricity companies to put their cables underground. There were warnings in April this year that the 000 system could not cope with a major disaster. A Labor controlled parliamentary committee recommended massive increases in prescribed burning in August last year. This was only accepted in principle in December—far too late to do anything for the last current year of bushfires. The government had already failed to meet the already low prescribed burning target in nine out of the last 10 years—a 90 per cent failure rate. There were warnings to the government that the police radio network would be unsupported and could not operate because the metro network is digital while the rural network is analogue. There had been warnings to the government from the 2005-06 fire season that the Victorian bushfire information line needed to be able to increase its capacity in major disasters, a warning that was repeated in the review of the April 2008 windstorm report by the Emergency Services Commissioner. On Black Saturday 82 per cent of calls went unanswered.

There were warnings to the government in 2006 and 2007 that the CFA and DSE websites were not up to scratch and needed to be improved. Problems included discrepancies between the two websites, old information at the top of the page, the inability to determine where the warnings related to, and difficulty in determining which website users needed to look at, depending on whether the land was privately owned or publicly owned. As well, the Brumby government cut $20 mil-
lion from the CFA last year. The Integrated Fire Management Planning Framework, used to assess fire risk, was accepted in September 2006 but was not implemented. There is a catalogue of inaction and incompetence if ever there was one.

Secondly, I should state that I have the highest possible regard for the CFA and DSE firefighters who risked their lives, but the actions and competence of the senior managers must be questioned. More to the point, John Brumby’s decision to reappoint the CFA chief, Mr Russell Rees, before the inquiry had brought down its findings is absurd given Mr Brumby’s own statements about not pre-empting the final report. I do not make these remarks with the intention of singling out Mr Rees, who has assured us he tried his best, but it highlights a complete lack of judgment and the desperate politicalisation of the decision by the government to reappoint the man who carried foremost responsibility for the conduct of our response on the day.

The commission points to a lack of authority and lines of communication, but, reading between the lines, we also see very clearly that there was a lack of initiative and leadership on several fronts. Firstly, there is the issue of the now missing, presumed lost, predictive fire maps that showed where the fires were heading. Surely the predictive maps would have been a critical element when deciding to issue warnings to communities about the direction and extent of any fires—a point also observed by the royal commission.

Mr Rees and the CFA state duty officer both state that they never saw the maps. The DSE state duty officer states that he saw the maps, that the CFA state duty officer was at a meeting that specifically discussed the Kinglake predictive map and that these maps were widely disseminated. Is it not logical to assume the CFA senior officers talk to each other about predictive maps of bushfires heading to townships? Is it not logical to assume that these senior officers, if they had not seen one, would ask for one—especially when they were considering what actions and what resources might need to be deployed? If not, why not?

The DSE does not get off the hook here either, though, because the state duty officer said he did not check to see whether any of the warnings were going out and whether they were clear enough to highlight the immense risk facing people in these communities. Again, the lack of information is astounding. Why was information not demanded by these officers?

The DSE said they never checked the warnings because they assumed the CFA issued them. The CFA did not issue them because they did not see any maps, even though they attended meetings where the maps were discussed. Nobody takes charge; nobody takes responsibility. Mr Rees claims he did not have enough authority as defined by legislation.

Ominously, even after the interim report was issued, while John Brumby was saying that Mr Rees would be solely responsible in future bushfires, Mr Rees said—after this statement but on the same day—that the decision about who would be ultimately responsible was yet to be determined by Mr Simon Overland, the police commissioner. The interim report was critical of Mr Rees for not getting involved in the management of the bushfires on Black Saturday. Apparently Mr Rees and the DSE’s Ewan Waller did not even consider the implications of the forecast wind change until after it had occurred.

So we can go on. Mr Rees claimed early on that the system had worked ‘very, very well,’ but the fact that the maps are now...
missing—critical evidence that, in any other circumstance, would be recorded and obtained—is, frankly, beyond belief. The commission’s recommendations are all very sound ones, and I do not seek to question them, but many of them are not new. They are pretty well established facts and many of them are conventional wisdom. So what?

The issue is whether this Labor government in Victoria will actually deliver on any of them. I could go on and on. Of the 2,000 homes destroyed, only five homes have been rebuilt. John Brumby decided to reappoint Mr Rees before the royal commission delivered its report and, naturally, Mr Rees has a great deal of criticism to answer. It shows what shockingly bad judgment this Labor government has: 173 people died and there was enormous damage—both physical and emotional—yet nobody has lost their job and there is no real criticism of the government’s policies and actions. That is not believable.

Mr Brumby has said that all Victorians must take responsibility for Black Saturday. That is a breathtaking misreading of the facts. The facts are that government left the state unprepared for a fire event such as this, an event that occurs regularly in Victoria but which has never before resulted in such a catastrophic loss of life. Despite advances in technology and understanding of fire behaviour, at many levels the people involved in the administration were not good enough, starting with the Premier—(Time expired)

Asylum Seekers

Senator PRATT (Western Australia) (7.13 pm)—This evening I rise to welcome the Rudd government’s approach to immigration detention. What we have seen introduced is an approach which better reflects the compassion and tolerance of the Australian community, an approach which recognises that strong border security and the humane treatment of asylum seekers are compatible, an approach which makes detention a last resort and an approach which recognises that the arbitrary detention of asylum seekers benefits no-one. This new approach recognises that detention is only justified when the detainee poses a risk to the community. Where there is no such risk, there is no justification for detention.

The Rudd government’s announcement of its New Directions in Detention policy also marked the end of the Howard era approach to immigration detention, an approach that did enormous damage to Australia’s international reputation. It was also an approach which imposed a human cost on the individuals directly affected by detention, most of whom ended up remaining in Australia.

Credible research has demonstrated that long-term detention has negative impacts on the physical and mental health of detainees. Detention is also expensive. Where detention is necessary to counter a risk to the community, the expense is warranted. Rudd government policy requires the detention of unauthorised arrivals for the purposes of health, security and identity checks. However, if detainees pose no risk to the community, detaining them is simply a waste of resources that are better spent on working out whether unauthorised arrivals have a legitimate case, sending people back to their country of origin if they do not have a legitimate case or assisting them to establish new lives here if they do.

The Minister for Immigration and Citizenship has pointed out that the best deterrent is to ensure that those who have no right to remain in Australia are removed expeditiously. I might add, the best way to ensure that genuine asylum seekers are able to build productive lives in Australia is to resolve their cases quickly. The Howard government’s approach did nothing other than damage our international reputation, inflict harm
on those seeking our protection and waste taxpayers’ money. It did not deter unauthorised arrivals.

As the first report on detention by the Joint Standing Committee on Migration acknowledges, the number of authorised arrivals fluctuates as a result of external factors, such as natural disasters, conflict and the activities of people smugglers. In this context, the idea that long-term detention deters unauthorised arrivals defies common sense. As my colleague the Minister for Immigration and Citizenship has said:

Labor rejects the notion that dehumanising and punishing unauthorised arrivals with long-term detention is an effective or civilised response. Desperate people are not deterred by the threat of harsh detention—they are often fleeing much worse circumstances.

In sum, Labor rejects the Howard government’s approach to immigration detention as both punitive and ineffective. For example, requiring detainees to repay the cost of their detention did nothing to offset the cost of detention to taxpayers, nor was it a deterrent. This should come as no surprise. If people are desperate enough to risk detention, they are hardly likely to be dissuaded by the thought of repaying a detention debt.

As for the idea that the imposition of detention debt would offset costs, this objective has manifestly failed. Detention debt did, however, put a big millstone around the necks of former detainees. Immigrants and the broader community both benefit if arrivals are able to become productive members of our society as seamlessly and swiftly as possible. This objective was undermined when former detainees were hamstrung with the stress of debts that sometimes totalled hundreds of thousands of dollars. This situation advantaged no-one—not the taxpaying public nor the new arrivals seeking to settle here. I am very pleased that this legacy is behind us.

Labor knows that there is no substitute for doing the real work over the long term to protect our borders, and we are doing that work. We are detaining unauthorised boat arrivals offshore and processing them expeditiously so that they can be sent back quickly if they do not have a legitimate claim for protection. That is real deterrence. We have increased border security resources to extend our sea and aerial surveillance capacity. That is real border protection.

The opposition are currently attempting to cloud the real issues on border protection in a clumsy attempt to repeat past victories. They believe that they scored political points by being seen to be tough on border protection in the past, and they want to return to those glory days. They are stuck in the past and they do not realise that the game is up. They do not realise that everyone else has cottoned on to the fact that talking tough and being tough are not the same thing. Hysterical talk and idle threats are just so much hot air. They get us nowhere fast on the question of border protection.

Talk is cheap, but immigration detention is not. It is expensive. Using it unnecessarily wastes taxpayers’ resources. Chasing debts that generally do not get paid is also a waste of resources that could be better spent on border protection strategies that actually work. Changing tack every time the number of boats goes up or down, without any rigorous analysis of what is driving these changes, gets us nowhere either. It leads to nothing but policy making on the run, policy making without an evidence base, inconsistent policy, bad policy, ineffective policy—coalition policy. Such cheap political point-scoring on an issue of such importance to both Australia’s security and our respect for human dignity is a disgrace. The opposition should embrace the Rudd government’s approach to immigration detention and leave
their own failed policies where they belong:
in the past.

**Abbotsford Public School**

*Senator BARNETT (Tasmania) (7.21 pm)*—Tonight I stand to speak about the Ab-
bottsford Public School in Sydney, which I
visited last Friday, and the revelations I have
received since the visit to the school in the
form of a letter that was written on behalf of
the school council—by Lyn Reynolds, the
president of the school council—to the Hon.
Verity Firth MP, the Minister for Education
and Training in New South Wales; to the
Hon. Nathan Rees, the Premier of New
South Wales; and to the Hon. Julia Gillard
MP, the Deputy Prime Minister and of course
Minister for Education. It is dated 14 Sep-
tember. Together with that letter I have re-
ceived a chronology of events relating to the
Abbotsford Public School and the granting
by the Rudd Labor government of a $2.5
million project to knock down and rebuild
four classrooms—yes, that is right: knock
down and rebuild four classrooms.

I discovered last Friday that the govern-
ment has expended $85,000 on plans, archi-
teers and consultants to advance this project.
Yet, amazingly, this project is not supported
by the local school. In fact, they oppose it. I
have discovered in this letter, which is now
presumably in the hands of the Hon. Julia
Gillard—because I have the letter and it has
been sent to her as well—firstly, that the
school council and the parents and citizens
association oppose the project that the gov-
ernment wants to undertake at the school.
Secondly, they say that the amount the gov-
ernment estimates will be spent at the school,
some $2.5 million, is four times the free-
market rate that they can obtain for undertak-
ing such a project in that community. That is
right, Senator McGauran: four times.
Thirdly, they say that the government is in
breach of its own guidelines for a whole
range of reasons which I will come to and
which are set out in this letter. This confirms,
in my view and, I know, in the view of many
people in this Senate chamber, that what the
government is doing at Abbotsford Public
School is a prime example of the waste and
mismanagement by this government with
respect to the implementation of its so-called
Building the Education Revolution and Pri-
mary Schools for the 21st Century programs.

I visited the school and I want to thank the
parents and citizens association, including
the president, Robert Vellar, the vice-
president, Marcela Cox, and the secretary,
Glen Schofield, as well as the school council
president, Lyn Reynolds, and the school
principal, Peter Widders, together with the
other teachers and the students that I met as I
inspected the school firsthand last Friday. I
thank them for that congenial visit and the
hospitality they showed during my visit to
the school and for showing me around to
inspect the site. It was very informative be-
cause, in visiting the four classrooms that the
government plans to demolish and then re-
buid, I met with teachers who work in those
classrooms and, indeed, some of the stu-
dents. The teacher said that they were abso-
lutely delighted to work there. They have air
conditioning; the facilities are fine. All that is
needed is a bit of a paint job to smarten it up.
What a surprise! They then showed me some
things that the school would appreciate, in-
cluding a covered outdoor learning area and
an upgrade of the school oval, which con-
tains some asbestos. These are the requests
that have been made by the school and I sup-
port them. Good on them for putting forward
what they do want and opposing what they
do not want. They are concerned not just for
themselves but about taxpayers getting value
for money. Good on you for standing up and
expressing common sense on behalf of your
school community and the families that you
represent. Clearly, the government’s proposal
is half-witted and is reckless spending at its worst.

Regarding this letter to the Deputy Prime Minister and the others that I have mentioned, I quote page 1:

- The whole of the School Community never asked for, or agree to, the demolition of Block H and the rebuilding of 4 classrooms in its place.

How absurd that the government wishes to proceed without consultation with or the agreement of the school community. Furthermore, it says on page 2:

2. The School community, which consists of a range of tertiary educated professionals including engineers, builders, architects, lawyers, public servants, IT consultants, teachers, medical practitioners, various trades people and men and women of integrity and common sense, are astounded that such a project as that proposed by the DET—

the Department of Education and Training—even including its classroom specifications, the installation and removal of 4 demountables and necessary groundwork, would cost $2.5million dollars. We believe that this is not value for money; we have unsuccessfully sought cost breakdowns; are bewildered why DET employs such practices and products that are quadruple the cost of what could be obtained in the free market and are deeply concerned that taxpayer’s money is not used in this manner.

Thank you for that and let us hope that the government responds as it should. Regarding the breach of the guidelines, on page 3 of this letter they say:

We believe that there has been a lapse in procedure where the P&C President did not sign the document dated 25th May or any other document agreeing to the DET’s proposal, nor was the school community agreeable to this proposal. This is evident from a letter to Ms Firth dated 2nd June and scanned by her office on 12th June 2009 signed by myself—that is, the school council president—

the P&C President and the two Vice Presidents. We believe that this failure to obtain community consultation and approval for the DET proposed project constitutes a breach of BER procedural guidelines. They are the Building the Education Revolution guidelines. There you have it: three key ingredients to a disgraceful display of reckless spending by the Rudd Labor government.

The chronology of events is very comprehensive. It sets out the first meetings that have been held, including back to 22 December 2008. It is illuminating. On Thursday, 16 April the president of the P&C, Robert Vellar, met with John Murphy, a federal MP, in his office listing modest projects around what the school would want. On Wednesday, 29 April there was a P&C meeting with Angela D’Amore, who, of course, is the state member for Drummoyne in Sydney. On Thursday, 30 April a letter was sent to John Murphy regarding the establishment of a preschool at the Abbotsford Public School, and there was a CC to Maxine McKew.

The tapestry becomes more intense and bizarre as it goes on, involving a whole range of federal Labor MPs. But what have they done about it? This is a bizarre situation. On Thursday, 21 May 2009, Peter Widders, the school principal, had a telephone conversation with the principal liaison officer, June Barr. That discussion about their disappointment with the way that this is heading goes on. Also on 21 May 2009, a letter was received from Maxine McKew MP in response to the copy of a letter to Julia Gillard, dated 30 April 2009, advising that no funds were available for a childcare facility; they have got the funds for a project that they do not want, yet they look at a childcare facility as an option and find that there are no funds for it.

On Wednesday, 27 May 2009 and Thursday, 28 May 2009, there is further evidence.
Then, on 2 June, the school council president, the P&C president and others wrote as co-signatories to Verity Firth, the New South Wales education minister, advising of their desire to increase the classroom capacity of the school to meet community needs. They want two extra classrooms, and it goes on and on. They talk about further liaisons with Julia Gillard, the New South Wales state member and others, including the P&C public meeting just last week.

This is bizarre. It is absurd. The government should review entirely its Building the Education Revolution program. This is reckless spending at its worst, and this is just one example. There is now a Senate inquiry into this matter, and I call upon all members of the public, school communities, builders and others around the country to submit your examples of waste, mismanagement and reckless spending so that we can get to the bottom of this. That Senate inquiry is very important and that scrutiny is entirely proper. In that regard, I urge members of the public to be involved— (Time expired)

Iraq

Senator FEENEY (Victoria) (7.31 pm)—I want to talk tonight about the current situation in Iraq, which seems to have dropped off our—

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Is this a point of order, Senator Barnett?

Senator Barnett—Yes, Mr Acting Deputy President. At the end of my speech, I was seeking leave to table the letter that I referred to throughout my speech, together with the chronology.

The ACTING DEPUTY PRESIDENT— I do not think that is a point of order, Senator Barnett, and you interrupted another senator while he was speaking. If, at the end of Senator Feeney’s contribution, you wish to seek leave to do that, I will consider the matter then.

Senator Barnett—Thank you.

Senator FEENEY—The current situation in Iraq seems to have dropped off our radar lately as we have become more focused on the situation in Afghanistan. It is true that Afghanistan is now the main focus of our military and political activities, and rightly so. But Australia, as one of the powers belonging to the coalition of the willing that took part in the invasion of Iraq in 2003, retains a responsibility for what happens in that country. We cannot walk away from our responsibility for what is happening there.

In 2003, the then Labor opposition opposed the decision of the Howard government to take part in the invasion of Iraq, partly because we did not think it was right for the US and its allies to act unilaterally and without a specific mandate from the UN Security Council. The Prime Minister, Kevin Rudd, who was then shadow minister for foreign affairs, made the point repeatedly that, if Australia took part in the invasion, we as an occupying power would become in part responsible for the future of Iraq. Now that Labor are in government, we are withdrawing our troops from Iraq, as we said we would. But we are not abandoning Iraq to its fate. Having been part of the invasion and occupation, we cannot now wash our hands of the consequences of our past actions. We have an ongoing, shared responsibility to assist the Iraqi government and the Iraqi people to rebuild their country. We have an extensive aid and assistance program in Iraq, and I fully support that continuing engagement.

One aspect of the situation in Iraq which has had little publicity in Australia is the position of the Iranian exile or refugee community in Iraq. During Saddam Hussein’s period, thousands of Iranian dissidents of vari-
ous kinds were allowed to settle in Iraq. These included members of the People’s Mujaheddin Organisation, also known as the People’s Mujaheddin of Iran or the Mujaheddin-e-Khalq. The People’s Mujaheddin of Iran are a very significant component of the Paris based National Council of Resistance of Iran. Saddam Hussein armed and trained about 25,000 People’s Mujaheddin of Iran members to launch attacks into Iran, although I am advised that their military efforts had very little effect. They also carried out terrorist bombings and assassinations in Iran during that period. Since the fall of Saddam’s regime, the People’s Mujaheddin of Iran no longer receive arms or training and no longer conduct armed operations. The National Council of Resistance of Iran says that it renounced violence in 2001. Although the United States and some other countries still designate the People’s Mujaheddin of Iran as a terrorist organisation, this year the European Union removed it from the EU terrorist list.

The majority of the population of Iraq are Shiah Muslims, like the Iranians, and the elected government which now rules Iraq is, naturally enough, dominated by Shiah. Many of them have close ties and connections to Iran. Indeed, Prime Minister Nouri al-Maliki lived in Tehran for eight years and is regarded as close to certain powerful figures in the Iranian regime. This is quite predictable, since the links between the Iraqi Shiah politicians and the Iranian regime were well known prior to the 2003 invasion of Iraq. One of the consequences of our invasion of Iraq, which was predicted at the time, has been the conversion of Iran to a close ally and friend of Iran. At a time when Iran is under the control of the extremist President Ahmadinejad, is developing nuclear weapons and is threatening to use them against Israel, converting Iraq from an anti-Iranian position to a pro-Iranian position may not seem like the best of ideas. That was not, of course, the objective of the 2003 invasion, but it was, perhaps, a predictable consequence of it.

All of this has had dire consequences for the Iranian exile community in Iraq, which is believed to number around 30,000 persons. The Iraqi government has been keen to stop Iraq being used as a base for the launch of armed attacks or terrorist incidents against Iran, and no one could object to that. But Iraq has also been clamping down on non-violent political activity by Iranian exiles, and that might have happened at the request of the Iranian regime in Tehran. Now the US is withdrawing its forces from Iraq and handing over responsibility for security to Iraqi troops and police. This has meant that Iranian refugee camps near the Iranian border, which have up until now been under the protection of US forces, are losing that protection. The best known of these camps is Camp Ashraf, near the Iraqi town of Khalis, about 60 kilometres north of Baghdad. Ashraf was set up by Saddam’s regime as a base for the People’s Mujaheddin of Iran, but, after the invasion in 2003, the camp was taken over by US forces and the Iranian exile community there was disarmed.

The 3,500 residents of Ashraf are classed by the International Committee of the Red Cross as protected persons under the Geneva convention. On 1 January this year control of Camp Ashraf was formally transferred from the US forces to the Iraqi government. In July, the Iraqis announced that they wanted to establish a police station in the camp. The Iranian residents objected to this, saying that this was a violation of their status as internationally protected persons and was a means of spying on them in the interests of the Iranian regime.

Let me quote Kim Gamel of Associated Press on what happened at Camp Ashraf on 28 July:
The women formed a human chain while the men chanted, confronting Iraqi troops moving into their compound. Gunfire rang out, and the soldiers waded in with batons, wooden bats and automatic weapons. By the end, officials said, eleven Iranian exiles were dead—shot, beaten or run over by military vehicles. Throughout the confrontation, American soldiers who once protected the Iranian opposition group stood by. According to US officials, they had no legal authority to intervene.

There is video footage available on the internet which appears to show Iraqi army humvees deliberately running down protesters. As well as the 11 killed, many were wounded, and many more were taken into Iraqi custody and have not been heard from since.

The National Council of Resistance of Iran says Iraqi forces opened fire with machine guns on unarmed residents of the camp, fired pepper gas and beat the refugees while demolishing the walls and fences around the camp. Now, I am aware that accounts of these kinds by exile organisations cannot always be taken at face value. But in this case there is independent verification from reputable news organisations. The Iraqi government itself acknowledges that there was violent conflict at Ashraf on 28 July.

Raymond Tanter, president of the Washington based Iran Policy Committee and a member of the National Security Council during the Reagan administration, says that the timing of the raid on Camp Ashraf was political. Baghdad, he says, 'wanted to establish its independence from the United States and was motivated to show that independence by cracking down on Ashraf.' The raid coincided with a visit to Iraq by US Defense Secretary Robert Gates. Tanter also said:

If you want to know how independent the government of Iraq is from the Islamic Republic of Iran, watch what happens to the people of Ashraf.

This situation presents a dilemma for the US and its allies during the 2003 invasion, including Australia. We made a deliberate decision to invade Iraq, overthrow its government and take charge of the country, without a UN Security Council mandate to do so. That makes us responsible, at least in part, for what happens there as a consequence of our previous commitment.

Iraq now has a government which is closely connected to Tehran, and the Iranian exile community in Iraq is paying the price for that connection. We share responsibility for this situation with the US and other members of the so-called coalition of the willing. The US and Australia should therefore be pressing the Iraqi government—a government to which we have given $126 million so far in aid of various kinds—to cease violence against the Iranian refugees at Camp Ashraf, to investigate those Iraqi officials who were responsible for the deaths and injuries on 28 July, and to account for those who were detained. We should also be pressing for guarantees that the protected status of the people at Ashraf and other refugee centres like it in Iraq will be respected.

**Abbotsford Public School**

Senator BARNETT (Tasmania) (7.40 pm)—With the indulgence of the Senate I seek leave to table a letter that I referred to in my speech. The letter is from the Abbotsford Public School and is dated 14 September 2009, with an attached chronology.

Leave granted.

**Japanese Comfort Women**

Senator McGAURAN (Victoria) (7.41 pm)—I rise to speak on the issue of the official Japanese government and military policy in World War II of sexual slavery of women known as comfort women. Up to 200,000 women and girls from the Netherlands, Japan, Korea, Philippines, China, Taiwan, Malaysia, Indonesia and Timor were forced into
sexual slavery by the Japanese Imperial Army before and during World War II. As I said, euphemistically referred to as comfort women, they endured gang rape, forced abortions, humiliation and sexual violence resulting in mutilation, death or eventual suicide.

I recently received a letter from Amnesty International appealing to Australian parliamentarians to pressure the Japanese government for an apology for this wartime atrocity and grave human rights abuse. The seeking of an official Japanese government apology has been a long-running issue. It is unfinished business of the Second World War. Even though it is some 65 years on, so many of the victims are still alive today.

It is a stain on modern Japan to defend or ignore its shameful history in this respect. For as long as it does not apologise and fully recognise its cruel actions the injustice remains. An apology would bring to those women who were enslaved and their families some sort of relief and resolution. Cannot the Japanese government understand this and step back from whatever perceived loss of face or embarrassment an admission would bring and concede this historical fact and reach out to these women in a spirit of generosity?

Some years ago I was made aware of this issue through an autobiography called Fifty Years of Silence written by Jan Ruff-O’Hearne, a comfort woman. Jan, now an Australian, was formerly a Dutch citizen in the then colony of Indonesia when the war broke out. Anyone who reads her story will be moved. It is intensely sad yet incredibly inspiring. She is a great person and a great Australian. She has given the most valuable gift of all to people who face adversity; she has given the power of example—the example of how to be strong and how to survive.

For Jan it could hardly have been a worse human trial. From the moment I read her story I greatly admired her. And I have even drawn on her example and reflections. In brief, her story is summarised in the notes on her book:

Jan Ruff-O’Hearne’s idyllic childhood in Dutch colonial Indonesia ended when the Japanese invaded Java in 1942. She was interned in Ambarawa Prison Camp along with her mother and two younger sisters. In February 1944, when Jan was just twenty-one years old, she was taken from the camp and forced into sexual slavery in a military brothel. Jan was repeatedly beaten and raped for a period of three months, after which she was returned to prison camp with threats that her family would be killed if she revealed the truth about the atrocities inflicted upon her. For fifty years, Jan told no-one what had happened to her, but in 1992, after seeing Korean war rape victims making appeals for justice, she decided to speak out and support them. Before she could testify publicly, though, she had to find a way to tell her family and friends about all she had suffered.

Jan’s story was also told on the ABC TV show Australian Story, and I will quote from extracts from that program. For example, a clear impact of keeping the incident secret for 50 years was shown by a comment from Jan’s daughter, Eileen:

It was a perfectly kept secret. There was some things that didn’t make any sense - like, my mother always used to say, when it was her birthday or Mother’s Day, and we’d say, “What do you want for a present?” And she’d say, “Just don’t give me flowers.” They’re such a waste of money. Don’t give me flowers.” And we couldn’t understand that.

During the story Jan revealed the answer to that puzzle when she said:

We were given flower names and they were pinned on our doors, you know. I can’t remember my Japanese flower name. I just didn’t even want to know about it.

Jan also recorded in that program how she first decided to break her silence:

CHAMBER
In 1992, 50 years on, I remember hearing on the news that the war in Bosnia had broken out, and women were being raped. Then I saw on television the Korean comfort women. The South Korean comfort women were the first ones to speak out. And I watched them here in my living room. And they wanted justice and compensation and an apology, more than anything else. They wanted an apology from the Japanese government. And they weren’t getting anywhere. They were getting nowhere. And I thought, “I must back up these women. Now it’s time to speak out.”

There was going to be an international hearing on Japanese war crimes to be held in December 1992 in Tokyo. I was asked would I be a witness. But before I could do that, of course, I had to tell my family. I had to tell Eileen and Carol. You know, how can you tell your daughters? The shame was still so great, you know. I knew I had to tell them, but I couldn’t tell them face to face.

In 2007, Jan Ruff-O’Herne, now 84, appeared before the US congress in Washington, which was inquiring into the same matter. Her quest for an apology is as tireless as it is admirable.

Many parliaments around the world have called upon the government of Japan to apologise to the comfort women before it is too late. These include the United States, the UK, Taiwan and Korea. Australia is one of the few countries that have not expressed their concern. I urge Senate members to individually press for an apology from the Japanese government by writing to the embassy here in Canberra. Moreover, I urge the parliament to seek an apology from the Japanese government.

Papua New Guinea

Senator McEWEN (South Australia) (7.48 pm)—Tomorrow, 16 September, our closest neighbours across the Torres Strait will celebrate their independence. It will be 34 years since Papua New Guinea gained full independence from the Commonwealth of Australia. On a momentous occasion for the small nation, the 1975 lowering of the Australian flag for the last official time and the raising of Papua New Guinea’s own flag came peacefully. At Independence Hill in Port Moresby and numerous other places across that nation, people gathered to watch flag ceremonies that marked the birth of their new nation, with much excitement and enthusiasm for the future.

As a member of the Australian Papua New Guinea parliamentary friendship group, I would like to extend my warmest congratulations to the people of Papua New Guinea. Since independence, the people of PNG have demonstrated an extraordinary resilience. Since they became an independent nation, they have of course encountered many challenges, but they have also demonstrated an extraordinary ability to work together and to grow and progress as a nation. That is no mean feat in a nation made up of some 800 tribal groupings, or wantoks, where 85 per cent of the population live in rural areas with little communication and infrastructure.

As well as that, the people of PNG have demonstrated a generosity and kind-heartedness that, like many attributes of Papua New Guinea, usually goes unremarked. While Papua New Guinea is one of the poorest countries in Asia and indeed the world, the people of Papua New Guinea have been extraordinarily generous to Australia—you only have to ask Australians who have visited there, particularly those who have done the Kokoda Track, to know that.

While 37 per cent of the country’s population live below the national poverty line, thousands of Papua New Guineans made generous individual donations to our recovery efforts in the aftermath of the Black Saturday bushfires and the North Queensland floods earlier this year. Indeed, one remote village alone donated $5,500 to the bushfire appeal, and the Papua New Guinean Prime Minister, Sir Michael Somare, and his gov-
government donated $2 million to assist us with our relief efforts.

Papua New Guinea is more than just a neighbour to Australia; it is a close friend, and that is a friendship which the Australian government values and highly regards. We share a rich history with PNG and have maintained close ties post independence. At the time of independence, the Australian government under Prime Minister Gough Whitlam committed to the people and the government of Papua New Guinea that Australia would continue to help that nation build a secure and prosperous future.

The Whitlam government also committed to building a lasting relationship with our closest neighbour. That commitment has been met variably by the different governments over the last 34 years. The support was noticeably fractured under the former government, but I am pleased to say that the Rudd government has been working hard to rebuild and foster those strong ties once again. Early last year, Prime Minister Rudd announced that there would be a new era of cooperation between Australia and the Pacific island nations. The current government recognises the importance of a strong partnership with Papua New Guinea and values a sound bilateral relationship.

As I said, since independence Papua New Guinea has faced some great challenges in its quest for ongoing development and prosperity. One of the biggest of those challenges has been the battle against HIV-AIDS. Unfortunately, the disease has reached epidemic proportions and the largest developing country in the South Pacific region, Papua New Guinea, has the highest incidence of HIV in the region. It is currently estimated that two per cent of the population are HIV positive. Those figures are expected to rise dramatically within the next few years, with estimates forecasting a rise to five per cent of the population infected by the disease by 2012 unless measures are taken to address that. Unless interventions to address the spread of HIV-AIDS are scaled up, the future of the country will suffer from reduced life expectancy levels, a depleted workforce, and an increase in health expenditure and reduced economic growth. As Australians, we must assist Papua New Guinea to address that challenge. I am pleased to say Australia is delivering aid to Papua New Guinea to assist in curbing the further spread of that terrible disease. In fact, Papua New Guinea is Australia’s second-largest aid recipient, after Indonesia. In 2007 Australia commenced the Sanap Wantaim, or the Stand Together, support program and committed $100 million over five years to support the government there to lead a strong and coordinated response to the HIV-AIDS epidemic.

While I am on the topic of Australian aid to Papua New Guinea, I would just like to add how pleasing it is to see young Australians becoming involved in Australia’s aid efforts. This week I, and many other senators, met with delegates of the Micah Challenge and found them to be enthusiastic, passionate and selfless about heightening the awareness of poverty and reminding us all about the global commitment we made to the Millennium Development Goals. It is great to see young Australians lobbying and reminding politicians that we should meet our objectives in aid to poverty stricken countries in our neighbourhood.

The nation of Papua New Guinea also faces political challenges. Since independence the nation’s political history has suffered numerous no-confidence motions against ruling governments, which has created instability in political proceedings. Currently, however, Sir Michael Somare—the longest serving parliamentarian in the Commonwealth and who led the country to independence back in 1975—is again Prime Min-
ister and has been since 2002. In 2007 his government was the first government to complete a five-year term since independence and he hopes to complete a 10-year term.

Positively, the most recent elections in 2007 were far less violent than those seen previously. That is a sign of growing political stability and social development for the nation. While increased political stability is evident, it is important in Papua New Guinea, as in all democratic countries, that parliamentary representation reflects the community represented. There is currently only one female parliamentarian in Papua New Guinea, the Minister for Community Development and Religion and Sports and the women’s minister, Dame Carol Kidu. She is a friend of many of us in this chamber. Dame Carol is the only female parliamentarian ever to have been elected in Papua New Guinea. She entered the Papua New Guinean parliament in 1997 determined to make a difference. Since then she has worked tirelessly on issues such as sexual assault legislation, child sex abuse and the sexual exploitation of children, poverty reduction, securing a safe social environment, gender empowerment and the reduction of HIV-AIDS. In July last year she was made a Knight of the French Legion of Honour, in a decision by French President Nicholas Sarkozy, for her dedication to the people and the nation of Papua New Guinea.

Earlier this year a motion was put forward by Prime Minister Somare for greater female representation in the Papua New Guinean parliament. This was not the first time the motion had been put forward, with Dame Carol spearheading efforts for a number of years to bring more women into PNG’s parliament. Unfortunately, though, for the third time the motion failed to gain the necessary support in the March 2009 session of the PNG parliament; and again in July this year the motion was stalled when parliament was adjourned. Dame Carol and the PNG government have said they will continue to push the motion through the parliament, despite these setbacks, in order to gain a necessary voice for PNG women.

Of course, Australia still has a lot of work to do to ensure that our own legislatures are truly representative of women. Those of us who have been involved in working for women’s representation in Australia’s parliaments know just how much of a battle it can be. I am sure we all lend our support to Dame Carol and other members of parliament in Papua New Guinea for attempting to increase female participation in that parliament.

There is some good news from Papua New Guinea. Last year’s statistics showed that the country enjoyed a strong economic performance, with the economy growing at an average rate of 4.1 per cent from 2004 to 2007. Debt levels have fallen from 72 per cent of GDP in 2002 to around 34 per cent in 2007. For the first time in many years the budget was in surplus in 2007. That strong economic performance is indicative of the future that is available to that nation if those of us in Australia and elsewhere get behind them and assist Papua New Guinea to make the most of their opportunities. I am very pleased to again acknowledge the anniversary of independence that Papua New Guinea will celebrate tomorrow, 16 September.

**National Broadband Network**

**Senator BILYK** (Tasmania) (7.58 pm)—I rise this evening to speak on the National Broadband Network, or the NBN, and particularly what it means for my home state of Tasmania. I am pleased that the Rudd government will deliver superfast broadband across Australia to enable us all to keep pace with the 21st century. The government has
established the National Broadband Network Co., NBN Co., with an initial investment of $4.7 billion to build and operate the network. Over an eight-year period, $43 billion will be invested. The initial rollout will take place in Tasmania, my home state, with the Rudd and Bartlett governments working together to make this vision a reality. The government’s investment in NBN Co Ltd will be financed through the Building Australia Fund and the issuing of Australian infrastructure bonds. This allows households and institutions the opportunity to invest in the company.

On 25 July this year the government announced that Mr Michael Quigley had been appointed as chairperson and CEO of NBN Co. Mr Quigley has worked in the telecommunications industry for approximately four decades. His experience will stand NBN Co in good stead well into the future.

On the same day the Prime Minister, Mr Rudd, and the federal Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, joined with the Tasmanian Premier, David Bartlett, to announce that the Smithton, Scottsdale and Midway Point areas will be the first to have access to the NBN. In these three areas alone 5,000 premises will be connected to broadband. These areas will be the demonstration ‘smart towns’. They will be the places where, on a sizeable scale, we can demonstrate just what can be achieved through fibre-to-the-premises technology.

It is exciting for all Tasmanians to know that Tasmania is to be the first to access the network, and especially that the access is not just confined to Hobart and Launceston. Far too often Tasmania is left off the map, but the Rudd government has not left Tasmania off the map. It has shown extraordinary leadership in investing in Tasmania with the National Broadband Network.

On 25 July we also saw the opening of the Aurora Energy and National Broadband Network Data Centre. It was a recommendation by the panel of experts for the NBN request for proposals process that Tasmania be the first state to receive NBN. Luckily for Tasmania, and Tasmanians, the Rudd government supported this recommendation. Tasmania was the first state to see the rollout of infrastructure for this network, thanks to the Rudd and Bartlett governments working together in the interests of improving opportunities for Tasmanians.

The NBN is the 21st century version of the Snowy Mountain scheme, and we all know the benefits that arose from that development—benefits such as ongoing employment, regional development and ongoing business investment. The Premier of Tasmania, David Bartlett, recently said:

Super-high speed broadband—through the National Broadband Network coming into this state—will have as big an impact on our lives as the dams, poles and wires of the Hydro last century.

He is absolutely right about that. When talking about broadband, the President of Tasmanian ICT, Darren Alexander, stated that it was:

… an opportunity to be one of the best, and to be first, to be able to be driving this. The one thing its doing is shining a light on Tasmania, and I think that’s what people have got to remember. We are first. A lot of people around the world are looking at us right now.

It is wonderful for Tasmania to get such positive worldwide exposure.

The NBN will be the largest infrastructure investment made by any Australian government. That is an excellent record for Labor to hold. The NBN will help build a nation with a strong economy by increasing productivity. Broadband will enable us to use the internet more efficiently and it will give us the opportunity to explore new territory.
Currently, the Australian economy is in good shape, and this is due in no small way to the Rudd government’s stimulus package and sound economic management. But, in order for Australia to achieve its full potential, we need to be both healthy and well educated. The Rudd government wants to give all Australians every opportunity to achieve both good health and a solid education. Already in Tasmania we have the online technology known as EchoCardiographic Healthcare Online Networking Expertise in Tasmania, more commonly known as ECHONET. ECHONET is used between the cardiac units of the Royal Hobart Hospital and the North West Regional Hospital, enabling doctors and patients in Burnie access to the specialists at the Royal Hobart Hospital. ECHONET received a special mention in the Australian Telecommunications Users Group National Broadband Awards in health. This award was for giving the NWRH intensive care unit the opportunity to improve diagnosis and care through the use of ECHONET. Broadband will also allow for patients to be monitored in their own homes.

Another way broadband is of immense help is for students who do home schooling through distance education and for cross-campus lectures at university. It is needed for court proceedings that have to be done from a distance. The NBN is not just a piece of wire in the ground; it is 21st-century infrastructure. It aligns more with highways and electricity wires than it does with the internet. It must be remembered that a highway is only useful because of what happens on it—how the trucks, cars, buses and other form of transport use it, and what goods are transported. A highway is the infrastructure to transport from one place to another. Electricity on its own is fundamentally useless until people use it for a purpose—to make machinery work, to heat homes and to drive new jobs. The National Broadband Network is the same. It will be the process that supports new industry, new jobs and new services for future generations. It is envisaged that revolutionary activities, those yet to be developed, will truly define it.

Broadband will see the capital cities connected to the small towns. Ninety per cent of homes, schools and workplaces will be connected to infrastructure that will be able to provide broadband at the speed of 100 megabits per second. This is 100 times faster than what is currently used by most people. Any improvement is great, but 100 times the speed is brilliant. The remaining premises will be connected to next generation wireless and satellite technologies that will be capable of delivering speeds of at least 12 megabits per second.

Unfortunately, at the moment Australia is lagging behind the other countries in the OECD. Australia is 16th in the 30 countries of the OECD when it comes to take-up of broadband. Australians also pay more for broadband than most other countries in the OECD. We are fourth on the table for the most expensive low-speed connections and fifth in terms of medium-speed connections when it comes to the average monthly subscription costs. Australia needs to catch up and catch up fast. The Rudd government is committed to doing this. We are committed to ensuring that Australians see an improvement in broadband services regardless of where they live or work—that is, not only the financially well off.

Let me point out that the Rudd government is doing what the Howard government had almost 12 years to do but failed to. During their time in government the coalition had 18 failed broadband plans. Labor have been in government for less than two years and we have already succeeded where the Howard government could not. In the lead-up to the 2007 election the coalition were
prepared to offer high-speed broadband to the people who lived in Melbourne, Adelaide, Sydney, Brisbane and Perth. But they obviously forgot my home state of Tasmania completely—not even a whisper of a Tasmanian town was heard. They also forgot Canberra and Darwin. They forgot the people who live in regional Australia. They were treating us, the people who live in all those areas, as second-class citizens. We deserve better. We should be and need to be treated in the same way as the people in the big cities. The Rudd government will treat us as we deserve to be treated and I thank them for that.

Even now, the opposition wants to reinstate OPEL, and yet the Department of Broadband, Communications and the Digital Economy has determined that this network would only cover 72 per cent of the premises that have been identified as under-served. The Rudd government’s plan will cover more than 72 per cent; NBN should cover 98 per cent.

The Rudd government has strengthened the Australian Broadband Guarantee because it recognises the importance of telecommunications to people living in regional, rural and remote areas of the country. The Broadband Guarantee has been allocated $270.7 million over four years. The new guarantee commenced on 4 August and includes offering a higher level of service as well as a higher download cap. It offers higher incentive payment levels for remote and difficult service areas. Protection is also offered so that consumers who exceed their download caps are less likely to get higher bills.

The exciting construction work for the NBN began in July, with the digging of trenches to commence in October. The first homes will have fibre connections by December. It is expected that the first services will be available by July next year.

The Tasmania NBN Company Limited will operate the network for Tasmania. TNBN Co is a wholly-owned subsidiary of NBN Co. It will be jointly owned by Aurora Energy and the Tasmanian government once telecommunication assets are vended into the company. The board of TNBN Co consists of Mr Doug Campbell AM as Executive Chair, Ms Alison Terry, Mr Jody Fassina, Mr Greg McCann, Mr Mark Kelleher, Dr Daniel Norton and Mr Sean Woellner. The board members all have strong links to Tasmania and together have a wide range of skills and experience that will enable them to run a successful company. On his own, Mr Campbell has more than 40 years experience in telecommunications.

The government is putting $250 million into the rollout of fibre-optic backbone links to connect cities, major regional centres and rural towns. The government has identified Geraldton in WA; Darwin, Emerald and Longreach in Queensland; Broken Hill in NSW; Victor Harbour in SA; and Victoria’s south-west Gippsland regions as the priority areas for backbone infrastructure. A request for tender was released on 1 July and is currently being assessed by the DBCDE.

The NBN will be Australia’s first nationwide wholesale-only open-access network. It will foster genuine competition and consumer choice in the telecommunications industry. NBN will operate as a commercial entity at arms length from government and the government will protect NBN’s objective of a wholesale open and equivalent access network by establishing ownership controls. At present, the government is considering submissions in regard to the legislative framework of NBN Co. Once all submissions have been given due consideration the government will introduce proposed legislation to parliament.
A government review of the telecommunications regulations has also begun. Regulation reform is vital to the government’s plan to improve the telecommunications service offered to all Australians. The government is planning to introduce amendments to the legislative framework by the end of 2009. McKinsey and KPMG are conducting an implementation study that will consider a number of factors, including operating arrangements, ways to attract private sector investment and ways to procure opportunities for local businesses. The study will also give people the chance to share their views, ideas and expertise. A report on this study is due early next year.

Effective communication is vital to the way we live our lives, and technology is continually developing. High-speed broadband is necessary to keep our economy in the strong position it is in at present. The Rudd government has already taken decisive action and shown leadership at this critical point in time. Australia needs access to high-speed broadband. Australia needs to catch up to other nations. Australia is capable of becoming a world leader in broadband. This is why the Rudd government is committed to ensuring that all Australians, regardless of where they live and what they do for a living, will have access to broadband.

The Rudd government is working hard with the Tasmanian government to bring broadband to Tasmania. I am proud to be part of the Rudd government and of the working relationship it has with the Tasmanian government. As a Tasmanian I am excited to be part of this broadband rollout, especially as Tasmania is so often left behind the rest of the nation. Australia can move confidently into the remainder of the 21st century knowing that the Rudd government will lift this country from its middle to bottom ranking of OECD broadband statistics.

Australia and its people deserve nothing less than that.

Child Care

Senator BOSWELL (Queensland) (8.13 pm)—On 29 October we shall be digesting the recommendations of the Senate inquiry into provision of child care, looking at the ABC Learning collapse and related matters. The focus of the inquiry is on non-parental child care in Australia; however, its findings must be viewed in the context of the care of all Australian children. We must widen the definition of ‘child care’ to include Australia’s biggest child care provider by far: parents. If we continue to devalue and neglect parents as the nation’s preferred childcare providers, we are headed for a social and economic disaster. As the coalition shadow minister for early childhood, education, child care, women and youth, Sophie Mirabella, has warned on numerous occasions, parents are being cut out of the Rudd government’s childcare consultations.

What has gone unnoticed in the childcare debate is that the Rudd government has steadily increased funding for day care and other non-parental care at the expense of parental child care. By 2011, spending for parental child care via family tax benefit B is projected to be around $3,100 per family, which is around half the average funding of $6,000 in childcare funding for families using day care and other non-parental care. So mums and dads who care for their own children will get an average of half as much as families who outsource their childcare work.

The Rudd government is intent on increasing this funding gap. The Minister for Early Childhood Education, Childcare and Youth, Kate Ellis, announced on 17 August 2009 that the Labor government will pay an uncapped additional amount to fund third-party child care. Minister Ellis committed the government to paying half the increased cost of

CHAMBER
new day care sector regulations affecting 830,000 children. That could mean families will pay an extra $1,500 for child care per year. The Secretary to the Department of Treasury, Ken Henry, in a speech offering his inappropriately personal views on 3 September 2009, proposed phasing out the family tax benefit supporting parental care once children reach the age of six. This makes no sense when many of the problems in today’s teenagers result from undersupervised and underparented children.

The funding discrimination against parental careers applies both to post birth and to ongoing funding for children’s care. The Rudd government’s proposed Paid Parental Leave Scheme would pay for 18 weeks at $544 per week. It is a form of childcare funding because it subsidises parental child care in the short term in order to encourage women to return to paid work when their babies are four months to a year old. This promotes non-parental care of children when mothers return to paid work.

The baby bonus is also a form of short-term parental childcare funding, but it generally supports parents who plan to do their own childcare work. If the Rudd government is re-elected in 2011, post-tax paid parental leave will give an average of $7,342 to paid workforce mothers. This is 1½ times the baby bonus of $5,000 per family for less valued mothers caring for their own children. The figures I refer to are set out in the analysis of children’s care funding tied to care type and workforce status dated July 2009. The analysis was provided to me by one of my constituents, Mrs Tempe Harvey, of the newly formed Kids First Parental Association of Australia.

Why should we allow parents who want to do their own childcare work to be discriminated against, both at the time of birth and in the longer term? Australia’s social policy gurus suggest various economic and social arguments for this discrimination. Let us first look at the so-called productivity argument for giving more funding to institutional child care than to parental care. According to the Productivity Commission, the Rudd government’s expensive Paid Parental Leave Scheme would add an extra six months to the working life of women. We are told that, on average, this will increase national productivity. I note that the Productivity Commission concedes that the scheme would also cause a slight reduction in the wages growth for females, given the increase in the female labour supply.

Every parent is a working parent contributing to the national productivity. The Paid Parental Leave Scheme will simply move mothers from family work into paid work. Many would argue that family work is the most productive job in Australia. What about the lost productivity of decreased participation in the family workforce? Parents are doing the job of childcare workers, chefs, dieticians, financial managers and psychologists, to name just a few. By subsidising parents into paid work, we also lose the economic benefit of their volunteer community work. In the UK in 2008 it was reported that mums caring for their own children saved the economy an estimated £1 billion per year in volunteer work alone.

As the forward estimates for 2011-12 reveal, institutional child care costs far more to support than parental child care. Taxes will increase every time day care subsidies or paid parental leave entitlements go up. Rising taxation to pay for institutional child care and paid parental leave will stop many new businesses from forming and will force marginal ones to close down, causing job losses. Less business activity will result and there will be lower productivity. Increased childcare subsidies will therefore reduce our ca-
capacity to provide priority social services, such as care for the aged.

The so-called childcare affordability crisis is being fuelled by the Rudd government. Its solution is to throw money at the problem—in this case, day care. However, everyone’s childcare costs would go down if the government stopped pumping taxpayers’ money into the day care industry. If subsidies were the same for all childcare choices, many more parents would choose to do the caring themselves or use informal care arrangements. The market for non-parental childcare would decline, so there would be no more ‘crisis’. In short, the Rudd government’s productivity argument is fundamentally flawed. It fails to recognise the much greater economic downside of lost family work productivity, increased childcare costs, higher taxes and job losses, not to mention the cost to future governments of serious harm to our social capital.

Australia’s social policy gurus argue that children will benefit from increased government funding for institutional care. But where is the evidence? The Centre for Independent Studies published an excellent article in 2008 entitled Six Social Policy Myths. The first myth is that all children can benefit from an increase in government spending on institutional child care. Let us look at the evidence. The gold standard research into childcare effects is the United States longitudinal study, known as the NICHD study. It stands for the National Institute of Child Health and Human Development and it is the government body that is funding the research to the tune of $150 million. This study is the largest and most extensive investigation of childcare effects ever. The children in this study—more than a thousand—were cared for in a broad range of settings, which included their own parents, nannies, family day care and day care centres.

The NICHD study found a higher risk of depression, aggression, anxiety, lack of empathy and behavioural problems in daycare children proportional to the amount of time they spent in day care, regardless of its quality. The children have been followed up for 15 years so far, and these problems have not gone away. The 15-year-olds who spent long hours in day care when very young now have abnormally low cortisol levels, a previously unknown effect indicating increased stress in early years. Australian daycare advocates tend to dismiss the NICHD findings, claiming that Australian conditions are different and that we have higher quality child care than that in America. However, there is no evidence that this is so, and in any case the NICHD study found harmful effects even from high-quality day care. The question could be settled definitively if a properly conducted, randomised, double-blind, independently evaluated longitudinal study were undertaken in Australia. In the meantime, the NICHD research cannot be ignored.

It is not surprising that countries that have heavily subsidised day care at the expense of parental care are experiencing social problems. In Sweden, for example, policies similar to those now being pursued by the Australian Rudd government have led to over 80 per cent of children aged between one and five being placed in daycare centres in 2008. Mr Jonas Himmelstrand addressed the Swedish parliament in December 2008, citing the social breakdown in that country which he believes is associated with non-parental care in the Swedish child’s first five years and the ongoing absence of parents in Swedish schoolchildren’s lives, brought about by a highly taxed society of dual-income families. Mr Himmelstrand drew attention to plummeting educational results in Swedish schools; unprecedented levels of youth violence, suicide and depression; more hostile and less consistent parenting; stressed par-
ents; lower quality parental relationships; high divorce rates and high absenteeism from paid work.

The Rudd government’s policy for children’s care has been hijacked by social engineers and dubious economic advisers who have not considered the effect of their proposals on children’s wellbeing. The Rudd government’s economic and social arguments for paid parental leave and extra funding for institutional child care are fundamentally flawed. Rudd’s childcare policies will harm the health, happiness and productivity of our citizens in the long term. Australians instinctively realise this and that is why we are constantly hearing that women, in particular, feel trapped and unable to satisfactorily juggle the demands of paid and family work under the current system. Subsidies biased towards non-parental care are forcing more and more women to give up their family’s childcare work for paid work outside the home. Despite being punished by the childcare funding system, most parents choose to care for their own children.

Australian parents do not like Rudd’s social engineering agenda. They overwhelmingly believe their children are better off, happier and more productive if they are able to spend more time caring for them by forgoing part of the family income. Parents do not want or need expensive hand-outs, such as Rudd’s paid parental leave, that will tax them heavily and drive them away from their children into paid work. Instead, they must be free to choose the best care for their children, guided by their instincts and wishes. The federal government must scrap its discriminatory childcare system and provide one childcare system for all Australians. We need a new system that equally respects and funds the childcare choices of all parents, whether that is for parent care, nanny care, family day care or a childcare centre.

Senate adjourned at 8.27 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2009/2 [F2009L03352]*.


Christmas Island Act—List of applied Western Australian Acts for the period 16 March to 3 September 2009.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

EX61/09—Exemption – carriage of children suffering from a serious medical condition [F2009L02983]*.

EX70/09—Exemption – operations by recreational aircraft in Townsville control zone and control areas and temporary restricted areas [F2009L03388]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/CESSNA 337/19—Bench Seat Back Emergency Operation and Placard [F2009L03372]*.

AD/ERJ-170/10 Amdt 2—Firewall Hydraulic Shutoff Valves [F2009L03439]*.

AD/G164/14 Amdt 1—Elevator Control Horn Attach Bolts – Inspection and Replacement [F2009L03364]*.
AD/SWSA226/97 Amdt 1—Chafing or Arcing Electrical Wiring [F2009L03433]*.
106—
AD/THIELELT/11 Amdt 2—Propeller Control Valve – Life Limit [F2009L03430]*.
AD/TPE 331/27—FCU Drive Check [F2009L03415]*.
AD/TPE 331/29—Combustion Section – Plenum Chamber Forward Drain Boss – Inspection [F2009L03414]*.
AD/TPE 331/32—Rear Turbine Bearing Oil Supply Tube Inspection/Replacement [F2009L03413]*.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 16 March to 3 September 2009.

Commissioner of Taxation—Public Rulings—
Taxation Ruling TR 2009/5.


Migration Act—Migration Regulations—Instruments IMMI—
09/091—Specification of addresses [F2009L03497]*.
09/094—Specification of occupations for the Temporary Business Long Stay and Occupational Trainee Visas [F2009L03513]*.
09/103—Specifying agreements or arrangements which are not relevant agreements for the purposes of Government Agreement Visa [F2009L03500]*.
09/104—Specification of address [F2009L03498]*.

09/105—Revocation of instruments [F2009L03502]*.
09/106—Specification of occupations for sub-subparagraphs 2.72(10)(d)(ii)(B) and 2.72 (10)(d)(iii)(B) and paragraph 2.86(2B) and subparagraph 457.223(4)(ba)(iv) [F2009L03499]*.
09/107—Specification of training benchmarks [F2009L03512]*.
09/109—Minimum salary levels for the Subclass 457 – Temporary Business (Long Stay) Visa [F2009L03516]*.
09/112—Specification of the temporary skilled migration income threshold and the salary above which paragraphs 2.72(10)(c) and 2.72(10)(cc) and regulation 2.79 do not apply [F2009L03514]*.
09/113—Specification of method to determine terms and conditions of employment that would be provided to an Australian citizen or an Australian permanent resident to perform equivalent work in the same workplace at the same location [F2009L03515]*.


(No. 2) [F2009L03483]*.
(No. 3) [F2009L03484]*.
(No. 4) [F2009L03485]*.

* Explanatory statement tabled with legislative instrument.

The following government documents were tabled:

Aboriginal Land Commissioner—Report and recommendations to the Minister for Families, Housing, Community Services and Indigenous Affairs and to the Adminis-
tator of the Northern Territory—No. 71—Simpson Desert land claim stage IV comprising Simpson Desert land claim (claim no. 41) and Central Simpson Desert (repeat) land claim (claim no. 144) and explanatory statement by the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin).


QUESTIONS ON NOTICE

The following answers to questions were circulated:

Health and Ageing: Consultancies
(Question Nos 1882, 1901, 1905 and 1907)

Senator Barnett—asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 July 2009:

1. (a) Since November 2007, what is the total number of:
   (i) completed, and (ii) ongoing, consultancies in the portfolio/agency; and
   (b) for each consultancy:
      (i) who is the consultant, (ii) what is the subject matter, (iii) what are the terms of reference,
      (iv) what is its duration, (v) what will it cost, and (vi) what is the method of procurement (i.e.
      open tender, direct source, etc.).

2. Can copies be provided of all the completed consultancies.

3. (a) How many consultancies are planned or budgeted for:
   (i) 2009, and (ii) 2010;
   (b) Have these been published in the Annual Procurement Plan on the AusTender website; if not,
   why not; and
   (c) in each case, what is the: (i) subject matter, (ii) duration, (iii) cost, (iv) method of procurement,
   and (v) name of the consultant if known.

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

1. (a) Since November 2007, there has been a total of:
   (i) 802 completed, and
   (ii) 116 ongoing,
   consultancies in the Department of Health and Ageing, including the Therapeutic Goods Ad-
   ministration, National Industrial Chemicals Notification and Assessment Scheme, and the Office
   of Gene Technology Regulator.
   (b) Each of the 918 consultancies have been identified in Attachment A, including the:
      (i) consultant, (ii) subject matter, (iii) status of complete/current, (iv) duration, (v) cost,
      and (vi) method of procurement (i.e. open tender, direct source, etc.).

The majority of consultancies do not have explicit terms of reference. Where there are Terms of
Reference, they are consistent with and reflected in the consultancy purpose. To identify those few
consultancies that may have separate Terms of Reference, would consume significant Departmental
resources that could not be justified in the circumstances.

The duration reported is either the calendar days required to complete the consultancy or the cur-
cent estimate.

All agencies subject to the Financial Management and Accountability Act 1997 are required to
report procurement contracts awarded where the contract value is $10,000 or more on AusTender,
the government’s tender and procurement reporting system. From 3 September 2007 departments
and agencies have been required to include on AusTender details of those contracts which are con-
sultancies and the reason for the consultancy. Information in relation to consultancies valued at
$10,000 or more is available on the AusTender website (www.tenders.gov.au), noting that departments have six weeks to report procurement contracts on AusTender.

Certain consultancies have not been included as they are not for public release under the Freedom of Information Act 1982 (FOI) regarding not releasing details of individual names due to the following:

- Section 40(1)(a) of the FOI Act: Prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits;
- Section 41(1) of the FOI Act: Documents containing personal information; and
- Section 43(1)(c)(i) of the FOI Act: Documents containing information that could adversely affect business if disclosed.

(2) Details of consultancy details over the value of $10,000 can be obtained from the AusTender website.

(3) 

(a) The Department’s Annual Procurement Plan (APP) covers financial years and as at 1 July 2009, the Department had 57 consultancies planned or budgeted for the 2009-10 financial year. The Department published the 2009-10 APP prior to the beginning of the new financial year. The Department’s 2009-10 APP is published on the AusTender website.

Please note that the forecast consultancies in the APP are updated each quarter.

(b) Not all planned consultancies published in the APP have been undertaken. All executed consultancies registered in the Department’s contract register (except those excluded due to FOI exemptions) have been published on the AusTender website.

(c) The consultancy information for the period 1 July 2009 to 30 June 2010 has been provided in Attachment B, including the:

(i) subject matter, (ii) duration, (iii) cost, (iv) procurement method, and (v) consultant name (if known).

Please note that Attachments A and B are available from the Senate Table Office.

Broadband, Communications and the Digital Economy: Water

(Question No. 1970)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 21 July 2009:

For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2009/09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Conroy—The answer to the honourable senator’s question is as follows:

Department: Nil
Minister’s Office:
(a) Nil
(b) Nil
(c) $728
(d) Nil
(e) Nil
ACMA: Nil
ABC: Providing an answer for ABC would be an unreasonable diversion of resources.
SBS: Providing an answer for SBS would be an unreasonable diversion of resources.
AUST POST: Providing an answer for Australia Post would be an unreasonable diversion of resources.

Health and Ageing: Media Training
(Question Nos 2003, 2022, 2026 and 2028)

Senator Abetz asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 July 2009:
(1) Has the Minister undertaken any media training since 24 November 2007; if so:
   (a) when;
   (b) who was the provider; and
   (c) what was the total cost.
(2) Have any of the Minister’s staff undertaken any media training since 24 November 2007; if so:
   (a) who, including their Members of Parliament (Staff) Act 1984 classification;
   (b) when;
   (c) who was the provider; and
   (d) what was the total cost.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
The Department has not undertaken any media training for staff in the Ministers’ offices since 24 November 2007.

Health and Ageing: Hospitals and Aged Care
(Question No. 2041)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 July 2009:
What is the current average daily cost of providing care to a:
(a) Patient in a hospital in each state and territory; and
(b) Resident in an aged care facility in each: (i) state and territory, and (ii) aged care planning region.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
(a) The Department has interpreted this request to relate to acute patients in public hospitals. Cost data is not available for private hospitals by state or territory.
I refer you to the Australian Institute of Health and Welfare, Australian Hospital Statistics 2007-08 (tables 2.4 and 4.1c), which sets out this information.
(b) Refer to Senate question 2042.

Reserve Bank of Australia
(Question No. 2054)

Senator Bob Brown asked the Minister representing the Treasurer, upon notice, on 6 August 2009:
With reference to an article in The Age on 3 August 2009 concerning payments made through an off-shore tax haven to Mr Donald McArthur, a lobbyist working for a Reserve Bank of Australia (RBA) subsidiary, Securency:
Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

(1) (a) Does the Government know when the Australian Federal Police (AFP) investigation into Secur- ency and Note Printing Australia is likely to finish; and (b) is the Government receiving briefings from the AFP on the progress of its investigation.

(2) Has the Government started planning its own investigation into the governance of RBA subsidiar- ies Securancy and Note Printing Australia, once the AFP investigation is completed.
At the time of this answer, the AFP investigation into Securancy is ongoing. Accordingly, it would be inappropriate for the Government to comment on the investigation at this time.

The Reserve Bank has advised the Government that the Board of Securancy has also appointed an external accounting firm to undertake a thorough independent review of the company’s policies and practices in relation to the use of agents, to ensure these are at best practice. This review is expected to take several months to complete.

(3) Has the Government requested an explanation from the RBA about Securancy’s employment of Mr McArthur; if so: (a) was the RBA overseeing approval of such payments; (b) how much money has Securancy paid the lobbyist; and (c) is the lobbyist still employed by Securancy.

(4) Are government-funded entities, such as Securancy, required to check on convictions for fraud, corporate law offences, civil actions or bankruptcy of the businesses and individuals the employ or engage.

(5) What guidelines/regulations are in place to ensure Securancy has not paid bribes to obtain contracts in other countries.

Securancy is a joint venture between the Reserve Bank and Innovia Films, a private company. Consistent with the Corporations Act and relevant Commonwealth Acts, responsibility for the ap- pointment and management of agents by Securancy rests with the Board of Securancy.

The Reserve Bank has advised the Government that the Board of Securancy has strict and unambi- guous protocols in place governing the use of agents, and that these measures include:
- the performance of due diligence on agents prior to their appointment and regularly during their term of appointment;
- inclusion in all Securancy’s agency agreements provisions including a code of conduct and ethics which specifically oblige agents not to make payments to government officials and politicians; and
- regular external legal review of Securancy’s agency agreements to ensure that they comply with all OECD and UN protocols and Australian legislation.

Defence: Staffing

(Question Nos 2071 and 2072)

Senator Johnston asked the Minister for Defence, upon notice, on 13 August 2009:

(1) As at 30 June 2009: (a) how many uniformed staff are there in each of the three service areas (i.e. army, navy and air force); and (b) how many civilian staff are there in each of the service areas.

(2) For the period 1 January to 30 June 2009, how many uniformed personnel were recruited to each of the service areas.

(3) For the period 1 January to 30 June 2009: (a) how many uniformed staff resigned from each of the service areas; and (b) how many civilian staff resigned from each of the service areas.

(4) For the period 1 January to 30 June 2009, how many temporary civilian positions existed, or were created, in the department.
(5) For the period 1 January to 30 June 2009, how many civilian employees have been employed on contract.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

1
(a) Navy: 12,977.
Army: 27,828.
Air Force: 14,263.
(b) Navy: 893.
Army: 1,095.
Air Force: 922.
2
Navy: 971.
Army: 2,547.
Air Force: 818.
3
(a) Navy: 662.
Army: 1,389.
Air Force: 433.
(b) Navy: 22.
Army: 44.
Air Force: 23.
4
262.
5
713.