INTERNET
The Journals for the Senate are available at

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

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

SITTING DAYS—2009

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

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

- ADELAIDE  972AM
- BRISBANE  936AM
- CANBERRA  103.9FM
- DARWIN    102.5FM
- HOBART    747AM
- MELBOURNE 1026AM
- PERTH     585AM
- SYDNEY    630AM

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

Senate Officeholders

President—Senator Hon. John Joseph Hogg

Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson

Temporary Chairs of Committees—Senators Guy Barnett, Cory Bernardi,
Thomas Mark Bishop, Carol Louise Brown, Patricia Margaret Crossin,
Michael George Forshaw, Gary John Joseph Humphries, Annette Kay Hurley,
Stephen Patrick Hutchins, Gavin Mark Marshall, Julian John James McGauran,
Claire Mary Moore, Stephen Shane Parry, Hon. Judith Mary Troeth and Russell Brunell Trood

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans

Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy

Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin

Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz

Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwing

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

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

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

**Heads of Parliamentary Departments**
Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

Prime Minister

Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion

Hon. Julia Gillard, MP

Treasurer

Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate

Senator Hon. Chris Evans

Minister for Defence and Vice President of the Executive Council

Senator Hon. John Faulkner

Minister for Trade

Hon. Simon Crean MP

Minister for Foreign Affairs and Deputy Leader of the House

Hon. Stephen Smith MP

Minister for Health and Ageing

Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs

Hon. Jenny Macklin MP

Minister for Finance and Deregulation

Hon. Lindsay Tanner MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House

Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate

Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research

Senator Hon. Kim Carr

Minister for Climate Change and Water

Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts

Hon. Peter Garrett AM, MP

Attorney-General

Hon. Robert McClelland MP

Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate

Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry

Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism

Hon. Martin Ferguson AM, MP

Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services

Hon. Chris Bowen, MP

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

Minister for Veterans’ Affairs Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women Hon. Tanya Plibersek MP
Minister for Home Affairs Hon. Brendan O’Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs Hon. Dr Craig Emerson MP

Assistant Treasurer Senator Hon. Nick Sherry
Minister for Ageing Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery Senator Hon. Mark Arbib

Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia Services and Parliamentary Secretary for Victorian Bushfire Reconstruction Hon. Gary Gray AO, MP
Parliamentary Secretary for International Development Assistance Hon. Bill Shorten MP
Parliamentary Secretary for Pacific Island Affairs Hon. Duncan Kerr SC, MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion Senator Hon. Ursula Stephens
Parliamentary Secretary for Multicultural Affairs and Settlement Services Hon. Laurie Ferguson MP
Parliamentary Secretary for Employment Hon. Jason Clare MP
Parliamentary Secretary for Health Hon. Mark Butler MP
Parliamentary Secretary for Industry and Innovation Hon. Richard Marles MP
SHADOW MINISTRY

Leader of the Opposition
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
CONTENTS

WEDNESDAY, 28 OCTOBER

Chamber
Business—
Consideration of Legislation .......................................................................................... 7379
Health Insurance Amendment (Revival of Table Items) Bill 2009—
  First Reading .................................................................................................................. 7393
  Second Reading .............................................................................................................. 7393
  Third Reading ................................................................................................................. 7406
Health Insurance (General Medical Services Table) Regulations 2009—
  Motion for Disallowance .............................................................................................. 7406

Matters of Public Interest—
  Employment ................................................................................................................... 7419
  Education ...................................................................................................................... 7422
  Tasmania: World Heritage ............................................................................................ 7425
  Bilingual Education ..................................................................................................... 7428
  Afghanistan .................................................................................................................... 7432
  Institute of the Sisters of Mercy of Australia ................................................................. 7435

Questions Without Notice—
  Asylum Seekers ........................................................................................................... 7436
  Manufacturing .............................................................................................................. 7438
  Asylum Seekers ........................................................................................................... 7439
  Renewable Energy ....................................................................................................... 7443

Distinguished Visitors ..................................................................................................... 7444
Questions Without Notice—
  Asylum Seekers ........................................................................................................... 7444
  Economy ...................................................................................................................... 7445

Distinguished Visitors ..................................................................................................... 7447
Questions Without Notice—
  Private Health Insurance ........................................................................................... 7447
  Health: Dental Prosthetics ............................................................................................ 7449

Questions Without Notice: Additional Answers—
  Timor Sea Oil Spill ........................................................................................................ 7450
  Illegal Fishing .............................................................................................................. 7451

Questions Without Notice: Take Note of Answers—
  Asylum Seekers ........................................................................................................... 7451
  Renewable Energy ....................................................................................................... 7457

Petitions—
  Youth Allowance Eligibility ....................................................................................... 7458

Notices—
  Presentation ................................................................................................................... 7458
  Postponement ............................................................................................................... 7460
  Leave of Absence ......................................................................................................... 7460
  Sisters Of Mercy .......................................................................................................... 7460
  Renewable Energy Target Scheme .............................................................................. 7461
  Fair Work Australia ..................................................................................................... 7461
  Tasmanian Logging Contractors .................................................................................. 7464
  Sri Lanka ...................................................................................................................... 7466

Poker Machine (Reduced Losses—Interim Measures) Bill 2009—
  First Reading .............................................................................................................. 7468
  Second Reading .......................................................................................................... 7468
CONTENTS—continued

Health Insurance (Extended Medicare Safety Net) Determination 2009 ........................................ 7470
Notices—
  Postponement ....................................................................................................................... 7470
Matters of Public Importance—
  Border Security ....................................................................................................................... 7470
Committees—
  Intelligence and Security Committee—Reports .......................................................................... 7483
  Scrutiny of Bills Committee—Report ...................................................................................... 7485
Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009—
  First Reading .......................................................................................................................... 7487
  Second Reading ...................................................................................................................... 7487
Anti-Terrorism Laws Reform Bill 2009—
  Report of Legal and Constitutional Affairs Legislation Committee ........................................ 7490
Business—
  Consideration of Legislation .................................................................................................. 7490
Australian National Preventive Health Agency Bill 2009—
  Second Reading ...................................................................................................................... 7499
Documents—
  Consideration .......................................................................................................................... 7507
Adjournment—
  Geraldton Community Cabinet .............................................................................................. 7507
  Tree of Knowledge .................................................................................................................. 7509
  Veterans Affairs: Pensions ....................................................................................................... 7511
  Poverty ..................................................................................................................................... 7513
Documents—
  Tabling ...................................................................................................................................... 7516
Questions on Notice
  Human Services: Water—(Question No. 1979) .......................................................................... 7518
  Financial Services, Superannuation and Corporate Law: Water—(Question No. 1980) .............. 7519
  Veterans’ Affairs: Water—(Question No. 1981) .......................................................................... 7519
  Treasury: Water—(Question No. 1988) .................................................................................... 7520
  Financial Services, Superannuation and Corporate Law: Media Training—(Question No. 2017) .......................................................................................................................... 7520
  Forest Industries Climate Change Research Fund—(Question No. 2037) .................................. 7520
  Beverley Four Mile Uranium Mine—(Question No. 2047) ....................................................... 7521
  Ageing: Social Inclusion—(Question No. 2048) ........................................................................ 7523
  Innovation, Industry, Science and Research—(Question No. 2050) ......................................... 7524
  Foreign Investments—(Question No. 2059) ............................................................................ 7533
  Beverley Four Mile Uranium Mine—(Question No. 2061) ....................................................... 7534
  Centrelink—(Question No. 2063) ............................................................................................. 7534
  Jobs and Training Compact—(Question No. 2064) ................................................................... 7535
  Gunns Pulp Mill—(Question No. 2065) ................................................................................... 7537
  Pulp and Paper Manufacturing Industry—(Question No. 2066) .............................................. 7538
  World Heritage Area—(Question No. 2067) ............................................................................. 7538
  Forest Industries Climate Change Research Fund—(Question No. 2068) ............................... 7539
  Forest Industries Climate Change Research Fund—(Question Nos 2069 and 2070) ..... 7541
  Defence: Submarines—(Question Nos 2077 and 2078) ......................................................... 7543
  Defence: Frigates—(Question Nos 2079 and 2080). .................................................................. 7543
Defence: Ships—(Question Nos 2081 and 2082)........................................................... 7544
Defence: Advertising—(Question Nos 2085 and 2086)................................................. 7545
Defence: Hospitality—(Question Nos 2087 and 2088).................................................. 7546
Minister for Defence and Parliamentary Secretary: Travel—(Question Nos 2097 and 2098) ............................................................................................................... 7547
Defence: Reviews—(Question Nos 2099 and 2100).................................................... 7547
Defence: Satellite Bandwidth—(Question Nos 2101 and 2102).................................................. 7548
Pulp and Paper Manufacturing Industry—(Question No. 2106)........................................... 7549
Environment, Heritage and the Arts: Program Funding—(Question No. 2107) ............ 7550
Victorian Desalination Project—(Question No. 2109).......................................................... 7553
Screen Australia—(Question No. 2111) ........................................................................ 7554
Trade: PACER Agreements—(Question No. 2112)........................................................ 7556
Home Insulation Program—(Question No. 2113)............................................................. 7557
Broadband, Communications and the Digital Economy: Consultants—
(Question No. 2115) .................................................................................................... 7557
Taxation—(Question No. 2117) ..................................................................................... 7560
East Marine Bioregional Plan—(Question No. 2118).......................................................... 7560
East Marine Bioregional Plan—(Question No. 2119)......................................................... 7562
Wednesday, 28 October 2009

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

BUSINESS

Consideration of Legislation

Senator CORMANN (Western Australia) (9.31 am)—At the request of Senator Minchin, I seek leave to move a motion to give precedence to:

- the introduction and consideration of: a bill for an Act to amend the Health Insurance Act 1973 to provide for the revival of certain medical services items should later items be disallowed; and
- Business of the Senate notice of motion no. 3 for today.

Leave not granted.

Senator CORMANN—Pursuant to contingent notice, and at the request of the Leader of the Opposition in the Senate, Senator Minchin, I move:

That so much of the standing orders be suspended as would prevent Senator Minchin moving a motion to provide for the consideration of a matter, namely a motion to give precedence to:

- a motion for the introduction of a bill for an Act to amend the Health Insurance Act 1973 to provide for the revival of certain medical services items should later items be disallowed; and
- consideration of that bill and Business of the Senate notice of motion no. 3.

More than seven weeks ago, the coalition, together with Senators Fielding and Xenophon, gave notice of our intention to disallow the government’s moves to reduce Medicare rebates for cataract surgery. We made it very clear that our intention was to prevent the government from cutting those rebates is that we take the view that it will hurt patients, it will make this life-changing surgery unaffordable for many Australians, it will push people into the public health system—where the particular procedure is actually more expensive for taxpayers—and it will hurt Australians, in particular those in rural and regional Australia.

The Minister for Health and Ageing, Minister Roxon, has had plenty of notice. Has she done anything? She has not done anything at all. True to form, she sat on her hands at first. Then out came the scare campaign and then, two days ago, in her usual reckless fashion, she pressed ahead, regardless of the fact that she well knew that a majority of senators in this chamber did not support the cuts the government was trying to push through the parliament.

We were keen to handle this issue in a very sensible and reasonable fashion. It is a very unusual for us to use this process and we do not do this lightly. Our intention had been, and we made our intention very clear, to stop the government from cutting those rebates for surgery by 50 per cent. We wanted to do it in a very responsible and reasonable fashion, so we gave notice yesterday of a disallowance motion and we also gave notice that we would seek to amend the Health Insurance Act. In good faith we informed senators in the chamber that we intended to move two amendments to the Health Insurance Amendment (Compliance) Bill 2009. That would have been a very easy, non-disruptive way for the Senate to deal with this.

What did the government do? Rather than grasping the opportunity of cleanly and smoothly handling this challenge faced by the Senate, the government—even though for the whole week it had been telling us that this was a very important and urgent bill, and...
it was listed on the Senate red on Monday and Tuesday—at the last minute, seconds before the Health Insurance Amendment (Compliance) Bill was due to pass the House of Representatives and just before the third reading vote was to take place, it deferred further consideration of the bill. That was a reckless and irresponsible move, and by doing it the government did not leave us with any option other than to take the steps that we are undertaking here today.

This is a very serious issue. The coalition, together with Senators Fielding and Xenophon, have made it very clear that we do not support this savage cut to Medicare rebates for cataract surgery. We think it will hurt patients, we think it will push patients into the public system—into the lengthy and overburdened public hospital queues—and we think it will hurt patients, in particular in regional Australia. We will do what it takes, and if this is what it takes then this is what we will do. The government was well aware, but they were trying to push through a budget cut for which they did not have majority support in the Senate. It was due to come into effect on 1 November. It was announced on budget night in May, but two days ago the government finally tabled those regulations—with four days to go. Nicola Roxon, the health minister, has been out there frightening patients and frightening doctors. She has been threatening the Senate knowing that there are only four days to go. She has said, ‘If you pass this disallowance motion, there will be no rebate at all.’ It is an absolute disgrace.

The process that we are engaging in today will give the government an opportunity to deal with this matter responsibly. Our intention is to ensure that, if the Senate disallows those cuts to Medicare rebates for cataract surgery, we will revert to the Medicare rebates that are currently in place. That is the intention behind the process that we are engaging in today.

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (9.37 am)—What the opposition are now engaged in is nothing short of a stunt. They let my office know about this a couple of minutes before 9.30 am, when the bells were ringing. If that is the way they want to manage the relationship on how we deal with the program, it is clear that what they said yesterday about the program should be just thrown out the window. The opposition have now clearly indicated that they want to manage the program, and that they want to speak to the program and to use it to suit their own political ends, rather than allow the usual procedures in this place to continue in an appropriate way. So all that has happened now—

**Senator Cormann interjecting**—

**Senator LUDWIG**—I listened to you in silence, Senator Cormann; you should offer me the same courtesy. What you cannot do, Senator Cormann, is provide a cogent argument as to why you are pulling this stunt. It is a stunt and you know it. There are ways to deal with these matters in debate, but you cannot help yourself. What you found out, first of all, was that to attempt to disallow the regulation was silly. Now you are trying to fix that as well. The opposition are simply making policy on the run. It is unwise, can I suggest to you, to make policy on the run in this way. What you need to do is sit down and deal with this in a sensible way rather than continue to make short-term decisions using this chamber in this way. It is inappropriate. It should not be supported. I urge senators not to support this silly stunt that is being performed by Senator Cormann.

Of course, the nub of the issue goes to Senator Cormann’s inability to grasp the need for reform in this area. What underpins
this is that Senator Cormann must be in the pocket of specialists who are ophthalmologists. There is no other explanation than that to drive the position that he is putting. The opposition’s actions are not about putting patients first. This is about putting the interests of a group of specialists—a group who earn over half a million dollars a year from Medicare alone—first. That is what the actions of the opposition are about in this respect, and it is a sad day to see it. Ophthalmologists will simply continue to charge their high fees for the procedures while the opposition’s actions will prevent the government from paying any rebate to the patient. That is what the opposition faced. They then decided to use the Senate for the purpose of trying to retrospectively fix their problem, before it was even there. So they are not even in order, quite frankly. It is a stunt.

The opposition have come into this chamber and simply tried to hijack the Senate to ensure that they can underpin their false argument. It is an extraordinary abuse of this Senate’s procedures. It is an extraordinary abuse for the opposition to use the Senate in this way, yet they try to put a rational argument that they are acting in good faith. Well, it is not acting in good faith for them to make policy on the run, to come in here and to use Senate procedure for a stunt to try to underpin their own argument and to try to bolster their own position—let alone to come in here and abuse the Senate processes. That is the difficulty that the opposition face. There is no merit in the argument that is being put by Senator Cormann. In fact, the opposition may wish to respond to the CEO of the Consumers Health Forum of Australia, who was today quoted as saying:

I would like to know why the Opposition is seeking to support medical specialists who are seeking to retain high incomes at the expense of consumers.

The government want to pay an appropriate rebate for this procedure and hope that the opposition will reconsider their position and support these changes. That is the position they should be adopting. They should be in a position to negotiate in good faith with the minister and to come up with an outcome—rather than to come into this Senate, abuse the processes of the Senate and pull stunts such as this without any notice. It is a very shoddy way of acting, and quite frankly it quite surprises me that the Manager of Opposition Business in the Senate has allowed it to go on.

Senator XENOPHON (South Australia) (9.42 am)—I indicate that I support the motion. I know a little bit about stunts, and this is not a stunt. The position is this: yesterday, when I discussed this matter with Senator Cormann—

Senator O’Brien—So it was contemplated yesterday, and we got no notice.

Senator XENOPHON—It is not my motion, but my understanding is that the government’s bill, which the opposition and others intended to amend, did not go to the third reading stage. That was quite extraordinary and changed things dramatically. That is why this extraordinary measure has been used. There is an issue here about whether or not this amendment is necessary, but the government has its own view, and to remove any ambiguity this needs to be sorted out. I would have thought that the fair thing to do, from the point of view of statutory interpretation, if regulations are disallowed would be to revert back to the earlier regulations. But this legislation is about ensuring that this issue is brought to a head, and the government needs to determine what its position is. It is not reasonable that if there is no Medicare rebate paid. It is not reasonable for patients, and that is my primary concern.
If the Minister for Health and Ageing—and I think the minister did make a number of reasonable points on the whole of fees being charged—is concerned about overcharging, there are other mechanisms to deal with that which are not so blunt an instrument as the government has used in relation to cataract surgery. That is for another debate, if this motion succeeds, but I support this motion on the basis that the government’s own actions yesterday in the lower house in not allowing the bill to go to a third reading vote—which was quite extraordinary—forced the hand of those who are concerned about these measures and about the impact they will have on senior citizens in Australia.

Senator PARRY (Tasmania) (9.44 am)—I have some matters of rebuttal for the Manager of Government Business in the Senate. I support the comments of my colleague Senator Cormann, and Senator Xenophon summed up what has happened. This is not an ambush. This morning we woke up and found that listed on today’s order of business was no bill, because it was stopped in the House of Representatives yesterday. The only politics being played in this are that the government are aware that we want to amend this bill and they have deliberately held it up in the House of Representatives so we cannot amend it. The only course for us to take is to fix it now with our own legislation, with the support of other concerned senators not necessarily from the Liberal or National parties but equally aggrieved and upset that this matter would not otherwise have been resolved.

The implementation will commence on 1 November—this weekend. Once we finalised this morning what we were going to do about this, we advised the government of the day. The stunt is that the government have not bothered to consult with us about holding this bill back in the House of Representa-

tives. The only political argument that they have is absolutely false, because they are the ones playing games. We are responding to the government’s fear. The government is scared of introducing this bill, because we will amend it. We would have amended this bill successfully, and they were not prepared to run that test through the Senate chamber so they held it back. We have rectified that. The people of Australia will thank us for this because we will solve this problem. This weekend everyone will be sure about what is happening with the cataract rebate.

Question put:

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

The Senate divided. [9.50 am]

(The Acting Deputy President—Senator RB Trood)

Ayes…………………. 34

Noes…………………. 32

Majority………….. 2

AYES

Abetz, E. Bernardi, C. Back, C.J. Birmingham, S.
Roswell, R.L.D. Boyce, S. Bushby, D.C.
Brandis, G.H. Cash, M.C. Colbeck, R.
Cash, M.C. Cormann, M.H.P. Fielding, S.
Cormann, M.H.P. Fierravanti-Wells, C. Fifield, M.P.
Fisher, M.J. Heffernan, W.
Humphries, G. Johnston, D.
Joyce, B. Kroger, H.
Macdonald, I. Mason, B.J.
McGauran, J.J.J. Minchin, N.H.
Nash, F. Parry, S. *
Payne, M.A. Ronaldson, M.
Ryan, S.M. Scullion, N.G.
Troeth, J.M. Trood, R.B.
Williams, J.R. Xenophon, N.

NOES

Arbib, M.V. Bilyk, C.L. Bishops, T.M.
Bishop, T.M. Brown, B.J. Brown, C.L.
Brown, C.L. Cameron, D.N.
Collins, J. Conroy, S.M.

CHAMBER
Senator CORMANN (Western Australia) (9.54 am)—At the request of Senator Minchin, I move a motion to give precedence to:

- the introduction and consideration of: A bill for an Act to amend the Health Insurance Act 1973 to provide for the revival of certain medical services items should later items be disallowed; and
- Business of the Senate notice of motion no. 3 for today

This is a highly unusual step for us to take. It is a highly unusual process. We grant you that. It is not something that we are doing lightly. However, the government’s actions have forced us into a position where we have no other choice. I want to clarify a few remarks that Minister Ludwig made. He suggested that this is somehow policy on the run and a last-minute consideration. Nothing could be further from the truth. We have very carefully considered our options and made a decision some time ago to move amendments to the Health Insurance Act to ensure that any disallowance of the Medicare rebate items for cataract surgery would revert to the rebates that are currently in place. We knew that we had to do two things: we had to move an amendment to the Health Insurance Amendment (Compliance) Bill 2009, the bill which the government had given us every indication was a high-priority bill, a bill which they wanted to pass this week, a bill which was time sensitive.

If ever there was an effective preventive health measure it is cataract surgery. Cataract surgery is a life-changing procedure. It helps prevent falls; it helps prevent fractures; it helps prevent mental pressure; it helps prevent social isolation. It is a very important procedure. The government through its very ill-considered and short-sighted budget cuts is trying to save $313 per procedure—to achieve what? To push those patients into the public system where taxpayers will have to pay more than $3,500 to fund exactly the same procedure—that is, for those people who are lucky enough to get in. We understand that there has been advice flowing backwards and forwards. The Minister for Health and Ageing has made it very clear that she was not going to take a constructive approach on this. She sought to frighten patients. She sought to frighten doctors and she sought to threaten the Senate, so we took very careful advice.

We very carefully considered our options and we made a decision some time ago to move amendments to the Health Insurance Act to ensure that any disallowance of the Medicare rebate items for cataract surgery would revert to the rebates that are currently in place. We knew that we had to do two things: we had to move an amendment to the Health Insurance Amendment (Compliance) Bill 2009, the bill which the government had given us every indication was a high-priority bill, a bill which they wanted to pass this week, a bill which was time sensitive.

If the rumours around Parliament House are right I understand that Minister Chris Bowen is very unhappy with Minister Roxon because he is now very worried about what
is going to happen with his Health Insurance Amendment (Compliance) Bill 2009. Minister Roxon, for her own political purposes, for her to be able to maximise the threat to the Senate, for her to be able to maximise her scare campaign towards patients and doctors, pulled a stunt. At around 5 pm yesterday afternoon, with seconds to go before the Health Insurance Amendment (Compliance) Bill 2009 was due to pass the House of Representatives it was deferred, just before it went to a third reading vote even though consideration of the bill had been completed without amendments. So here you have a bill which was considered noncontroversial in the Main Committee. Consideration of the bill was finalised without amendments. It went into the chamber of the House of Representatives and was about to get passed, and guess what? At the last minute the government pulled it, and the only reason the government pulled it was because the government wanted to prevent the Senate taking a sensible, responsible, carefully considered path in moving amendments to the Health Insurance Act.

We would not be wasting all this time today if the government had not pulled this stunt. So if the government’s legislative program is out of order today it is on their heads, and I suggest that Minister Ludwig goes and has a close, careful conversation with Minister Roxon because she clearly does not seem to understand how the Senate works. She does not understand no for an answer. She does not understand that if she does not have majority support in this chamber she cannot get her way. This is government arrogance at its worst.

We have seen it before that where the government clearly do not have the support of the Senate for a particular course of action, by hook or by crook, they just try to push it through using every procedural trick in the book. On this occasion we made a decision that this is an important issue for patients across Australia who need timely and affordable access to quality cataract surgery. The government wanted to maximise the leverage over the Senate by doing what they did last night, and that is the reason why I, on behalf the opposition, am moving this motion. I will not hold up the Senate too much longer. I think the point is well made: this is a very important discussion for us to have in the Senate and we have the opportunity today to send a very clear message to the government about what the intentions of the Senate are.

These regulations are supposed to take effect on Saturday. The government announced this on 13 May. How many months ago was that? June, July, August, September, October—the government announced this more than five months ago, but they only tabled these regulations two days ago at five minutes to midnight. This was essentially to minimise the Senate’s opportunity to scrutinise what the government is doing and to minimise the time the government could take for appropriate remedial action if the Senate did not support what they are proposing to do.

The minister initially said nothing. Then she said that she got advice that if the opposition votes against this the whole item is going to disappear. We understand that we cannot just move a disallowance motion in isolation. But the government’s own departmental officials do not. I asked the senior official who is responsible for the MBS branch in the Department for Health and Ageing what would happen if the Senate were to disallow these cataract surgery related Medicare rebates. Her answer was, ‘Well, I think it would revert back to the previous rebates.’ If there is confusion at the top levels of the government, what chance have we got?
Contrary to the government’s approach, we always knew what our strategy was: that we needed to move an amendment to the Health Insurance Act as well as to give notice of a motion to disallow and then take a vote on that motion. This is the only way we can make this arrogant government understand that the Senate cannot be taken for granted. Hopefully, the government will learn a lesson from this and in future treat the Senate, and the people we represent, with a bit more respect. Quite frankly, we have got a job to do in this chamber. The government thinks that it can steamroll things through this chamber the same way as it can steamroll things through the House of Representatives. Well, guess what? Every single one of us represents a great state or a great territory across our great country, and we have got a contribution to make in this chamber. At the end of the day, when the whole debate has been had, we will vote. If the majority of senators support something the government wants to do then it gets up and if the majority of senators do not support it then it goes down. That is the way democracy works. It is time the government understood this.

So, with those few remarks, the Senate is well aware what the opposition, together with Senators Fielding and Xenophon, are seeking to achieve: we are seeking to put beyond doubt that if the Senate were of a mind to disallow the reductions in Medicare rebates for cataract surgery then our intention is for the rebates for those items to revert back to the rebates currently in place when it comes up after this legislation has been dealt with. We know that this bill has to go back to the House of Representatives and the government will have to make a decision. They will have to make a decision on whether they will bring on the bill, give it precedence, deal with it and vote in favour of it, or whether they are going to ignore it, vote against it or let the time pass 1 November. If the government do not deal with this before 1 November then it is on their head; the chaos that will be caused out there in the community will be on the government’s head. Clearly, the government have not thought this through. The government should have engaged with us constructively and much earlier. The government should have realised that, without the support of the Senate, they will not be able to press ahead. Arrogantly and, I would argue, incompetently, the Minister for Health and Ageing thought that she could get away with it. This is an important issue. This is about ensuring timely and affordable access to quality health care for all Australians. On this basis, this is a very important process for us to go through today.

Senator XENOPHON (South Australia) (10.05 am)—I think the Minister for Health and Ageing, Nicola Roxon, does a lot of good things. Her focus on preventive health is laudable, but that is for another debate, perhaps later today. The focus on getting to the cause of illness and to the cause of people getting sick in the first place is a fundamentally good thing. I also think that the minister’s reforms to the dental program—which, with some relatively minor amendments, I support—need to be done, and it is regrettable that after a year that has not been dealt with.

I do have an issue in relation to the changes to cataract surgery. I think a mistake has been made. I think the government’s concern about some ophthalmologists not doing the right thing has been dealt with with a very blunt instrument. This instrument has been to have an across-the-board change to the cataract rebate. This bill is the same as the Health Insurance Amendment (Compliance) Bill 2009 but with one important difference: it ensures that if any regulation to change in a time in an item to a table of medical services is disallowed them the
situation will revert back to the previous regulations.

Currently if such regulation is disallowed then the result is as if no regulation existed. This is vital because items in a table of medical services provide rebates for important procedures such as cataract surgery. The government has cut the rebates for items Nos 42699, 42701 and 42702 by 50 per cent. These items are for medical services associated with cataract surgery, and the information provided by the Medicare benefits branch in estimates last week indicated that in the 2007-08 financial year there were 187,912 cataract procedures provided. Of these, 131,675, or roughly 70 per cent, were provided in the private system, which would have had the rebate level halved under the government’s changes. Meanwhile, the remaining public sector patients would have continued to get their treatments for free, but I think it is important to have that balance between the public and private systems and that you do not overload an already stretched public system.

My office has been inundated with correspondence from constituents and individuals opposing these changes by the government. It has not been just about lobbying by medical practitioners or private health groups; bodies such as COTA—the peak advocacy body for senior citizens in this country—have publicly criticised this move by the government and so have those who have practised in the area for many years. I will quote from an email from one ophthalmologist:

The proposed change will reduce surgeons’ income—but not in the way the Government might think. Almost none of my colleagues will reduce their fees. There will be some reduction in demand for surgery with patients putting off their surgery or electing to go public—more on that in a minute. Most ophthalmologists (myself included) use safety for driving and safety from falls causing fractured hips as the primary indication for determining readiness for surgery. You can see that deferral of surgery is potentially dangerous. It is also true that the demographic that suffers from cataract surgery is very price sensitive. The capricious way that this extreme measure has caused a lot of anger within the ophthalmology community. The ophthalmology community is not politically divided and is strongly united in response.

The general public has been contacting me about this as well. I have been getting many faxes, emails and letters—many handwritten—from constituents who are concerned about this. It has been put to my office that the department were looking for cost cuts, they saw these large items and they made the cut without looking at the consequences. I think it really is a case where the government has used a very blunt instrument to deal with a perceived problem.

While it is true that there have been significant improvements in technology with this surgery in Australia since 1984, this needs to be put in perspective. Prior to 1984, a cataract operation was an intracapsular lens extraction which took about an hour to perform, depending on the proficiency of the surgeon, and had a relatively mediocre result. At that time, one waited until patients were virtually blind before performing surgery. In 1984, in South Australia, extracapsular lens extraction was introduced and this improved results dramatically and reduced the time for the operation considerably. As a consequence, the fees were reduced in 1987 by a federal Labor government. I have been reliably informed that there have been no significant advances in the last 10 to 15 years.

I think that the government is using the new technology as an excuse when in fact that was previously dealt with back in 1987. That is why I cannot support the government on this issue—because of the impact on patients. I think if the government wants to deal
with issues of overcharging and informed financial consent, these are separate issues and this is not the way to do it, because of the impact it will have on patients.

Yesterday an amendment to the Health Insurance Amendment (Compliance) Bill 2009 was circulated in the names of Senator Cormann, Senator Fielding and myself. That amendment would have achieved the same purpose as this bill. It was an amendment drafted in support of a disallowance motion for changes to cataract surgery rebates. Essentially what the government was seeking to do was to make easy cost cuts at the cost of those with cataracts. The disallowance motion would have prevented this. To protect cataract patients we also sought to amend the Health Insurance Amendment (Compliance) Bill to ensure that if any change to an item in a table of medical services were disallowed, then the situation would revert back to the previous regulations. However, the government recognised that it would still end up providing the previous rebates for cataract surgery, so I think it is a fair assumption to make that the bill has been stalled. That is why I have reluctantly agreed to this course of action. I do not think there is any other course in order to protect those who require cataract surgery in terms of their not being out of pocket.

I think it is also relevant to point out that in estimates last week—and Senator Cormann is well aware of this, because I think he is the person who asked the question—the advice from a senior official in the department was that the item would revert back to the previous rebate level if the new lower rebate were disallowed. Because there is ambiguity in relation to that, I think it is important that we remove any ambiguity with this particular bill, and I think that is the most sensible approach. If this bill does not get up—if the government maintains its position that there will be no rebate—I think that we will find ourselves with an urgent legal challenge being made by a representative group or by an individual taking on a test case, presumably in the Federal Court. That is something that we need to avoid, given the uncertainty and the fact that there will many Australians who will defer their cataract surgery pending this.

I think there is a way forward in this. I know that the opposition does not say this, but I think that the Minister for Health and Ageing, Nicola Roxon, has done a lot of good things in her portfolio. I have supported many of those things, but this particular measure is not one that I support, because I think it is too blunt an instrument to achieve a good policy outcome and I am concerned about patients being significantly disadvantaged. Therefore, I support this bill and I am still hopeful that there can be a reasonable compromise that will not disadvantage patients who require cataract surgery.

Senator Cormann—Mr Acting Deputy President, on a point of order: I just wanted to make sure that Senator Xenophon was aware that, at this stage, we are still talking about the motion to give precedence rather than the bill itself.

The ACTING DEPUTY PRESIDENT (Senator Trood)—I am not sure that is a point of order, Senator Cormann. Senator Xenophon is of course entitled to include in his remarks anything that he chooses.

Senator XENOPHON—I thought it was important to set out the basis of why I support this particular motion, and that is that I believe the bill has merit. In a sense, it will save me doubling up on my comments in relation to support of the bill. I am grateful for Senator Cormann’s point of order—even though you have ruled, Mr Acting Deputy President, that it was not a point of order. The point is: I think it is important that I make clear why I support the motion. I sup-
port the motion for the reasons set out in terms of the policy rationale behind this bill. That is why I think it is important that we support the suspension of standing orders, and I have set out in my remarks why I support this particular move. I think it is important to set out the background for that.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.14 am)—It seems that we are on the precedent motion, and I think it is clear that this bill is one that you would not give precedent to, quite frankly. We are now in a very odd position, where the opposition feel minded to hijack the Senate procedures to fix what would otherwise be a silly position they have got themselves into. I will take the Senate through this madness that the opposition are now putting forward. I will go back to the position where, at budget, the opposition agreed to pass our budget measures, except the private health insurance issue, which they would have a debate about. I think that is clear. Those were the words that Mr Hockey used at the time—I do not have them before me but I recall them in that way, and if I have not recalled them correctly I am happy to correct the record.

In short, the government made clear what its position was in relation to its budget. It is a budget that means that issues such as this would need to be passed so that things like Avastin as an emerging treatment for bowel cancer, new paternity leave reforms, incentives to get doctors to the bush and matters relating to regional cancer centres and the like can be proceeded with. It is about providing realistic savings out of the budget to allow these matters to be dealt with—and when technology and techniques improve. The government put forward this position to ensure that where technology did improve you could change your schedules. That is the next piece of this puzzle: where the government, quite rightly, moves to change or introduce a regulation to deal with the schedule. The opposition always has the opportunity to say, ‘We object to that position,’ and have a debate about that at the appropriate time. That is the position we would ordinarily come across. But, in dealing with it in seriatim, as we are—and as Senator Cormann has quite correctly said—we would oppose that position and we would not agree to the schedule. Notwithstanding the rationale or the arguments that might have been put forward, that is a debate you would have during the disallowance motion.

However, Senator Cormann, in making policy on the run, seems to have turned little attention to how this place works. It works by the government ensuring that its legislative program is dealt with in terms of what is before it in the Senate. The government determines the order of bills that are dealt with in the Senate, and that is the long-established precedent in this place. The opposition, to support a mad position that Senator Cormann has now adopted, have agreed to allow him to move a suspension notice to allow a private senator’s bill to be introduced into this place. So we are now in a position where the opposition, Senator Xenophon and Senator Fielding have agreed to hijack the legislative program—notwithstanding that we have a lot of urgent bills to be dealt with during this sitting period and notwithstanding the pressures we have on the program for the next fortnight—to allow this pantomime by Senator Cormann to play out.

Senator Cormann interjecting—

Senator LUDWIG—The shrieks from Senator Cormann highlight the difficulty that he has put himself in. It has exposed the madness that he is now pursuing in the Senate. He is using the Senate—and the opposition have agreed to this with Senator Fielding and Senator Xenophon—and the procedures in this place for his own political pan-
tomime. It is the only way you could describe it. We will get to the substance of the bill shortly. We are dealing with the precedent motion. I will deal with this madness that the opposition are now pursuing. To underpin the position, they were looking to the House of Representatives for a bill which was dealing with Medicare compliance—not a bill dealing with the Health Insurance Act at large, but with Medicare compliance.

Senator Cormann interjecting—

Senator LUDWIG—Mr Acting Deputy President, I allowed Senator Cormann to speak in silence. Interjections are disorderly. It seems that he does not like me explaining his madness. Quite frankly, I can understand that. I might have interjected too if I had started this madness. I do have the right to be heard in quiet, and he should defer to that, rather than highlighting the fact that his position is untenable and exposed.

So he looked at a bill about Medicare compliance, all the way over in the House of Representatives, and thought: ‘Ah-ha! I have a way of stopping myself looking so stupid in this instance. If I oppose the disallowance motion, the position I will find myself in is that the Medicare schedule that has been introduced will drop away.’ But, of course, the bill is not in the Senate. It is a matter for the government when it comes to the Senate. That is the legislative program. He guesses a whole range of ideas as to why it has not moved from the House to the Senate, but those are assumptions he has made in relation to how these things work. But, notwithstanding that—

Senator Cormann interjecting—

Senator LUDWIG—Mr Acting Deputy President, Senator Cormann had an opportunity to make his contribution in silence, and I should have the same courtesy extended to me.

The ACTING DEPUTY PRESIDENT (Senator Trood)—Thank you.

Senator LUDWIG—The position now, of course, is that Senator Cormann has to stretch to say, ‘Look, I don’t have a particular bill before me to deal with to try to support the insane position I am now trying to adopt,’ so he introduces a private senator’s bill to give himself cover for the pantomime that is being played out here. He intended to wait for a bill to come across from the House to the Senate and amend that, but it is an unrelated bill. It is not dealing with the substance of the matter; it is an unrelated bill, and he was seeking to tack. So not only do we have an unprecedented position now emerging here, where Senator Cormann is using the Senate in this peculiar and unprecedented way, but this is a second way of providing himself a cover for the pantomime that he is trying to act out. That is, quite frankly, unprecedented in that it is normal practice in this place not to tack other amendments onto bills, and usually both the opposition and the government take the principled position and reject tacking bills. Why? Because the amendments are not about the substance. They have not been through a Senate committee. They have not been dealt with in an appropriate way. They have not been looked at, scrutinised—and, of course, that is the usual position we adopt this place.

Instead, the opposition have now breached two significant principles. One is—in the first instance, to provide Senator Cormann cover for his pantomime—to say that it is okay to tack bills. That is a significant breach of what I would call the usual procedures in this place and the policies that oppositions for a long time have adopted. Why? Because it is a sensible, principled position to adopt. Why? Because all governments can suffer from tacking bills, which are then used as stunts in the Senate and which eat up time. Why? Because we have a bicameral system,
so it has to also pass to the House to be considered, and the reality of that should be driven home to the opposition.

The opposition have to understand—and maybe they have been in opposition for too short a time to follow this—that, first of all, the principles in this place are that the government determines the legislative program and the government determines the order of bills to be dealt with, and the principle usually adopted in this place is that you do not tack bills, especially when you do not even have them in the Senate to begin with and you try to second-guess when a bill is going to be introduced into the Senate. If it is not introduced, you then second-guess again—so it is an assumption based upon an assumption—and say, ‘Seeing that it’s not here, I’m going to introduce a private senator’s bill to hijack the legislative program.’ That is the third breach by the opposition in a program, because if you agree to all of these—there are three so far, and I am counting—what is to prevent Senator Xenophon, Senator Fielding or the Greens, although I suspect they are more reasonable than this position, from adopting mad tactics in this place to turn it upside down so we do not deal with our legislative program? We are then in a position where we are always at risk of having this place turned upside down at any time. They are the principles that have long been established in this place to allow proper scrutiny of the legislation, to allow the Senate to do its work. The opposition are now saying that they will throw all that in the bin and deal with whatever mad stunt a particular senator might come up with to give himself notoriety—

Senator O’Brien—Cover.

Senator LUDWIG—and cover. The next major issue is that it is unprecedented not only to then agree to a suspension to deal with the private senator’s bill, as I outlined, but also to do the second tack, which is to say, ‘We’ll also include the disallowance motion in that procedure so that we’ll deal with that as well.’ That is the fourth breach of what I would call longstanding principles in this place. Why? Because once you start making rules on the run, once you start breaching long-established processes and principles in this place, you end up making not only policy on the run but also practice on the run. The difficulty will be where you end up once you throw all of that in the bin and you then want to argue from a principled position, should something else occur that you might want to argue against. The precedents in this place are well established. What the opposition are now doing is throwing all those precedents in the bin and saying: ‘We’re going to run it like a rodeo. We’ll let the bull out and see what happens.’ It is complete madness to travel down this path, and you should recognise that.

I do not expect Senator Cormann to recognise that, quite frankly. I do not. I accept that he has a policy position. He is blinded by how to resolve the position he has put himself in by mistake, accident or even design. He is looking for cover. He will search around, stretch out and grab anything to hold on to to see if he can bring himself a bit of respectability. But I cannot accept that the opposition, from their leadership, are going to accept that position. I cannot accept that, but it seems that they have been either sucked in or hoodwinked into this process. I can argue, but it seems that they are hell bent on proceeding down this path.

I can only give you some free advice—and cautionary advice, at that—that this is not a path that should be travelled because you have not provided any notice of your overturning of procedure. This course of action is unprecedented. You will get yourself into Odgers on it, I suspect. I am not sure if this Clerk will write it up; maybe the next
Clerk will have to deal with that. The position you are allowing is that the opposition will be able to agree to any freewheeling process and procedure to find a result to give them some cover, some fig leaf of respectability, in relation to a policy position that is completely unsustainable.

I will not deal with the substance of the matter in this debate. It does not look like I am going to have the numbers in this place, so I will not take up all of the time. I will end on this point: this is a silly position to adopt to try to give yourself an air of respectability in relation to a policy position that is completely unsustainable.

**Senator PARRY (Tasmania) (10.30 am)**—Senator Ludwig has outlined the inadequacies of the government by attacking the man. He has attacked Senator Cormann rather than the substance of the motion. He is trying to thwart the motion by indicating that it is a pantomime and things of this nature. I want to take us back to the real issue. The reason for us seeking precedence is that there will be thousands of Australians who will not have the benefit of cataract surgery if the government’s course of action were to be continued. That is the crux of the matter. That is what we are fighting for. We have come from that policy position very early on. We wanted to disallow the regulations, and that has been flagged for seven weeks.

It should be no surprise to the government that we wanted to move down this path, and we tried to do this through all the procedural avenues recognised as Senate convention, until yesterday. Yesterday, the government removed the bill and removed the opportunity for it to be debated in this chamber—and to be amended in the fashion that Senator Ludwig indicated. That amendment, on very good advice from the Clerk’s office, would have facilitated the particular course of action we wanted, and that was to make sure that the rebate for cataract surgery remained in place so thousands of Australians would not be disadvantaged.

On Monday and Tuesday this week the bill was listed on our Order of Business, subject to its introduction from the House of Representatives. Yesterday it was listed, and then miraculously removed. This is not an ambush, as Senator Ludwig indicates, because we have been very open and frank about our wish to amend the bill to achieve our outcome. That has been known for some time. We were then forced to take urgent action, and the urgent action was finalised this morning. A bill was presented to our Senate tactics group and we agreed to that bill. We have taken a sensible course of action. It is an unusual step, as Senator Ludwig indicates, but we were forced into this by the urgent circumstances. This legislation was going to be ready this weekend and the legislation was not going to arrive in this chamber for us to deal with in a timely manner.

On top of that, Senator Ludwig said, ‘It was all Senator Cormann.’ Apart from the Liberal and National parties, who are as one on this, we have two other senators. We cannot adjust or rearrange government business without the support of the majority. This is a democracy, as my colleague Senator Cormann mentioned, and we are doing this in the best interests of thousands of people who will now, if the government supports this in the lower house, continue to receive the rebate they are entitled to for cataract surgery. That is the basis of what we are doing and we have been forced into this urgent set of circumstances because of the government’s tactics in the House of Representatives yesterday.

**Senator O’BRIEN (Tasmania) (10.34 am)**—I did not intend to enter this debate but, given what has just been said by the Manager of Opposition Business and Oppo-
ition Whip, I have to say this: is the good senator suggesting that we should have kept the bill on the red even though it was not available to us? The nonsense in his argument is that we were supposed to keep the bill on the red because it had been there before, when in fact we could not keep it on today’s red because it had not passed the House of Representatives. He knows that. The fact of the matter is that what he is trying to say is: ‘We have this strategy. We were going to deal with the disallowance today.’ We have been dealing with all sorts of adjournments and disallowance motions this week and there has been no indication that this was the path they considered essential, that the disallowance might have to be put back or that some other action had to be considered.

Senator Xenophon belled the cat in his contribution earlier that this action this morning was discussed and arranged last night. The suggestion by Senator Parry and Senator Cormann that this matter was not decided until this morning is a fiction. It was cooked up last night, and Senator Xenophon has belled the cat. There was no consultation with us about this. We did not know until the bells were ringing this morning. There was no opportunity to discuss it. It was clearly an ambush. I reject the suggestion that this is not purely and simply a move by Senator Cormann and the coalition to give themselves political cover because they want to disallow something—and there is a consequence to that. That is their position. They are trying to give themselves political cover. That is what this is about and the Australian people will see through it.

Question put:

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

The Senate divided. [10.40 am]

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

Ayes………..
Noes………..
Majority……..

AYES

Adams, J.
Bernardi, C.
Boyce, S.
Bushby, D.C.
Colbeck, R.
Cormann, M.H.P.
Ferguson, A.B.
Ferraravanti-Wells, C.
Fisher, M.J.
Humphries, G.
Joyce, B.
Ludlam, S.
Mason, B.J.
Milne, C.
Nash, F.
Payne, M.A.
Scullion, N.G.
Troeth, J.M.
Williams, J.R. *

Back, C.J.
Birmingham, S.
Brown, B.J.
Cash, M.C.
Coonan, H.L.
Eggleston, A.
Fielding, S.
Fiifield, M.P.
Hanson-Young, S.C.
Johnston, D.
Kroger, H.
Macdonald, I.
McGauran, J.J.J.
Minchin, N.H.
Parry, S.
Ryan, S.M.
Siewert, R.
Trood, R.B.
Xenophon, N.

NOES

Arbib, M.V.
Bishop, T.M.
Cameron, D.N.
Conroy, S.M.
Farrell, D.E.
Forshaw, M.G.
Hogg, J.J.
Hutchins, S.P.
Lundy, K.A.
McEwen, A. *
O’Brien, K.W.K.
Pratt, L.C.
Sterle, G.

Bilyk, C.L.
Brown, C.L.
Collins, J.
Crossin, P.M.
Feeney, D.
Furner, M.L.
Hurley, A.
Ludwig, J.W.
Marshall, G.
McLucas, J.E.
Polley, H.
Stephens, U.
Wortley, D.

PAIRS

Abetz, E.
Barnett, G.
Boswell, R.L.D.
Brandis, G.H.

Carr, K.J.
Sherry, N.J.
Wong, P.
Moore, C.
HEALTH INSURANCE AMENDMENT (REVIVAL OF TABLE ITEMS) BILL 2009

First Reading

Senator CORMANN (Western Australia) (10.44 am)—On behalf of the opposition and also at the request of the Leader of the Family First Party, Senator Fielding, and of Senator Xenophon, I move:

That the following bill be introduced: A Bill for an Act to amend the Health Insurance Act 1973 to provide for the revival of certain medical services items should later items be disallowed.

Question agreed to.

Senator CORMANN (Western Australia) (10.45 am)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CORMANN (Western Australia) (10.45 am)—I move:

That this bill be now read a second time.

The Health Insurance Amendment (Revival of Table Items) Bill 2009 amends the Health Insurance Act 1973 to provide for the revival of certain medical services items should later items be disallowed.

This bill is part of our efforts to stand up for patients across Australia in need of timely and affordable access to quality health care and is sponsored by the coalition together with Senators Fielding and Xenophon.

The aim of this bill is to address a serious shortcoming in the Health Insurance Act 1973, which has become apparent in the context of a majority of senators seeking to put a stop to ill-considered government moves to halve a series of Medicare rebates for cataract surgery.

On budget night in May this year the government announced that it would move to reduce Medicare rebates for cataract surgery by 50 per cent.

This meant in effect an immediate $313 increase in out-of-pocket expenses for the many thousands of mostly elderly patients accessing this surgery through the private health system.

The flow-on implications for private health fund rebate arrangements meant further increases in out-of-pocket expenses as a direct result of the government’s actions.

The government owned Medibank Private for example announced that its rebates for cataract surgery would reduce by a further $290 as a direct result of the MBS rebate change, taking total additional out-of-pocket expenses to more than $600 per episode.

This would make this life-changing surgery unaffordable for many senior Australians.

There is no doubt that it would push many into an already overburdened public health system—a public health system in which the taxpayer would have to spend more than $3,500 for every cataract surgery procedure, providing those patients who are lucky enough to get in with free access to this procedure.

The government is in fact proposing to save $313 per procedure on one hand, and to force taxpayers to pay more than $3,500 for that same procedure in the public health system on the other.

It does not make sense.

Furthermore, cataract surgery is clearly a very cost-effective preventative health measure, helping to prevent falls, fractures and mental stress.
Affordable and timely access to this treatment can mean maintaining an independent life—continuing to live at home, continuing to drive a car, continuing to remain active. In short, this is indeed a life-changing treatment.

For these and many other reasons to be detailed during the debate on the disallowance motion immediately after this bill has been determined, the coalition together with Senators Fielding and Xenophon announced that we would move to stop the government from going ahead with this.

Given the budget cut was to be implemented by regulation the only procedural option available to us to achieve that objective was to move a disallowance motion in relation to the items the government was seeking to reduce in the Senate.

That is why the coalition, together with Senators Fielding and Xenophon, announced back on 8 September 2009 that we would seek to disallow the government’s 50 per cent reduction of cataract surgery related Medicare rebates.

True to form the Rudd government left things to the last minute, yet again only coming to the Senate at the last minute, on this occasion by tabling the regulations to give effect to the reduction of cataract surgery rebates two days ago—even though those reductions were announced as far back as May this year and even though those reductions are to take effect from 1 November this year. That is, those regulations were tabled in the Senate with only four days to go before they are to take effect.

The government has refused to take any responsible action despite the well-publicised intentions of a majority of senators.

Consistent with our previous announcements the coalition and Senators Fielding and Xenophon gave notice yesterday of the notice to disallow as well as circulating two amendments to the Health Insurance Act 1973.

Faced with a lack of support in the Senate for its budget cut, the government at first did nothing, then the minister went for the scare campaign, and then with only four days to go the government recklessly pressed ahead with its ill-considered budget cut regardless of the consequences for patients.

The Minister for Health and Ageing, instead of opting for the responsible course of action—seeking to respond constructively to the clearly expressed wishes of a majority of senators—decided to ignore the Senate, to scare patients, to scare doctors and to threaten the Senate.

Indeed, for a number of weeks now the minister has effectively threatened the Senate by stating that if the Senate were to disallow the various reductions in cataract surgery related MBS items then ‘there will be no payment, no scheduled fee for a cataract procedure’.

She indicated that those items would disappear altogether.

There is no proposal to ensure that does not happen, and no initiative from the minister to ensure patients do not get hurt because the government is not able to get the support of the Senate for its ill-considered budget cut.

The problem with the minister’s interpretation and with her legal advice is that, if it is correct and if it is allowed to stand, it would in effect mean that governments can make any cuts they like to the Medicare Benefits Schedule without the Senate ever being able to stop them.

So, however ill-considered the budget cut, however many senators are opposed to it, however sound and well considered the rea-
sons for disallowance may be, the Senate would not be able to do a thing about it.

If this situation were allowed to stand, any disallowance motion in relation to cuts to the Medicare Benefits Schedule, now or at any time in the future, would be completely ineffective.

Clearly that cannot have been the intention of the parliament when delegating the power to make regulations to the government.

If the Health Insurance Act 1973 as it stands delegates power to the government to make regulations reducing any Medicare item rebate without the Senate being able to do anything about it, then clearly that legislation needs to be changed.

By supporting this bill the Senate would formalise its view that the current situation is unacceptable and that the Senate wants the relevant legislation changed with effect from 26 October 2009.

When asked by governments to give them power to make regulations under various acts of parliament, the parliament, and in particular the Senate, is invariably told reassuringly by government representatives, ‘Don’t worry; if you’re not happy with what we’re doing, you can always move a disallowance motion and stop it from going ahead.’

We have heard that recently in relation to the extended Medicare safety net bill. But, of course, the Senate very wisely introduced a different process, where both houses of parliament have to formally agree rather than go down the fraught path of disallowance motions.

The reality we are now faced with very clearly demonstrates that in relation to government initiated reductions in MBS rebates that appears not to be the case under the legislation as it currently stands.

Clearly this is a serious issue and one which the coalition and Senators Fielding and Xenophon have very seriously considered.

Our intention is to stop the government from reducing the cataract surgery related rebates.

Our intention is not to create a circumstance where there is no rebate at all—of course not.

Last Wednesday during Senate estimates we put the specific question to the senior official responsible for the MBS in the health department: ‘If the Senate were to disallow the reduction in cataract surgery related rebates, what would happen?’

The answer was, ‘The items would revert to the previous rebates,’ in clear conflict with the public assertions of the minister up to that time.

This clearly points to confusion and doubt on this issue, even at the most senior levels of the government.

By last night the minister had pulled her department back into line and back onto message—who would have expected otherwise?

However, by yesterday afternoon, the time of giving notice of the disallowance motion in relation to cataract surgery rebate reductions, nobody from government had made any moves to correct the record of evidence given to a committee of the Senate.

That is, the evidence from the senior official on this issue has been allowed to remain on the public record uncorrected for nearly a week.

The minister this morning circulated very recent advice which she obtained yesterday afternoon and the departmental official very clearly is trying to cover her bases. She is trying to say she was right then and she is trying to say that she is still right now. She is
trying to say that she was right in saying that if we disallow these items they revert back to the previous items and she is also trying to say, ‘Actually, no, if you disallow those items, the items will be deleted altogether.’

It is done in a very clumsy way. It is clearly an attempt to walk both sides of the street and cover up something that was a mistake, that was wrong and that was false evidence to a Senate committee.

In any event, the coalition and Senators Fielding and Xenophon had long decided to take the necessary legislative steps to put the matter beyond doubt through an amendment to the Health Insurance Act 1973—an amendment to make sure that any disallowed item would revert to the previous MBS fee/rebate for those items that have been disallowed.

Indeed, it had long been the intention of the coalition and Senators Fielding and Xenophon to pursue this amendment to the Health Insurance Act 1973 through two simple amendments to the government’s Health Insurance Amendment (Compliance) Bill 2009.

That bill had been listed on the Senate Red on both Monday and Tuesday this week.

The government had given clear and repeated indications to the opposition that the Health Insurance Amendment (Compliance) Bill 2009 was an urgent bill to be passed as soon as possible early this week.

This would have been a very smooth and much less disruptive way to achieve the objectives of the Senate in relation to this issue.

Yesterday afternoon, a day after the government finally tabled the regulations in the Senate on Monday, in very good faith, we circulated our proposed amendments to the Health Insurance Amendment (Compliance) Bill 2009.

What happened next is breathtakingly reckless and irresponsible.

The bill had been fully considered by the House of Representatives and agreed to without amendments. It was about to be put to its third reading vote when, in an unprecedented move, the government decided to stop the process only seconds away from final passage of the bill by the House of Representatives. The government’s aim was clearly to ensure that the bill would not be passed and would not make its way to the Senate before the impending disallowance.

This whole process could have been much more straightforward. If the government had taken a more responsible and constructive approach the Senate would have lost much less time.

We have repeatedly confirmed that we did not support what we consider to be an ill-thought-out, short-sighted budget measure, which would end up hurting many thousands of patients across Australia.

By passing this bill before dealing with the disallowance of the government’s reduction in cataract surgery rebates, the Senate is giving the government a way out.

This is a well-considered and responsible course of action which will protect patients’ interests.

We urge the government to give this bill precedence in the House of Representatives and to support it.

If the government decided to vote this bill down in the House of Representatives or decided to delay its consideration and passage beyond 1 November 2009, the government would effectively be causing the deletion of the Medicare rebate for cataract surgery altogether, consistent with the advice that the minister has received from her department last night and consistent with ad-
vice that had previously been provided by the Clerk of the Senate.

We urge the government to very seriously consider its next steps.

If the Senate passes this bill as well as the disallowance motion on certain items of schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2009 then the Senate is making its position very clear:

1. we do not support the government’s ill-considered and short-sighted 50 per cent cut in Medicare rebates for cataract surgery;
2. we want to stop the government from pressing ahead with that cut in rebates, which would hurt patients and put more pressure on our already overburdened public hospital system; and
3. we want the government to accept that, in the interests of the thousands and thousands of patients in need of timely and affordable access to quality cataract surgery in the private system, the rebates for cataract surgery should remain the same as they have been under the previous regulations.

We urge the Minister for Health and Ageing to come to her senses and listen to the Senate.

If she will not then we call on the Prime Minister to remember his solemn pledge to the Australian people that on health the buck stops with him.

I commend this bill to the Senate.

Senator SIEWERT (Western Australia) (11.00 am)—I rise to make a contribution in this second reading debate on the Health Insurance Amendment (Revival of Table Items) Bill 2009. The Greens have struggled with this issue. We will be supporting this bill because—as we have highlighted on other occasions in the chamber and in fact when the Greens made a contribution to the debate over the extended Medicare safety net—we are concerned about the issues around the rebates. We think that patients are being caught in the middle of a failure to resolve this issue. The government and, to our mind, many ophthalmologists have not engaged in a meaningful debate over the excessive costs that are being charged in some areas. There is no doubt that technology has decreased the amount of time that is required to do fairly standard operations; there is no doubt that some more complex operations require further time; and there is no doubt that some ophthalmologists are churning a number of patients through their operation in a single day. That has increased the rate and has led to the need for the government to start to look at issues around the rebates.

During estimates, as Senator Cormann referred to, there was much evidence presented. There was also a lot of evidence presented around the number of patients that are now being dealt with. There was some fairly convincing evidence about the reduced time it takes to carry out these procedures. But the point here is that people on low incomes and people in rural and regional areas in particular are being caught in the middle. There is no doubt that some patients will end up on the public waiting list. The government’s response to that is, ‘Well, ophthalmologists will be coming out of the private system. They won’t have as many patients in the private system, so they will then be working in the public system.’ I think that is a pretty haphazard way of dealing with patients who are not going to be able to access the private system to get treatment and who will have to go on quite long waiting lists in public hospitals.

The other issue here is that some ophthalmologists, not all of them, instead of engaging in a meaningful debate with the government—and the government has shown some resistance, as I understand it, to engaging in debate—have gone into a scare campaign. That has made the situation worse.
They have chosen to engage in the debate through the media and through a media campaign. I do not think that has helped the debate. When the issue arose over ART procedures the government and the profession entered into some negotiations and came up with what seems to be a very reasonable outcome of changing some payments for some scheduling, agreeing to cut some payments for some scheduling and some rearrangement. It did require on that front the government bringing in a cap or threatening to bring in a cap without engagement with the profession. It required a fairly heavy hand in bringing everybody to the negotiation table. That does not appear to have happened here.

There are definitely issues to be resolved. There is not just blame on one side; I think there is blame on both sides. But this issue needs to be resolved because the bottom line here is that patients are getting caught in the middle. I think this is a very heavy-handed approach to dealing with what is a quite complex area. I think the government has been somewhat disingenuous by saying that it is dealing with this issue by bringing in the payment for complex procedures and that that might help in some way to deal with the rural and regional issue where there are more expenses involved as it is harder to access either public or private hospitals for the procedure. The item number for the complex procedure was in fact announced in the budget—it was not brought in as some concession to the ophthalmologists to try and show that the government has been listening and in fact will now be paying for complex procedures. As I understand it, it will be quite hard to access that complex procedure process. It will not deal with the issue that the ophthalmologists have been bringing up of some procedures taking longer, as I understand it from both previous discussion in estimates and talking to ophthalmologists.

There is no doubt that there are issues here. There is no doubt that there is an increase in costs to do with cataracts and that those costs can be reduced. Our concern is that the methods of reducing those costs are not being adequately dealt with by this fairly blunt instrument. The coalition previously, with Senator Fielding and Senator Xenophon, were bringing in an amendment to the compliance bill as a way of ensuring that the schedule item continued—because if a disallowance was moved and it was supported by the chamber then that item number would disappear completely, and that of course is an unacceptable outcome. We are left with an unacceptable outcome if this rebate goes through because we are not convinced that there will not be adverse impacts on patients.

The Greens absolutely recognise the need to deal with runaway health costs and we have also raised those issues. We do understand the issue around large cost increases for cataract surgery. We do not think this is necessarily the way to do it. We do think the government and ophthalmologists should be required to sit down—with an independent facilitator or negotiator if that is what it takes—to try and resolve this issue. Using these blunt instruments in this manner and trying to fix this through counterprocedure after counterprocedure in the Senate is not effective. It looks like this is going to have the support of the Senate. We know very well that, when it goes through, it will go down to the House of Representatives and they will knock it off or they will not support it.

Opposition senator interjecting—

Senator SIEWERT—They will have to think about it, but they probably will not support it; and yet again patients are getting caught in the middle. This is not an acceptable way to deal with what are potentially very serious health outcomes for the people in our community who can least afford it. Let
us face it: we are not talking about the people who can afford these procedures—the middle or higher income people. They will of course go and pay for it. The people who are being impacted are those who can least afford it.

The Greens were extremely concerned, as I indicated during the debate, about the extended Medicare rebate and the issues around the cap, but we are not convinced that this is not going to result in adverse outcomes for those who can least afford these operations and who will be most harmed by not gaining access to cataract surgery. The government has agreed to a review as a result of an amendment that the government agreed to under the extended Medicare rebate bill process that we already debated in this chamber, but we do not believe that leaving this process to a review down the track or people going onto the public list and ophthalmologists that are not engaged in private work getting work in public hospitals is a way to resolve this. We think that we need a more definite way to resolve it. We urge the government and the ophthalmologists—as I said, I think there are problems on both sides—to sit down and resolve this. This is a very clumsy way of resolving a highly complex issue. The bottom line here is that patients are getting caught in the middle. I do not think it is appropriate, which is why we were of a mind to support the disallowance, to cut the rebate in half. It is not an adequate way of dealing with these very complex issues. The government did show goodwill with medical professionals in the other sectors that we have dealt with, such as the RAT issue and the obstetricians. I know the obstetricians were not fully happy with the outcome of the negotiations, but I understand there was considerable support for some of those changes.

Those changes are not the issue here. The specific issue here is around cataracts. I do not think the government has got it right. I think the ophthalmologists have engaged in a scare campaign that is not appropriate, because it has scared people, particularly older people, into thinking that they are not going to be able to get access to cataract operations. We think there is concern on both sides. We need to sit down and we need to resolve this. This is not the appropriate way, but at this stage this is the only way that the Senate has of raising its concerns and forcing people to start negotiating this in good faith. We need to come up with an outcome that does not leave growing waiting lists, with those on low incomes and older people who cannot afford operations languishing on public hospital waiting lists hoping that ophthalmologists who are not engaged in providing private services will then switch over to the public system. Unfortunately, that is the very real scenario we could be facing. We do not think that is appropriate. It is not easy. If it were easy they would have sat down already and resolved this, but they need to try again to sit down and talk about it. We need both sides to come to those negotiations in good faith. It is not beyond the wit of the people engaged in this issue to come up with a solution that does not require this blunt instrument we are being forced into using.

Senator WILLIAMS (New South Wales) (11.10 am)—I will only take a few minutes to say that we support Senator Cormann in his actions today on the Health Insurance Amendment (Revival of Table Items) Bill 2009. As Senator Siewert just said, this is the only action we can take on this issue. I just want to bring to the Senate’s attention the situation in the regional area where I live. We have an ophthalmologist from Armidale who comes to Inverell one day a month. He has to pay two staff and he has to rent the hospital facilities. It costs him a lot of money for his travel—an hour-and-a-half drive there and an hour-and-a-half drive back, plus paying those
staff. To halve the rebate would put Dr Mark Morgan in a situation where he would have to reconsider whether he actually travels to our regional area to carry out that cataract surgery.

This is typical in regional Australia. This is a dollar-saving issue by the Minister for Health and Ageing from the May budget that is going to have very negative ramifications in regional areas. That is why we strongly support Senator Cormann and what we have done today. Some might not like the way it has been approached but, as Senator Siewert said, it is the only option we have to get a message back to the government that we will not tolerate this situation. Our elderly and those in Indigenous communities at high risk of cataracts need attention and services, and we should have those services in regional areas, not just in the cities. That is why we strongly support the action being taken here today.

Senator Ludwig (Queensland—Special Minister of State and Cabinet Secretary) (11.12 am)—In one sense, we have been debating the Health Insurance Amendment (Revival of Table Items) Bill 2009 for some time this morning, so I will try not to take up my full time, but I think some of the issues need to be put on the table. One is that this is ultimately a position that Senator Cormann has decided to embark on. The truth is that the course he has adopted is in effect to seek political cover for the position he has adopted in relation to Senator Cormann—

Senator Cormann—You are still on the same argument. It is getting boring.

Senator Ludwig—Again, Senator Cormann interjects because he really objects to the truth of what I am saying. I understand why he interjects. He interjects because he is disappointed that his own strategy is being exposed for what it is. It is completely and utterly a pantomime that he has constructed and it is being exposed. I can understand he does not like that and that is why he is interjecting. It is quite usual for him to interject, but I ask in this instance that he contain himself and stop demonstrating how bad the position is that he is now adopting. The truth is that he is now effectively trying to underpin the argument that he has put forward. The opportunity to disallow a regulation is certainly the Senate’s prerogative. That is the choice he made; he decided to do that. However, there are always consequences. The consequences are the quite unprecedented position of disallowing this regulation. Nevertheless, that is the choice the opposition has made. In doing so that table is then taken away and that leaves the Senate with the choice of either agreeing to the disallowance and removing the item or not agreeing. That is the choice that is available.

What we now have is a stunt. It is a political cover to try to say, ‘No, it’s not really me who’s doing this; it’s the government doing it.’ They are trying to shift blame, but in fact this whole circumstance has been constructed by Senator Cormann. It is ill thought out, ill prepared and ill executed, quite frankly, because in doing so he has driven over a range of long-accepted principles in this place—quite disappointingly so—and he has dragged the minor parties with him.

I can understand the homily from the Greens, but the real point is that there is a choice to be made around this. It is not about a last, desperate act to encourage the parties to negotiate. I have no doubt the parties have negotiated. Senator Cormann has come up with a strategy to try to effect the opposition’s will, and now we have Senator Xenophon, Senator Fielding and the Greens following behind him. The difficulty always is that once you start on this course it is very hard to change course. Once you hitch yourself to this wagon, you have to see where it goes, and the Greens, Senator Xenophon,
Senator Fielding and the opposition have hitched themselves to Senator Cormann’s caboose.

Yesterday the opposition announced that they would take steps in this place which will mean that no rebate will be payable for cataract procedures performed from Sunday onwards. This action, of course, will throw cataract procedures into disarray. Australians scheduled to have this procedure will now face the uncertainty of being billed for the entire procedure without any government rebate. The opposition have been provided with very clear advice that this will be the effect of their actions. The opposition understand the position that they are in, clearly, and they are choosing to head down this path.

The opposition’s actions are not about putting patients first. They can bleat about putting patients first, but these actions are not about that—they are not about that at all. This is about putting the interests of a small group of specialists first, a group who earn over half a million dollars a year from Medicare alone. The opposition’s thoughtless actions will only hurt the patients seeking to have cataracts removed. Ophthalmologists will continue to charge their high fees for the procedure while the opposition’s actions will prevent the government from paying any rebate to the patient. That is the position that the Greens, Senator Xenophon, Senator Fielding and the opposition have now hitched themselves to.

It is time the opposition stopped siding with the specialists and started supporting taxpayers who are being slugged with unreasonable fees. In fact, the opposition may wish to respond to this comment—and I mentioned it earlier in the debate in relation to the suspension, but I will refer to it again. The CEO of the Consumers Health Forum was asked about this in the Age today, 28 October, and this was the answer:

I would like to know why the Opposition is seeking to support medical specialists who are seeking to retain high incomes at the expense of consumers.

That is what the opposition stand for. Unfortunately, it seems that the Greens now wish to hitch themselves to that as well, with Senator Xenophon and Senator Fielding. Let me say that I do not blame the Greens for that—I understand the position that they have found themselves in—but the truth of the matter is that that is what is now being debated here today.

The government wants to pay an appropriate rebate for this procedure and thinks that the opposition can reconsider this insane position and support these changes. The government’s proposal is to have a schedule fee of $416 and to introduce a new complex item of $850 for when the procedure takes longer. We are adjusting these fees to better reflect the time and the complexity of these procedures. Most people in the community would think that $416 for a procedure that typically takes 20 minutes is a reasonable position to adopt, recognising the skills and abilities of the specialists who undertake these tasks.

What it also means, though, is that if this continues to be resisted we cannot reform our health system. We must make hard decisions. This includes decisions about where we can best direct our finite resources. This is also about the opposition agreeing at budget time but then reneging on that and choosing different courses as they go. On the one hand, they complain about spending and on the other they encourage it, particularly directed at specialists. This is the difficulty they get themselves into. If they do not want savings in this area then they do not need to come up with stunts in this place; they need to point to where they say the savings should
come from, if there are to be savings in this area—and there need to be savings, especially where technology changes and improves, allowing savings to be found.

But it seems, to use a well-worn phrase, they want to have their cake and eat it too. It seems that the opposition are all care but no responsibility. If you look at the responsible position, responsible government is about governments passing bills in this place. It is about effecting our policy. It is about having regulations that support executive action. If they do not like the executive action then they have the ability to come in here and disallow it. But that is the responsible government framework that we exist in. It is the Westminster system. Its principles I enunciated earlier during the debate on the suspension motion. What they are now doing is trying to run policy from the floor of the Senate, using stunts to effect a policy outcome, using parliament to provide that policy outcome and directing the government and the executive in how they should deal with their budget and all of those matters. It is quite unprecedented. It should not be allowed to stand. Not only is the position they have adopted ridiculous; it is also unsustainable, because it will be exposed for what it is, which is nothing short of a stunt.

The other decision the opposition needs to make today, and they have an opportunity to do so in their summing up of their private member’s bill, is whether or not they are standing by the commitment of their shadow Treasurer, who said:

We said we’re not going to block any initiatives other than the private health insurance initiative. So that’s our position. We’re not changing from it.

That was from Mr Hockey in the Press Club on 20 May 2009. So it is the position of the opposition. It certainly does not appear to be the position of the opposition health spokes-person here today. On the government side in this chamber we want to continue to support new and emerging technologies, not continue to support specialists who can rely on the system. We want to look at how we can provide for the new maternity service incentives. These are the choices that you get in government. If the opposition does not like that then they can work with government. They are the alternative government and they should act responsibly as the alternative government in this place, not irresponsibly. They should not pursue—if I could be unkind, Senator Xenophon—political stunts. That is usually the preserve of Independents and small parties. I will accept the actions of the Greens for the moment; I think the Greens have broadly been acting, although perhaps not this time, in a responsible way. To do this, of course, we do need changes, and these are the changes we are putting forward and which we want the opposition to support.

Senator Cormann appears to be captured by a small group of specialists who want to continue to have high incomes based on a medical item that has not changed. We heard in estimates Senator Cormann’s position regarding the fee structure that is being provided. His position is that you can never change the fee structure, not even with improvements in technology which would make the procedure less expensive. So we would be stuck in a position of keeping regulations and an unsustainable payment in place. The community would ultimately be outraged at that—that the opposition would support holding these rebates in that way. Anyone would be. Any sensible person looking at this would say that these things do have to change over time with the introduction of new technologies. A mechanism does need to be provided, and that is what the mechanism is. Every year regulations are made for a new MBS schedule. We have gone from the sublime to the ridiculous when
they then use this tactic to try to cover up what I would, in the first place, have called an error in strategy.

The key savings that would have come out of that would have been $98 billion over four years, or $24.5 billion per year. The MBS fee for the most commonly performed cataract service item, 42702, would be reduced from $831.60 to $416. New complex items would then be introduced to ensure that those with complex issues could be addressed and that would be at $850. So there is an increase for the more complex items. It is recognition that there are complex issues. Ophthalmology MBS spend would be about $317 billion. This is a saving of about 7.7 per cent of the total, and the average ophthalmologist receives about $585,000 from Medicare each year. This is an area that looks like it needs reform, smells like it needs reform and should be reformed. But the opposition want to continue to support specialists, not patients.

One wonders about the reasoning behind that, other than perhaps that it was a poor political strategy adopted by the opposition which is now being exposed for what it is. On average ophthalmologists conduct about 243 cataract operations per year. The full-time equivalent is 100 per cent of the Medicare schedule fee: 75 per cent through MBS rebate and 25 per cent covered by the private health insurers. An average of $1,700 was paid by private health insurance funds for hospital cover per procedure on top of the MBS rebate for cataract operations performed in hospital. So it is about both ensuring that the dollar spend of the Commonwealth in this area is aimed and adjusted appropriately and making sure that consumers get a good deal out of this. This is why the government has travelled down this path.

In 2008, the highest earning 10 per cent of ophthalmologists earned at least $1.8 million each, with $1 million through Medicare benefits including $45,000 through the extended Medicare safety net. What the opposition are now saying is that they support the continuation of that indefinitely without it ever being addressed and considered—

Senator Corman—That is not our position, and you know it.

Senator Ludwig—and the policy mechanism that we have pursued is through this.

Senator Corman—How many times has it been cut before?

Senator Ludwig—I am sure the opposition will get an opportunity to provide comment when they sum up, but I think the interjections from the opposition really portray their ignorance about how this chamber works, about the procedures that should be adopted and how an alternative government should act. This is an extraordinary stunt to do—to eat up significant time that the government requires to get its legislation through. Notwithstanding that yesterday the opposition were complaining about not having sufficient time to debate these matters, to come in here without notice to perform what you could not call anything other than a political stunt is just extraordinary.

But the choice is for the opposition, the Greens, and Senators Xenophon and Fielding to make. We will clearly not win this debate—the numbers are not with us. The choice will be what you do with the disallowance motion: whether you agree or disagree with it. If you agree to disallow the MBS item, that is the choice you have clearly made—to remove the item from the schedule—but let us be clear about this: there is no other course, no other position and no halfway house. You cannot legislate from this chamber to direct government policy on the run. That is not permissible, it is not responsible government and it is not the
Westminster system within which we exist. We do not operate under that principle. In this chamber you do have a clear right to either agree or disagree to a disallowance motion. Those are the choices this chamber has. The alternative government is not the government and should not be encouraged to undertake this madness that is now being perpetrated in the chamber of trying to direct the executive government away from making appropriate decisions on policy which were clearly made some time ago and which were clearly enunciated in the May budget. That is the position that should be adopted, recognised and understood.

In conclusion, I would like to reiterate that this bill should not be supported. It is nothing short of a stunt. It will have no effect. The opposition know that and the Greens should also be aware of that. Senator Xenophon clearly knows what it is and he recognises something that is always close to his heart as well—a political stunt.

Senator CORMANN (Western Australia) (11.31 am)—in reply—I thank senators for their contribution to this debate on the Health Insurance Amendment (Revival of Table Items) Bill 2009. In particular, I thank Senator Fielding, Senator Xenophon and the Greens, represented by Senator Siewert, for their expressions of support for the bill that we have put forward today.

Senator Ludwig interjecting—

Senator CORMANN—The minister talks about time wasting. The minister has just spent 20 minutes not talking about this bill but talking about the merits or otherwise, in his view, of the disallowance motion. I will leave my detailed remarks on why we do not support the government’s savage cut to Medicare rebates for cataract surgery when we discuss the disallowance motion. But let me just remind the Senate what this legislation is all about. It is about ensuring:

(3) If an item in a table of medical services prescribed in accordance with subsection (1) is disallowed under section 42 of the Legislative Instruments Act 2003, the corresponding item, if any, in the previous regulations is taken to apply in place of the disallowed item from the time of disallowance.

The legislation is proposed to take effect from 26 October 2009, which is of course the day when the government finally tabled the relevant regulations.

If the minister’s argument were to stand, if the Senate were not allowed to go down this path in moving that disallowance motion, then the minister is really saying that the government can do anything to the Medicare Benefits Schedule. The government could cut the rebate by 80 per cent. The government could delete 1,000 items. The government could do all sorts of things. The government is really saying that the only decision senators have got, when faced with a proposition by the government to dramatically reduce a rebate like this, is whether or not we want to delete an item, when clearly the intentions of the Senate are to disallow the government’s move to drastically reduce the cataract surgery Medicare rebate.

If the government’s argument were to stand then essentially the Senate would not be able to do anything in relation to whatever the government does to the Medicare Benefits Schedule. I do not think that that is a satisfactory situation for the Senate to be in. Given the legal advice and the advice that the minister has finally released this morning, given the understanding that we had—which is why we prepared these amendments initially to the Health Insurance Act through the Health Insurance Amendment (Compliance) Bill, and subsequently through this private senator’s bill—and given that the legislation appears to be flawed, as it currently stands, it is very clear that the Health Insurance Act 1973 desperately needs to be
amended. It cannot possibly be the case that the Senate should be left in a position where the only decision we can make is whether ‘to delete or not to delete’ an item when, in fact, what we clearly want to do is stop the government from reducing, by 50 per cent, the rebate for a life-changing surgery.

The minister mentioned in his contribution to the second reading debate the commitments made by the shadow Treasurer around budget time. That was at a time when we thought we could believe what Nicola Roxon was telling us about the impact of the various budget measures. But the sad thing is that, when you start scratching the surface, when you realise there had been no consultation, that clearly the government had not thought through the implications, that there were going to be drastic consequences for thousands and thousands of patients across Australia—in particular, patients in regional Australia—we clearly had to reconsider. And the coalition made an announcement in a very upfront fashion, together with Senators Xenophon and Fielding, on 8 September 2009. So the government have known about this matter for more than seven weeks.

What a cheek for the government to lecture us about commitments! Remember that this is the government which went to the last election promising the world in the health portfolio. It was going to fix public hospitals. Labor supposedly had a plan to fix public hospitals by the middle of 2009. What have we had? A 20-month review, undertaken by the National Health and Hospital Reform Commission, which is now being followed by a review into a review and a whole series of photo opportunities for the Prime Minister and the Minister for Health and Ageing. The Prime Minister gave the most solemn commitment regarding private health insurance rebates. Everybody knows what has happened: one of the most brazen broken promises in the history of the Commonwealth. Everybody knows that Labor do not like private health. Everybody knows that the ideological crusade against private health is part of Labor’s DNA, so everybody was understandably suspicious in the lead-up to the last election as to what the federal Labor Party’s true intentions would be if they won government—and it is here for all of us to see.

This government have absolutely no credibility when they try to lecture us about keeping commitments, because in the health portfolio we have had broken promise after broken promise after broken promise. The Minister for Health and Ageing, the Prime Minister and the government as a whole have not yet been able to make any tough decision. Whenever they have to make a tough decision, all they do is set up another review, another committee, another agency, another inquiry. If in doubt, they set up a review into the reviews and have another consultation round and a few photo opportunities. I apologise to the Senate for getting a bit agitated about this; however, the government have had the cheek to come in here and try to lecture us about commitments made. Very clearly, our decision to reject the government’s proposed 50 per cent reduction in the Medicare rebate for cataract surgery is based on the best interests of patients. This is life-changing surgery. It is a very cost-effective preventive health measure. It is a measure that helps prevent falls, it helps prevent fractures and it helps prevent mental stress—which helps prevent social isolation. It has a positive effect on the quality of life of our senior Australians.

The government are acting unilaterally, based on no evidence at all—and I will go into this in a bit more detail when we discuss the disallowance motion. The minister has
been out there saying, ‘This surgery now takes a shorter period of time. It is about 15 minutes.’ In Senate estimates I asked: ‘Out of the 187,000 procedures that you fund every year, how many take 15 minutes? How many take 15 to 20 minutes? How many take 20 to 25 minutes? How many take 25 to 30 minutes?’ Do you know what? The government were not able to provide an answer. The reason they were not able to provide an answer is that the government do not collect that data. They have got no idea. That is the answer we got from the government. Through the Medicare Benefits Schedule the government do not collect any data on how long the surgery takes.

I will tell you what we did have. We had an AMA survey of 334 ophthalmologists who responded as to how long their average cataract surgery would take. Seventy per cent of them indicated that it takes between 25 and 40 minutes. I thought that perhaps the government would be very keen to put the finger on some flaws—perhaps the government would explain to me why the AMA survey does not stack up. I said to them: ‘Are you aware of the AMA survey of ophthalmologists which found that 70 per cent of ophthalmologists take between 25 and 40 minutes for that particular procedure?’ The official at the table was the senior official responsible for the Medicare Benefits Schedule, the same official who also told us that, if the Senate were to disallow this particular item, it would revert back to the old rebate—but never mind. When I asked her, ‘Do you want to comment on this particular AMA survey?’ she said no. Here we have got the minister running a political argument saying, ‘Oh, well: the process is much shorter now, it is cheaper, it is simpler.’ But when you actually ask for some evidence, the government say, ‘We have none.’ I propose to go into this in more detail in the context of the debate on the disallowance motion; however, in relation to this bill, this is a very carefully considered, responsible course of action undertaken by the opposition, Senators Fielding and Xenophon and, thankfully, also now with the support of the Greens. This will ensure that if future items are disallowed by the Senate, we will revert back to the rebate that was in place immediately prior to the time of the disallowance.

I will not hold up the Senate for the full time. I think it is very clear what the intentions of this legislation are. I thank all senators for their contributions to the debate and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Senator CORMANN (Western Australia)  
(11.43 am)—I move:

That this bill be now read a third time.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary)  
(11.44 am)—by leave—I indicate that the government oppose both the second reading and the third reading. We continue to oppose it. I have not called the division because, in the interests of time, we do need to proceed to legislation to deal with other matters that are urgent.

Question agreed to.

Bill read a third time.

HEALTH INSURANCE (GENERAL MEDICAL SERVICES TABLE) REGULATIONS 2009

Motion for Disallowance

Senator CORMANN (Western Australia)  
(11.44 am)—I, and also on behalf of the Leader of the Family First Party, Senator Fielding, and Senator Xenophon, move:

That items 42698, 42701, 42702 and 42718 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations
We are moving this disallowance motion to stop the Rudd Labor government from halving Medicare rebates for cataract surgery. We consider this to be one of a series of ill-considered and short-sighted budget cuts in the health portfolio. It is a budget cut that would hurt mostly elderly patients in need of timely and affordable access to high-quality cataract surgery. It would make access to this life-changing surgery unaffordable for many. It would force tens of thousands of Australians to join lengthy public hospital queues. What is worse is that it will see people go blind, when it is entirely preventable through this life-changing cataract surgery. It will hurt, in particular, patients across rural and regional Australia. I will now read an email I received from an ophthalmologist from regional New South Wales:

Just to let you know, I am one of the ophthalmologists who provide services to rural areas—Bourke and Griffith. I have just given my notice of resignation for Bourke, as I can no longer provide the services under the proposed new arrangements. My last operating list in Bourke will be October 29-30. Similarly, I am seriously considering not entering into a new contract with Greater Southern Area Health Service for Griffith—I am the only bulk-billing eye surgeon in Griffith—on the basis of the proposed cuts.

So here we have somebody who is saying that, on the basis of the cuts proposed by the government, she is no longer going to provide any services whatsoever into the rural area around Bourke and she is no longer going to provide bulk-billing services into the area around Griffith.

As I am in receipt of Commonwealth funding to cover the trouble for my trips to Griffith and not Burke, this may allow me to continue to provide the Griffith service a little longer.

I will read another email from the same region. This is from an ophthalmologist who was quite happy for me to use his name. His name is Ashish Agar and he works for the Outback Eye Service at the Prince of Wales Hospital in Sydney. He says:

I wish to highlight some of the public surgery at risk if this funding cut is not retracted. This is an often overlooked aspect of the discussion—how much so was revealed in discussions with the federal health department only last week.

I received this email late last night. He goes on to say:

In response to a query regarding how regional and remote areas will cope with the cutbacks, we were advised ‘not to worry’ as the proposal is ‘all about private surgery’. This degree of misunderstanding would be laughable (worthy of the best of “Yes, Minister”), were it not from our principal public health body, and so close to the date of the proposed change. As it stands though, this statement was simply frightening. The government really have absolutely no idea of the tsunami about to hit public cataract surgery in Australia.

May I give our own service as an example—the Outback Eye Service is based at the Prince of Wales Hospital, Sydney, and evolved from the pioneering efforts of a former Professor, Fred Hollows in the 1970s. It is a free, completely publicly funded comprehensive ophthalmic service covering the Far West of NSW. The most important health intervention we provide these remote communities is cataract surgery. We are in fact restoring sight to over a dozen citizens in Bourke District Hospital with Sydney-based surgeons and nurses as well as local staff, at this very time.

Unfortunately, this now appears to be the last surgical trip we will be making offering this life-changing procedure. The funding cut of 50% makes our service unviable, and there is no ‘private’ option for us to recoup our costs from the patients (which on a matter of principle we would not entertain in any case). Decades of arguably the most cost effective public health intervention is about to be denied to those who need it most; the elderly, isolated, indigenous and socially disadvantaged.
This is what this debate is all about. These are the people that the opposition, with the support of Senators Fielding and Xenophon and the Greens, is standing up for.

Cataract surgery is a truly life-changing procedure. It prevents blindness, through removing the natural lens of the eye, when it has developed an obfuscation, and replacing it with a synthetic lens to restore visibility. That makes cataract surgery, as I have mentioned before, a very effective preventative health measure, helping to prevent falls, fractures, mental stress and isolation. Affordable and timely access to this treatment can mean maintaining an independent life, continuing to live at home, continuing to drive a car and continuing to remain active.

This impost on our mostly senior Australians is particularly offensive given the reckless government spending in most other areas of government. The Rudd Labor government have been spending like drunken sailors. We have spending spree after spending spree, cash splashes, stimulus payments—you name it! And yet here we are. We have the Rudd Labor government forcing elderly Australians in need of timely and affordable access to this procedure to pay the price for that reckless spending. This is not about a sensible, well-considered saving based on real efficiencies. The reality is that it would have worked like this: the Prime Minister, the Treasurer and the Minister for Finance and Deregulation would have gone to Nicola Roxon as the Minister for Health and Ageing on winning government and said, ‘We want $6½ billion out of your portfolio.’ The first $3.1 billion they thought would be easy: ‘We’re going to run up this 70 per cent tax grab on alcopops and we are going to sell it as a health measure. So that one is in the bag.’ But they hit a snag. The Australian people were very suspicious, because they pretty well realised that this was about revenue raising and was not a health measure.

Since then we have had about $3.5 billion in spending cuts to the health portfolio while there has been reckless spending everywhere else. Australians in need of timely access to affordable health care have to pay the price for the Rudd Labor government’s reckless spending in every other area of government. We were told that health was going to be a high priority. You have got to be kidding. I will give you some examples: a $960 million saving from the changes to the Medicare levy surcharge; $1.9 billion being sought out of the private health insurance rebate reductions; $100 million being sought in savings from a very ill-considered cut to chemotherapy funding; a further $450 million saving through cuts to be extended Medicare safety net; a $150 million saving through cuts to Medicare rebates, which includes the $98 million in cuts to rebates for cataract surgery—and there are others. Do you know what they have in common? They are all targeted at one portion of the Australian population. This divisive, ideological government is targeting those Australians who access their health care through the private health system. We on this side of the parliament believe in both a strong and well-funded public system and a strong and well-supported private system. Before the last election the Rudd Labor government promised that they believed in the same thing, but we have seen again and again that that was nothing but pre-election rhetoric.

I will go through some of the facts that came out from answers given by Department of Health and Ageing officials in Senate estimates last week. Firstly, we know that nearly 200,000 cataract surgery procedures are performed across Australia every year. More than 70 per cent of those procedures are performed in the private system. The Minister for Health and Ageing, Nicola Roxon, wants us to believe that this rebate for cataract surgery only covers the 15-
minute, easy, cheap, simple procedure at the time of surgery. The reality is that it also includes—and the department conceded this—a period of postoperative care, including further consultations. Contrary to any assertions by the minister, as I mentioned in my speech on the Health Insurance Amendment (Revival of Table Items) Bill 2009, the government actually has no idea how long cataract surgery takes, given that they do not collect such data through the MBS or otherwise. Departmental officials did not dispute the findings of an AMA survey that 70 per cent of ophthalmologists take between 25 and 40 minutes for cataract surgery, not the 15 to 20 minutes advanced by the minister without any tangible evidence.

Health department officials talked about the period since the rebate was first introduced—and ‘since the rebate was first introduced’ is a very important phrase because the government, in answers to questions on notice, said when the rebate was first introduced it took 45 minutes to perform the surgery, but since then the government wants us to believe it is now much more simple, cheaper and quicker to provide the surgery. Have you ever heard Nicola Roxon talk about the fact that there have been major cuts to this rebate in the past? Have you heard that, Mr Acting Deputy President? I bet you have not. Let me inform the Senate that health department officials confirmed that since the rebate was first introduced cataract surgery rebates have already been cut twice, by 30 per cent in 1987 and by 10 per cent in 1996, undermining assertions by the minister that this further 50 per cent cut is necessary to cater for improvements since the rebate was first introduced.

The value of the MBS fee rebate has reduced even further over time, given the average indexation of around two per cent per annum in other years was well below the health services cost index, the health CPI, increases in average weekly earnings, or even just CPI—you name it. The Special Minister of State, Senator Ludwig, mentioned that ophthalmologists earn half a million dollars: I am not sure whether Minister Ludwig has run a business, but I am certain that Minister Roxon has not run a business because income and revenue is only one part of the equation in running a business—there are also costs. If costs go up—costs go up in the real world—they do not rise by less than the CPI; wage costs do not go up by less than average weekly earnings. That is something that the minister has not even acknowledged. There is actually an important point to be made here. In 1996 the government made a deliberate decision to index the Medicare benefits schedule by less than CPI. Why? Essentially to include an assumption for productivity gains. So there is an inbuilt assumption of productivity gains in the way the indexation of the MBS works. Since the item was first introduced when surgery took 45 minutes, we have had a 30 per cent reduction in rebates in 1987 and a further 10 per cent reduction in 1996, and since 1996 there has been a deliberate decision to keep indexation below CPI to essentially build in those productivity gains.

Having imposed all these productivity gains over the past 22 years, the government is now turning around and saying it wants to squeeze another 50 per cent out of this lemon. There comes a time when there is nothing left to squeeze. There is a very interesting Access Economics report on all of this. It is dated 2004, so it came out after this particular type of indexation had been in place for 12 years. It deals with the impact on general practice, but the principle is the same. I urge Minister Roxon to have a very close look at how the indexation of the MBS works and how productivity gains are built into the way that indexation is worked out.
The reality is that the government had a political strategy, and the government’s political strategy was again on display in the minister’s comments in the Senate today. The two main arguments are (1) ophthalmologists earn too much and (2) the procedure is now much simpler, faster and presumably, according to the government, cheaper to perform. Let us consider those arguments in turn. Firstly, the attack on doctors and ophthalmologists: the minister’s main argument in favour of these cuts to Medicare rebates for cataract surgery is that ophthalmologists earn too much. True to form the Minister for Health and Ageing is running yet another campaign demonising a group of Australians. Incredibly, she even enlisted the support of the Australian Labor Party organisation, making the government’s attack on ophthalmologists extraordinarily party political. Does she realise that she is a minister of the Crown, that she is no longer involved in student politics? In her ham-fisted determination to push this through, she was completely oblivious to the invaluable contribution ophthalmologists have made and will continue to make to our community, alongside all of our many hardworking and dedicated healthcare professionals across other areas.

Again today the government attacked the opposition because we are siding with the specialists. The reality is that we are standing up for patients, first and foremost. That the government considers it a good idea to run a campaign against ophthalmologists is based on the politics of envy is a matter of great concern. The government considers it a good idea to run a campaign against ophthalmologists as part of the budget cut on chemotherapy; then it was Australians with private health insurance; and this week it is ophthalmologists. Who is going to be in the minister’s sights next week? The government says this is about doctors earning too much. The government is not doing a single thing about doctors’ fees. Doctors’ fees will not change as a result of the cut in the rebate that is payable to patients. The only thing that will change is the out-of-pocket expense faced by patients, which will go up. There will be no change to doctors’ fees as a result of what the government is doing.

One of the sources mentioned by the government was an article in the *British Medical Journal* and it is where the minister took a quote out of context. In fact, that is the only source the minister gave as to where she got that 15-minute reference. I want to quote from the author of the article referred to by Minister Roxon, Professor Tien Wong from the Centre for Eye Research Australia, University of Melbourne. He states:

I would like to state categorically that my *British Medical Journal* editorial is misquoted in this context. First, it is an opinion editorial piece on how cataract surgery has evolved. I did not conduct a formal research project to evaluate specifically cataract surgery time. Second, the surgical time of course is only a small part of the cataract surgery procedure. There are pre and post op assessments. Cataract surgery is very cost-effective, even at the current price, and there are major significant adverse effects of not doing it. For example, the Blue Mountains Eye Study has shown the impacts of visual impairment on falls, hip fractures, earlier institutionalisation, loss of self rated health, depression, earlier mortality et cetera. The minor savings will be eaten up many times over by the cost of not doing cataract surgery.

The government have not thought this through. I want to quickly touch on the item for complex cataract procedures because we have included it in the disallowance and I think it is important for the Senate to understand why we have done it. Everything here with this government is smoke and mirrors. Just because they describe something as a complex procedure and a complex item, they think that people believe that it is. Do you know what they have done? They have taken item No. 42702, the most commonly used
item—95 per cent, perhaps even more, of cataract surgery is claimed under this item—and applied the two per cent increase that is applied every time the MBS is indexed, and they have renamed it. They have taken the old standard rebate, applied the usual two per cent indexation which was applied across the board to the MBS, and renamed it ‘complex surgery’ and then they cut everything else by 50 per cent.

We consulted with the profession about including this in the disallowance motion. If this disallowance motion is successful in relation to the three other cataract surgery MBS items then essentially this complex item becomes redundant. This complex item was only ever part of the minister’s political strategy. To use Minister Ludwig’s terminology: this was part of Minister Roxon’s ‘political cover’. She wanted to say that she was doing something reasonable. They are taking $98 million out of this service, they are forcing tens of thousands of patients into the public system where this procedure costs more and she says, ‘But, look, aren’t we reasonable, aren’t we wonderful, because we have created this new complex item?’

You know what? She tried to announce it twice. It was announced on budget night and then, when the government was trying to crank up its scare campaign, all of a sudden it was reannounced in October as if it was a new revelation. I have had question after question from journalists about this. Every now and then journalists do not do enough research. Some of them are really good and do a lot of research; others are not quite as good. When they see a press release from the minister and after the spin doctors walk through the press gallery, they might take the minister at her word. In October, the minister said: ‘Look at this. We’ve got this compromise proposal. We’ve got a new complex item.’ After you scratch the surface, you realise that it is just a reannouncement.

If I had more time, I would have gone into how the minister refused to provide us with answers in relation to the constructive proposal by the ophthalmologist profession on achieving savings using Avastin instead of Lucentis. The reality is that the department told me today that the minister has had advice from them since 26 June 2009 in relation to that matter. What has the government done? Nothing. This is yet another matter in relation to which the Minister for Health and Ageing has been sitting on her hands.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.05 pm)—As co-sponsor of the Health Insurance (General Medical Services Table) Regulations 2009 disallowance motion, I thought I would make sure I spoke. If this disallowance motion does not go through, you will find some ordinary Australians out of pocket 300 bucks. This government have taken not only the Australia public for granted on this issue but, quite clearly, the Senate for granted on this issue. They have taken them for granted. They have been mischievous at best in trying to manoeuvre a way around to not allow this disallowance motion to have effect. They have to come to the reality that this is a concern for the Australian public and they have to make sure that they sit down with various people to get to a common-sense arrangement rather than saying: ‘Stuff you all. We’re going to put this thing through and the only people this is going to hurt are the Australian public and they are going to be out of pocket 300 bucks.’ It is the wrong way of doing it.

They have taken the Australian public for granted and they have tried to take the Senate for granted, and it clearly has not worked. They cannot see through their own spin that quite clearly this is going to hurt those Australians who want to have the operation done and, if this disallowance does not go through, all that is going to happen is that people are going to be charged more for the surgery.
They will be out of pocket. If they think that overcharging is going on, they need to find another way of addressing it, rather than making sure that the Australian public end up paying more.

Cataract surgery is the most common surgical procedure performed on older Australians and it is seen as a vital element in preventing falls, fractures and loss of mobility in the elderly. Do not take the elderly for granted. They value their health and they value the insurance that gives them peace of mind. The government are at a stage where they are undermining people’s trust in them with regard to health. This is another issue that the government have taken for granted, and this disallowance motion is very important in getting them to go back and look at other ways to address the problem as they see it.

Do not pass the problem on to those vulnerable people who will be charged more for cataract surgery if this disallowance motion does not get through. I make it clear that the government have to go back and do some work. They should stop trying to do nothing—believing in their own spin, not seeing through it—and do something that will actually address the problem, rather than just passing it on to the Australian public and saying they are doing something. That is wrong. I encourage all members of this chamber to support the disallowance motion.

Senator SIEWERT (Western Australia) (12.08 pm)—I am not going to reiterate the arguments I made a short time ago other than to highlight our belief that this issue is about patients. They are being caught in the middle. I am concerned that the government is trying to hide behind the argument that wealthy practitioners are seeking to line their own pockets. I have highlighted the fact that we are concerned about some of the high costs and that this rebate probably does need to be reviewed—but in finer detail, not by just slashing it in half. We do not wear the argument that the only reason we should support the cut to this rebate is that there are practitioners who have high incomes. As I said, we acknowledge that there are issues there; equally, we think there are issues on the side of the ophthalmologists, who are concerned about it being slashed to just one rate, and that there needs to be some finessing of that.

The government have also highlighted, as has the opposition, the point that if the bill we have just dealt with does not pass the House of Representatives and this disallowance motion goes through we may be in scenario where we do not have any rebate for this procedure. I have sought advice on this and, as I understand it, the government could bring in a new rebate tomorrow. In other words, they have had plenty of time to sit down and talk to the ophthalmologists about this and plenty of time to deal with it, yet it still has not been resolved. As I said, there are issues on both sides; it is not the fault of one side or the other. However, patients are again being caught in the middle. The government could bring back a new rebate today. There is plenty of room for the government to manoeuvre.

It is unfortunate that we have had to go to these lengths to achieve this. I do take slight offence that this is being termed a stunt. The Senate is here to debate these issues. These concerns have been firmly on the agenda for months and months—since May. The government is right; it put this on the agenda in May—and people started raising concerns then. This was raised at budget estimates in May and early June, so it should come as no surprise that these issues are of concern. The Greens have been very careful to listen to both sides of the debate on this. We have heard the ophthalmologists, we have heard the government and we have sympathies for...
both. The point is: this issue has not been resolved, so we are reduced to this process in the Senate. Unfortunately, it is a mess.

The Greens want to see a way forward out of this. We have been trying to negotiate a way forward but unfortunately it has come down to this. We do not want to have issues of a complex nature such as this one on rebates sorted out in this chamber. It would have been much better if it had been resolved earlier. Unfortunately, it has not been and we have come to crunch time. The Greens have not been convinced that just halving the rebate in this way is the way to go. As I said, we have concerns about the impact of these cuts on those on low incomes and on the ageing in our community.

We are not convinced by the government’s call on this. We are extremely sympathetic to dealing with this issue but we have not been convinced by their arguments. Equally, we are not convinced by the arguments of the ophthalmologists that we should do nothing; we do think there should be some refinement of this rebate. We do not support the process to date and believe the government need to go back and rethink it. Equally, ophthalmologists need to be prepared to enter into negotiations about how we can resolve this in a way that causes the least pain to the people caught in the middle—that is, low-income Australians and the ageing in our community. We urge the government to rethink this and, if this disallowance motion is successful, to come back immediately with rebates that meet everybody’s requirements.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary)
(12.14 pm)—I have articulated the nub of the debate a couple of times this morning and I will not take up the full time allotted me. We need to get onto Senate work. Let me make this statement right at the outset and then I will deal in short form with the content of the debate: this is Senate obstructionism, clear and simple. The opposition are simply blocking the legislative program of the Senate. They have hijacked the Senate to allow this mad debate to proceed. It is a silly position that the opposition have adopted. I am sorry that the Greens have brought themselves into it as well. Senator Fielding and Senator Xenophon might try to hide behind it as a serious debate about forcing the government to negotiate, but it could only fairly be described as a political stunt.

Let me correct the record. Senator Cormann knows that the public hospital system does not access the MBS. He was referring to the hospital system. He knows that he was in fact misleading—

Senator Cormann—But what about the specialists working there?

Senator LUDWIG—Again he interjects to cover up his mistakes and misleading of the Senate. There is always difficulty with these types of debates. I know that sometimes the opposition may not like to hear the truth in these matters, but it does not give them the right to interject. They know interjection is disorderly and it only extends the debate unnecessarily. Of course, Senator Cormann knows the truth of those matters. He should make it plain, rather than reading great slab of words which he knows are misleading.

Earlier, Senator Williams made a contribution about rural and regional consumers, and it is worth responding to Senator Williams in kind. There are two issues—firstly, Com-
monwealth assistance to support regional and rural delivery of cataract services. The government supports eye services through a number of mechanisms such as the Medicare program, the Medical Specialist Outreach Assistance Program, the Visiting Optometrists Scheme, the PHI and the Macular Degeneration Foundation. These are important government initiatives in rural and regional Australia. In addition, there are Indigenous matters. For many Indigenous patients, the pathology means that cataract surgery is difficult and time consuming, and they will benefit from the new higher fee. Items will be available to any patient with similar difficulties and complexities, and $58.3 million is being allocated to improve eye and ear services in Central Australia. In his contributions to the debate today, they were the two issues that Senator Williams engaged with in a genuine sense, and I answer him in that way.

As I have indicated, the position this chamber is faced with is clear. If you support the disallowance motion then, stunts aside, you are clearly supporting a motion that will remove the item from the schedule. That is what the Senate can do. That is within the legislative ability of this chamber and that is what, if this motion is carried, it will do. That will be the position that you will have put yourselves in. The sensible course is to oppose the disallowance to ensure that the government can continue to have an MBS schedule which provides this support for patients and consumers. We can debate backwards and forwards about the merits of it, but this is the position that the minister has arrived at through, I suspect, difficult decision making. If you look at the statistics and the position that this government has arrived at, it is about ensuring that cataract procedures are remunerated appropriately under the MBS. That is the nub of the issue. To agree to anything else in this chamber would be to ensure that MBS item numbers cannot be altered, that you maintain specialists on MBS item numbers as you want. That puts Senator Cormann in the position simply of supporting specialists; there is no doubt about that.

The position that we urge the Senate to adopt is to reject this disallowance motion. The clear advice of course is that the opposition’s actions today will throw cataract procedures into disarray. That is the position that they have advocated and they will allow to occur today. The opposition should not try to hide behind or cover up their ineptitude in this area. This is the position that they are going to put patients and consumers in.

**Senator Fifield**—It is about putting patients first!

**Senator LUDWIG**—Of course, they can complain about that not being the position, but that is the position that will eventuate. They have been provided with very clear advice. That will be the effect of their actions, let there be no mistake about it. That is the position that the Senate will adopt if it supports the disallowance motion. It is not about putting patients first; it is about putting the interests of a group of specialists first, a group which earns over half a million dollars a year from Medicare alone.

As I indicated, I am not going to extend the debate on this any longer than necessary. In dealing with one other matter, the impact on waiting lists, in the rant that was provided by Senator Cormann, who covered a range of matters that were in some part related and in other parts unrelated to the debate that is before us, it is important to remember that the impact of the decision is purely dependent on whether ophthalmologists mitigate their charging practices. If Senator Cormann wants to talk about the real world than he should also understand how the real world operates. It is important to remember that
they are earning more than half a million dollars from Medicare alone and will still be doing so after this change. That is before any gap fees or private health insurance contributions. We know the community wants government to fund new medicines, new technologies and new services, which means that, when new technologies lead to efficiencies, the funding should be adjusted accordingly. That is the real world; that is how it operates. Of course, there is not a pot of gold at the end of every rainbow for Senator Cormann to draw upon.

Senator Cormann—They go to the Julia Gillard memorial pot—that is where they go.

Senator LUDWIG—These are choices that have to be made and savings have to be harvested. Senator Cormann interjects again, but it only really highlights the challenge that Senator Cormann has in trying to explain his position. The opposition is always confronted with the difficulty of trying to persuade us on the merits of this argument. There is no merit in the argument and there is little merit in the procedure that has been adopted this morning, which can only be described as Senate obstructionism. I will not take up all the time in dealing with this issue and will close at this point.

Senator XENOPHON (South Australia) (12.23 pm)—I briefly indicate in reiterating my position that I support this disallowance motion, for the same reasons that I supported the Health Insurance Amendment (Revival of Table Items) Bill 2009, introduced by Senator Cormann this morning.

I take issue with what the minister has said. Ultimately the government can fix this mess. To say there will not be any rebate whatsoever and that people will be out of pocket does not ring true to me. Ultimately this is something that the government have the ability and the power to sort out. I think they can sort through this mess in goodwill and in good faith, because I do not think the way these proposed changes are to be implemented is satisfactory. To say that they are going to leave hundreds of thousands of Australians potentially without cataract surgery or having to shift to the public health system—which will cause taxpayers to bear a huge burden and cause increased pressure on an already stressed system—is not good enough.

I urge the government to sit down and negotiate in good faith so that this can be resolved. To say, ‘We are going to abandon any rebate’—have no rebate whatsoever—just does not ring true and I do not think it will ring true out in the community. This is about a fair way forward. If the government is worried about overcharging and if it is worried about informed financial consent, those issues should be dealt with separately, not in the context that the government has dealt with them in relation to this measure. This is a measure that is simply too blunt and that is too brutal in its effect on senior citizens.

I think that Senator Cormann is unfair in his criticisms of the Minister for Health and Ageing. I think she has done a lot of good things and I think there are a number of measures that she has implemented and that she is trying to implement that are worth while. But in relation to this particular measure I think there is a better way forward and that is why I support this disallowance.

Senator PARRY (Tasmania) (12.25 pm)—I again place on record that this is not a political stunt, as Senator Ludwig has outlined in his contributions. How can it be such when you have the Liberal Party, the National Party, the Greens, Senator Fielding and Senator Xenophon all disagreeing with the government? Senator Ludwig is starting to sound like a spoilt child who is not getting his own way.
The only reason that the coalition have acted in this way, with the support of the crossbench, is simply that this has become an urgent situation. The implementation of this measure was going to occur this weekend. The government had ample opportunity on Monday or Tuesday to bring their bill forward so that we could amend it. They were scared. They knew that we would amend the bill and that it would have passed this chamber, so they deliberately withheld the bill, forcing our hand to create an emergency situation which other senators from the crossbench and my colleague Senator Cormann have indicated is a last resort. That is what the government have forced us to do.

We have rearranged the business to facilitate the passage of this legislation and the disallowance of these regulations to assist thousands of Australians.

Senator CORMANN (Western Australia) (12.26 pm)—Again I thank all senators that have contributed to this very important debate on these two very important measures that we have before us today: firstly, the Health Insurance Amendment (Revival of Table Items) Bill 2009, which was passed earlier and, secondly, this disallowance motion.

I want to commend Senator Siewert for her very insightful remarks. They echo, I am sure, the sentiments of Senators Fielding and Xenophon and certainly those of the coalition. We never wanted to get to this point. We went out on 8 September and gave public notice that a majority of senators did not support what the government was proposing to do. We said that if the government went ahead with the 50 per cent cut to the Medicare rebates for cataract surgery, it would hurt patients. It would force them into long public hospital queues, where the procedure costs taxpayers more to perform, and it would in particular hurt patients in rural and regional Australia. What did we think would happen when we made that announcement on 8 September? What was our expectation?

Our expectation was that a sensible minister who understands parliamentary accountability and understands that executive government is accountable to both houses of parliament would have realised that she had a problem. The government announced this budget cut in May, and a majority of senators indicated that they did not support that cut. What did the Minister for Health and Ageing do? To start with, she ignored us. She did nothing. She put her head in the sand. What was the next step? The next step was to run a scare campaign, to frighten patients, to frighten doctors, to threaten the Senate and to say, ‘If you go ahead with this there will be no rebate at all.’ That is not the way to treat the Senate.

We have expressed a very serious position based on very serious consideration of all of the issues. The Minister for Health and Ageing has form on this. Senator Xenophon clearly has a higher opinion of the minister’s performance than we on this side of the parliament have. However, I urge the Senate to reflect on Minister Roxon’s performance when it comes to legislation and budget measures before this Senate. It is as if she is driving a truck at 150 miles an hour, heading straight for the wall and, instead of slowing down, turning right or left, picking up some additional passengers, keeps going until the truck hits the wall and it is too late.

Senator Siewert is exactly right: the government could very easily fix this. If the government came out now and said: ‘Okay, we understand that we played it hard, but we don’t have the support. So we will go back to the original rebates for cataract surgery as they are in the most recent previous regulations.’ The government could do it in a whole number of ways. Probably the easiest way right now would be for the government
to support our bill when it goes to the House of Representatives, to give it precedence and to vote in favour of it. That would fix it and it would fix it not only for this occasion but for the future, because the argument that the government are putting forward is completely untenable. The government are telling us that they have got delegated power through the Health Insurance Act 1973 to do whatever they want with the Medicare Benefits Schedule and that whatever it is they want to do, whether they want to introduce 90 per cent cuts to it—even if the government did the most irresponsible thing—the only option for the Senate would be to delete or not to delete.

From a public policy point of view that is not in our national interest. Whenever the government come into this parliament and want to pass legislation and we on this side complain—because it is our role to test and scrutinise—and say: ‘Well, there is not enough detail in this; all of your detail is going to be in the regulations,’ do you know what the government say? The government say, ‘Well, don’t you worry about that, Jana, because there is this disallowance process.’ All you need to do is move a disallowance and all will be fine. What this exercise has proved, very clearly, is that everything is not going to be fine. If this Senate wants to stand up for patients and if this Senate wants to make sure that elderly patients across Australia in desperate need of timely and affordable access to this very important life-saving surgery get it then a disallowance motion will not do the job. That is just not good enough, and that is why the opposition, together with Senators Fielding and Xenophon, very carefully considered all of the procedural options available to us.

Quickly, in summing up, I will just refer to the advice Minister Roxon has circulated today. There is a particular comment in this briefing note, signed by David Learmonth, a Deputy Secretary in the Department of Health and Ageing, and signed as noted by Nicola Roxon, the minister. Point 5 says, ‘While the advice provided to Senator Cormann at the hearing on 21 October 2009 was correct, as a matter of general principle much depends upon the way in which this disallowance motion is drafted.' Tell us something we do not know! The reality is this. I am not meaning to embarrass her, but I am sure the official now realises that she actually got it wrong in the answer that she provided at Senate estimates. I was a bit surprised at the firmness of her response and at her clear indication that if the Senate disallowed those items we would return to the previous rebates. I did not expect that answer.

I am concerned that, since having given what I believe was an incorrect answer, the department have not gone out of their way, and the government have not gone out of their way, to correct that information. The department are now trying to cover up their tracks. They are trying to have it both ways and are suggesting, ‘Oh, well, what we said was really right but, really, it depends on how it is introduced.’ That is just rubbish. The question was very specific: ‘What would happen if the government disallowed those rebates?’ The officer knew what I was talking about. The answer was:

I think that it would revert back to the previous rebate.

We did consider a whole series of procedural options to make sure we achieved our objective. We are not wedded to process; we are flexible with our process. We are focused on the objective we are trying to achieve, and that is to stop the government from cutting rebates for cataract surgery by 50 per cent and to do it in a way that will not leave thousands and thousands of patients and doctors out there without the certainty of having that rebate in place on an ongoing basis.
We do not want to be part of a circumstance where, because of this disallowance, the item numbers are all of a sudden deleted altogether. That is why we initially planned to move an amendment to the Health Insurance Act through the Health Insurance Amendment (Compliance) Bill 2009—to be very flexible on process but very focused on the outcomes we wanted to achieve. When the government played its little tricks in the House of Representatives yesterday, we swiftly changed process but remained very focused on the outcomes we wanted to achieve. This has got nothing to do with obstruction; this has everything to do with standing up for patients. It should tell you something—that is, that government senators are the only ones in this chamber who think what we are doing here today is a stunt. It is not a stunt; this is very serious business. This is about standing up for patients.

I do have to respond to a few other remarks that Minister Ludwig made. The minister talked about private and public hospitals; he actually tried to sell as a virtue that this only applies to the private system, that it does not apply to the public system. Tell us something that we do not know. We know that you are targeting people who access the surgery through the private system, even though the only saving you will make is $313 per procedure, and the additional cost that you will impose on taxpayers is an additional $3,500 plus to provide the service in public hospitals. We understand that, and we understand that patients who will get access to this procedure through the public system—if they are lucky enough to get in—will get that access for free. But the thing that the minister does not understand is the reality of the health workforce across Australia. Ophthalmologists actually happen to work in both the private and the public systems. You pooh-poohed the quote I read out. This was a very dedicated ophthalmologist, and you totally dismissed anything he said. Here is an ophthalmologist who operates as a private practitioner in Sydney, and he happens to go and provide services in outback New South Wales. What does the minister not understand about this? If you make his private practice less viable it will make it more difficult for him to do some of the other things—for example, to provide services to regional New South Wales. I find it quite astounding that the minister is not able to understand such a simple fact.

I ran out of time before on the issue of Avastin and Lucentis. The minister and officials of the department have been running this line about how ophthalmologists have not come forward with constructive ideas on how we can achieve efficiencies. The reality is that they have. I am not going to hold up the Senate by going through all of those proposals again, but a specific one was in relation to exploring the use of Avastin as a much cheaper option to achieve similar clinical outcomes. I asked questions about this at the end of July and, as Minister Ludwig well knows, because he had to take the question on Minister Roxon’s behalf, after 90 days no answer was provided. We again had to use what the minister would describe as a ‘procedural trick’, a ‘stunt’—whatever he wants to call it—to force the government to the table to provide an answer that the Australian people are entitled to. I thought I would get a bit of information, and guess what? I asked:

Has the department received a Royal Australian and New Zealand College of Ophthalmologists working party recommendation that it is clinically appropriate to use medications such as Avastin and Triamcinolone to treat blinding conditions as part of an intravitreal injection …

The answer was yes, that they did get that advice. I asked what Minister Roxon was doing about it, and the answer to parts (c) and (d) of the question was, ‘The minister is
considering this advice and has requested further information.” I asked, ‘Do you know when the minister received that advice?’ The answer provided to the question on notice was, ‘On 26 June 2009.’ This is a minister who is not interested in constructively exploring positive ways of achieving efficiencies. This minister is not interested in achieving efficiencies in the health system in a way that does not hurt patients. If she were, she would not have been sitting on this for more than four months. In the interest of being able to conclude this debate, I will leave it at that. I commend this disallowance motion to the Senate.

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

The Senate divided. [12.43 pm]
(The President—Senator the Hon. JJ Hogg)

Ayes………… 37
Noes………… 23
Majority……… 14

AYES
Abetz, E.  
Back, C.J.  
Birmingham, S.  
Boyce, S.  
Brown, B.J.  
Cash, M.C.  
Cormann, M.H.P.  
Ferguson, A.B.  
Fifield, M.P.  
Heffernan, W.  
Johnston, D.  
Ludlam, S.  
McGauran, J.J.J.  
Minchin, N.H.  
Parry, S.  
Ryan, S.M.  
Siewert, R.  
Trood, R.B.  
Xenophon, N.  

NOES
Brown, C.L.  
Cameron, D.N.  
Collins, J.  
Feeney, D.  
Furner, M.L.  
Hurley, A.  
Ludwig, J.W.  
Marshall, G.  
McLucas, J.E.  
Polley, H.  
Sterle, G.  
Wortley, D.  

Question agreed to.

MATTERS OF PUBLIC INTEREST

The PRESIDENT—Order! It being 12.45 pm, I call on matters of public interest.

Employment

Senator PRATT (Western Australia) (12.45 pm)—Today I rise to highlight the importance of the Rudd government’s stimulus strategy to Western Australia. Since the global financial crisis began, unemployment has risen rapidly in my home state. In October of last year unemployment in WA stood at 2.7 per cent. Since then it has risen every month, including last month, and now stands at 5.7 per cent. There are more than 70,000 unemployed in WA, more than double the number of a year ago. As someone who has worked for a job service provider, and as someone familiar with the expert evidence on the impact of unemployment recently presented to the Senate Economics Committee, I take very seriously this rise in unemployment in my home state.
Unemployment has the potential to permanently scar the lives of individuals. They lose skills, lose the opportunity to gain experience, lose confidence and even lose hope. For young people, the impact may be particularly pronounced. The experience of unemployment at the start of their working lives can result in a feeling of worthlessness that affects the entire trajectory of their careers. Older workers, on the other hand, often find it difficult to retrain when they are required to shift jobs late in life. Older workers are also more likely to have dependents who rely on their employment. Unemployment puts pressure on household budgets and strain on personal relationships.

When unemployment is concentrated in particular communities, its impact is heightened. The flow-on effects can destroy local business and undermine community capacity. The longer the period of unemployment, the greater the impact. Communities scarred by high levels of long-term unemployment are often marred by intergenerational poverty. Consequences of such poverty include increased welfare dependency, drug and alcohol abuse, juvenile delinquency, family breakdown and high rates of chronic disease and mental illness. In addition to the human costs, the net result is increased expenditure on social security payments, on health services, on child protection, on policing, on courts and on prisons.

Long-term unemployment is defined as unemployment lasting longer than 12 months. On this basis, the next 12 months are critical. To minimise the negative impact of the global financial crisis we must minimise any long-term unemployment that results from this downturn. This will be a real challenge. We know from past global recessions that the number of long-term unemployed is likely to rise. There is a time lag between the recovery in the economy in terms of growth and the recovery in terms of employment. Following the recession of the early 1990s, unemployment rates took more than a decade to return to pre-recession levels. Let me repeat that: after the last recession unemployment took more than a decade to come down.

So, when the opposition argue that the stimulus should be wound back at the first sign of recovery, they either are economically illiterate or simply do not care about the unemployed. Signs of resilience in the economies of our Asian neighbours may be enough for the opposition. A recovery in business confidence may be enough for the opposition. A lack of a technical recession may be enough for the opposition. But it is not enough for Labor, because we care about those thousands of unemployed Australians. There are 70,000 of them in WA alone. I am proud that the Rudd government’s early and decisive action has helped to avoid recession and to protect thousands of jobs. I am proud that leading Australian economists and business groups, the IMF, the OECD and even the Liberal Premier of WA all recognise that the Rudd government stimulus strategy has cushioned Australia from the worst of the downturn.

I am even prouder that the Rudd government sees this as the beginning and not the end of the battle to ensure Australia’s prosperity and to combat the insidious effects of unemployment. That is why I want to highlight the critical role of our stimulus initiatives in securing employment in WA. The Rudd government stimulus strategy is designed to support growth and jobs now, while investing in physical infrastructure and human capital for the future. The aim is to minimise unemployment now, while preparing Australia for the opportunities that recovery will bring. The first phase of the stimulus involved targeted payments to low- and middle-income families, working Australians, pensioners and carers and drought-
affected farmers. When I spoke on the Nation Building and Jobs Plan in February I said that the aim of these payments was to deliver an immediate stimulus to the whole economy, one that would bolster consumer confidence and reach into every community, however small or remote. The stimulus was vital to support jobs, especially in my home state of Western Australia, which has so many isolated, regional communities.

Now that the figures on consumer spending, business confidence and retail employment for the first part of this year are in, we know this strategy has worked. The second phase of the stimulus strategy involved funding for shovel-ready infrastructure, spending on investments in schools and housing, energy efficiency, roads and boom gates and community infrastructure. Once again, the stimulatory effect of this spending is dispersed throughout the nation, including the many far-flung communities of WA. For example, 183 WA primary schools received funding under round 1 of the P21 school modernisation program and 349 WA primary schools received funding under the second round. This represents an investment in WA local communities of some $930 million.

This spending is supporting local jobs and businesses now while ensuring that schools can provide our children with the education they need for future success. Similar investments are being made in the infrastructure of our secondary schools, TAFEs and universities, all targeted at equipping our young people to take advantage of future opportunities—investments like $4 million for the construction industry apprentices training facility at the West Coast TAFE in Clarkson under the Training Infrastructure Investment for Tomorrow program. The government’s $650 million Jobs Fund is the linchpin of its employment strategy. A wide range of local infrastructure projects have been funded through the Jobs Fund because a diverse industry base is critical to future prosperity. The $5.5 million being invested in WA heritage places, such as the Shark Bay World Heritage Area, will generate jobs now while enhancing the capacity of communities to attract tourists in the future.

A substantial proportion of stimulus spending is directed at developing more sustainable communities and at preparing for a low carbon economy. Geraldton was the first community in Australia to benefit from the Rudd government’s $40 million investment in cycling infrastructure. Their funding will provide for the construction of new bike racks, bike lanes and off-road bike paths and, once again, generate local jobs. Similarly, the Western Australian Council of Social Services is receiving $1.8 million to recruit, train and employ greenhouse auditors. It is particularly important that we take steps to address unemployment in areas of highly entrenched disadvantage, so I am delighted that the Rudd government is investing heavily in some of our most disadvantaged communities through the $180 million East Kimberley development package. The package will upgrade sporting grounds, recreational facilities and vital transport linkages while providing Indigenous locals with desperately needed jobs.

Nation building for recovery lies at the heart of the Rudd government’s stimulus strategy. This year’s budget included an $8.5 billion investment in critical economic infrastructure projects so that when recovery comes our ports, roads and rail networks will have the capacity to service a growing economy. These projects include the Oakajee Port common user facilities which will service the needs of WA’s growing iron ore industry. To maximise the employment generated by projects such as the massive Gorgon LNG project we will need skilled workers to grasp the jobs created. The $2 billion Productivity Places program, our major reforms to train-
ing and higher education and our Securing Australian Apprenticeships program will all contribute to this objective. Our recent announcement of a new national resource sector task force will ensure that training is targeted to meet the needs of such major projects.

WA is of critical importance to the Australian economy. It has the highest rate of population growth and accounted for 38 per cent of Australia’s exports last year. With ongoing demand for our commodities from the rapidly growing economies in our region, WA is well placed to help drive Australia’s recovery. The Rudd government’s policy settings have done much to keep Western Australia working, but we must continue to be vigilant, to support jobs and livelihoods, to protect people from the social harm caused by unemployment, to assist people who become unemployed to reskill and to invest in the infrastructure that will support our national recovery, unlock Western Australia’s full economic potential and create the jobs of the future. I call on the opposition to join us in supporting these important initiatives and to stand up for Western Australian jobs.

Education

Senator BERNARDI (South Australia) (12.57 pm)—A few months ago I was speaking to a university student who told me about a midsemester assignment she had received for one of her courses. I took an interest in the assignment because the class was given a paper on families and told to write about a particular type of family and the advantages and benefits of it. The paper that was presented was a study asking the students to respond and endorse the fact that children of same-sex relationships were in a better parental situation than those of a heterosexual relationship. I found this entirely controversial. It is something that I certainly do not agree with, but it brings me to the first of two points that I would like to make today. The first of which is: why I am surprised that this sort of bias and presentation is made to our university students? For some time there has been concern that within Australian universities, and even in some secondary and primary schools, there is some behaviour and some endorsement of particular political views or other biases that really have no place in the educational system. Teachers, lecturers and the like are charged with a grave responsibility, and that is to educate young minds. It means they should present facts and information in a sensible, balanced and even-handed manner. Where there are controversial issues that need to be dealt with, they should present both sides of the issue, and I have no truck with that, as I am sure many parents do not. Then, after having been presented with both sides of the argument and the necessary information, it is for students to decide for themselves and ultimately form their own opinions about these matters.

In some instances where teachers are no longer presenting both sides of an argument, it appears that children and students are being indoctrinated with a particular bias. There are many examples where teachers are pushing their own opinions about politics or society in general onto students and are only allowing one side of an argument to be heard. Indeed, teachers have been known—and there has been some evidence about this presented to a Senate committee—to pressure students to reflect certain thoughts in assignments regardless of what the student actually believes or the merits of a student’s argument, leading some students to worry that if they do not reflect the opinions of their teacher they will actually be marked down. The assignment that I referred to in my opening remarks is a case in point. The young lady approached me about an assignment and said: ‘I don’t agree with it. I’d like
to present a different argument.’ But she had been told by her lecturer that that was inappropriate and that she had to endorse the findings of the study.

There are a few other examples that have been given over the course of time both to me and to the Senate committee that had an inquiry into this. A third year university student stated:

I have … consistently felt intimidated that if I express views other than those—
of my—
tutors and lecturers … my marks will suffer.

He mentioned readings on ‘the immorality of the United States with no countervailing position’ and a lecturer who said:

… nobody in Australia supports John Howard and his crimes …

A year 12 student from the public system reported that a Your Rights at Work corflute was hung up in one of the school’s classrooms. An Australian Education Union media release from March 2003 reflected its members’ opposition to Australian involvement in the war in Iraq. While the media release states that members should respect the views of students and ‘their right to develop their own opinions’, it appears that these are empty words because it later asks teachers to ‘support students who take an anti-war stance’.

I am not getting into the merits of these particular positions. That is not what I intend to do today. Today is about asking why we are allowing or encouraging such bias to be presented to our students. If there is merit in an argument, let both sides of the debate be presented so students feel free to argue their case. There is, of course, other evidence in this regard. Al Gore’s documentary An Inconvenient Truth was presented to students in some countries as if it were all fact. We know that it is not all fact and that it contains a great deal of fiction. It has been exposed as inaccurate and false, but very little rebuttal and very few opposing arguments have been allowed to be presented in academic settings. Why aren’t students allowed to see both sides of the issue and then be left to form their own opinions? I think that is a very reasonable question, but it is a question that remains unanswered.

A Catholic student group was recently banned from displaying posters about pregnancy counselling in its university because the university had a policy that only pro-choice materials were permitted on campus. How is that fair and equitable? In the supposedly tolerant environment of a university, where there is a great deal made of equality and rights, it seems that some rights are more equal than others. Some of the examples I have just given are from submissions to last year’s Senate inquiry into academic freedom. I note that no recommendations were made as a result of that. The inquiry basically said that it appears to concern only a very small proportion of the student population. The chair, Senator Marshall, said:

Even if it were true that the majority of academics have a broadly left liberal political stance, the question is whether this matters.

I think it does matter when academics are pushing a political view, be it Left or Right, on students without allowing students to hear a balancing counterview in a reasonable setting or to express a counterview without penalties attached to their academic transcripts or performance.

It goes to a broader concern that at some levels—and people have shared this with me—universities seem to have been caught up in social engineering and that they have forgotten to be open-minded educational institutions. They should be providing students with the tools to help them form their own opinions, not forming opinions for them. If you want to characterise it in a single phrase,
it is possibly an abuse of trust. One of the submitters to the inquiry wrote:

Students are easily malleable, and … they trust the opinion of their teachers to a high degree. The teacher-student relationship has much to do with why teachers are so influential. Students are entrusted by their parents, and by the community, to these people to properly educate them.

I make the point that the responsibility of our learning centres is to properly educate students, not indoctrinate them. We do trust our teachers. We trust our learned people to help educate our children and to present them with facts and information. We do not want them to present our children with biased and sometimes incorrect information.

We need to make sure that the trust that parents and the community place in these places of learning is not abused. We need to make sure that teachers who have a personal view are not necessarily only talking about that perspective in their classrooms. They need to make sure that there is balance. So we have to have some changes. Students should be able to go to school or university to learn, free from individuals pushing their own particular perspective onto them. Students should not be scared to voice their own opinions for fear of reprisal, whether that reprisal be exclusion from a particular class or in the form of a downgrading of marks for not conforming to the latest orthodoxy.

I opened my contribution by saying a student was required to basically undermine the integrity of her belief in the traditional parental relationship of a man and a woman looking after children. The paper on family structures I mentioned went some way towards undermining what is a tolerant and generally open-minded society and I think it undermines the importance of the traditional family. I certainly recognise there are many different types of families today. Our society has changed over the years; our family structures have changed. Regardless of circumstances, we all want the best for our children. Research on family structures and their impacts on children has, at times, come up with conflicting results. Some research finds that the traditional family unit—married mother and father with children—is better for children. Some research finds that that is not necessarily the case. The paper that this student was asked to write about clearly reflected the latter view. One conclusion that the paper came to was:

… parenting practices and children’s outcomes in families parented by lesbian and gay parents are likely to be at least as favourable as those in families of heterosexual parents …

This is a well-researched paper and I make no condemnation of it at all. My concern and condemnation is that there was no ability in the university system to allow for any dissent from that view. I think that is a very reasonable concern to have because there are conflicting views on this and many other topics. As I acknowledged earlier, in late 2007, the British Office for National Statistics found that children who lived with their traditionally married parents were healthier and stayed in education for longer, irrespective of their economic background. So there are clearly differing opinions out there. The fact that there are differing opinions is something we should be celebrating in this country. We should be encouraging our scholars and those in our esteemed learning environments to put forward those differing opinions and to have a battle of ideas. This is what politics, and indeed social progress, is built on.

My personal view has been, and I hope always will be, that the traditional family unit is the most successful unit in society and we should be doing everything that we can to encourage it. I believe it is the best structure in which to raise children and it forms the very foundation of our society. Let me be very clear: I am not saying that it is the only way to raise children. It is not necessarily
always going to produce a better outcome than any other type of family environment or arrangement but, on the whole, I believe it has been the best structure and will continue to be the best structure for our children.

The structure of our families of course should be regarded of importance to the Senate and everyone else because, in today’s society, family fragmentation is becoming more common than ever. There are myriad reasons for this. There are economic circumstances, higher incidences of de facto relationships and an increasing divorce rate among a number of other societal impacts. Back in 1998 it was conservatively estimated that marriage and relationship breakdowns cost almost $3 billion in government payments, court cases and the like as well as a great deal of stress for those involved. I would suggest that it is highly likely that this figure has increased over the last 10 years or so. Indeed, family breakdown when it happens on such a large scale can actually undermine and cripple entire communities.

In times where there are difficulties—and our society is already struggling; particularly with the impact of an economic slowdown and unemployment, there are pressures on families due to house prices and a range of other impacts—it is important that we do encourage strong, stable families. It has been said:

The natural family, cemented by marriage, is a mini-welfare state, education system, health care service and socialising institution.

The family for me is the very foundation of our society. It shapes the attitudes, the hopes, the ambitions and the values of the child more than any other force. Families teach patience and understanding; they share life’s best and worst moments with us. Children raised in strong families often go on to be successful, while also contributing to the strength of their communities.

I acknowledge and accept that today’s families do not always fit a traditional mould. We have any number of successful children raised in very different familial environments. Many children are raised in single parent families, some live with their grandparents and some may share a home with members of their extended family. It is vital that, in a society that features many different family structures and a constant battle with family breakdown, we do not let the importance of the traditional family unit fall by the wayside. Of everything that unites us, nothing is more powerful in my opinion than that the family and strong families equal a strong Australia. That is why we have to continue to allow strong families to have their place in society, including support in our academic institutions. (Time expired)

Tasmania: World Heritage

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.12 pm)—Having sat here through the Howard years, in which bigotry was at the fore and denial of equality and access to equal rights was part and parcel of governance, I find it is not possible to simply ignore the previous speaker. Senator Bernardi said, ‘Children who live with married parents are healthier and better off.’ Yet it was the Howard government that legislated to prevent thousands of children in Australia from that advantage by saying that if you are a same-sex couple your children cannot have the advantage of you being married. We have a situation in which an advantage for children was deliberately denied by the previous speaker and the Howard government when they were in power by legislation against their own interests, if you follow the logic of his argument.

We were here when the Howard government took up the Hanson policies to the point where the representation of Ms Hanson and her party was no longer relevant and the
Howard government took the voters who subscribed to those principles, including using the dog whistle against people wanting to come to this country—and it is no longer a dog whistle. I have listened in the last couple of days, and taken repeated points of order, as members of the opposition have labelled refugees, who are quite within their rights to seek refuge in another country, ‘illegal’ and ‘unlawful’. That pejorative term has been used to the point of utterly unfair and unwarranted discrimination against men, women and children.

I want to talk about a much happier subject, the prospect of the Tasmanian World Heritage wilderness coming to its fulfilment. I was able to engage the renowned Tasmanian wilderness expert Geoff Law to draw up a new assessment of where Tasmania’s World Heritage wilderness should finally find its boundaries and a process for achieving that. I have sent a copy of this to all senators, and I am delighted to be able to talk about it in the chamber today. The western Tasmania World Heritage wilderness is a place of outstanding and universal values. Coming from that state, Madam Acting Deputy President Carol Brown, you will know it is a bulwark of the Tasmanian economy, generating over 5,100 jobs and more than $200 million in income annually.

Beyond that, it is a place of extraordinarily rich cultural and natural heritage. This book—which I will shortly seek to table, it having been circulated—describes the magnificence of places like the Weld Valley; the Upper Florentine; the Styx Valley, the Valley of the Giants; the Tarkine, whose rainforests Prime Minister Howard moved to protect at the stimulus of then Leader of the Opposition Latham; the area south of Macquarie Harbour, which is a magnificent repository of wildlife and cultural heritage; and Recherche Bay, which saw the magnificent coming together of the French scientists and the Palawa people of Tasmania in 1792-93. You could not have had two more disparate groups of people on the planet, but they came together in a spirit of understanding. There were athletic contests, music, feasts and great and genuine sadness when they parted. It was not until our British ancestors arrived, this time with soldiers, convicts and guns, that the horrific and destructive impact on the Indigenous people in Australia—deliberate in many cases—followed.

In a world that is very much more crowded—and I will come back to this in a moment—this World Heritage area is an enormous repository for excitement, beauty, stimulus and simple relaxation for millions if not billions of people who do not ever go there, besides those who are lucky enough to see it. It is through putting wildlife and magnificent natural scenery like the waterfalls, mountains, forests, ravines and highland alpine areas of the World Heritage area on our walls that we all get relaxation and enjoyment because of our innate bond with nature.

We are in a very lucky country to be able to protect an area like this, which, being on the western seaboard of Tasmania with the prevailing westerly winds coming across three oceans from Patagonia, is less likely to be contaminated by weeds and other invasive species and is more likely to be able to be protected for the benefit of humanity forever if only we have the common sense to protect it. I have sent a copy of this to the Minister for the Environment, Heritage and the Arts, the Hon. Peter Garrett, in his role along with Prime Minister Rudd as custodian of World Heritage properties. I say again to the chamber—and I have said this before—that we have an obligation under the World Heritage Convention not only to establish places of World Heritage value, as these undoubtedly are, but to move to protect them and manage them. The Greens will be looking forward to a response from government at federal level,
where the responsibility lies, and also at state level to have this grand vision of the Tasmanian Wilderness World Heritage Area expanded to its logical, justifiable and rightful boundaries for the benefits to Tasmania, Australia and people beyond into the future to unfold in this or the next period of government. I seek leave to table this document.

Leave granted.

Senator BOB BROWN—I thank the Senate for that. While on the subject of the nation’s natural heritage, I continue to watch progress on the evaluation of the Traveston dam and the impact that will have on the Mary River, the rich farmlands upstream and the habitat of rare and endangered species—including, of course, the Queensland lungfish, the Mary River turtle and the Mary River cod. I add to that the fact that there has been quite a lot of publicity in recent days about the magnificent fig trees, 500 or more years old, threatened by this inundation, upon which other rare species such as Coxen’s fig parrot depend. The habitat of that parrot is being rapidly lost. Therefore we must think the parrot is being deliberately pushed towards extinction, and we must save the sustaining habitat, including these fig trees and their attendant forests in the Mary River Valley. I just hope that the minister for the environment is looking at the extraordinary 1,200 conditions the Queensland Coordinator-General, Colin Jensen, said would be needed to enable the dam’s construction. I think there is only one condition required to protect both the food-producing value and the natural value of the Mary River Valley, and that is that the alternatives for using the rainfall over South-East Queensland—which we have the wit, wisdom and ability to employ and which experts say we can employ at less cost—be undertaken and that the dam be consigned to the rubbish bin of history, where it deserves to go.

In the last few days we have had the Prime Minister talking up the prospect of an Australia in which 35 million people live. We are at 23 million now. We were some seven million when I arrived on the planet. You would not remember that, Madam Acting Deputy President Carol Brown! But we have to ask the logical question of Prime Minister Rudd: ‘Name the final point. What is the ultimate carrying capacity of Australia if you say that growth is dependent on population increase ad infinitum?’ The logic of that is that there is no end point, that we not only continue to cram people into this giant country with very limited carrying capacity but we continue to cram our fellow human beings, all of whom aspire to life and happiness as much as we do, onto a planet which cannot bear it.

I will read from the National Geographic’s EarthPulse: State of the Earth 2010 document, which says it is a collectors’ edition—and I wonder if that says something about the future as well. It says:

Scientists and policymakers have warned that environmental degradation and global climate change could cause massive displacement of populations some day. For millions of our fellow humans, driven from their homes by melting permafrost, increased coastal flooding, or desertification of once arable land, that day has arrived. Hard numbers are elusive, but an estimated 25 million people are environmental "refugees" (officially, that word is reserved for those fleeing armed conflict). By 2050, that number could jump to 200 million. Climate change is projected to increase aridity in already dry areas, and to spur more extreme rainfall and flooding events such as one that displaced more than two million people in the Indian state of Bihar in 2008. Perhaps most alarming, even modest sea-level rise will wash away the homes and fertile fields of millions more.

On the next page, it goes to ‘Forced Migration, Hotspots of Global Change, Bangladesh’. There is a picture of three women up
to the top of their shoulders in water. The woman at the front has a floating metal vessel in front of her. Obviously they are appealing to the photographer and whoever is behind the photographer for some form of sustenance in a neighbourhood where, if you are going to stay there, you will be up to your shoulders in water because of the flood. It says this about Bangladesh:

Low-lying Bangladesh foretells the future of climate refugees. Because roughly half of the country lies less than ten meters (33 ft) above sea level, it has been flooded more frequently as glacial melt in the Himalaya has risen. Tropical cyclone activity is also likely to rise in the near future, swelling the Padma (Ganges), Jamuna (Brahmaputra), and Meghna Rivers, which all lie within the country’s borders. Climate refugees already account for more than a third of recent migrants to Dhaka, the capital. Nearly 80 per cent of the nation’s legal disputes are over land erosion triggered by storms.

I watched on television just the other night as people hastily pulled down their corrugated iron shelters in Bangladesh as the banks collapsed on a river and eroded 100 metres across the fields upon which the people depended, to swallow their houses. The people hastily collapsed their houses to at least take away the building materials.

We are in a world that is in very great human-induced trouble. Population is part of that. When I came onto the planet, in 1944, there were 2.5 billion people. There are now 6.8 billion people, a tripling almost. By mid-century, when youngsters now will be in their middle age, it is projected there will be nine billion to 11 billion people—more likely 11 billion if you read this National Geographic special, which is currently on the bookshelves. Add this to that. At the front of the book it says:

Together we consume 1.4 Earths’ worth of resources per year.

In other words, we are burrowing away at the bounty which we need to survive. We will need 3.1 more planets if we are all to survive by mid-century on the average British level of consumption, which is below ours. That cannot happen, and we have to have the wit and wisdom to find a way to share better, to work with each other, to reduce consumption and to reduce population growth. I hope the Prime Minister has got a lot of thinking occurring on that, because Australia is charged with being a leader, not at the back, when it comes to dealing with the issue of how we human beings are going to live peaceably with the planet instead of off it.

Bilingual Education

Senator CROSSIN (Northern Territory) (1.27 pm)—I rise today to talk about a topic which is of great importance to many of my constituents. It relates to the education field and has been quite controversial of late in the Northern Territory. It is bilingual education. Bilingual education broadly means teaching most subjects in school through two different languages. I had the privilege of teaching in a bilingual school at Yirrkala for five years in the early eighties, so I come to this debate with some knowledge and experience.

Bilingual education emanates from the fact that, in order for a child to be able to competently learn how to operate in another language, they are best off learning how to read and write in their native language—that is, to assess that you read from left to right and from top to bottom and that words on a page relate to a picture. Children best pick up these skills when the language they are speaking relates to the words on the page and when the people around them teaching also speak in their own language. So there is actually some educational theory behind why bilingual education has proven to be a success, and it is about getting children ready to
read and to write and to use those skills as they translate to other subjects.

Dr Brian Devlin is an eminent academic in the Northern Territory, an experienced bilingual teacher-linguist and a former principal. He is now, of course, an associate professor at Charles Darwin University. In a paper presented to the AIATSIS research symposium in June this year he said that this goes much deeper than just education and learning skills, that for most remote Aboriginal people bilingual education is ‘a tool for survival in a fast-changing, often-confusing world’. Bilingual education in Australia and the Northern Territory has, over the years, only received intermittent support. It has always been a controversial aspect of the education debate.

Bilingual programs for Indigenous students began in the early 1970s, with the support of the then federal government. But in December 1998 the former CLP government of the Northern Territory announced a decision to remove bilingual funding for the then 21 schools on the bilingual program and switch that funding to English as a second language programs. That was quite a change to the way in which programs were to be treated and funded. This was not actually implemented; what happened was a move to ‘two-way education’, which still allowed for bilingual programs. It is a catchphrase, I guess, for a way in which you communicate to Indigenous parents that the education in the school is happening two ways or both ways: in their own language and in English.

In August 2005 the minister for education at the time in the Northern Territory Labor government announced that bilingual education would be revitalised, but only at 15 chosen schools. Then last October we had another change, unfortunately. This change caused much controversy. It was a move to have all schools teach the first four hours of each day in English. This affects particularly the nine remaining schools running a bilingual program and has caused considerable confusion and anger. A couple of weeks ago the decision was the topic of a Four Corners episode on the ABC. As a result of the outcry, the education minister has decided that 2009 could be seen as a transition year towards the new arrangement but that, from January 2010, all community schools in the Northern Territory will have the first four hours taught in English.

I provide commentary on this debate today because I do not agree with this decision. Some 38 per cent of students in the Northern Territory are Indigenous, with the majority of these living in remote communities, and have English as a second language at best. Coming to a school where non-Indigenous ways are dominant and English is the main language is a huge change for many young Indigenous students. It is hard for them to fit into mainstream education and schooling.

Language and culture go hand in hand. Language reflects culture and world view. The use of Aboriginal language in schools helps to reassure Indigenous students that their culture and their language is valued, and makes school a bit more of a welcoming place. Most students would speak no English at home in Indigenous communities, particularly where there has been a bilingual school. They use the local languages, as many of these communities have more than one of course, or they use Aboriginal English—which is quite different from the standard form of English. In fact, the Northern Territory is probably unique in this country for the strength of the Aboriginal languages that it has—not all are surviving well, even in the Territory, but many still are and are in regular use.

The basis for this decision of the current minister has been questioned. He says that
outcomes on NAPLAN for literacy and numeracy in the NT are not good—and they are not—and show the Northern Territory lagging behind other jurisdictions, especially for many Indigenous students. The Northern Territory government wants, as we all do, to close the gap and see Indigenous students achieving the same as other students, as we all do. We all want the best possible outcomes for our young people.

The bilingual programs were introduced initially on the premise that they would improve literacy. The Northern Territory government claims that the ongoing gap shown by the national benchmark tests shows that this has not happened, and even with the additional resources under bilingual programs these students have not, the Northern Territory government claims, improved their performance on these tests. It therefore says that bilingual education is simply not working and emphasis has to go on the dominant language: English. However, it further says that this does not mean that it no longer supports culture and Indigenous languages.

There is a body of evidence that says that the Northern Territory government is wrong and that learning in one’s home language to start with is beneficial. Commissioner Tom Calma has also stated this different view. In a public speech in Darwin back in mid November—the Eric Johnston lecture on 17 November—he said it was a fallacy that bilingual education ‘killed off English literacy’. He went on to say that there is ‘no evidence that bilingual schools do worse than non-bilingual schools’. The Principal of Areyonga School, who was educated in the bilingual system and has taught in it for 16 years, said that the ‘two-way schools’, in her experience, performed marginally better in English. Most kids in communities such as Areyonga speak only Pitjantjatjara before going to school. So to enter school where the first four hours each day are in English will be extremely hard—it will be hard for those children to understand and to fit in.

There are several sound platforms advocating for the continuation of bilingual education. Firstly, it is good educational practice to teach young children in their own language while they are acquiring English. It helps them to engage with education in all areas. In 2005 the Northern Territory education department themselves found that when they looked at remote Indigenous schools and compared English results with remote non-Indigenous schools the former did slightly better. Secondly, the Convention on the Rights of the Child says at article 29.1 that education should be aimed at the development of respect for the parents, their cultural identity and their language. So to severely limit bilingual education would appear to be in breach of this article. The Declaration on the Rights of Indigenous Peoples also has a clause, article 14.1, which says that Indigenous people have the right to establish and control their own education system, including education in their own language. The Rudd government has expressed support for this declaration. Thirdly, bilingual education helps in the maintenance of Indigenous languages. Bilingual education also helps to encourage community involvement, and if parents and community understand and accept the importance of education, over which they feel they have some control, then surely involvement of the kids through better attendance will happen.

Perhaps one might ask: are the results we are seeing in the NAPLAN test not a result of bilingual education but a result of non-attendance or a result of parents not understanding what education is about? Or is it because in the Northern Territory schools are staffed on attendance and not on enrolment; or is it because in the Northern Territory very little consideration is given to teaching Abo-
original kids in those schools as kids with English as a second language?

I have talked long and proudly of a significantly high achiever in Yirrkala in North-East Arnhem Land by the name of Yananymul Mununggurr. She is now the CEO of Laynhapuy Homelands Association. You do not become a CEO unless you are competent in English, literacy and numeracy and in your own language. Yananymul is a product of bilingual education. And why is that? It is because she went to school every day of her life. It is because she attended 200 days a year for 15 years of her life, and despite the fact, and probably because of the fact, that she was in bilingual education, she has achieved so extremely well. So I question whether or not it is bilingual education that gives us the poor NAPLAN results or whether there are other factors. There are many academics who are experienced in this field that posed the same question in the last 12 months.

Children learn better if they understand the language spoken in school. This is a straightforward observation borne out by a study after study. Charles Grimes, in the introduction to his book, *Indigenous languages in education: what the research actually shows*:

Even learning a second language is facilitated by starting with a language the children already know.

Grimes goes on to say that it is about time for the Northern Territory government to show some courage and take a fresh look and a more informed approach to education in Indigenous communities, and to pursue a better understanding of the role of language. Dr Brian Devlin, in a paper presented to the AIATSIS Research Symposium, says that educators and parents in the Northern Territory have amply demonstrated that bilingual education programs in remote schools have value for them. Despite this the Northern Territory government has ceased to endorse bilingual education in the Northern Territory, as of next year. Dr Devlin says the Northern Territory government:

... does not accept that there is any merit in using both the vernacular and English as languages of instruction in order to build proficiency in both.

He goes on to say he sees the change announced by the Northern Territory government as marking a shift from 'bilingual education' from 1972 to 1998, to 'two way learning' from 1999 to 2005, to 'structured language and culture programs’, which will now only be conducted in the afternoon. This, he says, is a sidelining or marginalising of the idea that first language proficiency can be a strong platform for achievement in a target language, which in this case is English. This, he points out, brings about a degree of conflict between the teachers ‘bible’—the Northern Territory Curriculum Framework, which says that children develop knowledge through their first language—and the new directive that instruction shall be only in English for the first four hours a day. The decision by the Northern Territory government means that it has distanced itself from Indigenous people, who have loudly stated their different viewpoint and valuation of bilingual education.

It is my belief the Northern Territory government hides behind the national curriculum. It is my view that the national curriculum states developmental stages and our learning outcomes at each stage and what we want to see is a nationally consistent outcome by the time the child reaches year 12. My view is that how that child gets there is best determined by the school, by the community and by the education system. If they get there at the end of year 12, proficient in English, having got there through bilingual education, well, well and good.
As indicated earlier there is ample evidence as to the effectiveness of bilingual education both within the Northern Territory and internationally. I do not want to dwell on this for very long but I think you just need to go to examples in Canada and America to see what I am talking about. A Northern Territory education report in 2005, at page xii, said that a number of studies provide evidence for the premise that bilingual education programs achieve higher outcomes than non-bilingual programs in similar settings. Dr Devlin himself identifies four sources of empirical evidence which showed superior achievement under bilingual programs—including a Northern Territory DEET Multilevel Assessment Program report for 1996-97 and a Northern Territory DEET accreditation report for several schools using the bilingual program. Dr Devlin says that all these reports showed that students in bilingual programs are generally attaining better literacy and numeracy scores than their peers in non-bilingual schools.

So how did the Northern Territory come to make the decision and announcement that they did? They did so, according to Dr Devlin by the use of wrong information that meant that apples were not being compared with apples. They included a Catholic school which was a secondary school only, and the criteria required that the schools have primary programs. They included a community education centre which also did not have a bilingual program. The government did not include all the existing bilingual schools in their survey, so how could it have been truly representative? So the samples of schools used on which to base the decision to have all instruction for the first four hours a day in English is, I believe, seriously flawed. There is clear evidence that good bilingual programs can achieve results. Aboriginal people have made it amply clear that they value and want bilingual education.

Afghanistan

Senator TROOD (Queensland) (1.43 pm)—As is so often the case in the war in Afghanistan, we are again at another point of decision, one of immense importance to the country’s future. As many analysts have noted, the political and military situation in Afghanistan is far from encouraging. Internally, among the many entrenched problems that plague the country, we can count a system of governance that is discredited, dysfunctional and lacking in legitimacy. We can count stepped up insurgency activity leading to high levels of insecurity and the steady decline, and in some places the complete collapse, of economic activity.

Externally, doubts about the costs in blood and treasure are growing in the capitals of members of the International Security Afghanistan Force trying to end the Taliban insurgency. Prompted by General McChrystal’s force review, the Obama administration in the United States is undertaking yet another assessment of its Afghanistan strategy. In doing so, only months after having settled on a new strategic course as a result of the Riedel review, it is raising questions about the future of the war.

There are strong reasons for optimism in Afghanistan, but the point that requires emphasis is that the outcome of the war in Afghanistan is in the balance. More importantly, it will almost certainly have a profound impact on the future stability of the whole south-west Asian region. The stakes are high and prevailing will not be easy. The military, political and economic challenges to be overcome are formidable. They demand a long-term commitment from all of those who have a strategic interest in the outcome, and this certainly includes Australia. That is the reason the opposition strongly supports the Rudd government’s commitment in Afghanistan.
But it is with some alarm that I sense a degree of reluctance in relation to that commitment. Compared to some other countries with forces in Afghanistan, the conflict has not been a particularly salient issue in Australian politics. The inattention has no doubt suited the Rudd government. It is, after all, a commitment inherited from its predecessor and it is not one over which this government is keen to claim ownership. The low visibility of the war has allowed the Prime Minister to concentrate on some of his other, rather more cherished, international objectives and leave much of the day-to-day management of Australia’s role to his defence minister, whoever that may be from time to time. But, understandably, as casualties have begun to mount the conflict has been attracting greater attention and public opinion has begun to shift more decisively against Australia’s continuing participation. As a consequence, the Rudd government seems to be hedging its commitment to the conflict. There is now a serious question as to whether this government is actually as strongly committed to the engagement in Afghanistan as some of its rhetoric suggests.

The government is a reluctant advocate of our Afghanistan commitment. Its arguments in support of our effort are formal and made without conviction, and the government seems to take every opportunity to emphasise the limits of Australian policy rather than the importance of prevailing in the conflict. The strategic rationale for Australia’s involvement in Afghanistan needs to be spelt out more clearly, the case made with greater conviction. The Australian people need to know what is at stake and the government needs to go on the offensive in seeking to arrest the steady decline in public support for the war.

As last week’s comments by the defence minister about Australia’s long-term engagement illustrated, the government has become accustomed to being in two places at once with regard to Afghanistan. On the one hand, it professes a belief in the importance of the conflict to Australia’s interests; on the other, its commitment to a deeper presence in Afghanistan seems to vacillate in tune with public opinion. While last week the defence minister expressed some caution about increasing Australia’s troop commitments in Afghanistan, for example, this week he conveys considerable enthusiasm for General McChrystal’s assessment of the conflict.

Of course, any decision to commit our soldiers to an overseas venture is politically charged, but it is important to take this opportunity to remind the government precisely why we are involved in Afghanistan. Australia’s presence is important and it should transcend the 24-hour news cycle mentality that has seemingly preoccupied our political arena since November 2007. I am encouraged by the comments the defence minister made yesterday, but I want to stress how important it is that Australia remains engaged and fully committed. Australia has long-term strategic interests in the future stability of this region. Perhaps those strategic imperatives are not as compelling as those of the United States or of the immediate regional neighbours, but they are sufficiently compelling to justify a substantial investment in the region’s future.

The foundation of Australia’s continuing interest in Afghanistan goes back to its membership of the international coalition that intervened in 2001. Australia has a moral commitment to ensuring that the Taliban does not return to its repressive, medieval rule there. But this perhaps is not the strongest argument for Australia’s role. There are several more compelling strategic interests that underpin our interest. The first is to prevent Afghanistan from becoming a safe haven for terrorism. Certainly al-Qaeda’s base of operations appears to have shifted to
the Federally Administered Tribal Areas of Pakistan, but the significant, dangerous and continuing linkages between the Taliban and al-Qaeda are a persistent threat to Western interests. We would be taking a massive strategic risk if ISAF were to leave Afghanistan without a high degree of confidence that this alliance had not been crushed.

Closely related is the consideration of the impact of the chaos in Afghanistan on Pakistan’s stability. Democratic governance in Pakistan is already at grave risk from an internal, strong and increasingly ambitious al-Qaeda backed terrorist movement. Its recent intensified attacks testify to a growing sense of confidence and a bloody determination to destroy an already unstable political order. For reasons that are well understood, the collapse of Pakistan into the hands of al-Qaeda would be a strategic disaster. The fall of a democracy, however imperfect, to terrorism would embolden extremism in Asia and elsewhere, to say nothing of the threat that would be generated by Pakistan’s nuclear warheads falling into the hands of the terrorists. The chaos and instability in Afghanistan only serves to fuel this risk. As analyst Stephen Biddle has written, we all have an interest in preventing Afghanistan from ‘aggravating Pakistan’s internal problems and magnifying the danger of an al-Qaeda nuclear armed sanctuary there’.

Australia also has a national interest in Afghanistan born of its close alliance with the United States. For us, being part of the ISAF coalition in Afghanistan is an exercise in alliance maintenance. It is an elemental part of the continuing security burden Australia assumed in the war against Islamic extremism after 9-11. It is not an open-ended commitment to support a US policy but it is an obligation of alliance that Australia must take seriously. For this reason, the Rudd government’s heightened rhetoric, placing apparent constraints on Australia’s military contribution to what President Obama has called the ‘war of necessity’ in Afghanistan, is an alarming thread in defence policy thinking.

Third and finally, Australia seeks a peaceful and stable Afghanistan free of Taliban rule because the conflict there has been one of the main reasons so many Afghans have sought escape and risked all for asylum in other countries. As long as the conflict continues, it will serve as one of the factors undermining the integrity of Australia’s border security regime and ultimately the credibility of a successful immigration policy. Remaining committed to the creation of a stable Afghan state is an important way of addressing this policy challenge at source.

Australia is facing hard choices in Afghanistan. The results of the McChrystal review and the pending departure of the Dutch forces from Oruzgan province, where our forces are deployed, should already be forcing some hard-headed thinking about the nature of Australia’s continued commitment to Afghanistan. The policy choices available to the government are as wide as they are complex and no-one should think there can be any easy decisions. But there are some obvious issues the government should be considering. First, once the McChrystal review is completed, Australia should conduct its own comprehensive review of its Afghanistan policy. It should be a whole-of-government exercise, drawing in all the agencies with interests in Afghanistan, and should identify policy initiatives that strongly support and reinforce the strategic objectives of the United States and its NATO allies there. If further troop contributions are called for, the Australian government should give serious consideration to the matter. It should not pre-emptively rule it out as it now seems to be doing. Once the review is completed and our commitments have been decided, the government needs to step up its
efforts to sell the policy at home. As it stands, the Rudd government’s hesitation to take ownership of this conflict necessarily means that it cannot expect to sustain the public’s support for a war which has already killed and wounded so many very brave Australian Defence Force personnel.

If creative middle-power diplomacy actually means anything, as the Prime Minister has argued, the government should use its diplomatic energies to explore the diplomatic route to assisting a settlement in Afghanistan. Regionally, an urgent task exists in trying to bring about some kind of accommodation of the differences between Pakistan and India. These differences are helping to frustrate efforts to confront effectively the insurgencies in both Afghanistan and Pakistan. Arguing, as this government is often inclined to do, that Afghanistan is NATO’s problem and that we should do only a limited amount in relation to the conflict may serve the Prime Minister’s domestic political agenda but it is highly dubious strategic policy. As President Obama has remarked in relation to America’s commitment to Afghanistan, you do not muddle through the central front on terror, and nor should Australia do so.

Institute of the Sisters of Mercy of Australia

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (1.55 pm)—I would like to take up the last few minutes of this debate today by acknowledging that 150 years ago, exactly today, six Irish Mercy nuns arrived in Goulburn to set up the first Mercy congregation on the east coast of Australia. Their influence in those 150 years has been quite extraordinary. The Mercy nuns were established in Ireland by Catherine McAuley, who herself had to enter as a Presentation nun in order to learn how to be a nun so that she could set up her own congregation, which she did with the benefit of her own family estate. In doing so, she set up a congregation that was very different to the other religious congregations of nuns. She wanted to set up a congregation of sisters to serve the poor. The vision she articulated of the Mercy mission was one of serving the poor and the disadvantaged and particularly of serving disadvantaged women. The Mercy order, as it has expanded in Australia, has focused on a few very important things: their nursing mission, their teaching mission, their pastoral care and their care for the aged and infirm. All around the south-east of Australia are Mater hospitals and many, many Mercy schools and colleges that pay tribute to the Mercy mission and the Mercy sisters.

Last weekend there was a joyous celebration of those 150 years of service to our communities. The apostolic nuncio, the archbishop and 1,500 people came to the old cathedral in Goulburn to share in this celebration. We were also joined by two wonderful Irish nuns, who are here in the parliament today, because they represented the two founding houses of the Mercy nuns in Ireland. We have an extraordinary tradition in Australia. There are many people in this place who have been educated by the Mercy nuns, including Senator Parry who told me that he had—

Senator Back interjecting—

Senator STEPHENS—And Senator Back as well, who is joining in. It is a very good fan club. I want to mark the very, very important contribution to education in Australia made by the Goulburn congregation. Goulburn was where the state aid debate played out in 1961. The school inspector of the time came in to St Brigid’s school and told the principal and the parish priest, ‘I’m going to close you down if you do not upgrade those
toilets.’ The parish priest and the parish said: ‘Give us some money. We will upgrade when there is some money.’ Of course, there was no money. The school inspector closed down the toilets. ‘Fine,’ said the parish priest and the bishop. They closed the parish schools and 2,000 children were put into the state schools in Goulburn. They lasted a week. The public schools were bursting at the seams; they could not cope. That marked a real commitment by the federal government of the day to make a contribution to Catholic and parish schools in order to ensure that we had some equality of education. So this is a very important point in history and it is one that is recognised and acknowledged worldwide as being quite significant. Let us celebrate 150 years of some feisty Mercy sisters.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator FIERRAVANTI-WELLS (2.00 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. I refer the minister to the fact that the people on board the Oceanic Viking have indicated that they do not want to get off the boat. Can the minister inform the Senate whether Australian Customs officials on board the Oceanic Viking will be ordered to forcibly remove the illegal entrants if they refuse to disembark, or will they be assisted by Indonesian law enforcement authorities?

Senator CHRIS EVANS—I thank the senator for the question. The Australian government has negotiated with the Indonesian government that this boatload of potential asylum seekers rescued in international waters in the Indonesian search and rescue zone will be landed—

Senator Cormann—What are you saying? We can’t hear you.

Senator CHRIS EVANS—It seems there may be a microphone problem.

The PRESIDENT—There might be a problem with the volume on the microphone. Continue, Senator Evans.

Senator CHRIS EVANS—I have never been accused of talking too softly in this chamber; there have in fact occasionally been allegations to the contrary! As I was saying, there is an agreement that these people will be disembarked in Indonesia and then be processed by the UNHCR over any asylum claims they have. We are confident that we will be able to see a successful disembarkation. The Australian authorities are obviously working with Indonesian authorities on how that might occur. We are very confident in the professionalism of the Customs officers on board the vessel, and they will obviously work out a plan of action with Indonesian officials to effect the disembarkation. I might say, though, that it is our intention that they be disembarked in Indonesia. While the passengers may prefer another destination, that is the intention, and we hope to see them disembarked in the near future.

Senator FIERRAVANTI-WELLS—Mr President, I ask a supplementary question. I refer to the comments of the provincial governor of Riau Islands refusing to accept the 78 asylum seekers on board the Oceanic Viking:

We’re not a dumping ground for other countries. What arrangements have now been made in relation to the 78 asylum seekers, and what was the Prime Minister’s involvement in the decisions about those arrangements? Can the minister guarantee that they will not be taken to Christmas Island?

Senator CHRIS EVANS—I thank the senator for her question. I am not sure whether she is arguing that they should be taken to Christmas Island or should not. I have heard so many different positions from the opposition on this. But, turning to the first part of her question, I can indicate that
the provincial governor seems to have softened his earlier comments and is quoted as saying:

But if it’s an order from Jakarta, we have to accept it.

I note that a spokesperson for President Yudhoyono has clarified Indonesia’s position and that they will be honouring the undertaking from the president that they will cooperate in the disembarkation of those passengers at the Indonesian port. So we expect that agreement to come to fruition, as I say, and we expect those passengers to be disembarked at the port of Kijang.

Senator FIERRAVANTI-WELLS—Mr President, I ask a further supplementary question. Minister, surely the continuing chaos unfolding over the Oceanic Viking highlights the collapse of the Labor government’s handling of Australia’s border protection policy?

Senator CHRIS EVANS—There was not much of a question there, Mr President, but can I say that this is a complex and difficult matter. Simple assertions do not take you anywhere. As successive—

Honourable senators interjecting—

The PRESIDENT—Order! Order on both sides!

Honourable senators interjecting—

The PRESIDENT—Order! Just wait. When there is order on both sides, we will continue.

Senator CHRIS EVANS—Thank you, Mr President. As people are aware, this is an unusual situation in that this was a rescue at sea in the Indonesian search and rescue area. I do not think anyone is suggesting that Australia, given that we had the capacity, went to the—

Senator Johnston interjecting—

Senator CHRIS EVANS—Senator Johnston, do you not support the rescue of this vessel? Is that your proposition?

The PRESIDENT—Order!

Honourable senators interjecting—

Senator CHRIS EVANS—Is that your proposition?

The PRESIDENT—Senator, order!

Honourable senators interjecting—

Senator CHRIS EVANS—Is that your proposition?

The PRESIDENT—Order! Order on both sides!

Senator Minchin—Mr President, I raise a point of order. Could you please instruct the Leader of the Government in the Senate to direct his remarks through the chair and not directly across the chamber.

Senator CHRIS EVANS—Mr President, on the point of order: I accept that remarks should be directed through the chair, but Senator Johnston’s continual interjections, seeking to suggest that we should not have rescued those persons, I find offensive. If that is his view, he ought to stand up and state it.

Senator Ronaldson—On the point of order, Mr President: I clearly and obviously sit beside Senator Johnston. He did not make any such comment. There was nothing he said that could be interpreted the way the leader has done, and he should apologise.

Honourable senators interjecting—

The PRESIDENT—Order! On both sides, I need order!

Senator Ludwig—Mr President, on the point of order: I will raise this shortly. There was no point of order raised; that was merely an explanation to support a colleague. It is inappropriate to use—

Honourable senators interjecting—
**Senator Ludwig**—I am responding to a false point of order because, in the proper management of this chamber, a point of order raised as a mere way of explaining is not a point of order and should not be taken as a point of order.

**The President**—Order! I remind senators that interjections across the chamber, from either side, are disorderly. During question time I need to hear the answers to the questions. I know that people in this chamber are also very much aware that comments should not be directed across the chamber when senators are on their feet; they should be directed through the chair. If people on both my left and my right desist from these interjections, we can get on with question time.

**Senator Chris Evans**—I indicate that the government restates its view that the rescue of these persons was the appropriate policy response. We also reiterate that the agreement with Indonesia for the disembarkation is the appropriate policy response. *(Time expired)*

**Manufacturing**

**Senator Pratt** (2.08 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister update the Senate on the current state of play in Australian manufacturing? What is the significance of today’s national manufacturing roundtable?

*Opposition senators interjecting—*

**The President**—Order! I have just made a comment about interjections and, immediately a person is on their feet asking questions, we have more interjections.

**Senator Pratt**—What action has the government taken to support Australian manufacturing over the past two years? In particular, what initiatives have been put in place to promote innovation and to support enterprise improvement? What measures have been taken to encourage investment in specific industries? Has the government’s economic stimulus strategy assisted manufacturing during the global recession?

**Senator Carr**—I thank Senator Pratt for her question. A manufacturing alliance has been forged by the Australian Manufacturing Workers Union and the Australian Workers Union, which are hosting a national manufacturing roundtable in parliament today. The roundtable brings together workers, employers, researchers and the government. Conditions have been tough for Australia’s manufacturers in recent times, but the Commonwealth has been working hard with industry to see it through this difficult period and to position it for future growth. Our Powering Ideas innovation agenda is backed by $3.1 billion in new investment over four years, and that provides the context. It is all about generating new ideas. We need to revitalise today’s industries and build tomorrow’s. Enterprise Connect is providing innovation and business improvement services to individual firms around the country.

The $6.2 billion New Car Plan for a Greener Future has attracted millions of dollars in new investment and the production of two models in Australia. Our retargeted TCF innovation package is encouraging the industry to focus on high-value, high-tech production. Industry innovation councils are driving the transformation and renewal in strategic sectors. Our Australian industry participation package is increasing the capacity of local firms to compete for major projects and procurements. Throughout the global crisis, our economic stimulus strategy has sustained demand for a whole range of manufactured goods. It has offered up direct support to manufacturers in the form of tax breaks on new investments.
No-one should doubt how serious this government is about the future of Australian manufacturing and the wellbeing of the families and the communities who depend upon it. It is a pity we did not get more support from the opposition on these issues. (Time expired)

Senator PRATT—Mr President, I ask a supplementary question. Can the minister further inform the Senate how the government sees the immediate outlook for Australian manufacturing? Is there evidence that the sector has turned the corner after enduring the stresses of the global recession? What is the industry’s own assessment of where it is heading? Is it expanding? If so, when did this turnaround occur? Can the minister provide the latest data on manufacturing employment? How does this compare with the pre-recession figures? Is there evidence that overall employment levels are falling?

Senator CARR—Many companies are still under pressure, but there are encouraging signs of a revival in the sector. The Australian Industry Group’s Performance of Manufacturing Index for August showed that the industry was expanding again after some 14 months of contraction, and the expansion has continued in September. Aggregate manufacturing employment was at the same level in the August quarter this year as it was in the November quarter of 2008. Job numbers actually rose in the August quarter compared with the preceding three months. That is not to deny the hardship that has been experienced by workers who have been retrenched, but it tells us that many manufacturers are still hiring. That is good news for the industry and it is good news for Australia, which relies on our manufacturing to generate jobs, exports, innovation and demand for goods and services across the economy. (Time expired)

Senator PRATT—Mr President, I ask a further supplementary question. Can the minister give the Senate an outline of the longer term prospects for Australian manufacturing, especially as the rest of the world bounces back from recession? What factors will influence Australia’s success in winning manufacturing sales and investment during the recovery phase? Can the minister explain what new measures the government has planned to ensure that the momentum of renewal and transformation in Australian manufacturing is maintained in the year ahead?

Senator CARR—Australia has come through the global recession in better shape than almost any other advanced economy. We need to seize the advantage. Our skills, our infrastructure and, above all, our capacity to innovate will ultimately determine just how competitive this country is. That is why the government will continue to develop the nation’s innovation capacity in the year ahead. The new R&D tax credit will provide simpler and more generous incentives for business, research and development. Commercialisation Australia will take a radically new approach to getting local ideas into global markets. There are still many challenges ahead of us, but I am confident that Australian manufacturing can answer those challenges and make an even greater contribution to our prosperity. I am looking forward to hearing something from Senator Abetz on these issues, because all I have heard is hostility to manufacturing and hostility to Australian jobs. (Time expired)

Asylum Seekers

Senator SCULLION (2.14 pm)—My question is to Senator Evans, the Minister representing the Minister for Immigration and Citizenship. I refer the minister to his answer yesterday when he accused Senator Nash of using ‘deliberately provocative lan-
language’ when she referred to some asylum seekers as ‘illegal entrants’. Has any government minister used similar language in recent days?

Senator CHRIS EVANS—Senator Scullion has obviously had a bad morning. First of all, I would like to advise him that, as far as I know, I am still the Minister for Immigration and Citizenship—so I am not ‘representing’. And, as far as I know, Senator Cash has not changed her name—so she is still ‘Senator Cash’. Now we have got over the problems with the question, I can indicate that I thought the senator was trying to be deliberately provocative. We have had that debate about language—Senator Brown is particularly concerned about it—

Senator Ian Macdonald—Answer the question.

Senator CHRIS EVANS—Well, if you stop interrupting, Senator Macdonald, I will have a crack at it. There is a deal of concern around language in the community, particularly the sector who have had a long history of concern about language. The point I was making was that Senator Cash was deliberately trying to cause—

Opposition senators interjecting—

The PRESIDENT—Order! This is not a time for debate; it is a time to listen to the answers that are being given and for people to ask questions. Senator Evans, continue.

Senator CHRIS EVANS—I was attempting to encourage those senators, like Senator Cash—and particularly the Western Australian senators, who seem to have decided there is some sort of political advantage in going the low road, in trying to incite fear and anger against asylum seekers—to try to have a calm, rational debate about the public policy challenge of unauthorised boat arrivals. This has been a problem for governments over many years. We have had arrivals in 25 of the last 33 years.

Senator Abetz—Mr President, I rise on a point of order. The point of order is on relevance. The minister was asked a very specific question: has any government minister used similar language in recent days? He has 11 seconds in which to answer the question—with ‘yes’, ‘no’ or ‘I don’t know.’

The PRESIDENT—I consider that the minister is answering the question. The minister might not be answering the question in the manner in which you desire; that is a different issue. From what I have heard thus far, I understand that the minister is answering the question. He has 11 seconds remaining.

Senator CHRIS EVANS—I would urge all senators to approach this debate in a rational manner and to seek to deal with the policy issues, not to try and spread fear and loathing. (Time expired)

Senator Ian Macdonald interjecting—

The PRESIDENT—Senator Scullion is on his feet waiting to ask his question, and you are interjecting upon your own side. I cannot understand it.

Senator SCULLION—Mr President, I ask a supplementary question. Can the minister tell us who said:

I make absolutely no apology whatsoever for taking a hard line on illegal immigration to Australia.

Was it in fact the Prime Minister just eight days ago on ABC Radio?

Senator CHRIS EVANS—I am happy to confirm for Senator Scullion that the Prime Minister and this government does maintain a hard line on border security. We have maintained mandatory detention. We have maintained excision of offshore places. We have maintained processing on Christmas Island of unauthorised boat arrivals. And we have increased the number of boat and air surveillance available to ensure strong border security measures. So, if the question goes to
whether or not we maintain the hard line of border security, the answer is absolutely yes.

The key question here is about what policy is maintained, and we have made it very clear that we maintain a strong policy on border security. We do want to manage those who come by boat to ensure that on arrival they have identity, health and security checks and are processed in accordance with our laws. We will continue to pursue that policy.

Senator SCULLION—Mr President, I ask a further supplementary question. Was it the Prime Minister who said on the same program:

Our job … is to take a hard-line approach in dealing with the challenge of illegal immigration.

Has the minister told the Prime Minister that he considers the Prime Minister’s language ‘deliberately provocative’? If not, why not? Have you reminded the Prime Minister that it is not in the interests of this issue to ‘take the low road’? Or does the minister’s affected moral outrage and courage only extend to opposition senators?

Senator CHRIS EVANS—I very much support the approach the Prime Minister has taken to these issues. As I indicated when I announced our detention reforms, it is about getting the balance right between strong border security and providing humane treatment for those seeking asylum. The opposition cannot seem to work out its position. Apparently, on some occasions we are too soft. Last night Mr Abbott said we were too brutal. You are in such a mess that you cannot work out what your lines are.

Senator Scullion—Mr President, I rise to take a point of order, again on relevance. Whilst understanding clearly your direction at my last point of order, the minister has taken absolutely no effort at all to go to the point of the question about the fact that the Prime Minister used the term ‘illegal immigrants’, and he has been lecturing this side about that matter for days. The question simply was: has he reprimanded the Prime Minister for the use of this language in a similar way? I would like you to require the minister to be relevant.

The PRESIDENT—I cannot tell the minister, as I have already said to you, how—

Senator Ludwig—Mr President, thank you—a point of order at last! On a point of order: we have now seen two instances of impermissible behaviour in this Senate in taking a point of order—firstly, taking a point of order that was, quite frankly, unnecessary, but then using that point of order to
restate the question, if not badly then inaccurately, and, in doing so, providing a false impression of the original question. So this point of order is in answer to that point of order—there is no point of order, and the minister is being relevant to the question that is being asked and is dealing with the policy issue.

The PRESIDENT—I was saying, anyway, that I cannot instruct the minister how to answer the question, as I said before. The minister has two seconds remaining to answer the question.

Senator Abetz—I rise on a point of order, Mr President. You indicated that you could not direct the minister, but could I draw your attention to correspondence that I believe was circulated to all senators. I know I have been the victim of false communications in the past, Mr President, but—

Honourable senators interjecting—

The PRESIDENT—Order! I have got to be able to hear Senator Abetz’s point of order.

Senator Abetz—Mr President, I was just wondering whether you could confirm whether you communicated to all senators on 18 November 2008 that answers will be required to be directly relevant to each question. And, if you did so circulate, I invite you to advise the Senate and, indeed, those listening in whether you actually believe the minister’s answer is directly relevant, as you indicated he would be required to be in your correspondence to every senator.

The PRESIDENT—As I have already said in response to a point of order, the minister is being relevant. As I have said, I cannot instruct the minister how to respond. That is the one thing I cannot do: I cannot direct a minister how to respond. The minister has two seconds remaining to respond.

Senator Abetz—Mr President, you indicate whether the minister is relevant or not. Your correspondence clearly indicated a requirement—

Senator Chris Evans interjecting—

The PRESIDENT—Order! Senator Evans, I have got to listen to the point of order.

Senator Chris Evans interjecting—

The PRESIDENT—Order! Senator Evans, resume your seat. I understand you are on your feet for a point of order, Senator Abetz?

Senator Abetz—that is correct, Mr President. I think most people understood that, Mr President, even if it did slip past the Leader of the Government in the Senate.

Senator Conroy—What is the point of order?

Senator Abetz—My point of order is very simply this: it is, with respect, Mr President, not sufficient to say that the minister is being relevant; the test is ‘directly relevant’, as you yourself stated, and I am asking you to indicate to the Senate whether you are ruling that the minister is being directly relevant—not ‘relevant’ but ‘directly relevant’—to the question that was asked.

The PRESIDENT—Senator Abetz, with the greatest of respect: I am not going to have words put into my mouth. I have already said that the minister is being relevant to the question that has been asked. I said I cannot instruct the minister how to answer the question. All I am saying now is: I have given the minister two seconds remaining on the clock to answer the question that has been asked by Senator Scullion. The minister—two seconds.

Senator CHRIS EVANS—I reiterate my advice to opposition senators about their behaviour and language.
Renewable Energy

Senator MILNE (2.28 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Minister, do you stand by your assurances to the Senate earlier this year that solar hot water and heat pumps would only account for five per cent of the renewable energy target and their inclusion posed no risk to the integrity of the scheme?

Senator WONG—Thank you to Senator Milne for her question and her ongoing interest in the renewable energy target. As I recall, there was quite a lengthy discussion in the debate on the renewable energy legislation, which, ultimately, I think, all parties in the chamber supported—I cannot actually recall if Senator Fielding did, but certainly the opposition and the Greens did—about the likely effect of various aspects of the target, including the issue that Senator Milne raises.

It is obviously the case that the price of renewable energy certificates is set by the market and depends on the supply as well as the demand for renewable energy. The demand, of course, is created through the renewable energy target’s annual targets. The REC prices that are most often quoted publicly are obviously the spot market. I think it is important in this debate to recognise that many, if not most, renewable energy projects enter into long-term contracts for the sale of renewable energy certificates and therefore are not subject to or not as open to the short-term fluctuations on the spot market.

It is the case that there have been some recent price falls in relation to the renewable energy certificate price. It is the case also that the government are going to monitor that closely. We went to the election with a very clear commitment to increase the renewable energy target, which we have managed to progress through this chamber with the support of other parties. We will continue to monitor its effectiveness. It is the case that there have been a range of theories put forward about the reason for the fall in the REC price.

Senator MILNE—Mr President, I ask a supplementary question. Minister, I asked whether you stood by your assurance that solar hot water and heat pumps would only account for five per cent of the RET. Is it not true that these energy efficiency technologies will take up roughly 50 per cent of the overall target and that in recent months they have created a large oversupply of RECs, resulting in the crash of the price for renewable energy certificates and putting hundreds of renewable energy jobs and millions of dollars in investment in jeopardy, and that this will not wait for COAG to produce a report?

Senator WONG—I think Senator Milne is quoting Mr Diesendorf in terms of the figures she is quoting. My recollection, and I stand to be corrected, is that a range of figures were discussed. I pointed out that all of the propositions were based on various modelling assumptions. In fact, as I recall, Senator Milne, in that debate, as she is today, put a range of modelling outcomes. Some people agree with that, some people do not. Obviously, we are concerned as the government to ensure the effectiveness of the renewable energy target and we will continue to monitor the effectiveness of the target. It is a four-fold increase in Australia’s renewable energy. We think it is an important policy, which is why we were so keen to negotiate passage of this legislation through the Senate. We are very pleased that that has occurred. As I have said previously, there are a range of views as to why the renewable energy certificate price is at the place it is. Obviously, the government will continue to monitor it. (Time expired)

Senator MILNE—Mr President, I ask a further supplementary question. I remind the minister that on Wednesday, 19 August, at
6.06 pm, she said, ‘The modelling indicated five per cent.’ Minister, will you admit that the government has got it wrong and will you move immediately to amend the renewable energy target legislation by adding renewable energy certificates from solar hot water, heat pumps and the solar PV multiplier to the top of the target, as you were prepared to do for non-renewable fossil fuel coal seam methane? Will you admit that that is precisely what the Greens were trying to do by amendment at that time and that you rejected it?

Senator WONG—I am interested in Senator Milne’s last supplementary in that Senator Milne acknowledged that what I referred to was the modelling. It is unfortunate that in her first question she was not actually clear about the fact that my indication to the Senate was based on the modelling. I appreciate that clarification in the last supplementary. The negotiations on the renewable energy target have been traversed previously. It is the case that the government accepted some amendments and did not accept others, and made a judgment about what it considered to be the case. If Senator Milne wants to argue again why we should or should not have accepted some amendments, that is obviously a matter for her. This legislation was passed through the Senate with the Greens and opposition support. The government acknowledges that.

Senator Bob Brown—Mr President, I rise on a point of order going to relevance. Senator Milne asked the minister what her action will be to remedy the situation, and she should answer that question.

The PRESIDENT—Senator Bob Brown, as I have said, I cannot instruct the minister. I believe the minister is being relevant to the question. Minister, you have 13 seconds remaining.

Senator WONG—Again, a range of views have been put to the government as well as publicly stated about the current REC price. It may be the issues raised by Senator Milne; it may also be, for example, the uncertainty around the CPRS. (Time expired)

Distinguished Visitors

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the gallery of a parliamentary delegation led by the Hon. Maxime Carlot Korman MP, Speaker of the Republic of Vanuatu. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

The PRESIDENT—I should also note the presence in the gallery of former senator Kay Patterson.

Questions Without Notice

Asylum Seekers

Senator BRANDIS (2.35 pm)—My question is to Senator Wong, the Minister representing the Attorney-General. I refer the minister to the evidence of the Australian Federal Police Commissioner Negus in estimates on 19 October in which he confirmed that the AFP periodically compiles a report entitled Strategic intelligence forecast: transnational criminal trends and threats to Australia, the most recent edition of which was finalised on 27 March 2009. That report stated: Reporting indicates that people smugglers will market recent changes in Australia’s immigration policy to entice potential illegal immigrants. This may cause a rise in the number of attempted arrivals.

Given that the government has been aware of the existence of the report since it was confirmed in estimates earlier this year, has the Attorney-General now taken steps to inform himself of the contents of the report?
Senator WONG—This matter has been traversed with Senator Brandis on many occasions. As he knows from the answers I have provided in this chamber and that others have provided—I think Senator Ludwig was representing in the estimates hearing—the report to which he has referred was the subject of discussion in the estimates hearing. As the senator knows, intelligence documents are produced for operational use by the AFP, they are not produced as a basis of policy advice to ministers, and they guide the operational decisions of the Australian Federal Police and its partner agencies. It was made clear to Senator Brandis by the AFP Commissioner, Mr Negus, on 19 October that the intelligence report had never been provided to ministers. In fact, he stated that the report was an ‘operationally focused document’ and it would be inappropriate to provide it to ministers.

Senator BRANDIS—Mr President, I ask a supplementary question. Given that at least since 19 October the government, and indeed the public, have been aware of this matter in the report, has the Attorney-General since taken the trouble to inform himself of the contents of the report?

Senator WONG—Do I understand Senator Brandis, through you, Mr President, to be suggesting that what should occur is that the Attorney-General should not take the views of the AFP Commissioner into account and should be demanding a document that the commissioner himself has said is an operationally focused document that would be inappropriate to provide to ministers? Is that really Senator Brandis’s proposition? The government has made clear the nature of this report. The AFP Commissioner has made clear the nature of this report. This report is an operationally focused document and it would be inappropriate for it to be provided to ministers.

Senator BRANDIS—Mr President, I ask a further supplementary question. Given the gravity of the warning in the AFP report, of which the opposition has now made the government aware, how does the government propose to change its policy to counter the obvious rise in the number of attempted illegal arrivals, just as the AFP warned and as the government now knows the AFP warned?

Senator WONG—There are really two issues in that question, and the first is exactly the same issue as I have now answered on, I think, five previous occasions and as has been asked and answered in the estimates process. The answer is that this is an operational document and it would be inappropriate for it to be provided to ministers, and this has been made clear to Senator Brandis on many occasions.

I again make the point, which has been conveniently forgotten by those on the other side, that this is a global problem. The number of asylum seekers globally is a global challenge. There are over 42 million displaced people around the world. Global factors have continued to see an increase in the global numbers of refugees and asylum seekers. I know those opposite do not want to hear this because they do not want to deal with this policy challenge; they just want to make political points. Senator Brandis knows—(Time expired)

Economy

Senator HURLEY (2.41 pm)—My question is to the Minister representing the Minister for Finance and Deregulation, Senator Conroy. Can the minister outline the government’s fiscal strategy and how important it has been in combating the effects of the global recession?

Senator CONROY—I thank Senator Hurley for her question. The government’s responsible economic and fiscal policy has helped chart Australia through very difficult
economic circumstances. The stimulus package has helped ensure Australia has the strongest performing advanced economy in the developed world, growing over the past year when every other advanced economy has gone backwards. If it were not for the fiscal stimulus, Australia would be in a recession and hundreds of thousands more Australians would be out of work.

The government’s fiscal stimulus was carefully designed to phase down as the economy strengthens. The impact of stimulus on growth has already peaked and it is already tapering away. As stimulus is increasingly withdrawn it will detract from growth through 2010, making room for the recovery in the private sector. That means fiscal and monetary stimulus will both be withdrawing as the private sector recovers. The Governor of the Reserve Bank has said he is comfortable with the level of fiscal stimulus and its gradual withdrawal means monetary and fiscal policy would be acting consistently.

While the government is focused on the tough policy decisions and responsible economic management in Australia’s long-term national interest, those opposite are all over the place. They are a policy-free zone.

Senator HURLEY—Mr President, I ask a supplementary question. Can the minister advise how important serious policy development is in ensuring governments are able to preside over responsible economic and fiscal policy?

Senator CONROY—Responsible economic policy requires hard work and a coherent economic policy framework. It requires being focused on working through policy options, promulgating them, arguing them and then actually implementing them. In contrast, right across the opposition, they are devoid of policy ideas. The Leader of the Opposition in this chamber is probably the leading offender.

In the spirit of Melbourne Cup that is coming upon us, we are running a sweep. Your choices are: whether or not Senator Minchin will actually reveal one policy before his 200th press release or whether he can get himself shuffled out of the portfolio. (Time expired)

Senator HURLEY—Mr President, I ask a further supplementary question. Can the minister outline how other approaches jeopardise the objectives of sound economic management?

Senator CONROY—Thank you, Mr President—and if you let me know which one you want to be in, we will stick you in the book!

The PRESIDENT—Senator Conroy, you need to be relevant to the question.

Senator CONROY—Earlier this week, once again, we saw this lazy opposition being exposed by its own work. We had the revelation of a leaked email by a coalition staffer, advising his colleagues that they should focus on dirt digging rather than on policy discussions.

Honourable senators interjecting—

The PRESIDENT—Order! I need order on both sides before we proceed.

Senator Abetz—Mr President, I rise on a point of order. Maybe you could enlighten the opposition as to how that answer, to quote your letter of 18 November 2008 and the sessional order that was voted on by the Senate on 13 November 2008, is directly relevant to the question asked by Senator Hurley.

Senator Ludwig—Mr President, on the point of order: Senator Conroy has been directly relevant to the question that has been asked by Senator Hurley. Again, I raise the issue of using a point of order impermissibly to argue their case, if badly. If the opposition do not like the answer then they can simply
not listen. But, in this instance, we are capable of asking a question and being directly relevant to it and that is what is happening here.

The President—Order! I did draw the minister's attention, very early in that answer, to being relevant to the question that had been asked. Minister, you have 28 seconds remaining to answer the question.

Senator Conroy—The question clearly asked was: what are alternative strategies to doing hard work? Dirt digging is absolutely central to that answer—central to those opposite and certainly central to Senator Ronaldson, who likes to pride himself on being a hard man. Senator Ronaldson, there is a difference between a hard man and a man involved in digging dirt but, when you have got form, it comes back to haunt you.

(Time expired)

Distinguished Visitors

The President—With the concurrence of honourable senators, I invite the Hon. Maxime Carlot Korman MP Speaker of the Republic of Vanuatu to take a seat on the floor of the Senate. The Hon Maxime Carlot Korman was seated accordingly.

Honourable senators—Hear, hear!

The Hon. Maxime Carlot Korman was seated accordingly.

Questions Without Notice

Private Health Insurance

Senator Corman (2.48 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Is the minister aware that the Rudd Labor government's decision to target more than 100,000 senior Australians in need of timely and affordable access to cataract surgery in the private health system will mean that they will face more than $600 in increased out-of-pocket expenses every year for every procedure?

Senator Ludwig—Clearly, cataract surgery is an area where this government is trying to ensure that we can get savings of $98 million over four years, at $24.5 million a year, but in doing so it is also about ensuring that those people who do require complex procedures also get a rebate of $850. We know that those on the opposite side do not want to support budget initiatives that ensure that we use the budget to help those people, including seniors, who require assistance right across the health system.

This government is not putting itself on the side of ophthalmologists and ensuring that they continue to receive $585,000 from Medicare each year. They earn, on average, $154,000 from cataract procedures alone. So this government is putting in place appropriate measures to ensure that consumers and patients benefit from the new MBS. When you look at the actual statistics themselves, you will see that ophthalmologists conduct, on average, about 243 cataract operations per year, which are covered 100 per cent by the MBS, 75 per cent by the MBS rebate and 25 per cent by private health insurance. Ophthalmologists will of course continue to charge their high fees, but we want to ensure that the government does not have to pay—

(Time expired)

Senator Corman—Mr President, I ask a supplementary question. Given the Senate clearly does not support the government's decision to cut cataract surgery rebates, will the minister now urge the Rudd government to seek a trade-off with the pink bats program and redirect increased funds to the real and genuine health concerns of senior Australians?

Senator Ludwig—What this government wants to ensure is that we have a policy that is responsive to the needs of the modern health system. In fact, if you look at the argument that is being placed, I would also remind the Senate that, in today's Age news-
paper, the CEO of the Consumers Health Forum said:

I would like to know why the opposition is seeking to support medical specialists who are seeking to retain high incomes at the expense of consumers.

We now have a position where the opposition support a position of ensuring that consumers do not win, that consumers miss out on important reform that this government is progressing with. What we want to ensure is that the community can access ophthalmologists and that ophthalmologists charge appropriately in this respect. What we are not going to support is a position where those opposite—(Time expired)

Senator CORMANN—I have a further supplementary question. Will the government do the responsible thing and support the Health Insurance Amendment (Revival of Table Items) Bill 2009, which passed the Senate earlier today, or is the minister satisfied with the Rudd government’s decision to prioritise $2.6 billion for pink batts over Australians in need of life-changing cataract surgery?

Senator LUDWIG—The opposition’s actions today will throw cataract procedures into disarray. Australians scheduled to have this procedure performed will now face the uncertainty of being billed for their entire procedure without receiving any government rebate. That is what the opposition have now put—

Senator Cormann—Mr President, on a point of order going to relevance, I asked a very specific question: will the government support the legislation passed by the Senate—yes or no? If the minister does not know, rather than babble along, he should take it on notice and find out for us and tell us this afternoon.

Senator Conroy—Mr President, once again—

Honourable senators interjecting—

The PRESIDENT—Order! It is completely disorderly for these exchanges to take place when another senator is on their feet making a point of order. Senator Conroy.

Senator Conroy—Once again, this is a completely spurious point of order based on an insistence by those opposite that you instruct Senator Ludwig and other ministers on how to answer the question. They are clearly standing up and saying, ‘The answer is yes, no or sit down.’ Mr President, that is clearly not within your powers. This is a completely spurious press release. Senator Ludwig could not have been more relevant to the question, if those opposite could hear him over the cacophony of noise that they are engaged in. This was clearly relevant and they are asking you to break standing orders by directing the minister to say yes or no.

The PRESIDENT—There are 26 seconds remaining to answer the question. I draw the minister’s attention to the question that has been asked.

Senator LUDWIG—It is time those opposite stopped siding with the specialists and started supporting taxpayers who are being slugged with unreasonable fees. That is the position that the opposition are now adopting.

Honourable senators interjecting—

The PRESIDENT—Order! The time for debate is post question time. If people want to actively participate in that debate they are most welcome to. I am at least entitled to hear the answer that the minister is giving.

Senator LUDWIG—The government wants to pay an appropriate rebate for this procedure and hopes those opposite will reconsider their position and support these changes. The government’s proposal is very reasonable. We are adjusting these fees to better reflect—(Time expired)
Health: Dental Prosthetics

Senator FIELDING (2.56 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. I refer to an article in the Age on 22 August 2009 which revealed that an increasing number of unsuspecting Australians are having their mouths filled with cheap dental prosthetics from overseas laboratories which contain toxic heavy metals. Is the minister aware of these serious allegations and what is being done by the government to protect Australians from this dangerous practice?

Senator LUDWIG—I thank Senator Fielding for the question. Part of the answer relates to that which is delivered through the various state and private health industry sectors. When you depack the question—and I may have to see if I can get some assistance when the supplementary question is asked—is it about the government’s responsibility in terms of the provision of the amalgam or the types of fillings that various dentists may use, and that I am sure many use on a commercial basis, and whether those particular metals are permissible in terms of importation, which then is more likely to be a customs issue? Alternatively, is the question about whether or not there is a requirement for certain fillings to be used with certain types of matters, which then comes within a dental area?

Unlike the previous government, which took a view that dental matters should be implemented as I understand it by the states themselves, this government has looked at how we can use COAG to ensure that we can provide commitments in this area. We committed $290 million to the CDHP during the election. The government also committed to shutting down the poorly targeted Medicare chronic disease scheme. Further, the Medicare Teen Dental Plan, an election commitment of some $490.7 million over five years to improve the oral health of teenagers, has delivered 565,399 check-ups. That is what this government has done in this area. (Time expired)

Senator FIELDING—Mr President, I have a supplementary question. Isn’t it true that the Therapeutic Goods Administration has banned the use of heavy metals such as lead and nickel in the manufacture of dental prosthetics made in Australia but it is still perfectly legal to import cheap products from overseas that contain these dangerous metals? And don’t these imported dental products end up in the same place as Australian made products—that is, in the patient’s mouth? What is the government going to do to close this dangerous and dodgy loophole?

Senator LUDWIG—I thank Senator Fielding for the question. I know that Senator Fielding does have a significant interest in this area. What I can say in relation to this—now that I have got a better idea from the supplementary question as to the nature of the question, and I thank Senator Fielding for that—is that it is clear now that this sits within the Therapeutic Goods Administration area, particularly around the importation of particular types of material by dentists for use within fillings. I will take that part of the question on notice to see if I can provide a more fulsome response from the Minister for Health and Ageing in relation to that issue. I understand that Senator Fielding does have a significant interest in this, as I have indicated. I also want to say that, unlike the previous government, this government has directed its attention to dental issues. I think Senator Fielding would agree with me that these issues have been neglected for a very long time. (Time expired)

Senator FIELDING—Mr President, I have a further supplementary question. Given that there is no law to stop dentists
using dangerous toxic dental prosthetics from overseas, such as crowns, bridges and dentures, how can it be said that a patient is giving their informed consent when agreeing to have a prosthetic put in their mouth if they do not know what it is made out of or where it was manufactured? Will the government tighten disclosure requirements so that unsuspecting Australians are made aware that their prosthetic may contain dangerous, toxic materials?

Senator Ludwig—I thank Senator Fielding for his question. Similar to my response to the first supplementary question, where I indicated that I would take on notice that part which related to importation under the Therapeutic Goods Administration Act, I will also take on notice the second part of that question, which relates to whether or not there is legislation in this area to deal with this particular matter. I will also take on notice that part of the question Senator Fielding raised and ask Minister Roxon to see if there is any additional information she may be able to provide to the Senate.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Timor Sea Oil Spill

Senator Faulkner (New South Wales—Minister for Defence) (3.02 pm)—I seek leave to incorporate additional information in answer to a question and to two supplementary questions that Senator Siewert asked me yesterday about the impact of the Timor Sea oil spill upon Indonesia’s exclusive economic zone and possibly on Indonesian communities.

Leave granted.

The answer read as follows—

I am advised that satellite imagery on 1 September 2009 showed that small patches of weathered oil had crossed into Indonesia’s exclusive economic zone (EEZ), but not its territorial waters. The Australian Embassy in Jakarta notified the Indonesian Department of Foreign Affairs as soon as possible on 3 September 2009 as a matter of good neighbourly relations and mindful of the 1996 MOU between our two Governments on Oil Pollution Preparedness and Response.

Since that time, overflights have indicated that patches of weathered oil and sheen have remained within Indonesia’s EEZ, closing to some 51 nautical miles south east of Palau Roti around 21 September 2009. Subsequent regular overflights however indicated the weathered oil and sheen had moved further offshore.

As part of the ongoing response to the oil spill, two vessels entered Indonesia’s EEZ on 23 September 2009 to conduct containment and recovery operations, using a boom and oil spill skimmer, on heavier patches of oil that had been sighted by aircraft. These vessels have been supported by overflying aircraft to direct them to the heavier patches of oil. Australia notified Indonesia of the presence of the vessels and their activities in Indonesia’s EEZ on 23 September 2009.

These operations were completed within several days and the vessels then returned to an area within several nautical miles of the platform in Australia’s EEZ.

An overflight on 1 October 2009 was conducted from Darwin with two officials from the Indonesian Director General of Sea Transportation on board. On this flight sheen was observed some 62 nautical miles south east of Palau Roti.

The Australian Maritime Safety Authority (AMSA) assesses that the type and amount of oil that has been observed in Indonesia’s EEZ is considered to pose no significant threat to the marine environment or any coastlines or reefs. AMSA will continue to monitor the situation and the Government will keep Indonesia closely informed of the movement of the oil and our response efforts.
The Government is aware of reporting of impacts in Indonesia and will discuss with Indonesia any concerns it has about the presence of oil in its EEZ, including assessing any question of damage or loss arising from the Montara Wellhead oil spill. The Government anticipates that the company would be involved in any such discussions if they are required and notes that the company has fully cooperated with the Government on the response to the spill to date.

Australia will continue to act consistently with international law and our strong bilateral relationship with Indonesia in responding to this incident.

Illegal Fishing

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.02 pm)—I seek leave to incorporate additional information in answer to a question asked of me on 27 October by Senator Colbeck about Australian fisheries.

Leave granted.

The answer read as follows—

On 27 October 2009, Minister Carr was asked the following questions in the Senate:

1. Can the government confirm that one of Australia’s key fisheries protection ships, the Oceanic Viking, has been unable to carry out its fisheries protection duties because it has instead been a home for unauthorised arrivals for more than nine days due to the government’s bungled border security crisis? Will the government inform the Senate whether or not the Australian Fisheries Management Authority officers assigned to the ship are able to carry out their normal duties?

2. Will the government inform the Senate when the Oceanic Viking will be able to resume its important duties of protecting Australia’s fisheries and apprehending illegal fisherman, or has its role now been consigned to rescuing the Prime Minister’s bungled unauthorised arrivals policy?

3. I would invite the minister to read comments coming out of the CCAMLR meeting that is being conducted in Hobart at the moment about the protection of Australia’s Southern Ocean fisheries. Is the government’s decision to assign fishery protection resources, such as the Oceanic Viking, to housing unauthorised arrivals opening up Australia’s fisheries to illegal fishing boats - allowing them to exploit our fishing stocks and putting at risk the livelihoods of Australia’s hardworking fisherman, including the tuna fishing fleet at Port Lincoln, which has been devastated by recent cuts to quota?

Answer:

1. The Australian Border Protection Command has 17 patrol vessels and other assets to respond to threats to Australia’s border security, including foreign fishing. These patrol assets, including the Oceanic Viking, are deployed according to risk. The Oceanic Viking is currently undertaking a task approved in the May 2009 budget to conduct maritime patrols in Australia’s northern waters directed towards people smuggling activities.

2. Details in relation to specific timings for patrols are not released in advance for operational reasons.

3. The maritime surveillance and enforcement program for the southern oceans has been effective with no illegal foreign fishing activities being detected since June 2005. The program involves scheduling patrol deployments in coordination with those conducted by the French authorities to ensure that appropriate coverage is obtained and it is expected that this will continue into the future.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Asylum Seekers

Senator FIERRAVANTI-WELLS (New South Wales) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Fierravanti-Wells and Scullion today relating to border protection.

I rise once again to speak about what is fast becoming an absolute farce: the plan that this Prime Minister billed as his so-called Indonesian solution. It is now becoming an utter
shambles. I cannot help but quote the comments of my colleague Tony Abbott yesterday evening on Lateline. Much has been said in the last few days about the former government’s Pacific solution but can I say, as Mr Abbott has said, ‘John Howard found a problem and created a solution; Kevin Rudd found a solution and has now created a problem.’

The opposition of course has been prosecuting its case in relation to this for quite some time. But now, finally, it is good to see that the media in this country is picking up on the issue. One only has to look at the blaring headlines in the daily papers over the last few days to see that. I will quote some of them: ‘Ad hoc solution no long-term answer’; ‘PM’s Indon plan all at sea’; ‘Local fury strands Rudd plan’; ‘Boat stand-off pressures Prime Minister’; and ‘Rudd isn’t clear on asylum seekers. How can voters make sense of it when his statements remain so confusing?’

We now have this situation where the Oceanic Viking has sailed over 2,000 kilometres. We have this absolutely chaotic situation where we really do not know what is going on. What this is showing is that this government’s plan is actually not a plan—it is a boat-by-boat situation and it seems to lurch from boat to boat. In fact, it is really just improvisation. We seem to go from one crisis to the next. One only has to read the press to see that even refugee advocate groups are now criticising this government. Last week at estimates the Ambassador for People-Smuggling Issues told us that it is his role to take a cross-government perspective on issues pertaining to people smuggling. He told us on 22 October:

We have not actually sat down with the Indonesians yet to negotiate what this framework will look like and what forms our support will take.

The day after, we had this $50 million tab being put on this so-called plan, which is effectively outsourcing our border protection policy failure to the Indonesians.

Of course, pressed on the issue, nobody in the government can give us any details in relation to it or tell us what the cost of this would be. The home affairs minister simply does not want to talk about it, and he probably does not know. Chances are that this $50 million so-called plan has been hatched somewhere in the Prime Minister’s office and there have been some frenzied calls to the Indonesian President, and all of a sudden it is being billed as a plan.

There is a hypocrisy about this. I pick up this point from an article by Piers Akerman in which he shows the hypocrisy. I see Senator Faulkner walking out. Senator Faulkner has been very keen in estimates to press the issue of engagement. Regarding the Senate select committee October 2002 report into a Certain Maritime Incident, Senator Faulkner was happy to prosecute and wanted to know all about Indonesian engagement, including the possible limits of disruption policy, and he asked a wave of questions. It was all very well then. The hypocrisy is that now that we ask for details the government is just shutting down on the issue.
Senator FORSHAW—Mr Deputy President, the previous speaker was listened to in complete silence. Senator Fierravanti-Wells said that former Prime Minister John Howard found a problem and created a solution. I remember that when the *Tampa* appeared and rescued the people who were in danger of drowning we were told, and the Australian people were told, that their parents had thrown their children overboard. Of course, we remember that that turned out to be one of the greatest lies to be perpetrated on the Australian public, and it was used maliciously and malevolently in the election campaign, including by the then Minister for Defence, Mr Reith. So do not lecture us about the problems of dealing with asylum seekers. We were here. We drew attention to the disastrous and cynical policies that you followed when you were in government.

You criticise the current government for talking to the Indonesians about resolving these issues, when many of the people who are seeking to come to Australia are paying people smugglers to get here. We are seeking to negotiate and work with the Indonesian government on many of the people who are transiting. We get criticised for that, but what was the approach of the previous government? They did deals with Nauru and other Pacific countries and essentially said, ‘Take the problem off Australia’s hands.’ That was the approach of the Howard government and the previous ministers in charge of this portfolio. The old adage in the law is: if you are going to complain come with clean hands. The current opposition do not have clean hands on this issue. Their hands are absolutely dirty when it comes to dealing with this.

This is a serious issue. We recognise that, and that is why, when the opposition were in government, we worked with them on such issues as the excision of certain islands from our migration zone and on an approach which recognised that Christmas Island would be an appropriate location for the processing of boat people, and that is what is currently happening. Nobody denies that this is a major issue and a major problem for the country. We are seeking to deal with it in a humane way, but also in a firm way, to ensure that the people who are seeking to come to Australia are not allowed to enter willy-nilly. Rather, we are seeking to work in a regional way to enforce our borders and, at the same time, to work through the mechanisms that have been established internationally, through the United Nations High Commissioner for Refugees and others, to ensure that genuine claimants are treated appropriately.

I also recall the images that so starkly illustrated the former government’s policy—those children behind the razor wire. They were some of the most disgraceful pictures of people incarcerated in this country. Eventually those places had to close because, finally, the genuine liberals within the Liberal Party recognised it was an inhumane policy and agreed to stop it. Of course we abolished TPVs, temporary protection visas. You supported us. Now you raise the spectre of those TPVs but, when put to the test, you are not prepared to say you will bring them back. This is clearly a major problem. We are dealing with it. For the opposition to try to lecture us about the inhumanity of this is the height of hypocrisy.

Senator ADAMS (Western Australia) (3.13 pm)—I rise today to take note of answers given by Senator Evans. Mr Rudd’s border protection policy is in complete chaos. As ever, he is all talk and no action. It appears that Mr Rudd has no solution in Indonesia or anywhere else for the border protection policy chaos he has created. The Prime Minister still has 78 asylum seekers stranded at sea on the *Oceanic Viking* because of his failure to recognise the conse-
quences of his own decisions and to provide a new and sustainable solution. All week the opposition has been asking questions of the Prime Minister about his role in the Oceanic Viking fiasco, and he has been washing his hands of it.

The minister in his answer at question time today said he was confident these people will be disembarking in Indonesia in the near future. I was horrified to read on the Australian news website at lunchtime today:

The standoff creates a dilemma for Australian officials, with government sources confirming any forcible removals from the Oceanic Viking would be the responsibility of the Australian crew, and not Indonesian police.

It is understood Indonesian police have no authority to act in such a fashion aboard an Australian ship, leaving the 30-odd crew aboard the Viking the task of evicting any intransigents.

This is of great concern to me. As part of the Australian Defence Force Parliamentary Program, last year I spent a week in the Torres Strait with Border Protection Command, under commander Rear Admiral Allan du Toit. I really wonder if the people on HMAS Wollongong whom I spent time with thought that they might end up having to do something like what the 30 personnel on the Oceanic Viking may have to do. It just beggars belief.

I will go to Michelle Grattan’s comments today:

Australia obviously has no control over the detention centre to which the people are bound and it has to rely on the international agencies to try to ensure the people are treated decently. For a Government spruiking its humane approach, this is, at best, awkward.

Well, where do we go from here? This Australian ship has been floating around in the ocean for over a week and we still have no idea who is in control of the issue. Presumably it is the Prime Minister, but he says he cannot recall the directives and sequence of events. So, if he is in control, he must be completely and utterly out of control. Who is really dealing with this issue? The foreign minister has today not ruled out the use of force to remove the Sri Lankans from the Oceanic Viking. That is why I asked: will it be up to the 30-man crew on the Oceanic Viking to do this job?

Mr Rudd and Labor must now acknowledge that they have a huge problem and they should stop trying to spin the boats away. Labor are conflicted, divided and confused on border protection, and the people smugglers know it. The arrival of the 45th boat and 2,069 people since August 2008 demonstrates that Mr Rudd and Labor’s policy of winding back our border protection regime has failed. The coalition’s record on border protection speaks for itself, and it is well known to the Australian people and the people smugglers. The Rudd Labor government has gone soft on border protection and the people of my state of Western Australia in particular are very much taking notice of this. The former Howard government’s tough stance on border protection speaks for itself. The boats stopped coming and people smugglers had to look elsewhere.

Senator JACINTA COLLINS (Victoria) (3.18 pm)—I am glad that the opposition have chosen to focus on this issue in taking note of answers today, because there are a number of myths that hopefully, if I get the time, I will be able to highlight. But before I do that I want to reflect on the surprise that I think the Senate as a whole should have that the opposition have chosen to take on this issue in the way that they have. Senator Forrest quite clearly highlighted some of the history here and the point that the opposition do not have clean hands in this matter.

I want to refer to a couple of issues that are relevant to what was raised by some members of the opposition. Firstly, we all
need to be reminded, as Senator Forshaw mentioned in the context of the *Tampa*, that it was the previous government, in the lead-up to a federal election, during the caretaker period, under the caretaker convention, that quite cynically changed our approach to asylum seekers arriving by sea—and put enormous pressure, Senator Adams, on Australian Defence Force personnel. I participated in our first Defence Force Parliamentary Program. I was on the HMAS *Adelaide*. I know full well how our Defence Force personnel felt about the pressures they were placed under by the Howard government. So the opposition does not have clean hands, and the hypocrisy that has arisen in the debate so far astounds me.

I want to refer to a summary, since Senator Fierravanti-Wells talked about the fact that she was glad that the opposition was now getting headlines on this issue. As if it is about press headlines! Where is the compassion in this debate? How can the opposition stand up here today and say what they have in relation to asylum seekers and feign compassion when they are arguing that cataract surgery—feign that compassion is about them arguing that funds should go there rather than to the stimulus package—and then get up here and talk about the asylum seeker debate in the way in which they have? It is not about press headlines.

Yes, Senator Adams, this is an awkward situation, but let us look at why it is awkward. It is awkward because Sri Lanka has just emerged from a decades long civil war which cost tens of thousands of lives, uprooted hundreds of thousands of Sri Lankans and left an economic divide between north and south, east and west. There are currently 250,000 Tamils from the north of Sri Lanka in camps for internally displaced people. You suggest that the ‘strong Howard government approach to border security’ solved these problems. Of course it did not. Of course, the intensity of these types of international issues is going to shift or vary over time. But the myth that the Howard government approach to asylum seekers is what reduced the number of people seeking asylum internationally is just laughable.

Let us look at some of the more intelligent media reflection on this issue. For instance, while flying up to Canberra on Monday I saw the *Financial Review* and I set aside an article by Geoffrey Barker. The conclusion to that article gives the more intelligent, reflective response, I think, to the current situation—a situation which is indeed, Senator Adams, awkward. No-one denies that it is awkward. In an article headed ‘PM’s policy an easy target’—thus the debate by an opposition looking for easy targets today—he concludes:

Rudd’s approach is not perfect. But it does try conscientiously to balance humanitarian obligations, toughness and political acceptability. I do not apologise for being part of a government that seeks to balance humanitarian obligations with a tough border security policy. I do not try to argue that it is not awkward and that it is not difficult. There is nothing that is not awkward or difficult about the displacement and the political unrest amongst our neighbours. But we do have obligations internationally to seek to assist these people. That we do so, or seek to do so, in partnership with Indonesia makes an enormous amount of sense. The Rudd government was being accused by Senator Fierravanti-Wells of shutting down on this issue—(*Time expired*)

Senator FISHER (South Australia) (3.23 pm)—It is not only shutting down on this issue. There is also sophistry on this issue because the longer this government is in power the more unauthorised boat arrivals we face. There have been 45 unauthorised boat arrivals in the 14 months of this gov-
government. The more this government is in power, the softer this country seems to be on border protection. The government realises that, despite trying to say it is tough on border protection, the public is awakening to its being soft on border protection. So what does the government decide to do? It decides to create a distraction, a decoy, because it does not want the news to be about the unauthorised boat arrivals. It wants the news to be something else. So there is spin over substance; there is spin and a decoy.

Last night in Sydney the Prime Minister delivered a speech to the Business Council of Australia. It was called ‘Building a big Australia’. What he did not say is that his government is intent on building a big Australia through unauthorised boat arrivals—

Senator Jacinta Collins—Go for it, Mary Jo!

Senator FISHER—He spoke instead—

The DEPUTY PRESIDENT—Order! Senator Collins, I did hear you say that others were heard in silence, so I guess you should allow Senator Fisher to be heard in silence as well.

Senator FISHER—In building a so-called big Australia, he spoke instead of a national strategic plan—national planning for our major cities to keep them, for example, developing in an environmentally friendly way—and, in keeping with this national government intervention in its nationally consistent strategic plan, he proposed to tie infrastructure funding to the states with compliance with this nationally consistent plan. The Prime Minister, tripping over himself in his eagerness to deliver the spin over the substance, and in delivering speed over substance, forgot to check and made mistakes. He forgot to check the detail of his Building the Education Revolution plan and the detail of his National Broadband Network plan under Minister Conroy.

In talking about a national strategic plan for building cities under this federal government, he forgot that in his government’s haste to roll out the Building the Education Revolution his government is presiding over state Labor governments creating nationally inconsistent rules to help the Building the Education Revolution happen in a hurry—and exempt from local planning laws. For example, in my state of South Australia—and yours, Mr Deputy President—Pulteney Grammar School demolished a bluestone building built in 1875 without having to go through the normal planning processes to do so. It did this to make way for the Prime Minister’s Building the Education Revolution. Trees of significance have gone. How is that environmentally friendly? How is that consistent with any national strategic plan and with national BER funding?

In Tasmania, our Senate Select Committee on National Broadband Network heard that in its haste to roll out the NBN, this federal Labor government is proposing to allow the state Labor government to exempt certain infrastructure building from local planning laws. This is to facilitate the hurried rolling out of the National Broadband Network in Tasmania. Where is the nationally consistent plan? How is it environmentally friendly to do that in a way that allows construction for the National Broadband Network to be 70 per cent aerial cables—

The DEPUTY PRESIDENT—Order! Senator Fisher, I would remind you that the motion before the chair is about taking note of answers given by Senator Evans to Senators Scullion and Fierravanti-Wells. I do think you are straying a bit far from the intent of the motion to take note of those answers.

Senator FISHER—Thank you, Mr Deputy President. You bring me back, as does the government with spin over substance—
because the longer Labor is in government, the more unauthorised boat arrivals there are to ‘build a bigger Australia’. The longer they are in government the more they are in haste to deliver less real substance in policy delivery. And, in the case of Minister Conroy, there is so much haste with the National Broadband Network that he delivers commercial-in-confidence information. More haste, less speed! There is certainly less broadband speed from Minister Conroy. The longer this government are in power—(Time expired)

Question agreed to.

Renewable Energy

Senator MILNE (Tasmania) (3.29 pm)—I move:

That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to renewable energy targets.

This is a critical issue for now. This cannot wait to be addressed by COAG later this year. I note that the Minister for Climate Change and Water has been saying that the Council of Australian Governments will complete a review into the role of these energy efficiency technologies in the renewable energy target in December. That is too late because, as a result of the government’s complete failure to manage the renewable energy target and to design it in an appropriate way, we have got a situation where the renewable energy certificate price has collapsed. We have got 150 jobs on the line right now with Keppel Prince Engineering and we have got $20 billion worth of investment in commercial scale renewable energy projects at risk. Dare I say that, if this were 150 workers in a coalmine or in a coal fired power station or $20 billion worth of investment in coal at risk, there would be emergency meetings all over the place, but this is renewable energy and this is the problem we have right now.

When the renewable energy target was debated in the Senate I pointed out to the minister that the target would be crowded out because of renewable energy certificates coming in from solar hot water and heat pumps and by the multiplier for the small scale photovoltaics. Clearly, the way to fix the problem was to add them onto the top of the target or create a national energy efficiency target and a parallel mechanism. But they should not be left in the target because there is no room for expanded renewable energy in the way that it has been designed. To add insult to injury, and without thinking about the consequences of what they were doing, in the stimulus package the government went out with its $1,600 rebate for solar hot water and that has increased the uptake, increased the RECs, flooded the market and now we have a collapse in the price.

This will not wait. The minister must do something about it now. It is not much good, I have to say, for the opposition spokesman, Mr Hunt, to come out saying he is prepared to work with people to fix the problem. So he should, because the coalition voted down the Greens amendment that would have fixed this at the time we debated the renewable energy target. It was disingenuous today to hear the minister say that it was the modelling that was wrong, not her. When I asked her the question in here about exactly what percentage solar hot water and heat pumps would take in the renewable energy target she came back and said, ‘The modelling indicated five per cent; in other words, five per cent.’ She has been absolutely wrong because we have now got a situation where it is roughly 50 per cent of the overall target. As a result of this oversupply of renewable energy certificates, we now have this collapse and the threat to jobs and investment. It cannot wait.
We need to get the legislation back in here. We need the government to come back in here with an amendment to the legislation. Given that the coalition has now said it might reconsider its position on this, surely we can sort this out before we leave here so that we can guarantee the jobs and the investment in renewable energy. It is not good enough to palm this off to COAG, we know the minister is going to be in Copenhagen in December and everyone is going to be distracted in December. If COAG brings a report down in December, it will be the lowest common denominator anyway because it always is. If you want to bury an issue, send it to COAG. What we need now is action from the minister. It is clear that she has no intention of (a) admitting she got it completely wrong and (b) going to back to the department and asking, ‘How could you have presented me with such a ridiculous modelling figure of five per cent when the answer is now 50 per cent, and what are you going to do about it?’ I put to the government: what are you going to do about it? There will be a motion in here later this afternoon to call on the government to reintroduce this so that we can fix it. If it is not fixed, then I can only assume the majority of people in this place want to see the renewable energy industry lose jobs, go overseas with their technologies and lose investment. That is a disgrace in a country where we are talking about nation building, innovation and building capacity in manufacturing.

Question agreed to.

PETITIONS

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

Youth Allowance Eligibility
To the Honourable the President and Members of the Senate in Parliament assembled.
The Petition of the undersigned draws to the attention of the Senate the potentially disastrous effect the proposed changes to the workforce participation criterion for early independence under Youth Allowance, as announced in the 2009/10 Budget.

Many students will now face an uncertain future and difficult choices about whether or not to delay their studies, or remain in a highly competitive job market for low skilled workers, in order to meet the existing full time criterion.

Your petitioners therefore request the Senate to urge the Government to reassess the proposed workforce criterion, to ensure both regional and suburban students are not unfairly disadvantaged by this policy change.

by Senator Hanson-Young (from 6,300 citizens)

Petition received.

NOTICES

Presentation

Senator Humphries to move on the next day of sitting:
That the time for the presentation of reports of the Education, Employment and Workplace Relations References Committee be extended as follows:

(a) the oversight of the child care industry—to 23 November 2009; and
(b) the welfare of international students—to 25 November 2009.

Senator Crossin 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 access to justice be extended to 19 November 2009.

Senator Crossin to move on the next day of sitting:
That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Crimes Amendment (Working With Children—Criminal History) Bill 2009 be extended to 17 November 2009.
Senator Trood to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific be extended to 19 November 2009.

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

That the Senate—

(a) recognises the universal human rights of same-sex attracted people to live their lives free from persecution on the basis of their sexuality;
(b) notes the Ugandan Government introduced, on 14 October 2009, the Anti-Homosexuality Bill, a law re-criminalising homosexuality and criminalising the promotion of homosexuality in Uganda;
(c) condemns the criminalisation of homosexuality anywhere in the world; and
(d) calls on the Australian Government to actively encourage the Ugandan Government to withdraw its Anti-Homosexuality Bill and respect the human rights of same-sex attracted people.

Senator Parry to move on the next day of sitting:

That the Senate notes that the Rudd Government’s policies have seriously comprised the integrity of Australia’s borders with far reaching consequences, including:

(a) the increased activity of illegal people smuggling in Australia’s region;
(b) an increased number of unlawful arrivals taking perilous journeys;
(c) the diversion of border protection agencies and resources; and
(d) heightened security and biosecurity risks.

Senator Ludwig to move on the next day of sitting:

That, on Monday, 16 November 2009, the hours of meeting shall be noon to 6.30 pm and 7.30 pm to 10.30 pm.

Senator Birmingham and Senator Barnett to move on the next day of sitting:

That the following matters be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 30 March 2010:

(a) the Federal Government’s Energy Efficient Homes Package (ceiling insulation), with particular reference to:

(i) the administration of the program from a pricing, probity and efficiency perspective, including:

(A) the basis on which the Government determined the size of the rebate for ceiling insulation,

(B) regulation of quoting and installation practices,

(c) protection against rorting and abuse of the rebate,

(d) the impact of the program in pushing up insulation prices,

(e) ensuring value for money for taxpayers,

(f) waste, inefficiency and mismanagement within the program, and

(g) ensuring the program achieves its stated aims as part of the Government’s stimulus package,

(ii) an examination of what advice was provided to the Government on safety matters, particularly in relation to fire and electrocution risks and to what degree the Government acted on this advice;

(iii) an examination of what advice was provided to the Government on occupational health and safety matters, particularly in relation to training for installers, including:
(A) to what degree the Government acted on this advice, and
(B) identification and examination of fires and electrical incidents resulting from the Government’s Home Insulation Program; and
(iv) an analysis of the effectiveness of the package as a means to improve the efficiency of homes and reduce emissions of greenhouse gases, including comparison with alternative policy measures;
(b) consideration of measures to reduce or eliminate waste and mismanagement, and to ensure value for money for the remainder of the program, noting the planned $2.7 billion to be distributed under the program in total; and
(c) other related matters.

Senator Siewert to move on the next day of sitting:
That there be laid on the table by the Minister representing the Minister for the Environment, Heritage and the Arts (Senator Wong), no later than Monday, 16 November 2009, the report of the marine survey of the environmental impacts of the Montara oil spill and all documents used in its preparation, including drafts.

Senator Siewert to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend laws to restore the operation of the Racial Discrimination Act 1975 in the Northern Territory, and for related purposes. Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009.

Postponement
The following items of business were postponed:
Business of the Senate notice of motion no. 1 standing in the names of Senators Boswell and Macdonald for today, proposing the disallowance of the Proclamation dated 14 May 2009 [Coral Sea Conservation Zone], postponed till 29 October 2009.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing a reference to the Environment, Communications and the Arts References Committee, postponed till 29 October 2009.

Business of the Senate order of the day no. 2, proposing the disallowance of the Threat Abatement Plan for disease in natural ecosystems caused by Phytophthora cinnamomi (2009), postponed till 16 November 2009.

Government business notice of motion no. 3 standing in the name of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) for today, relating to consideration of legislation, postponed till 23 November 2009.

LEAVE OF ABSENCE
Senator PARRY (Tasmania) (3.36 pm)—by leave—I move:
That leave of absence be granted to Senator Barnett for the period 28 October to 29 October 2009 on account of personal reasons.

Question agreed to.

SISTERS OF MERCY
Senator O’BRIEN (Tasmania) (3.36 pm)—I move:
That the Senate—
(a) notes that 28 October 2009 marks the 150th anniversary of the establishment of the Goulburn congregation of the Sisters of Mercy, the first Mother House in regional Australia;
(b) acknowledges the contribution of the Sisters of Mercy to the development of education, nursing, pastoral care and care for the aged and disadvantaged in Australia; and
(c) congratulates the inspirational women of the Goulburn congregation on their colourful history and involvement in shaping the history of the region.

Question agreed to.
RENEWABLE ENERGY TARGET
SCHEME

Senator MILNE (Tasmania) (3.37 pm)—I move:

That the Senate—

(a) notes that:

(i) the Renewable Energy Target Scheme allows renewable energy certificates to be generated from the installation of solar hot water and heat pumps, even though these are energy efficiency measures and not renewable energy generators,

(ii) this, as predicted by the industry and the Australia Greens, has collapsed the price, and

(iii) many hundreds of jobs are at risk in the coming months, unless the problem is fixed; and

(b) calls on the Government to immediately reintroduce Renewable Energy Electricity legislation to address the problem by making the credits from these technologies additional to the renewable energy target.

Question put.

The Senate divided. [3.42 pm]

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

Ayes............. 6
Noes............. 39
Majority........ 33

* denotes teller

Question negatived.

FAIR WORK AUSTRALIA

Senator FISHER (South Australia) (3.44 pm)—I move:

That:

(a) when the Education, Employment and Workplace Relations Legislation Committee meets to consider additional estimates in 2010:

(i) the committee further examine Fair Work Australia, and

(ii) the President of Fair Work Australia appear before the committee to answer questions; and

(b) on each subsequent occasion on which the Education, Employment and Workplace Relations Legislation Committee meets to consider estimates in relation to Fair Work Australia, the President of Fair Work Australia appear before the committee to answer questions.

The DEPUTY PRESIDENT—Do you want to make a short statement before Senator Siewert speaks?

Senator FISHER—I will make it after.

Senator SIEWERT (Western Australia) (3.45 pm)—I seek leave to amend general business notice of motion No. 596 by removing paragraph (b) so that the motion merely deals with the next sitting of the Senate in 2010 and just paragraph (a) is left in the motion.
Leave granted.

Senator SIEWERT—I move by way of amendment:

Omit paragraph (b).

Question negatived.

Senator FISHER (South Australia) (3.46 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator FISHER—To the extent that there are any arguments against this motion proceeding, there are essentially two: firstly, that it is somehow a departure from past practice for the president of a national industrial tribunal to appear before this Senate estimates committee; and, secondly, that somehow a president of the national industrial tribunal enjoys judicial status that would somehow be violated by his or her attendance before estimates.

As to the first argument, past practice is irrelevant to the present day. Past practice is irrelevant for two reasons: it does not bind this committee nor does it bind this Senate. This Senate has not decided to never call a public officer of the nature of the president of the national industrial tribunal. The past is also irrelevant, for two reasons of substance. Firstly, these are estimates under the Fair Work Act. The Fair Work Act commenced operation in July this year. It is new legislation. Secondly, the new legislation for the first time expressly gives the President of Fair Work Australia responsibility for the administration of Fair Work Australia.

As to the argument that there is somehow judicial status: yes, the current President of Fair Work Australia happens to be a ‘chapter 3’ judge of the Federal Court. But he does not wear that hat in his capacity as President of Fair Work Australia; nor can he, because Fair Work Australia ain’t a ‘chapter 3’ court. It is a statutory body exercising arbitral powers, not judicial powers. The closest analogy is the President of the Human Rights Commission. She is also titled ‘Justice’ and also happens to be a judge—not as President of the Human Rights Commission—but she attends estimates. The President of Fair Work Australia should get over it, get on with it and get his butt in front of Senate estimates.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.48 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—Senator Siewert moved to remove part (b) of this motion, which would have meant that, on every subsequent occasion when the Senate Education, Employment and Workplace Relations Legislation Committee met, the president would have to appear. We think that that could not be supported. The Greens support the president being required to appear at the additional estimates in 2010, and we suggest that the opposition comes back with that amendment. I note that the opposition has not supported the Governor of the Reserve Bank being brought before the Senate for certain matters to be discussed and that there is an inconsistency there. That aside, we think it is prescriptive to lay down that on every occasion this committee meets to consider estimates the president should appear. We think we can be much more judicious and we would support the opposition coming back with the alternative motion—just part (a).

Senator MARSHALL (Victoria) (3.50 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.
Senator MARSHALL—This motion is entirely unnecessary and is merely a political stunt designed to unfairly and improperly embarrass the President of Fair Work Australia. This tactic is straight out of the Liberal Party’s new media play book—

Senator Brandis—Why? By making him accountable to parliament, you fool!

The DEPUTY PRESIDENT—Order! Senator Brandis, you will stand and withdraw that comment.

Senator Brandis—I withdraw.

Senator MARSHALL—Poor George. This tactic is straight out of the Liberal Party’s new media play book: ‘Seek cheap points by smearing public officials.’ There is no controversy that the Senate Education, Employment and Workplace Relations Legislation Committee has the power to compel the attendance of the President of Fair Work Australia, should the committee decide that this was appropriate. The committee actively turned its mind to whether the president should be required to attend the recent hearings. Let us be very clear: the committee did not require the president to attend. Instead, it accepted the president’s most reasonable submission that the general manager, Mr Lee, would be a more appropriate witnesses, as he would be of more assistance to the committee in answering questions about the administrative aspects of Fair Work Australia.

The committee confirmed this again this morning when it met and passed the following resolutions. The committee noted that the justice has not refused to appear before the committee. The committee noted that the head of the national industrial tribunal has never been asked to appear at estimates and this practice has never been excepted by the committee to date. The committee agreed—after consideration of responses provided by Mr Lee, the General Manager of Fair Work Australia, at the estimates hearings—that Mr Lee was able to adequately address questions regarding the administrative aspects of Fair Work Australia as per previous committee practice, and consequently the committee sees no need to change the current practice. The committee agreed that it had the authority to call Justice Giudice but, as per the point above, does not have the obligation to do so. If the committee were to form a different view at a later time, it would be free to do so. (Time expired)

Senator Jacinta Collins—Mr Deputy President, I too seek leave to make a brief statement.

Leave not granted.

Senator Bob Brown—I would like to point out that the Australian Greens did not deny leave to Senator Collins.

The DEPUTY PRESIDENT—The Greens do not have to deny leave. I heard one voice and that is all I need to hear, Senator Brown.

Senator Bob Brown interjecting—

The DEPUTY PRESIDENT—You have made your point, Senator Brown, and it is recorded in Hansard.

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

The Senate divided. [3.58 pm]

(The President—Senator the Hon. JJ Hogg)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ayes</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Noes</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Majority</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

AYES

Adams, J. Back, C.J.
Bernardi, C. Birmingham, S.
Boswell, R.L.D. Boyce, S.
Brandis, G.H. Bushby, D.C.
Cash, M.C. Colbeck, R.
Cormann, M.H.P.  
Ferguson, A.B.  
Fierravanti-Wells, C.  
Fisher, M.I.  
Humphries, G.  
Kroger, H.  
Mason, B.J.  
Minchin, N.H.  
Parry, S. *  
Ryan, S.M.  
Troeth, J.M.  

Eggleston, A.  
Fielding, S.  
Fifield, M.P.  
Heffernan, W.  
Joyce, B.  
Macdonald, I.  
McGauran, J.J.J.  
Nash, F.  
Ronaldson, M.  
Scullion, N.G.  
Xenophon, N.  

Question agreed to.

TASMANIAN LOGGING CONTRACTORS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.00 pm)—I move:

That the Senate—

(a) notes the financial plight of Tasmanian logging contractors, who have endured frequent cuts to timber quotas and shutdowns of mills and chippers; and

(b) calls on the Australian Government to help the Tasmanian Government:

(i) fund a financial exit package of a minimum of $20 million that allows those contractors facing financial ruin to leave the industry with dignity,

(ii) assess fair compensation for those contractors leaving the industry,

(iii) recover from Gunns Limited and Forestry Tasmania the total cost of the compensation package by the imposition of a levy on all future woodchip sales, and

(iv) conserve an area equivalent to the total contracted volumes of wood from those contractors who exit the industry.

Senator COLBECK (Tasmania) (4.01 pm)—Mr President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator COLBECK—The coalition cannot support this motion and I will put on the record the reasons for that. Senator Brown belatedly comes to the aid of forest contractors in Tasmania but is effectively a wolf in sheep’s clothing when it comes to this particular motion. This motion is in itself a Trojan horse. What it actually seeks to do, what its real aim is, is to reduce the resource available to forest contractors in Tasmania by removing additional resource from the capacity of harvest, which in turn will mean a greater loss of jobs and a greater difficulty for forest contractors in Tasmania. The opposition cannot support such a motion that pretends to be supporting forest contractors. It makes that pretence upfront but is really continuing the objective that Senator Brown has had all along, which is to close down the forest industries in Tasmania. The opposition will not support that and will not support the reduction in availability of resource to forest contractors in the state.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.02 pm)—Mr President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—We empathise with the contractors. We know they are doing it
tough. Some have gone to the wall. The GFC has clearly had a significant impact. Minister Burke is well aware of these challenges and has met many times with the Tasmanian Forest Contractors Association, TFCA, and with individual contractors. I am informed that Minister Burke has also discussed this issue with Tasmanian MPs and industry. Under the Tasmanian Community Forest Agreement, a number of programs have assisted contractors as well. The TFCA had one project funded under the Tasmanian Community Forest Agreement. This project paid $14,300 to assist in purchasing a harvesting simulator. DAFF committed around $24 million from the Tasmanian Community Forest Agreement industry development program to individual contractors for investment in equipment upgrades.

Many are doing it tough and that is why DAFF has arranged with FaHCSIA for Anglicare Tasmania, which operates the Commonwealth financial counselling program in Tasmania, to discuss with members of the TFCA the financial and decision-making support that is available for forestry contractors. This government do not think it is an issue that we should play politics with. It has had a financial toll as well as an emotional toll on many people.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.04 pm)—Mr President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—Firstly, to Senator Colbeck: I was moving motions like this in the Tasmanian parliament to protect and give a fair go to contractors long before he ever thought of entering politics, particularly during the resource security episode where his party and the Labor Party in Tasmania gave security of access to the Tasmanian forests—to Gunns effectively; that is where it ended up. But they refused to give an equivalent security to people working for Gunns on contracts, which means they are dismissable at any time and can go to the wall. I am very grateful to the member for Bass in the Tasmanian House of Assembly, Kim Booth, the Greens member, for the supporting letters which have come from the contractors themselves asking for this sort of assistance. Gunns is a multibillion dollar company. Forestry Tasmania has a multibillion dollar resource. The Labor and Liberal parties always use the cry for jobs but refuse this sort of effort to protect those jobs when people are in hard times.

Is it not reasonable that Gunns and Forestry Tasmania should be asked to put a 1c or 2c levy on the royalties they pay to ensure that these Tasmanian citizens who have invested so much in their interest are not simply thrown to the wolves, to use Senator Colbeck’s terminology? When it comes to the crunch, Labor and Liberal in this place as well as in the Tasmanian parliament have seriously abandoned these workers. The Greens have no trouble at all in saying: ‘Fair go. Give these contractors a fair go.’ This is a dinkum motion to give the contractors a fair go. It is up to Labor and Liberal to support this motion instead of dumping these workers. Real action is being proposed by the Greens.

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

The Senate divided. [4.10 pm]

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

Ayes……………... 6
Noes…………….. 31
Majority……….. 25
AYES

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

NOES

Adams, J. Back, C.J.
Bilyk, C.L. Bishop, T.M.
Boyce, S. Brandis, G.H.
Brown, C.L. Cameron, D.N.
Colbeck, R. Collins, J.
Conroy, S.M. Cormann, M.H.P.
Evans, C.V. Farrell, D.E.
Feeney, D. Ferguson, A.B.
Fielding, S. Fisher, M.J.
Furner, M.L. Marshall, G.
Joyce, B. Nash, F.
McLucas, J.E. O’Brien, K.W.K.* Parry, S.
Polley, H. Pratt, L.C.
Ryan, S.M. Sterle, G.
Wortley, D.

* denotes teller

Question negatived.

SRI LANKA

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.12 pm)—I seek leave to amend general business notice of motion No. 597 relating to the need for the Sri Lankan government to treat the Tamil people who are currently being held, and others, in a better fashion.

Leave granted.

Senator BOB BROWN—I move the motion as amended:

That the Senate—

(a) agrees with the recent European Union resolution on Sri Lanka of 22 October 2009, that:

(i) deplores the fact that more than 220 000 Tamil civilians are still being held in camps, and urges the Sri Lankan Government, in line with its public commitments, to return them to their homes and give humanitarian organisations free access to the camps and areas of return to provide necessary humanitarian assistance,

(ii) Tamil leaders should commit themselves to a political settlement and renounce terrorism and violence once and for all,

(iii) the Sri Lankan Government should respect human rights in the conduct of trials of Liberation Tigers of Tamil Eelam members,

(iv) the Sri Lankan Government should cease its repression of the media in the name of its anti-terrorist legislation, and

(v) the Sri Lankan Government should put more effort into clearing minefields, which are a serious obstacle to reconstruction and economic recovery; and

(b) urges Sri Lanka to accede to the Ottawa Treaty (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction).

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (4.14 pm)—I seek leave to make a very short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator CHRIS EVANS—The government cannot support the proposed motion. As you know, we have a longstanding view about trying to deal with complex international matters by way of short motions seeking formality. I refer the Senate to the ministerial statement on the subject, dated 4 September, from the Minister for Foreign Affairs, Mr Smith. We take this debate seriously, we take the parliament seriously, and because of that Mr Smith sought to make a full ministerial statement to the parliament in September.

I have visited Sri Lanka in recent months and we continue to be very much focused on the return of democracy, the rule of law, se-
curity and a strong civil society in Sri Lanka. We will be working with the Sri Lankan government and international partners to ensure a good outcome in Sri Lanka. We appreciate the concerns that the Greens express but, as I said, we think this is not the appropriate way to deal with what are very complex foreign affairs matters.

Senator PARRY (Tasmania) (4.15 pm)—I also seek leave to make a brief statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator PARRY—As I have said on previous occasions, the opposition does not support policy on the run on the floor of the chamber when it comes to foreign affairs matters. I support and endorse the comments of Senator Evans, and the opposition will not be supporting this motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.16 pm)—I seek leave to respond.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—I do not accept either of those submissions. This is similar to a motion which has passed the European parliament. If 28 or so parties in the European parliament can apply themselves to matters in Sri Lanka, on the other side of the planet, I fail to see how the coalition and the government, three parties in this Senate, cannot equally apply themselves having been given more time. That is a nonsense. The problem is that we are now dealing with asylum seekers fleeing from pretty terrible post-war conditions in Sri Lanka. The Sri Lankan government needs to adhere to the international norms, including human rights and the right of people to be resettled. Amongst other things, this motion calls for a prohibition, through the accession to the Ottawa treaty, on antipersonnel mines. This motion is very clearly weighted towards a reasonable call to the Sri Lankan government to treat the Tamil people with greater respect and humanity. It ought to be supported. I make no apology to the government or the opposition for bringing forward this important motion to the Senate if they cannot make up their minds on this matter.

Question put:

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

The Senate divided. [4.18 pm]

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

Ayes............. 7
Noes............. 29
Majority......... 22

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

NOES
Adams, J. Bilyk, C.L.
Bishop, T.M. Boyce, S.
Brandis, G.H. Brown, C.L.
Cameron, D.N. Colbeck, R.
Collins, J. Conroy, S.M.
Cormann, M.H.P. Evans, C.V.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Turner, M.L.
Hutchins, S.P. Joyce, B.
Kroger, H. Marshall, G.
McLucas, J.E. Nash, F.
O’Brien, K.W.K. Parry, S. *
Polley, H. Pratt, L.C.
Ryan, S.M. Sterle, G.
Wortley, D.

* denotes teller

Question negatived.
POKER MACHINE (REDUCED LOSSES—INTERIM MEASURES) BILL 2009

First Reading

Senator XENOPHON (South Australia) (4.22 pm)—I move:

That the following bill be introduced: A Bill for an Act to put in place interim measures to regulate the rate of poker machine losses.

Question agreed to.

Senator XENOPHON (South Australia) (4.22 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON (South Australia) (4.22 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This Bill gives an opportunity for the Federal Government to draw a line in the sand in relation to the damage caused by poker machines to literally hundreds of thousands of Australians.

I decided to run for the upper house in South Australia on a ‘No Pokies’ ticket in 1997.

The tipping point for me came when a client of mine in my suburban legal practice who had an acquired brain injury, and who had received an emergency $30,000 superannuation payment, came to my office in tears.

I asked him what was wrong and he said to me that his friends didn’t want to be his friends any more.

When I pressed him for details it turned out his so-called friends were the staff at his local pokies pub. In the previous weeks they had been picking my client, who has an obvious impairment, up from his modest unit and driving him to their venue so he could gamble on poker machines. They’d give him free drinks, credit and when he was too drunk to keep gambling they would push the buttons for him.

But as soon my client’s money was gone, so were they.

It was this parasitic callousness that drove me to take a stand.

Of course if you listened to the industry at the time, you would have thought these machines were harmless entertainment.

This is a quote from John Bowley, then Marketing Development Manager of Aristocrat Leisure Industries in 1992.

John said with a straight face: “Playing Pokies is entertainment, not gambling. It would take you a month of Sundays to lose $100 on one of these things.”

Well clearly time flies in John’s world because as the Productivity Commission revealed in its Draft Report into Gambling last week, it doesn’t take a month of Sundays to lose $100 on a poker machine.

In fact with $20 bets and given the current spin rate of machines, the Commission concluded it was relatively easy to lose $1,200 an hour playing these machines.

It’s always best to have a fence at the top of a cliff than the world’s best equipped ambulance at the bottom.

Preventing harm is always better than treating it, which is why the Productivity Commission draft report into Gambling represents such a breakthrough in thinking.

For more than a decade, state governments and the poker machine industry have pointed to programs that supposedly help problem gamblers after they develop a gambling problem – the ambulance at the bottom of the cliff approach.

But the Productivity Commission rightly points out the ineffectiveness of this approach.

The Commission in effect argues that poker machines are a dangerous product and they need to be regulated and made safer.
This Bill would limit the maximum bet on any spin to one dollar and will adjust spin rates and volatility to ensure problem gamblers cannot lose more than $120 an hour.

This reflects the recommendations in the Productivity Commission’s draft report.

I stress these are only interim measures. The Productivity Commission will have a final report available early next year and I would anticipate the Federal Government would use that as the basis for a widespread overhaul of poker machine regulation in this country, which would ideally include a compulsory pre-commitment scheme.

But these measures are something the Government can do right now.

And based on the Productivity Commission’s figures, every day the Federal Government fails to do this, six million, four hundred thousand dollars of state revenue will be lost solely by problem gamblers.

That figure does not include the daily revenue from recreational gamblers.

The six million, four hundred thousand dollars that the states rake in every day is just from problem gamblers – people with an addiction.

That almost six and a half million dollars represents food that can’t be afforded by the wives or husbands of problem gamblers, it’s school shoes that aren’t on the feet of the children of problem gamblers, and too often it’s money stolen from small and big businesses around the country by people desperate to try to feed an addiction.

The industry will claim it will cost too much to impose these relatively modest limits.

But the truth is, that argument is disingenuous.

In fact a recent British study into poker machines revealed these measures could not just be conducted quickly, but they could also be done, cheaply and centrally.

It’s a little known fact that all poker machines in many Australian jurisdictions must be connected to an Electronic Monitoring centralised computer system which monitors the network and allows for remote adjustment of amongst other things adjustment of bank note acceptors.

So don’t believe any stories about retro-fitting and multimillion dollars costs to gambling companies.

A lot of this can be done with a few strokes on a keyboard.

In the past, when the poker machine industry has sought to argue against any changes, they have claimed that any restriction is an affront to freedom, and that players are exercising free will.

It’s an absurd position. Addicts aren’t exercising free will.

They are feeding an addiction created by the very presence of poker machines in our community.

Almost half of all profits come from problem gamblers.

This is an industry without a sustainable business case.

It’s unsustainable unless it is allowed to exploit the addicted.

That said, I think we are seeing a shift in thinking. People are starting to realise just how damaging this industry is.

Even before the last election the Prime Minister as Opposition Leader said he hated poker machines and he knew something of the harm they caused to families.

In fact it was those comments from the Prime Minister that prompted me to consider running for Federal Politics.

I found Kevin Rudd’s words inspirational and now I want to be inspired by his actions.

I would call on the Prime Minister, and the Government and the Opposition and the crossbenchers to act now and support these modest interim measures.

Twelve years ago when I ran for state politics on an anti-poker machine platform I was openly mocked by a number of politicians from the major parties.

They thought I was crazy.

A decade on I draw encouragement from the fact that the Productivity Commission seems to be saying that we are all crazy unless we act immediately to curb the destruction caused by these machines of misery.
The time to act is now. The cost of not implementing these measures won’t just be counted in dollars. It will be counted in shattered lives. I would urge all of my colleagues to support this Bill.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**HEALTH INSURANCE (EXTENDED MEDICARE SAFETY NET) DETERMINATION 2009**

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (4.22 pm)—I move:

That, in accordance with section 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net) Determination 2009 made under section 10B(1) of the Act on 9 October 2009.

Question agreed to.

**NOTICES**

**Postponement**

Senator MILNE (Tasmania) (4.23 pm)—I move:

That business of the Senate notice of motion no. 4 standing in my name for today, proposing a reference to the Economics References Committee, be postponed till the next day of sitting.

Question agreed to.

**MATTERS OF PUBLIC IMPORTANCE**

**Border Security**

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

The continued policy failures of the Rudd Labor Government relating to 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 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 BRANDIS (Queensland) (4.24 pm)—What does a policy failure look like? How would we know one if we saw one? Perhaps a policy failure could be identified as the comprehensive failure to achieve every single one of a government’s stated objectives. We know what the government’s stated objectives are in relation to border protection. The stated objectives of the Rudd Labor government in relation to border protection were essentially the same as the stated objectives of the Howard government and other Australian governments before them—that is, to keep Australia’s maritime borders secure from unlawful arrivals.

So how can we judge whether the policy objective as stated by the Rudd Labor government has been achieved? It is not very hard. We can identify whether there has been a failure to achieve that objective by the extent to which there has been penetration of Australia’s maritime borders or attempts to penetrate those borders, and by that test the Rudd Labor government’s policy failure in relation to border protection has been absolute and comprehensive. But, sadly, it is even worse than that. Not only has there been a comprehensive and total policy failure; by adopting a new suite of policies, announced in this chamber by the Minister for Immigration and Citizenship, Senator Evans, in August last year, the Rudd Labor government has—as my friend and colleague Tony Abbott said on *Lateline* last night—taken a situation which had been solved and created a problem. That is the difference, as Mr Abbott pointed out.
When the Howard government was in office it found a problem and created a solution. At the time of the election of the Rudd Labor government, there was no longer a problem. The problem had been solved by the policy of the Howard government. The Rudd government, through its incompetence, through its inability to match its tough rhetoric with tough policies, in fact reinvented the problem.

Let us see what the track record was. The document to which I am about to refer has been prepared by the Parliamentary Library. It tabulates unlawful boat arrivals in Australia since 1989, before the election of the Howard government. It goes all the way back to when the Hawke government was in office. The document tells us that, in the four financial years from 1990 to 1994, there were about four or five unlawful boat arrivals a year. They began to increase significantly in 1994-95, when there were 21 unlawful arrivals. They fell away again for a few years and then the problem got really severe in 1998-99, when there were 42 unlawful arrivals. That was on the watch of the Howard government. It became more severe in the following year, 1999-2000, when there were 75 unlawful arrivals. In 2000-01 it remained very severe, when there were 54 unlawful arrivals. In 2001-02, the number of boat arrivals fell from 54 to 19, because the people smugglers were being put out of business. The people smugglers were being put out of business because they could no longer deliver to their customers the promise to secure an immigration outcome on the shores of Australia. In 2002-03 the number of unlawful boats setting sail across the Timor Sea for Australia had fallen to zero. In the following year there were three. In 2004-05 there were zero. So I do not think—

Senator Chris Evans—Go on, complete the picture.

Senator BRANDIS—I will, Senator Evans, but let me just interpolate to say that I do not think you need to have more than about a year 1 education in arithmetic to work out that when the number of arrivals falls from a peak of 75 to zero two years later that is a very sharp, indeed an absolute, decline. That did not happen for no reason; it happened because of the policies implemented by the Howard government—the tough policies implemented by the Howard government, and announced in the middle of 2001, which in August last year Senator Evans, the minister sitting at the table, abandoned. It remained the case that there were no—or single-digit numbers of—unauthorised boat arrivals right up until August last year when the Rudd Labor government, through its minister Senator Evans, announced the abandonment of the tough policies by which the Howard government had succeeded in the space of three years in taking the number of unauthorised boat arrivals from 75 a year to zero.

Is there anybody in the entire country who is so foolish that they would think that there was not a cause and effect relationship between the introduction of tough policies and the fall to zero of the number of unauthorised boat arrivals two years later? Equally, is there anybody so foolish that they would doubt that there is equally a cause and effect relationship between the announcement by Senator Evans of the withdrawal of those tough policies in August 2008 and the sharp upward spike in the number of unauthorised boat arrivals?

We have now gone from a situation where in the first year of the Rudd government,
when the Howard government’s policies were still in place, there were only three unauthorised boat arrivals to a situation where, in the 15 months since the abandonment of those tough policies, there have been 45 unauthorised boat arrivals—and the trend is escalating. The number of unauthorised arrivals is increasing at an increasing rate. Those are the statistics from the Parliamentary Library’s tabulation—it went from 75 a year to zero in consequence of the adoption of tough policies by the Howard government and from three to 45 in the space of two years as a direct result of the abandonment of those tough policies by the Rudd Labor government.

This is what the opposition always says about this issue. It is not enough to have tough words—the Prime Minister is a past master at using belligerent language; you have to have the policy courage to match the tough rhetoric with tough policies. If you do not have tough policies, the people smugglers will see right through you—as they have seen right through the Rudd Labor government. They will be back in business—as they are back in business today—and they will ply their evil trade so as to imperil the lives of innocent people buying passage on their boats. That is the result of your policy failure and weakness.

As a dog that returneth to his vomit, so is the fool that repeateth his folly.

I am sure those opposite will see at once the relevance of this text to today’s debate. Today in this matter of public importance motion we are seeing the opposition repeating the folly of its MPI on Monday. Like the dog that returns to its vomit, the opposition comes back to the folly of this divisive, inflammatory debate about asylum seekers. Of all the issues which face this great nation today, the only issue which those opposite think is urgent is the appearance of a few dozen Sri Lankans in boats in the seas to our north-west—in fact technically one might say a few dozen Sri Lankans appearing in the Indonesian zone for rescue and safety. At a time when Australia is facing the challenge of the greatest global economic crisis since the 1930s, when we are embarking upon the greatest modernisation program for Australian schools in our history and when the world is facing the challenge of dangerous climate change, what do those opposite want to debate? Of course they want to debate asylum seekers.

Senator Brandis a few moments ago had the gall, dare I say it, the ‘courage’, to try to lecture this government about policy courage. How Senator Brandis could do that when opposition senators have yet to come to terms with any of the great debates which are taking place in this parliament is a matter of wonderment. I do not know who coalition senators think they are fooling with this barrage of motions and speeches on asylum seekers. Everyone knows what is going on here. This is an opposition that do not and cannot debate the economy. This an opposition that cannot and will not debate action on
climate change. They do not want to have a debate about schools or workplace relations. All of those are subjects that those opposite cannot debate because they are divided and because they do not have a policy—because they are spending their energy fighting with one another on those matters rather than bringing a position to this parliament. On all of these subjects they have no policies, no leadership and no credibility. So this debate is the last resort of a scoundrel.

The debate on asylum seekers is a debate they want to have but, consistently, the opposition continue to not have a policy on this matter either. They have rhetoric; they do not have a policy. Tony Abbott demonstrated this graphically during his appearance on ABC television just last night. When Tony Jones repeatedly asked him what his policy was concerning the recent Sri Lankan boat arrivals, his only response was, ‘Well, I’m not the government, Tony.’ Strangely enough, that is also what the shadow minister for immigration, Sharman Stone, says every time she is asked what the opposition policy is. So you can bemoan the fact that John Howard is no longer your Prime Minister and you can weep for the fact that his harsh policies on boat people are no longer in place, but consider this: you are not advocating their return either.

The reason the opposition want to talk about asylum seekers is desperation politics—desperation politics from a desperate, divided and demoralised opposition which have now reached the very bottom of the political trough, right down there with One Nation and a whole other band of brothers, trying to appeal to the lowest political instincts of xenophobia and racism, which they hope are still lurking in sections of the electorate. They are trying to pull, from opposition, the trick that they so fondly remember from 2001. But in 2001 they were in office, and in 2001 they were led by John Howard. The trick will not be able to be repeated when they have no credibility on any of the other great issues facing this country and a leader who could not sell ice to Eskimos.

The core proposition underpinning the opposition argument on this matter is that since the Rudd government introduced a more humane and widely accepted regime it has attracted refugees to our shores. That is their core proposition. But they know it to be a falsehood, because those pull factors are as if nothing when one considers the push factors that are taking place across the world at the moment. Literally millions of people are on the move. Conflicts throughout Africa, Central Asia and, most recently, Sri Lanka have driven literally hundreds of thousands of people out of their homes to become internally or internationally displaced persons. A tiny fraction of these folk make their way to Australia’s shores, and upon them the opposition pin their hopes for election.

Before the current beat-up about Sri Lankan boat arrivals, the government’s support was running at 59 per cent of the two-party vote, and now the opposition’s strategists must ponder the fact that it is still running at 59 per cent. They have to ponder the fact that their argument does not have the facts to underpin it. For 25 of the last 33 years there have been unauthorised boat arrivals in this country. The fact is that those years Senator Brandis tried to paint as representing years of success for Howard’s policies were in fact nothing more than the logical ramifications of the fall of the Taliban in the final months of 2001 in Afghanistan. The opposition, in this area as in so many others, have ignored the facts and the evidence and are relying on a farrago of rhetoric.

The central thesis of the opposition’s case on asylum seekers is, as I said, that the changes in policy which the Rudd government carried out in 2008—principally the
abolition of TPVs and the dumping grounds of the Pacific solution—have led to the current increase in unauthorised boat arrivals. But we know—we can prove—that this does not stand up to scrutiny or examination. The simplest way to demonstrate that is to look at the number of arrivals. In 2005 there were 11 people who arrived in this way; in 2006 there were 60; in 2007 there were 148; and in 2008 there were 161. So we can see quite clearly that the abolition of TPVs and the closing of the Nauru and Manus facilities had nothing whatever to do with the trend of arrivals. This trend began in 2005, when those opposite were in government, and it has continued ever since. And, of course, it has continued ever since, irrespective of regulation in this country, because of the crises happening around the world.

The second way to demonstrate the falsity of the opposition’s thesis is to compare Australia’s experience with that of other countries. I gave senators opposite this information on Monday but, since they were obviously not listening carefully, I will do them the justice of repeating it. In 2008 there were 36,000 unauthorised maritime arrivals to Italy, 15,300 to Greece and 13,400 to Spain. All of these figures have risen sharply over the past few years, and the reasons for this are well documented. In 2008 there was an 85 per cent increase in the number of Afghan asylum seekers worldwide and a 24 per cent increase in the number of Sri Lankan asylum seekers.

The third refutation of the opposition’s thesis on asylum seekers is the preferred destination of these people—because those opposite work very hard to try and convince Australians that our borders are in crisis, that they are permeable and that we risk an influx of hordes of strangers. But of course nothing could be further from the truth. Our borders and our border-management policies are not only intact, they are working. The recent hubbub has been built up over a vessel which was in distress—a vessel which was in distress in international waters; a vessel which was in distress in international waters but in the zone for which Indonesia is responsible for safety and rescue.

The Indonesians, being our close allies and our partners in managing our borders in our region, contacted us and said, ‘Notwithstanding the fact that this vessel is in our area, and notwithstanding the fact that it is our responsibility to conduct rescue operations in these waters, could you please do it on this occasion as your assets are closer?’ On that basis, Australia responded. We did not simply respond because we are a good ally of Indonesia; we responded because it is the decent thing to do when vessels on the high seas are in distress. On the back of that story, and on the back of those facts, those opposite now like to preach to us about an Indonesian solution. Those opposite like to talk about how we are dumping people in Indonesia. They like to talk about the fact that our borders and our vessels are challenged as they have never been challenged before. That is a nonsense, and a careful study of the facts reveals it to be so.

If asylum seekers really thought Australia was a ‘soft touch’ in terms of granting asylum, as the opposition allege, we would be seeing a significant proportion of these asylum seekers trying to come to Australia who otherwise seem to be searching the Mediterranean and elsewhere. But that is not what we are seeing. We are not seeing a changing composition in the persons seeking asylum in this country. Among industrialised countries, in 2008, 96 per cent of Afghan, 97 per cent of Iraqi and 82 per cent of Sri Lankan asylum seekers sought asylum in Europe. Australia is much closer to Sri Lanka than Europe is, yet 82 per cent of the Sri Lankan asylum seekers were trying to get to Europe rather than Australia.
Those opposite would have you believe that in these war-torn villages, in these desperate communities, in these places that have been ravaged by war, by famine and by conflict, people gather and do a quick regulatory impact study based on what law changes have occurred here in Australia and perhaps other jurisdictions too. The opposition would have you believe that these people sit around the beaches of Sri Lanka and the war-torn hills of Afghanistan and carefully look through the policies of this government and our border protection regime. Mercifully, they are not reading your press releases. The truth is, of course, that these are desperate people who will take what escape they can. The proposition that they are motivated to come to Australia on leaky boats because word has reached the distant hills of the Pashtun tribes that Senator Evans has changed the laws here in Australia is a fantasy, a nonsense—and a nonsense that will not survive serious debate or serious discussion.

So much for the opposition’s thesis. To be fair to them, putting together a rational argument based on facts was never their challenge. They have not tried it and they are not starting today. This is a desperate political stratagem borne of desperation. Somewhere deep in the bowels of the Liberal Party is a panicked strategy group, a panicked leader surrounded by panicked staffers who has pulled the last lever in the conservative toolbox—a xenophobic debate in Australia about immigration. This is not, and it has unfortunately never been, an argument about facts, because those opposite do not care about the facts. They do not care about the fate of asylum seekers and they certainly do not care about Australia’s national interest.

All they care about is saving their own skins from the political tsunami that they have worked so hard—and, God bless them, with St Godwin’s help—to bring to their own destruction. That is what this is all about: an opposition’s vain hope that by appealing to a Hansonite instinct they will get the same response they believe they got in 2001. But, as I said, this is not 2001 and you ain’t got anybody like John Howard. This is a tactic of the desperate and the doomed but, worse than that, it is a tactic of the discredited and the dishonoured. It is the tactic of a parliamentary party that can no longer come to this place with an argument. There are worse things than losing elections. One is losing respect, and that is what this opposition have well and truly embarked upon.

**Senator HANSON-YOUNG** (South Australia) (4.47 pm)—I rise to briefly participate in this debate, one that I think Australians right around the country would be disappointed that we are actually engaging in. No longer do we want to participate in a debate in Australia about demonising vulnerable people rather than focusing on the responsibilities of our government, our national and international responsibilities and laws. I believe that the Australian public have moved past the dark days of the *Tampa* and understand that we do have a responsibility to help people when they are in need. We know that the number of people seeking refuge around the world varies at different times, and it is quite clear that one of those times is now.

I am extremely disappointed to hear that the Prime Minister has not been able to come to a workable solution with Indonesia to ensure that the people onboard the *Oceanic Viking* will be guaranteed to have their claims processed fairly and safely. This ‘Indonesian solution’, as named not just by the coalition but also by the government, is really no different to the Pacific solution. It may be in a different place and we may have a different Prime Minister, but without some decent guarantees and some ground rules about how people in these situations will be treated—how quickly their applications will
be processed, a guarantee that children will not be detained and a commitment to help resettle people who are found to be genuine refugees around the region, including Australia—this solution is no different to the Pacific solution.

That is one point that I would say I probably do agree with the coalition on, despite the fact that I am not quite sure exactly where all their arguments have been of late. I feel that they are in essence a little lost at sea. But, in saying that, the Prime Minister did not take the decisions that he should have last week. The Prime Minister would like us to believe that control of the situation is completely out of his hands. We know that this is an Australian ship. The Prime Minister could call this ship home to Australia any time he wanted. We called for this a week ago, and 10 days later there are still children, women, men and families on board the Oceanic Viking, circling the ocean, waiting for a safe place to land. The Prime Minister has lost control of his promise of a humane approach—that is certain as this ship endlessly circles around the ocean in the vain hope of a place to land. (Time expired)

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (4.50 pm)—We heard from Senator Feeney, and he reminded me of Corinthians: ‘If I speak with the tongues of angels but do not have love, I am nothing.’ But in this case he does not even have an idea of scripture. It is very interesting—and this would have to be the clanger of all time—that his so-called feast day of St Godwin is today—today being, if I am correct, the 28th or the 27th.

Senator Mark Bishop—The 28th.

Senator Joyce—Anyway, today is the feast day of St Jude Thaddeus, the patron saint of hopeless causes. That is so typical of exactly where the Labor Party’s policy is. The saint of today, St Jude, is the patron saint of hopeless causes. That is exactly where they are. How completely apt is his discussion about a patron saint. How completely lacking in detail is the Labor Party, as usual. They are completely bereft of any research. There are just wonderful statements about the cabal of the illuminati but without a skerrick of detail sitting underneath what they talk to you about. This is just so beautiful! What a great day to be in this chamber when they make such a clanger like that. It is a ripper.

This is a very serious issue, and not for one moment would I cast aspersions on the character of the people who are endeavouring to come out. They are coming out not because of a push issue but because of a massive pull issue. Have a look around you. We are so lucky and blessed to live in a country like this. It is logical for people to want to enhance their economic position in life, but Australia does not have an unlimited capacity. It cannot simply lose control of its borders. If it does, it will just get completely out of control. At the moment we have a blue and yellow fiasco called the Oceanic Viking. We had something similar to that in our time, called the Cormo Express, but fortunately with the Cormo Express we were only dealing with sheep. This time the Labor Party have taken it up a level—they are dealing with people. And it is an icebreaker, so help me, that these people are on and that is wandering around in equatorial Indonesia. Where are they going to take them next: Macquarie Island? Davis? This is because you have lost control of our nation’s borders. Through your complete lack of decisiveness in dealing with this issue, we have now got ourselves into a position where the communication channel is open and the phone calls are being made back. It is quite evident that there is knowledge afoot that Australia has become an easier target.
Senator Feeney just had to listen to the Sri Lankans who managed to get themselves onto AM in the morning. We can also read their statements in the paper as to how they see Australia. They believe the policy has changed, and they are right. They have perfect market knowledge. They know the policy has changed. They know the Labor Party, as of August last year, watered the policy down. We are now dealing with the issues. I have been to Christmas Island a couple of times and I would not cast aspersions against the people, but there is a driving force. It is the driving force that is always there—the desire to migrate to a better place. But it just cannot happen like this. It just cannot happen that people jump on a boat and make their own arrangements. There must be controls over our borders, and we have lost those controls under the Labor government.

The fact of their arrival by ship carries associated issues such as the possibility of rabies coming in. There is most definitely, especially amongst crew members, tuberculosis on board. If we lose control of it, that will work its way into Indigenous communities and have huge health ramifications, especially in Northern Australia. There are also the issues of foot and mouth and screwwfly. These all go hand in glove with a loss of control over our borders. This is what the Labor Party has delivered to us—and this is on St Jude’s day; St Jude, the patron saint of hopeless causes: hopeless policy, a complete lack of decisiveness, acumen and research, and a desire to gloss over the reality of the situation with garbage.

I acknowledge that Senator Feeney says there are not many Sri Lankans coming here and that they are mainly going to Europe. There is also the truth that the vast majority of people illegally in Australia are backpackers, predominantly from England. The problem with that argument is that, while those people are also illegal, they have gone through some form of customs protection. What we have here is a complete disregard for a border protection policy. We are opening ourselves up to a whole range of problems, including inciting these people to take huge risks in their lives and inciting them to put themselves in the hands of people who will definitely exploit them. It is a fact that under the former government’s policies, arrivals went to zero. As Senator Brandis has said, actions speak louder than words.

Senator Chris Evans—it’s not true, though.

Senator Joyce—that is the case. In 2004 and 2005 there were no arrivals. They say, ‘There were no push factors.’ What section of the world are you looking at? There are continual push factors. If you were making an argument on push factors then you could make them on the situation in sub Saharan Africa, on civil war in Angola or genocide in southern Sudan. There are also a whole range of people on the Thai-Burma border. These people constantly want to get themselves into a position of safety or into a position where there is economic improvement in their lives. It is not fair to the Karen who have been pushed out by the Burmese that we just say, ‘Oh, well, it’s a shame you couldn’t get yourself to Indonesia and get yourself onto a boat because then you could have come in 90 days and with no questions asked.’

The Labor Party has created this problem and Mr Rudd is looking completely unauthentic. He is looking indecisive and, to be honest, hypocritical. He is trying to ride both sides of the fence on this issue and it just does not ring true. Before the election, Mr Rudd delivered rhetoric to the Australian people that showed that he thought he could run a compassionate argument—but run it with a wink and a nod. He hoped that everything would stay under control. Now he has
found that he appears neither compassionate in his delivery to the Australian people nor decisive in trying to actually fix the problem. His policy has become a sort of quagmire policy—one of hope in which he is pleading that the neighbours, that President Susilo Bambang Yudhoyono, will fix this problem. It is not the President of Indonesia’s problem; it is Australia’s problem, and Australia has to fix it.

No wonder the Indonesians are getting frustrated. They are saying: ‘It is your issue. They are jumping over your fence. You are the ones complaining about it. Fix your own problems. Don’t come over to Indonesia and say we have to fix your problems.’ So it is looking like a complete mess. It is an absolute mess and it is going to make its way onto the international stage even more than it already is. We will have this big yellow and blue fiasco that will continue on until such time as this government manage to grasp the nettle, become decisive, make changes and prove to the Australian people that they can protect our nation’s borders.

Senator MARK BISHOP (Western Australia) (4.59 pm)—Senator Brandis, in opening his contribution to this discussion on border security, asked the rhetorical question, ‘What is a policy failure?’ and proceeded to try and answer his own question as part of the debate. The correct answer, in part, is to rely on a maxim that would be familiar to the many lawyers in this place, particularly the many lawyers on the opposition benches—that is, if you want to go to a court of equity for redress, for comfort, come with clean hands or, as was said in another famous document, those who live in glasshouses should not throw stones. So in this discussion why don’t we review what has occurred in the area of illegal immigrants or asylum seekers over the last six, seven or eight years in this country. Let us examine the actual record of the previous Howard government and let us compare and contrast that record, based in fact, with the current practices of the Rudd Labor government. Let us review the practices of the previous government.

It is fair to comment at the outset that their solution to the then problem of asylum seekers was a barbaric solution. It resulted in deaths at sea, wholesale lying to the Australian public, excision of offshore islands of this nation, remote processing facilities and, what is worse, the locking up of children and women, often for periods of one or more years, simply on the basis that these people did not have the immediate capacity to defend their interests. What was the result of that practice, implemented wilfully, deliberately and over a long period of time by the Howard government? When the dust had settled, what did we find as those then asylum seekers and refugees sought recourse to the tribunals in this country? We found that over 94 per cent of those persons were admitted lawfully to this country, issued with visas, permitted to settle and get about their lawful and proper domestic business. The policy that was created, implemented and which the previous government stood by for a long period of time resulted in total failure in practice and the opposite of what it sought to achieve—that is, the total, lawful admission to this country of an overwhelming majority of those persons who were then described as asylum seekers. The position of the then Howard government in practice and over time was one of total failure.

What have they learnt from that experience going back four and five years? What have they been able to put into practice? What wisdom have they been able to bring and what capacity have they added to this
debate, as this country faces difficult choices about people who are lost at sea? After almost two years in opposition, their position is simply a search for a policy on immigration. The coalition know they cannot go back to the Howard era policies and the two contributions to date have expressly refused to address the issue of a sound policy on illegal immigrants into this country. When Labor abolished the failed and wasteful Pacific solution, who opposed it? Not the opposition. When Labor abolished the failed and inhumane temporary protection visa regime, who moved to disallow the regulations and give effect to their beliefs? Not the opposition. The opposition, subsequent to both of those moves by the current Labor government, have made no commitment at all to reintroducing either of those demonstrably failed policies. In addition to not giving a commitment to previous policies, they have outlined no policy that the Australian people can give consideration to.

In contrast, Labor has maintained excision, mandatory detention and offshore processing of irregular maritime arrivals on Christmas Island. Even in some of the more divisive elements of the previous government’s policy, which the Labor government committed to prior to the last election and has maintained since, the opposition coalition cannot differentiate themselves then or now in policy. They cannot participate in a public debate like this because they do not have a policy. We know they do not have a policy because the two representatives of the coalition who chose to participate in this debate in the last half an hour, Senator Brandis and Senator Joyce, could not outline one phrase or one clause which might be characterised as a policy on illegal immigrants and which they might be able to put in this debate or take to the Australian people in due course. There is no policy; simply a vacuum.

Why is that? Because for the last six months all they have done is concentrate on themselves and their own wasted failures. They are so hopelessly divided, confused, devoid of purpose and have no capacity to get themselves out of the policy development mire they have put themselves in, particularly in the last six weeks. In that context it is unfair to say that some members of the coalition have not addressed themselves to this issue. Indeed, the Joint Standing Committee on Migration unanimously endorsed the Rudd government’s new directions in detention policy. That was best described by members of that committee as ‘a continuation of the reforms begun under the Howard government in 2005’. Yet when the legislation giving effect to those reforms was introduced into the parliament the coalition opposed it. Coalition members of the Joint Standing Committee on Migration endorsed its call for the abolition of detention debt, yet when the legislation was introduced into the parliament we had a huge, continuing and histrionic debate about the utility of abolishing debts accumulated by people who had been locked up in detention centres for many years. What did the coalition do then? They opposed the bill that was introduced by the Rudd Labor government.

While on the Joint Standing Committee on Migration, the shadow minister expressed concern about people without work rights and access to Medicare. The government listened to the recommendations of that committee, in a unanimous sense, and moved to address those issues. It wanted to reform work rights for asylum seekers, but what was the coalition’s response? They moved to disallow the regulations. Principled coalition members and senators, to their credit, spoke in favour of the government’s changes on each occasion. In their search for a policy—because they have no policy, because their two principal spokesmen in this chamber
today could not put words towards a policy, because they have not worked it out in either party room or brought it together in their joint party room—I suggest that the coalition follow the worthwhile advice of Senator Troeth when she spoke recently on an immigration issue. She said:

Let us grasp a new opportunity to understand the difference between sending the wrong message to those who truly wish us harm and sending the right message to those who need our help. Australia does not have to choose between strong, secure borders and compassion for those seeking liberty and freedom. We can have both.

Of course we can have both. As if it is beyond the wisdom of humankind to work out a solution to this problem. The words of Senator Troeth, both in terms of emotion and in terms of sound policy advice, are worth following.

We heard some discussion earlier, by both Senator Feeney and Senator Joyce, about the international factors that drive the increase in illegal immigration or asylum seekers from time to time. As some of the other speakers today have said, we know that the number of those who are displaced, seeking a permanent home or seeking comfort have now risen to many millions. Somewhere in excess of 40 million people are displaced around the world, living in camps and border camps and seeking comfort in another country so they can go about their lives.

In recent years, global factors have been a significant contributory factor to the number of asylum seekers, illegal immigrants and refugees who come down into this part of the world. As was also identified by previous speakers, the principal cause of asylum seekers and illegal immigrants coming down here in the last five to seven years is the displacement of people arising out of the consequences of wars in their homelands. When the Iraq war was at its peak, large numbers of people were leaving Iraq, going to their borders, getting caught up in the system and heading south seeking a home, trying to seek safety and the like.

Similarly now, as the war in Afghanistan has intensified, as a civil war particularly in the southern areas and the areas bordering Pakistan has become more and more violent and as more and more destruction has occurred, more and more people are either displaced or are seeking to remove themselves from the war zone. Large numbers of people have been heading south, by land and by sea, and they have been arriving in the waters around this country and around Indonesia, Malaysia and the like. Similarly, as the civil war that has been a feature of Sri Lanka for the last 20 years has resolved itself and one side has been able to claim unconditional victory in that war, those who are on the losing side have sought to flee their country. Again, the large numbers of people seeking support, comfort or a homeland away from Sri Lanka arise out of the failure of that country to regulate itself and out of the consequences of a civil war. We have seen tens of thousands of people displaced—arguably hundreds of thousands or millions—and seeking comfort all around Europe, through South Asia and up into the Middle East. One does not have to be any type of clairvoyant to know that if the war in Pakistan continues, with the government of Pakistan fighting the Taliban forces in particular areas and seeking to eliminate them, large numbers of Pakistani citizens will cross the border and flee, and some of them—perhaps a small number—will find their way down here.

It is totally unreasonable to suggest that because of the changed policies of the current government—which, as I identified, are a logical continuum of the policies of the previous government, with some changes on the margins—there is now a pull factor, a demand factor, whereby tens of thousands of people are immediately saying, ‘Let’s race
down to Australia. Let’s get into that country, because the welcome mat is out.’ What a load of rubbish. All we heard from Senator Brandis, but more particularly from Senator Joyce, was the repeated assertion of that proposition. It was not supported by one argument, by one set of facts, or by one set of numbers. It was simply an assertion that changes of policy on the margins, on the periphery, have resulted in this dramatic influx of people into the waters immediately surrounding our country and Indonesia, going up as far as Singapore and Malaysia. Of course that is a nonsense. If you do look at the numbers of people who are displaced from civil wars in their own countries, you can see the clear reason as to why so many people are now, over the last few weeks, seeking comfort in this country.

In that context, what are the Rudd government border security initiatives? We have all seen the news on the TV: ‘tough but humane.’ But what does this mean? It means a tough approach towards those who seek to improperly profit and manipulate those who are without support or comfort, and it means a humane and fair means of access for those who seek comfort. In that context, what has the Rudd government done? It has maintained excision, mandatory detention and offshore processing of irregular maritime arrivals on Christmas Island. It has established a dedicated Border Protection Committee of Cabinet to drive whole-of-government strategy to combat people smuggling. (Time expired)

Senator Ryan (Victoria) (5.14 pm)—The Labor Party is the master of obfuscation. Before I address some of the issues Senator Bishop raised, I would like to address some of the issues raised by Senator Feeney in his address earlier. It was alleged that we did not want to debate the economy. If Senator Feeney wants to debate the economy, he, along with the whole government, will find the opposition front and centre talking about what debt burden this government will leave Australia and future generations with. We will talk about schools and education and how the other side of this chamber refuses to let parents know about the standards and achievements of their children. They are captured by the public sector unions. But, apparently, this is one issue we are not allowed to discuss.

Senator Feeney made some allegations about the Liberal Party, which I will not repeat but I will address. It takes a lot of gumption for the Labor Party to come in here and try to allege that the Liberal Party is running a fear campaign and dallying with One Nation, because it was not the Victorian Liberal Party at the last federal election that got One Nation Senate preferences; it was the Labor Party. It was not people on this side of the chamber who benefitted from those. For the party of White Australia, for the party of Arthur Calwell, who made appalling comments when he was the then Labor leader, for the party of Gough Whitlam, who made comments—and I will dignify this chamber by not repeating them—about Vietnamese asylum seekers coming to Australia, to accuse the Liberal Party of such appalling manoeuvres requires an unprecedented amount of gumption.

The Liberal Party and the coalition have credibility on this matter. We have a track record of managing Australian borders. This government refuses to understand two things in particular. Firstly, it refuses to concede that pull factors and its policies make a difference, and that they go directly to the proposition that people smugglers—the vermin that both sides of this chamber agree about—through these areas sell the prospect of passage to Australia. I am not contending necessarily that everyone is jumping on a mobile phone and reading about the latest press release from Senator Evans; however,
we do know that people smugglers are selling a product, we know that they take notice and we know that they solicit business. So to deny that pull factors—the policies of this government, the signals it has sent on weakening Australia’s border protection—have an impact on what people smugglers around these countries say is a farce. The government knows it, we know it and the Australian people know it.

The measure of success of a government policy is in its direct impact. Senator Brandis mentioned a few of the numbers, but they are worth covering again. In 2000-01, there were 54 boat arrivals, with 4,134 people. In 2001-02—including the period where the previous government brought in policies to send the right signal to these people, particularly to the people smugglers—arrivals fell to 19 vessels and 3,039 people. But, in 2002-03, it fell to zero on both counts—zero vessels, zero people. In 2003-04, there were three vessels and 84 people. Those numbers remained relatively stable up to 2007-08, when there were three vessels and 25 people. In 2008-09 the increase started: 22 vessels and 1,039 people. No-one here denies the impact of push factors. No-one here denies that the global environment has an impact. What we are saying, however, is that the policies of this government have a direct impact on propositions the people smugglers sell to people who seek passage to a country like Australia. In 2009-10, so far, we have had over 20 vessels. That is directly following this government’s changes on border protection policies that have allowed those people smugglers to sell such a message.

The obfuscation this government undertakes is extreme. It says that we have more people illegally in Australia who have arrived by plane—and that is all true; and that we have more people who arrive by plane and seek asylum—and that is true. But the difference is that those people have legally entered Australia. At airports all around the world, people coming to Australia are checked as to whether they have a valid visa. No-one is denying the right of people to apply for asylum. We are saying that policies that encourage people to take this risky trip, that give the vermin of people smugglers a better proposition to sell, are the wrong way to address this particular global problem. We are not comparing apples with apples. That is an immigration issue. It is not an issue of illegal—sorry, I correct myself: ‘unlawful entry’. I do not necessarily want to use the words of the Prime Minister.

The Labor government walks both sides of the street on this issue. Our Prime Minister goes to extraordinary lengths not to answer this question and not to answer questions about this in a way that will see him on television. The Prime Minister has gone to immense trouble to not answer questions in parliament. He does not want footage of himself in parliament answering a question on this, because he does not want to be talking about it in public. I will quote him at length, and this is a particularly long sentence; I have not managed to count the number of commas in it. For a person who is quite successful at delivering the eight-second grab, it is amazing how this Prime Minister will avoid delivering an eight-second grab on this particular issue. He does not want people watching television news to know that he is trying to walk both sides of the street on this. He talks to The 7.30 Report; he does not talk to A Current Affair. He says one thing to the Age; he does everything he can do to avoid it being in the Herald Sun. This is what the Prime Minister said in response to a question on this issue:

But you know, if you’re being serious about this, we are dealing with challenges in source countries, dealing with challenges in transit countries, dealing with challenges of course in intercepting vessels at sea, and dealing of course with
the processes of mandatory detention of proper processing to ensure that you’re dealing with the physical and security questions which are part and parcel of the proper processes of Government.

Is that not diplo-babble or bureauspeak? It is an example of this government trying to avoid scrutiny, an example of the Prime Minister walking both sides of the street and an example of this government’s hypocrisy.

This government has sent the wrong signal. It has allowed people smugglers to walk around these countries and advocate that passage to Australia has become easier. That is an appalling risk for these people. I join Senator Joyce in saying that I am not attempting to besmirch people seeking asylum. However, I say to people who are truly concerned about the vulnerable: the people who can afford passage are not always the most vulnerable people in these countries. It is outrageous to assert that we should be prioritising those who have the means, the contacts and the networks to come across the Indian Ocean when resources and places will inevitably be taken by those people. We do not know about the others who are left. We do not know about those who may be in greater need of protection.

I will conclude on this: this country has a record, of which I am personally proud, of a large immigration program and a particularly large humanitarian program. But public faith in that program is dependent upon the government having control over our borders. This government is weakening border security. This government is giving the people smugglers a better product to sell. This government is not justifying its own policies; it is just trying to obfuscate by making comparisons to Europe and talking about the opposition. This government is going to undermine this very pact which both sides of politics in this country should be proud of.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! The discussion on the matter of public importance has now concluded.

COMMITTEES
Intelligence and Security Committee
Reports

Senator MARSHALL (Victoria) (5.23 pm)—On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the following reports of the committee: Review of the listing of Al-Shabaab as a terrorist organisation and Annual report of committee activities 2009-09.

Ordered that the reports be printed.

Senator MARSHALL—I seek leave to move a motion in relation to the reports and to incorporate the tabling statements into Hansard.

Leave granted.

Senator MARSHALL—I move:

That the Senate take note of the reports.

The statements read as follows—

Mr President, on behalf of the Parliamentary Joint Committee on Intelligence and Security I have pleasure in presenting the Committee’s report entitled Review of the Listing of Al-Shabaab as a terrorist organisation.

The Committee heard evidence that Al-Shabaab engages in, and offers support for terrorist acts.

The Committee heard evidence that Al-Shabaab engages in, and offers support for terrorist acts.

There has been a number of media reports in relation to this listing and recent criminal charges relating to preparation for a terrorist attack on the Australian Army base at Holsworthy in New South Wales and aiding and abetting the commission of an offence against section 6(1) of the Crimes (Foreign Incursions and Recruitment) Act 1978 by another person to undertake armed hostilities in Somalia.

The Committee raised concerns with the Attorney-General’s Department that this listing might be seen to interfere with or be prejudicial to the court proceedings in relation to the above charges.
The Attorney-General’s Department pointed out that none of the charges related to membership of a terrorist organisation and that this listing would not affect the proceedings or make it easier for the Commonwealth to prove its case against the accused.

Mr President, I will now turn my comments to Al-Shabaab and will take this opportunity to provide some information on the group’s current engagement in terrorist activity.

Al-Shabaab, or ‘the youth’, is the name applied to the Somali militant group which was formerly the most prominent of the militia groups comprising the militant wing of the Council of Islamic Courts (CIC). Al-Shabaab encompasses a range of elements, ranging from those focused solely on the domestic insurgency in Somalia to elements that support al-Qa’ida’s global ideology of violent extremism. Elements of al-Shabaab are linked to al-Qa’ida through leadership contacts and training, both recent and historical, and by al-Qa’ida senior leadership endorsement of its activities.

Al-Shabaab has prepared, planned and carried out frequent attacks as part of its violent insurgency since the beginning of 2007. Its tactics have included mortar attacks, and use of rocket-propelled grenades and firearms. During 2007, elements of al-Shabaab appear to have drawn inspiration from violent extremists in Afghanistan and Iraq, and adopted their tactics of Vehicle Borne Improvised Explosive Devices (VBIEDs), roadside bombs and suicide attacks. Suicide-vehicle bombings in Hargeysa and Boosaaso, northern Somalia, in October 2008 have been widely attributed to al-Shabaab.

In view of the information presented to it the Committee will not recommend to Parliament that the regulation be disallowed.

Mr President I would like to take this opportunity to thank my fellow Committee members for their work in reviewing this and other terrorist organisations. Lastly I would like to thank the Secretariat.

Mr President, I commend the report to the Senate.
Mr President, I previously mentioned the Committee’s work in reviewing the administration and expenditure of intelligence agencies. In relation to the Committee’s review of administration and expenditure No. 6 draft copies of the report had been sent to all agencies by 10 March 2009 and by 22 June 2009 some Ministers had not replied with a final vetting letter. Some letters were only received by the Committee in the sitting week 15-18 June.

The Committee accepts that, due to negotiations between it and agencies, there may be some time before a final vetting letter can be arrived at. However the time frames that have been involved are, the Committee believes, unacceptable and point to an administrative failure by Departments in relation to the vetting of its reports.

It is clearly desirable that these Administration and Expenditure reports are tabled in a timely manner. The Committee believes that, in most cases, a response on vetting should be forthcoming within one month of its presentation to the relevant Ministers. Past experience indicates that any issues of concern tend to be straightforward and uncomplicated.

Reporting on these matters to the Parliament is important. The Committee therefore recommends that procedures be put in place to allow for the Committee’s Administration and Expenditure reports to be vetted within one month of their presentation to the relevant Minister.

The Committee’s sixth Review of the Administration and Expenditure of the Australian Intelligence Community was tabled on 7 September 2009 and, as such, was not commented on beyond the vetting issue I have mentioned in the current Annual Report.

Since 2002, the Committee has sent representatives to the biennial conference of oversight agencies. In 2002 the conference was held in London, in 2004, in Washington and, in 2006, in South Africa. In 2008, the conference was hosted by the intelligence agencies of New Zealand in Auckland between Sunday, 5 October 2008 and Wednesday, 8 October 2008.

In 2008, the following countries sent delegates:

- Australia:
- Belgium:
- Canada:
- New Zealand:
- Poland:
- Republic of South Africa:
- United Kingdom:
- United States of America:

This conference is invaluable in allowing members of intelligence oversight bodies from different countries to meet and exchange views. I note for the House that the 2010 conference will be held in March in Sydney and will be jointly hosted by the Inspector General of Intelligence and Security and the Parliamentary Joint Committee on Intelligence and Security Committee.

In conclusion, and on behalf of the Committee, I would like to thank all those who have contributed to the work of the Committee during the past year.

Mr President, I commend the report to the Senate.

Senator Gavin Marshall
Parliamentary Joint Committee on Intelligence and Security
26 October 2008

Question agreed to.

Scrutiny of Bills Committee
Report


Ordered that the report be printed.

Senator BUSHBY—I move:

That the Senate take note of the report

I seek leave to incorporate Senator Coonan’s tabling statement in Hansard.

Leave granted.

The statement read as follows—

In tabling the Committee’s Alert Digest No. 13 of 2009 and Twelfth Report of 2009, I draw the Sen-
ate’s attention to several provisions in the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009.

Part 2 of Schedule 1 of the bill contains provisions amending Part XIC of the Trade Practices Act 1974. Part XIC of the Trade Practices Act provides for the telecommunications access regime, with Division 3 of Part XIC containing standard access obligations for carriers and carriage service providers. Existing section 152AS and subsection 152ASA(12) are repealed by Schedule 1, meaning that ordinary class exemptions from standard access obligations made by legislative instrument will no longer be available.

Proposed new subsection 152ASA(12), provides specifically that a determination under subsection 152ASA(1) (to exempt from standard access obligations) is not a legislative instrument. The explanatory memorandum states that disallowance by the Parliament ‘would not be appropriate for instruments made under Part XIC’ and that, where the Australian Consumer and Competition Commission uses a number of inter-related instruments to deal with a matter, ‘disallowance of one instrument could result in inconsistent and undesirable regulatory outcomes’. However, the explanatory memorandum does note that the bill provides for consultation and termination of the instruments.

The Committee is of the view that, if the Parliament were to continue to have the capacity to consider the disallowance of determinations made under subsection 152ASA(1), the Australian Consumer and Competition Commission could draw to its attention, or provide advice upon, any ‘inconsistent’ or ‘undesirable’ regulatory outcomes. The Committee has sought the Minister’s advice on whether this type of approach might be considered, as opposed to the absolute removal of legislative scrutiny of determinations made under the proposed new system of exemptions.

Proposed new section 152BCG to be inserted by item 116 of Schedule 1, provides for interim access determinations. The circumstances in which the ACCC is required to make an interim access determination are set out in proposed new subsection 152BCG(1). Proposed new subsection 152BCG(4) provides that the ACCC ‘is not required to observe any requirements of procedural fairness in relation to the making of an interim access determination’.

The Committee prefers that legislation provides for the requirements of procedural fairness to be followed, and expects clear and convincing justification for a variation from this standard. The explanatory memorandum to the bill simply states that procedural fairness does not apply in this case because of the ‘urgent and temporary nature’ of interim access determinations.

However, the Committee has noted that interim access determinations can be issued when it will be at least six months until a final determination is issued, and they are issued in circumstances where a service is being declared for the first time. The Committee is concerned that issuing interim access determinations without regard to procedural fairness may mean that consultations to determine whether a substantive access determination should be issued may commence with a ‘lack of trust’ on the part of those carriers, carriage service providers and others who are involved in the process. Accordingly, the Committee is seeking the Minister’s comments on this issue and whether any alternatives to the approach taken in the bill were, or might be, considered.

Item 116 of Schedule 1 also inserts a new Division 4A into the Trade Practices Act for binding rules of conduct. Proposed new section 152BD relates to binding rules of conduct for access to a declared service. When making any rules, the ACCC is not required to observe any requirements of procedural fairness and does not have a duty to consider whether to consider making any rules (whether at the request of a person or in any other circumstances). Further, the rules ‘may provide for the [ACCC] to perform functions, and exercise powers, under the rules’.

The rules are not a legislative instrument so they would not be subject to tabling and disallowance. The ACCC is also not obliged to observe any requirements of procedural fairness in relation to the making of binding rules of conduct. The explanatory memorandum states that the rules are necessary to give the ACCC ‘flexibility in how it will deal with technical, complex and changing matters’. The Committee notes that the provisions will result in the ACCC having an extremely

CHAMBER
broad discretion and has sought the Minister’s advice on how this discretion will be monitored.
I commend the Committee’s Alert Digest No. 13 of 2009 and Twelfth Report of 2009 to the Senate.

Question agreed to.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator FAULKNER (New South Wales—Minister for Defence) (5.25 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 FAULKNER (New South Wales—Minister for Defence) (5.26 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—
Higher education is central to achieving this Government’s vision of a stronger and fairer nation. The Government is proposing a landmark reform agenda for higher education and research that will transform the scale, potential and quality of the nation’s universities and open the doors to higher education to a new generation of Australians. This Bill is a key component of the reform agenda.

It proposes wide ranging reforms to student income support to create a fairer system and increase support for those who need it the most, making higher education more accessible.

The reforms made by this Bill are in response to the Review of Higher Education conducted by Emeritus Professor Denise Bradley AC. The final report from the Review noted that income support and other financial assistance are critically important to attract financially disadvantaged students into higher education and keeping them there.

The Bradley Review found that the number of students on income support studying in higher education had declined from around 160,000 in 2001 to 148,000 by June 2007 and that the take-up rate in the student population had declined from 41 per cent to 33 per cent in the same period.

It is critical to ensure that income support arrangements for students effectively operate to assist students from Low Socio-Economic Status (SES) backgrounds if Australia is to achieve the ambitious education outcome targets set by the Government that:

- by 2025, 40 per cent of 25 to 34-year-olds will hold a bachelor degree or higher; and
- by 2020, 20 per cent of higher education enrolments at undergraduate level should be people from low SES backgrounds.

By supporting increased participation in education and training, the reforms will improve future workforce participation, skill and productivity levels throughout the community. The reforms will assist in building labour force capacity for qualified employees in high demand occupations.

Of course, the key to improving the participation of low SES Australians in tertiary education begins much earlier as part of the Government’s commitment to a strong and innovative life-long education system. That is, it starts with universal access to early childhood education, enrolment and regular attendance during the compulsory school years, the provision of quality teaching - matched by achieving quality educational outcomes including the attainment of Year 12 or equivalent qualifications. Most importantly, it includes coaching and encouraging the aspirations of all young people, but particularly low SES Australians, to believe that they can go into university education and take advantage of the opportunities this unfolds.

Clearly, to support these aspirations young people must have the financial means to support themselves while they are building their human re-
source capital. And it is this issue that this Bill considers.

The Bradley Review found that student income support arrangements were poorly targeted. Assistance provided through Youth Allowance was not going to those students most in need. The reforms will increase access to, and better target, income support for students who need it most, through a fairer and more equitable allocation of existing resources.

Each of the recommendations for reforming student income support arising from the Bradley Review has been adopted by the Government. This Bill implements the recommendations that require legislation. The principal measures in the Bill were announced in the 2009-2010 Budget.

In the package of proposals we are:

- relaxing the Parental Income Test threshold from 1 January 2010 for dependants under Youth Allowance and ABSTUDY, from the current $32,800 up to $44,165 for maximum payment.
- This means an extra 68,000 students become eligible for income support payments and higher payments for 34,600 students receive higher payments.
- raising the parental income cut-off point for a family with one child aged 18 and at home from around $58,000 to almost $76,000, and for a family with two children aged 18 and 20 at home from around $62,000 to around $108,000.
- progressively lowering of the age of independence for Youth Allowance and ABSTUDY from the current 25 years to 22 years by 2012, commencing with 24 years in 2010.
- increasing the personal income test threshold from 1 July 2012 from the current $236 to $400 per fortnight, which will allow around 60,000 students who work part time to earn more before their payments are reduced.
- creating a new annual Student Start up Scholarship as an entitlement for all university students for every year that they receive student income support.
- This new Scholarship will benefit 146,600 students in 2010 and 172,600 students by 2013, helping them with the costs of textbooks and specialised equipment in each year of their course.
- introducing a Relocation Scholarship of $4000 in the first year and $1000 in later years to assist thousands of university students with the costs of relocating to study.
- This will be of particular benefit to dependent rural students who have to move away from home to study at university and to independent students disadvantaged by personal circumstances.
- and tightening the Workforce Participation Criterion for Independence to better target student income support to those who need it most.

The reforms are roughly cost neutral over the forward estimates. The costs are fully offset by improved targeting of Youth Allowance and ABSTUDY and the conversion of funding from other programs affected by the reforms, including the existing Commonwealth Scholarships Program and savings from Family Tax Benefit – Part A (FTB) due to the anticipated migration of some young people from FTB to Youth Allowance or ABSTUDY.

The measures of this Bill particularly benefit students who have to move away from home to study, rural and regional students, and students from low socio economic backgrounds.

The first measure in the Bill is changes to the independence criteria for youth allowance.

The age at which a person is automatically independent is changing from 25 to 22 years. This change will be phased in, so that the age of independence will be reduced to 24 years in 2010 years, 23 years in 2011 and 22 years in 2012. This change means that more young people will be eligible for youth allowance, and many existing youth allowance recipients will receive a higher rate of payment. The age of independence was increased from 22 years to 25 years by the Howard Government in 1998, with a commitment in the legislation by the then Government to progressively reduce the age over time. After 11
years, this Government is delivering on the legislative commitment.

As recommended by the Bradley Review, these reforms will be largely funded by tightening the workforce participation criteria for independence under Youth Allowance and ABSTUDY so that only those students who are genuinely independent can claim assistance. This will mean working part-time will not be considered to establish independence from parental support.

The Bradley Review found that, as a result, many students were receiving support in this way when they were not actually independent of their families or when they came from upper income families. The Bradley Review, for instance, found that 36 per cent of students who were living at home and were receiving youth allowance through having been considered ‘independent’ were from families with incomes above $100,000 and 10 per cent from families with incomes above $200,000.

The reforms will ensure that support is targeted to students genuinely in need of assistance. No person who is currently independent because of workforce participation will be affected by this change. Nor will any person who finished secondary school in 2008 and took a year off study before commencing university in 2010, if the person lives away from home to study.

Under the previous system, the parental income test was so low that many students sought to gain access to student income support as independent Youth Allowance recipients.

Under the Government’s new arrangements many people who are currently undertaking a gap year will be automatically eligible for support as dependent students.

The second measure in the Bill is changes to the income test for youth allowance and austudy to increase the level of support for students, apprentices and young job seekers.

From 1 January 2010, the annual Parental Income Test threshold for dependent youth allowance recipients to get the maximum rate of youth allowance will increase from $32,800 to $44,165. More young people will be entitled to youth allowance, and many people already receiving youth allowance will receive a higher rate of payment.

The parental income reduction for youth allowance will change from a taper rate of 25% per person, to a family taper of 20%. This measure reduces the effect of parental income on a youth allowance recipient, particularly where the same parental income applies to multiple recipients in a family. The point at which a person’s parental income will disentitle them from youth allowance will be substantially raised.

Additionally, the personal income free area for youth allowance and austudy students and new apprentices will rise from $236 to $400 per fortnight from 1 July 2012. Students and Australian Apprentices will therefore be able earn up to $400 per fortnight without having their payments reduced. The increased free area will also be indexed to the Consumer Price Index.

The third measure in the Bill is the provision of new scholarships for students.

All students receiving youth allowance or austudy while undertaking an approved higher education course will receive a student start-up scholarship. In 2010, the scholarship will be $1,127 for each six months of study, totalling $2254 for the year.

In addition to the student start-up scholarship some students receiving student income support will receive a relocation Scholarship to assist with the cost of relocating for study. The scholarship will be $1,000 per year, and $4,000 for a student’s initial relocation.

The value of the new scholarships will be indexed from 2011.

The government will be providing equivalent scholarships to students under the Veterans’ Children Education Scheme, the Military Rehabilitation and Compensation Education and Training Scheme, and the ABSTUDY Scheme.

The fourth measure in the Bill is exempting merit and equity based scholarships from the income test under social security and veterans’ entitlements legislation. These scholarships will be exempt to a threshold of $6,762 per year. The threshold will be indexed. This measure will increase the entitlement to income support for students receiving scholarships, and provide an incentive to individuals and organisations to fund scholarships for students.
Overall, many students will benefit from the measures in the Bill. One key group is rural and regional students. Rural and regional students who attend university away from home are likely to be the key beneficiaries of the student start-up and relocation scholarships. Rural and regional students will also benefit from the increased parental income threshold and the sharing of parental income with siblings. Accordingly, the measures in the Bill will make higher education more accessible for rural and regional students.

The Bill also amends the social security law and veterans’ entitlements law to facilitate the measures and make amendments of a technical nature. The Government changes to Student Income Support will create a fairer system that will direct support to the students who need it most.

Debate (on motion by Senator Faulkner) adjourned.

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

ANTI-TERRORISM LAWS REFORM BILL 2009

Report of Legal and Constitutional Affairs Legislation Committee

Senator McEWEN (South Australia) (5.27 pm)—On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the Anti-Terrorism Laws Reform Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BUSINESS

Consideration of Legislation

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (5.30 pm)—On behalf of Senator Ludwig, I seek leave to amend a motion relating to government business notice of motion No. 2.

Leave granted.
to fundamentally reshape and improve competition and consumer regulation in the telecommunications sector as a whole in the national interest. These reforms are required, independent and irrespective of the NBN. They are significant reforms in their own right and are long overdue. The editorial today in the *Australian* notes:

... the Telco sector in Australia is not a truly open market. It is Telstra’s protected position that is finally being addressed ... after two decades of policy failure.

It goes on to point out that those opposite have no policy, are totally confused and are defending a monopoly position. We have been very clear that during the rollout of the NBN, and after, the existing regulatory regime which regulates the industry as a whole will remain important for delivering services in the interests of all Australians, consumers and businesses.

As we announced on 7 April, the government are committed to addressing the fact that the existing telecommunications regime does not work effectively to achieve its goals and is failing businesses and failing consumers. The regulatory reforms in this bill are critical and are urgently required to inject competition and better consumer service standards into the telecommunications industry now. On this need, the facts speak for themselves.

A report published this month for the US Federal Communications Commission, FCC, showed that Australia came fourth last in price, ahead of only Poland, Turkey and Mexico, on a weighted average of all internet access speeds. It also showed that on a weighted average of all broadband outcome measures—price, penetration, speed—Australia came 18th out of 30 OECD countries. These sorts of results are consistent with the most recent OECD statistics. We cannot wait to improve the state of competition in the telecommunications market. We cannot wait to give the ACCC the powers it needs to regulate the telecommunications sector more effectively. And we cannot wait to put in place a stronger consumer protection regime.

These reforms have been developed as a result of an extensive consultation process over a 15-month period. We have received over 200 submissions, more than even Senator Minchin’s press release tally.

**Senator Minchin**—Surely not!

**Senator CONROY**—Believe it or not, Senator Minchin, someone has done a little more work than you. There was almost unanimous support for the measures in the response to the regulatory reform discussion paper we released on 7 April. The government have listened to these views and we are now taking action. Every day that we delay these reforms is a day of higher prices and less choice for consumers and businesses—less choice and less innovation. It will delay stronger powers for the ACCC to act on anti-competitive behaviour. It will delay the strengthening of consumer safeguards around the provision of voice and payphone services.

Since the measures in the bill were announced on 15 September there has been overwhelming support for these reforms. The Australian Information Industry Association CEO, Ian Birks, representing Australia’s $100 billion per year information technology industry, warned just last week: ‘Obviously, any kind of slowdown in the acceptance of the legislation and the delivery of the NBN has a detrimental effect on how quickly we can achieve the benefits of a digital economy.’ The Australian Telecommunications Users Group said last week: ‘ATUG believes these changes are needed now to deliver better outcomes for end users, better prices, service and innovation.’ A joint industry state-
ment released late last week by Optus, iiNet, Transact, Internode, Vodafone, Primus, Macquarie Telecom and Netspace said:

The communities that will benefit most are those that are most disadvantaged by the lack of competition today, especially rural communities that have seen their choice of communications provider diminish in recent years in the face of resurgent Telstra market power. On the other hand, the cost of a delay is real, immediate and an impost on all Australians. Delaying the passage of the legislation until next year would mean benefits would not flow until 2011 at the earliest. There is also a risk that the legislation might never be passed if the opportunity we are presented with today is not seized.

It is the government’s view that Telstra’s high level of integration has hindered the development of effective competition in the sector. Telstra is one of the most highly integrated telecommunications companies in the world across a range of telecommunications platforms. Its level of vertical integration raises concerns about the extent to which Telstra has the ability and incentive to favour its own retail business over its wholesale customers when providing access to various services—and you know it is true, Senator Minchin. It also owns the only fixed line copper network that connects almost every house, as well as the largest cable network, half of the largest pay TV provider and the largest mobile phone network. The OECD has concluded that Telstra’s horizontal integration has reduced the development of facilities based competition in Australia in comparison to other countries and has contributed to Telstra’s domination in the market. The reforms in the bill address these concerns while still providing Telstra with the flexibility to choose its own path.

The bill also includes the measures necessary to rebalance the regulatory framework, which has been criticised over the years as being overly cumbersome and unable to deliver sufficient certainty to drive proper investment in infrastructure. The operation of this regime has long been problematic. Access seekers have been frustrated by constant delays and disputes. More than 150 access disputes have been lodged with the ACCC in relation to telecommunications, compared to a total of only three disputes across all other regulated sectors. In order to correct this clear imbalance, the bill proposes reforms to the telecommunications access regime that will make the process more streamlined and less vulnerable to opportunistic procedural delays. This will provide greater certainty to both access providers and access seekers.

The failure of the regulatory regime is directly impacting on consumers. As recently as last week the Telecommunications Industry Ombudsman released its statistics for the 2008-09 financial year. These statistics indicated a further deterioration in the level of customer service in the telco sector, with a 54 per cent rise in total complaints. There was a 57 per cent increase in internet related complaints and a 40 per cent increase in landline related complaints.

The reforms in the bill are particularly important for consumers and small businesses, including those in rural and regional Australia who rely on these services greatly and are disproportionately affected by the inadequacies of the existing regulations. In developing this package, we have considered the report by the Regional Telecommunications Independent Review Committee, chaired by Dr Bill Glasson, set up by the previous government of which Senator Minchin was a member. The regional review committee’s final report urged the government to consider the separation of Telstra and measures to deal with its horizontal integration, including owning an HFC cable network. So the very committee set up by those opposite said, ‘Go out and do this,’ and those opposite are now turning their backs on their own committee. The regional review
committee emphasised that measures to deliver competitive choice to consumers should be pursued as a policy goal and that this is an important element of providing regional Australians with equitable services.

The regional review committee’s report also urged the government to design measures to strengthen the USO and provide a stronger mechanism to deal with the removal of payphones and increase incentives for providers to meet the customer service guarantee standards. There is clear evidence that people in regional and rural Australia stand to gain from the reforms. The most recent ACMA published report for the March 2009 quarter found that, for payphones provided under the universal service obligation, only 59 per cent of faulty payphones in remote areas were repaired within the three-day period specified in Telstra’s standard marketing plan. This compares to 82 per cent repaired within two days in rural areas and 91 per cent repaired within one day in urban areas. For new fixed telephone connections, 84 per cent were provided by the universal service provider within the customer service guarantee time frame for remote areas. This compares to 90 per cent in urban areas. Arguing against considering this bill is arguing against the need to address this unacceptable level of service provided to consumers and businesses in regional Australia.

As I indicated to the Senate yesterday, the government has supplied all of the information it can responsibly supply to comply with the order. I understand the concerns of Senator Ludlam and the crossbenchers because the previous government abused the process of commercial-in-confidence to hide what they were up to. It was unacceptable. I understand very much why there are concerns about this and there are important issues at stake here. Even as I accidentally tabled information which should not have been tabled, information that was blacked out, it demonstrated exactly why the government has concerns it has in this area. Telstra was required to make a statement to the Stock Exchange after inadvertent information came to light, but both of the issues can be separated out. I accept and acknowledge that commercial-in-confidence has been abused in the past and senators are right to ask questions about this and want to ensure that they are getting genuine commercial-in-confidence excluded and not material that the government does not want. I absolutely accept that.

One of the other issues that was raised is the processes that will be followed going on from this. I give a commitment to the chamber that the government will not be looking to bring on the second reading debate until the first week back after the break. The second reading debate will take place then. I will be in Egypt at a UN conference that week, so we will not be seeking a vote that week. We will be seeking a vote the following week when I return. I want to outline for all that there are some natural constraints as well as some Senate procedure constraints about the process.

Senator Minchin—You’re not seeking ideas from the Egyptians on broadband, I hope.

Senator CONROY—I say quite genuinely, Senator Minchin, that there is genuine worldwide interest in what we are doing, and a number of countries have spoken to me about our broadband project, our regulations and our changes. I can tell you that there is genuine interest around the world.

There was one other issue that was concerning the crossbenchers and I want to make sure I address it. I want to assure senators that the reports to the government contain extensive commercially sensitive information provided by the NBN proponents on the understanding that it would be kept con-
fidential. A disclosure of that information might discourage future participation in government tender processes. The report of the panel of experts contains detailed descriptions of the proposals received and a detailed assessment of each of the three national proposals against the evaluation criteria. It includes references to funding required to deliver on the proposal, proposed structure and financing arrangements, ownership, commercial feasibility and financial models, technical capability, pricing and business strategy. Release of the commercially sensitive information by the government would cause proponents commercial harm. Proponents involved in the tender process have confirmed that release of the parts of the panel’s reports to government that reveal and discuss their proposal would cause them commercial harm. The release of such information would be particularly harmful in the current environment where a range of parties are entering into commercial discussions on how they wish to participate in the NBN.

The National Broadband Network request for proposals was a robust process conducted in accordance with the requirements of the RFP and the Commonwealth procurement guidelines. The government’s decision to terminate the NBN RFP process was on the advice of the panel of experts that none of the proposals offered value for money. I am confident that the process has been run to a high standard and in accordance with the relevant guidelines. I also note that after the Senate order came into effect the Auditor-General announced that the Australian National Audit Office would conduct an inquiry into the RFP process. The government welcomed the Auditor-General’s announcement that the ANAO would conduct a performance audit of the National Broadband Network RFP process. The audit commenced in late June 2009 and will be completed in the coming months. I am afraid the Auditor-General’s office have not told me when they are going to finish, so I cannot pass on the information.

I want it to be clear that there are genuine commercial reasons why we cannot comply with the order to the extent that is being requested. The explanatory memorandum of this bill and the second reading speech given in the other place talked about the NBN in the context that, once it is rolled out as a wholesale-only network, it will fundamentally transform the competitive dynamics of the telco sector. Both of these documents acknowledge that this historic nation-building investment will help transform the Australian economy and create the jobs and the businesses that we need to succeed in the 21st century. So I urge the Senate to support this motion. It is not an attempt to subvert the will of the previous motion, as I think Senator Minchin would even acknowledge. The interpretation placed was a broad-ranging interpretation. I do not believe that resolution ever intended to capture this bill, so I seek the support of all senators in voting to bring on this bill.

Senator MINCHIN (South Australia) (5.50 pm)—I inform the Senate that it is the opposition’s very strong view that the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 should remain subject to the Senate’s order for the production of documents, that the order has not been complied with and that the Senate should not consider this bill until the government does comply with this order. Therefore, the opposition will oppose this motion. The government has treated the Senate with contempt over this matter and should not be relieved of the burden of complying with this order. The Senate order from which the government is seeking to exempt the current bill was adopted by the Senate on 13 May 2009. The order noted that the Min-
ister for Broadband, Communications and the Digital Economy had shown contempt for the Senate as a result of his failure to comply with the Senate order of 4 February 2009 which called for the production of documents relating to the National Broadband Network tender process. The order then called on the ACCC’s formal report on the NBN proposals to the NBN panel of experts and the final report provided to the government from the NBN panel of experts on submissions to the NBN process to be provided to the Senate by 6.50 pm on 13 May 2009.

The Senate agreed that, should the minister fail to comply with this deadline, further consideration of NBN related legislation—any NBN related legislation—would be listed for debate on the sitting day after these documents were provided. The Senate’s motivation for adopting the May order was quite straightforward: the government’s justification for breaking its election promise to contribute $4.7 billion to a fibre-to-the-node network and committing no less than $43 billion to a fibre-to-the-premises rollout was that the expert panel, with advice from the ACCC, had recommended that it do so. The government went out of its way to rely on the expert panel and its report as justification for this dramatic and extraordinarily expensive policy change. Thus the Senate properly decided that it wanted to examine the documents before considering any NBN related legislation.

Until this week, some five months after the Senate agreed to this order, the government has not even mentioned this Senate order aside from calling it a stunt. They have not pushed the case for urgency on the Telecommunications Legislation Amendment (National Broadband Network Measures—Network Information) Bill 2009 before the Senate nor discussed with any senators how they could meet the terms of this order within the constraints of commercial sensitivity. Upon introduction of this bill in the Senate, its consideration was adjourned until the provision of the documents specified in the order.

Now the Clerk of the Senate has had a look at the content of the second reading speech and concluded, as has the coalition, that there is absolutely no doubt that this bill relates to the National Broadband Network. For a start, the government itself asserts that this bill stems from its discussion paper entitled ‘A National Broadband Network: regulatory reform for 21st-century broadband’, which was released on 7 April this year when it announced its NBN mark 2 proposal. Secondly, the government is now arguing that this NBN discussion paper satisfies the requirements of the statutory review required of Telstra’s operational separation. So it has deliberately linked the structure of Telstra, the subject of this bill, to its NBN. Thirdly, there are over 150 references to the National Broadband Network and NBN Co. in the explanatory memorandum and second reading speech.

This evening the minister himself could not help but refer repeatedly to the National Broadband Network in arguing that this bill had nothing to do with the National Broadband Network. So there can be no denying that this bill is related to the NBN. Everyone knows this bill is about holding a gun to the head of Telstra in order to force it to help make the NBN viable. We all know that the government cannot afford to have its NBN compete with Telstra and that it needs to acquire Telstra’s assets for its NBN to work—hence this bill.

When announcing the introduction of this legislation and the extraordinary change of policy in regard to the separation of Telstra, Senator Conroy gave us no doubt about the link between this legislation and the NBN
when he outlined Telstra’s very dubious choices under this bill. Senator Conroy stated:
For example, it—
structural separation—
*may* involve the creation of a new company into which Telstra *could* transfer some of its fixed-line assets.
Alternatively, it *may* involve Telstra progressively migrating its fixed-line traffic to the NBN over a period of time and under set regulatory arrangements, and for it to sell or cease to use its fixed-line assets *on an agreed basis.*

He went on to say:
This approach will ultimately lead to full structural separation over time.

Such a negotiated outcome would be consistent with the *wholesale-only, open access* market structure to be delivered through the National Broadband Network.

Minister Albanese in his second reading speech on this bill in the House of Representatives said:
Our commitment to a wholesale-only model for the NBN will deliver structural reform in the industry in the longer term. However, the government considers it vital to ensure that, during the transition to the NBN, the existing regulatory regime generates outcomes in the interest of consumers and businesses.

He also said:
The government has commenced constructive discussions with Telstra on how NBN Co. and Telstra could work collaboratively towards the NBN. We believe that we can work towards achieving a solution in the national interest that also meets the interests of Telstra and its shareholders.

The link between this bill and the NBN is paramount. The explanatory memorandum, on page 8, is clear about the government’s intentions:
As the nation moves to superfast broadband it is the Government’s clear desire for Telstra to vertically structurally separate, on a voluntary basis—

hear, hear!—
in the transition to the NBN to be consistent with the structure of NBN Co.

I could go on with, as I said, more than 150 examples from the explanatory memorandum about how this bill relates to the NBN. It is therefore clearly subject to the existing order of the Senate and should not be excluded.

Senator Conroy has only realised in the last week that the Senate cannot be taken for granted and that it will not be a rubber stamp for his poor policy decisions, especially given the significant lack of detail. It is only within the past four days that Senator Conroy has started to nuance his discussions about this bill away from the NBN, although he failed miserably tonight to separate his bill from the NBN. Until last week, Senator Conroy was quite explicitly tying this bill to his National Broadband Network. In a doorstop interview last week Senator Conroy said, in relation to the legislation:
What we need is certainty for Telstra investors, the market in general so that we can get on with delivering a world class broadband network to all Australians.

As we have seen through the Senate inquiry into this bill, it is not just the coalition and the Clerk of the Senate who recognise that this bill is inextricably linked to the NBN. The evidence presented to the committee from those supportive of the legislation left coalition senators in no doubt that these legislative proposals are inextricably linked to the NBN. The Executive Chairman of the Competitive Carriers Coalition, David Forman, confirmed this during the Senate committee hearing when he said, in response to a question from Senator Birmingham, who is in the chamber tonight:
If you suggested to me that the NBN was likely to succeed in the absence of this legislation I would suggest that that is a pretty big bet.
The investment company Maple-Brown Abbott described this bill as:

... a high risk strategy to deliver the NBN and more competition in the telecommunications sector. It runs the risk of damaging Australia's sovereign risk rating as well as stifling investment and innovation in the telecommunications sector. It places too much power in the hands of the ACCC.

The reason that we, the opposition, lodged this return to order initially in February is that it was obvious that the government was hiding behind its tender process to avoid answering any questions about its now abandoned $4.7 billion fibre-to-the-node election commitment. The minister took on notice at estimates question after question about the NBN mark 1, using the cover of the tender process to avoid answering any questions about the $20 million tender process. When the government officially abandoned NBN mark 1, it announced NBN mark 2 and made it explicitly clear that it had, in large part, based its decision on the report of the expert panel, as advised by the ACCC.

On 7 April, when announcing its abandonment of its election commitment to a fibre-to-the-node network, the government released just a three-page extract from the NBN expert panel's evaluation report, despite asserting that its decision was based on that report. Of course, in attempting to comply with this order of the Senate, Senator Conroy has this week tabled some additional information, which the whole world now knows about, with his extraordinary mistake in tabling highly sensitive ACCC information on the network. So he tabled information that he should not have but monumentally failed to table information that he should have to comply with this order. What the minister has now done is again tabled the three-page extract previously released plus, in his great generosity, an additional 13 pages of the evaluation report. Of course, the additional material supplied, paltry as it is, provides very little further detail.

During Senate estimates in May, it was revealed that the evaluation report totalled no fewer than 893 pages, and the flimsy document that the minister has tabled consists of just 16 pages from those 893 pages. He has tabled just 1.5 per cent of the report’s contents. He has omitted 98.5 per cent of the contents of the evaluation report on which he said the government had decided to move from a $4.7 billion commitment on behalf of taxpayers to a $43 billion commitment on behalf of taxpayers. There is absolutely nothing in the material released by the government to confirm that the panel advised the government to commit to a $43 billion fibre-to-the-premises rollout, let alone the reasoning and rationale for such advice. The only hint of any further advice was observation 10, which was released to us:

We, with our experience in government, never expected that this government would provide commercially sensitive information, but this incompetent minister has, of course, inadvertently done so. As he said, despite releasing that information, it is important to protect information that is genuinely of a commercially sensitive nature. But we do and did expect that the government would table in the Senate the relevant sections of the expert panel report on which the government relied in deciding to announce a $43 billion commitment to build, own and operate a fibre-to-the-premises broadband network. It is quite unbelievable for the minister to claim that 98.5 per cent of the evaluation report contains commercially sensitive information which cannot be released to the
Senate. Who does he think we are? That is a ridiculous assertion.

In the Senate yesterday, Senator Conroy, in an effort to deflect attention from his extraordinary incompetence, tried to allege that it was because the Senate asked for this information that he stuffed up and tabled commercially sensitive information. Apparently it was all the Senate’s fault for holding the government to its own commitment to openness and transparency. The minister has used the excuse of commercial confidentiality as the reason not to keep the public informed about his NBN plans. In his statement provided to the Senate yesterday, Senator Conroy stated the release of such information would be particularly harmful to the current environment, where a range of parties are entering into commercial discussions on how they wish to participate in the NBN—or, in the case of Telstra, how they will be told to participate in the NBN. The paradox is that, as I said, yesterday the minister tabled the most confidential information of all but failed to table the information the Senate reasonably expects to see before considering NBN related legislation. As I say, to assert that 98.5 per cent of the contents of the evaluation report on which this decision was based cannot be released for commercial reasons is an absolute nonsense.

The coalition will not support this attempt by the minister to exempt this bill from the Senate’s order for the production of documents. The government has made it very clear that this bill is about how it can make its NBN work, and the minister gave the game away tonight when he spent half his time talking about the NBN in arguing that this bill had nothing to do with the NBN. I must say that until the government cooperates with the Senate order in good faith we will not be supporting any attempts to exempt the government from its obligation to provide the Senate with open and transparent information about its decision to commit up to $43 billion of taxpayers’ money to its National Broadband Network. We in the Senate are the guardians of the taxpayers’ interests. This government is expecting the Senate to consider and, in its view, pass NBN related legislation that will commit taxpayers to a $43 billion infrastructure project. This Senate has a right to have available to it the information upon which the government has decided to make such an extraordinary decision before it considers legislation to give effect to the government’s wishes. If the Senate were to agree to waive the application of this order to this bill, this government would continue to treat Senate orders with the contempt that it has displayed so far.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.06 pm)—We are listening to both sides of this debate and there is no doubt that the NBN legislation, when it comes, will be predicated on a motion from the Senate requiring information—not all of which the government has furnished to the Senate. The progress of the legislation, which this motion clears the way for, is not guaranteed by this motion passing—if it were to—tonight. The Minister for Broadband, Communications and the Digital Economy is not here, which I think is not a good situation. It would help if the minister were able to reiterate the government’s concession in terms of providing information—not all of which the government has furnished to the Senate. The progress of the legislation, which this motion clears the way for, is not guaranteed by this motion passing—if it were to—tonight. The Minister for Broadband, Communications and the Digital Economy is not here, which I think is not a good situation. It would help if the minister were able to reiterate the government’s concession in terms of providing information to the Senate, but it does raise the question of commercial in confidence.

Mr Acting Deputy Speaker, you will know that the current opposition when in government was never inclined to be forthcoming with information of this sort—not ever. As soon as it was in the commercial interest to keep something under cover, it was not available. Here we now have the Labor government doing the same thing and the opposition is cavilling about that. There needs to be an in camera process for senators and staff
to be able to look at commercial-in-confidence information when it is important for deliberations on processes, such as those we are engaged in here, which are important for the whole nation.

In all of my parliamentary life one bane that has been consistent is governments of both persuasions resorting to commercial-in-confidence excuses for blocking from going to parliament information that is required for proper decisions to be made. The coalition cannot escape responsibility for being part of that block. When it comes to freedom of information legislation and indeed to questions on notice to parliament one of the most frequent guises for not supplying information, one of the greatest excuses by ministers for not giving information, is that it is commercial in confidence. One knows there is a reasonable limit in which secrecy of, for example, patents and sometimes resource bases are necessarily critical to a company’s well-being, but that is very often not the case when it comes to commercial-in-confidence matters. It is simply that the private sector does not want to have the same scrutiny that they expect of the public sector.

Freedom of information ought to have been legislated long ago for the private sector as well as for the public sector because the private sector—as we have just witnessed from the global financial crisis and the need to put its way billions of dollars from the public sector as with the stimulus packages, which are getting up towards $100 billion of taxpayers’ money—is very, very dependent upon the largesse of taxpayers. It cannot resort to secrecy then when taxpayers’ representatives in the form of senators want to look at information which is critical to making decisions. The government has released some information but it has not released a great wad of other information on the basis of commercial-in-confidence reasons and it puts us in an impossible position. We do not want to hold up legislation that is essential to the delivery of good telecommunications to this nation. On the other hand, we do not want to have to debate issues where we do not have basic information that is fundamental to that decision making.

As advocates of full and open disclosure at least to the people making the decisions, we do not find the commercial-in-confidence excuse washes. I think the government should look at that again. The minister is absent from the chamber at the moment—I am sorry; he has come into the chamber and he is involved in discussions. We are in a really difficult position here. The Senate has made an order for the delivery of documents. Those documents relate to the National Broadband Network, not specifically to the legislation the government wants to bring on now. Yet we ought to have that information by now. We will continue to look at the merits of both sides and we will make our decision, if not before, when the bells ring.

Debate (on motion by Senator Xenophon) adjourned.

AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY BILL 2009
Second Reading

Debate resumed from 27 October, on motion by Senator Wong:

That this bill be now read a second time.

upon which Senator Cormann moved by way of amendment:

At the end of the motion, add “and further consideration of the bill be an order of the day for 3 sitting days after the Government has tabled a response to all of the recommendations of the report of the National Preventative Health Taskforce”

(Quorum formed)

Senator SIEWERT (Western Australia)

(6.15 pm)—I was talking about the Greens’
position on the Australian National Preventive Health Agency Bill 2009 and the establishment of this agency. At the time, I think, I was outlining the Greens’ concerns about the bill and why we thought it was important that amendments were made. As I was articulating yesterday, we believe this is a significant step forward. However, I must admit that I am doubtful as to the government’s commitment to this agency, as to whether they actually want it to succeed and whether they actually want to get it through this chamber.

To date we have had what I would say are fairly lukewarm discussions with the government about this bill. We have not, we think, made excessive claims or requests; we have genuinely been negotiating for a successful outcome, and I am exceedingly disappointed that the government have not, I think, participated in those discussions in a meaningful way. I am exceedingly disappointed with some of the feedback that the Greens have been getting, and I think the government think that we will vote for this bill regardless of how they negotiate with other parties. I tell the government that they are wrong and that we will not be supporting this bill unless the government negotiate with us in good faith. They cannot assume that they can do what they like to the Greens and that we will support this bill.

We are very genuine in our attempts to pursue good health outcomes for this country, but we will not be treated in the way that this government thinks it is acceptable to treat the Greens. The message to the government is that we will not be voting for this bill unless the government negotiates with us in a meaningful manner on the outcomes that we think are appropriate and the amendments that we have put up in good faith. When we negotiate with the government, we expect it to stick to the promises that it has made and not go back on them. As I said, the message is: do not expect that we will be voting for this bill if the government does not engage with us in a meaningful way. The government needs the Greens, Senator Xenophon and Senator Fielding to get this bill through if it does not have the coalition. I ask the government to bear that in mind. We have put up amendments in very good faith. We have put up amendments to include alcohol in the range of issues that the agency deals with to amend objectives and to put some more independence in the authority.

(Time expired)

Senator BIRMINGHAM (South Australia) (6.18 pm)—It is a pleasure to rise to speak on the Australian National Preventive Health Agency Bill 2009 and to outline some of the concerns that I have both with the nature of this bill and, indeed, with some of the broader subject matter and policies that it encompasses. I say at the outset that, as my colleague Senator Cormann has argued so strongly, this bill is very much a case of the government seeking to put the cart before the horse. This is a case of the government deciding that it is about serving the Public Service and creating a bigger bureaucracy before it actually gets on with talking about policy decisions and policy actions. These are the great disappointments that lie in its decision to introduce this bill in response to an inquiry and a report. That is the only significant response the government has made, and the response is simply to set up an agency—not to consider any of the other substantive recommendations of the report but to swell the ranks of Canberra’s Public Service a little bit more by setting up an agency.

This is one of the many, many reports that this government has commissioned in its two years in office. Report after report has piled up through this time, including in the health portfolio. There are so many reports and reviews and yet there has been so little sub-
stantive policy action on the recommendations or findings of the reviews. We see in the health area the classic example. The government promised big before the last election. On public hospitals it promised that it would take over management by July this year—the July that has already passed—if the states had not got their acts together. Of course, that promise has been thrown out the window.

We have seen a review come back to the government on the public hospital system and the health system. They have had their review and it has reported. What have they done in response to that report on the public health system and the many, many recommendations contained within it? They have gone to consultation. We had a review into the public health system and our hospitals, and they have now gone to consultation.

**Senator Cormann**—And reviews into the review.

**Senator BIRMINGHAM**—As Senator Cormann says, it is a review into the review. They have gone to consultation. Little wonder that yesterday in question time government senators appeared to look so dispirited, worn and tired, because I understand that the consultation strategy proceeded yesterday with the Prime Minister in the Labor Party caucus giving a PowerPoint presentation on the consultation strategy. People like to talk of death by PowerPoint. I can only imagine what a PowerPoint presentation by the Prime Minister would be like. I understand he inflicts these presentations on the Labor Party caucus on quite a regular basis, which must be a most painful activity for all and sundry who have to go through it. I can only imagine that in this instance the Prime Minister would have stood there and there would have been a picture of the Prime Minister and Minister Roxon with some nurses and then another picture of the Prime Minister and Minister Roxon, perhaps in surgical gowns—some nice photos that could, perhaps, go in their electorate publications as long as the Department of Finance and Deregulation approved the content as not being electioneering. I can see slide after slide of the Prime Minister’s holiday tour around the nation’s hospitals as part of his review into the review and his consultation strategy.

It is a strategy that is so light on action and detail. All he is doing is talking and running around the country. What he is not doing is fixing the hospitals, hospitals that state Labor administrations have neglected and worn down for so many, many years. He is now failing to show the courage to stand up to those state Labor administrations and actually ensure there is some action in this area rather than an awful lot of photo opportunities.

In my home state of South Australia recently one of these consultations took place. The Prime Minister went to Murray Bridge. He wanted to talk about regional health, apparently, and visit a regional hospital so he very carefully chose Murray Bridge. The Prime Minister and the Minister for Health and Ageing know all too well that just there in Adelaide’s north lies the Gawler hospital. Hidden away in the budget details this year was a rezoning, a reclassification, of the Gawler hospital away from being treated as a regional hospital to being treated as a metropolitan hospital. The Prime Minister could have chosen to go to that semiregional, outer metropolitan area and talk to people there, but of course, no, he would not go there. He has not gone anywhere near the Gawler hospital in these consultations, because he knows the community there are very angry that the sneaky budget decision of this government last year is going to cost that community their health services and make it a whole lot harder to attract doctors to that area of Adelaide’s north.
This is the type of decision that the government are making. We have seen it on catastrophic, as we have discussed at length today. There are sneaky decisions in the health budget that take away services and benefits from communities, whilst the government conduct roadshows and PowerPoint presentations talking about what they might be able to do and trying to once again convince the Australian people, as they did before the last election, that they stand for something, even though there is no action behind all of those words.

That was the review into the public health system, which has gone off to its consultations and review. Then we had the Preventative Health Taskforce review. I think 134-plus recommendations came from the Preventative Health Taskforce review. There were a stream of recommendations there, and what has the government decided to do? What is its action out of this? Its action is contained in this legislation. That action is the Australian National Preventive Health Agency. I am sure we all look forward to having yet another agency in Canberra, yet another bureaucracy established, yet more public servants being paid.

Senator Cormann—They grow like rabbits!

Senator BIRMINGHAM—Indeed. There is no shortage of public servants. What we have seen in state Labor government after state Labor government around the country is a ballooning of public service numbers. They do not even know, half the time, how many extra they are getting. In South Australia they have thousands more public servants than even the Labor government ever budgeted for. They just woke up one day and had all these extra public servants. Quite clearly, this federal Labor government is going to go down the same path. Numbers will slowly creep up in all of the existing agencies and, on quite a regular basis, we will have new agencies coming into power. The Australian National Preventive Health Agency will of course be one of them.

What we need is health outcomes, not health bureaucrats. What we need are actions, funds and policies on the ground and in communities around Australia that provide real, tangible health benefits, not more health bureaucrats sitting in Canberra trying to tell people how to live their lives. This agency is going to have a $133 million budget. It will spend $2 million this year on marketing campaigns—and I will come in a moment to some of those ideas of marketing campaigns and agencies telling us how to live our lives. That figure will balloon out to $33.8 million in 2010-11. So there will be nearly $34 million that year in marketing campaigns by this new government agency, with all of its bloated bureaucrats and so on adding to the great Canberra bureaucracy.

Thirteen million dollars over four years will go into what is euphemistically described as ‘translating research into practice’. It would be interesting to see just what that actually meant. It may well mean yet more research, or it may mean—and this is the great fear out of this—that the government will hand over policy powers, some level of arbitrary decision making, to an unelected body. We believe that the government should respond to the Preventative Health Taskforce report in its entirety. That is what the second reading amendment to this bill, sensibly moved by Senator Cormann, calls for, and I hope that this chamber will support it. The second reading amendment would ensure that the government actually gave a response to all of the recommendations in the Preventative Health Taskforce report and that the government set the policy and did not handball the policy decision making off to unelected health bureaucrats. That is the risk in establishing these types of new agencies—
that is, that the government takes decision making out of the hands of this parliament, out of its own hands, and gives it away because it finds it easier to let other people make decisions and finds it easier then not to have to front up for the blame for the types of actions and decisions that these agencies might follow through with.

This whole agenda around preventative health is an interesting one, because it is an area where, with too many powers, agencies such as this one could have very profound impacts on the way people choose—quite knowingly—to live their lives. It is not a news flash, it is not some earth-shattering, groundbreaking news, to tell Australians that smoking is bad for them. It is not earth-shattering news to tell Australians that drinking to excess is bad for them. Equally, it is not earth-shattering news to tell Australians that gorging themselves on fatty foods is no good for their ongoing health. These are not groundbreaking bits of news—far from it. These are facts that the overwhelming majority of Australians already understand.

I would hazard a guess that, if you asked that question—whether smoking was good or bad for them, drinking to excess was good or bad for them or eating an unhealthy diet was good or bad for them—of 99 per cent of Australians, they would all know that each of those things was bad for them. Yet they continue in some instances to do it. That is not to say that it is good that they do it but it is to say that no number of marketing campaigns, no number of budgets in these areas will enable you to convince or stop people from making what in the end to some extent are free choices to be able to actually decide how they lead their lives. Unhealthy lives we would all like to discourage, but there are limits to how much government should interfere in people’s lives to discourage them from leading unhealthy lives. Government is not some nanny state that is there to hold the hand of everybody each time they go to the supermarket, to tell you, ‘No, you should not put that in your shopping trolley.’ That is not the role of government and that is not what we should be seeing out of these types of preventive health agendas.

Preventive health is far wider an issue than the government has chosen to pursue in this particular taskforce report and indeed the working of this agency. Preventive health relates to the overall avoidance of disease development, supporting early diagnosis and reducing negative impacts or complications of established diseases—all very worthy aims. Using condoms, washing hands, cleaning areas of food preparation and providing immunisations are all quite worthy aspects of preventive health. These are things that seem to be overlooked in the remit for this agency and seem to be overlooked in the approach of the task force. Yet early screening, testing for a range of diseases and more work on family history are all important things that the government should be putting high on the priority list. But no, it chooses to go for the sensationalist aspects that get good, cheap headlines: those things to do with smoking, drinking and fatty foods. The media lap up the stories on clamping down on these things. They love to hear the stories of inflated estimates of just how much these types of activities might actually cost.

Let us look at how much some of these things cost, not in terms of overall economic loss that takes in a whole range of extraneous factors that those who like to sensationalise put together but let us actually look at cost to hospitals. We will pick on smoking because everybody else picks on smoking. I do not see why I should not as well. A federal government report in 2005 found that the cost of smoking to the hospital system was some $670 million. That is a significant cost of smoking to the hospital system, and I acknowledge there would be other direct costs
to the health system from smoking that would add to that very significant price tag. But what do we collect in tobacco excise? It is $5.5 billion, with GST on top of that. There is $5.5 billion in tobacco excise collected every year. We are already taxing smokers and drinkers quite significantly to pay for their sins of smoking or drinking to excess, to make sure that they pay for the additional cost that they put on the health system and our health services, to make sure that there is a financial disincentive as well. A financial disincentive is welcome and is an important part of the types of measures the government has pursued over the years. These are reasonable measures that have been built up over a long period of time.

Taxes on tobacco and alcohol have their place. They have been growing over many years to the level we have today and they act as a deterrent. There comes a point where you push beyond that deterrence level and you start to encourage, in the case of tobacco, the use of chop chop, illegal activities, activities by bikie gangs or others. You end up with government policies that encourage the types of underground businesses that prohibition for time immemorial has been seen to foster that society should not encourage. That is why getting the right balance in these policies is so important.

It seems that very little of this debate has actually focused on when we cross the line of unnecessarily telling people how they should live their lives or unnecessarily instructing businesses on how they should run their businesses. There is no way that in those types of interference we should be handing power over to an unelected body like the Australian National Preventive Health Agency. We should be ensuring as a parliament that we set the policies in these areas; that we make sure that the tax rate applied to these areas is correct, not too much, not too little; that we make sure that the public education campaigns applied to not smoking, not drinking to excess and having a healthy diet are not too much, not too little; that we make sure that the parliament and the government and the elected officials are actually the ones who have the total control over these very important policy areas that impact directly on how people choose to live their lives. It is not up to unelected bureaucrats, and indeed we as elected officials should be very mindful that we do not cross that line of unnecessarily impinging on people’s freedom of choice to be able to live their lives as they reasonably see fit so long as they do not cause harm to others. That needs to be the prerequisite. We of course need to pursue the types of policies that have been pursued over the years in relation to smoking and in relation to drinking that minimise the harm caused to others, that seek to eliminate the harm caused to others. But in the end people’s choice to do these things for their own selves, in their own body, needs to remain their own choice.

There are some reasonable ideas contained in the Preventative Health Taskforce report. Increasing the provision of fresh food to remote Indigenous communities is something government should be actively addressing. Working to reduce tobacco and alcohol abuse, particularly in those communities, is something government should be addressing. Tackling obesity and diabetes and providing for better sports and encouraging active, healthy lifestyles in schools is something government should be addressing. But government should be addressing those things before they ask us to vote on this bill. We should be expecting that this government and this Senate defer consideration of this bill rather than handballing another report off to another agency that will probably undertake another review. Let us hear your comprehensive responses to the Preventative Health Taskforce. When we hear your comprehen-
sive responses, we will happily debate this bill. When we know what the agency may or may not be undertaking on a policy basis, we can make a considered decision. Until then, this bill should lie on the table or be defeated.

Senator XENOPHON (South Australia) (6.38 pm)—I support the second reading of the Australian National Preventive Health Agency Bill 2009. I understand the coalition’s criticisms of this bill, but I believe that it is an important way forward. It is important because having a preventive approach to sickness is pretty fundamental to any good health system, and I commend the Minister for Health and Ageing for going down this path. The fact that this will be a statutory body is welcome as well, but I think that it also needs to be independent and to give advice that it is clear, unbiased and free of any government interference. That is why I believe that the amendments to be moved by the Australian Greens have a lot of merit when it comes to the independence of this body.

Australia does not need a bigger health bureaucracy without more information and better advocacy. That is why it is important that the focus of this agency be on making robust recommendations on bettering the health of Australians in order to prevent illness and disease. It is important that the agency provide leadership on preventive health surveillance and data and to promote standards of preventive health. This body has an enormous opportunity to do a lot of good in the community when it comes to health, and I commend the health minister for introducing it, but I believe that it could be more independently structured. I note that the Australian Greens have proposed amendments to the bill that relate to the agency’s scope for looking at alcohol and tobacco. I also note Senator Fielding’s very genuine concerns about alcohol abuse in the community. It is important that this body look at preventive strategies in that area. Other substance abuse also needs to be covered. We cannot underestimate the devastation that substance abuse such as crystal meth and heroin abuse causes to individuals, families and communities. That is why this bill must have a clear focus on dealing with other substance abuse.

I have a concern about the independence of the body, which should be embedded structurally. I also have concerns about the recommendations that this body makes, which should be as transparent as possible. After all, if we are dealing with an issue of public health, those recommendations ought to be transparent and subject to public scrutiny. That is why I will be moving an amendment that will ensure that recommendations made go on the web. That does not require the government to actually implement those recommendations, but it does require a degree of transparency and robustness in the debate on this.

I expect that I will have much more to say about this in the committee stage. I support the second reading of this bill. It is important that we get it right. It is also important that the government be transparent in any negotiations that it has undertaken with all parties on this bill and that we do not lose this opportunity to make some significant advances in preventive health in this country. I commend the minister’s focus on that. I also commend Senator Cormann for his forensic and robust advocacy of his concerns—

Senator Cormann interjecting—

Senator XENOPHON—I think that Senator Cormann is doing what a shadow spokesman should be doing: keeping the government to account. The government’s failure to provide details of recommendations should be condemned, and I supported the opposition on that. I agreed that those details should be provided, but I do not agree
with the opposition’s belief that the government’s conduct on the recommendations is a reason to stop this body being set up. That is my fundamental difference with the opposition. I look forward to a robust committee stage and hope that the government acknowledges the merit of a number of amendments that are being moved, so enabling this bill to be passed.

(Quorum formed)

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.46 pm)—I thank the senators who have contributed to the debate on the Australian National Preventive Health Agency Bill 2009 and confirm for those who may be listening to this debate that the government absolutely acknowledges that our health system is in desperate need of reform and that we need to deal with the health issues of the 21st century. I am not going to dignify Senator Birmingham’s contribution—some of the nonsense that he put forward was quite ridiculous. We could only begin to wonder how the coalition’s consultation process would have played out given the intensity of the issues and the concerns that Australian people have about our reform agenda and the situation with respect to health in Australia at the moment.

It is very clear that the Australian people understand that the Rudd government has a very ambitious three-pronged health reform agenda. It is a complex issue, one that the previous government shirked and short-changed for over a decade and one that our government has said it is determined to tackle. In opposing the passage of this bill today, those opposite have disgraced themselves on the issue of health. The government has undertaken three interlocking and complementary reviews via the National Health and Hospitals Reform Commission and the national Preventative Health Taskforce.

A key part of their recommendation is the establishment of some infrastructure to guide, oversee and build the evidence base for more effective preventative health measures. The agency was scheduled to start work on 1 January next year, with $133 million allocated for its immediate work to fund research, to conduct public health campaigns and to develop contemporary national guidelines, standards, codes and other activities. One of the first tasks earmarked for the agency was to run a new, focused antismoking campaign and to conduct some translational research to reduce obesity—the scourge of the 21st century around the modern world. Just five days ago, we had Liberal Party support in the other place for this agency. The member for Dickson said:

The objective of preventative health measures to alleviate pressure on the public hospital system is rightly supported by both sides of politics. But today what have we seen? We have seen Senator Cormann come in here and undermine his health spokesperson and move an amendment that is effectively about blocking the establishment of this agency.

Senator Cormann—Mr President, I raise a point of order. The speaker for the government is misleading the Senate. Obviously she has her talking points from the Minister for Health and Ageing, who is getting so desperate given that she is not making any inroads in her health portfolio that she now has to perpetuate these sorts of lies.

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

Senator STEPHENS—Senator Cormann’s amendment moved today to delay and effectively block the establishment of the
agency has a purpose. It defies logic that, 12 months after this was announced, months after it has been publicly debated and only days after it was supported as noncontentious by the Liberals in the Main Committee, they are now against it. It makes no sense.

Debate interrupted.

**DOCUMENTS**

**Consideration**

The following government documents tabled earlier today were considered:

Department of Climate Change—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.


**ADJOURNMENT**

The **ACTING DEPUTY PRESIDENT** (Senator Mark Bishop)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

**Geraldton Community Cabinet**

Senator PRATT (Western Australia) (6.52 pm)—I rise this evening to thank the community of Geraldton and the surrounding region for their support for the recent community cabinet held on 1 October. This was the third community cabinet held in Western Australia. There was a great turnout, with around 360 community members attending the public forum with the Prime Minister and cabinet members. This was followed by a series of meetings between ministers and representatives of the community.

Music students from John Willcock College, Geraldton Secondary College, Geraldton Grammar School, Geraldton Primary School, and the Allendale, Beachlands and Mount Tarcoola primary schools all entertained the gathering before the arrival of the Prime Minister and ministers. We were welcomed to John Willcock College, the venue for the community cabinet, by Principal Julie Campbell. Yvonne Radcliffe, a Naaguja elder, gave the welcome to Yamatji country. Ashleigh Websdale, a year 9 student from John Willcock College, sang the national anthem. Well done, Ashleigh; you did a beautiful job. I would like to thank all these people for helping to make the community cabinet a success.

As the PM highlighted at the community cabinet meeting:

It’s very easy for somewhere as remote as Canberra from this community of Geraldton and this region, for governments, whatever their good intent, to simply become detached from the reality on the ground. That’s why every six weeks or thereabouts the Government goes out to a different part of Australia. It’s the first time a Commonwealth government has done this.

It is a very important initiative. Ministers gained firsthand insights into issues in the region through their numerous local meetings, before and after the community cabinet, and from the forum itself. Issues raised at the forum included progress on local projects, such as the Oakajee port development; Australia’s bid for the Square Kilometre Array project; changes to the youth allowance; native title claims; climate change and energy efficiency; and funding for the rock lobster industry. The community cabinet process
highlighted what a dynamic and growing place Geraldton is.

Geraldton holds an important key to growth for the state and the country: from iron ore and magnetite resources to the big wheat crop that is expected this year; from the fishing industry to the growth of the wild goat harvest, with its significant economic and environmental benefits; from the incredible opportunities for science that the Square Kilometre Array represents to the important dynamic community services that cater to the city and the region with their innovative programs. Geraldton’s strong and active community works hard to make the most of its opportunities and seeks to share these opportunities with everyone.

Here are some of my highlights that really illustrate Geraldton’s drive and community spirit. It was terrific to visit the Geraldton Street Works Corporation with the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon. Jenny Macklin. Geraldton Street Works, otherwise known as ‘Streeties’, started in 1991 in response to the needs of young people who were roaming the streets of Geraldton late at night. Streeties provides innovative youth services to both Aboriginal and non-Aboriginal children and young people in Geraldton. In a short time I was able to get a glimpse of what a terrific community force this organisation is, providing programs for young people that develop in them a sense of respect for themselves and others, confidence, resilience and security. It was great to meet some of the young community leaders that Street Works is developing. I would like to thank you, Streeties, for the delicious kangaroo tail stew and damper.

I was also moved by the work undertaken by the Geraldton Womens Health Resource Centre. The centre has just commenced a program to support women with post-natal depression. I thank the centre for their commitment to improving the health and well-being of local women, especially those who are experiencing domestic violence or social isolation.

I was also very pleased to visit the Geraldton Legal Aid Office. The agency explained to the Attorney-General and me the difficulties they face in providing remote and outreach legal services. Along with the Minister for Employment Participation, Senator the Hon. Mark Arbib, I met with the Salvation Army’s Employment Plus service. The service staff talked to us about the importance of Indigenous employment programs and about how their new service rollout was going. I am pleased to report they are off to a good start.

While in Geraldton, Senator the Hon. Kim Carr, Minister for Innovation, Industry, Science and Research, announced $4 million for the CSIRO Murchison Radiospectra Observatory Support Facility. This initiative capitalises on Geraldton’s unique location. It enables it to serve as a major link between the proposed SKA bases at Boolardy Station in WA’s midwest and Perth. The facility will link Geraldton based researchers with the world-class $80 million Pawsey High-Performance Computing Centre for SKA Science to be built in Perth. Geraldton will also significantly benefit from the National Broadband Network, as the Geraldton to Perth link has been named as a national priority for the NBN. The link contains additional capacity to accommodate the SKA. Geraldton and the surrounding region is set to play a key role in Australian and international astronomy. It will be exciting to watch this unfold in coming years.

While in Geraldton, the Prime Minister announced funding for new cycling facilities in the city. This project will support local jobs as well as build permanent facilities to
encourage healthier lifestyles and a more sustainable community. These include the construction of new bike racks, new off-the-road concrete bike paths and the establishment of three bike lanes along key roads. These facilities will complement the foreshore that the Gallop government revitalised, which is now looking terrific.

The Rudd government is committed to understanding the issues confronting Geraldton as a dynamic, important and growing regional city. This is underscored not only by the community cabinet visit but also by the fact that Kevin Rudd is the first prime minister to go to Geraldton in 55 years. He has been not once but twice in the last year. Finally, thank you to the many hundreds of people from Geraldton and the wider region for taking time to raise your issues with the Rudd government and for sharing your vision for your community. In partnership with you, the Rudd government can help your vision be realised.

Tree of Knowledge

Senator McGauran (Victoria) (6.59 pm)—We have just heard the previous speaker waxing lyrical with regard to community cabinets. The truth of those community cabinets is that they are absolutely controlled to the hilt by the prime minister’s department—and contrived to the hilt by the prime minister’s department. They are an incredibly expensive exercise, and half of them leave their bills behind for the local township to mop up. They are steeped in spin. The only ones to fall for those community cabinets are Sky TV, who foolishly televise the community cabinets. I have sat there on a boring day watching them—for about five minutes before I switched over to something a bit more interesting. Something more contrived and controlled I have never seen before. It fools no-one but, as I say, Sky TV.

This evening what I would like to talk about is the Rudd government, and that is a good entree that I have just given. Since the election of 2007 it has certainly taken to the public purse with vengeance—having been denied access to it for almost 11½ years during the previous Liberal government. They were stewing over all those years. Seeing the debt paid off, the surplus racked up and the future funds created must have been anathema to the Labor Party. Since being elected to government, Labor have reverted to their tradition of debt, deficit and waste—and wasteful, frivolous, laughable, self-indulgent and corrupt spending. There are two prime examples, which we have brought to this chamber on several occasions. The first, of course, is the ‘Julia Gillard memorial school halls’ project, where billions of dollars have been wasted on projects which would be hideously laughable if they were not so serious. The greatest example is the pink batts program, where $3.9 billion is being spent on pink batts. That says it all—$3.9 billion being spent on pink batts. As I say, it would be laughable if it were not so serious.

Tonight I would like to bring to the attention of the Senate something even more laughable than those two examples—something more frivolous, more wasteful and frankly more corrupt. I am referring to Labor’s so-called Tree of Knowledge. It was asserted by Labor that the tree, a ghost gum that stood in the township of Barcaldine in central western Queensland, was where the Labor Party was formed. Myth has it that a group of shearers sat under the tree during the famous shearers’ strike of 1891 and discussed the beginnings of a political movement. Typical of Labor Party history, it is delusional. Equally typical of Labor, they do not mind throwing millions of taxpayer’s dollars at their delusions. This is the case with the so-called Tree of Knowledge. The federal government allocated some $2.9 mil-
lion of taxpayers’ money and the state Labor government gave an equivalent amount to establish a shrine around the tree at Barcaldine in Queensland.

Now comes the myth busting—the truth that Labor cannot handle. First of all, the allocating of government funds to such a blatant party political cause is a rort. The ALP has made no contribution to the project. Frankly, it seems that the political party, now that it is in government, is unable to distinguish between government money and party finances. Secondly, putting aside all the pretentiousness of calling Labor’s sacred site a ‘tree of knowledge’ after the biblical tree in the garden of Eden, the tree in fact is not a tree—it is a stump. The actual tree was poisoned many years ago. It has been reduced to a stump. Moreover, in 2008 the stump was pulled out of the ground, at great expense to the taxpayer, and transported to Brisbane. It was preserved in some sort of formula and then sent back to Barcaldine to be replanted. I have a picture here of the stump being pulled out.

There is more. This comical farce continued when the dead stump was returned from Brisbane and had attached to it an artificial trunk, branches and leaves. There is more to this ridiculous joke: historians Peter and Sheila Forrest were commissioned by the local council to carry out a history of the site. Much to everyone’s embarrassment, they discovered and proved beyond doubt that no shearer ever sat under this tree on strike or even during a smoko. But wait, there is more! Labor knew all along of this historical fraud and tried to cover it up. But the truth was so compelling that even the noted Labor Party historian Manfred Cross said, and I quote:

I am quite satisfied that what the Forrests put down on paper on the basis of evidence is quite accurate.

I invite Senator Faulkner, a noted Labor Party historian, to come into the chamber and dispute the facts if he believes my claim is wrong. It is one thing to mythologise about your origins stemming from shearsers meeting under a ghost gum; it is another to fleece taxpayers of millions of dollars based on an untruth, and a party political one at that. It tells us more of what is at the core of Labor’s very ethos. There was a grandiloquent opening of the shrine on May 2 this year. I received an invitation to it but did not bother going; however the Premier of Queensland, Anna Bligh, did and the Minister for the Environment, Heritage and the Arts, Peter Garrett did—and, in full knowledge of this false history, they perpetrated the lie; and in the full glare of the cameras they told it. The fix was in.

The fourth point is what a hideous monstrosity it is that they opened. Frankly it has ruined whatever aesthetic attraction Barcaldine might have had. It is an ugly piece of architecture built over a dead stump with artificial limbs and no history, and it looms over the whole town. Again, I have pictures to give evidence of my claim.

The PRESIDENT—Senator McGauran, it is disorderly to waive things around in the chamber.

Senator McGAURAN—Even when you see this monstrosity, you cannot believe it. It has made the township of Barcaldine a laughing stock—and it deserves to be so, as the local council played along with this myth. The architect, and moreover those who approved the design, must have been hallucinating. The much maligned ‘Big Peanut’ from the City of Cairns has more appeal and artistic merit.

So far we have the local council, the Premier of the state, a federal minister, the Labor Party and its historians all playing along with this game, at taxpayers’ expense. But
the charade is also joined by a peak body and keeper of our historic and most treasured sites, the Australian Heritage Council. It might surprise if not shock people to know that the so-called Tree of Knowledge was placed on the National Heritage List in 2006. It was listed along with the Sydney Opera House, the Royal Exhibition Building, Sydney Harbour Bridge, the Melbourne Cricket Ground and so on—great icons.

Senator Conroy—On a point of order, Mr President: it would be misleading the Senate not to include Greg Hunt.

The PRESIDENT—There is no point of order, Senator Conroy. Resume your seat.

Senator McGauran—It is a most exclusive and beautiful list that the stump is quite undeserving to be associated with. In the Heritage Council’s annual publication they wax lyrical about the tree’s size and historical importance and glorify the so-called historical connection between the shearsers sitting under the tree and the Labor Party. But the question rightly asked of the council is: what is the truth? Well, I finally received a reply to that question from the Australian Heritage Council. The council as good as acknowledged the tree was not a meeting place. Nevertheless, it says in its letter to me, ‘The tree is a symbol.’ If you say it enough, a lie becomes the truth. I guess that old saying comes to life in this situation—very much Labor’s creed and modus operandi.

It is probably all too hard under a Labor government for the council to extract the stump of knowledge from the National Heritage List. But it ought to be extracted if Australia is going to have a heritage list that is credible, devoid of political bias and of genuine consequence, including such sites as Mawson’s Hut, Old Parliament House in Canberra and the Australian War Memorial. These are heavyweight listings and are diminished by the stump. This is an issue that very much sums up modern Labor—fake and always milking the public purse. I regret that so many people have played along with Labor’s scam, which would be funny except for the millions of taxpayers’ dollars involved.

Veterans Affairs: Pensions

Senator MARK BISHOP (Western Australia) (7.09 pm)—In the adjournment debate tonight I wish to address a matter of substance, a matter I have raised on previous occasions—namely, the defence widows pension. It is also known, incorrectly these days, as the war widows pension. The difference in terminology is important for one particular reason. Through the work of the Senate committee on foreign affairs and defence in 2004, the distinction between widows was identified. Widows bereaved by a death on operational service overseas were treated differently to widows bereaved in Australia in peacetime service. The committee’s view simply was that we should not distinguish between causes of death. Grief, of course, does not distinguish between widows. Also, it is very hard to distinguish between the death of someone on the battlefield and the death of someone who dies some time later from wounds incurred there, though the longer the period between death and injury the lower the probability of any connection.

That is a very important principle and one I trust is never lost. It is important because it also applies to other areas of military compensation. The same distinction, conceivably, should also be made for disability compensation, as it is overseas in all allied jurisdictions. That is, an injury incurred on overseas service should be treated the same as if it occurred in peacetime. One of the great inequities in military compensation is there is a 50 per cent premium for compensation for injuries incurred overseas. Yet for serious injuries—that is, a permanent impairment
over 80 points—the compensation is the same. Quite frankly, the sooner we get rid of this discrimination of benefits based on service the better. I know from the Senate committee hearings in 2004 that this is also the view of most ex-service organisations.

I am prompted to raise the widows pension matter again, sadly, for much the same reason as I did some years ago. On Sunday, 27 August the Sunday Telegraph led with a shock-and-horror headline across its front page. The headline decried the circumstances of a recently widowed lady whose husband had been killed in Afghanistan—as we all know, a very sad set of circumstances, one in which we all sympathise and respect the emotions of loved ones. Nevertheless, the journalist concerned took flight with what can only be described as an ill-informed article. There was little mention of the facts. That waited for the next Sunday edition, and it was then still incomplete. The shock of it all was described as ill-treatment of the bereaved and the poverty of her financial circumstances. The facts were not allowed to get into that mostly alarming story.

Overall, the article created an immediate impression of an uncaring government and a widowed mother in great personal distress. It was quite a pathetic story in two senses—first, because many others in the media grabbed the story without asking questions, proceeding down the same crude, sensationalist road without interest in the facts or the sensitivities of the widow concerned or her family. The facts, of course, are something else. The second reason is that the widow, still grieving the loss of her husband, did not deserve to be made the subject of so much attention. I have no doubt here the intervention was well motivated, not to complain but to point out just how messy the current system is—and she was right to do so. Governments, I am afraid, are on a hiding to nothing in these matters, simply because the factual information is very personal and very private. That privacy must be respected—a value, it must be said, many in the media choose not to share.

Let me again set out the facts about a defence widow’s entitlements under the new Military Rehabilitation and Compensation Act. First, there is a lump sum paid immediately. That lump sum is indexed annually and currently set at $122,742. It is tax free, but after the age of 40 it reduces. That is paid immediately upon death by the Department of Veterans’ Affairs. I understand the salary of the deceased paid at the time of death continues for four pays. It continues at the rate of pay for the deployment but excluding the deployment allowance. Then the bereaved has a choice of a widows pension or a lump sum.

The current rate of war widows pension under the Veterans’ Entitlements Act is $339.50 per week. The lump sum is an actuarial equivalent of the pension depending on the age of the bereaved and reducing after age 30. For example, for a 30-year-old widow that would be a lump sum of $518,717. The choice is the pension on the one hand or the lump sum on the other. To help in making that decision and other financial decisions, $1,472 is available for advice of the kind sought by the particular person. In the case of dependants, there is a lump sum of $73,645 each, plus a pension of $81 per week. On top of that, there is educational support for each dependant of $223 per year for primary school. That payment rises to a maximum of $371.40 a fortnight per student child over 18 in homeless circumstances. Next there is a funeral benefit of almost $10,000, and of course a gold card for free medical care for life.

But that is not the end of it. Like all superannuated employee dependants, there is a reversionary pension of approximately two-
thirds of the expected member’s pension. There is also the return of all personal contributions plus interest. I have no idea what that might be and we are not entitled to know. Suffice it to say that it would be a reasonable sum. It could be worth several hundred thousand dollars depending on length of service. That is a standard death benefit. Then there is life insurance which is available to everyone deployed. The sensible take it, the gamblers do not—they strangely think they might be bulletproof.

If the inference of the media is that this is miserly, then I do not think anyone is in a position to pontificate. I certainly do not know what appropriate compensation is for the loss of a loved one is or how it might be calculated. The economic parameter might be easily calculated, but the future of the widow cannot be. The final point is that we do not know and cannot know all of the circumstances. Yet not knowing that and not being able to know that does not prevent the sensationalism of the media. What I do know is that this package is no doubt the most generous in the world. It is certainly way beyond any workers compensation scheme.

I fear that the widow in this case may have been genuinely seeking to make input to a current review which is underway. I suspect she may have been very emotional, as one would expect, and may have received poor advice. She may not have understood the complexity of benefits and one readily understands how that would occur at such a difficult time. Yet this difficult set of circumstances did not at all faze the journalist who swooped on a gory story at her expense. If there is a remark to be made here, it is that the system is unnecessarily complex. Grieving widows with children to care for inevitably find these matters difficult. Organisations like Legacy do a wonderful job of helping them, but the sums of money are large and whole lifetimes have to be planned in a short time frame. Children’s needs have to be predicted. Houses have to be purchased. New arrangements have to be made. In this case there is a custody matter to be settled and a new birth is imminent.

Again in these circumstances we see the risks of the relationship between Defence and the Department of Veterans’ Affairs, both administratively and in policy responsibility. The welfare of so many ADF personnel seems to be mashed across this departmental chasm once they transit from service. The minister has sought a review. However, it is possible in my mind that across this divide the widow’s care may well have been mishandled. One day we might get it right. We seriously need to rearrange the functionality assisting people leaving the services, providing a seamless transition which is not divided between institutional stovepipes.

Mr President, I hesitated to raise this issue, but when generous benefits and care for the bereaved are misrepresented, as they have been, something needs to be said. I simply hope that in the future the media might take a little more care in getting the facts correct.

**Poverty**

Senator XENOPHON (South Australia) (7.19 pm)—A few weeks ago I met with six very inspirational young adults from South Australia as part of the Micah Challenge. As many of my peers will agree, there is something incredibly inspirational about meeting the next generation of campaigners against injustice, today’s youth who want to change the world and who may well occupy these seats in years to come. During this meeting we spoke about their concerns for today and for the future—poverty, climate change and international aid issues—and what Australia can and should be doing to fight world poverty. According to figures released by UNICEF in early September last year, an
estimated 8.8 million children died before they even reached their fifth birthday. While, thankfully, that is down from 12.5 million deaths in 1990, it is still far too many. An estimated 8.8 million children die a day which equates to more than 1000 deaths every hour from illnesses such as pneumonia, diarrhoeal diseases, malaria and malnourishment—conditions which you are most unlikely to die from in Australia.

Around 40 per cent of the total deaths of children under the age of five occurred in India, Nigeria and the Democratic Republic of Congo. I was staggered when the Micah Challenge group presented me with an armband used by aid workers to assess how healthy a child is or, in most cases, is not. It indicated far too visually how malnourished some children are. To say it was confronting is an understatement; it was quite sickening to see how small that armband was. From what I was told and from what I could see of the measurements on the armband, some children have arms so thin I could fit my thumb and forefinger around the circumference of it with room to spare. In today’s world, with today’s standards and advancements in health and technology, in medicine and education, quite simply this should not be happening.

Since overseas development assistance began almost 50 years ago, donor countries have given some $2 trillion in aid—an amazing figure until you compare it with the $18 trillion that was spent globally to bail out banks and other financial institutions in response to the global economic crisis. The contrast is astounding—and insulting when you think about it. It means that over the last 50 years the developed world has spent on aid just 11 per cent of what it spent last year alone propping up financial institutions, many of which collapsed as a result of sheer greed or through incompetence. Compare that with the amount we spend on aid, on trying to help people survive and on trying to give people basic food, shelter and medical assistance.

There are 1.4 billion people living in extreme poverty today. That means that they have less than US$1.25 a day, or about A$1.40, on which to survive. Every time I come across these figures, I am taken aback. But a lot of it comes down to common sense. Around 2.6 billion people lack access to adequate sanitation. They do not seek lavish bathrooms with the latest stainless steel appliances and marble benchtops; that is not the case at all. They just need to have a toilet. That would mean that they would not defecate on the street and hygiene would be improved. In turn, less disease would be spread, making for better health outcomes. It is about common sense, basic standards of living which we take for granted. For those living in extreme poverty, however, it would literally be life saving.

In this year’s budget, the government committed $3.8 billion towards international aid, which represents 0.34 percent of the gross national income. However, both the current and previous governments have affirmed aspirations towards achieving the goal of 0.7 per cent of GNI going towards aid. The catchphrase ‘Kevin 0.7’ has a nice ring to it when it comes to lifting the amount of overseas aid. That is what is needed to make a significant difference in world poverty, and Australia can be a leader in relation to this. That is what Australia should be committing and, given the amount of money that has been dished out in handouts and in bailouts, surely this comparatively small amount of money can be found to make a real difference in the world, and in our region especially.

It can be all too easy for people to forget those in poverty on the other side of the world or even in our region. As they say, out
of sight is out of mind. But aside from human compassion, from an economic perspective it is in our interest to do what we can to help developing nations deal with this extreme poverty. These are the men, women and children who, one day, could become our trading partners. One day they will contribute to the global economy. We should therefore do what we can to help make a difference.

Another issue that has to be remembered is the impact of climate change. In and amongst all of our lengthy discussions and debates into strategies and measures, the impact of global warming on developing nations will be catastrophic. I do not want to get into the debate about whether it is anthropogenic or not. I happen to believe that it is anthropogenic but, even for those who are sceptical about the causes of climate change, the fact is that the impacts of global warming are real. According to a World Bank report released in September, developing countries will need to spend up to US$100 billion a year for 40 years from 2010 to combat the effects of global warming. An increase in temperature of two degrees could see an additional 1.8 billion people living in a water scarce environment by 2080 and an additional 400 million people exposed to malaria. An increase of three to four degrees could result in 330 million people being permanently or temporarily displaced by flooding. Subsistence farmers in developing nations will likely lose their source of food and income, and warming seas will result in intense tropical storms. And, as controversial as Senator Heffernan can sometimes be in some of his views, I think he is absolutely right when he warns about the impact of a global food security crisis and about the number of climate change refugees we could see in years to come unless we deal with these issues immediately.

At the same time as we look for solutions to climate change, so too should we be helping developing nations prepare and protect themselves for the future. As I mentioned earlier, it was incredibly inspiring for me to sit around a table with six young people—Rohan Miegel, Seth Emery, Mel Foster, Tara Parker, Allison Gosnold and Ben Quilliam—to hear their aspirations for the future and to see through their eyes how much better the world could be. The United Nations Millennium Development Goals, established in 2002, are: to eradicate extreme poverty and hunger; to achieve universal primary education; to promote gender equality and empower women; to reduce child mortality; to improve maternal health; to combat HIV-AIDS, malaria and other diseases; to ensure environmental sustainability; and to develop a global partnership for development. So what is Australia doing to ensure these goals are met? In an ideal world, if every OECD country contributed the equivalent percentage of gross national income its economy represents within the OECD, each of these millennium goals could be met. For example, Australia’s economy constitutes approximately two per cent of the combined OECD economies and so should contribute two per cent of its gross national income to development aid. That is, if we go beyond 0.7 per cent, we will actually make a huge difference in eradicating global poverty.

Of course, we do not live in an ideal world and so the international aid target has been downgraded; it is now calling on each OECD nation to make an effort towards allocating 0.7 per cent to overseas development aid. We are still only halfway there. We contribute just 34c for every $100. In fact, Australia ranks amongst the least generous aid donors, well below countries like Norway, Denmark, Ireland, France and the United Kingdom. We can debate endlessly about the pressures of the global financial crisis and about the mon-
eys Australia has given towards international humanitarian crises, but we simply cannot afford to let our support for poverty reduction slip. May I say, again, that it was a real eye-opener to speak with these six Micah Challenge representatives from South Australia who, in their youth, are trying to remind us of what can sometimes be forgotten in the busy workings of this chamber and the other place. Of course we need to ensure the security, growth and stability of our own land, but we cannot and should not forget the bigger picture of the sort of world we want to leave behind for our children and our children’s children.

Senate adjourned at 7.27 pm

DOCUMENTS

Tabling

The following documents were tabled:

Airservices Australia—Report for 2008-09.
Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2008-09.
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2008-09.
Australian Institute of Criminology and Criminology Research Council—Reports for 2008-09.
Cancer Australia—Report for 2008-09.
Commissioner of Taxation—Report for 2008-09, including financial statements for the Australian Taxation Office and Australian Valuation Office.
Department of Climate Change—Report for 2008-09.
Department of Foreign Affairs and Trade—Reports—2008-09—
Volume 1—Department of Foreign Affairs and Trade.
Volume 2—Australian Agency for International Development (AusAID).
Department of Veterans’ Affairs—Data-matching program—Report on progress 2008-09.
International Air Services Commission—Report for 2008-09.
Medicare Australia—Report for 2008-09.
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2008-09.
Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee and Department of Veterans’ Affairs—Report for 2008-09, including financial statements for the Defence Service Homes Insurance Scheme.
Repatriation Medical Authority—Report for 2008-09.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Human Services: Water
(Question No. 1979)

Senator Abetz asked the Minister representing the Minister for Human Services, upon notice, on 21 July 2009:

For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Ludwig—The Minister for Human Services, has provided the following answer to the honourable senator’s question:

Department of Human Services

In the 2008-09 financial year, the Department of Human Services, including the Child Support Program and CRS Australia, spent $86,119.39 on (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Of the $86,119.39, CRS Australia spent $57,145 on (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery. Water coolers are primarily provided for the amenity of job seekers.

Minister for Human Services

In the 2008-09 financial year, the Department of Human Services spent $1,668.40 on (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery for the offices of the Minister for Human Services.

Centrelink

In the 2008-09 financial year Centrelink spent the following:

(a) $31,459.16 on bottled water
(b) $2,810.67 on bulk water
(c) $7,778.33 on cooler rental
(d) $1,826.98 on cooler hire
(e) $361.60 on water delivery

Of the total expenditure on bottled water, $11,334 relates to purchases in the Northern Territory, to support remote services staff in isolated locations.

Centrelink’s financial accounting system does not explicitly identify the purchase of water products and the response to this question required a manual interrogation of records across the large number of Centrelink sites. Therefore a small number of paid invoices may not have been captured during the investigation, however it is unlikely that this would have been a substantial amount.

Medicare Australia

(a) bottled water - $13,669
(b) bulk water -nil
(c) cooler rental - $9,528
(d) cooler hire - nil
(e) water delivery - nil

QUESTIONS ON NOTICE
In the 2008-09 financial year, Australian Hearing spent $25,832 on (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Financial Services, Superannuation and Corporate Law: Water
(Question No. 1980)

Senator Abetz asked the Minister representing the Minister for Financial Services, Superannuation and Corporate Law, upon notice, on 21 July 2009:
For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Sherry—The Minister for Financial Services, Superannuation and Corporate Law has provided the following answer to the honourable senator’s question:
(a) Nil
(b) Departmental expenditure – Nil, Ministerial expenditure – $462.56
(c) Departmental expenditure – $2,458.16, Ministerial expenditure – Nil
(d) Nil
(e) Nil

The Treasury Agency’s responses have been provided in the Treasurer’s response to Question on Notice No. 1961.

Veterans’ Affairs: Water
(Question No. 1981)

Senator Abetz asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 21 July 2009:
For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on:
(a) bottled water;
(b) bulk water;
(c) cooler rental;
(d) cooler hire; and
(e) water delivery.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

The Australian War Memorial
The Australian War Memorial spent the following on drinking water in 2008-09:
(a) bottled water - nil
(b) bulk water - $1,046.37
(c) cooler rental - nil
(d) cooler hire - $680.00
(e) water delivery - $62.22

Treasury: Water
(Question No. 1988)

Senator Abetz asked the Assistant Treasurer, upon notice, on 21 July 2009:
For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Sherry—The Assistant Treasurer has provided the following answer to the honourable senator’s question:
(a) Nil
(b) Departmental expenditure – Nil, Ministerial expenditure – $490.90
(c) Departmental expenditure – $2,458.16, Ministerial expenditure – Nil
(d) Nil
(e) Nil

The Treasury Agency’s responses have been provided in the Treasurer’s response to Question on Notice No. 1961.

Financial Services, Superannuation and Corporate Law: Media Training
(Question No. 2017)

Senator Abetz asked the Minister representing the Minister for Financial Services, Superannuation and Corporate Law, 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 Sherry—The Minister for Financial Services, Superannuation and Corporate Law has provided the following answer to the honourable senator’s question:
No one from my office or myself have undertaken any media training since 24 November 2007.

Forest Industries Climate Change Research Fund
(Question No. 2037)

Senator Bob Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 July 2009:
(1) (a) Who are the members of the independent advisory panel that will assess applications to the Government’s recently announced Forest Industries Climate Change Research Fund (FICCRF); (b) what criteria were used to appoint these members; and (c) who selected the members of the panel.
(2) What measures are in place to ensure that there are no links between: (a) members of the panel and grant applicants; and (b) members of the Rural Research and Development Council and grant applicants.
(3) Who are the members of the Forest and Wood Products Council which identified priorities for investment for the FICCRF.
(4) Who are the members of the forest industries ministerial advisory committee which identified priorities for investment for the FICCRF.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) (a) Ms Mandy Wallace, Dr Glen Kile, Mr Andrew Wilson and Mr Warwick Ragg. (b) The criteria were defined in the approved guidelines for the fund as relevant expertise from the forestry sector, the scientific community and government. (c) Panelists were recommended by the Forests and Wood Products Council’s Climate Change sub-committee and approved by the Minister.

(2) (a) The assessment panel members will be supplied with a terms of reference and operating protocols for the assessment task and will be required to sign a code of conduct agreement, including a conflict of interest clause. Members will be required to declare, to the chair, all real and perceived personal conflicts and as a minimum refrain from voting on such matters. (b) The same procedures are proposed for the Rural R&D Council.

(3) The members of the Forestry and Wood Products Council are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position, Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr John Halkett</td>
<td>Technical Manager, Australian Timber Importers Federation</td>
</tr>
<tr>
<td>Mr Warwick Ragg</td>
<td>CEO, Australian Forest Growers</td>
</tr>
<tr>
<td>Mr Bob Pearce</td>
<td>President, National Association of Forest Industries</td>
</tr>
<tr>
<td>Mr Allan Hansard</td>
<td>CEO, National Association of Forest Industries</td>
</tr>
<tr>
<td>Mr Milo Foster</td>
<td>General Manager, Family Care Division, Kimberly-Clark Australia</td>
</tr>
<tr>
<td>Mr Richard Stanton</td>
<td>CEO, Australian Plantation Products and Paper Industry Council</td>
</tr>
<tr>
<td>Mr Marcus Derham</td>
<td>CEO, Willmott Forests</td>
</tr>
<tr>
<td>Mr Matthew Hughes-Gage</td>
<td>Vice-President, Furnishing Industry Association of Australia</td>
</tr>
<tr>
<td>Mr David Drane</td>
<td>General Manager, Australian Forest Contractors’ Association</td>
</tr>
<tr>
<td>Mr Jim Adams</td>
<td>CEO, Timber Communities Australia</td>
</tr>
<tr>
<td>Mr Michael O’Connor</td>
<td>National Secretary, Forestry and Furnishing Products Division, Construction, Forestry, Mining and Energy Union</td>
</tr>
<tr>
<td>Mr Luke Wilson</td>
<td>Chair, Forestry and Forest Products Committee</td>
</tr>
<tr>
<td>Ms Kersten Gentle</td>
<td>Executive Officer, Frame &amp; Truss Manufacturers Association of Australia</td>
</tr>
<tr>
<td>Mr Clive Dossetor</td>
<td>Board Member, Timber Merchants Association</td>
</tr>
<tr>
<td>Mr Bryan Tisher</td>
<td>Executive General Manager, Boral Timber</td>
</tr>
<tr>
<td>Mr Jason Wilson</td>
<td>Manager of Business Development, Carter Holt Harvey Woodproducts Australia</td>
</tr>
</tbody>
</table>

(4) The forest industries ministerial advisory committee is the Ministerial Advisory Council for the Forestry Industry (i.e. the Forests and Wood Products Council). Membership of that Council is included in the answer to question three.

Beverley Four Mile Uranium Mine

(Question No. 2047)

Senator Ludlam asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 3 August 2009:

With reference to the approval decision made under sections 130(1) and 133 of the Environment Protection and Biodiversity Conservation Act 1999 (the Act) in relation to the Beverley Four Mile Uranium Mine (EPBC 2008/4252), dated 13 July 2009:
(1) Given that the condition in 1(g) stipulates that approval is required to disturb Aboriginal artefacts or sites of significance in accordance with ‘relevant legislation’: is that legislation state/federal or both.

(2) Was the Minister aware that South Australian Aboriginal heritage assessment processes on the area were incomplete at the time he announced the decision.

(3) Apart from the invitation for comment required under the Act, can the Minister outline the efforts that were taken to meet and consult with the effected community regarding Aboriginal heritage protection issues prior to the decision.

(4) Can the Minister confirm whether the Adnyamathanha custodians of traditional knowledge have been provided with copies of anthropological surveys carried out on the Beverley Four Mile area; if so, to whom were these surveys provided.

(5) (a) Can the Minister confirm whether the company commenced operational work at the Beverley Four Mile extension before he had approved the plans under conditions 3, 4 and 7; and (b) has the Minister approved the plans under those conditions; if so, when.

(6) Has the proponent given a notification under condition 8; if so, when was this given.

(7) Can the Minister outline what measures will be taken to protect groundwater from radioactive contamination, or will the area be considered a sacrifice zone.

(8) (a) Is the Minister aware that acid in-situ leach mining is illegal in most Organisation for Economic Co-Operation and Development countries; and (b) is the Minister considering any law reform in relevant areas which would prohibit this form of mining in Australia; if not, why not.

(9) Does the previous record of the proponent play any part in the Minister’s considerations in assessing this project.

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

(1) ‘Relevant legislation’ in condition 1(g) refers to any applicable Commonwealth or State legislation.

(2) The South Australian Government had completed its heritage assessment for the purpose of making a decision on whether to approve the Four Mile project.

(3) The Adnyamathanha Traditional Lands Association has been established in accordance with the Native Title Act as the representative body of the Native Title holders. The proponent has consulted extensively with the Association and in May 2009, the Association voted at a full community meeting to support a Native Title Mining Agreement covering the Beverley and Four Mile mines. This agreement was formally signed on 11 June 2009.

(4) Advice provided to the Minister is that anthropological surveys were undertaken by the Adnyamathanha Traditional Lands Association, which represents the Native Title holders. The Association determines who within the Adnyamathanha community receives copies of these surveys and the Minister is not privy to this information.

(5) The company has not commenced operational work on the Four Mile lease. The Minister has not approved any plans under conditions 3, 4 and 7.

(6) No

(7) The approval conditions for the Four Mile project require strict monitoring to ensure that non-target aquifers are not impacted. The target aquifer to be mined is already radioactive and the mining process will not add radioactivity to that aquifer.

(8) (a) Acid in-situ leach mining is only suitable for certain site characteristics and, for this reason, would not be viable in many OECD countries such as the United States where alkaline in-situ leach...
mining is used instead. (b) No. There is no need to prohibit this form of mining where the impacts are acceptable and the mining method represents best practice environmental management.

(9) Under Section 136(4) of the Environment Protection and Biodiversity Conservation Act 1999, in deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister may consider the environmental history of the person taking the action.

Ageing: Social Inclusion

(Question No. 2048)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 4 August 2009:

(1) What programs are currently in place to encourage social inclusion of senior Australians.

(2) How much funding has been allocated to support social inclusion within the 55 and over demographic.

(3) Are there any programs that specifically deal with encouraging social inclusion within senior Australians that do not speak English.

(4) How much funding has been allocated to support social inclusion within the demographic of senior Australians that do not speak English.

Senator Ludwig—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(1) The Australian Government’s vision of a socially inclusive society is one in which all Australians feel valued and have the opportunity to participate fully in social and economic life. Achieving this vision means that all Australians will have the resources, opportunities and capability to:

• Learn by participating in education and training;
• Work by participating in employment, in voluntary work and in family and caring;
• Engage by connecting with people and using their local community’s resources;
• Have a voice so that they can influence decisions that affect them.

The Australian Social Inclusion Agenda is a whole-of-government approach, involving collaboration and coordination across a range of Australian Government departments.

Information on Australian Government programs and services to support social inclusion outcomes for disadvantaged Australians may be found through the links at http://www.socialinclusion.gov.au

Ageing and aged care programs funded through the Department of Health and Ageing make a significant contribution to enabling and supporting the opportunities that older people need to be socially included.

Through the provisions of the Aged Care Act 1997, the Aged Care Principles, and arrangements for programs funded outside the Act, ageing and aged care programs and services are designed to ensure that access to care is on the basis of need, services support personal interests and community participation, and that there are particular protections for groups at risk of exclusion, including to help ensure that their voices are heard.

The Act defines the following special needs groups at risk of exclusion because of social or financial vulnerability: people who live in rural or remote areas or are from Aboriginal and Torres Strait Islander communities; people from non-English speaking backgrounds; and those who are financially or socially disadvantaged, homeless or at risk of becoming homeless. These groups must be taken into account during the annual allocation of new residential places and community care packages and they are supported by special subsidy provisions.
Other targeted programs include:
- Assistance with Care and Housing for the Aged Program;
- Indigenous aged care plan;
- National Aged Care Advocacy Program;
- Community Visitors Scheme;
- Social re-engagement of frail older people;
- National Carer Counselling Program;
- Network of Carers Associations;
- Dementia Initiative;
- National Continence Management Strategy and Helpline; and
- Continence Aids Assistance Scheme.

(2) In relation to the Aged Care Portfolio, in 2009-10 aged care funding specifically for special needs groups will total more than $1 billion. This includes some funds appropriated to the Department of Veterans’ Affairs and administered by the Department of Health and Ageing. In addition to this funding, people from special needs groups access the mainstream and targeted services outlined in (1) above.

During 2009-10, the Government will provide $9.9 billion to support the aged care needs of older people, including $7.1 billion for residential aged care. This represents an increase in funding of nearly 10 per cent over 2008-09 levels.

(3) All aged care services are expected to provide culturally appropriate care for their care recipients. In addition, within the Aged Care Portfolio two initiatives – the Partners in Culturally Appropriate Care and the Community Partners Program, assist providers to deliver culturally appropriate care and social inclusive care to people from culturally and linguistically diverse communities, some of whom may not speak English.

(4) In 2009-10, the Rudd Government, under the Aged Care Portfolio, will provide funding for the Partners in Culturally Appropriate Care and the Community Partners Program totalling $6.5 million. In addition, support for people from culturally and linguistically diverse backgrounds is provided through the mainstream and targeted programs outlined in (1) above. However, it is not possible to estimate the level of funding supporting people from culturally and linguistically diverse backgrounds who access those programs.

Innovation, Industry, Science and Research
(Question No. 2050)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 6 August 2009:

How many innovation councils, strategy groups, advisory groups etc are operated by the department and can the following details be provided for each: (a) a brief description of their function; and (b) their total annual operating costs including stipends, airfares, accommodation, incidentals etc.

Senator Carr—The answer to the honourable senator’s question is as follows:

There are a total of 37 bodies within the Department of Innovation, Industry, Science and Research. Please refer to the attached table for detail on their function and total annual operating costs for 2008-09.
<table>
<thead>
<tr>
<th>Name of Innovation Council, Strategy Group, Advisory Group etc</th>
<th>(a) Function</th>
<th>(b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia-India Strategic Research Fund Advisory Panel</td>
<td>The Australia-India Strategic Research Fund Advisory Panel’s key role is to provide DIISR with an assessment of applications received under the competitive funding elements of the Fund including: Indo-Australian Science and Technology Fund; and Indo-Australian Biotechnology Fund. The Panel ceased operations on 31 December 2008.</td>
<td>$30,000</td>
</tr>
<tr>
<td>Australia-India Strategic Research Fund Expert Advisory Group</td>
<td>The Australia-India Strategic Research Fund Expert Advisory Group is an ad hoc advisory group which was formed in May 2009 to provide independent expert advice to DIISR regarding the future scope and structure of the Australia-India Strategic Research Fund.</td>
<td>$0</td>
</tr>
<tr>
<td>Australian Square Kilometre Array Coordination Committee</td>
<td>The Australian Square Kilometre Array Coordination Committee is an intergovernmental committee coordinating Australia’s bid to host the Square Kilometre Array radio telescope. It has established three advisory groups to advise it on science and technical matters; industry participation and procurement; and education and outreach matters.</td>
<td>$4,100</td>
</tr>
<tr>
<td>Automotive Industry Innovation Council</td>
<td>The Automotive Industry Innovation Council provides strategic advice on innovation priorities to Minister Carr, champions innovation in industry, and builds connections with other organisations including the Enterprise Connect network. The Council was established as part of the Government’s New Car Plan for a Greener Future initiative.</td>
<td>$256,464</td>
</tr>
<tr>
<td>Built Environment Industry Innovation Council</td>
<td>The Built Environment Industry Innovation Council provides strategic advice on innovation priorities to Minister Carr, champions innovation in industry, and builds connections with other organisations including the Enterprise Connect network. The Council considers industry innovation challenges like climate change, sustainability and industry competitiveness as well as issues such as regulatory reform, workforce capability, skills needs, access to new technologies and other priorities for industry.</td>
<td>$478,799</td>
</tr>
<tr>
<td>Clean Energy Innovation Centre Interim Advisory Board Climate Ready Committee</td>
<td>The Clean Energy Innovation Centre Interim Advisory Board provides advice to Minister Carr on the implementation of the Clean Energy Innovation Centre. The role of the Climate Ready Committee is to provide independent expert advice to the Innovation Australia Board and merit rank applications received under both Climate Ready and Re-Tooling for Climate Change programs which are part of the Clean Business Australia initiative. The Committee is also responsible for monitoring ongoing project activity under the former Renewable Energy Development Initiative program.</td>
<td>$20,066 $171,606</td>
</tr>
<tr>
<td>Name of Innovation Council, Strategy Group, Advisory Group etc</td>
<td>(a) Function</td>
<td>(b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>----------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>COMET Committee</td>
<td>The COMET Committee assists the Innovation Australia Board with the ongoing oversight of the COMET program through overseeing and endorsing the program guidelines and other key governance documents prior to their consideration by the Board; reporting on the performance of the program; advising on issues and options related to the longer term directions of the program for possible input to the policy development process; and reviewing the progress of the COMET Operational Plan on a quarterly basis and submitting reports to the Board for consideration.</td>
<td>$49,670</td>
</tr>
<tr>
<td>Commonwealth Commercialisation Institute Focus Group</td>
<td>The Commonwealth Commercialisation Institute Focus Group provides guidance and acts as a sounding board for various Commonwealth Commercialisation Institute options being considered by DIISR.</td>
<td>$7,972</td>
</tr>
<tr>
<td>Commonwealth Commercialisation Institute Government Committee</td>
<td>The Commonwealth Commercialisation Institute Government Committee provides advice to Government on the design of the Commonwealth Commercialisation Institute.</td>
<td>$330</td>
</tr>
<tr>
<td>Commonwealth, State and Territory Advisory Council on Innovation</td>
<td>The Commonwealth, State and Territory Advisory Council on Innovation, a council of high level policy government officials from the Commonwealth, States, Territories and New Zealand governments, advises Minister Carr and coordinates comment on their innovation activities and programs. With a targeted and strategic approach to innovation issues, the Council is intended to improve the effectiveness, integration and coordination of the Australian and New Zealand Innovation Systems.</td>
<td>$3,191</td>
</tr>
<tr>
<td>Cooperative Research Centres (CRC) Committee</td>
<td>The CRC Committee provides independent, expert advice to Minister Carr on applications for CRC funding (annual selection rounds); performance, monitoring and reviews of individual CRCs’ activities during their period of operation; and the planning, monitoring and evaluation of the CRC Program.</td>
<td>$273,667</td>
</tr>
<tr>
<td>Coordination Committee on Innovation</td>
<td>Announced in Powering Ideas: An Innovation Agenda for the 21st century, the Coordination Committee on Innovation is a group of government officials who meet to coordinate policy and delivery information on Australian Government innovation activities across portfolios.</td>
<td>$0</td>
</tr>
<tr>
<td>Creative Industries Innovation Centre Interim Advisory Board</td>
<td>The Creative Industries Innovation Centre Interim Advisory Board provides advice to Minister Carr on the implementation of the Creative Industries Innovation Centre.</td>
<td>$13,106</td>
</tr>
<tr>
<td>Name of Innovation Council, Strategy Group, Advisory Group etc</td>
<td>(a) Function</td>
<td>(b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Enterprise Connect Manufacturing Network Advisory Board</td>
<td>The Enterprise Connect Manufacturing Network Advisory Board provides advice to Minister Carr on the implementation of the Enterprise Connect Manufacturing Network.</td>
<td>$155,349</td>
</tr>
<tr>
<td>Future Manufacturing Industry Innovation Council</td>
<td>The Future Manufacturing Industry Innovation Council provides strategic advice on innovation priorities to Minister Carr, champions innovation in industry, and builds connections with other organisations including the Enterprise Connect network. The Council’s focus is on innovation-intensive, high technology, high value-add, high-skill manufacturing. This includes manufacturers using advanced processes, materials and technologies, such as the scientific and medical instruments, specialist engineering and aerospace industries, and related services.</td>
<td>$300,530</td>
</tr>
<tr>
<td>Green Car Innovation Fund Committee</td>
<td>The role of the Green Car Innovation Fund Committee is to act as an independent expert panel and to assess and rank eligible applications against merit criteria covering the innovation, technological, commercial and environmental benefits of applications submitted under the Green Car Innovation Fund (GCIF) and to oversee the administration of the program. The Committee is also responsible for monitoring ongoing activity under the Automotive Competitiveness and Investment Scheme Motor Vehicle Producers Research &amp; Development Scheme (ACIS (MVP) R&amp;D Scheme). In addition to its ongoing role in monitoring of activities under the GCIF and the ACIS (MVP) R&amp;D Scheme, the Committee is also responsible for providing advice on operational issues in relation to the two programs.</td>
<td>$14,297</td>
</tr>
<tr>
<td>Information Technology Industry Innovation Council</td>
<td>The Information Technology Industry Innovation Council provides strategic advice on innovation priorities to Minister Carr, champions innovation in industry, and builds connections with other organisations including the Enterprise Connect network. It acts as an advisory body to Minister Carr both in regard to innovation within the sector and IT’s potential to foster innovation across the economy.</td>
<td>$270,135</td>
</tr>
</tbody>
</table>
### Questions on Notice

<table>
<thead>
<tr>
<th>Name of Innovation Council, Strategy Group, Advisory Group etc</th>
<th>(a) Function</th>
<th>(b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Innovation Australia Board</td>
<td>Innovation Australia and its committees engage in activities which support its decision-making and advisory functions. The Board has been involved in key program outcomes and contributes its views and practical advice in relation to the programs for which it is responsible to Minister Carr through regular correspondence and meetings. The Board is an independent statutory body supported by a number of committees. Through its committees, the Board assists in administering Australian Government innovation and investment programs namely: Climate Ready Program; Commercialising Emerging Technologies (COMET) program; Early Stage Venture Capital Limited Partnerships; Green Car Innovation Fund; Innovation Investment Fund; Innovation Investment Follow-on Fund; R&amp;D Tax Concession (including the R&amp;D Tax Offset and 175% Premium (Incremental) Tax Concession); Re-Tooling for Climate Change and Venture Capital Limited Partnerships.</td>
<td>$716,477</td>
</tr>
<tr>
<td>Innovation Grants Committee</td>
<td>The Innovation Grants Committee provides advice to the Innovation Australia Board and was established to monitor ongoing project activity under legacy programs including the Commercial Ready (and Commercial Ready Plus), R&amp;D Start, and Biotechnology Innovation Fund. The Committee’s key responsibility is to maintain ongoing monitoring and compliance of activities for these programs (all closed to new applications).</td>
<td>$32,297</td>
</tr>
<tr>
<td>Innovation Investment Follow-On Fund Committee</td>
<td>The Innovation Investment Follow-On Fund Committee provides advice to the Innovation Australia Board and acts as an independent expert panel to assess and merit rank eligible applications against merit criteria covering the track record of applicant fund managers; the track record of investee companies and their commercial prospects and the overall quality and competitiveness of the follow-on funding proposal.</td>
<td>$15,294</td>
</tr>
<tr>
<td>Innovative Regions Centre Interim Advisory Board International Science Linkages Assessment Panel</td>
<td>The Innovative Regions Centre Interim Advisory Board provides advice to Minister Carr on the implementation of the Innovative Regions Innovation Centre. The International Science Linkages Assessment Panel’s key role is to provide DIISR with an assessment of applications received under the competitive funding elements of the International Science Linkages program including: Competitive Grants; Australia-China Special Fund for Science &amp; Technology Cooperation; and French-Australian Science and Technology Program.</td>
<td>$16,882</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$45,000</td>
</tr>
<tr>
<td>Name of Innovation Council, Strategy Group, Advisory Group etc</td>
<td>(a) Function</td>
<td>(b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Mining Technology Innovation Centre Interim Advisory Board</td>
<td>The Mining Technology Innovation Centre Interim Advisory Board provides advice to Minister Carr on the implementation of the Mining Technology Innovation Centre.</td>
<td>$47,863</td>
</tr>
<tr>
<td>National Collaborative Research Infrastructure Strategy (NCRIS) Committee National Research Infrastructure Committee</td>
<td>The NCRIS Committee was responsible for overseeing the detailed implementation of NCRIS. The Committee was disbanded in May 2009 and no longer operates.</td>
<td>$41,438</td>
</tr>
<tr>
<td>Paper and Pulp Industry Strategy Group</td>
<td>The National Research Infrastructure Committee will provide advice to DIISR and Minister Carr on issues spanning all levels of investment in research infrastructure from institutional to national and landmark investments.</td>
<td>$0</td>
</tr>
<tr>
<td>Pharmaceuticals Committee</td>
<td>The Pulp and Paper Industry Strategy Group has been formed by Minister Carr to undertake a review of the pulp and paper industry in Australia. The Strategy Group has been tasked with developing a plan to encourage innovation and attract investment in pulp and paper manufacturing in Australia. Members of the Strategy Group include senior representatives from the leading pulp and paper companies, unions, and all levels of government.</td>
<td>$59,501</td>
</tr>
<tr>
<td>Prime Ministers Science Engineering and Innovation Council (PMSEIC)</td>
<td>The role of the Pharmaceuticals Committee is to assess, rank and recommend Pharmaceuticals Partnerships Program (P3) applications for grants involving products, processes or systems with application in the pharmaceuticals industry. The Committee will also have a role in ongoing monitoring of activities under the program, including the provision of advice on operational issues such as the substitution of activities by successful applicants.</td>
<td>$34,307</td>
</tr>
<tr>
<td>Printing Industry Working Group</td>
<td>PMSEIC is the Australian Government’s principal source of independent advice on issues in science, engineering and innovation and relevant aspects of education and training. The Council discusses major national issues in science, engineering and technology and their contribution to the economic and social development of Australia. The Standing Committee of the Council comprising the non-ministerial members, oversees and contributes to studies and research aimed at improving understanding of major science, engineering and innovation issues.</td>
<td>$271,694</td>
</tr>
<tr>
<td></td>
<td>The Printing Industry Working Group was established by Minister Carr to provide a forum for the industry to inform the Minister of issues affecting the industry.</td>
<td>$30,928</td>
</tr>
<tr>
<td>Name of Innovation Council, Strategy Group, Advisory Group etc</td>
<td>(a) Function</td>
<td>(b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Public Sector Innovation MAC Project Steering Group</td>
<td>The Steering Group provides advice to, and oversight of, the project team undertaking the Management Advisory Committee project on Public Sector Innovation. It will cease operation at the end of 2009.</td>
<td>$328.76</td>
</tr>
<tr>
<td>Questacon Advisory Council</td>
<td>The Questacon Advisory Council is responsible for assisting Questacon in the setting of strategic directions and guiding development. From time to time the Council may provide advice to the Director of Questacon, the Secretary of DIISR or Minister Carr.</td>
<td>$20,710</td>
</tr>
<tr>
<td>Remote Enterprise Centre Interim Advisory Board</td>
<td>The Remote Enterprise Centre Interim Advisory Board provides advice to Minister Carr on the implementation of the Remote Enterprise Centre.</td>
<td>$30,271</td>
</tr>
<tr>
<td>Steel Industry Innovation Council</td>
<td>The Steel Industry Innovation Council will provide advice to Minister Carr on: a Supplier Advocate for steel; actions to increase access of Australian steel in major projects; and innovation which will enable the Australian steel industry to be more creative, productive and globally competitive.</td>
<td>$0</td>
</tr>
<tr>
<td>Tax Concession Committee</td>
<td>The Tax Concession Committee operates under delegation from the Innovation Australia Board. It is responsible for providing advice to the Board about the operations of the R&amp;D Tax Concession Program. It is responsible for assessing the eligibility of industry R&amp;D across all sectors including providing advice to the Commissioner for Taxation about the eligibility of R&amp;D activities claimed for the Concession. The Committee also provides advice about operational policy aspects of the R&amp;D Tax Concession program. For example, the Committee was involved in the debate surrounding the definition of R&amp;D for the purposes of the Tax Concession.</td>
<td>$101,217</td>
</tr>
<tr>
<td>Textile, Clothing and Footwear (TCF) Industry Innovation Council</td>
<td>The TCF Industry Innovation Council provides strategic advice on innovation priorities to Minister Carr, champions innovation in industry, and builds connections with other organisations including the Enterprise Connect network. It is part of the Government’s targeted TCF innovation package.</td>
<td>$0</td>
</tr>
</tbody>
</table>
Name of Innovation Council, Strategy Group, Advisory Group etc  (a) Function  (b) Total Annual Operating Cost (GST exclusive) For the 2008-09 financial year

Venture Capital Committee  The Venture Capital Committee administers the Innovation Investment Fund; Renewable Energy Equity Fund; Pre-Seed Fund; Pooled Development Funds; Venture Capital Limited Partnerships; and Early Stage Venture Capital Limited Partnerships. The role of the Committee is to assist the Innovation Australia Board administer this suite of programs throughout their lifecycles. This includes assessing applications for fund manager licences and for fund registration for the various programs and to make recommendations to the Board. The Committee assesses registration applications, negotiates licence agreements, trust deeds, partnership agreements etc with successful applicants. As part of its ongoing activities the Committee oversees management of the funds to ensure compliance with the various governing documents (including venture capital legislation) and reviews the performance of the funds and the fund managers.

$97,982

Foreign Investments (Question No. 2059)

Senator Bob Brown asked the Minister representing the Treasurer, upon notice, on 11 August 2009:

(1) On what equable basis did the Treasurer approve the purchase of six rural properties near Gunnedah, New South Wales, by the Chinese-owned corporation Shenhua Watermark.

(2) Is the Treasurer assured of reciprocity between China and Australia in such dealings, that is, that an Australian corporation could purchase six similar properties in China.

(3) Besides the recommendation from the Foreign Investment Review Board, what due diligence was undertaken by the Treasurer in making his decision.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

(1) Foreign investment proposals are subject to review under the Foreign Acquisitions and Takeovers Act 1975 (the act) and Australia’s foreign investment policy. These arrangements are for the review of the foreign investment proposals that may give rise to national interest issues. They do not replace approvals applying to all development proposals administered by State government agencies and ministers such as environmental or mining approvals.

(2) Australia’s foreign investment regime is non-discriminatory and Chinese investors are treated the same as other investors. Importantly, Chinese investment is subject to the same regulatory framework that covers all foreign investment to ensure it meets Australia’s national interest and regulatory standards.

However, investment by state-owned entities is specifically assessed against the six national interest guidelines that the Government published in February 2008.
(3) Australia’s foreign investment review arrangements involve consultation with relevant government bodies and take into account any submissions received from community bodies or members of the public.

**Beverley Four Mile Uranium Mine**

* (Question No. 2061)  

**Senator Bob Brown** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 11 August 2009:  

With reference to Government support of the development for the Beverley Four Mile Uranium Mine in South Australia in line with the decision taken at the 2007 Australian Labor Party National Conference to abandon the no-new-uranium mines policy: why is a similar respect not shown by the Government to the decision at the conference to seek World Heritage nomination for Antarctica.

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

The Australian Government is deeply engaged in the Antarctic Treaty system as a means of achieving Australia’s Antarctic objectives, including environmental protection.

The benefits of a World Heritage listing have already been achieved or exceeded in Antarctica through the international agreements that comprise the Antarctic Treaty system. These include the 1961 Antarctic Treaty, the 1970 Convention for the Conservation of Antarctic Seals, the 1980 Convention on the Conservation of Antarctic Marine Living Resources and the 1991 Protocol on Environmental Protection to the Antarctic Treaty (the Protocol), and measures adopted under those instruments. In particular, the Protocol declares Antarctica to be a natural reserve devoted to peace and science, and ensures that Antarctica’s environment is very well protected. Australia is an active participant in the Antarctic Treaty Consultative Meeting and plays a lead role in its Committee for Environmental Protection.

The listing mechanism of the Convention Concerning the Protection of the World Cultural and Natural Heritage (*The World Heritage Convention*) requires that only a country with territorial jurisdiction can make a nomination within that jurisdiction. The special legal and political status of Antarctica, accommodating the positions of both those countries claiming territory and those which do not recognise such claims, would present significant challenges in applying this listing mechanism.

**Centrelink**  

* (Question No. 2063)  

**Senator Scullion** asked the Minister representing the Minister for Human Services, upon notice, on 12 August 2009:  

Given that Centrelink administers the Newstart Allowance, the Youth Allowance and the Community Development Employment Projects (CDEP) program:

(a) (i) how many CDEP participants are employed or registered in communities in central Australia (including Kintore, Papunya, Yuendumu, Hermannsburg, Areyonga, Mutitjulu, Docker River, Finke, St Teresa, Ti Tree, Utopia, Lake Nash, Ali Curung, Willowra, or any other communities in the region with 20 or more recipients or participants), and (ii) can a breakdown be provided, by community or location, of these numbers; and

(b) can a breakdown be provided, by community or location, of the number of people in receipt of Newstart Allowance and/or Youth Allowance.

**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

(a) (ii) The Community Development Employment Projects (CDEP) program is administered by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).
Centrelink does not collect management information on new CDEP participants in the Centrelink System.

(b) The following table provides a breakdown by community or location, of the number of people in receipt of Newstart Allowance and/or Youth Allowance. The data is current to 14 August 2009.

<table>
<thead>
<tr>
<th>Count of Customers (Unique)</th>
<th>NSA</th>
<th>YAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALI CURUNG</td>
<td>74</td>
<td>&lt;20</td>
</tr>
<tr>
<td>ALPURRURULAM/LAKE NASH</td>
<td>103</td>
<td>22</td>
</tr>
<tr>
<td>AREYONGA</td>
<td>45</td>
<td>25</td>
</tr>
<tr>
<td>ARLPARRA/UTOPIA</td>
<td>&lt;20</td>
<td>&lt;20</td>
</tr>
<tr>
<td>FINKE</td>
<td>36</td>
<td>&lt;20</td>
</tr>
<tr>
<td>HERMANNNSBURG</td>
<td>92</td>
<td>31</td>
</tr>
<tr>
<td>KALTUKATJARA/DOCKER RIVER</td>
<td>79</td>
<td>21</td>
</tr>
<tr>
<td>KINTORE</td>
<td>98</td>
<td>22</td>
</tr>
<tr>
<td>MUTITJULU</td>
<td>44</td>
<td>&lt;20</td>
</tr>
<tr>
<td>PAPUNYA</td>
<td>102</td>
<td>25</td>
</tr>
<tr>
<td>SANTA TERESA</td>
<td>119</td>
<td>27</td>
</tr>
<tr>
<td>TI TREE</td>
<td>&lt;20</td>
<td>&lt;20</td>
</tr>
<tr>
<td>WILLOWRA</td>
<td>36</td>
<td>&lt;20</td>
</tr>
<tr>
<td>YUENDUMU</td>
<td>137</td>
<td>26</td>
</tr>
</tbody>
</table>

Note: Numbers less than 20 are not directly reported as this may enable a customer or group of customers to be identified.

Jobs and Training Compact
(Question No. 2064)

Senator Cash asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 12 August 2009:

With reference to the Jobs and Training Compact (the Compact):

(1) (a) What are the 12 distinct initiatives of the Compact; and (b) what are the key performance indicators for each initiative.

(2) As at 13 August 2009, what is the current performance of each initiative as measured against each of its key performance indicators.

(3) For each initiative, when will: (a) detailed information to be made public on its performance; and (b) any information be made public on its performance.

(4) Will there be regular public reports released on the monitoring and evaluation of each initiative.

(5) For each of the past 5 calendar years, what is the total Commonwealth Government contribution to: (a) the Compact; and (b) each of the 12 distinct initiatives of the Compact.

(6) For each initiative: (a) have the key performance indicators been finalised; if so, on what date were they finalised; (b) on what date were the key performance indicators made available to stakeholders; and (c) on what date were the key performance indicators made public.

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) (a) The Jobs and Training Compact has three components:

(1) a Compact with Young Australians, consisting of:

* National Partnership on Youth Attainment and Transitions;
* Participation Requirements for Youth Allowance;
• Pathways to Skills: Australian Apprenticeships Access Program;
• Securing Australian Apprenticeships;

(2) a Compact with Retrenched Workers, including:
• Early access to personalised employment services;
• Additional training places for retrenched employees;
• Building the basics – foundation skills;
• Pathways to Skills: Australian Apprenticeships Access Program;
• Changes to the Liquid Assets Waiting Period;
• Connecting People with Jobs Services;

(3) a Compact with Local Communities, which includes:
• Jobs Fund (including Local Employment Coordinators).

The Jobs and Training Compact

<table>
<thead>
<tr>
<th>Compact with Young Australians</th>
<th>Performance Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Partnership on Youth Attainment and Transitions</td>
<td>Improved student participation and attainment will be measured by student enrolment, participation in post-school education, training, employment and Year 12 or equivalent qualification attainment rates. Jurisdiction reforms will be measured by performance indicators and targets which are being developed in consultation with the Department.</td>
</tr>
<tr>
<td>Participation Requirements for Youth Allowance</td>
<td>Performance measures for this initiative are currently being developed. The budget initiatives are extensions to the mainstream Access program and will be evaluated in the normal course of program.</td>
</tr>
<tr>
<td>Pathways to Skills: Australian Apprenticeships Access Program</td>
<td>Commencements, recommencements and completions will be measured using data from the National Centre for Vocational Education and Training, National Apprentice and Trainee collection.</td>
</tr>
<tr>
<td>Securing Australian Apprenticeships</td>
<td></td>
</tr>
</tbody>
</table>

Compact with Retrenched Workers

| Early access to personalised employment services | Demand driven program will be measured by monitoring program access through DEEWR and Centrelink. This program will be measured as part of the Jobs and Training Compact. |
| Additional training places for retrenched employees | This program involves extensions to the Workplace English Language and Literacy (WELL) and Language, Literacy and Numeracy Program (LLNP) which will be evaluated against existing performance measures as part of ongoing program evaluation. |
| Building the basics – foundation skills | |

Pathways to Skills: Australian Apprenticeships Access Program

| The budget initiatives are extensions to the mainstream Access program and will be evaluated in the normal course of program. |

Changes to the Liquid Assets Waiting Period

| Performance measures for this initiative are currently being developed. |

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Compact with Young Australians</th>
<th>Performance Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecting People with Jobs Services</td>
<td>This program will be measured in the context of performance measures in the DEEWR Budget Statements.</td>
</tr>
<tr>
<td>Compact with Local Communities Jobs Fund</td>
<td>Jobs Fund will be evaluated as part of the Jobs and Training Compact</td>
</tr>
</tbody>
</table>

(5) (a) (b). The overarching Jobs and Training Compact was announced on 5 April 2009. Funding for the Compact with Young Australians commenced in July 2009. Funding for the Compact with Retrenched Workers commenced on 24 February 2009. Funding for the Compact with Local Communities commenced on 1 July 2009.

Gunns Pulp Mill

(Question No. 2065)

Senator Bob Brown asked the Minister representing the Minister for Trade, upon notice, on 13 August 2009:

With reference to the answer to question on notice no. 1834, concerning inquiries to Austrade from potential investors in the Gunns Limited Bell Bay pulp mill:

(1) Does the Government’s definition of ‘Commercial in Confidence’ include the name of beneficiary companies; if so, why.

(2) What is the Government’s full definition of commercial in confidence.

(3) In what other areas of government generosity or provision of services to companies does the Government prohibit naming the recipient on the basis of commercial in confidence.

Senator Carr—The Minister for Trade has provided the following answer to the honourable senator’s question:

(1) With reference to the answer to question on notice no.1834, Austrade’s treatment of information regarding third parties is directed by:

(a) the Australian Government’s Protective Security Manual which is the principal means for communicating protective security policies, procedures and minimum security requirements related to the protection of the Government’s official resources and is designed to assist agencies with their protective security arrangements for the protection of government personnel, infrastructure and information; and

(b) Austrade’s statutory obligations under section 94 of the Australian Trade Commission Act 1985 which prevents disclosure to third parties of information acquired in the course of Austrade’s trade facilitation work. Sub-section 94(2) applies to the CEO and staff of Austrade and makes it an offence to disclose information concerning the affairs of another person which was acquired by reason of Austrade’s involvement.

To the extent that Austrade has information regarding the inquiries of potential investors, the release of any such information is governed by these requirements. Commercial in Confidence is a common term and is generally understood to indicate confidentiality of information exchanged or provided between parties in relation to business related matters. Its usage depends on a number of factors including, but not limited to, the context in which the information is provided, the mutual understanding of the parties, the nature of the information and the inherent confidentiality and circumstances in which the information is provided.

(2) The Protective Security Manual contains the following description of the X-IN-Confidence classification marking which includes Commercial in Confidence:
The X-IN-CONFIDENCE marking is used when the compromise of the information could cause limited damage to the Australian Government, commercial entities or members of the public.

Austrade further defines Commercial in Confidence to include:
All documentation used and exchanged by Austrade and its business partners not specifically intended for the general public.

(3) Please refer to part 1 and 2 above. To the extent that the question relates to Austrade's functions, Austrade is required to perform its statutory function of developing and facilitating trade and is subject to prohibitions on disclosing information acquired in the course of performing that function. I am not in a position to answer on a whole of Government basis or comment on other portfolios' practices in relation to handling Commercial in Confidence material or information.

Pulp and Paper Manufacturing Industry
(Question No. 2066)

Senator Bob Brown asked the Minister for Innovation, Industry, Science and Research, upon notice, on 13 August 2009:
As at 12 August 2009: (a) how much money has been expended on the Pulp and Paper Industry Strategy Group; and (b) of that amount, how much was spent on: (i) salaries and allowances of each of the executives, (ii) allowances of each of the group’s members, (iii) salaries and allowances of each staff member, and (iv) other costs.

Senator Carr—The answer to the honourable senator’s question is as follows:
As at 12 August 2009 (all figures GST exclusive) -
(a) $113,779
(b) (i) $1,849 (inclusive of sitting fees and reimbursement of travel costs);
(ii) $2,094 (reimbursement of travel costs only);
(iii) $92,141 (Departmental staff salaries and travel costs);
(iv) $17,695.

World Heritage Area
(Question No. 2067)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 13 August 2009:
With reference to the Minister’s claim in April 2009 that ‘Australia takes its World Heritage responsibilities seriously and has long been recognised internationally for taking a leading role in promoting the World Heritage Convention’: (a) has the Minister been asked to assess the impact of the proposed Repco World Rally to be held in New South Wales in World Heritage forest areas; if so, when and by whom; and (b) is an assessment of the impact being conducted or considered; if not, why not.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:
(a) Yes. A large number of requests were received from members of the public asking the Minister to consider the application of the Environment Protection and Biodiversity Conservation Act 1999 to this event.
(b) No. The rally does not pass through any World Heritage Areas. As significant impacts on matters protected under the Environment Protection and Biodiversity Conservation Act 1999 were unlikely, no impact assessment under that Act was required.
Forest Industries Climate Change Research Fund
(Question No. 2068)

Senator Bob Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 13 August 2009:

With reference to the ‘Data Gaps Overview’ referred to in the department’s Forest industries climate change research fund: Applicant guidelines:

(1) Can a list be provided of the names and qualifications of those who prepared the overview.

(2) (a) What were the terms of reference for its preparation;
(b) what was its scope; and
(c) who was consulted.

(3) Were the following groups consulted:
(a) the Land Management Branch of the Department of Climate Change;
(b) the Australian Biodiversity Information Facility;
(c) the National Vegetation Information System;
(d) the Murray-Darling Basin Authority;
(e) state and territory land and biodiversity management agencies; and
(f) scientific groups working on carbon and biodiversity in native forests.

(4) For each group consulted in (3) above:
(a) who was consulted;
(b) when were they consulted; and
(c) by what means were they consulted, for example, meeting, conversation, email etc.

(5) What information was sought in relation to data gaps in non-production forests.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Data Gaps Overview was prepared by Forestry Branch (Climate Change Division) on the basis of internal advice from the Bureau of Rural Sciences (BRS) and the Australian Bureau of Agricultural and Resource Economics (ABARE). Project Leader for the advice was BRS employee Dr John Davidson BSc, BSc (For) (Hons), PhD. A total of 16 staff of both Bureaux contributed to the advice, all with tertiary qualifications in forestry, natural resource sciences, mathematics or economics with many having post graduate qualifications.

(2) (a) The Data Gaps Overview was prepared to elicit project proposals for funding under the Forest Industries Climate Change Research Fund. The Data Gaps Overview was intended to make an inventory of priority gaps in baseline data required, against which quantitative analyses on climate change responses can be undertaken.

(b) The Data Gaps Overview was to be developed by comparing an inventory of existing relevant data sets with a comprehensive list of baseline data requirements for climate change analysis related to forestry and forest industries. This list was to include, but not be confined to:

Native Forests
- Spatial and other data on extent, tenure, type, structure, age and growth stage, old-growth, net harvestable area, growth rates, mean annual increment, productivity (veneer, sawn, pulp, biomass) and modelling (including applicability of existing models)
- Site data, including soil properties, wind and water erosion, water yield and quality
QUESTIONS ON NOTICE

- Climate data, including rainfall and temperature, climatic envelopes of forests, diseases, pests and biological control agents
- Environmental factors, including fire extent and intensity, basic data required for fire climate modelling, diseases and pests, storm damage and wind throw
- Social data, including resource use, source of resources, industries, processing facilities, employment and skills base, forest dependent rural communities
- Economic data including value of wood products, turnover and value-added, trade, imports and exports

*Plantations*

- Plantation area for timber production (broad scale plantations, farm forestry, agroforestry, commercial environmental forestry), species (single, mixtures), ownership, growth rates, mean annual increment, productivity (veneer, sawn, pulp, biomass) and modelling
- Site data, including soil properties, wind and water erosion, water yield and quality
- Climate data, including rainfall and temperature, climatic envelopes of plantation species, diseases, pests and biological control agents, evaporation/precipitation ratio
- Environmental factors, including fire extent and intensity, basic data required for fire climate modelling, diseases and pests, storm damage and wind throw
- Social data, including resource use, source of resources, industries, processing facilities, employment and skills base, forest dependent rural communities
- Economic data including value of wood products, turnover and value-added, trade, imports and exports

The emphasis was to be on potential wood production from forests and plantations in the area of Australia with present average annual rainfall exceeding 600mm. Excluded were all forest reserves presently set aside for nature conservation.

(c) Dr M Kirschbaum, Landcare Research, Palmerston North, New Zealand;
Dr A Ash, Climate Adaptation Flagship, CSIRO, St Lucia Queensland;
Dr T Booth, Sustainable Ecosystems Division, CSIRO, Gungahlin ACT;
C Barton, University of Technology Sydney;
C Hawkins, Sustainable Ecosystems Division CSIRO, Clayton, Vic; and
T Kram, Netherlands Environmental Assessment Agency.

(3) (a) See answer provided to question four.
(b) See answer provided to question four.
(c) The department is a collaborator in the National Vegetation Information System through the Bureau of Rural Sciences.
(d) See answer provided to question four.
(e) State and territory National Forest Inventory and Montreal Implementation Group members provided advice on data gaps during the compilation of the State of Forests Report 2008. This data gap information was used.
(f) Yes

(4) The Bureau of Rural Sciences has ongoing dialogue with the Department of Climate Change including staff in the Land Management Branch about forest related information (3a).
State and Territory National Forest Inventory and Montreal Implementation Group members provided advice on data gaps during the compilation of the State of Forests Report 2008. Formalised meetings were held and continue to be held (3e).

For other scientific groups working on carbon and biodiversity in native forests (3f), informal discussions were held by phone, by email and in person (refer 2c). Knowledge of data gaps also draws upon information from the Research Working Groups and their meetings. There are eight Research Working Groups (RWG 1 Genetic Resources, RWG 2 Forest Measurement and Information, RWG 3 Forests and Water, RWG 4 Native Forest Management, RWG 5 Plantation Management, RWG 6 Fire Management, RWG 7 Forest Health and RWG 8 Forest Products).

(5) None as the emphasis was on potential wood production from forests and plantations.

**Forest Industries Climate Change Research Fund**

(Question Nos 2069 and 2070)

**Senator Bob Brown** asked the Minister representing the Prime Minister, upon notice, on 13 August 2009:

With reference to the Forest Industries Climate Change Research Fund announced on 11 July 2009:

(1) (a) Did the Prime Minister promise in July 2007 that a Rudd Labor Government would invest $8 million in addressing major knowledge gaps about the impacts of climate change on forestry and the vulnerability of forest systems and did he further promise that the Australian Labor Party would work with industry and other stakeholders to assess the capacity of a forests system to sequester carbon and develop more sophisticated accounting methodologies that more accurately reflect the emissions and sequestration from the sector over time; and

(b) is the $5 million which has been allocated to the fund, the partial fulfilment of this promise; if so, where has the remaining $3 million been allocated; if not, through which programs or activities is the Government implementing its promise.

(2) Why is the fund limited to the impact of climate change on forestry and forest industries rather than forestry and the vulnerability of forest systems.

(3) Why does the fund aim only to achieve outcomes for forest industry stakeholders and forestry dependent communities rather than industry and other stakeholders.

(4) (a) Why are non-production forests excluded; and

(b) Will the scope of the fund be changed to include them and to adjust the deadline for applications and the assessment process accordingly.

(5) Why is the key assessment criterion, as presented in the applicant guidelines, limited to advancing the forest industries understanding and capability in relation to climate change and forests instead of assessing the benefits to the community generally.

(6) What research funding is the Government providing to:

(a) address the vulnerability of forest systems to climate change;

(b) address the capacity of forest systems to sequester carbon, including non-production forests and those available for logging; and

(c) develop more sophisticated accounting methodologies that more accurately reflect emissions and sequestration by forests over time.

**Senator Chris Evans**—With the exception of part 1, the honourable senator asked an identical question of the Minister representing the Minister for Agriculture, Fisheries and Forestry in the Senate on the same day (question 2070). In response to both questions, the Prime Minister has provided the following answer:
(1) (a) Yes
(b) The $5 million Forest Industries Climate Change Research Fund is part of the $8 million election commitment to prepare forest industries for the impacts of climate change. Of the remaining $3 million;
$1.475 million has been allocated to a project being delivered by the Bureau of Rural Sciences titled ‘Climate modelling and impacts on forests and forestry’. This project will source and present regional climate projections in production forestry areas across Australia and model the biophysical impacts of the expected changes in climate on production forests to understand future wood yields and the socioeconomic impacts. It is due for completion in June 2010;
$60,000 was spent to undertake a stocktake of existing relevant data sets, identify gaps in existing baseline data and identify additional data sets that may be required for the quantitative analyses of climate change responses. The project is being delivered by the Bureau of Rural Sciences and is titled ‘Stocktake and gap analysis of data for Australia’s forests and forest products industries’. A draft report is currently being reviewed by the Department of Agriculture, Fisheries and Forestry; and
$50,000 has been spent on a report titled ‘Forest-based bioenergy generation’ being delivered by Enecon Pty Ltd in association with URS Forestry, outlining the impact of forest-based bioenergy generation on Australia’s forests. A final report will be available in October 2009.
The allocation of remaining funds will continue to be informed by consultations with the Forests and Wood Products Council, the Ministerial Advisory Council for the Forestry Industry.

(2) Consistent with the Government’s election commitment the funding was committed specifically to prepare the forest industries for climate change.

(3) The focus on forest industry stakeholders and forest dependent communities reflects the specific focus of the Fund on preparing the forest industries for climate change.

(4) (a) Non-production forests are outside the scope of the forestry industry focus of the Research Fund.
(b) There is no intention to change the scope of the commitment. The funding was committed specifically to prepare the forest industries for climate change.

(5) The key assessment criteria have been developed to assist the forest industries manage for climate change.

(6) (a) The Australian Government, through the Department of Climate Change, has initiated an additional project outside of the election commitment to the forest industries, to assess the vulnerability of all Australia’s forests to climate change. This $411,000 project titled ‘Preliminary assessment of the vulnerability of Australian forests and plantations to the impacts of climate change’ is being conducted through the National Climate Change Adaptation Research Facility and a final report is expected by May 2010.
(b) The Government has provided $176,000 to the Australian National University Fenner School of Environment and Society to support research to improve understanding of greenhouse gas emissions and removals (sequestration) in native forests. This work addresses non-production native forests and forests managed for harvest, with a particular focus on harvested forests. Funding for this work is being provided by the Department of Climate Change.
(c) The Government has developed the National Carbon Accounting System to provide a comprehensive system to report on greenhouse gas emissions and removals in land systems, including forests. Development of the National Carbon Accounting System is ongoing and is conducted in collaboration with research institutions including CSIRO and the Australian National University. The
annual budget allocation for the National Carbon Accounting System of approximately $3.3 million includes contributions to collaborative research.

In addition, the Government announced in the 2009-10 Budget that it will invest $16.1 million over four years to develop a National Carbon Accounting Toolbox. The Toolbox will provide a cost-effective, national emissions estimation tool for forestry and agriculture. The development of the Toolbox will incorporate research to improve estimation of reforestation emissions and removals (sequestration). The research plan for this component of the Toolbox is currently under development with particular assistance from CSIRO.

**Defence: Submarines**

(Question Nos 2077 and 2078)

*Senator Johnston* asked the Minister for Defence, upon notice, on 13 August 2009:

1. For the period 1 January to 30 June 2009: (a) which submarines in the Royal Australian Navy (RAN) fleet were: (i) fully operational with a full crew complement, and (ii) non-operational; and (b) for each submarine that was non-operational, what were the reasons for its non-operational status.

2. For the period 1 January to 30 June 2009: (a) how many fully qualified personnel were permanently employed in the RAN to operate submarines; and (b) how many of these personnel were females.

3. For the period 1 January to 30 June 2009: (a) which submarines were undergoing maintenance/refit programs; and (b) what was the length of time taken for each maintenance/refit program.

4. How many personnel undertook international training programs directed at upgrading their skills to be eligible to command submarines.

*Senator Faulkner*—The answer to the honourable senator’s question is as follows:

1. (a) (i) HMA Submarines Collins, Farncomb and Waller were fully crewed and fully operational at various stages during the period.
   (ii) HMA Submarines Dechaineux, Sheean, Rankin.
   (b) HMA Submarines Dechaineux and Sheean were non-operational undergoing Full Cycle Docking in Adelaide as part of the planned maintenance and upgrade cycle. HMAS Rankin is unmanned in Adelaide awaiting the start of its Full Cycle Docking.

2. (a) 442 submarine qualified personnel. Not all of these officers and sailors are posted to submarine positions; some are working in other parts of the Navy or Defence.
   (b) 28 submarine qualified personnel are female. Not all of these officers and sailors are posted to submarine positions; some are working in other parts of the Navy or Defence.

3. (a) HMA Submarines Collins, Farncomb, Waller, Dechaineux, and Sheean, underwent various levels of maintenance/refit during the period.
   (b) The length of time for each maintenance/refit program varied depending on the type of planned maintenance and defect repair duration for un-planned maintenance. During the period in question this ranged from 11 to 26 weeks.

4. One submarine qualified officer undertook the Netherlands Submarine Command Course.

**Defence: Frigates**

(Question Nos 2079 and 2080)

*Senator Johnston* asked the Minister for Defence, upon notice, on 13 August 2009:

For the period 1 January to 30 June 2009:
(a) which frigates were fully operational with a full crew complement; (b) for each frigate that was non-operational, what were the reasons for its non-operational status; (c) what were the operational strengths of the engineering officers and sailors on the frigates; and (d) what were the operational strengths of non-engineering officers and sailors on the frigates.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(a) HMA Ships Ballarat, Warramunga, Parramatta (until March), Toowoomba (from February), and Arunta (from 19 June) were fully operational and fully crewed. HMA Ships Anzac, Stuart, Parramatta (from March), and Toowoomba (until February) were fully operational with managed crewing gaps commensurate with their scheduled activities.

HMA Ships Sydney, Darwin and Melbourne were at a lower level of operational readiness with managed crewing gaps conducting the Northern Trident deployment (Sydney), FFG Upgrade trials, and training activities (Darwin and Melbourne).

(b) HMAS Perth was non operational for the period, conducting preparations for Anti Ship Missile Defence upgrade. HMAS Newcastle was non operational for the period, undergoing modifications and trials associated with the FFG Upgrade program. HMAS Arunta was non operational until late June as part of a planned initiative to recover Anzac class shortages of Technical Sailors.

(c) Average operational strength of engineer officers over the period was 96 per cent and operational strength of engineer sailors was 95 per cent.

(d) Average operational strength of non-engineer officers was 93 per cent and non-engineer sailors was 92 per cent.

Defence: Ships

Question Nos 2081 and 2082

Senator Johnston asked the Minister for Defence, upon notice, on 13 August 2009:

For the period 1 January to 30 June 2009:

(a) which ships were fully operational with a full crewing complement; (b) for each ship that was non-operational, what were the reasons for its non-operational status; (c) what were the operational strengths of the engineer officers and sailors on the ships; and (d) what were the operational strengths of non-engineer officers and sailors on the ships.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(a) Frigates. HMA Ships Ballarat, Warramunga, Parramatta (until March), Toowoomba (from February), and Arunta (from 19 June) were fully operational and fully crewed. HMA Ships Anzac, Stuart, Parramatta (from March), and Toowoomba (until February) were fully operational with managed crewing gaps commensurate with their scheduled activities.

HMA Ships Sydney, Darwin and Melbourne were at a lower level of operational readiness with managed crewing gaps conducting the Northern Trident deployment (Sydney), FFG Upgrade trials, and training activities (Darwin and Melbourne).

Amphibious and Afloat Support. HMA Ships Success, Kanimbla, Manoora, Tobruk, Balikpapan, Betano, Brunei, Labuan, Tarakan and Wewak. HMAS Sirius was fully operational and fully crewed until April when she was docked for scheduled maintenance.

Minehunting Ships. HMA Ships Diamantina, Yarra, Gascoyne, Norman, Huon and Hawkesbury. Huon and Hawkesbury were configured and crewed as general patrol vessels rather than mine-hunters.

Hydrographic Ships. HMA Ships Leeuwin, Melville, Benalla and Shepparton.

(b) Frigates. HMAS Perth was non operational for the period, conducting preparations for Anti Ship Missile Defence upgrade. HMAS Newcastle was non operational for the period, undergoing modifications and trials associated with the FFG Upgrade program. HMAS Arunta was non operational until late June as part of a planned initiative to recover Anzac class shortages of Technical Sailors.

Hydrographic Ships. HMA Ships Mermaid and Paluma conducted an upgrade to their survey system through the period which included slipping the ships and fitting new survey sensors and processors. During this period contractor trials, tests and evaluations were also undertaken.

Patrol Boats. Bundaberg, Maitland, Armidale, and Albany were non-operational for short periods (about 10 days each) due to unscheduled maintenance; however, all units were replaced by another boat resulting in nil effect to operations.

(c) Frigates. Average operational strength of Engineer Officers over the period was 96 per cent and operational strength of Engineer Sailors was 95 per cent.

Amphibious and Afloat Support. Amphibious and Afloat Support Group (AASGRP) major fleet units were on average 83 per cent crewed with Engineer Officers and 80 per cent crewed with Engineer Sailors. AASGRP minor war vessels do not have Engineer Officers and were on average crewed with 96 per cent Engineer Sailors.

Mine Warfare Ships. All Mine Hunters were crewed with 100 per cent Engineer Officers (roles are performed by Chief Petty Officer Marine Technicians borne as Senior Technical Officers) and 79 per cent Engineer Sailors.

Hydrographic Ships. Hydrographic units were 100 per cent crewed with Engineer Officers and 97 per cent crewed with Engineer Sailors.

Patrol Boats. All Patrol Boats were 100 per cent crewed with Engineer Officers (roles are performed by Chief Petty Officer Marine Technicians borne as Senior Technical Officers) by managing shortfalls through multi-crewing Personnel Deficiency Management system.

(d) Frigates. Average operational strength of non-Engineer Officers was 93 per cent and non-Engineer Sailors was 92 per cent.

Amphibious and Afloat Support. AASGRP major fleet units were on average 92 per cent crewed with non-Engineer Officers and 89 per cent crewed with non-Engineer Sailors. AASGRP minor war vessels were on average crewed with 100 per cent non-Engineer Officers and 85 per cent non-Engineer Sailors.

Mine Warfare Ships. 87 per cent non-Engineer Officers and 84 per cent non-Engineer Sailors.

Hydrographic Ships. Hydrographic and Mine Warfare Group units were 97 per cent crewed with non-Engineer Officers and 90 per cent crewed with non-Engineer Sailors.

Patrol Boats. All Patrol Boats were 100 per cent crewed with non-Engineer Officers and Sailors.

Defence: Advertising
(Question Nos 2085 and 2086)

Senator Johnston asked the Minister for Defence, upon notice, on 13 August 2009:

For the period 1 January to 30 June 2009, for each agency within the responsibility of the Minister/Parliamentary Secretary: (a) what communications programs were undertaken or were planned to be undertaken; and (b) what has been the total spend in each communications program.

Senator Faulkner—The answer to the honourable senator’s question is as follows:
(a) and (b) During the period 1 January to 30 June 2009, Defence Force Recruiting spent $18,325,914 on a single advertising program broken down into the following streams:

**Army** (Australian Regular Army and Army Reserve) – $8,247,734 covering Army brand and job specific advertising for Army Officer and General Entry priority roles.

**Air Force** – $2,756,846 covering the Air Force brand and job specific advertising for Air Force Officer and General Entry priority roles.

**Navy** – $3,755,311 covering Navy brand and job specific advertising for Navy Officer and General Entry priority roles.

**Education** – $1,329,119 covering advertising for Tri-Service Education opportunities (Australian Defence Force Gap Year, Australian Defence Force Academy, Sponsored Undergraduate positions and Professional Graduate Health and Engineering positions).

**Sporting properties** – $2,236,902 covering advertising bought during major sports broadcasts to increase the reach of campaigns running at those times.

**Defence: Hospitality**

(Question Nos 2087 and 2088)

Senator Johnston asked the Minister for Defence, upon notice, on 13 August 2009:

(1) For the period 1 January to 30 June 2009: (a) what was the hospitality spend for each agency within the responsibility of the Minister/Parliamentary Secretary; and (b) for each hospitality event, can the following details be provided: (i) the date, (ii) the location, (iii) the purpose, and (iv) the cost.

(2) (a) Can details be provided of the total hospitality spend for the office of the Minister/Parliamentary Secretary for the period 1 January to 30 June 2009.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) (a) Defence: $1,434,348 (GST inclusive)

This amount comprised:

- Representation Allowance paid to members stationed overseas $744,603
- This expense related to Defence members required to represent the Defence Organisation at official events whilst on duty overseas.
- Other official entertainment costs incurred by Defence $689,745
- This expense includes dinners for official visitors from overseas and refreshment costs for events that marked significant achievements and involved attendance by people external to Defence.
- Defence Housing Australia: $8,537 (GST inclusive)

(b) The precise detail requested in the question is not readily available and I am not prepared to authorise the commitment of resources required to provide a detailed response.

(2) (a) The table below provides details against each office for their total hospitality spend, inclusive of GST:

<table>
<thead>
<tr>
<th>Office</th>
<th>Expenditure 1 January to 30 June 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence</td>
<td>Nil</td>
</tr>
<tr>
<td>Minister for Defence Personnel, Materiel and Science</td>
<td>Nil</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>Nil</td>
</tr>
<tr>
<td>Former Minister for Defence</td>
<td>$1,103.00</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
For the period 1 January 2009 to 30 June 2009, for each Minister/Parliamentary Secretary:

(1) What was the cost of travel and expenses for Community Cabinet meetings.
(2) How many of their staff and departmental officers travelled with the Minister/Parliamentary Secretary for these meetings.
(3) What was the total cost of this travel.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) Former Minister for Defence: $2,520.20.
Parliamentary Secretary for Defence Support: $932.60.

The Department of Finance and Deregulation advise the above figures include airfares and Traveling Allowance (including Motor Vehicle Allowance) claims, but do not include travel by taxis, due to difficulties with the electronic information provided by Cabcharge, or travel on Special Purpose Aircraft.

There was no expenditure for the Minister for Defence, the Minister for Defence Personnel, Materiel and Science, the former Minister for Defence Science and Personnel, and the former Parliamentary Secretary for Defence Procurement, as they did not attend Community Cabinet meetings during the period 1 January to 30 June 2009.

(2) The Department of Finance and Deregulation advise that four ministerial staff and one departmental officer accompanied the former Minister for Defence to two Community Cabinet meetings.

The Department of Finance and Deregulation advise that two ministerial staff from the office of the former Minister for Defence and two ministerial staff from the office of the former Parliamentary Secretary for Defence Procurement each attended a Community Cabinet meeting without the former Minister or the former Parliamentary Secretary.

The Department of Finance and Deregulation advise that one ministerial staff accompanied the Parliamentary Secretary for Defence Support to a Community Cabinet meeting.

(3) The Department of Finance and Deregulation advise that the total cost of travel for ministerial staff was $10,089.32. The cost of travel for the departmental officer was $2,064.65.

## Defence: Reviews

(1) For each portfolio/agency within the responsibility of the Minister/Parliamentary Secretary, how many reviews are currently being undertaken in the portfolio/agency or affecting the portfolio/agency.
(2) What was the commencement date of each review.
(3) When will each review conclude.
(4) (a) Which reviews were completed in the period 1 January to 30 June 2009; and (b) when will the Government respond to the each of these reviews.
(5) As at 30 June 2009, what was the cost of each of these reviews.

**Senator Faulkner**—The answer to the honourable senator’s question is as follows:

(1) (2) and (3) The following significant reviews are currently being undertaken by Defence.


(4) (a), (b) and (5) Please refer to the table below for a list of completed reviews.

<table>
<thead>
<tr>
<th>Review</th>
<th>Government response</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Review of Military Justice Reform</td>
<td>Government responded in August 2009.</td>
<td>$850,000</td>
</tr>
<tr>
<td>Independent Audit of Special Forces pay</td>
<td>Government responded in March 2009.</td>
<td>$147,533</td>
</tr>
<tr>
<td>The Dunt Review into Mental Health in the ADF</td>
<td>Government responded in April 2009.</td>
<td>$208,303</td>
</tr>
<tr>
<td>Information and Communications Technology Review</td>
<td>Government responded in May 2009.</td>
<td>$915,858</td>
</tr>
</tbody>
</table>

**Defence: Satellite Bandwidth**

*(Question Nos 2101 and 2102)*

**Senator Johnston** asked the Minister for Defence, upon notice, on 13 August 2009:

Given that video communications is integrated into robots, soldiers, and unmanned aerial vehicles, network-centric warfare is becoming the organising principle of war fighting, frontline demands for bandwidth are rising at a rapid rate and the military of the United States of America is focusing on Transformation Communications Satellite System as part of a larger effort to address that need and close the gap:

(a) For the period 1 January to 30 June 2009 what did the ADF do and how much did it spend on addressing the issue of increased bandwidth?

(b) For the period 1 January to 30 June 2009 what did the ADF do and how much did it spend on establishing a network centric-warfare capability?

**Senator Faulkner**—The answer to the honourable senator’s questions is as follows:

(a) Defence was engaged in the following Satellite bandwidth acquisition activities:

Defence completed the installation of equipment at one United States satellite ground station site and commenced work towards equipment installation at a second site.

The Defence Material Organisation continued the contracted acquisition of interim ground station capabilities on the Australian west and east coasts to provide for long term access to the Wideband Global SATCOM System.

Defence expanded the fleet of wideband SATCOM terminals in our major war vessels, completing installation work on HMAS Anzac.

Defence contracted the acquisition of an Ultra High Frequency payload on a commercial satellite over the Indian Ocean Region, which will become operational in 2012.

The total cost of increasing bandwidth within the period was $102.2 million.

(b) Defence was engaged in the following Network Centric Warfare activities:

The Networked Special Operations Task Unit milestone progressed with the continued delivery of vehicles to Special Forces through Defence Joint Project 2097 Phase 1A.

The Networked Air Combat Force milestone progressed with the introduction of a limited Link 16 capability into the Eastern Regional Operations Centre.
The Networked Maritime Task Group milestone continued the provision of broadband Satellite Communications to Major Fleet units under Defence Joint Project 2008 Phase 3E.
Defence tested and refined the Link 11/16 hardware fitted to the four Adelaide class frigates under Defence Project SEA 1390 Phase 2.
Defence achieved its first Networked Deployable Joint Task Force Headquarters milestone deliverable with the opening of Headquarters Joint Operations Command in February 2009.
The Rapid Prototyping Development and Evaluation organisation, under Capability Development Group, completed six Quicklooks and three Tasks to accelerate network capability. A 2009 version of the Network Centric Warfare Roadmap was drafted during the period and aligned with the White Paper and Defence Capability Plan 2009.
$5.8 million. Expenditure on projects within the Defence Capability Plan is not included in the summation of expenditure attributed to the establishment of a networked ADF capability.

Pulp and Paper Manufacturing Industry  
(Question No. 2106)

Senator Bob Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 August 2009.

With reference to the answer to question on notice no. 1833, concerning the $9 million Forest Industries Development Fund (the Fund):
(1) (a) How much money was granted in round 1 of the Fund; and (b) can a list be provided of the successful applicants and the value of their grant.
(2) Are there further rounds of funding planned for the Fund; if so: (a) when will these funding rounds begin and finish; and (b) how much money has been budgeted for each of these rounds.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
(1) (a) and (b) Ten projects totalling $4.65 million were approved under Round 1 of the Fund. Four companies have signed funding agreements and their project details are shown below.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Value</th>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big River Group</td>
<td>$500 000</td>
<td>Ausply Upgrade</td>
</tr>
<tr>
<td>Kempsey Timbers (Australian Solar Timbers)</td>
<td>$288 000</td>
<td>New Timber Treatment Facility</td>
</tr>
<tr>
<td>Associated Kiln Driers</td>
<td>$500 000</td>
<td>Optimisation of lower grade radiata pine using x-ray scanning in conjunction with acoustic measuring in a high speed commercial application</td>
</tr>
<tr>
<td>Allied Timber Products</td>
<td>$459 000</td>
<td>Bathurst Development Stage 3</td>
</tr>
</tbody>
</table>

Having applied and been successful one company subsequently declined the offer of a grant, and five companies are still negotiating agreements with the department. Once agreements are signed by both parties, project details will be hosted on the department’s website.

(2) (a) The second and final round of the Fund opened on 8 August 2009 and will close on 17 September 2009. (b) $9 million has been allocated to the Fund over two rounds.

Forest Industries Development Fund - Summary of Progress in Finalising Round 1 Grants

<table>
<thead>
<tr>
<th>Grantee</th>
<th>Amount</th>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Grantee</th>
<th>Amount</th>
<th>Project Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big River Group</td>
<td>$500 000</td>
<td>Ausply Upgrade</td>
<td>Funding Deed signed 15 June 2009.</td>
</tr>
<tr>
<td>Kempsey Timbers (Australian Solar Timbers)</td>
<td>$288 000</td>
<td>New Timber Treatment Facility</td>
<td>Funding Deed signed 15 June 2009.</td>
</tr>
<tr>
<td>Associated Kiln Driers</td>
<td>$500 000</td>
<td>Optimisation of lower grade radiata pine using x-ray scanning in conjunction with acoustic measuring in a high speed commercial application</td>
<td>Funding Deed signed 22 June 2009.</td>
</tr>
<tr>
<td>Allied Timber Products</td>
<td>$459 000</td>
<td>Bathurst Development Stage 3</td>
<td>Funding Deed signed 22 June 2009.</td>
</tr>
<tr>
<td>Colonial Timber Products</td>
<td>$257 727</td>
<td>Component prefabrication wall frame manufacturing line</td>
<td>Awaiting return of signed Funding Deed from grantee.</td>
</tr>
<tr>
<td>Forest Enterprises Australia</td>
<td>$500 000</td>
<td>Automated grading system for plantation hardwood and softwood timber</td>
<td>Awaiting return of signed Funding Deed from grantee.</td>
</tr>
<tr>
<td>Carter Holt Harvey Woodproducts Australia</td>
<td>$142 200</td>
<td>Affordable Indigenous housing - building affordable homes with wood</td>
<td>Awaiting return of signed Funding Deed from grantee.</td>
</tr>
<tr>
<td>Forest Enterprises Australia</td>
<td>$800 000</td>
<td>Integrated processing centre for subtropical plantation eucalypts</td>
<td>DAFF is negotiating with the company regarding its request to amend its implementation schedule which will extend the project well beyond the closing date of 30 June 2011.</td>
</tr>
<tr>
<td>ITC Timber</td>
<td>$1 000 000</td>
<td>New state of the art dry mill at ITC in Heyfield, Victoria</td>
<td>The company is awaiting final approval from its Board. This is expected following its meeting in October.</td>
</tr>
<tr>
<td>Hyne Timber</td>
<td>$207 000</td>
<td>In line antisap spray system, Tumbarumba Greenmill</td>
<td>The company has declined the offer of a grant due to financial pressures.</td>
</tr>
</tbody>
</table>

**Environment, Heritage and the Arts: Program Funding**

(Question No. 2107)

**Senator Cormann** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 17 August 2009:

(1) For each of the following financial years: 2005-06, 2006-07 and 2007-08:

(a) what was the budget for all programs, including but not limited to Natural Heritage Trust grants, the National Landcare Program, Environmental Stewardship and the Working on Country Indigenous Land and Sea Ranger Program, subsequently incorporated into the ‘Caring for our Country’ package; and (b) how much was expended on all programs subsequently incorporated into the ‘Caring for our Country’ program within Western Australia.
(2) Can a breakdown be provided of budgets and expenditure, by state and territory, for (1)(a) and (1)(b) above.

(3) For the 2008-09 financial year, what was the actual expenditure by state and territory under ‘Caring for our Country’.

(4) For the 2009-10 financial year, what is the budgeted expenditure by state and territory under ‘Caring for our Country’.

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

(1) (a) The appropriations for all programs that have been incorporated into Caring for our Country from 1 July 2008 are shown in Table 1 (below). The figures shown are the budget estimates quoted in the relevant department’s Portfolio Budget Statements. The Working on Country appropriation has not been included, as all projects contracted before 2008-09 when Caring for our Country commenced will remain outside of the Caring for our Country initiative.

<table>
<thead>
<tr>
<th>Country</th>
<th>2005-06 ($ million)</th>
<th>2006-07 ($ million)</th>
<th>2007-08 ($ million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Heritage Trust</td>
<td>310.000</td>
<td>300.000</td>
<td>342.500</td>
</tr>
<tr>
<td>National Landcare Program</td>
<td>37.251</td>
<td>36.997</td>
<td>35.844</td>
</tr>
<tr>
<td>Environmental Stewardship Program</td>
<td>-</td>
<td>-</td>
<td>4.981</td>
</tr>
<tr>
<td>Total</td>
<td>347.251</td>
<td>336.997</td>
<td>383.325</td>
</tr>
</tbody>
</table>

(b) In response to the previous Senate Question on Notice 1545 (and 1546) information was provided for the first year of the Caring for our Country Initiative (2008-09 financial year). This question covers multiple financial years and previous programs with differing reporting methodologies. For consistency in this response all information about State allocations is provided from published Specific Purpose Payments information.

Table 2 shows payments to Western Australia under Specific Purpose Payment arrangements for all programs that have been incorporated into Caring for our Country.

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>2005-06 ($ million)</th>
<th>2006-07 ($ million)</th>
<th>2007-08 ($ million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Heritage Trust</td>
<td>24.529</td>
<td>19.783</td>
<td>19.449</td>
</tr>
<tr>
<td>National Landcare Program</td>
<td>3.592</td>
<td>3.586</td>
<td>3.537</td>
</tr>
<tr>
<td>Environmental Stewardship Program</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>28.124</td>
<td>23.369</td>
<td>22.985</td>
</tr>
</tbody>
</table>

(2) The appropriations of the programs incorporated into Caring for our Country have been broken down to show how funds were budgeted between states and territories in Table 3 (Natural Heritage Trust) and Table 4 (National Landcare Program) below. The Environmental Stewardship Program did not budget expenditure of funds on the basis of jurisdiction.

Between 2005-06 and 2007-08, only part of the appropriation for both the Natural Heritage Trust and National Landcare Program was specifically budgeted to be paid to the states and territories, with the remainder not budgeted by jurisdiction.

Tables 3 and 4 show:

(a) The funds budgeted by jurisdiction – as published annually in the Australian Government Budget Paper No. 3 under Estimated Specific Purpose Payments.

(b) Actual payments under Specific Purpose Payment arrangements

(c) Expenditure not budgeted by jurisdiction.

Table 3: Natural Heritage Trust Appropriation ($ million) *
### Table 4: National Landcare Program Appropriation ($ million) *

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>2005-06</th>
<th>2006-07</th>
<th>2007-08</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Budget</td>
<td>Expenses</td>
<td>Budget</td>
</tr>
<tr>
<td>New South Wales</td>
<td>32.840</td>
<td>33.333</td>
<td>30.210</td>
</tr>
<tr>
<td></td>
<td>32.459</td>
<td>32.190</td>
<td></td>
</tr>
<tr>
<td>Victoria</td>
<td>23.187</td>
<td>23.041</td>
<td>23.230</td>
</tr>
<tr>
<td></td>
<td>24.138</td>
<td>24.629</td>
<td></td>
</tr>
<tr>
<td>Queensland</td>
<td>28.554</td>
<td>25.861</td>
<td>28.600</td>
</tr>
<tr>
<td></td>
<td>25.816</td>
<td>23.964</td>
<td></td>
</tr>
<tr>
<td>Western Australia</td>
<td>22.843</td>
<td>24.529</td>
<td>22.880</td>
</tr>
<tr>
<td></td>
<td>20.346</td>
<td>19.449</td>
<td></td>
</tr>
<tr>
<td>South Australia</td>
<td>15.705</td>
<td>15.608</td>
<td>15.730</td>
</tr>
<tr>
<td></td>
<td>13.994</td>
<td>13.976</td>
<td></td>
</tr>
<tr>
<td>Tasmania</td>
<td>7.139</td>
<td>3.885</td>
<td>7.150</td>
</tr>
<tr>
<td></td>
<td>6.352</td>
<td>4.501</td>
<td></td>
</tr>
<tr>
<td>Northern Territory</td>
<td>7.139</td>
<td>7.351</td>
<td>7.150</td>
</tr>
<tr>
<td></td>
<td>6.860</td>
<td>6.908</td>
<td></td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>1.230</td>
<td>0.975</td>
<td>1.230</td>
</tr>
<tr>
<td></td>
<td>1.275</td>
<td>1.275</td>
<td></td>
</tr>
<tr>
<td>Not budgeted by jurisdiction</td>
<td>171.363</td>
<td>177.587</td>
<td>163.820</td>
</tr>
<tr>
<td></td>
<td>211.260</td>
<td>215.584</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>310.000</td>
<td>312.170</td>
<td>300.000</td>
</tr>
<tr>
<td></td>
<td>342.500</td>
<td>342.475</td>
<td></td>
</tr>
</tbody>
</table>

* Due to rounding some columns may not add exactly to totals

### Table 5: Caring for our Country – 2008-09 expenditure to each state and territory under Special Purpose Payment arrangements ($ million) *

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>41.010</td>
</tr>
<tr>
<td>Victoria</td>
<td>32.375</td>
</tr>
<tr>
<td>Queensland</td>
<td>25.760</td>
</tr>
<tr>
<td>Western Australia</td>
<td>29.420</td>
</tr>
<tr>
<td>South Australia</td>
<td>18.980</td>
</tr>
<tr>
<td>Tasmania</td>
<td>5.830</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>4.275</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>1.350</td>
</tr>
<tr>
<td>Not budgeted by jurisdiction</td>
<td>268.920</td>
</tr>
<tr>
<td>Total</td>
<td>342.920</td>
</tr>
</tbody>
</table>

* Due to rounding some columns may not add exactly to totals

(3) Table 5 shows the Specific Purpose Payments paid through the Natural Heritage Trust component of Caring for our Country in 2008-09 by jurisdiction, and expenditure not paid under Specific Purpose Payments arrangements.

(4) In relation to Caring for our Country, the only funding that has been specifically budgeted by state and territory in the 2009-10 financial year is the guaranteed base level funding for regions. Table 6 shows the total of regional allocations within each jurisdiction as approved by the Natural Heritage...
Ministerial Board and set out in the transition year agreements with each state and territory government.

Table 6: Caring for our Country – 2009-10 budgeted expenditure to each state and territory ($ million)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>35.251</td>
</tr>
<tr>
<td>Victoria</td>
<td>27.520</td>
</tr>
<tr>
<td>Queensland</td>
<td>23.020</td>
</tr>
<tr>
<td>Western Australia</td>
<td>24.103</td>
</tr>
<tr>
<td>South Australia</td>
<td>17.346</td>
</tr>
<tr>
<td>Tasmania</td>
<td>5.714</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>3.687</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>1.359</td>
</tr>
<tr>
<td>Not budgeted by jurisdiction</td>
<td>269.927</td>
</tr>
<tr>
<td>Total</td>
<td>407.927</td>
</tr>
</tbody>
</table>

The funds not budgeted by jurisdiction are generally subject to a competitive grant allocation process with no specific allocation by jurisdiction.

**Victorian Desalination Project**

*(Question No. 2109)*

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 19 August 2009:

1. With reference to the Minister’s statement of reasons and supporting documents relating to the decision to approve the proposed Victorian Desalination Project under the Environment Protection and Biodiversity Conservation Act 1999:
   (a) why did the department not release these documents;
   (b) why is the department still blocking the release of these documents and several other documents to the Environmental Defenders Office in Victoria; and
   (c) is the blocking of these documents in accordance with the Government’s new pro-disclosure of public documents, as detailed on 24 March 2009 by the then Special Minister of State, the Honourable John Faulkner.

2. With reference to the above decision to approve the proposed Victorian Desalination Project, will the Minister release information which explains why the desalination plant will not impact on migratory bird treaties, such as Japan-Australia Migratory Bird Agreement and China-Australia Migratory Bird Agreement, or the recovery plans for the southern right whale and humpback whale; if so, how and when will that information be released.

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

1. My statement of reasons was provided to the applicant on 28 April 2009. As to supporting documents, on 12 May 2009 the Department received a request under the Freedom of Information Act 1982 (FOI Act) from the Environmental Defenders Office relating to documents that I considered in making my decision of 19 March 2009 to approve the Victorian Desalination Project under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Sixteen documents were identified as falling within the scope of the FOI request. On 28 August 2009, access was granted to fifteen of the requested documents in full and one document in part. In making this release decision, consultation with third-parties was required. My Department has acknowledged that the decision was made outside of the statutory timeframe and has apologised to the applicant for the delay in the letter of release.

QUESTIONS ON NOTICE
(2) On 4 February 2008 the Victorian Desalination Project was determined to be a controlled action under the EPBC Act. The relevant controlling provisions are sections 16 and 17B (wetlands of international importance) and sections 18 and 18A (Listed threatened species and communities).

In making the controlled action decision, my delegate found that a significant adverse impact on listed avian migratory species is not likely given the dispersed nature of these species and the absence of habitats likely to be impacted by the proposal that are important during the life-cycle of these species. Further, the proposed desalination plant and associated infrastructure were considered unlikely to adversely affect habitat areas that support ecologically significant populations or aggregations of listed migratory species, and therefore the proposed action was unlikely to have a significant adverse impact on migratory species listed under the EPBC Act.

The Victorian Minister for Planning, the Hon Justin Madden MLC, completed his assessment of the proposed Victorian Desalination Project under the Victorian Environment Effects Act 1978 in January 2009. This assessment was also accredited to assess possible impacts on matters protected under the EPBC Act. The Victorian Minister for Planning’s assessment concluded that while the project will have unavoidable environmental impacts, it is unlikely to have a significant impact on matters of national environmental significance if the project works are implemented in the manner set out in the Victorian performance requirements for the project.

In regard to the potential impacts of the project on the Southern Right Whale and Humpback Whale, the advice received stated that listed threatened cetacean species, including these whale species may occasionally pass through or close to the marine environment in the vicinity of the Victorian Desalination Project. However, the high energy, coastal marine environment in the Wonthaggi area does not provide important feeding, breeding or calving habitat for these species. Moreover, any seismic activity for survey or construction of the project will be undertaken in accordance with the EPBC Act Policy Statement 2.1 – Interaction between offshore seismic exploration and whales. A significant impact on cetaceans is therefore considered unlikely.

The conditions on the EPBC Act approval require the Victorian Department of Sustainability and Environment to develop management strategies that ensure any impacts on the Western Port Ramsar wetland and EPBC-listed flora and fauna species are avoided or minimised. I have now approved the Flora and Fauna Management Strategy under the EPBC Act approval, which addresses potential impacts of the project on the Southern Right Whale and Humpback Whale. As a precautionary measure I have included an additional measure in this strategy to ensure avoidance of impacts on the EPBC Act listed Southern Right and Humpback whales, which includes visual monitoring, soft start and shut down procedures in the unlikely event that whales are present in the vicinity of construction activity.

A copy of the final assessment report is publicly available on the Victorian Department of Planning and Community Development’s website.

Screen Australia
(Question No. 2111)

Senator Hanson-Young asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 26 August 2009:

With reference to the grant of $316,532 of public funds provided by the Australian Film Commission and Film Finance Corporation Australia (now Screen Australia) to the film, Stolen, screened in June 2009 at the Sydney Film Festival:

(1) Was Screen Australia ever informed of problems related to the production of Stolen.
(2) Was Screen Australia made aware of the allegations that the translations were inaccurate and that money was paid to the participants to make allegations about practices of slavery; if so, what did Screen Australia do in response to these allegations.

(3) Is it general practice that written consent or evidence of oral consent must be provided by participants in documentary films funded by Screen Australia; if so, has Screen Australia ever received written or evidence of oral consent from the participants in this documentary; if not, why not.

(4) Did Screen Australia receive a request from the main character in the film, Fetim Sellami, in writing and on camera that her interviews not be included in the film; if so, why was such a request ignored.

(5) Was Screen Australia made aware that the final film would allege that slavery existed in the Saharawi refugee camps in south west Algeria; if so, when.

(6) Was Screen Australia aware that this allegation is strongly disputed by the Saharawi refugees, including those interviewed in the documentary.

(7) What was the role of the Moroccan Government in the production of the documentary.

(8) Have the film-makers received funding in any form from the Moroccan Government.

(9) Is it the case that the wife of the producer of Stolen, Ms Julie Overton, is employed by Screen Australia as an Investment/Development Manager; if so: (a) was Ms Overton involved in any discussions or decisions made with regard to Stolen; and (b) was Screen Australia aware of Ms Overton’s relationship with the film’s producers when the decision was being made to fund the film; if not, when was Screen Australia made aware of Ms Overton’s personal connection with the film’s producers.

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

It should be noted that the funding for the film was in fact $251,582, provided in the form of a recoupable investment rather than a grant. Of this amount, $50,000 was provided by the former Australian Film Commission (AFC) as assistance for development, and the balance ($201,582) as production funding by the former Film Finance Corporation Australia (FFC).

(1) Yes, it was.

(2) Yes, it was.

Screen Australia consulted the filmmakers, who advised that the relevant translations had been verified by a National Accreditation Authority for Translators and Interpreters recognised translator. The filmmakers have publically denied the allegations that participants in the documentary had been paid to make allegations about practices of slavery.

(3) Yes it is.

Documentary filmmakers ordinarily obtain written consent or evidence of oral consent (such as consent to camera) from significant participants. Screen Australia’s general practice is to require evidence of the consent of participants in a documentary film where those participants are principals in the sense that their participation is critical to the production.

The Production Investment Agreement for Stolen did not identify any principal participants.

(4) Subsequent to the filming, Screen Australia did receive copies of requests made to the filmmakers by Ms Sellami not to be included in the film. On balance, and given the advice from the filmmakers, Screen Australia agreed that disclosure of Ms Sellami’s withdrawal of consent would provide the appropriate balance to the film.

(5) Yes, it was.
Screen Australia’s predecessor organisation, the Film Finance Corporation Australia (FFC), approved investment in the film on 12 December 2007 in the knowledge that the film would explore the theme of slavery in the refugee camps of the Saharawi in south-west Algeria.

(6) Screen Australia was aware that the allegation of slavery was the subject of dispute among some of the Saharawi refugees.

(7) Screen Australia has not been informed of any role played by the Moroccan Government in the production of the documentary.

(8) The filmmakers have advised Screen Australia that they have not received funding from the Moroccan Government.

(9) Yes
   (a) No
   (b) Yes

Trade: PACER Agreements

(Question No. 2112)

Senator Bob Brown asked the Minister representing the Minister for Trade, upon notice, on 3 September 2009:

(1) What legal mechanisms is the Government employing to separate the Pacific Agreement on Closer Economic Relations (PACER) and PACER Plus trade agreements.

(2) Will the rights of the parties involved in these two trade agreements differ.

(3) Is there any overlap between the two trade agreements.

(4) Will the Office of the Chief Trade Advisor announced in Samoa during June 2009 assist countries with both trade agreements or just the PACER Plus agreement.

Senator Carr—The following answer has been provided by the Minister for Trade to the honourable senator’s question:

(1) None. PACER and PACER Plus are legally distinct. The Pacific Agreement on Closer Economic Relations (PACER) is an existing agreement. The negotiations for this agreement were concluded in 2001 and it entered into force on 3 October 2002. Following their decision at the 2008 Forum in Niue to seek agreement to the commencement of negotiation at their next meeting, Leaders at the Fortieth meeting of Pacific Islands Forum in August 2009 agreed that negotiations should commence “forthwith” on a new regional agreement (which is known as the Pacific Agreement on Closer Economic Relations (PACER) Plus).

(2) As the PACER Plus agreement is yet to be negotiated it is not possible to answer this question definitively at this stage.

(3) Parties to the PACER agreement are: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, and Tuvalu. Forum countries involved in PACER Plus negotiations are: Australia, Cook Islands, Federated States of Micronesia, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu. Apart from a partial overlap in countries, it is not possible to answer this question definitively at this stage as the PACER Plus agreement is yet to be negotiated and its scope yet to be determined.

(4) The Office of the Chief Trade Adviser will assist only with PACER Plus negotiations.

QUESTIONS ON NOTICE
Home Insulation Program
(Question No. 2113)

Senator Bob Brown asked the Minister representing the Treasurer, upon notice, on 3 September 2009:

(1) (a) How many jobs did the department estimate would be created through the Home Insulation Program (the program) in the Economic Stimulus Plan; and (b) how many of those jobs were estimated to be created in the installation of the insulation batts.

(2) (a) How many jobs were estimated to be created in the manufacture of the insulation batts; and (b) how many of those jobs will not be created following the Government’s admission that 700,000 fewer homes will have ceiling insulation installed.

(3) What proportion of the insulation batts used in the program are manufactured in: (a) Australia; (b) China; and (c) other countries.

(4) How many Australian insulation batts manufacturing jobs could have been created through the program if insulation batts manufactured in China or other countries had not been used.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

(1) No specific modelling was undertaken by Treasury on the employment impacts of the Home Insulation Program. Treasury’s estimates of the employment impacts of the fiscal stimulus program, which includes the Home Insulation Program, are based on macroeconomic modelling of total spending, rather than the impact of specific programs.

(2) As per answer to question 1.

(3) Treasury does not have this information.

(4) As per answer to question 1.

Broadband, Communications and the Digital Economy: Consultants
(Question No. 2115)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 3 September 2009:

(1) In relation to consultancies under Part II of the Members of Parliament (Staff) Act 1984, in 2008 and 2009: (a) how many consultants were employed; and (b) for each consultancy: (i) who is the consultant (ii) how long is the consultancy (iii) what is the purpose of the consultancy, and (iv) what is the total cost of the consultancy.

(2) (a) How many consultancies under the value of the $100,000 have been engaged by the department in 2008 and 2009 in relation to: (i) the National Broadband Network, and (ii) the digital television switchover; and (b) for each consultancy (i) who is the consultant (ii) how long is the consultancy, (iii) what is the purpose of the consultancy, and (iv) what is the total cost of the consultancy.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) (a) Nil
   (b) Not applicable

(2) (a) 27
   (b) See Attachment A
<table>
<thead>
<tr>
<th>Division</th>
<th>Date Contract Entered</th>
<th>Date Contract Completed</th>
<th>Company Name if Applicable</th>
<th>Summary description of the nature and purpose of the consultancy</th>
<th>GST Inclusive Commissioned Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>DST</td>
<td>24/09/2008</td>
<td>30/09/2008</td>
<td>TrinityP3 Pty Ltd</td>
<td>Evaluation of Ad agency fees</td>
<td>$7,480.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/05/2009</td>
<td>30/06/2009</td>
<td>Intermedia</td>
<td>Consultancy services for review of broadcaster’s proposals for licence area based satellite service</td>
<td>$ 9,675.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/08/2008</td>
<td>16/12/2008</td>
<td>Saatchi &amp; Saatchi</td>
<td>Pitching fees in response to the Digital Taskforce Information &amp; awareness campaign</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/08/2008</td>
<td>16/12/2008</td>
<td>The Campaign Palace Red Cell Pty Ltd</td>
<td>Pitching fees in response to the Digital Switchover Taskforce advertising brief</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/08/2008</td>
<td>22/01/2009</td>
<td>George Patterson Y &amp; R Pty Limited</td>
<td>Pitching fees in response to Digital Switchover Taskforce Information &amp; awareness campaign</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/08/2008</td>
<td>15/12/2008</td>
<td>Clemenger BBDO</td>
<td>Pitching fees in response to the Digital Switchover Taskforce advertising brief</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/08/2008</td>
<td>23/01/2009</td>
<td>Publicis Mojo</td>
<td>Pitching fees in response to Digital Switchover Taskforce Information &amp; awareness campaign</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>DST</td>
<td>2/10/2008</td>
<td>16/10/2008</td>
<td>Intermedia</td>
<td>Additional Digital TV re-transmission &amp; DTH consultancy report - Oct. '08</td>
<td>$14,850.00</td>
</tr>
<tr>
<td>DST</td>
<td>1/04/2009</td>
<td>1/05/2009</td>
<td>Kordia Pty Ltd</td>
<td>Verification of costs for the digital conversion of broadcaster’s transmission infrastructure</td>
<td>$43,120.00</td>
</tr>
<tr>
<td>DST</td>
<td>21/07/2008</td>
<td>29/08/2008</td>
<td>Louder Than Words</td>
<td>Consultant to produce DVD</td>
<td>$79,500.00</td>
</tr>
<tr>
<td>DST</td>
<td>11/05/2009</td>
<td>30/06/2010</td>
<td>Integracom Management Group Pty Ltd</td>
<td>Development of a Question Bank to assess the skills of antenna installers</td>
<td>$95,700.00</td>
</tr>
<tr>
<td>DST</td>
<td>4/08/2008</td>
<td>31/08/2008</td>
<td>Intermedia</td>
<td>Costing of satellite transmission TV services</td>
<td>$74,632.50</td>
</tr>
<tr>
<td>NBN</td>
<td>8/04/2009</td>
<td>30/06/2009</td>
<td>Australian Government Solicitor</td>
<td>NBN Company Secretary costs</td>
<td>$25,410.00</td>
</tr>
<tr>
<td>NBN</td>
<td>12/06/2009</td>
<td>30/06/2009</td>
<td>Australian Government Solicitor</td>
<td>Legal services in connection with audit process</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Division</td>
<td>Date Contract Entered</td>
<td>Date Contract Completed</td>
<td>Company name if Applicable</td>
<td>Summary description of nature and purpose of the consultancy</td>
<td>GST Inclusive Commissioned Cost</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------</td>
<td>-------------------------</td>
<td>----------------------------</td>
<td>-------------------------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>NBN</td>
<td>25/05/2009</td>
<td>30/06/2009</td>
<td>Capital Works Consulting Pty Ltd</td>
<td>Professional contracting methodologies for the Regional Backbone Blackspots Programme</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>12/06/2009</td>
<td>30/06/2009</td>
<td>DLA Phillips Fox</td>
<td>Regulatory mapping and analysis of relevant State and Territory planning legislation</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>4/06/2009</td>
<td>30/06/2009</td>
<td>Egon Zehnder International Pty Ltd</td>
<td>Agency appointed to assist with appointment of the NBN Board</td>
<td>$79,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>20/05/2009</td>
<td>30/06/2009</td>
<td>Meyer Vandenberg</td>
<td>Review of the Government’s FTTP in Greenfields consultation paper and costs estimates</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>1/06/2009</td>
<td>12/06/2009</td>
<td>Eckermann &amp; Associates</td>
<td>To undertake an external review of datasets generated by the Department, to project the number of Australian premises over the next 15 years.</td>
<td>$7,562.50</td>
</tr>
<tr>
<td>NBN</td>
<td>24/11/2008</td>
<td>24/05/2009</td>
<td>Adelaide Research &amp; Innovation</td>
<td>Provision of Legal Services-NBN Company</td>
<td>$15,000</td>
</tr>
<tr>
<td>NBN</td>
<td>06/02/2009</td>
<td>30/06/2009</td>
<td>Corrs Chambers Westgarth Australian Government Solicitor</td>
<td>Legal advice relating to NBN Project</td>
<td>$39,532.27</td>
</tr>
<tr>
<td>NBN</td>
<td>06/02/2009</td>
<td>03/09/2009</td>
<td>Australian Government Solicitor</td>
<td>Provision of Legal Services-NBN Company</td>
<td>$16,863.00</td>
</tr>
<tr>
<td>NBN</td>
<td>21/04/2009</td>
<td>30/07/2009</td>
<td>Australian Government Solicitor</td>
<td>Review of the Government’s FTTP in Greenfields consultation paper and costs estimates</td>
<td>$7,080.70</td>
</tr>
<tr>
<td>NBN</td>
<td>22/05/2009</td>
<td>30/09/2009</td>
<td>Australian Government Solicitor</td>
<td>Compliance advice Telecommunications Act</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>26/05/2009</td>
<td>29/10/2009</td>
<td>Australian Government Solicitor</td>
<td>NBN Co-securing new equity investments</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>12/06/2009</td>
<td>30/06/2009</td>
<td>Australian Government Solicitor</td>
<td>Legal Services in connection to with audit process</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>NBN</td>
<td>09/01/2009</td>
<td>16/02/2009</td>
<td>Australian Government Solicitor</td>
<td>Secondment of relief lawyer for NBN</td>
<td>$20,168.50</td>
</tr>
</tbody>
</table>
Taxation

(Question No. 2117)

Senator Bob Brown asked the Minister representing the Treasurer, on notice, on 7 September 2009:

With reference to the answer to question BET-6, taken on notice during the 2009-10 Budget estimates hearings of the Economics Legislation Committee:

(1) How many and what percentage of corporations do not: (a) pay tax; and (b) make a profit.

(2) For all companies in 2007-08: (a) what proportion of the total amount deducted from total income is attributed to each deductible factor; or (b) if this is not available: (i) what were the ten most deductible factors, and (ii) how much was deducted for each factor.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s questions:

(1) (a) For the 2007-08 income year, 429,514 companies did not pay tax\(^1\) (56%). (b) For the 2007-08 income year, 339,375 companies did not make a profit (44%).

Notes: Data current as at 18 September 2009, based on company records of 762,808.

\(^1\)No tax paid as profit offset by other credits or offset by the reconciliation to taxable income or loss.

(2) (a) This information is not available. (b) See table below:

Companies 2007-08 income year - Ten most deductible factors and the amounts deducted.

<table>
<thead>
<tr>
<th>Company tax return label items(^1)</th>
<th>no.</th>
<th>$m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other expenses</td>
<td>674,112</td>
<td>623,225</td>
</tr>
<tr>
<td>Depreciation(^2)</td>
<td>435,243</td>
<td>53,897</td>
</tr>
<tr>
<td>Deduction for decline in value of depreciating asset(^3)</td>
<td>410,278</td>
<td>54,124</td>
</tr>
<tr>
<td>Motor vehicle</td>
<td>333,507</td>
<td>10,787</td>
</tr>
<tr>
<td>Employee superannuation</td>
<td>323,707</td>
<td>25,946</td>
</tr>
<tr>
<td>Interest expenses within Australia</td>
<td>306,372</td>
<td>162,251</td>
</tr>
<tr>
<td>Repairs &amp; maintenance</td>
<td>277,099</td>
<td>16,593</td>
</tr>
<tr>
<td>Cost of sales</td>
<td>235,746</td>
<td>938,850</td>
</tr>
<tr>
<td>Rent</td>
<td>221,007</td>
<td>31,296</td>
</tr>
<tr>
<td>Contractor/subcontractor &amp; commission</td>
<td>141,695</td>
<td>76,027</td>
</tr>
</tbody>
</table>

Notes: Data current as at 18 September 2009

\(^1\)From company tax return, item 6 ‘calculation of total profit and loss’ and item 7 ‘reconciliation to taxable income or loss’.

\(^2\)Accounting or book depreciation.

\(^3\)This amount is often different from the amount of depreciation calculated for accounting purposes written at label 6X depreciation expenses and added back at label 7W Non-deductible expenses.

\(^*\)Reconciliation item

---

East Marine Bioregional Plan

(Question No. 2118)

Senator Boswell asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 8 September 2009:

With reference to the proposed East Marine Bioregional Plan (the plan):

(1) Can a list be provided of all the authorities that currently have authority in the area covered by the plan.
Questions on Notice

(2) What threat is the Government protecting by introducing the plan.

(3) (a) What unique iconic biodiversity is being protected by the potential closures; (b) what studies, reports, modelling, papers, research projects, analysis and reviews that have been commissioned, show any threat to this unique iconic biodiversity; and (c) is this unique iconic biodiversity not being protected by the fishing authorities mentioned in (1) above.

(4) (a) Will navigation rights be considered within the proposal; and (b) if so, and navigation in a particular area is banned, will international vessels be subject to this law or will navigation rights be allowed through international treaties.

(5) Will another authority be created as a regulatory authority for the eastern bioregion: (a) if so: (i) what will be total cost of policing the bioregion, and (ii) what officers will be used to police the bioregion; and (b) if not: (i) who will police the bioregion, and (ii) what will be the total cost of policing the bioregion.

(6) What current fisheries management regimes covering the area are inadequate and ineffective.

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

(1) Australian Government and state government agencies with authority and responsibility for regulating activities in the East Marine Region include:

Department of the Environment, Water, Heritage and the Arts

Department of Infrastructure, Transport, Regional Development and Local Government

Australian Maritime Safety Authority

Australian Quarantine and Inspection Service

Australian Communications Media Authority

Australian Customs and Border Protection Service

Border Protection Command

Department of Immigration and Multicultural and Indigenous Affairs

Australian Defence Force

Australian Fisheries Management Authority

Australian Federal Police

Director of National Parks

Australian Heritage Council

Department of Agriculture, Fisheries and Forestry

Department of Resources, Energy and Tourism

National Offshore Petroleum Safety Authority

Federal Court in deciding Native Title

State law enforcement agencies

State Fisheries Officers

(2) Australia’s marine bioregional planning program is designed to provide a clearer focus on conservation and sustainable management of Australia’s marine environment. It is a process that is underpinned by the principles of ecologically sustainable development and it takes an ecosystem approach in managing Australia’s marine biodiversity and environment. Plans are not developed solely in response to specific threats.
Marine Bioregional Plans are being developed under the Environment Protection and Biodiversity Conservation Act 1999 and will fulfil the Australian Government’s commitment to establishing a National Representative System of Marine Protected Areas (NRSMPA).

The marine bioregional planning process will provide industry and decision-makers with knowledge to plan, approve and undertake development activity in a way that ensures the marine environment is protected for the use and enjoyment of current and future generations.

(3) (a), (b) and (c) This East Bioregional Profile brings together, for the first time, the best available information for the East Marine Region. It consolidates our knowledge of the features of the Coral and Tasman Seas, from Cape York Peninsula to southern New South Wales and stretching hundreds of kilometres from shore to include Lord Howe and Norfolk Islands. A range of studies and reports have been commissioned or sourced to provide information about the biodiversity and human uses of the East Marine Region. These are listed in the East Bioregional Profile.

It describes human activities with actual and potential impacts on the marine environment including: commercial fishing, recreational and charter fishing, marine based tourism, ports and shipping, border protection activities, offshore oil and gas exploration and production, offshore mineral exploration, aquaculture, sea dumping, submarine cables, emerging industries and research and Indigenous activities.

A major component of the marine bioregional planning process is a regional assessment. It involves identification of the conservation values of each marine region, analysis of the threats to those values, and identification of measures required to protect those values and to facilitate decision-making under national environment law.

(4) (a) and (b) The regulation of shipping in any Commonwealth reserve declared as part of the East Marine Bioregional Planning process will take into account, and be consistent with, the rights of innocent passage of foreign ships through Australia's Territorial Sea and the freedom of navigation through the Exclusive Economic Zone, under the United Nations Convention on the Law of the Sea (UNCLOS).

(5) (a) and (b) The Director of National Parks is the Statutory Authority directly responsible for managing all Commonwealth reserves (including marine protected areas) as specified by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Director carries out the responsibilities of the office with the primary assistance of Parks Australia, a division of the Department of the Environment, Water, Heritage and the Arts.

The Marine Division of the Department is responsible for the management of Commonwealth marine reserves on behalf of the Director of National Parks.

The total cost of managing a network of Marine Protected Areas in the East Marine Region will be identified as part of the process of developing a network of Marine Protected Areas.

(6) The responsibility for fisheries management regimes lies with the states and the Commonwealth under state and Commonwealth ministers for fisheries. The adequacy of fisheries management regimes are assessed periodically under the EPBC Act under the Guidelines for the Ecologically Sustainable Management of Fisheries.

East Marine Bioregional Plan
(Question No. 2119)

Senator Boswell asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 8 September 2009:

With reference to the East Marine Bioregional Plan, and in particular, the meeting held by the Stakeholder Advisory Group on activities displaced by marine protected areas:

(1) (a) Who attended the meeting; and (b) how were the stakeholders for the meeting determined.
QUESTIONS ON NOTICE

(2) Were the fishermen that would be directly affected by decisions of the stakeholder group represented at the stakeholder group meeting; if not, why not.

(3) (a) How many professional fishermen were invited to the meeting; and (b) how many attended the meeting.

(4) (a) How many members of the charter boat industry were invited to the meeting; and (b) how many attended the meeting.

(5) (a) How many members of the recreational marine industry were invited to the meeting; and (b) how many attended the meeting.

(6) Given undertakings that briefings would be provided to fishermen who were not invited to, and did not attend the meeting, were briefings provided; if not, why not.

(7) Was there any discussion of fishing area closures at the meeting; if so: (a) which areas were discussed; and (b) who would be impacted by the closures.

(8) Was there any discussion of compensation to stakeholders affected by fishing closures; if so: (a) what is the total amount of compensation that has been allocated; and (b) who will be eligible for compensation.

(9) Does the department have any closures planned; if so: (a) which areas are planned to be closed; and (b) who will be impacted by the closures.

(10) Were there any allegations of damage to marine fauna and flora that would be rectified by creating a marine protected area.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

(1) (a) The following representatives were present at the first meeting:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Charlton Clark (Chair)</td>
<td>Department of the Environment, Water, Heritage and the Arts</td>
</tr>
<tr>
<td>Ms Susan Fryda-Blackwell</td>
<td>Ports Australia</td>
</tr>
<tr>
<td>Ms Angela Gillham</td>
<td>Australian Shipowners Association</td>
</tr>
<tr>
<td>Mr Chris Melham</td>
<td>Commonwealth Fisheries Association</td>
</tr>
<tr>
<td>Ms Ghislaine Llewellyn</td>
<td>WWF Australia</td>
</tr>
<tr>
<td>Mr Mark McCullum</td>
<td>Australian Petroleum Production and Exploration Association Limited</td>
</tr>
<tr>
<td>Mr Grahame Williams</td>
<td>Game Fishing Association of Australia</td>
</tr>
<tr>
<td>Mr Len Oylott</td>
<td>Recfish</td>
</tr>
<tr>
<td>Mr Steve Jackson (Secretariat)</td>
<td>Department of the Environment, Water, Heritage and the Arts</td>
</tr>
<tr>
<td>Mr Andrew Coleman (Secretariat)</td>
<td>Department of the Environment, Water, Heritage and the Arts</td>
</tr>
</tbody>
</table>

The following representatives were present at the second meeting:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Charlton Clark (Chair)</td>
<td>Department of the Environment, Water, Heritage and the Arts</td>
</tr>
<tr>
<td>Ms Susan Fryda-Blackwell</td>
<td>Ports Australia</td>
</tr>
<tr>
<td>Mr Chris Melham</td>
<td>Commonwealth Fisheries Association</td>
</tr>
<tr>
<td>Ms Ghislaine Llewellyn</td>
<td>WWF Australia</td>
</tr>
<tr>
<td>Mr Mark McCullum</td>
<td>Australian Petroleum Production and Exploration Association Limited</td>
</tr>
<tr>
<td>Mr Grahame Williams</td>
<td>Game Fishing Association of Australia</td>
</tr>
<tr>
<td>Mr Shane Jasprizza</td>
<td>Recfish Australia</td>
</tr>
<tr>
<td>Ms Kristie Gray</td>
<td>Ecotourism Australia (by phone)</td>
</tr>
<tr>
<td>Mr Steve Jackson (Secretariat)</td>
<td>Department of the Environment, Water, Heritage and the Arts</td>
</tr>
<tr>
<td>Mr Andrew Coleman (Secretariat)</td>
<td>Department of the Environment, Water, Heritage and the Arts</td>
</tr>
</tbody>
</table>
(b) As this Group is providing advice on national issues, the Department wrote to national representative bodies representing a range of marine uses and interests. Members on the Group were nominated by the bodies themselves. In addition, representatives from Ecotourism Australia, the Australian Marine Industry Federation and the Australian Fishing and Tackle Association have also been recently appointed to the Group.

(2) Yes, Mr Chris Melham, the CEO of the Commonwealth Fisheries Association represented commercial fishing interests.

(3) (a) Mr Chris Melham, the CEO of the Commonwealth Fisheries Association was invited onto the group to represent the interests of all commercial fishers.

(b) No professional fishermen attended the meeting.

(4) (a) Mr Don Jones of the Australian Marine Industry Federation who is representing the charter fishing sector is now a member of the group. It is expected that he will attend the third meeting scheduled for October 2009.

(b) See answer to question 4(a) above.

(5) (a) Mr Doug Joyner of the Australian Fishing and Tackle Association who is representing boating, fishing tackle and other onshore interests is now a member of the Group. It is expected that he will attend the third meeting scheduled for October 2009.

(b) See answer to question 5(a) above.

(6) The Department is not aware of any commitments that briefings would be provided directly to fishers by the Department as part of this process. Members of the Stakeholder Advisory Group have agreed that they will brief their members and interested parties as appropriate, in line with the terms of reference for the Group.

(7) There was a general discussion about the potential for fishing area closures in the context of activities impacted by the declaration of marine protected areas. However, no specific areas were discussed.

(8) The issue of structural adjustment was discussed in the context of activities impacted by the declaration of marine protected areas. Some stakeholders expressed views about eligibility. No specific sums of money were discussed.

(9) Marine Bioregional Plans are being developed under national environment law and will fulfil the Australian Government’s commitment to establishing a National Representative System of Marine Protected Areas, as agreed by all Australian Governments in 1998. Regional networks of new representative marine reserves will be identified through the marine bioregional planning process.

(10) No allegations were raised in the Stakeholder Advisory Group meeting.