INTERNET

The Journals for the Senate are available at http://www.aph.gov.au/senate/work/journals/index.htm

Proof and Official Hansards for the House of Representatives, the Senate and committee hearings are available at http://www.aph.gov.au/hansard

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

SITTING DAYS—2009

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RADIO BROADCASTS

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

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

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg

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

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

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

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

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

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

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

Manager of Opposition Business in the Senate—Senator Stephen Shane Parry

Senate Party Leaders and Whips

Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans

Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy

Leader of the Liberal Party of Australia—Senator Hon. Nicholas Hugh Minchin

Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz

Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce

Deputy Leader of the Nationals—Senator Fiona Nash

Leader of the Australian Greens—Senator Robert James Brown

Deputy Leader of the Australian Greens—Senator Christine Anne Milne

Leader of the Family First Party—Senator Steve Fielding

Chief Government Whip—Senator Kerry Williams Kelso O’Brien

Deputy Government Whips—Senators Donald Edward Farrell and Anne McEwen

Chief Opposition Whip—Senator Stephen Shane Parry

Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby

The Nationals Whip—Senator John Reginald Williams

Australian Greens Whip—Senator Rachel Mary Siewert

Family First Party Whip—Senator Steve Fielding

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

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

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

Prime Minister Hon. Kevin Rudd, MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion Hon. Julia Gillard, MP
Treasurer Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate Senator Hon. Chris Evans
Minister for Defence and Vice President of the Executive Council Senator Hon. John Faulkner
Minister for Trade Hon. Simon Crean MP
Minister for Foreign Affairs and Deputy Leader of the House Hon. Stephen Smith MP
Minister for Health and Ageing Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs Hon. Jenny Macklin MP
Minister for Finance and Deregulation Hon. Lindsay Tanner MP
Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House Hon. Anthony Albanese MP
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate Senator Hon. Stephen Conroy
Minister for Innovation, Industry, Science and Research Senator Hon. Kim Carr
Minister for Climate Change and Water Senator Hon. Penny Wong
Minister for the Environment, Heritage and the Arts Hon. Peter Garrett AM, MP
Attorney-General Hon. Robert McClelland MP
Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate Senator Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism Hon. Martin Ferguson AM, MP
Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services Hon. Chris Bowen, MP

[The above ministers constitute the cabinet]
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<td>Minister for Veterans’ Affairs</td>
<td>Hon. Alan Griffin MP</td>
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<tr>
<td>Minister for Housing and Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Minister for Home Affairs</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery</td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td>Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>Senator Hon. Nick Sherry</td>
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<tr>
<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<tr>
<td>Minister for Early Childhood Education, Childcare and Youth and Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
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<tr>
<td>Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change</td>
<td>Hon. Greg Combet AM, MP</td>
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<tr>
<td>Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery</td>
<td>Senator Hon. Mark Arbib</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government</td>
<td>Hon. Maxine McKew MP</td>
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<tr>
<td>Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<tr>
<td>Parliamentary Secretary for Western and Northern Australia Services and Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Duncan Kerr SC, MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade</td>
<td>Hon. Anthony Byrne MP</td>
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<tr>
<td>Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector</td>
<td>Senator Hon. Ursula Stephens</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
<td>Hon. Laurie Ferguson MP</td>
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<td>Hon. Richard Marles MP</td>
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<td>Position</td>
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<td>Leader of the Opposition</td>
<td>The Hon. Malcolm Turnbull MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition</td>
<td>The Hon. Julie Bishop MP</td>
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<td>Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals</td>
<td>The Hon. Warren Truss MP</td>
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<td>Shadow Treasurer</td>
<td>The Hon. Joe Hockey MP</td>
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<td>The Hon. Christopher Pyne MP</td>
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<td>Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design</td>
<td>The Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Finance, Competition Policy and Deregulation</td>
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<td>The Hon. Ian Macfarlane MP</td>
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<td>Shadow Special Minister of State and Shadow Cabinet Secretary</td>
<td>Senator the Hon. Michael Ronaldson</td>
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<td>Shadow Minister for Climate Change, Environment and Water</td>
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<td>Shadow Minister for Defence</td>
<td>Senator the Hon. David Johnston</td>
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<td>Shadow Attorney-General</td>
<td>Senator the Hon. George Brandis SC</td>
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<td>The Hon. Dr Sharman Stone</td>
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<td>Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts</td>
<td>Mr Steven Ciobo MP</td>
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[The above constitute the shadow cabinet]
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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 MP
Shadow Minister for Ageing  Mrs Margaret May MP
Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence  The Hon. Bob Baldwin MP
Shadow Minister for Veterans’ Affairs  Mrs Louise Markus MP
Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth  Mrs Sophie Mirabella MP
Shadow Minister for Justice and Customs  The Hon. Sussan Ley MP
Shadow Minister for Employment Participation, Training and Sport  Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Northern Australia  Senator the Hon. Ian Macdonald
Shadow Parliamentary Secretary for Roads and Transport  Mr Don Randall MP
Shadow Parliamentary Secretary for Regional Development  Mr John Forrest MP
Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs  Senator Marise Payne
Shadow Parliamentary Secretary for Energy and Resources  Mr Barry Haase MP
Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector  Senator Mitch Fifield
Shadow Parliamentary Secretary for Water Resources and Conservation  Mr Mark Coulton MP
Shadow Parliamentary Secretary for Health Administration  Senator Mathias Cormann
Shadow Parliamentary Secretary for Defence  The Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Education  Senator the Hon. Brett Mason
Shadow Parliamentary Secretary for Justice and Public Security  Mr Jason Wood MP
Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry  Senator the Hon. Richard Colbeck
Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate  Senator Concetta Fierravanti-Wells
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Monday, 16 November 2009

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

NATIONAL APOLOGY TO THE FORGOTTEN AUSTRALIANS AND FORMER CHILD MIGRANTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (12.31 pm)—by leave—I move:

That the Senate support the apology given on this day by the Prime Minister, on behalf of the nation, to the Forgotten Australians and former Child Migrants in the following terms:

We come together today to deal with an ugly chapter in our nation’s history.

And we come together today to offer our nation’s apology.

To say to you, the Forgotten Australians, and those who were sent to our shores as children without your consent, that we are sorry.

Sorry – that as children you were taken from your families and placed in institutions where so often you were abused.

Sorry – for the physical suffering, the emotional starvation and the cold absence of love, of tenderness, of care.

Sorry – for the tragedy of childhoods lost – childhoods spent instead in austere and authoritarian places, where names were replaced by numbers, spontaneous play by regimented routine, the joy of learning by the repetitive drudgery of menial work.

Sorry – for all these injustices to you as children, who were placed in our care.

As a nation, we must now reflect on those who did not receive proper care.

We look back with shame at how those with power were allowed to abuse those who had none.

And how then, as if this was not injury enough, you were left ill-prepared for life outside – left to fend for yourselves; often unable to read or write; to struggle alone with no friends and no family.

For these failures to offer proper care to the powerless, the voiceless and the most vulnerable, we say sorry.

We reflect too today on the families who were ripped apart, simply because they had fallen on hard times.

Hard times brought about by illness, by death and by poverty.

Some simply left destitute when fathers, damaged by war, could no longer cope.

Again we say sorry for the extended families you never knew.

We acknowledge the particular pain of children shipped to Australia as child migrants - robbed of your families, robbed of your homeland, regarded not as innocent children but regarded instead as a source of child labour.

To those of you who were told you were orphans, brought here without your parents’ knowledge or consent, we acknowledge the lies you were told, the lies told to your mothers and fathers, and the pain these lies have caused for a lifetime.

To those of you separated on the dockside from your brothers and sisters; taken alone and unprotected to the most remote parts of a foreign land – we acknowledge today the laws of our nation failed you.

And for this we are deeply sorry.

We think also today of all the families of these Forgotten Australians and former child migrants who are still grieving, families who were never reunited, families who were never reconciled, families who were lost to one another forever.

We reflect too on the burden that is still carried by your own children, your grandchildren, your husbands, your wives, your partners and your friends – and we thank them for the faith, the love and the depth of commitment that has helped see
you through the valley of tears that was not of your making.

And we reflect with you as well, in sad remembrance, on those who simply could not cope and who took their own lives in absolute despair.

We recognise the pain you have suffered.

Pain so personal.

Pain so profoundly disabling.

So, let us therefore, together, as a nation, allow this apology to begin healing this pain.

Healing the pain felt by so many of the half a million of our fellow Australians and those who as children were in our care.

And let us also resolve this day, that this national apology becomes a turning point in our nation’s story.

A turning point for shattered lives.

A turning point for Governments at all levels and of every political colour and hue, to do all in our power to never let this happen again.

For the protection of children is the sacred duty of us all.

This motion is supported by the Leader of the Opposition, Mr Turnbull, and, I am sure, by all senators.

I acknowledge first of all the forgotten Australians and former child migrants who are in the parliament today, who have come from all around Australia to hear the Prime Minister and the opposition leader offer the apology on behalf of the nation. I remind senators that on 13 February last year the Prime Minister rose in the other chamber to deliver the national apology to Australia’s Indigenous people. At that time he said:

… there comes a time in the history of nations when their peoples must become fully reconciled to their past if they are to go forward with confidence to embrace their future. Our nation, Australia, has reached such a time.

Today we seek to acknowledge and reconcile with another dark chapter in Australia’s past so that the nation can once again move forward. Today the nation acknowledges and apologises for the pain and devastation caused by the actions of governments and institutions against the forgotten Australians and former child migrants—children placed in care. In speaking this morning the Prime Minister outlined the abuse, deprivation and neglect that befell children placed in orphanages, homes and institutions where they were supposed to be protected, nurtured and educated.

Many senators are familiar with the terrible wrongs and injustices carried out. They have been documented through the course of three separate Senate inquiries. Firstly, there was the report Lost innocents: righting the record, from the committee chaired by former Senator Rosemary Crowley. She rang me today to apologise for not being able to be here; she was keenly interested in the apology. Then there was the report Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children in 2004, from the committee chaired by Senator Jan McLucas. The most recent inquiry, chaired by Senator Rachel Siewert, produced the Lost innocents and forgotten Australians revisited which was tabled this year. These reports pursued an issue that is really important to many Australian citizens. They provide a record of the damage done to so many and give voice to those who are suffering. I think it does the Senate great credit that as a result of those inquiries we have got to this position today—a formal national apology.

I will not attempt to name all the senators involved but I do acknowledge the work of the chairs: former Senator Crowley, Senator McLucas and Senator Siewert. I know Senators Humphries, Moore and others have been highly engaged in this issue, and it is to their great credit. Of course, I would also like to mention the work of former Senator Andrew Murray, himself a victim, if you like, of these processes. He has been a tireless advocate on
behalf of former child migrants and forgotten Australians and he used his time in the Senate to agitate and advocate on their behalf. He has been involved in chairing the consultations that assisted in developing the apology today. It is very good to see him back in the parliament. The work he did is a great credit to him.

To our shame as a nation, we failed to provide the essentials of a good life for the half a million children placed in the care of state governments and charitable and religious institutions in Australia—half a million children who were deprived of their childhoods, many of whom were also torn from their families. These children were denied love, affection and protection from those charged with their care and instead were neglected, exploited and abused.

As Minister for Immigration and Citizenship I feel a special concern for the 7,000 former child migrants who were shipped to Australia from the United Kingdom and Malta. These children, who were predominantly placed in residential institutions, were the victims of a deliberate and tragically flawed government policy to help populate Australia. Even those children who escaped mistreatment and abuse in these institutions still suffered from the loss of identity and sense of alienation that comes from being torn away from one’s family, friends and homeland and shipped to the other side of the world alone. Many of these children were sent to Australia without their parents’ consent and were oftentimes lied to and told that their parents had died or did not want them any more.

These forgotten Australians and former child migrants are now middle-aged, but the past continues to have profound and far-reaching effects on their adult lives. Beyond the devastating impacts of such deprivation and abuse for the individuals, we also see that the families have come to be burdened and haunted by their past as well. That is why today we also acknowledge their husbands, wives, partners and children for the love, support and commitment they provide. We also remember today those people who, unable to cope with the pain and horror of these experiences, took their own lives.

The apology delivered by the Prime Minister today and this motion are first steps in the healing process. Today the nation, through its highest institution, the Australian parliament, says, ‘We are sorry’. The apology signifies that this chapter of Australia’s history and the lives of the people affected will be forgotten no longer. It also signifies that the journey of recognition and healing will continue and that the government will continue to offer understanding and support for those in need.

On a practical level, 600 counselling services are being made available under the Family Support Program, offering trained counsellors to help individuals and families to heal further and have strong and healthy relationships. To support former child migrants, the government will continue to provide funding for counselling services, family tracing support and other assistance, as it has since 1990. This assistance occurs through the Child Migrants Trust, an independent organisation for former child migrants, their parents and relatives. The trust is working with about 1,000 people to rediscover their origins and deal with the legacy of their childhood experiences.

The Australian government is also working with those who support the forgotten Australians. We are funding the Alliance for Forgotten Australians and the Care Leavers of Australia Network to continue support for care leavers. We must also ensure that the abuses of the past do not happen again. In conjunction with the states and territories,
the government has developed the National Framework for Protecting Australia’s Children. It includes strong national standards for out-of-home care, so that the care is of a high quality and children are safe and well cared for.

I acknowledge that these are small steps forward, but they are positive steps which demonstrate the Australian government’s and the Australian parliament’s commitment to offer practical and meaningful support to those who seek it. Today marks a turning point in Australia’s history. From this day forward, I hope that all governments and institutions that have in the past neglected their responsibility for children in their care will act on their obligations in practical and meaningful ways. One of the most important things we can do now is to ensure that this chapter in our history is never repeated.

Today we recognise and applaud the courage of former child migrants and forgotten Australians in speaking out. We admire the courage of people who have shared their individual stories and, in some cases, have been further traumatised by revisiting the past. Through today’s apology we show our respect for all people affected, our support for further recognition for the terrible wrongs inflicted and our hope to assist the process of healing. I commend the motion to the Senate.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (12.40 pm)—I, on behalf of the opposition, indicate our strong support for the motion moved by Senator Evans. The opposition joins with the government in acknowledging that the abuse and neglect suffered by many children in institutional and other out-of-home care during the last century was entirely and completely unacceptable. We join with the government in offering this apology to the more than half a million forgotten Australians and former child migrants who had traumatic experiences in institutionalised care across the country. In doing so, we acknowledge and express our sympathy for the suffering of these children.

Under UK legislation, as Senator Evans mentioned, an estimated 150,000 children left the UK as child migrants. It is estimated that something between 7,000 and 10,000 of those children were sent to Australia between 1947 and 1967. The forgotten Australians are the approximately half a million people who found themselves in institutional care in the 20th century between the 1920s and 1970s. It was in the 1980s and 1990s that the stories of these child migrants and forgotten Australians began to come to light, particularly the stories of child migrants through the work of the Child Migrants Trust. Since about 1990, Australian governments of both persuasions have provided funding to the Child Migrants Trust to assist with caseworker and counseling services for former child migrants.

We are delighted that the parliament is acting on the recommendation of the latest report of the Senate Community Affairs References Committee, a committee which, as Senator Evans properly said, has ensured that the stories of children in institutional care and former child migrants have been heard. We also join with the government in acknowledging the work of all members of that committee over the years since its first inquiry in 2001. In that year, the committee tabled its report into child migration entitled Lost innocents: righting the record. In 2004, the committee tabled the report on its inquiry into children raised in institutional care and other forms of care, entitled Forgotten Australians. That was followed in 2005 by the report Protecting vulnerable children: a national challenge. Of course, the committee then tabled its report on the inquiry into the implementation of the recommendations of the Lost innocents and Forgotten Australians reports.
As Senator Evans quite properly said, I think we all owe a great debt to our good friend and former colleague, former Senator Andrew Murray, who proved what you can do even if you are not in government or opposition at any stage in your career. It was he, through his diligence and commitment, who focused this Senate’s and I think the nation’s attention on the importance of looking into the circumstances surrounding former child migrants and children in institutional care. I have no doubt that Andrew will be more pleased than anyone about what has occurred today.

I also want to particularly acknowledge Liberal Senator Gary Humphries, as a very longstanding member of the Senate Community Affairs References Committee and someone who has followed this issue and been closely involved in it with tremendous commitment. Senator Humphries was strongly involved in the 2004 inquiry into the forgotten Australians and with this latest Senate inquiry that looked at the progress made since those earlier reports. He has heard firsthand and directly many of these personal accounts of neglect and abuse. They will have had an enormous impact on him, as they have had on all committee members and Senate committee staff. Andrew Murray said in a speech at the University of Western Australia in 2008 that the committee inquiries he was involved with on this issue impacted heavily on everyone involved. In that speech, Andrew said:

I do not want to give the impression that every child in care was harmed or hated it. I do not want to give the impression that every institution or care-provider was bad. That was not so. There were positive stories. But we also heard stories that defied belief. Submissions revealed horrific stories of slave labour, of physical assault, of sexual assault and rape, of profound emotional abuse and cruelty, of widespread and systemic abuse and neglect.

The Senate’s inquiry into child migrants followed a British House of Commons health committee inquiry into child migration in 1997. That report stated:

Exact number of child migrants to Australia and New Zealand are not known, but it is thought that during the final period in which the migration policy operated, from 1947 to 1967, between 7,000 and 10,000 children were sent to Australia. These children were placed in large, often isolated, institutions and were often subjected to harsh, sometimes intentionally brutal, regimes of work and discipline, unmodified by any real nurturing or encouragement.

In relation to Australia, the House of Commons report further stated:

It is fair to say that the sending agencies appear genuinely to have believed that they were acting in the best interests of the children. … Official assurances to this effect were given to Parliament when legislation enabling child migration was debated. During the passage of the Children Bill in 1948, the Lord Chancellor assured the House of Lords that ‘the Home Office intends to secure that children shall not be emigrated unless there is absolute satisfaction that proper arrangements have been made for the care and upbringing of each child’.

As we now know, and as that House of Commons report found, the reality was very different for those child migrants, with often quite questionable practice used to expedite the process of migration. The House of Commons committee concluded that:

Child migration was a bad and, in human terms, costly mistake.

The British government responded to this inquiry in 1998 and accepted that the policy had been badly misguided. In 2000 our government provided a response to the British government’s position which included a commitment to cooperate with the British to assist former child migrants tracing their families. It was then, on 20 June 2000, that the Senate, on the motion of Senator Andrew Murray, referred the issue of child migration
to the Senate Community Affairs References Committee for inquiry and report. As mentioned earlier, this *Lost innocents* report was tabled in 2001. That committee received 99 confidential and 153 public submissions, most of them from former child migrants. In the words of that committee:

This report recognises that while some former child migrants have prospered in this country, have successful relationships with partners and children and never lost contact with family, many others are not in this position. The report illustrates the consequences of emotional deprivation and abuse in childhood, and the struggle such children face as adults to cope and contribute and to live fruitful and constructive lives.

As the committee noted in that report, many submissions were also received from Australian-born people who were brought up in institutional care in Australia, often in the same institutions as these child migrants. Hence the 2004 inquiry into *Forgotten Australians* focused on those children. Again, it was on the motion of Andrew Murray that the Senate supported that inquiry in 2003. That inquiry received 440 public submissions and 174 confidential submissions. Many of those were highly emotive, telling very personal stories about personal experiences as children in institutions and how these often horrific experiences had subsequently shaped the lives of those children. The committee report described the submissions as:

… graphic and disturbing accounts about the treatment and care experienced by children in out-of-home care.

In June this year the Community Affairs Committee recommended that the government issue a formal acknowledgement and expression of regret to former child migrants and to children who had suffered hurt and distress or abuse and assault in institutional care. The coalition strongly supports these recommendations and we particularly support and encourage government provision of practical support to assist—as we did in government with the support of the then opposition—those affected by these damaging policies of the past with support for counselling, information, family research and reunion services.

As a society we can acknowledge that a variety of factors contributed to this often abhorrent standard of care and that there is no one person to blame. We do need to recognise that there were many motivating factors, not all of them malevolent, for the policies of the past and that, often, authorities and charities simply got it wrong. We, as the opposition, have tremendous sympathy for the distressing experiences that many faced in institutional care or as child migrants to Australia in the last century. We strongly support this acknowledgement and apology. We provide our sympathy to those who, through forced migration, separation and institutional care, experienced abuse and neglect and the ultimate denial of the freedoms and support most children in Australia happily experience.

There are many lessons to be learnt for all of us from their experiences. It is, as Senator Evans said, a tremendous sign of what the Senate can achieve and we certainly join with Senator Evans in saying that we are pleased that, through the Senate, these forgotten children and these child migrants have been given a voice to allow their stories to be heard and for this apology to be made.

**Senator Siewert** (Western Australia) (12.50 pm)—The Australian Greens also wholeheartedly support this motion. Anybody who was in the Great Hall and heard the apology could not fail to be moved by the words that were spoken and the genuine emotion that people felt upon hearing those words. It is genuinely a very significant step
in helping the forgotten Australians and former child migrants to heal.

Over seven years ago, the Senate delivered its first report on this issue—the Lost innocents: righting the record report—which focused on the issue of the suffering of child migrants, predominantly from Britain but also from Malta. Over four years ago, the Senate then delivered its second report—the Forgotten Australians report—which tackled the issue of neglect and abuse of children in institutional or out-of-home care within Australia. In June this year, it was my privilege to deliver, on behalf of the Senate Community Affairs Committee, its third—and, I hope final—report: Lost innocents and forgotten Australians revisited.

Today in parliament the Prime Minister delivered a formal apology on behalf of the nation to all from these groups who suffered neglect and abuse when their welfare was the responsibility of the state and they were supposedly under the care of the state. It was good to see Australia finally acknowledge the hurt and damage that has been done. Hopefully, in the weeks and months to come, we will see all the states and territories which have not yet done so, including South Australia and Victoria, deliver apologies. Hopefully we will also see the churches and institutions who were involved in providing care—or, rather, failing to provide care—and who have so far not formally apologised to forgotten Australians and former child migrants offer their sincere apologies for the harm that they have caused.

We want to hear—and justice demands—a clear, public, unreserved expression of sincere apology in acknowledgement of the awful wrong and injustice that was done to these innocent and accepting children during their crucial formative years when they had every reason and every right to expect that they would be cared for, nurtured and, most importantly, loved. The overwhelming comment that you hear from people is about the lack of love given to children who were in care and could have expected better.

We understand now—and I believe there was every reason for it to be understood then—that the long-term consequences for children growing up in loneliness and great hardship in institutional care can be significant and severe. The neglect and abuse suffered by these children cannot be excused by any reference to good intentions or to the prevailing norms of the day. It was wrong then and it is wrong now. It was an injustice knowingly committed on the innocent. Childhood should be a time for growth and nurturing, a time for exploration and play and, above all, a time to learn about and experience friendship, family and love. It should not be stark, grey and regimented. It should not be a time of loneliness, fear and abuse. It should not be spent on hard, menial tasks or wasted on pointless, repetitive tasks. It should not be lived in fear and misery. Yet half a million Australians lived that way.

For those children who were not only neglected but experienced physical and sexual abuse, I know that even the most sincere and heartfelt apology is only the start. The damage that has been done by the years of neglect is significant and severe and has left scars that take a lifetime to deal with; in fact, they impact on the next generations. We have acknowledged today that this abuse happened and we have said sincerely, as a nation, sorry. We wish that it had not happened. We would do anything to turn back time and undo the harm, but unfortunately we cannot. Now that we have taken this first step of an apology, we must do our very best to help those who have suffered. We have to ensure that the consequences of what occurred are dealt with. We need to support these people for the rest of their lives. We need to show them care and support and do all in our
power to ensure these abuses do not happen in the future.

It has been challenging and at times emotionally gruelling for the people working on the three committees that looked at these issues. We listened to stories and to evidence and experienced second-hand the neglect and abuse. But what we felt pales into insignificance compared to the pain and discomfort experienced by those who were brave enough to tell us their stories. Today in the Great Hall I was sitting next to a lady called Therese Williams. She had been in an institution in Geraldton and she told me a story which I promised to relay today so that other people could hear it and remember Eileen Sinnott. Eileen died on 26 June 1948, aged 10, as the result of a kicking applied by a nun in Geraldton. Therese had never told this story before today. She had with her a little framed picture of Eileen’s headstone. I promised that I would tell that story today so that Eileen is remembered and so that we never again allow that sort of thing to happen to a 10-year-old.

I also had the privilege recently to read a book by Margo O’Byrne, who is in the gallery and who, with her brother, Micko, is also an institutional survivor. The book tells of their institutionalisation in St Vincent’s in Brisbane and then in boarding school. It holds stories that are common to all the people who were in institutional care, those formerly forgotten, now remembered Australians, the former child migrants. The theme that comes through in Margo and her brother’s story, as well as in many other stories, is of powerlessness—of seeing abuse but not being able to do anything about it. Margo tells of seeing her brother abused and being powerless, as a child, to do anything about it. Another common theme of the stories the forgotten Australians tell is of wanting to be invisible, because if you were invisible in an institution you could survive a bit better. Of course, abuse and trauma come through all the stories you hear, and they do in Margo’s story.

Margo also tells of visiting the nursery in St Vincent’s and seeing cots and cots of babies putting their arms up to be hugged and loved. She tells of runny noses and the smell of wet nappies and of no-one dealing with that. She tells of not wanting to go back there because of the feeling of helplessness and not wanting to have to deal with that. I know that story has been repeated in institutions across this country. Those are the things that people remember and will carry with them to their graves.

It is our duty as Australians to support these people. It is a question not only of the half a million people who were directly affected by an institution but of their parents, many of whom went to their graves thinking their children were dead. Many of these people thought their parents were dead. And of course there is also the question of the impact on these people’s children. If you grow up in an institution—you are not shown love and care; you are shown abuse—you do not learn how to cuddle your children; you do not learn parenting skills. What was done to these people has had a direct impact on the next generation. We need to be aware that we also need to help those people.

I very strongly support the Prime Minister’s commitment to the new initiatives. The Senate made many other recommendations, and I implore the government to implement those recommendations as well. This apology is a first step. It is an absolutely essential first step—you only had to see and feel the emotion in that chamber to know how important this apology is—but we need to back it up. We cannot let it be just words. As I said, the Greens very strongly support this motion, and I am very pleased to see that finally the
recommendations of the committee reports have been implemented.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.00 pm)—I rise to concur with the remarks of Senator Evans, Senator Minchin and Senator Siewert, and support this motion on the forgotten Australians and former child migrants. I would like to endorse the remarks of and the work done by former Democrat Senator Andrew Murray, who has been tireless in seeking this objective. I also endorse the work done by Senator Gary Humphries. Child migrants are part and parcel of the history of Australia. Much sadness has surrounded them. I can see that Senator Hutchins is in the chamber. Senator Hutchins and I are descended from child migrants.

Removal must be the last alternative, and the removal of people from love and a family structure to an institution is a diabolical thing for any human being. It is interesting to think about some of the towns where these orphanages were located. I remember the orphanage at Armidale. Orphanages were part and parcel of so many country towns, a peculiarity now that is hard to get our minds around. People who migrated from England and other places could be found in these orphanages. They had to grow up in an institution in loco parentis with people who were in no way related to them. I went to a local state school and I knew the fear people had when the welfare officer would come around. I knew that people had been removed. Some of them had to be removed, to be honest. There was no alternative because sometimes the situations people were in were diabolical. But they should never have been removed and placed in a situation that was on a par or worse than the one they came from. This was the great crime that happened. People were put in situations where they were under threat of sexual predators and under threat of being bullied and harassed, and where they were lumbered with a life of menial tasks. These people should have received love, attention and care, and not put in places which were comparable or worse than where they came from.

I hope that this apology brings some sense of solace to those people who came to Parliament House today—about 900 of them. We do not for one second pretend that we can replace all that has been lost in their lives. It would be impossible to do that. What value do you put on a family life? What value do you put on the knowledge of a mother and a father? What value do you put on the love that you receive by being tucked into bed and being kissed goodnight by your mother? How can you possibly replace those things? It is beyond payment. But there has to be an acknowledgement of the wrongs that were committed against these people. For someone to be removed and told that their parents had died, and for their parents to be told that their child had died, as happened in some instances, is an abominable punishment for that person.

I would like to acknowledge the hard work done by the Senate Community Affairs Committee over a long period of time and their persistence in this matter. As a positive, I would also like to acknowledge the bipartisan stance taken by the committee in trying to bring about a resolution and showing that this chamber can bring about something good—not something equivalent to the loss but something that at least in a minor way alleviates the pain suffered. I wish those people who came to Parliament House today all the best. This parliament stood in unison today and said: ‘We offer our heartfelt apology and we acknowledge that you have suffered. Whatever small thing we can offer to mitigate the pain you have felt then we offer it to you here today.’
Senator FIELDING (Victoria—Leader of the Family First Party) (1.04 pm)—Family First fully support this motion and our heartfelt apology goes out to the children who were taken from their families and placed in institutions where they were often abused. We are sorry for the physical suffering, the emotional starvation and the cold absence of love, tenderness and care. We are sorry for the tragedy of the childhoods that were lost to authoritarian places where names were replaced by numbers, spontaneous play was replaced by regimented routine and the joy of learning replaced by the repetitive drudgery of menial work. We are sorry for all the injustices delivered to these children who were placed in so-called care. Massive hurt and damage has been done. Massive hurt and damage has resulted from being place in care. Massive hurt and damage has resulted from a breach of care and a breach of trust. How would anyone cope with that situation where trust was broken? How was this allowed to go on for so long? Why was it allowed to go on for so long? We may never know how humans allowed these things to happen, even after all the stories came out. It is hard to fully understand how it was allowed to happen. This apology means a lot to many thousands of people, tens of thousands and even hundreds of thousands, and even to those who are sadly no longer with us.

I remember growing up and hearing that sticks and stones may break my bones but words will never hurt me. Sticks and stones do break bones, but words also hurt and damage people. The word ‘sorry’ is such an important word to come from this parliament, this government and this nation in the context of our standing with those people who have been through such horrific circumstances. I spent some time this morning talking to some people just outside the Great Hall. You cannot help but weep when you hear these stories. They are just so horrific and hard to comprehend. How it could go on for so long without anyone really blowing the whistle on this sort of stuff, I just do not know. To the survivors, all those people who have had to put up with this, my heart goes out to you. I am hoping that this apology, our saying sorry, allows you to continue to grow and evolve beyond those memories. May it be a new chapter and a new beginning for many people.

To survive such things is hard to contemplate, but I think the government has proven today that it is serious about addressing those issues and this offer of assistance will go a long way to helping those people. I know the report in 2004 said that the legacy of some of these childhood experiences includes low self-esteem, lack of confidence, depression, fear and distrust, anger, shame, guilt, obsessiveness, social anxieties, phobias and recurring nightmares. I do hope that today is a new beginning for those Australians who will now be called remembered Australians; they are no longer forgotten. We stand here with them today and say sorry.

Senator XENOPHON (South Australia) (1.09 pm)—I add my unequivocal support for the government’s motion and endorse the heartfelt remarks of my colleagues—Senators Evans, Minchin, Siewert, Joyce and Fielding. Cruelty in all its forms is completely unacceptable, but cruelty against children is a particular kind of evil. It causes incredible emotional pain as well as the physical pain. Too often it destroys hope and a passion for living in its victims. We need as a nation to say sorry for what was done to the forgotten Australians and former child migrants. We need to acknowledge their pain and bear witness to their suffering. We need to say: ‘We hear you, we believe you, we acknowledge what our country and institutions did to you and we are sorry.’
Wounds do not heal if they are left to fester and are not dealt with. Many of these forgotten Australians have been forced to stay silent and hide secrets their whole lives. This apology is a way to make it clear once and for all that the forgotten Australians should not be expected to keep our country’s and our institutions’ shameful secrets. The 2001 Senate inquiry into child migrants, brought about by the advocacy of former Senator Andrew Murray, heard from more than 200 victims, many of whom were deported to Australia and told they had no families. The subsequent work by the Senate Standing Committee on Community Affairs, chaired by Senator Siewert and worked on by Senator Humphries, built on that valuable body of work. Senator Evans is right when he says that this shows the Senate at its best. As state wards, these forgotten Australians were subjected to unthinkable abuse—emotional, physical and sexual. They were neglected and many children were forced to work as virtual slave labour. These stories need to be told and their suffering needs to be acknowledged.

In my home state of South Australia the abuse of state wards was also endemic. For a long time South Australian institutions did not want to know about the allegations of abuse of wards of the state and migrant children. There was a shameful silence and an unwillingness to listen. But one survivor in particular helped change the debate in South Australia in a way that in hindsight is truly remarkable. I have spent a significant amount of time talking to Ki Meekins. Ki is a survivor who arguably did more to expose my state’s shameful history when it comes to the mistreatment of children than anyone else. As a ward of the state, Ki was routinely sexually abused by a well-known Adelaide children’s entertainer and his partner. He was frequently taken out of state care by these men, abused and then taken back. Ki was flown interstate to be raped. He was punished if he ever told authorities what had happened to him.

The things that happened to Ki should have been a knockout blow for him. No-one would have been surprised if someone in his position could not get out from underneath the pain he had endured. But Ki did get out; he did fight back. He told his story again and again until somebody listened. That somebody was Graham Archer, the executive producer of the Adelaide edition of the Today Tonight program. Despite the prevailing desire amongst some in the community to not investigate this matter, Graham took a stand in 2002 and commissioned a series of investigations into the abuse of Ki and other wards of the state in South Australia. It was investigative reporting at its best. It would be reasonable to conclude that initially the government and the institutions did not want to know. They did not give the allegations the urgency and gravity they deserved. Calls for a royal commission or a formal inquiry were initially dismissed, but the victims were not willing to be silenced this time. They kept telling their stories and the media kept reporting them and eventually the momentum was unstoppable.

In 2005, the state government had ordered an inquiry by former Supreme Court justice Ted Mulligan into the abuse of wards of the state. It showed a disgraceful history of abuse of wards of the state—physically, emotionally and sexually. Commissioner Mulligan did an outstanding job of listening compassionately to victims and the recommendations in his report are invaluable. The tales of neglect and abuse were unimaginable, yet they were all true. These stories should not be forgotten and these victims cannot be forgotten. Ki Meekins has emerged from this stronger. There is a saying by the German philosopher Friedrich Nietzsche: that which does not destroy you
makes you stronger, and Ki is living testament to that. He wrote a book, *Red Tape Rape*, which gives a harrowing account of what he and others were subjected to.

However, from all this sadness there is some hope because, if anyone had a right to give up and lose their way, it was the forgotten Australians. Instead of love they were given pain, instead of security they were given fear, and instead of a promising future they were given seemingly insurmountable odds. Yet overwhelmingly they survived and against the odds so many have flourished. Their lives are testimony to the strength of the human spirit. They would not allow their oppressors to define their destinies. And so I pay tribute to the forgotten Australians and I join the Prime Minister and all my colleagues in support of this apology. To all the forgotten children I say: from the worst possible starts in life, you have come to represent the best in us all.

Senator MOORE (Queensland) (1.14 pm)—Today is a really important day. It is an important day for all of the people who came forward and told the world, the Senate and each other about their experiences, their pain, their loss and their betrayal. It is especially important for them; it is their day. It is also an important day for our parliament, our government and our community because we have been able to stand together and say that we are sorry.

Most particularly we have been able to say, ‘We hear you and we believe you.’ So often members of this Senate were given the great honour of listening to people who had the strength, the resilience and also the anger to come forward and talk about what happened to them. Many of them said that they had felt that they had been taken away from their lives and isolated from their community and, most importantly, that they had not been respected or believed. They had the strength to come forward and tell us their stories. No-one who had the honour to be part of the process of listening to these people has remained unchanged. We have had the special privilege—from being in this party and in this place—of having the opportunity to make a difference. And as I listened today to the apology in our Great Hall I shared the emotion as I watched the people’s faces and saw how they were experiencing the process. That made a lot of the work really worthwhile.

We have heard already today that the role of the Senate and the Standing Committee on Community Affairs was important in this process. I am immensely proud to have been part of that committee and to have shared experiences over such a long time with so many senators. I am not going to name them all, you will be relieved to know, but I think that all of us are part of this process. You cannot pick any individual for particular effort because everyone who attended a single meeting had the honour of being part of something that was going to make a change. That has been expressed to me so many times over the last few days. I had phone calls from people who had come and given evidence and I had meetings with people who were wondering whether they would have the strength to come here today to be part of the whole very traumatic experience of the public apology.

I listened, today and last night, to people who were thinking about themselves and their own histories and about the people who could not be with us—people who have not been able to survive the process. Today there were some very important statements made about people who have gone before us and about families that have been broken. I know that the child migrant group have kept their wonderful poster about their mothers, and today there were many tears shed for broken families and in particular for mothers—
mothers who had lost their children or who did not have a chance to see the future together with their families.

Today I want to pay particular respect to all of those who would not give up after years of abuse in many ways—not only physical abuse but deep psychological abuse and trauma—and who were not prepared to remain quiet. They actually took the risk, the significant risk, of coming forward with their stories and telling us about their personal pains. We must thank them today for having that strength and for giving us the important trust and responsibility of taking the challenge. We, as a government and as a parliament—as people who represent the community—have had the opportunity to listen and to make recommendations. Today one of those recommendations—just one—came forward. We now have a public apology—an acknowledgement and a real statement—on record which is about their community, their country, accepting the pain of those people. I want to thank those people who came forward. I want to acknowledge that we will continue to walk the journey with them. Today was just one step—a big step, but nevertheless one step—in the ongoing process. It makes us all stronger to be part of that.

I want to put on record particular acknowledgement of the staff members of the secretariat of the Senate Standing Committee on Community Affairs. Over many years these people have built up relationships with many people in our community who are often at the other end of the phone or the other end of an email expressing amazing pain. Many people in the secretariat—who often do not get mentioned in this place but just go about doing professional, responsive work—have made a genuine difference in the lives of many people who experienced trauma in institutions and also were child migrants.

A very special bond is built up when you are working through the whole process of public testimony. I know that all of those people in the community affairs committee secretariat have been extraordinarily important in making sure that this process has been able to occur. Over many years, through a series of reports which we have already acknowledged in this place, the people in the secretariat have maintained the respect—and the confidentiality, in many cases—of the people whose stories they have listened to. Some of those stories have not even come before the Senate because there was too much trauma and there was a desire to keep them confidential. On the record I would like to thank Elton Humphery and his marvellous team for the role that they have played in being able to make the Senate do the job that the community demands of us, which is to represent the needs of our community.

I have been deeply honoured to work on this process. I have made many, many friends. I have met with them a lot over the last few weeks. Sharing with them in this process will always remain a very important part of my time in this place. Senator McLucas and Senator Hutchins were chairs before me on the committee. I also acknowledge Senator Siewert, Senator Humphries and the then Senator Crowley and Senator Knowles. All their work will now be on record. We know of the extraordinary efforts of ex-Senator Andrew Murray. All the work was seen on his face today in that room. You could see the pride, the emotion and the sense of achievement but there was also recognition that this is an ongoing process.

We have not finished our job. We have taken one step. As I said in this place several months ago to the people who were in the gallery at that stage: ‘You are not the forgotten Australians. You will always be part of our achievements and our processes moving forward.’ The Prime Minister today called
them the ‘remembered Australians’. I think that is really important, but to those people who have lived the trauma which we have heard about and will never forget I say: ‘Thank you for giving us the trust to walk this journey with you. Thank you for allowing us to hear your needs and your pain.’ In our ongoing efforts we will continue to work with the remembered Australians into the future.

Senator HUMPHRIES (Australian Capital Territory) (1.22 pm)—Thank you, Mr President, for the chance to support the motion which is before the Senate today. Like others who have spoken in this debate, I am deeply grateful to have been a member of the federal parliament on this day when we take the step of acknowledging the hurt inflicted on so many hundreds of thousands of Australians by virtue of the policies pursued in institutions run throughout this country.

I am glad to have been here to have shared, to have heard retold, the stories of so many people who sought and deserved, but did not receive, the assistance of Australians when they were young and vulnerable. Sometimes, when we sit in this place making decisions and reporting on things, the ivory tower concept makes us wonder how what we do here translates onto the streets of Australia. In this particular instance, the work of the Community Affairs Committee did not need much translation. The people who came to us to tell us their stories translated the reality of what we were talking about beautifully in our minds.

I am glad to have been here to have shared, to have heard retold, the stories of so many people who sought and deserved, but did not receive, the assistance of Australians when they were young and vulnerable. Sometimes, when we sit in this place making decisions and reporting on things, the ivory tower concept makes us wonder how what we do here translates onto the streets of Australia. In this particular instance, the work of the Community Affairs Committee did not need much translation. The people who came to us to tell us their stories translated the reality of what we were talking about beautifully in our minds.

I see here in the gallery today some of the people who told me their personal stories. I am very grateful to them for sharing deeply intimate details of their lives in order to make real for us their unimaginable childhood experiences. I see Patrick in the gallery. He cannot see me—Patrick, wave to me—but he can at least hear me. Patrick was a child migrant who came to this country and experienced some dreadful things but who has used his experience to build a different life and make a difference in his community. For so many of the so-called ‘forgotten Australians’—now ‘remembered Australians’—and former child migrants, this has been a positive pathway for them to pursue. We acknowledge today that many could not pursue that pathway because they were too badly affected, too badly hurt, by their experience. I am glad for the opportunity to acknowledge today the courage, tenacity and thirst for justice which were characteristic of many of the people who came before our committee wanting to make a difference and wanting to support those who had had similar experiences to theirs. They could be forgiven for turning their backs on a society which appeared to turn its back on them when they needed support, but they have not done that.

It is true that not all the stories of children in institutional care were wholly tragic. It is true that some children in institutions, on balance, had a positive experience. Some people who looked after them were good people and good carers. But no survey of the evidence can fail to conclude that there were, in too many institutions and by too many individuals, horrific and consistent failures to provide proper care and protection to innocent and vulnerable people. In some institutions there was a culture which could only be described as evil. It is that failure to nurture, care for, respect and love the children in those institutions that has to be atoned for today, not only because it inflicted such damage on those children—damage which, as has been said, has had repercussions through generations—but because it is a powerful reminder to all of us in this parliament of why a relentless focus on the best interests of children must be at the centre of all social policy that we discuss, debate, consider and support. To do anything less would
be to betray the sad experiences of so many people who passed through institutional care in the 20th century.

I want to use my short time to acknowledge that, for many of these people, the experience of being in a so-called ‘home’ was an experience of isolation, of separation. For a child, being locked away somewhere creates a sense of being punished, of having done something wrong—they feel they have been locked away because of something to do with them. When, on telling the story of what had happened to them, they were further not believed, that exacerbated their sense that there was something wrong with them for having been in those places.

I see the apology today as a chance to say to all of those people that that element of blame, of personal wrongdoing, is wiped away. It was never true. We acknowledge that it was others’ failings that led to their being in those places, that they are more than welcome to be full, participating members of Australian society, that they are not outsiders, that they are people with a great role to play and that their experience of suffering is an experience that we should build on to make a difference. I am confident that, with the apology today, that will be the case.

I also have to say that—as Senator Moore, Senator Siewert and others have pointed out—we have much unfinished business here. This apology is not the end. Today, sadly, only half of the Australian states have actually set up compensation schemes. I can understand people being cynical about compensation schemes. But, in this case, the argument for financial redress is absolutely overwhelming. What greater loss can there be to a person than the loss of their innocence and their childhood? What could possibly repay people for that loss? The question of redress needs to be tackled directly and immediately by those Australian states which have not yet done so, and those states that have schemes with problems should address those problems by talking to the people who need, who rely on, the schemes.

I also need to say that there are still shortcomings in the responses of the charities and churches that were responsible for running so many of the institutions we have discussed in these reports. They could do much more to strengthen the assistance they provide to their former charges, to extend a hand of assistance that would allow these people to regain that place in Australian society which they crave.

Senator Moore was right to suggest that we have all been changed by this experience—not changed as much as those people who passed through institutions, as we have only a dim reflection to behold of what happened to them. We have the power to make a difference through what we do in this place, and that is absolutely what I and other members of the committee, former and present, will do as a result of our experience on these inquiries. We particularly need to ask ourselves how we can make sure that the 30,000 or so Australians who remain in out-of-home care of one sort or another can be assisted never to experience what those in institutional care experienced. I pay tribute to these people, I thank them for their candour and their courage and I look forward to working with them in a variety of ways in the future to learn valuable lessons from this experience and build a better future for children.

Question agreed to.
Legislation Committee, Senator Crossin, I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON TERMINATION PAYMENTS) BILL 2009

In Committee

Consideration resumed from 29 October.

Bill—by leave—taken as a whole.

Senator SHERRY (Tasmania—Assistant Treasurer) (1.32 pm)—I move:

That the committee not insist on the Senate amendment disagreed to by the House of Representatives.

The Senate has had time to reflect on the amendment proposed by Senator Xenophon. The amendment would have the effect of removing an important exception where the termination benefit represents a genuine payment by way of damages for breach of contract. It would require such payments be subject to shareholder approval irrespective of the amount of the payment. In practice, it would mean, as Senator Xenophon has acknowledged, that virtually all termination benefits, regardless of their size, would require shareholder approval. Even a legitimate payout of $1 would require the approval of shareholders at a general meeting. This is unworkable and, as such, the government does not support the amendment.

The government has introduced the Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009 to improve corporate accountability and, in doing so, it has struck an appropriate balance between empowering shareholders and providing companies with adequate certainty. The bill allows companies to offer reasonable termination benefits below the specified threshold. The amendment, however, would create significant uncertainty. It would mean that adequately designed termination benefits below one year’s base salary could not be offered with any degree of confidence.

The exemption for a genuine payment by way of damages for a breach of contract is an important exemption which recognises that a director or executive may be entitled to compensation for the early termination of the contract for service. The removal of the exemption ignores the fact that termination benefits can legitimately represent compensation to an innocent party for breach of contract. The amendment has the potential to increase the need for litigation in order for a director or executive to obtain a reasonable termination benefit. Such litigation can be costly and time-consuming. Ongoing legal disputes may also have a negative impact on the reputation and value of a company. The government is not prepared to accept this unintended consequence.

It is appropriate that a sensible and mature approach be taken. I am pleased to say that opposition senators have been given the chance to reflect on the amendment. Treasury officials have been made available and I am pleased that the shadow minister has accepted the invitation to be briefed on the implications of the amendment. The bill is sound. It has been subject to extensive public consultation. It significantly strengthens the current regulatory framework relating to termination benefits to empower shareholders to reject excessive payments. These are very important provisions to ensure that regulations keep pace with community expectations. I ask and urge senators to support the bill in its current form.

Senator COONAN (New South Wales) (1.35 pm)—I thank Senator Xenophon for
yielding the call. The opposition will not be insisting on the amendment moved by Senator Xenophon and originally supported by the opposition. As Senator Sherry noted, since voting for Senator Xenophon’s amendment the shadow minister, Mr Chris Pearce, has had an opportunity to seek legal advice and has been offered a Treasury briefing. Although I understand legal interpretation may not be beyond argument, it does appear tolerably clear that, as drafted, the adoption of the sunset provision would have the unintended consequence of restricting the ability of companies to provide certainty to their executives during the next three years.

Executive service arrangements entered into over the next three years that provide a termination benefit within the one year’s base pay limit in accordance with the new provisions would not be effective if the proposed sunset provision were adopted and applied to a benefit provided after the triggering of the sunset provision. Accordingly, the effect of the amendment could be that some termination benefits, regardless of the amount of the termination benefit, would require shareholder approval now. This would create uncertainty in the workforce for executives and companies who provide for termination benefits under contracts of employment which extend beyond three years.

The effect of this as a matter of practice and as a practical matter would be that shareholder approval would be required to be sought by companies for most termination benefits that may be paid under new executive service contracts after three years, to provide certainty to both companies and executives. A further unintended consequence, of which the shadow minister has been made aware, is that the sunset provision only regulates certain termination benefits. For example, the sunset provision does not regulate genuine payments of pension and lump sums that are also subject to the new one-year’s base pay limit. As a result of this, executives and companies may seek to restructure their remuneration arrangements to avoid the operation of the sunset provision. The opposition certainly did not intend for the sunset provision to operate that way or to create other possible unintended consequences. For these reasons, and more abundant caution, and subject to the advice received we will not be insisting on the amendment.

Senator XENOPHON (South Australia) (1.38 pm)—I can count. I think that the numbers are against me in relation to that, to put it mildly. I am grateful to the opposition for at least supporting this initially, because there is an important principle at stake here. The fact is, you can use the mechanism of a creative sunset clause—and I am grateful to the Clerk Assistant (Procedure), Richard Pye, for drafting this particular clause in this way. The intent of this amendment was to force the government to come back to the parliament within three years with an improved bill that included a greater degree of accountability in relation to termination payments. I welcome the government’s moves in relation to this bill. But given that we are yet to see a final report from the Productivity Commission and that there has been a lot of movement in relation to the whole issue of termination payments, this amendment would have required the government to come back within three years, because if they did not come back within three years everything would have been subject to shareholder approval and it would have been a much more onerous regime. I want to make it clear on the record that the intent of this amendment was to force the government to come up with a more comprehensive mechanism to deal with termination payments, particularly given that we will see a final report from the Productivity Commission and there will be
further developments, no doubt, in the next two to three years in relation to this.

I am pleased that the bill is going through. There was a lost opportunity to ensure that the bill would have an inbuilt mechanism to ensure that it would become tougher in years to come. I am grateful to Minister Bowen’s office for pointing out that the Office of Best Practice Regulation will be looking at how this particular bill works. There is little doubt that a Senate committee, possibly the economics committee, will look at the impact of termination payments and this particular bill in years to come. An opportunity has been lost for further reform. But I acknowledge the numbers. I am grateful to the opposition for at least considering this at the first instance. I look forward to this bill working effectively and doing what it is meant to in the context of the government’s aims.

Question agreed to.

Resolution reported; report adopted.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009

Second Reading

Debate resumed from 28 October, on motion by Senator Faulkner:

That this bill be now read a second time.

Senator MASON (Queensland) (1.41 pm)—The coalition in principle supports efforts to improve the ways in which government assistance to students is targeted. There have been concerns raised about this issue over many years—indeed, dating back to when I was at university. The government’s objective of better targeting assistance is to be very much welcomed. The opposition supports that. The Minister for Education, Ms Gillard, has made much in response to the Bradley review of higher education of the government’s intention to both increase the overall participation in higher education by young Australians and secondly to increase the access to and participation in higher education by young Australians from groups in our society that are currently underrepresented at our universities. Again, the opposition certainly acknowledges that these are noble goals. The coalition supports them in principle. The devil will always be in the detail and in the implementation of those principles. There are many ways in which increased participation can be encouraged and it will take some wisdom and some foresight to choose the right ones and then implement them properly.

I am not, sadly, a great believer in Labor’s ability to implement educational programs properly. I have been disappointed, sadly, far too many times, including yet again a few weeks ago during the Senate’s additional estimate hearings. Tales of woe, appalling administration and appalling implementation were the stories of the day. But, as I am generous, I will leave those stories for another day.

One thing is certain: we are all trying to encourage young Australians from underrepresented groups—such as those from lower socioeconomic backgrounds, Indigenous backgrounds and rural backgrounds—to enter university. We are trying to do that. It is important that kids from rural backgrounds, from lower socioeconomic backgrounds and Indigenous students want to and are able to go universities. As we try to do that, at the very least we should be aware of the first principle: do no harm to their prospects; do no harm to the prospects of disadvantaged kids, Indigenous kids and kids from rural and regional backgrounds.

In this instance, while the coalition do support restructuring student support measures in broad terms, we are alarmed that one of the consequences of the reforms contained
in the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 will be to make it even harder for students from rural, regional and remote communities to attend universities. I will refer briefly to an article from the *Sydney Morning Herald* of 23 October, by Heath Gilmore. He wrote:

POOR students and those from regional and remote areas are finding the dream of going to university more elusive than ever and entry to elite Sydney institutions virtually impossible.

The number of first year students from low socio-economic areas flatlined in the eight years to last year.

At the same time, enrolments from regional areas fell by more than 6 per cent and from remote areas by 23 per cent in a sign that tougher economic times and the drought are curtailing the educational dreams of young Australians.

So young Australians, particularly those in rural and remote areas, are suffering in their capacity to attend Australian higher education institutions.

I commend to the Senate the recent report of the Standing Committee on Rural and Regional Affairs and Transport and its investigation into this bill—ably chaired, I might add, by my friend and colleague Senator Nash. Much evidence was given with respect to what would happen if the government’s bill were passed unamended. I will briefly refer to a couple of aspects of the report. Paragraph 3.13 states:

Submissions and evidence to the inquiry expressed significant concern and anxiety about the impact of the tightening of workforce participation criteria on the participation of rural and regional students in higher education. The committee was informed that many rural and regional students, because they need to move away from home to pursue a tertiary course, take a ‘gap’ year following secondary school in order to earn the required money to access Independent Youth Allowance.

That is what these young Australians do. The paragraph continues:

The committee received much evidence that without access to the Independent Youth Allowance many rural and regional students would no longer be able to afford to move away from home to participate in higher education.

That is what the committee found. Paragraph 3.15 states:

As the Department—the Department of Education, Employment and Workplace Relations itself— noted in its submission to the Rural Education inquiry, it is accepted that students living away from home for tertiary education face higher costs than students living at home with their families.

Finally, paragraph 3.17 states:

Evidence to the committee was that it is a well known, almost accepted fact, in regional areas that taking a gap year and qualifying for Independent Youth Allowance is the way in which students will finance their university studies.

In particular, the abolition of the workforce participation route for Youth Allowance eligibility, to qualify as independent, will make it harder for thousands of young people from regional and rural Australia. Young people in rural and regional Australia generally have to move to the city if they are going to pursue further study—that is just a geographic fact—and are not necessarily able to rely on financial support from their parents, even if their parents’ income or assets mean that they are ineligible to qualify for Youth Allowance under the parental means test. As honourable senators will be aware, it is not uncommon in farming and grazing communities for assets to be high and incomes quite low. Because a significant cohort of students from the country are ineligible to receive dependent Youth Allowance, thousands every year currently gain eligibility for independent Youth Allowance under the workforce participation criteria. That is how they qualify. This means that they have
to earn $19,532 within an 18-month period, which most do during what is commonly called a ‘gap year’. This government is seeking to abolish this pathway because it was being exploited by a small cohort of wealthy city families. Can I say for a start: I think that in many cases that is a fact; it did happen. But I think it is also another example of the government’s overkill—trying to kill a mosquito with an A-bomb. It is just not necessary. Sure, the problem of occasional abuse of the system might be solved, but only at the cost of seriously disadvantaging many more innocent students and innocent rural families. Even the Victorian parliament’s Education and Training Committee, chaired by Labor member Geoff Howard, and with an effective Labor majority, unanimously agreed, saying:

... the Committee believes the removal of the main workforce participation route will have a disastrous effect on young people in rural and regional areas ...

I know the Rudd government seems to believe in magic as a tool of public policy—magic pudding, for example, seems to be the major economic doctrine of the government formerly known as economic conservatives. But in the real world you cannot increase access to higher education by under-represented groups, such as rural students, by putting obstacles in the way of these students accessing higher education. That just does not make sense, and it does not work.

The opposition believe that the tightening of the workforce participation criteria by the government leaves post-2008 school leavers with only one workforce participation option if they want to be eligible for the independent Youth Allowance—just one. The opposition do not believe it is sound policy, being overly restrictive and going against the government’s stated aim of encouraging participation by students from underrepresented groups—including, in this particular case, rural students. This is why I will be moving an amendment that Mr Pyne, the shadow minister, has just announced, which will extend the workforce participation criteria in proposed section 1067A(10C) beyond a transition measure and retain it for students who are required to leave home to pursue their chosen course. This in effect will offer a continuing special rural pathway for Youth Allowance, eligibility being based upon criteria to be established by guidelines by the Secretary of the Department of Education, Employment and Workplace Relations. The coalition believe that this is the right thing to do by students from rural areas. It will ensure that such students are not disadvantaged vis-à-vis their peers from metropolitan areas and that they will be encouraged to pursue higher education as an achievable option.

Unfortunately, because of the government’s design of the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, many students around Australia are finding themselves caught in the government’s intransigence. The law is being changed midstream and thousands of students are left to flounder by the government. This is an issue of equity. This is an issue of equity because, in making their decisions about their studies, many students around Australia relied on the information provided to them by teachers, counsellors and Centrelink officials. They have, in good faith, made the decisions about their future appropriately based on the official advice received. Now what is the government doing? Changing the rules halfway through the game. Basic principles of the rule of law demand that legislation be not made retrospective and thus disadvantage people who did nothing wrong but merely followed the law as it was originally stated and who took advice from people to ensure that they were not breaking any laws. Basic principles of decency demand that the people
currently in the system are allowed to pro-
ceed and that any changes are introduced
only with the future in mind and do not af-
fect any current students.

A few months ago, under intense pressure
from the thousands of students affected and
their families and passionate coalition advo-
cacy, particularly from members representing
rural electorates, Minister Gillard announced
a backflip to enable current gap year students
to continue to access the workforce partici-
pation route to youth allowance as long as
they lived more than 90 minutes from their
university by public transport. But this will
allow only some 5,000 of the 30,000 students
affected back into the youth allowance sys-
tem. The coalition believes this is not good
enough and will seek to do the right thing by
the whole of the 30,000 affected, not just the
small fraction of the total.

This is why the coalition will propose four
amendments to this bill to address the issue
of retrospectivity and the financing of that
measure. The purpose of our amendments is
twofold. The first three amendments fulfil
the coalition’s promise to remove the retro-
spective elements for current gap year students. We
want to make things fair for the 30,000 stu-
dents affected by Labor’s ill-designed at-
tempt at reform. Students did the right thing
by the law—they acted in accordance with
the law—but the government has changed
the rules midstream. The fourth amendment
is our suggested savings measure that will
pay for the first three amendments, in es-
sence financing the restoration of the gap
year rules for the students affected. This will
be achieved through reducing the rate of the
new student start-up scholarship from $2,254
per year to $1,000 per year. In addition, the
proposed change will provide an ongoing
saving that will fund the maintenance of the
most important workforce participation test
for rural students who must leave home to
pursue higher education. That, to us, is ex-
ceedingly important.

As I stated at the outset, the coalition
broadly supports the bill—I think better tar-
geting welfare is a great idea and it is sensi-
ble—but with major reservations which we
are seeking to address through our amend-
ments. We believe our amendments will
achieve this, firstly, by removing the retro-
spective elements of the bill and, secondly,
by addressing the issue of rural and regional
disadvantage in a serious manner. When gov-
ernments start talking about access, as this
government has, particularly in relation to
higher education, they must not see disad-
vantage too narrowly. Sure, you can do a
means test—and people see someone whose
income is low as being disadvantaged, and
that is true, or often children who are Indige-
nous are seen as similarly disadvantaged—but
often those in rural and regional areas face particular difficulties, sometimes finan-
cial, sometimes not, related to geography,
demography, distance and time, all the things
that are not taken into account in this bill.
That is why any government that talks about
access must honestly address issues related
to rural and regional students in relation to
higher education. Without that, the idea of
so-called access is just a fraud. When I went
to university I used to go on a bus and three
stops down the road I got off at the univer-
sity.

Senator Faulkner interjecting—

Senator MASON—Perhaps I should have
walked, but it was very easy for me to go,
and I was privileged to go; however, many
young Australians do not have that access at
all. Why? Simply because they live in rural
and regional areas. The coalition’s argument
is that, if you honestly believe in equal ac-
cess to Australia’s great higher education
system, you must make this available to In-
digenous students, disadvantaged students
and those students living in regional and rural areas. Access is a noble aim, but let us be serious. With our amendments it is a commitment that this parliament can make to rural and regional Australians.

Senator RONALDSON (Victoria) (1.57 pm)—It is indeed a very rare pleasure to be able to stand up and follow on from one of my colleagues. In particular, I thank Senator Mason most sincerely for his very fine remarks on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. There is one thing the Australian Labor Party does not understand, and that is regional and rural Australia. It has never understood regional and rural Australia and it will never, ever understand regional and rural Australia. It is very interesting when you speak to country parents, as I have been doing for many years now—some would say too many years but I do not agree with them—to learn that they have had to make a choice about which of their children is to receive higher education. In a country like Australia where country parents have got to make a decision about which of their children is going to get—

Senator Carr interjecting—

Senator RONALDSON—Senator Carr, it is very interesting. Again the loudmouth who knows nothing about regional and rural Australia is making comments. The closest you have ever been in as a duty senator, Senator Carr, on very, very rare excursions into country Victoria or country Australia. I will continue my remarks shortly, Mr Acting Deputy President, and I am looking forward to addressing some of the comments made by Senator Carr, who again shows his extraordinary ignorance of a portfolio of which he professes to have some understanding.

Debate interrupted.
the International Telecommunication Union (ITU) council next year as well as promoting our work on cyber-security initiatives and approaches to online security.

His Ministerial and representational responsibilities will be undertaken in the following manner:

Joseph Ludwig
Broadband, Communications and the Digital Economy Infrastructure, Transport, Regional Development and Local Government

Nick Sherry
Finance and Deregulation

Yours sincerely
CHRIS EVANS
13/11/2009

QUESTIONS WITHOUT NOTICE
Asylum Seekers

Senator FIERRAVANTI-WELLS (2.00 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Does the government agree that Australia should decide who comes to our country, and the conditions under which they come? If not, who should decide?

Senator CHRIS EVANS—I thank the senator for her question. I am sure I have heard that phrase somewhere before. It must mean that John Howard is making a comeback inside Liberal ranks after being abandoned for the last couple of years.

Opposition senators interjecting—

Senator CHRIS EVANS—I am glad to see Liberal senators take an interest in his policies.

The Rudd Labor government is absolutely committed to strong border protection measures; we have been consistent in applying the excision of offshore islands; we have increased provisions for border patrols, we have 25 per cent more border patrols occurring than under the previous government, and we have invested $650-odd million in extra funding for border protection measures in the last budget. As a result, we are able to intercept any unauthorised boat arrivals, take them to Christmas Island and have them processed under the excise offshore place provisions.

That provides us with strong border security measures that then allow us to detain mandatorily, as we have done, all unauthorised boat arrivals, and then to ensure that they have the appropriate health, identity and security checks. Those checks are vigorous; they are designed to protect Australians, to ensure that no-one is released into the Australian community until we are satisfied about their health, security and identity. Those measures that are in place are the same as those that were in place under the previous government, except that the border patrol measures have been enhanced. We have more border protection patrolling than under the previous government.

Yes, we do maintain strong border security and strong control over our borders so we can identify who seeks to come into this country—either authorised or unauthorised—and maintain the integrity of our migration system.

Senator FIERRAVANTI-WELLS—Mr President, I ask a supplementary question. Does the minister agree with Sri Lanka’s permanent representative to the United Nations, who said:

As long as the pull factor is brought to an end or satisfactorily controlled. I think this exodus will cease almost immediately.

Will the minister now concede that it is not the so-called ‘push factors’ that are actively encouraging people smuggling to Australia; it is the fact that the pull factor is practised by the Rudd government?

Senator CHRIS EVANS—From the outset, I make the point that push factors are responsible for the increased movement of people throughout the world. We see in-
creased arrivals in Australia consistent with the increased arrivals in many other Western nations. I understand that Greece has had 15,000 arrivals in the first six months of the year, which doubles the number they received last year.

We have seen a large number of Sri Lankans on the move. They have been fleeing to Western Europe, to Canada and to Australia. We get our share, although it is still a small proportion, of the Sri Lankans seeking asylum in the world. The particular gentleman referred to was on Lateline. I had dinner with Pal in Sri Lanka a couple of months ago. He is a former serving official of our Department of Foreign Affairs and Trade, so he obviously has a very fond view of Australia. He made the point that Australia is a very attractive destination, and that is right. All the western democracies are attractive destinations for people seeking safety.

Senator Fierravanti-Wells—Mr President, I rise on a point of order—on relevance. I asked the minister a very direct question: does he, or does he not, agree with Sri Lanka’s UN representative? A simple ‘yes’ or ‘no’ would suffice.

Senator Ludwig—Again, this is a point of order which has been taken and which provides a ‘yes’ or ‘no’ response request by the opposition. The minister is answering the question and he is being directly relevant to the question. When you require a yes or no answer, I think it misplaces where the question is and where the answer should be. The opposition already know, in fact, from their own position what they want the response to be. They may not like the response by the minister in this respect, but the minister is being relevant in answering the question. To use that device is, in my view, not a point of order at all.

The PRESIDENT—I believe the minister is answering the question. I cannot instruct the minister how to answer the question, nor can I make the minister respond in a particularly desired way that the questioner may have. I draw the minister’s attention to the fact that if he has further to add, he has five seconds remaining.

Senator CHRIS EVANS—A check of the Hansard will reflect that I answered directly both parts of the senator’s question.

Senator FIERRAVANTI-WELLS—I refer to the Australian government’s promised four to six week resettlement for the asylum seekers who leave the Oceanic Viking. Can the minister tell the Senate how doing special deals and allowing itself to be held to ransom maintains the integrity of our borders?

Senator CHRIS EVANS—There is no special deal. What there is is an agreement with the Indonesian government about how we will process those persons who come off the Oceanic Viking. As the senator would know, if she had read the documentation which we released publicly, we indicated that that time frame for processing applied not to asylum seekers but to people who have already been found to be refugees by the UNHCR. That applied to people who are already classified by the UNHCR as refugees and who have been determined as in need of resettlement. So the senator’s question is misleading.

Senator Fierravanti-Wells—It’s not!

Senator CHRIS EVANS—Well, it has been made very clear that we have, in consultation with the Indonesian government, outlined to those on the Oceanic Viking what conditions will apply when they come off in Indonesia—not in Australia, as they sought to, but in Indonesia.

Forgotten Australians

Senator McLUCAS (2.08 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the min-
ister please inform the Senate about the significance of today’s apology to the previously named Forgotten Australians and former child migrants?

Senator CHRIS EVANS—I thank Senator McLucas for the question and I thank the Senate for its support for the apology today. Today the nation has acknowledged and apologised for the pain and devastation caused by the actions of governments and institutions to the Forgotten Australians and former child migrants. Speaking this morning, the Prime Minister outlined the abuse, deprivation and neglect that befell children placed in orphanages, homes and institutions where they were supposed to be protected, nurtured and educated. To our shame as a nation, we failed to properly provide for the half a million children placed in the care of state governments and charitable and religious institutions in Australia. Of these, some 7,000 children were brought here from the United Kingdom and Malta, often taken without their parents’ consent or in the absence of their full knowledge of what was happening. Half a million children were deprived of their childhoods, many of whom were also torn from their families. Many of these children were denied love, affection and protection from those charged with their care, and instead were neglected, exploited and abused.

Today we recognise that, while these Forgotten Australians and former child migrants are now middle aged, the past continues to have profound and far-reaching effects on their adult lives. Beyond the devastating impacts of the deprivation and abuse for the individuals, we also see that their families have come to be burdened and haunted by their past as well. We also remember today those people who, unable to cope with the pain and the horror of their experiences, took their own lives. The apology delivered by the Prime Minister and the motion tabled today are the first steps in the healing process. They mark an important turning point in Australia’s history, where we show our respect for the people affected, support further recognition for the terrible wrongs inflicted and hope to assist the process of healing. The unanimous support of the parliament sends a very strong message on our commitment to this apology and is an important contribution to the healing of those so badly treated. (Time expired)

Senator McLucas—Mr President, I ask a supplementary question. Can the minister please inform the Senate of some of the measures that the government has implemented to support former child migrants and the now Remembered Australians?

Senator CHRIS EVANS—While we cannot reverse the past, we can help the healing process and support child migrants in their search for their families. To support former child migrants the government will continue to provide funding for counselling services, family tracing support and other assistance as it has under former governments since 1990. This assistance occurs through the Child Migrants Trust, an independent organisation for former child migrants, their parents and their relatives. The trust is working with over a thousand people to rediscover their origins and deal with the legacy of their childhood experiences—really important work. In the 2008-09 budget $450,000 was provided over the next four years. We are also working with those who support the Forgotten Australians. We are funding the Alliance for Forgotten Australians and the Care Leavers of Australia Network to continue to support work for care leavers. They are small steps, but they are positive steps which demonstrate our commitment to offer practical and meaningful support. (Time expired)
Senator McLUCAS—Mr President, I ask a further supplementary question. After today’s historic apology, can the minister please advise the Senate of any other initiatives to support the now Remembered Australians and child migrants?

Senator CHRIS EVANS—In addition to the measures already implemented by successive governments, today the Prime Minister announced a national find and connect service, which will provide Australia-wide coordinated family tracing and support services. The service will also provide counseling and support for family reunifications. I am also pleased to advise the Senate that overnight Prime Minister Brown announced that the British government will also apologise to the thousands of children from Britain who were sent to colonies around the world, including to Australia, during the early part of the last century and into the 1960s. This is obviously a very welcome development. We hope that the apologies of the Australian and British governments will bring some peace to the victims of this tragic policy. We thank those who attended the ceremonies in parliament today, and we hope that this has helped in their healing.

Asylum Seekers

Senator CASH (2.13 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Will the minister outline to the Senate precisely what was offered to the suspected asylum seekers on the Oceanic Viking in order to induce some of them to disembark in Indonesia on Friday and table any letter of offer?

Senator CHRIS EVANS—I thank Senator Cash for the question. Firstly, I advise her that the people on the boat are not suspected asylum seekers; they have all sought asylum. They sought asylum when they boarded the Oceanic Viking after the rescue at sea. As the senator would know, we assisted the Indonesians by rescuing the asylum seekers in the Indonesian search and rescue zone, and under international law we transported them to Indonesia. There have been no inducements offered to persons to disembark from the Oceanic Viking. As part of the agreement between Indonesian officials and Australian officials, there was a process agreed to determine the means by which we would disembark the passengers once they agreed to disembark. We made it clear that they would not be disembarking in Australia, as was their wish, but that they would be disembarking in Indonesia. The agreement with the Indonesian government provided for their disembarkation, their assessment by the UNHCR as to their refugee status and agreements around the time frames and conditions which would be applied to those persons. Those arrangements were codified in a document that was provided to the people on the boat.

Senator Abetz—Table it.

Senator CHRIS EVANS—In fact, Senator Abetz, that document was released publicly days ago. You may not have caught up with it, but it was released days ago. Senator Cash, I am happy to see if I can get you a copy of the document, but the document has been public for some days. That sets out the conditions which would be applied to those who disembarked from the Oceanic Viking as a result of the agreement between the Indonesian and Australian governments.

Senator CASH—Mr President, I ask a supplementary question. Can the minister advise what the average processing time is for asylum seekers in Indonesia awaiting resettlement to countries such as Australia? Can the minister confirm that it is usually much longer than the four weeks promised?

Senator CHRIS EVANS—I can advise that the time frames for resettlement out of Indonesia depend on individual circum-
stances and the time in which the UNHCR has made assessment, but it is true that this government, like the previous government, has sought to assist the Indonesian authorities with quicker settlement of persons out of Indonesia. Under the previous Howard government, in the order of 500 persons were resettled out of Indonesia. What we agreed with the Indonesian government in recent times, as part of the negotiations between the Prime Minister and the Indonesian president, was that we would assist them to improve the processing time for those found to be refugees in Indonesia. That work has started, and we have resettled more people this year as a result of that. We continue to try and assist Indonesia with resettlement. (Time expired)

Senator CASH—Mr President, I ask a further supplementary question. Is the minister aware that Sri Lanka’s permanent representative to the UN has stated that he does not think the Sri Lankan citizens on the Oceanic Viking are refugees ‘unless you use that expression in a rather loose manner’? Given this, does the Rudd government intend to continue its policy of offering bribes to the vast majority of those who have refused to leave the Oceanic Viking?

Senator CHRIS EVANS—I remind the senator that decisions about whether someone is a refugee or not are determined under the United Nations Convention Relating to the Status of Refugees by appropriate authorities. Inside Indonesia that appropriate authority is the UNHCR. They will make the assessment as to whether these people are refugees. I will not be making it, you will not be making it and the Sri Lankan representative to the United Nations will not be making it. You may well have a bias or a view, but it is not one based on knowledge. Those persons will be processed according to the same rules that applied under the Howard government and that apply internationally, and the arrangements in Indonesia are processed by the UNHCR. They will make the decision as to whether those persons coming off the ship are refugees or not and in the same way we do, which is why when we found people not to be refugees we returned them, as we did on the weekend, where we returned another six people to Sri Lanka after they were found not to be refugees. (Time expired)

Climate Change

Senator WORTLEY (2.18 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister advise the Senate on any recent decisions made by the government on plans for reducing Australia’s contribution to climate change? In particular, can the minister advise the Senate on what plans the government has in respect of agriculture and what stakeholders’ reactions have been to the government’s plans?

Senator WONG—I am very pleased to rise to talk about the Carbon Pollution Reduction Scheme and the government’s decision to agree to exclude agriculture emissions from coverage under the CPRS indefinitely.

Senator Fifield—Tell us the rest!

Senator Ian Macdonald—Why didn’t you do it in the first place?

Senator WONG—The interjections from the other side are interesting. This is what the opposition asked for, and the government has indicated in good faith a willingness to exclude agriculture indefinitely.

Honourable senators interjecting—

The PRESIDENT—What we have said—

Senator WONG—The President—Senator Wong, resume your seat. I need to hear the answer—on both sides. Order!

Senator WONG—I note that the President of the National Farmers Federation, Mr David Crombie, has said today that the NFF
was very encouraged: ‘This is a victory for common sense. Credit needs to go to the government for this announcement and to the coalition for their support on this issue.’

Honourable senators interjecting—

Senator WONG—So the government is absolutely committed to negotiating with those opposite in good faith to try and get this bill through the parliament despite the fact—

The PRESIDENT—Order on both sides! Time for debating this issue is post question time.

Senator WONG—I find it interesting, if I may say, that we actually accede to an opposition demand but they are still complaining. But that is the way it goes, I suppose. We know that there are some on the other side who do not wish to take action on climate change and will do whatever they can to avoid it. I hope more sensible heads prevail.

I also indicate that the government is providing a number of other measures to assist farmers with the introduction of the Carbon Pollution Reduction Scheme. For example, agricultural producers will receive the cent-for-cent reduction in fuel excise which was announced by the Prime Minister in December of last year. The government has already announced that farmers and other landholders will be eligible to generate offsets from planting trees to sequester carbon and that would be available from commencement of the scheme. The government has allocated $46.2 million to a climate change research—

(Time expired)

Senator WORTLEY—Mr President, I thank the minister for her response and have a supplementary question. Can the minister advise the Senate on any other reactions to the government’s announcement to exclude agriculture from the Carbon Pollution Reduction Scheme? What is the minister’s response?

Senator WONG—There has been a range of responses. I have referred to the response of the NFF. But, of course, what we had from Senator Joyce is the usual knee-jerk response that Senator Joyce engages in whenever the issue of climate change is being discussed. Mr President, through you, I would like to advise the Senate of the incorrect factual information that is being utilised by some senators in the National Party, particularly Senator Joyce. For example, Senator Joyce likes to claim that the CPRS will mean that a roast will cost $100. He said that publicly—another bit of scaremongering from the National Party. I would like to remind the Senator that—

Honourable senators interjecting—

The PRESIDENT—Order!

Senator Joyce—On a point of order, I said it would cost more than $100.

The PRESIDENT—There is no point of order. Continue your answer, Minister.

Senator WONG—That just demonstrates the irresponsibility of the National Party.

The PRESIDENT—Senator Wong, address your comments to the chair.

Senator WONG—Through you, Mr President, that demonstrates the irresponsibility of the National Party. ABARE estimates are that there would be the following increases in the price of a leg of lamb: less than 4c a kilo in 2011 up to 18c a kilo in 2015. (Time expired)

Senator WORTLEY—Mr President, I have a further supplementary question for the minister. How committed is the Rudd government to the Carbon Pollution Reduction Scheme? How does the exclusion of agriculture demonstrate that commitment?

Honourable senators interjecting—

The PRESIDENT—Order! I will call the minister when there is order. Time for debate on this issue is post question time.
Senator WONG—We are absolutely committed to action on climate change. We are absolutely committed because it is in Australia’s national interest to act, and I would invite the National Party to consider some of the science on this. The fact that, for example, the CSIRO in a recent publication suggested that in the worst-case climate change scenario Australia could—

Opposition senators interjecting—

The PRESIDENT—Order! If you want to debate the issue on my left, do so at the end. Constant interjection is disorderly and you are aware of that.

Senator WONG—Under the worst-case climate change scenario Australia could be a net importer of wheat by 2015. On top of that—

The PRESIDENT—Order! Senator Joyce is on his feet.

Senator Joyce—Thank you very much, Mr President. Is this the same science that Mr Garrett used when he said that sea levels would rise by six metres by the end of the year?

The PRESIDENT—Senator Joyce, you are arguing the issue. You are not taking a point of order. Order!

Senator WONG—that warning comes on top of the warnings, for example, that Professor Garnaut made in his review which pointed out that we could see irrigated agricultural production in the Murray-Darling Basin decline by in excess of 90 per cent. So through you, Mr President, Senator Joyce can come in here and bluster all he likes, but the reality is that he is not representing—

(Time expired)

Asylum Seekers

Senator SCULLION (2.26 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. How many asylum seekers are currently held within the Australian funded Tanjung Pinang detention facility? Will all of these asylum seekers be guaranteed the same processing and resettling arrangements promised by the Rudd government to those who were on the Oceanic Viking? If not, why not?

Senator CHRIS EVANS—Mr President, I am not quite sure of the thrust of the senator’s question but I will help him as much as I can. The senator would be aware that the 22 persons who disembarked the Oceanic Viking on the weekend were transported to the detention centre built by the former Howard government which provides detention facilities for use by the Indonesian government for persons they have detained there. I am not aware of how many others are in the detention centre because I understand there are others there from what I have seen in media reports. I have no direct knowledge of how many others are there. What we do know, though, is that we are seeking to disembark the remaining 56 of the 78 passengers and we are seeking to have them transported to the detention centre and processed in accordance with the arrangements with the Indonesian government and the UNHCR. They would be processed by the UNHCR in accordance with the normal processes. I understand the UNHCR has had regular access to that detention centre in the past and they have been assessing claims of those inside the detention centre in accordance with normal practices.

Senator Abetz—What about all the others in detention centres? How many are there?

Senator CHRIS EVANS—Senator Abetz, you can keep saying how many. I have made it clear I do not know how many other people are in the detention centre. I am happy—

The PRESIDENT—Order! The question came from Senator Scullion. Interjections are completely disorderly. You know that. If
Senator Scullion has a supplementary question when we get supplementary questions, he is entitled to ask that question. I would invite Senator Scullion to do so but, Senator Evans, you have to answer the question that has been asked by Senator Scullion, ignore interjections and address your comments to the chair.

Senator CHRIS EVANS—Thank you, Mr President. I indicate again that I am not aware of how many persons are in the detention centre. I highlight the fact that it is an Indonesian detention centre run by the Indonesian government. They are responsible for the persons in that detention centre, and that is true of the persons disembarked from the Oceanic Viking as well. (Time expired)

Senator SCULLION—Mr President, I ask a supplementary question. Is the government aware that there are currently many UN mandated refugees awaiting resettlement in Indonesia and that these genuine refugees have been waiting for many months and in most cases many years for a resettlement place? Why is the government not offering these UN mandated refugees the same special deals it is giving to the queue jumpers on the Oceanic Viking?

Senator CHRIS EVANS—There are other persons who have been mandated, as I understand it, in Indonesia. I do not have the figures with me, but it is true to say that over the last few years Australia and other resettlement countries have resettled in the order of 1,300 persons who have been found to be refugees inside Indonesia, and we have resettled the largest number of that group. I think we have resettled in the order of 460 to 500, but I will try and find the figure for you. Many of those were, of course, resettled under the previous government. So, yes, we have made a commitment to resettlement out of Indonesia. We have been working with them to improve the time frames—

Senator Scullion—Mr President, I rise on a point of order: relevance. I allowed a wide-ranging answer in the principal answer and I tolerated the minister neither taking the question on notice nor answering the question. I asked a very specific question in regard to the difference between the treatment of the huge demographic of people who have been declared refugees in Indonesia and the current deal that is being done with the small number of people on the Oceanic Viking. I wonder if you would remind the minister of the question and ask him to return to the matter.

Senator Ludwig—Mr President, on the point of order: what we have now witnessed from the opposition is a reformulation of the original question. In relation to the question that was asked, the minister has been answering the question, has been directly relevant to the question and, in fact, has been going to the specifics of the matter. Rather than the statement of a new question, what we are now witnessing is both the coalition and the Liberals using the opportunity of taking a point of order to either restate the question or disagree with the answer that is being provided. I would ask the President to have a look at the tapes in that regard.

The PRESIDENT—I believe the question is being answered. I again draw to the attention of the Senate the fact that I cannot instruct the minister or tell the minister how to answer the question. I cannot get a minister to respond to a question that is being asked in the way that might be desired by the questioner. That is something I cannot do. I have said that the minister is addressing the question. The minister has 12 seconds remaining and I draw the minister’s attention to the question. He can add any further remarks he wishes to add in those 12 seconds.

Senator CHRIS EVANS—Thank you, Mr President. I think I said about 500 people
have been resettled by Australia. It is about 450, but there are some resettlements occurring this year, obviously. We are trying to work with Indonesia to deal quicker with the protracted case load of persons found to be refugees—(Time expired)

Senator SCULLION—Mr President, I ask a further supplementary question. Given that only asylum seekers on the Oceanic Viking are eligible for the government’s guaranteed assessment and resettlement times, how can the government continue to claim that no special deals have been made?

Senator CHRIS EVANS—I have made the situation very clear to the Senate as to what has occurred. When the government did the right thing and sought to rescue at sea the people who are now on the Oceanic Viking, who were effectively likely to drown as their boat became unseaworthy, we did so at the request of the Indonesian government. As part of our international legal obligations we then transported those people to Indonesia. It is true to say that those people were disappointed that they were not taken to Australia, and they sought to convince us to take them to Australia. We rejected that demand and advised them that they would be disembarked in Indonesia. As part of that process we advised them of how they would be processed when they disembarked. What we have been very open about is how that process, by way of the agreement with the Indonesian government, will occur. That is what will occur. There is no negotiation occurring. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw to the attention of honourable senators the presence in the President’s Gallery of a parliamentary delegation from the Hungarian National Assembly led by the deputy speaker Mr Laszlo Mandur. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Climate Change

Senator MILNE (2.35 pm)—My question is to the Minister for Climate Change and Water, Minister Wong. Minister, can you confirm that at the recent Barcelona climate talks Australian negotiators were chairing the umbrella group’s trust-building meeting from which African delegates walked out in protest at the refusal by developed nations to put 40 per cent emissions reductions by 2020 on the table?

Senator WONG—There have already been media reports about various things which occurred at the Barcelona negotiations. I again emphasise that Australia is seeking to play a constructive role at those negotiations and, both at official level and also at ministerial level, has worked not just to engage nations within the umbrella group but also to deal with many nations in the G77 as well as, obviously, the Europeans. An example of that, and one of the issues that I think the senator may be referring to, is that Australia has made a significant effort in explaining some of its proposals around the legal architecture for the Copenhagen agreement. One of the proposals that has got some media here in Australia, and certainly some attention internationally, is the Australian proposal of schedules. That has been well received as a constructive contribution to the international discussions. We will continue to play a constructive role in the negotiations.

Senator Bob Brown—Mr President, on a point of order: the specific question from Senator Milne—and it was very specific—was about a meeting being chaired by Australia, whether that was the case and whether that was the meeting that African nations
walked out of. She should answer that question.

The PRESIDENT—I again draw to the attention of the Senate the fact that I cannot instruct a minister how to answer the question. I draw the minister’s attention to the fact that there are 43 seconds remaining and to the question that was asked by the questioner, Senator Milne.

Senator WONG—Thank you. As I was saying, Australia will continue to play a constructive role in these negotiations. We believe action on climate change is in Australia’s national interest, and I have traversed in detail in this chamber why that is the case. There remain very strong differences of views in these negotiations. Those differences of views are not a secret. They are well known. The differences of views, whether in relation to legal structure or targets—which was one of the issues raised by Senator Milne—are well traversed and in fact can be discerned from the text on the UNFCCC website. But Australia will do what we can to get the best agreement possible at Copenhagen.

Senator MILNE—Mr President, I ask a supplementary question. We still have not had it confirmed that Australian negotiators were chairing the meeting at which the Africans walked out, and so I ask the minister: was the Sudanese delegate representing the G77 correct when he said that developing nations are facing a question of survival and that only 40 per cent cuts from the industrialised world by 2020 could save the world? Was he correct?

Senator WONG—I know that Senator Milne and her colleagues are pressing for higher targets for Australia than those which have been announced by the government. They are entitled to press for those. The government’s view is that the targets we have set are both ambitious and credible. Our view is that what the world needs to do is to get on a path to a 450 parts per million stabilisation goal. That is consistent with an agreement that is capable of holding temperature rise to two degrees. It is the case, the science shows, that the higher the amount of concentration in the atmosphere the higher the likely temperature rise and the higher the risk to all nations, not just developing but developed nations such as Australia, which is why we need to take action on climate change.

Senator MILNE—Mr President, I ask a further supplementary question. Minister, given that the developing nations, through their walkout and through the remarks of the Sudanese delegates, have made it clear that they will only sign a global treaty if it requires 40 per cent cuts from the industrialised world by 2020, isn’t it now true that the Australian government’s weak five to 25 per cent highly conditional target is neither ambitious nor credible and is a major obstacle to the global agreement being reached?

Senator WONG—In fact, if you look at what has been put forward by developed nations, Australia’s most ambitious target compares very favourably with the targets which are being put forward by other developed nations on a whole range of measures. I would have hoped that the good senator, who is focused on these issues, would recognise that. The reality is that, whilst nations bear a different responsibility for the past, we share a common responsibility for the future. Developed nations alone cannot deliver the reductions in emissions that are required to ensure that we hold temperature rise to two degrees; it is simply not possible. So we take the approach in this negotiation that this is not about pointing the finger; this is not about blame shifting. It is about constructively trying to build the agreement that the world needs. That is what this government is doing and that is what it will continue to do.
DISTINGUISHED VISITORS

The PRESIDENT—Order! Before calling on the next question, I draw to the attention of honourable senators the presence in the public gallery of former Senator Grant Chapman. Welcome. It is good to see you back enjoying question time in the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Illegal Fishing

Senator COLBECK (2.42 pm)—My question is to the Minister representing the Minister for Agriculture, Fisheries and Forestry, Senator Sherry. Can the minister inform the Senate of when the Oceanic Viking will resume its normal duties of patrolling Australia’s Southern Ocean fisheries instead of being used as a floating solution for the Prime Minister’s failed Indonesian solution?

Senator SHERRY—Thank you for the question. The Australian government obviously takes illegal fishing very seriously to protect our seafood industries and our environment. Illegal fishing impacts on the sustainability of our fish stocks and the income of Australian fishermen and, of course, increase the risk of pest incursions. The government maintains a rigorous, ongoing surveillance and enforcement to preserve the integrity of our borders, including to deter illegal fishing. The Australian Border Protection Command has some 17—

Senator Chris Evans interjecting—

Senator Ian Macdonald interjecting—

The PRESIDENT—Order! Debating across the chamber at this time is completely disorderly.

Senator SHERRY—Thanks, Senator Evans. That is quite right; I do not get enough questions on these issues. Anyway, as I was saying, the Australian Border Protection Command has some 17 patrol vessels and other assets to respond to threats to Australia’s border security, including illegal 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 of Australia’s northern waters, directed towards people-smuggling activities, and details of this are included in the May 2009 budget. In fact, I am somewhat surprised that Senator Colbeck, if he bothered to read those May budget papers cover to cover, is not aware of this. In fact, it seems to me that he is asking a question when he very well knows—

Honourable senators interjecting—

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

Senator Ronaldson—Like poaching flathead.

Senator SHERRY—I do not know about flathead; there are certainly plenty of muddled and mixed-up heads opposite on a range of issues—

The PRESIDENT—Senator Sherry, just address the question.

Senator SHERRY—the CPRS for one.

Opposition senators interjecting—

Senator SHERRY—I said ‘muddled and mixed up’. That is hardly a scintillating and hard-hitting critique. I do not think it is the worst I have heard in this Senate—(Time expired)

Senator COLBECK—I have read the budget papers. I know exactly what is in them and I can tell you that it has been used up already. Your allocation is gone. You have spent this year’s allocation already. The 40 days have been used up already this year—

The PRESIDENT—Is there a question?

Senator COLBECK—We know what is going on—do not worry. Mr President, I ask a supplementary question. Is the minister
aware that the Southern Ocean fishing season is about to begin, meaning illegal fish poachers will be making their plans knowing that the Oceanic Viking, Australia’s fishery patrol vessel for the Southern Ocean, is acting as a floating refugee centre thousands of kilometres away in Indonesia?

Senator SHERRY—As I have already indicated to Senator Colbeck, the broad parameters of the program are contained in the budget. Obviously, day-to-day or weekly placement of the Oceanic Viking—and any other of our vessels, for that matter—is a matter of operational priorities. The ACV Oceanic Viking is scheduled to conduct further patrols in the Southern Ocean in this current financial year. Details in relation—

Opposition senators interjecting—

Senator SHERRY—I do not really know why senators are laughing; these are very serious matters. When we have a vessel—

Opposition senators interjecting—

The PRESIDENT—Order! Continue, Senator Sherry.

Senator SHERRY—As I was saying before I was so rudely interrupted by the laughing members of the Liberal-National Party, it is a very serious matter when you have ocean-going vessels that are required to—

(Time expired)

Senator COLBECK—Mr President, I ask a further supplementary question. Can Senator Sherry advise the Senate what plans, if any, the government has made for the protection of our fisheries in the absence of the Oceanic Viking?

Senator Abetz—I am sure that would be in the budget papers too.

Senator SHERRY—Obviously the day-to-day and weekly operational features of any of the vessels that we have in our northern waters are not in the budget, Senator Abetz. What an absurd interjection. As if the budget papers include that level of detail. What I have indicated, in accordance with the May budget that was handed down, is the broad operational availability and not the day-to-day sailing schedules of vessels. How silly can the opposition get in asking for details like that? I think that the issues that Senator Colbeck has quite legitimately raised—issues of border security, including fishing security—do deserve a greater level of seriousness than the opposition, particularly Senator Abetz, have displayed— (Time expired)

Climate Change

Senator STERLE (2.49 pm)—My question is to the Minister representing the Minister for Agriculture, Fisheries And Forestry, Senator Sherry. Can the minister advise the Senate on challenges facing Australian farmers? Is the impact of climate change on our farming communities an issue that needs to be addressed?

Opposition senators interjecting—

The PRESIDENT—Order! When we have silence, I will call the minister.

Senator SHERRY—As I am sure all those opposite and those listening are aware, in the past 12 months the world has faced a very difficult global recession, the likes of which we have not seen for some 75 years. But of course that is not the only major issue that this Rudd Labor government is focused on. The physical climate of our globe has been worsening. Indeed, the climate has been worsening for a number of years. I do not think there is any sector in Australia, including the primary industry sector and the farming sector, that does not recognise that. Farmers in particular recognise the impacts of climate and have to deal with the impacts of climate in this world. They are vulnerable to the impact of climate change. They are faced with drier climates, more severe storms and shifts in distribution of weeds, pests and
plant diseases. There is no doubt that farmers in our community well understand the effects of climate change.

Senator Minchin interjecting—

Senator Wong interjecting—

The PRESIDENT—Senator Sherry, resume your seat. The noise that is going on across the chamber is just intolerable. I need to hear the answer.

Senator SHERRY—The Rudd government is committed to tackling the issue of climate change through the introduction of a carbon pollution reduction scheme. We saw just last week on the ABC that those opposite have been quite vocal in their denial of the very existence of this very important issue and its detrimental impact on Australia’s farming community. Over the weekend, my colleague sitting here with me, the Minister for Climate Change and Water, Senator Penny Wong, announced as a sign of good faith that the government will agree to exclude agricultural emissions from coverage under the CPRS indefinitely. However, despite the National Party in particular having called for this exclusion, they met it with ridicule. (Time expired)

Senator STERLE—Mr President, I ask a supplementary question. Can the minister outline to the Senate the actions that the Rudd government is taking to assist our farmers given the challenges of the global recession and climate change?

Senator SHERRY—As I was pointing out, the National Party had been calling for the exclusion of agriculture from the CPRS, and yet when it happens all they can do is ridicule that position. Unfortunately for the National Party—they have been so keen in recent years on crawling out from underneath that Liberal Party doormat and the dust cloud is rising—they do not know what a yes or no answer is. They cannot identify a clear policy position even when they have called for it themselves. That is how lost the National Party is on this and many other issues. As part of a positive agenda for assisting Australia’s farmers—

Opposition senators interjecting—

Senator SHERRY—The Australia’s Farming Future initiative is one example of the assistance that is being provided—some $42.6 million for a climate change research program. This will target research investments over four years. (Time expired)

Senator STERLE—Mr President, I ask a further supplementary question. Can the minister inform the Senate of any further challenges facing Australian farmers?

Senator SHERRY—There is an additional important factor which I actually suspect at least some members of the Liberal Party do understand on this issue—that is, the issue of business certainty: the need to provide businesses with a given decision and to provide that certainty. Again, it is absolutely vital for our farming community to have certainty. The Rudd government has strived to provide this certainty to business with every single decision it has made, and nowhere is it more important than in this area in particular. The businesses of Australia, and in particular the farming sector, do need certainty in order to move forward, to be constructive on the various issues and to adapt to the various changes that are required given the seriousness of climate change. This government is absolutely committed, and it has shown its commitment in the rural sector. (Time expired)

Medicare

Senator CORMANN (2.54 pm)—My question is to the Minister representing the Minister for Veterans’ Affairs, Senator Faulkner. Minister, why has the government increased the rebate for cataract surgery on its Department of Veterans’ Affairs fee schedules for medical services to $1,291
while at the same time reducing the patient rebate for the exact same surgery on the Medicare Benefits Schedule by 46 per cent, down to $340?

Senator Faulkner—Mr President, the normal procedure is that we will have a look at that material—

Opposition senators interjecting—

Senator Ludwig—Mr President, I would like to make a short statement in response to this.

The President—Is leave granted?

Senator Ludwig—No, the usual procedure is to deal with it after taking note of answers.

The President—Senator Cormann, I invite you to complete your supplementary question.

Senator Cormann—Mr President, I have sought leave to table the two Department of Veterans’ Affairs fee schedules for 2008-09 and for 2009-10, given that the minister appears to be under the misapprehension that there is no item for cataract surgery on the DVA fee schedule for medical services, as well as the minister’s determination where she reduces the rebate by 46 per cent.

Senator Cormann—Mr President, if leave had been granted, the minister would have been able to verify that indeed the rebate for cataract surgery through the DVA schedule has increased by 2.3 per cent to $1,291. On that basis I ask whether the Minister for Veterans’ Affairs agrees with the Senate that there is no justification for cutting patient rebates for cataract surgery.

Senator Cormann—Mr President, I need to check with the Minister for Veterans’ Affairs about what his view is but as the minister representing him in the Senate let me tell you what the situation is from a broader government perspective. The government’s regulations in the Senate to reduce the Medicare rebate payable for cataract surgery have been blocked. The consequence of this is that the cataract items did not exist in the Medicare Benefits Schedule, effective 1 November
2009, which means that there was technically no rebate payable under Medicare. The DVA payments system administered by Medicare Australia will continue to process DVA claims for cataract surgery provided to veterans consistent with the DVA arrangements. Under the treatment principles, DVA funds MBS listed services and DVA can pay for services not listed in the MBS unlisted services in certain circumstances. I hope that helps you, Senator Cormann.

Senator CORMANN—Mr President, I ask a further supplementary question. When the Minister seeks further advice from the Minister for Veterans’ Affairs will he also ask him to explain to the Minister for Health and Ageing why he has increased the rebate for cataract surgery? Doesn’t this increase in cataract surgery rebates on the DVA schedule shoot to pieces the health minister’s argument that a massive 50 per cent cut in MBS rebates, on top of previous cuts of 30 per cent and 10 per cent, was justified because the procedure was now so ‘quick and easy’ to perform? Given the cut in patient rebates is now clearly exclusively targeted at the many thousands of mostly elderly patients accessing cataract surgery through the private health system every year, does the government now concede that this is nothing more and nothing less than another strike against patients in its ideological crusade against private health?

Senator FAULKNER—I am certainly happy to ask my colleague, the Minister for Veterans’ Affairs—

Senator Abetz—Somebody must have the answer.

Senator FAULKNER—I am going to provide what information I can to Senator Cormann. It would be very difficult in the space of a minute to answer all the issues that he requested me to address. Fundamentally, you might be aware, Senator Abetz, that what Senator Cormann requested I do is to pass these questions on to my colleague the Minister for Veterans’ Affairs. I will do that. I will also say in the time available to me, adding to my previous answer, that if there were no MBS item for cataract surgery then DVA could pay for such surgery if the Repatriation Commission delegate took the view that the surgery would provide a substantial benefit to the health of the entitled person in question. That is, DVA has a legal mechanism that will allow continued funding of the cataract surgery, independent of the MBS and the current—(Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS
Climate Change

Senator WONG (South Australia—Minister for Climate Change and Water) (3.00 pm)—I have some further information in response to a question asked of me today by Senator Milne. I am advised that there is no basis to claims that African countries walked out of a meeting chaired by Australia in Barcelona. Australian negotiators have gone to great lengths to play a constructive role in the UN climate negotiations, including at the most recent UNFCCC negotiations in Barcelona. Since the beginning of this year, as chair of the umbrella group—a key group of developed countries—Australia has hosted a series of meetings with key regional groups and non-government organisations in an effort to help build a global climate deal. In Barcelona, Australia continued these efforts, including through hosting francophone African countries in a constructive and useful discussion about key issues in the negotiations. There was no walkout from this meeting. It was conducted respectfully and constructively, and finished with a request
from African countries for further such meetings.

EMISSIONS TRADING SCHEME

Return to Order

Senator SHERRY (Tasmania—Assistant Treasurer) (3.04 pm)—I wish to respond to a motion for the production of documents by Senator Xenophon, agreed to on 27 October 2009, relating to the Frontier Economics report.

Senator Ian Macdonald—Now is not the time for that.

Senator SHERRY—I have asked.

The DEPUTY PRESIDENT—I am advised, Senator Sherry, that this is not the usual time to make this statement but if you choose to do it now I think you are allowed to.

Senator SHERRY—I will be very brief in my remarks. I am tabling an assessment of the Frontier Economics proposal to provide intensity-based allocations to electricity generators. It is 12 pages long. In addition to Senator Xenophon having raised it by way of his motion, this matter was raised with Senator Wong and me in the supplementary budget estimates. We took questions on notice about the provision of advice to government relating to Treasury and DCC analysis of the Frontier Economics proposal. A commitment was given to consider what further information could be provided to the estimates committee. The document that I have tabled summarises the government’s assessment of the Frontier proposal.

I just want to conclude by making the point that we are responding to both the questions at supplementary budget estimates and Senator Xenophon’s motion agreed to on 27 October.

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

Illegal Fishing

Senator COLBECK (Tasmania) (3.06 pm)—I move:

That the Senate take note of the answer given by the Assistant Treasurer (Senator Sherry) to a question without notice asked by Senator Colbeck today relating to the Australian Customs patrol vessel, Oceanic Viking.

This situation with the Oceanic Viking is fast turning into a complete and utter farce. It is really taking on the dimensions of a Laurel and Hardy episode. To quote from Laurel and Hardy, this is another fine mess you’ve gotten us into.

The Oceanic Viking is now in its fifth week—

Senator O’Brien interjecting—

Senator COLBECK—You guys can decide because you are running the show, Senator O’Brien. The Oceanic Viking is now in its fifth week of being tied up with this group of asylum seekers, and we know that it made a delivery to Christmas Island at least a week before that. In his answer to my question, Senator Sherry referred to budget documents which allowed $6 million over two years for 80 extra days over those two years. In that context, their allocation for this year is already up. They have spent at least 40 additional days—most of them on this group of asylum seekers—and there are still 56 on board the ship who are giving no indication of being about to get off. The government might claim a bit of a victory with the 22 that disembarked over the weekend, and I suppose that is fair enough, but while ever there is one person remaining on that ship and refusing to leave, this remains a policy failure and it just reinforces the failure of Mr Rudd’s Indonesian solution. The floating solution is no solution.
We know that this is the time of year when activity in the Southern Ocean is at its greatest. This country, along with its international friends, put in a lot of effort to get rid of poaching in the Southern Ocean. We do not want to go back to the situation we faced in 2005 where we were aware of at least six vessels down there fishing illegally, or in 2006 where there were nine vessels fishing illegally. We, along with our international partners, have expended an extraordinary amount of effort in that fishery to clean it up and to get rid of the poaching. As Senator Sherry said, we do not advertise where the ship is or when it is going to be sailing, but at the moment it is bloody obvious to the whole world where the ship is: it is sitting off Indonesia with 56 asylum seekers on it. So the illegal fishermen can go down there with impunity. They know that our vessel that patrols those waters, a vessel that is designed to work in those southern Antarctic waters because it is strengthened to deal with ice, is not available. It is currently a floating solution for Mr Rudd’s failed Indonesian solution.

Then we come to other activities. Last summer the Oceanic Viking spent a lot of time—between mid-December and April—shadowing the Japanese whaling fleet. We are within four weeks of that process recommencing, but the Japanese do not have to worry about the ship this year because it is stuck off Indonesia’s northern waters. So the government may well have made an additional allocation in the budget of $6 million for 80 days over two years, but that $75,000 a day is being spent on this ship whilst it is bailed up off Indonesian waters. Where is Australia’s cop on the beat? It is certainly not doing the job that it was given.

The government mentions the other vessels the Navy has, but they are not ice strengthened. They cannot go down into these southern waters to deal with the poachers. Senator Macdonald did great work when he was fisheries minister in acquiring this vessel and putting it onto the beat and, as I said before, we cleaned up a situation where in 2005 there were six vessels and in 2006 there were nine vessels poaching down there. We worked hard to clean that up and yet, because of the failed policies of the Rudd government with respect to asylum seekers, our cop on the beat is sitting off the coast of Indonesia with 56 asylum seekers on board. The sailing of that ship is supposed to be a covert operation. As Senator Sherry said, we do not indicate when the ship is at sea or where it is. But it is there for the whole world to see and the publicity it is getting makes sure that everybody knows about it.

So while ever this policy failure remains, and while ever the government fails to get the asylum seekers off the ship, that is the story. It is evident to asylum seekers as a result of this that, if you can create a special circumstance, this government will give you a special solution. That is what has been offered to the asylum seekers to get off the ship. If you can create a special situation, the government will give you a special solution. (Time expired)

Senator FARRELL (South Australia) (3.12 pm)—Thank you, Senator Colbeck, for going over time there to talk about this issue.

Senator Cash—It’s very important!

Senator FARRELL—Yes, it is an important issue, but I think Senator Colbeck incorrectly categorises the issue. He particularly incorrectly categorises the issue when he talks about victory, or for that matter defeat, in terms of getting 22 asylum seekers off the Oceanic Viking. This issue is not about whether we have a victory or a defeat as a government or as a country. This is about trying to sensibly resolve an issue on our northern coast. As a government we are trying to deal with this issue in a calm and hu-
mane way. We are trying to resolve what is a very difficult issue for this country. We are doing it, I think, in a sensible way which will not lead to either victory or defeat but hopefully lead to a sensible long-term outcome for this country.

Senator Colbeck suggests that the Oceanic Viking being in Indonesia at the moment affects our ability to deal with the issue of illegal fishing, particularly in the Southern Ocean. But the fact of the matter is that illegal foreign fishing in Australian waters has declined significantly over the last three years.

Senator Ian Macdonald—Do you know why?

Senator Farrell—I am just about to tell you why, Senator Macdonald.

Senator Ian Macdonald—It’s because we had the Oceanic Viking down there.

Senator Farrell—No. It is because of the policies of this government. That is why.

Senator Cash interjecting—

Senator Farrell—We know that you have read the polls—

Senator Back interjecting—

Senator Farrell—You have one good Newspoll, so you think you are onto a good thing here, Senator Back.

The DEPUTY PRESIDENT—Senator Farrell, address the chair, please.

Senator Cash interjecting—

The DEPUTY PRESIDENT—Order on my left!

Senator Farrell—Thank you, Mr Deputy President, for protecting me. I was saying that we will protect this country in a way that the previous government never, ever did. They never, ever protected this country. They never, ever solved this problem. And, just as they did with the issue of illegal fishing, they have left the issue of asylum seekers to us to solve, and we will. We are starting to solve it, with 22 people coming off the Oceanic Viking. We will continue to solve that problem.

Senator Cormann—You’re not serious, are you?

Senator Farrell—Yes, I am deadly serious, Senator Cormann.

Senator Cash interjecting—

The DEPUTY PRESIDENT—Order on my left!

Senator Farrell—Thank you for your protection again, Mr Deputy President. We are in the process of resolving this problem. We are doing it in a humane and calm fashion, unlike the hysterical fashion of the previous government. We continue to do what we need to do to reduce the issue of illegal foreign fishing in this country. The government takes the issue of foreign illegal—

Senator Cash—Don’t say it!

Senator Farrell—fishing seriously—

Senator Cash—Don’t say it!

Senator Farrell—I am going to say it whether you like it or not, because it is the truth, Senator Cash. We take the issue seriously—

Senator Cash—Don’t say it!

Senator Farrell—I am going to say it whether you like it or not, because it is the truth, Senator Cash. We take the issue seriously and we are solving the issue. Illegal foreign fishing in this country is going down. I know it is something you like to laugh about, Senator Cash, but it is the truth. You do not like the truth; you would prefer to read a Newspoll that says you can get some temporary political advantage exploiting the unfortunate circumstances of these asylum seekers. We are not going to let you do that, because we are dealing with the issue of foreign—

(Time expired)

Senator Scullion (Northern Territory) (3.17 pm)—There is one word I would use to describe the contribution from the other side: ‘delusional’. They say that they have rolled out a humanitarian program. What is humanitarian about replacing those people on
the Horn of Africa in the most desperate need, as identified by the UNHCR, with those people who can afford $15,000 for everybody in their family? I do not know what is humanitarian about that. I think it is absolutely and utterly delusional. If they are accusing this side of parliament of doing nothing about illegal foreign fishing when we were in government, I can show you that there is absolutely no truth to that at all.

I would like to commend my colleague Senator Colbeck for the wonderful contribution he made about identifying how we are moving and using strategic assets in a way that is not in the national interest. What could possibly be the point of taking our primary fishing and enforcement vessel and tying it up in Indonesia and embarrassing Australia? What is the fundamental point of that? These people are completely delusional if they think they are doing this well. This is a con job. They are not only trying to con the Australian people; they are also conning some of the Sri Lankan people aboard Oceanic Viking.

In Senator Evans’s answer to my question today, he confirmed that the detention facility on Tanjung Pinang is in fact an Indonesian facility. He said it was under Indonesian control and therefore he could not dictate how or when the asylum seekers would be processed. I hope the asylum seekers do not have television and I hope we are not broadcasting to them. If I were one of them I would be on full alert, because, if the minister cannot dictate how or when asylum seekers are processed, I do not know how he can possibly make this fundamental promise to those people currently on Oceanic Viking that they will be dealt with in a certain amount of time.

The minister gave lovely criteria. He said there was a 90-day time frame. The reports reveal that the average processing time of asylum seekers on Christmas Island has now blown out to six months. We have just had a number of Sri Lankans repatriated from Christmas Island. They arrived in April. So you can imagine why I am a little bit stunned when those on the other side say, ‘No, in Australia we take only six months to process and repatriate someone on Australian soil’—with all the processes and resources of government, in Australia, under our law and under our governorship! But of course that is all out the window. We cannot do it in six months. But the minister has said to us today that we can promise a 90-day time frame and a four-week resettlement on the basis that it is happening in a place we have absolutely no control over.

If their intent is to make Indonesia look more appealing than Christmas Island, I have to say that they are really delusional on the other side. Next to an Indonesian facility, Christmas Island must seem like a Club Med resort. As we heard in the news the other day, tragically, part of the processing is that if you arrive onshore unsure about yourself or if you make a bit of a bolt, you will get shot at or in fact shot. So I think the process they are going through on the other side is completely delusional.

The problem really is that the government intend to tell Australians that it is not doing any special deal. It is okay for the hundreds and hundreds of people who have been languishing for years—not months or weeks but for years—in Indonesia either in a detention facility or on some other arrangement in the community. For those hundreds of people who did not flee to Australia recently when they changed the pull factors—the suck factors from Australia—why would you suddenly say that the 56 people remaining on the Oceanic Viking somehow have more rights to some sort of resettlement process than the UNHCR refugees who have already been processed and mandated and are ready
for resettlement? This makes a mockery of Australia being a signatory to the refugee convention and this makes a mockery of the Australian people. The government are completely delusional if they think the Australian public will swallow this one.

Senator O’BRIEN (Tasmania) (3.22 pm)—I note the statement by Senator Colbeck in opening the debate to take note of answers. He referred to a Laurel and Hardy quote, ‘What a fine mess you’ve gotten us into,’ as somehow being justification for the opposition’s position in this matter, meaning what a mess the government got the country into by sending the Oceanic Viking to pick up these people from a vessel which was in distress. Let me remind the Senate that it was only on the 16 October that the Australian authorities received a distress call from this vessel which was passed onto the relevant authorities within the Australian government, including Border Protection Command and the Australian Maritime Safety Authority. It was determined that the vessel was in international waters and within the Indonesian search and rescue region. Early on the morning of 17 October, the next day, the information was passed to the Indonesian authorities who confirmed they would be coordinating the search and rescue of the vessel, but later that morning they advised that no vessels were available to respond and there were no responses to a general call for assistance.

What was the Australian government to do? What the Australian government did was to send HMAS Armadale to the scene and the Oceanic Viking was directed to respond. Was that wrong? Was Senator Colbeck suggesting we were getting the Australian people into a mess when we responded to a call to assist a vessel? It was the Indonesians who were obliged under safety of life at sea conventions to respond, but they indicated that they could not. So was it wrong for the Australian government to go and potentially save a number of people from death at sea? Is that the wrong that Senator Colbeck suggests that the Australian government performed? Was the mess that we got ourselves into in picking up the people?

Yes, the vessel is detained because the Australian government said that we picked these people up in Indonesian waters and we would be discharging them into Indonesia. We said we would not be taking them to an Australian port to discharge them. If the criticism is that we got the Australian people into a mess, it is because (a) we were not bringing the people back to Australia and (b) we were not content to allow that vessel to sink and those people, including women and children, to drown because no-one else was going to pick them up. If that is the test that the opposition put to the Australian people, frankly they should be ashamed of themselves. What they are saying is that the government should have let those people drown. I reject that and this government rejects that. The Australian people are a much more generous people than this opposition gives them credit for. The Australian people would expect the Australian government to do what it could to save people on the high seas who have indicated distress. The problem is that the people on board are now saying, ‘We want to go to Australia,’ and the Australian government is saying, ‘You will get off in Indonesia’. Therefore there is a stand-off. What would we do? The Indonesians are insisting that those people need to get off the boat of their own volition. The Australian government is pursuing that path and having some success.

But what is this all about? It is all about the parlous position of the opposition in the opinion polls. We have seen another Newspoll, which seems to be inconsistent with other polls, indicating there might have been some support for the opposition arising possibly from this issue. Given the parlous
position that the opposition are in and the way that they are tearing themselves to shreds—and you have only to have watched *Four Corners* last Monday night to see it—they are seeking to grab onto something to indicate to the Australian people that they are relevant. Frankly, this issue will disappear, as have a number of others, and the opposition will have to justify their position and go to the next election with some real policies.

How long did it take for Mr Turnbull to come out and talk about a return to temporary protection visas? It took about two weeks of this particular issue running and the pressure of last week’s *Four Corners* program which the opposition knew was coming. This is just another issue in trying to hold together the coalition at a time when they are falling apart. *(Time expired)*

**Senator Ian Macdonald** (Queensland) (3.28 pm)—I also wish to speak on the motion to take note of the very embarrassed answer of Senator Sherry, the Assistant Treasurer, to an excellent question from Senator Colbeck relating to the *Oceanic Viking* and the patagonian toothfish stocks it is supposed to be protecting. Back in 1997, a unique alliance was formed between sensible, practical conservation groups, the very professional fishing industry that fishes the Southern Ocean and the Australian government. We were all concerned that the stocks of the patagonian toothfish, a very rare and very valuable fish, were being plundered by pirates. From that moment, we as a government took a great deal of action to protect those fish stocks for the Australian fishing industry in a very controlled way and to ensure the continuation of this species of fish.

The Howard government was very strong on border protection and protecting its fish stocks, as it protected its borders against illegal immigrants. As a result of that, and a lot of work by the Howard government, in August 2003 an Australian patrol vessel, the *Southern Supporter*, followed the Viarsa 1, a patagonian toothfish pirate vessel caught fishing illegally in Australian waters, for some 21 days across the Southern Ocean and the southern Atlantic Ocean: some 3,900 nautical miles and the longest chase in Australia’s maritime history. I do not think I am giving away any secrets now, some seven or eight years after that, to disclose that on the *Southern Supporter* there was not even so much as a cap pistol—no armaments at all. But it followed this vessel and, with the help of the British and South African authorities, that vessel was arrested and brought back to Australia.

As a result of that, the Australian government then decided to get a vessel that could actually go down into the Southern Ocean and protect our fish stocks; an armed vessel that would really make the pirates sit up and take notice. As a consequence, the *Oceanic Viking* was acquired. It is an ice-strengthened vessel and it has two 50-calibre machine guns on it. It was there to protect the fish stocks in the Southern Ocean. Since it was acquired by the Howard government it has served its purpose: because the pirates knew we were serious and because we had a strong policy, patagonian fish pirating actually ceased. It is one of the great credits to the Howard government that they got rid of that pirate trade in the very valuable patagonian toothfish stock.

Fast forward to the Rudd government, with its well-known soft approach on border protection—everywhere you look the Rudd government has no interest in strong border protection for Australia. Have a look at the illegal immigration issue: the Rudd government laid out the welcome mat to illegal immigrants into Australia. In so doing, they have ensured that the vessel that was specifically acquired for the ice flows in the Southern Ocean is now holed up off Indonesia in tropical waters, doing something necessary...
because of the failure of the Rudd government’s border protection policy.

I can assure you that the patagonian toothfish pirates are a well-organised, very well-intelligenced group. I can almost bet you that they are now heading back to the Southern Ocean, because this fish stock is a very valuable fish. There is a lot of money to be made, and their intelligence sources will tell them that this boat—the scourge of their lives—is holed up in some tropical port off Indonesia. So the patagonian toothfish pirates will be down there, raping the Australian fish stock, and the Rudd government has no answer for that. It is the failure of the Rudd government’s border protection policies in all of its forms that causes us to stress as a nation and to be laughed at by those who would breach our borders.

Question agreed to.

Climate Change

Senator MILNE (Tasmania) (3.33 pm)—

I move:

That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to the 2009 Barcelona Climate Change Talks.

It related to the global negotiations, and particularly the Barcelona talks leading up to the Copenhagen negotiations in a few weeks time. Whilst we are here in Australia discussing a five to 25 per cent cut, we have the situation where the African countries are spelling out the reality of what is actually needed and what is going on. They, quite rightly, indicated in a press conference in Barcelona:

… the poorest countries demanded that the rich adopt the science-backed target of a 40% overall cut on emissions on 1990 levels. So far, rich countries have pledged an aggregate of less than 10%. The US, the world’s second biggest polluter, has pledged to cut around 4% on 1990 levels, or 17% on 2005 levels.

I can say that Australia has got five per cent on the table, with a highly conditional 25.

It was so bad that rich countries have started to try to pile pressure on the Africans not to derail the talks. In fact, the people derailing the talks are the rich countries that are refusing to face up to what the science demands. The Africans staged a walk out of the negotiations, and:

The African countries were supported by all other developing country blocks at the talks. In a series of statements, the G77 plus China group of 130 nations, the Alliance of Small Island States (Aosis), the Least Developed Countries (LDC) group, as well as Bolivia and several Latin America countries, all broadly backed the African action.

Bruno Sekoli, chair of the LDC group, said: "Africa and Africans are dying now while those who are historically responsible are not taking actions."

Minister Wong cannot get away with trying to suggest that the targets Australia has on the table are ambitious and credible. They are not ambitious and they are nowhere near what the science requires. It requires a 40 per cent cut from developed countries and an aim to get on a trajectory of 350 parts per million. What we have got is nowhere near that, so her targets are not ambitious. Are they credible? No, they are not credible. They are not scientifically credible, and they are not economically credible if she is claiming that they are in any way going to transform the Australian economy.

I also asked about what Australia’s role was in these talks. My information is that after this walkout in Barcelona there was a trust-building lunch between the umbrella group, chaired by Australia and African nations, and it ended up again with African nations walking out, saying, ‘We are dying and you are not doing enough.’ The Africans told them specifically that people were dying
by the minute and ambitious reduction is not
negotiable because the survival of millions
of people depends on it, and if they were not
there to talk about numbers then it was not
the right place to be.

It is very clear that the Africans and the
least developed nations—some 130 nations
out of the 192 signatories to the conven-
tion—are not happy with the position Aus-
tralia has got on the table. I have to say it is
Australia’s position, together with others of
the developed world, that is actually the ob-
stacle to achieving a global outcome in Co-
penhagen. I think it is fascinating to hear all
the argument about the CPRS having to pass
to facilitate a global agreement; it is actually
going to undermine a global agreement.

That brings me to my next point. Aus-
tralia used to talk about the next commitment
phase of the Kyoto protocol—but no longer.
Now it talks about a new treaty, a different
treaty. Australia is acting as a fall guy for the
United States in these negotiations to dump
the Kyoto protocol altogether: to not ask for
a new commitment period for the Kyoto pro-
tocol but instead come up with a new treaty
which will have no enforcement and compli-
ance mechanisms at all. The architect and the
minister were busily talking about Australia’s
proposal on the table for new architecture to
dump the Kyoto protocol altogether: to not ask
for a new commitment period for the Kyoto pro-
tocol but instead come up with a new treaty
which will have no enforcement and compli-
ance mechanisms at all. The architect and the
minister were busily talking about Australia’s
proposal on the table for new architecture to
dump the Kyoto protocol. That is something
that the developing countries do not want to
see, and that is what is occurring. Australia
by its actions is undermining the very treaty
that the world needs to reduce climate
change and to slow down the impacts that we
are already suffering.

Question agreed to.

CONDOLENCES

Mr Allan William Mulder

Senator FERGUSON (South Australia)
(3.38 pm)—It is with deep regret that I in-
form the Senate of the death on 7 November
2009, of Allan William Mulder a member of
the House of Representatives for the division
of Evans, New South Wales, from 1972 to
1975.

DOCUMENTS

Department of Veterans’ Affairs

Senator CORMANN (Western Australia)
(3.38 pm)—I seek leave to table the Depart-
ment of Veterans’ Affairs Fee Schedules for
Medical Services for the period 1 November
2008 to 31 October 2009 as well as for the
period 1 November 2009 to 31 October
2010, which recently miraculously disap-
peared from the Department of Veterans’
Affairs website, and the Health Insurance
(Cataract Surgery) Determination 2009.

Leave granted.

Senator CORMANN—Together these
documents indicate that the government has
been increasing the rebate for item 42702
through the Department of Veterans’ Affairs
by 2.3 per cent while significantly reducing
it through the Medicare Benefits Schedule,
as was asked about in question time.

PETITIONS

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

Youth Allowance

To the Honourable President and members of the
Senate in Parliament assembled:
The petition of the undersigned shows:
changes to the Youth Allowance will cause great
strain on young people especially those from re-
gional areas who choose to study beyond High
School.
Your petitioners ask/request that the Senate:
call upon the Government to rethink the proposed
changes to the qualifying requirements to receive
the Independent Rate’ of the Youth Allowance.

by Senator Ronaldson (from 235 citi-
zens)

Petition received.
**NOTICES**

**Presentation**

**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 19 November 2009.

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

That the time for the presentation of the following reports of the Legal and Constitutional Affairs References Committee be extended to 26 November 2009:

(a) access to justice; and
(b) Australia’s judicial system and the role of judges.

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

That the Legal and Constitutional Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 November 2009, from 4 pm to 5.30 pm, to take evidence for the committee’s inquiry into Australia’s judicial system and the role of judges.

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

That the Senate——

a) Notes that:

1) the Rudd Government is ignoring the accelerating crisis in aged care, in particular the serious financial viability challenges faced by aged care providers involved in the provision of high care beds;

2) the Government appears to justify its inaction by pointing to advice from the Department of Health and Ageing, also submitted to various Senate committees, that “efficient” aged care providers are financially viable;

3) the Senate has sought to verify those claims by seeking access to the de-identified data from the audited General Financial Purpose Accounts, which the Department of Health and Ageing has been collecting from aged care providers since the 2004-05 financial year;

4) on 13 August 2009, in answer to question on notice 1688, the Minister indicated that the de-identified data from the General Purpose Accounts was available on the Department of Health and Ageing website – when in fact it wasn’t;

5) on 19 August 2009 the Senate ordered that the de-identified data from the General Purpose Accounts and associated reports from the years 2005-06 to 2008-09 be laid on the table;

6) the Government eventually made the 2006-07 de-identified unit record data available;

7) the Government refused to table the remaining information part of the Senate’s order, providing the following reasons in a letter dated 20 September 2009:

a) information from 05-06 was of ‘poor quality’ and ‘could be misleading and not contribute to the public understanding of these issues’;

b) Access Economic and KPMG reports of the 2006-07 data were to ‘inform the Cabinet’s deliberations’; and

c) information from 2007-08 is incomplete, awaiting some late returns.

b) Considers that the above grounds are either not supported by precedent or insufficient justification for the refusal to provide the requested information and documents to the Senate, noting in particular that:

1) the Senate has previously explicitly rejected the proposition that information that may ‘confuse the public de-
bate’ is a sufficient ground not to release information;
2) not every document placed before Cabinet reveals the deliberations of Cabinet, and only if the reports in question revealed Cabinet deliberations would they conform with the recognised ground; and
3) incomplete material can (and should) be tabled with a caveat as to its incompleteness.

c) Rejects the Ministers grounds for withholding the national de-identified data and associated reports.

d) Considers publication of the national de-identified data from the audited General Purpose Accounts and associated reports to be in the public interest.

e) Again orders that there be laid on the table by the Minister representing the Minister for Health and Ageing by no later than 12 pm on 18 November 2009, the following documents:

1) National de-identified data from the audited General Purpose Accounts of aged care providers for:
   i) 2005-06;
   ii) 2007-08, including any report/analysis by the department and/or any third party consultant; and
2) the report/analysis by Access Economics and KPMG based on the 2006-07 de-identified unit record data from the audited General Purpose Accounts of aged care providers.

Senator Cormann to move on the next day of sitting:
That the Senate—
(a) Notes that:
   1) the Health Insurance Amendment (Revival of Table Items) Bill 2009 passed the Senate on 28 October 2009;
   2) the Clerk of the Senate provided advice that there was no constitutional barrier to the Senate introducing (and passing) this bill;
3) the Minister for Health and Ageing told the House of Representatives on 29 October 2009, that the Government had legal advice that this bill was unconstitutional, that it should not have been introduced in the Senate and had not been appropriately passed;
4) the Minister also told the House of Representatives that the Government, was “happy to provide that legal advice” (9.59am, 29/10/2009);
5) subsequent and repeated requests to obtain a copy of the legal advice the Minister relied upon to make her claims on 29 October 2009 that the bill passed by the Senate was unconstitutional have been unsuccessful;
6) eventually a copy of departmental advice dated 4 November 2009 was provided, advice which clearly had been drafted well after the Minister made her claims based on ‘legal advice’ on 29 October 2009, and after requests for a copy of that legal advice had been put to the Minister.

(b) Orders that there be laid on the table by the Minister representing the Minister for Health and Ageing in the Senate, by no later than 5pm on 17 November 2009, a copy of the legal advice referred to by the Minister on 29 October 2009, indicating that the Health Insurance Amendment (Revival of Table Items) Bill 2009 was unconstitutional.

Senator Minchin to move on the next day of sitting:
That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than 10 am on Wednesday, 18 November 2009, a document outlining:
(a) the selection process undertaken to appoint Mr Mike Kaiser as the Principal – Government Relations and External Affairs for NBN Co., as announced on 13 November 2009, including where and when the position was advertised, when
the Minister became aware of the proposed appointment, whether there was any communications between the Prime Minister, the Minister and/or the office of the Prime Minister or the office of the Minister with the Executive Chairman of NBN Co., Mr Mike Quigley, about the appointment and the nature and timing of this communication; and

(b) the annual starting salary for the position of Principal – Government Relations and External Affairs for NBN Co.

Senator Ronaldson to move on 24 November 2009:

That the definition of electioneering in subregulation 3AA(11) in item [1] of Schedule 1 of the Parliamentary Entitlements Amendment Regulations 2009 (No. 1) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 250 and made under the Parliamentary Entitlements Act 1990, be disallowed.

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

That the Senate—

(a) does not support the non-consultative process which has led to the closures of the Tasmanian, South Australian and Northern Territory offices of the National Archives of Australia;

(b) recognises:

(i) the disadvantages that will be faced by researchers, organisations and the general public as a result of the office closures, and

(ii) that the number of reading room visits has remained steady over the past 5 years despite an increase in online requests and viewing; and

(c) calls on the Government to reverse the decision to close the three offices to ensure all Australians have access to the archive collection in their state or territory.

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

That the Senate—

(a) congratulates the nation of Palau for giving a temporary home to six Uighur men who have been held by the United States of America (US) in Guantanamo Bay prison;

(b) recognises that the men were cleared of all charges of war crimes and that the US acknowledges they cannot be sent back to China because of the risk of persecution;

(c) notes the strong and vibrant Uighur community in Australia; and

(d) calls on the Australian Government to consider the resettlement of the men in Australia.

Senator Ludlam to move on the next day of sitting:

That, on Tuesday, 17 November 2009:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.40 pm;

(b) the routine of business from 7 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 11 pm.

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 Legislation Committee on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2] be extended to 25 February 2010.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes the recent decision by the Northern Territory Government to refuse to provide renal health services to new interstate patients in the border regions of Western Australia and South Australia is leading to significant hardship and poor health outcomes and potentially putting lives at risk;

(b) raises concern over the plight of Mr Patrick Tjungurrayi, a renown member of the Pupunya Tula group of artists who together raised a million dollars to establish
dialysis services in Alice Springs and Kintore, which Patrick is now unable to access;

(c) calls on the Minister for Health and Ageing, Nicola Roxon, to convene an urgent meeting of the relevant state and territory ministers to negotiate an outcome to this impasse;

(d) suggests that the Minister consider interim measures to address unmet demand prior to the establishment of the new 15 seat renal unit in Alice Springs, including the provision of additional resources to enable night dialysis; and

(e) highlights the rising demand for kidney dialysis by Aboriginal Australians in central Australia and other regions and recommends that a longer term planning process is needed to assess and respond to projected growth in the need for renal services.

Senators Cormann, Fielding and Xenophon to move on 25 November 2009:

That the Health Insurance (Cataract Surgery) Determination 2009, made under subsection 3C(1) of the Health Insurance Act 1973, be disallowed.

Senator Milne to move on the next day of sitting:

That there be laid on the table, no later than 4 pm on 18 November 2009, the assessment by Geoscience Australia reportedly identifying prospective sites for underground carbon dioxide storage sites in Victoria, Queensland and Western Australia, referred to in an article, ‘New hope for viable clean coal projects’ published in The Australian on 24 October 2009.

Senator ABETZ (Tasmania) (3.39 pm)—I give notice that, at the giving of notices on the next day of sitting, I shall withdraw business of the Senate notice of motion No. 2 standing in my name for today for the disallowance of schedule 2 of the Fair Work Amendment Regulations 2009 (No. 1). I seek leave to make a two-minute maximum statement to deal with the reasons for the withdrawal.

Leave granted.

Senator ABETZ—The withdrawal by the coalition of this disallowance is done with mixed feelings. The disallowance did force the hapless Deputy Prime Minister to change the regulatory framework in relation to the modern seafarers’ award. The attempted change—might I add, by stealth—by Ms Gillard highlights Labor’s complete capture by the extreme elements of the trade union movement on industrial relations policy. Recently we saw in the Australian newspaper the way that the maritime union’s unacceptable behaviours are coming back into practice. The MUA seems to be back in town. The simple fact is that the modern seafarers’ award, as it was being promoted, would have discouraged trade, hurt the economy and cost jobs.

The withdrawal by the coalition should not be seen in any way, shape or form as an indication that we think all things have been resolved. Indeed, we will continue to monitor, and monitor very closely, the developments in this area, especially in the area of productivity. We as a coalition have a very strong record in being able to break through on the waterfront and seeing our waterfront become the most efficient of waterfronts—world standard, in relation to container movements and the like. We, unfortunately, see the modern seafarers’ award going back to the bad old days. Some movement has been made by the minister, which we welcome, but we believe that further movement will be required in due course, and we will continue to monitor the situation. I thank the Senate.

Senator Milne to move on the next day of sitting:

That there be laid on the table, no later than 4 pm on 18 November 2009, the assessment by
Geoscience Australia reportedly identifying prospective sites for underground carbon dioxide storage sites in Victoria, Queensland and Western Australia referred to in an article titled ‘New Hope for Viable Clean Coal Projects’ published in the *Australian* on 24 October 2009.

**LEAVE OF ABSENCE**

**Senator O’BRIEN** (Tasmania) (3.42 pm)—by leave—I move:

That leave of absence be granted to the following senators:

(a) Senators Bishop, Cameron, Conroy and Pratt from 16 November to 20 November on account of parliamentary business overseas;

(b) Senator Bilyk on 16 and 17 November 2009 on account of parliamentary business overseas; and

(c) Senator Carol Brown on 16 November 2009 for personal reasons.

Question agreed to.

**Senator PARRY** (Tasmania) (3.43 pm)—by leave—I move:

That leave of absence be granted to Senator Johnston from today, Monday, 16 November through to Friday, 20 November on account of shadow parliamentary business as defence spokesman working with NATO overseas.

Question agreed to.

**COMMITTEES**

**Legal and Constitutional Affairs Legislation Committee**

**Extension of Time**

**Senator O’BRIEN** (Tasmania) (3.44 pm)—by leave—At the request of Senator Crossin, the chair of the committee, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Personal Property Securities (Consequential Amendments) Bill 2009 be extended to 23 November 2009.

Question agreed to.

**Economics References Committee**

**Extension of Time**

**Senator PARRY** (Tasmania) (3.44 pm)—by leave—At the request of Senator Eggleston, the chair of the committee, I move:

That the time for the presentation of the report of the Economics References Committee on the GROCERYchoice website be extended to 18 November 2009.

Question agreed to.

**NOTICES**

**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 17 November 2009.

Business of the Senate order of the day no. 4, proposing the disallowance of the Threat Abatement Plan for disease in natural ecosystems caused by Phytophthora cinnamomi (2009), postponed till 17 November 2009.

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 2 February 2010.
A process for determining public interest immunity claims made by the government in response to orders of the Senate or of Senate committees for the production of information and documents.

(2) That the committee consider whether the following proposed order of the Senate would provide a suitable process:

Question agreed to.

Senator O'BRIEN (Tasmania) (3.45 pm)—by leave—The government recognises that against the coalition, the Greens and the minors the government does not have the numbers on this. We will not be calling a division.

Senator LUDLAM (Western Australia) (3.46 pm)—by leave—I would like to put on record that this reference was made by agreement with the government by the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, and with the crossbenches when last we sat. It was my understanding that the government had indicated not just its support but its full and unconditional support, the resourcing of that inquiry and a willingness to see it through and be open minded about the outcome, so I am extremely surprised and disturbed to hear Senator O'Brien stand up now and tell us that it is conditional on the opposition and the crossbenches having the numbers. That was certainly not the agreement that I believe we had reached with the minister late last session. If you wish to issue a clarifying statement at this time or down the track, I would greatly appreciate it.

NOTICES

Withdrawal

Senator PARRY (Tasmania) (3.47 pm)—At the request of Senator Humphries, I withdraw notice of motion No. 508.

MATTERS OF PUBLIC IMPORTANCE

Border Protection

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

The Rudd Labor Government's failed border protection policy

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

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

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

Senator FIERRAVANTI-WELLS (New South Wales) (3.47 pm)—I rise to speak on this matter of public importance. The government today has failed miserably to come into this parliament and the Senate to explain the special deals that have been offered to the asylum seekers on the Oceanic Viking. The government and the Prime Minister have told us that there were no special deals, yet we have heard from Indonesian officials that the people on the vessel have been offered fast-track access to Australia—much faster than they would have been promised or entitled to even if they had gone to Christmas Island itself.

The minister was today asked to table that correspondence. I have sought to find this on the immigration website. I have found a report of it and I would like to take the Senate through this letter which Minister Evans purports to say is not a special deal. This is indeed a special deal. I speak from having
spent many years working as a government lawyer and doing my fair share of immigration law. This looks pretty special to me. One only has to look at this headline in the Herald Sun of Saturday, 14 November. It says: ‘Deal to get Sri Lankans off customs vessel: quickie visa for Tamils’. Doesn’t that summarise what this is really all about?

Why have we had this deal? Because the Prime Minister wants to save face. This has been an absolute shemozzle from day one, and now he desperately has to get them off the boat. He has repeatedly said that they are not going to come to Christmas Island. They are going to end up coming to Australia anyway, because one only has to look at this letter to see what this is really about. Let us look at the conditions in the report dated 12 November. It says:

If UNHCR has found you to be a refugee—Australian officials will assist you to be resettled within four to six weeks from the time you disembark the vessel.

There are millions of people who have been found to be refugees under the United Nations High Commissioner for Refugees, and they are sitting there languishing—but not this lot; not this group of people who have held an Australian ship to ransom, effectively, at the cost of approximately $75,000 a day. They have stood their ground and they have got a special deal. This is the special deal that they are getting:

If you have already registered with UNHCR—Australian officials will assist with your UNHCR processing. If you are found to be a refugee, you will be resettled within 12 weeks from the time you disembark.

The minister comes in here and tells us, ‘Of course, with most people being registered the times vary.’ Of course it varies because sometimes it takes years and years and years. But because this group of people have acted in the way that they have acted and have been shown queue jumping in the most extreme of circumstances, they are going to be rewarded by being fast tracked on special circumstances to come to Australia. Then this letter tells us about special English classes, contact with families—and the list goes on in relation to the assistance that they will be given. What does that tell us? What does that say to the industry that is out there about people smuggling and more generally about the impression that Australia has softened its immigration system? Immigration is about order and process. This demonstrates that order and process as far as this government’s immigration policies and its border protection policies have monumentally failed.

Julia Gillard said years ago that one boat was one policy failure. This is an astronomical policy failure. Effectively, this is the welcome: ‘Come on down to Australia! K Rudd will look after you. Come on down!’ What does that tell you? That whole thing will permeate through what is now the immigration industry. And, yes, this government will seek to confine its changes to border protection and say it is only about boats. It is not about boats. This government has effectively dismantled the framework of immigration and border protection that was put in place by the Howard government over a number of years and now it has systematically gone through its department, through program after program after program. It has made a change here, a change there. What is the cumulative effect of all these changes? The cumulative effect of all these changes is to tell the world that Australia’s immigration policies have been softened. This will not only affect the impression about our policies for unauthorised boat rivals but also give that impression for all arrivals and in particular for those people who may come to Australia on a valid visa and may then seek to claim asylum because of the changes that this government has made, the cumulative effect of
which it fails to admit. It will permeate through that, so we are going to see increases in the number of people who are going to be claiming asylum right across the spectrum because of these changes. But, of course, this government goes on.

People smuggling is really a business. What the people smugglers are selling is a product, and that product is permanent residency in Australia. If you get yourself in, you will get permanent residency. And with that permanent residency go a whole lot of other things, including family reunion. This country is a country that has been built by the work of migrants. I myself am the daughter of migrants to this country. But my parents and millions of other people came in through the front door, and that is the important thing about order and process in immigration. Australians are fair, but they do not accept queue jumping and this is what we are seeing. In the end, what this government, what K Rudd, has done is make that product—

The ACTING DEPUTY PRESIDENT—Order! Senator Fierravanti-Wells, you must refer to the Prime Minister by his proper title.

Senator FIERRAVANTI-WELLS—I withdraw that. What the Prime Minister and his immigration minister have done is make that product much more attractive. The Sri Lankan ambassador was interviewed on Lateline on 11 November, and it is important to go back and look at that interview because he really put a lot of things into perspective. First of all, he told us that many of these people never started the journey from Sri Lanka; they came from elsewhere. He said:

... this talk about the push factor is an over-exaggeration

This, I might remind you, is the Sri Lankans’ representative to the United Nations. He told us:

In the absence of a push factor it’s the magnetic attraction of Australia that has brought these people to Australia’s shores illegally. I think this is emotional blackmail, people going and sitting on leaking vessels and then refusing to get off those vessels. In the first instance there is a legal manner in which people could migrate to Australia. This avenue was not used. Instead they used an illicit method and now they are exerting pressure on the Australian authorities to accommodate them. I think it is wrong. He also went on to say:

Personally I do not think they are refugees, unless you use that expression in a rather loose manner, they are economic refugees looking for greener pastures elsewhere.

In another part of the interview he said—and this is really the crux of it:

As long as the pull factor is brought to an end or satisfactorily controlled. I think this exodus will cease almost immediately. At the moment, we see a large number of people who are making use of the opportunity, exploiting the opportunity to go to countries like Australia and Canada.

This will cease immediately the pull factor that is there at the moment is brought to an end.

That is the Sri Lankan representative to the United Nations and I think you cannot get a simpler situation than that statement by him. It is time that this government realised the effect that its cumulative changes have made to weaken our immigration and border security framework.

Senator FEENEY (Victoria) (3.58 pm)—This is the third occasion in recent weeks that I have had the opportunity to rise in this place and speak about opposition motions of this kind. The wording of all these motions has been much the same and that reflects the fact that the political motivation underpinning them is exactly the same: they are all trying to extract some cheap political advantage from the issue of asylum seekers. Once again, we all understand exactly what this is
about: this is yet another pathetic attempt by those opposite to divert attention from Malcolm Turnbull’s weak and discredited leadership and from the opposition’s deep and continuing divisions over critical issues of policy. Once again the opposition is trying the oldest and the dirtiest scare tactic available in Australian politics, the tactic of whipping up fear about immigration as a diversion from the deep policy divisions that split their own ranks.

Senator Fierravanti-Wells described the government’s position with respect to border protection as an absolute shemozzle. I will give her at least one thing: she is equipped to know a shemozzle when she sees one because she works in the midst of one, and that of course is the parliamentary Liberal Party. Even for an opposition that has got itself into as deep a political mess as that one over there, this is nonetheless indicative of a cheapening and coarsening sense of the Australian body politic and what makes for good political discourse. Making appeals, whether overt or covert, to racism and xenophobia is always a dangerous and dirty tactic. It has a long and discredited history in Australian politics. Until recently we thought we had seen the end of this tactic, but desperate times have called for desperate measures amongst those opposite and sadly this was not the case. This is apparently an opposition which cannot see a gutter without clinging to it in the event of its own political catastrophe.

Once again we have seen Senator Fierravanti-Wells cling to the language of queue jumping, so it is important in the first instance to have a look at some of the key facts that are germane to this debate. With respect to the Oceanic Viking, a vessel filled with refugees sent out a distress signal while it was in international waters. Notwithstanding the fact that they were in international waters, they were within what is internationally understood to be the Indonesian safety and rescue zone, so of course it was the responsibility of the Indonesian authorities to seek to provide assistance to that vessel consistent with the conventions of the sea. By virtue of the fact that an Australian naval asset was closer to the point of crisis than what Indonesia was able to offer, we received a request from the Indonesian government to provide assistance, and of course we did so. No-one opposite has yet been brave enough to get up and suggest we should have done anything else, but they have on occasions been on the cusp of doing just that.

So we are not talking here about queue jumping. We are talking here about the fact that asylum seekers rescued at sea in the Indonesian safety and rescue zone were returned to Indonesian waters and an Indonesian port by an Australian vessel. Fundamentally, what we have here is a situation where Australia has done everything it could, should and must do in these kinds of circumstances: respond to a request from a friend and ally, respond to a distress signal at sea and conform with the standards that are appropriate to a seafaring nation like ours. Those are the facts. Notwithstanding those facts, those opposite are determined to whip up frenzy and fear. Senator Fierravanti-Wells said immigration is about order and process, and she is right. It is about order and process, but it is about some other things too. It is about conducting ourselves in a manner that does honour to our nation and it is about treating people humanely and fairly. Labor offers a policy in the immigration sphere which provides not only process and order but also humane and proper treatment of asylum seekers.

We are not surprised that the opposition are persisting with this desperate, grubby, divisive tactic, because their political fortunes are at a very low ebb, and I fear this is the only issue that remains in the cupboard.
that unites them. On every other important question being debated in the Senate, those opposite cannot come forward with a unified position. This is the one debate on which they can offer up a common front, because they are united by fear and they are united by a sense that their tactics will repeat their 2001 victory. This is what an opposition does when it has nothing else it can talk about because of its own internal divisions. They do not have anything to say to us about the economy. They abandoned the debt debate that they so woefully commenced earlier this year. They do not have anything to say to us about climate change. We know how hopelessly split they are on the question of how to deal with it in policy terms and how to deal with it in political terms. The opposition do not have anything to say to us about workplace relations. Their Work Choices remains a shame they dare not discuss. They do not have anything to say to us about infrastructure. The Liberals remain deeply divided on all of these critical questions and they have a leadership which is now too weak to wander into their party room and play a leadership role. They have a multitude of spokespersons giving different policy positions on everything. This really is the only debate left to those opposite, the last debate left to a discredited opposition.

This week, for instance, the Carbon Pollution Reduction Scheme Bill will be coming back to the Senate. We are only a few weeks away from the Copenhagen climate change summit. Australia has seen an intense debate about this issue now for the last three years at least, yet the opposition still have not got to first base on this issue, the most important issue facing Australian legislators today. Those opposite cannot even decide if climate change is real. They cannot even reach an agreed position about whether it is anthropogenic. They cannot even agree whether there should be action on climate change. Mr Turnbull, Ms Bishop and Mr Hunt say that there should be action on climate change but, lo and behold, Senator Minchin told us on Four Corners last week that climate change is all just a left-wing conspiracy. Make up your minds and devote yourselves to the task of making up your minds so that you do not keep wandering into this place with these cheapened tactics on immigration and bashing asylum seekers. It does you no credit, it does this Senate no credit and it does Australian politics no credit.

Senator Minchin is now openly dissenting from the position taken by Mr Turnbull and is openly undermining his leader. I used to think those opposite were just determined obstructionists of the Rudd government and of our mandate to govern, but I was wrong. They are not just determined obstructionists of the Rudd government in the House of Representatives. They are determined obstructionists of their own opposition leader in the House of Representatives. The Senate Liberal Party team have exited the base—left the building—and are now roaming the halls of this place completely unguided. That is the kind of opposition we now have to deal with. We can barely work with them; Malcolm Turnbull has abandoned the task. We are now trying to negotiate in good faith with the opposition on the CPRS Bill while many prominent senators opposite insist that, even if we were to agree in those negotiations, they would be unable to support the bill. This is a party that cannot even agree on the basic scientific question of whether climate change is real or not.

The opposition would rather talk about anything but the real issues facing Australia today, and that is why we are talking about this motion today. They know that their opposition to the government’s measures to protect Australia from the effects of the global financial crisis was a mistake and that it has been proved wrong by subsequent
events and the continuing economic data that pours into this place. They know that their decision to vote against our national building infrastructure and schools modernisation programs was a terrible mistake. That is why opposition senators can still be seen at the photo opportunities and the launches and will still try and make their way into the ribbon-cutting sessions, notwithstanding the fact that they opposed those measures here. They are getting that message from their own electorates every day. They know how fearful their fate will be at the next election, and that is why they cling to this raft with far more desperation than an asylum seeker does.

They know that their inability to develop a coherent policy on climate change is causing great anger in the business community because the stability and certainty the business community look for from Australian legislators and regulators is impossible while those opposite remain the unguided missiles that they are. They know that on all of these important issues they are out of touch, out of step and out of tune with the Australian people and even with their own supporters. That is why the opposition is so keen to take up the Senate’s time with these endless, repetitive, silly motions on asylum seekers, the one issue remaining in the pantheon that you can find agreement on—or mostly.

But, since the opposition wants to talk yet again about asylum seekers, we on this side are very happy to do so. We are not in the least embarrassed about this issue, on which we have a strong record, a record we are proud of—a record of strong border protection combined with a sensible and pragmatic understanding of what is required in this field. We will treat people with dignity and in a manner consistent with our international obligations. We will not engage in the sort of meaningless brutalities that so often punctuated your time in office.

When we came to office, we found nothing less than a policy mess in this sphere. We found a policy of dumping asylum seekers on remote islands with great political fanfare, detaining them for months or years under very harsh conditions and then quietly allowing most of them to settle in Australia when the heat had died down. That is right: we found a policy of giving asylum seekers these temporary protection visas, which those opposite trumpet as such a policy success and as the great deterrent, yet when we look at this great deterrent that TPVs allegedly were we see that in fact 90 per cent of those people given TPVs were eventually allowed to settle in Australia—that is to say, TPVs not only were not a deterrent but were a completely useless instrument. They did not do anything that other instruments could not do. We found a policy of secret deals with previous Indonesian regimes, as the former foreign minister, Mr Downer, confirmed in his usual smug way in an interview just recently. These secret deals left thousands of people in limbo in Indonesia, waiting years to be processed and for a determination to be made about their status. So, before you get too unctuous with the government about the so-called Indonesian solution, take a careful look at your own performance in this area.

The opposition likes to boast that the cynical, opportunistic mishmash of a policy pursued by the Howard government deterred people smugglers and eliminated the unauthorised arrival of asylum seekers by boat into Australian waters. It is a myth and it is a nonsense. There was a fall-off in boat arrivals between 2001 and 2005, but that can be clearly attributed to international events, most spectacularly the invasion of Afghanistan at the end of 2001, with the subsequent repatriation of millions of Afghan refugees living in camps in Pakistan and Iran, and of course the overthrow of Saddam Hussein’s
regime in Iraq. These had far more to do with Australian statistics in those years than any of the grandstanding that was attempted by the Prime Minister of the time. But in 2005, as the security situation in Afghanistan and Iraq deteriorated, the number of refugees from these countries began to increase again. From 2007 this trend was reinforced by the upsurge in fighting in the civil war in Sri Lanka, which culminated in the conquest of the Tamil areas by the Sri Lankan Army earlier this year.

Senator Fierravanti-Wells quoted with great glee the utterances of the Sri Lankan Ambassador to the UN, who of course was proclaiming that pull factors were a critical factor in the decision of Sri Lankan asylum seekers to make their way here. Let us try to add some important facts to this debate. Fact 1: it is a tiny fraction of Sri Lankan asylum seekers who make their way to Australia. We can see statistically that the vast majority of them are moving elsewhere, into India, Pakistan, Europe and Canada. But did you expect the Sri Lankan Ambassador to the UN to say anything else? Did you imagine that the Sri Lankan ambassador would have declared that push factors were the critical issue and that the conflict zone had generated asylum seekers? Of course not. You are quoting a government representative defending his own government. Congratulations. But, as a debating point in this place, it is useless.

The opposition keeps trying to argue that the rise in boat arrivals followed the changes that this government made and was therefore caused by them, but this government was elected in late 2007 and our changes were made in 2008. The rise in arrivals, however, began in 2005. It has taken place independently of changes in policy in Australia and it is consistent with the enormous rise in asylum seekers around the world—a rise of which we and our shores have seen only the tiniest fragment. But that has not dissuaded those opposite from trying to make a political meal out of it.

Senator HANSON-YOUNG (South Australia) (4.13 pm)—I rise today to contribute to this debate, but before I get into it I want to acknowledge that this is the third, the fourth or perhaps the fifth time in the last six months that we have had a similar debate here in the Senate. Yet here we are again, and nothing has quite changed. Nothing is any better for those people who are seeking asylum and refuge. In fact, the only change I can see is a failing lack of leadership both from the government, through the Prime Minister, and from the Leader of the Opposition and the opposition's immigration spokespeople.

There is an outstanding lack of leadership on this issue from both the Labor Party and the coalition, to a point where we are now debating the ignorances of the issue—not fact but fiction, the myths that go with asylum seekers and refugees. These are myths that, when times are tough in this issue, people resort to because they are more simplistic to debate—issues of queue jumping and the idea that somehow punishing the victim will stop people smugglers—when of course we know that none of these things are actually true. Yet we continue in the face of crass debate to revert to simplistic arguments and name-calling simply to get through.

Those of you who were in the chamber at the time only three weeks ago may remember I moved a motion calling on the Senate to support the idea of having a proper debate but of doing it respectfully. I am disappointed that that motion did not get up. There was a pledge from Senator Fierravanti-Wells to ensure that any discussion and debate on this issue would be done respectfully and in line with the facts and not simply fiction. I think the display that we have seen today means that she has either forgotten or decided to overlook that pledge.
Senator Brandis—Just because you disagree with someone doesn’t mean they are acting in bad faith.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order, Senator Brandis.

Senator HANSON-YOUNG—I believe the government has to take a lot of responsibility for where we are in this debate at the moment. The Prime Minister himself has allowed for the space and the oxygen to be given to those within the coalition who want to exploit this issue for their own political gain. The Prime Minister has to take as much responsibility for this as anybody else. He has shown a lack of leadership at a time when we need to see a new way forward and a new approach to managing the movement of people and the rise in the number of people around the world seeking refuge. The Prime Minister has failed to discuss the issue openly and to not beat it up for his own particular purpose, and he has allowed those within the opposition who like to beat up these issues to have the oxygen to continue to fan the flames of fear, hatred and ignorance. I think the Prime Minister has to take a lot of responsibility here. It started on day one when he started using the term ‘tough but humane’ and did not actually articulate what policies he would introduce that are actually humane or how he would manage the situation to ensure that people’s human rights are protected regardless of whether they are on a boat in international waters, Australian waters or Indonesian waters.

I want us to reflect quickly on why there is a refugee convention and why it is Australia is a signatory to the refugee convention. After World War II nations around the world agreed that there must be a better way and that never again would they allow people to be returned to places of persecution and torture and to have their lives put at risk. We agreed that we needed some type of convention to help us manage this. That is why Australia signed up. We proudly signed up. We thought, ‘Yes, this is absolutely something we should be doing.’

Yet, over the last few weeks, the debate seems to have forgotten the reasons why we have rules and regulations. Of course we need to process people’s claims, but they have a right to claim asylum. We agreed to that. That is why we are a signatory to the refugee convention. Other nations in our region, however, are not. Indonesia is one such country; Malaysia is another. We should be working to encourage those countries to sign the refugee convention, particularly if we want to develop some type of regional partnership or solution. We need to ensure that those other countries, our regional partners and neighbours, are on the same page, that they all agree that seeking asylum is a right. When someone puts their hand up and says, ‘I would like refuge—please assess me,’ we go through the process. While they are being assessed, we obviously protect them and uphold their human rights. We should not be detaining children behind bars, as we are in places in Indonesia. These are the bare minimum of things, the ground rules, that Australia should be negotiating with Indonesia before we start saying we have some wonderful solution.

We know that the Prime Minister himself has wanted to make this into a crisis. We have seen that the opposition believe it is a crisis—‘One more boat; oh, my gosh, the world is ending.’ No, it is not. Boats are going to continue to come—
Senator Brandis—What about the people who drown?

Senator HANSON-YOUNG—as long as there are people fleeing persecution. We need to find a better way. Of course we do not want people having to take that treacherous trip across the ocean. Of course it is dangerous. We know that. Senator Brandis has just pointed that out. It absolutely is dangerous. But simply pushing boats back and saying that it is not our problem is not the resolution that we need in terms of taking on our responsibilities and having a humane approach. It may be tough but I would not say it is fair.

We need a better approach. We need a real solution, something that Australia owns—an Australian solution perhaps. We need a Prime Minister who will not see each boat as a crisis and give the oxygen to fuel the flames of those who would prefer we did not take any refugees. We need a Prime Minister who has the leadership to say: ‘I want to make a difference. I think we need a new way forward. Let’s do it calmly. Let’s be practical. But let’s ensure that humane treatment, fairness and those people who are the most vulnerable are at the centre of the discussion.’ We have not seen this to date from the Prime Minister or the opposition leader.

I am very disappointed that the opposition announced late last week that they would reintroduce temporary protection visas. It is a very big mistake. Malcolm Turnbull has not learnt one thing from his predecessors. It did not work then; it will not work now. It was not humane then; it is not humane now. It is a sad indictment that the leadership of the opposition has not been able to come up with a better solution than simply reverting to the past.

I think the government, the Prime Minister and the leadership within the Labor Party need to stand up and show what difference they will make. Temporary protection visas, pushing boats back and saying it is someone else’s problem—that it is okay if children are held behind bars as long as it does not happen on Australian soil—are not appropriate. If we agree that those things are not appropriate then what is the government going to do? Making a crisis out of every single boat that comes along is not the solution. We need a long-term, practical and humane approach. It is not good enough to be a wolf dressed up in sheep’s clothing. This is the challenge to the Prime Minister: take a stand and say that we will take people, because people need to be protected; that we will have a process but we will do it properly, we will do it humanely and we will treat people with dignity; and that we will not say, ‘Because you have not crossed this line, you are not our problem.’ We are all part of the global community and if for one moment we were able to think about how we would act if it was us and our children then I think we would be making very different decisions.

Senator CASH (Western Australia) (4.23 pm)—As a Prime Minister who has acknowledged in a speech to parliament that a government must be judged on its action, not its political rhetoric, and as a Prime Minister who told the people of Australia prior to the 2007 election that Labor’s stated objective in relation to border protection was essentially the same as the Howard government’s—that being to keep Australia’s maritime borders secure from unlawful arrivals—Kevin Rudd should stand condemned for his actions and the failure of the Labor government’s policies on border protection. The Rudd Labor government is nothing less than chronically negligent when it comes to managing Australia’s borders.

Fifty boats have now arrived since August 2008, when Mr Rudd and Labor decided to roll back the effective and strong border protection regime we had in place. Remember
those fateful words of Julia Gillard when she was shadow immigration minister when she said, ‘Another boat, another policy failure.’ Well, haven’t those fateful words come back to bite Labor. If another boat equals a policy failure then what can you say when we are up to 50? And I bet if I were to give this speech tomorrow then I would be saying it was 51.

Based on the hysterical and hypocritical rhetoric Mr Rudd continues to spout, his claims to have a ‘tough but humane’ border protection policy are blown out of the water with the ongoing debacle with the Oceanic Viking. Instead of trying to find a solution to the problem that he has created, like Pontius Pilate he seeks to wash his hands of any blame and wash his hands of the problem. When it all became too hard for Mr Rudd, what did he do? He called the Indonesian President. He tried to make his policy failure Indonesia’s problem. And—surprise, surprise!—that did not work. Mr Rudd has now been snubbed by the Indonesian President, as reported on the front page of the West Australian today:

Prime Minister Kevin Rudd’s Indonesian solution to the boat people surge is unravelling, with Jakarta making plain its opposition to becoming the dumping ground for Australia-bound asylum seekers.

Instead of doing what a true leader would do—instead of taking total responsibility for his own policy failure—what does Mr Rudd do? He offers a special deal, a ‘buy one, here you go, get one free’ deal: he gives them fast and expedited passage to Australia. Not only that—and the mums and dads of Australia are going to like this—they may also get access to public housing, special payments and jobs. What a kick in the teeth for the average Australian. That must be rolled gold for the people smugglers. You can only imagine what they are now saying: ‘When it all gets tough, you know that guy Kevin Rudd in Australia rolls over—he caves in and he offers up fast and expedited passage to Australia.’

How humiliating. How demeaning for Mr Rudd. This is the Prime Minister of Australia who prides himself on being the consummate diplomat, and what has he had to do? He has had to get down on his hands and knees and beg these people to get off the boat. That is an absolute disgrace and it is because of his total policy failure. And despite the fantastic deal that he has offered them, he has only managed to get 22 people off the Oceanic Viking. One can only imagine what type of deal he is now going to offer to get the rest of them off the boat—maybe a position in his cabinet? God knows they are running the country already.

The Labor government, by their policy decisions, have rolled out the welcome matt; they have rolled out the ‘Rudd carpet’ to the people smugglers. The people of Australia should be demanding to know from Rudd Labor why they support the people smugglers. Why does Mr Rudd introduce policies that support the people that he referred to as the vilest form of human life? Why does Mr Rudd implement policies that he knows will increase the despicable trade of people smuggling? Why doesn’t Mr Rudd stand up for legitimate refugees who are doing the right thing—the hundreds of thousands of legitimate refugees who are in refugee camps around the world and who have made proper, legal application? They are going through the proper process in order to seek lawful entry into Australia. Why doesn’t Rudd Labor stand up for these people?

The people-smuggling trade is a dangerous trade. We know that because Mr Rudd keeps telling us that, yet he continues to ignore the evidence. Already we have seen innocent lives lost because of the current people smuggling. We have now got a cy-
clone season that will soon be upon us. What is Mr Rudd going to do when further people lose their lives? We heard in question time today the Minister for Immigration and Citizenship using the increased number of refugees and displaced people globally as a justification for the increased number of asylum seekers trying to come here unlawfully. If Labor are aware of this, as the minister tells this place they are, why do they continue to implement policies that support the people smugglers? The reality for Rudd Labor is that as long as they continue with their current policies we will see a rise in the number of people trying to enter this country unlawfully.

It is not just the coalition who is telling Mr Rudd that his policies have made people smuggling more attractive. We also had the Sri Lankan ambassador to the UN, the Indonesian ambassador, the Federal Police and the International Organisation on Migration all saying that Kevin Rudd’s policies have increased the pull factors. Mr Rudd created the problem and he now needs to find the solution. Remember that this is the Prime Minister who, many years ago when commenting on Howard government policy, said that a government should be judged on:

… concrete measures taken … so that this nation is truly secure, not simply projected to be secure through the political rhetoric of … government.

Mr Rudd has failed Australia on border protection and as the Prime Minister of this country he stands condemned.

Senator WORTLEY (South Australia) (4.31 pm)—I welcome the opportunity to speak on this matter of public importance today and, in doing so, I must say that today I have seen one of the worst performances from those opposite. The contribution that has been made is nothing short of appalling. I welcome the opportunity here today to be able to dispel the myths underpinning the arguments of those opposite and to set the facts straight about what the government has done and is doing in this critical area of border protection. I welcome the opportunity to set the facts straight about the global context that has given rise to people of many nations being displaced, some forced to flee from civil wars and the like. To set the facts straight about the world situations which have given encouragement to those involved in the despicable trade of people smuggling, it is important that the myths and any untruths are dispelled and corrected.

Border protection is indeed a matter of public importance and the Rudd Labor government takes this issue very seriously. Consistent with our election commitments, this government has overseen a tough and responsible policy of border protection. This policy encompasses a humane, respectful approach to those who are genuinely seeking asylum, while enforcing a hard line against people smugglers. Those opposite will tell you we have been soft. Still, they cannot even make up their minds on this. In the eyes of the member for Warringah, Mr Abbott, this government’s policy is supposedly brutal. At least, that is how he described it last month on ABC TV’s Lateline. Neither accusation is a reflection of the truth or grounded in reality.

This government has invested more resources in this area than the former government. We have more boats patrolling our waters than our predecessors had—a 25 per cent increase since 2007. We have a stronger interception record than the former government. The Rudd government has intercepted 98 per cent of boats before they reach the mainland, while under Mr Howard’s watch more than one in 10 boats got through to the mainland. Since September 2008 there have been 61 people-smuggling arrests and 23 people have been convicted on such charges. There are currently another 37 defendants
before the courts relating to 17 people-smuggling offences.

All irregular maritime arrivals to Australia are placed under mandatory detention for identity, security and health checks. No-one is granted a visa to Australia or released into the community without undergoing a comprehensive security- and identity-checking process. In addition to convicting people smugglers and increasing Australia’s interception rates, the Rudd Labor government has returned more than 100 people to their countries of origin because their asylum claims have been refused. Just in the past 48 hours, six Sri Lankans who arrived by boat in April and were detained on Christmas Island were returned home after it was found they were not refugees under the United Nations Convention Relating to the Status of Refugees. This removal means that more than two thirds of the group’s 50 people now have been sent back to Sri Lanka after their claims for protection were assessed; 30 others returned voluntarily; 12 people from the same boat have been granted protection visas and settled on the mainland; and a further two people are in the final stages of their processing on Christmas Island.

The government has made it abundantly clear: those who deserve Australia’s protection under our international obligations will be given that protection. Those found not to be owed protection will be removed from Australia. This government has also been closely working with Asia-Pacific regional law enforcement and government officials combating people smuggling. One example of this crucial collaboration was the recent detention of Captain Bram, which was a major setback for people smuggling in the region.

The issue of unauthorised boat arrivals is not confined to Australia. It is a global problem. There are more than 42 million displaced people around the world. Of these people, the United Nations refugee agency, the UNHCR, estimates that 16 million of them are refugees and asylum seekers, while 26 million are displaced within their own communities. Of the latter group, 4.6 million people were newly displaced in 2008. Most recently we have seen a surge of mainly Sri Lankan and Afghan asylum seekers.

This situation has been driven by the push factors of conflict, persecution and insecurity—in these cases the deteriorating security situation in Afghanistan and the civil war in Sri Lanka and its aftermath. It is not a result, as those opposite would have us believe, of pull factors. It is not as a result of this government’s policy that people are seeking asylum in Australia. What we are experiencing here is happening at exactly the same time everywhere around the world. Between 2005 and 2008, the number of Iraqis, Sri Lankans and Afghans seeking asylum globally rose 193 per cent, 72 per cent and 139 per cent respectively. So the Liberal Party myth, the untruth, that Labor’s tough and humane immigration policy has caused the current increase in asylum seekers coming to Australia is nonsense—just as it is nonsense that the Howard government’s so-called Pacific solution caused a reduction in asylum seekers arriving in Australia between 2001 and 2003. There was a decrease in numbers during this time; we know that is true. But such decreases were happening all over the world. Between 2001 and 2003 the number of Iraqis, Sri Lankans and Afghans claiming asylum globally plummeted by 48 per cent, 61 per cent and 73 per cent respectively.

People movement in our region is not a new phenomenon. There have been surges in boat arrivals since the 1970s. From 1991 to 2001 under the former government, Australia saw more than 12,000 unauthorised boat arrivals. The Liberal Party did not claim then that pull factors were causing such move-
ment to Australia, and they were not. The brutal regimes in Afghanistan and Iraq were causing people to flee their homelands and seek protection elsewhere. So, as I have already said, we have seen this people movement again in recent times.

I should make mention that just last week those opposite announced their asylum seeker policy in response to the government’s position. I use the term ‘policy’ quite loosely here for, as Minister Evans pointed out on Friday, it consists of four dot points. There is no detail in it and nothing substantive apart from calling for the return of the temporary protection visas available under the Howard government. And I quote Senator Evans regarding temporary protection visas: ‘Following their introduction, we then had the two largest years of boat arrivals in Australia’s history.’ The important point to make here is that temporary protection visas did not stop people coming and they never went home. When the Rudd government abolished temporary protection visas last year, the opposition did not block the move, and they now have a revolt on their hands in relation to the proposal to bring them back in. TPVs are an inhumane policy and they do not work. Interestingly, the TPV abolition is the only measure the government has taken on immigration that the opposition’s new four dot point so-called policy would overturn.

Rather than worry about the opposition’s squabbling over this issue, though, this government will continue to honour its election commitment to protect Australia’s borders whilst being tough on people smugglers and humane in our dealings with genuine refugees. We will be—(Time expired)

Senator KROGER (Victoria) (4.41 pm)—The Rudd Labor government has comprehensively failed to provide a clear, definitive policy on border protection by whatever criteria or analysis one wishes to use. The Prime Minister can repeat as many times as he likes that his approach is a tough but humane one, but no amount of repetitive hype will conceal the ineptitude of his government and the disastrous consequences of this border protection policy. As we heard in the speech by Senator Cash, since August last year we are now up to 50 unlawful boat arrivals with over 2,200 refugees seeking asylum. The approach taken has been, in effect, to provide a gilt-edged invitation to asylum seekers to subvert the processes and to pay many thousands of dollars, amounting to a lifetime of savings, to a human trafficker—the people smugglers who, in my thinking, are the scourge of the earth.

These poor people then take huge risks in vessels of questionable seaworthiness. So I ask Prime Minister Rudd: does this qualify as humane? Is it humane to have a policy that actively encourages people in stricken circumstances, perhaps life-threatening ones, to take their chances with crooks with leaky boats who seek to offer people hope for thousands of dollars? They pilot boats into Indonesian and Australian territory and, as we now know, some bail, leaving the people literally adrift while they wait for a conspirator to pick them up so that they are not subject to the lawful consequences. So the refugees are literally at sea without captain or pilot.

I refer to a Fairfax newspaper report, which clearly demonstrated what New Zealand thinks about Australia’s approach in an interview with the New Zealand immigration minister, Jonathan Coleman, who had talks with Australia and advised that New Zealand rejected all plans and requests to rehouse them in their country. I will quote some comments that the immigration minister, Jonathan Coleman, made. He said: The New Zealand government does not believe that an ad hoc approach to dealing with individual
cases like the Oceanic Viking will send the right message…

The broader issues aren’t going to go away. There are literally thousands of displaced people across the Asia-Pacific region.

We’re wary of rewarding actions that seek to jump the queue for entry to New Zealand.

For these reasons the New Zealand government would be unlikely to offer settlement to asylum seekers on board the Oceanic Viking.

I have conveyed this to my Australian counterpart.

There is no-one in this chamber, I would suggest, who is not concerned or moved by the difficulties faced by displaced persons in the world, whether they be from Sri Lanka, Afghanistan or Africa. But it is in the interests of all displaced people that proper asylum is provided in refugee camps, that appropriate assessment is made by the UNHCR to ascertain the validity of the refugee applications and that the people-smugglers who seek to subvert this process are appropriately dealt with. To do this, though, Australia must have a strong, unequivocal position—one that says to those considering hopping on a boat that there will be no advantage in their doing so.

But a clear and unequivocal position requires a Prime Minister to use plain language, to be upfront and transparent about the discussions and negotiations that have taken place. The Oceanic Viking is just one case in point. The Prime Minister must come clean on what he has offered the 78 asylum seekers who have called it home for over four weeks, what special incentives were offered to induce them off the boat. He must confirm whether they were offered a special deal in reducing the time of the application process. Senator Feeney talked earlier about the government’s priority for process and order. Well, those who have watched the news night after night, watching these people onboard the Oceanic Viking, would hardly describe that as ‘process and order’. It beggars belief that the government does not realise that it has essentially flagged to the world that, if you hold out and refuse to cooperate, you are in a better bargaining position.

How fair is that to the many displaced people in refugee camps, waiting for the processing of their applications? How fair is it to the many immigrant families who have made Australia their home and sought a future here, through the appropriate channels, and have contributed—and continue to contribute—in such a huge and meaningful way to all our lives? It is no coincidence that the fiercest critics of the Rudd government’s soft and failed policies are those who have resettled through the lawful immigration process and will, I am sure, continue to make a wonderful contribution to our great country.

Mr Rudd’s soft approach to border protection continues to create more problems than it solves. It is costing the taxpayer a fortune. And, despite Mr Rudd’s rhetoric, the Australian people know it. They also know that, contrary to what Senator Wortley has just said, TPVs do work—(Time expired)

NOTICES

Presentation

Senator Siewert to move on 18 November 2009:

(1) That the following bills:

Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009

Midwife Professional Indemnity (Run-off Cover Support Payment) Bill 2009

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009,

be again referred to the Community Affairs Legislation Committee, together with the Government amendments to the bills circulated on 28 October 2009, for inquiry and report by 1 February 2010.

(2) In undertaking this inquiry, the committee shall consider:
(a) whether the consequences of the Government’s amendments for professional regulation of midwifery will give doctors medical veto over midwives’ ability to renew their licence to practice;
(b) whether the Government’s amendments’ influence on the health care market will be anti-competitive;
(c) whether the Government’s amendments will create difficulties in delivering intended access and choice for Australian women;
(d) why the Government’s amendments require ‘collaborative arrangements’ that do not specifically include maternity service providers including hospitals;
(e) whether the Government’s amendments will have a negative impact on safety and continuity of care for Australian mothers; and
(f) any other related matter.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Pursuant to standing order 166, I present documents listed on today’s Order of Business at item 13 which were presented to the President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

(a) Government responses to parliamentary committee reports
1. Parliamentary Joint Committee on Corporations and Financial Services—Report—Opportunity not opportunism: Improving conduct in Australian franchising (received 5 November 2009)
2. Economics Committee—Report—The need, scope and content of a definition of unconscionable conduct for the purposes of Part IVA of the Trade Practices Act 1974 (received 5 November 2009)
(b) Government documents
1. National Breast and Ovarian Cancer Centre—Report for 2008-09 (received 30 October 2009)
2. Executive Director of Township Leasing—Report for 2008-09 (received 30 October 2009)
4. Department of the Treasury—Report for 2008-09 (received 30 October 2009)
5. Department of Infrastructure, Transport, Regional Development and Local Government—Report for 2008-09 (received 30 October 2009)
8. Department of Immigration and Citizenship—Report for 2008-09 (received 30 October 2009)
9. National Health and Medical Research Council—Report for 2008-09 (received 30 October 2009)
12. Companies Auditors and Liquidators Disciplinary Board—Report for 2008-09 (received 30 October 2009)
15. Family Court of Australia—Report for 2008-09 (received 30 October 2009)
16. Acts Interpretation Act—Statement pursuant to section 34C relating to an extension of specified period for presentation of a report—Australian Sports
Commission—Report for 2008-09 (received 2 November 2009)
17. Acts Interpretation Act—Statement pursuant to section 34C relating to an extension of specified period for presentation of a report—Australian Sports Anti-Doping Authority—Report for 2008-09 (received 2 November 2009)
19. Auditing and Assurance Standards Board—Report for 2008-09 (received 4 November 2009)
20. Australian Accounting Standards Board—Report for 2008-09 (received 4 November 2009)
22. Grape and Wine Research and Development Corporation—Report for 2008-09 (received 5 November 2009)
23. Rural Industries Research and Development Corporation—Report for 2008-09 (received 5 November 2009)
25. Australian Securities and Investments Commission—Report for 2008-09 (received 5 November 2009)
26. Private Health Insurance Administration Council—Report for 2008-09 (received 6 November 2009)
27. Cotton Research and Development Corporation—Report for 2008-09 (received 12 November 2009)
28. Land and Water Resources Research and Development Corporation (Land and Water Australia)—Report for 2008-09 (received 12 November 2009)
29. Sugar Research and Development Corporation—Report for 2008-09 (received 12 November 2009)
30. Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2009 (received 13 November 2009)
32. Superannuation Complaints Tribunal—Report for 2008-09 (received 13 November 2009)

(c) Report of the Auditor-General
Report no. 9 of 2009-10—Performance audit—Airservices Australia’s upper airspace management contracts with the Solomon Islands Government: Airservices Australia and the Department of Infrastructure, Transport, Regional Development and Local Government (received 5 November 2009)

The ACTING DEPUTY PRESIDENT—In accordance with the usual practice, and with the concurrence of the Senate, the government response will be incorporated in Hansard.

The document read as follows—
Commonwealth Government Response to the report of the Parliamentary Joint Committee on Corporations and Financial Services
Opportunity not opportunism: improving conduct in Australian franchising
Commonwealth Government Response to the report of the Parliamentary Joint Committee on Corporations and Financial Services—Opportunity not opportunism: improving conduct in Australian franchising

Overview and executive summary
On 1 December 2008, the Parliamentary Joint Committee on Corporations and Financial Services (Joint Committee) tabled its report Opportunity not opportunism: improving conduct in Australian franchising. The Joint Committee considered that, by making the improvements to the Franchising Code of Conduct (Franchising Code) recommended in its report and by allowing the 1 March 2008 amendments to have an impact, the existing regulatory framework is developing into the most appropriate mechanism for fostering franchising in Australia. The Joint Committee
made 11 recommendations to improve the operation of the Franchising Code.

The Government would like to thank the chair, Bernie Ripoll, and all members of the Joint Committee for the report. The Government would also like to thank those organisations and individuals who made written submissions, gave evidence at the Joint Committee’s public hearings and engaged in Government consultations to assist in informing the response to the Joint Committee’s report. The Government also acknowledges state parliamentary inquiries undertaken in Western Australia and South Australia.

The Joint Committee found that franchising has proved a very popular business model in Australia. According to a Griffith University Survey of franchising in Australian in 2008 there are approximately 1,100 business format franchisors and over 70,000 franchisees, turning over around $61 billion (in 2007) and employing over 400,000 people. For franchisees, the appeal of a franchise is the potential benefits of being able to conduct a business under an established brand name using tested operational systems. In turn, franchisors are able to grow their business by allowing others to use the model they have developed, within an agreement that allows them to retain substantial control over its use but without the financial risks of significant capital expenditure.

Despite the popularity of franchising in Australia, the Joint Committee’s report did find that the viability and success of individual franchise agreements can be impaired by:

- differing expectations about the obligations of each party to a franchising agreement; and
- an asymmetric power dynamic within franchise agreements, with potential to lead to abuse of power.

The Government recognises the legitimate concerns that were raised during the Joint Committee’s inquiry and understands the need for parties to a franchise agreement to behave in a reasonable manner. It also recognises that franchising by its very nature is a commercial relationship covering a diverse range of market requirements. As such, there must be flexibility in the franchising system to encourage innovation and growth, but commercial negotiations must be undertaken without blatant and unfair commercial practices.

The Government’s response to the Joint Committee report is outlined below.

1. Improvements to the enforcement of the Franchising Code of Conduct and the Trade Practices Act

The Government will introduce a range of new enforcement powers under the Trade Practices Act, including additional powers to enforce the Franchising Code and other mandatory industry codes.

The Government will greatly strengthen protections for franchising businesses against unfair practices by other businesses. Penalties of up to $1.1 million will apply to franchisors or franchisees who engage in unconscionable conduct, or make false or misleading representations in their dealings with each other, under the Trade Practices Amendment (Australian Consumer Law) Bill 2009 currently before the Parliament.

The Government will enhance the investigative powers of the Australian Competition and Consumer Commission (ACCC) for franchising by amending the Trade Practices Act 1974 (Trade Practices Act) to allow the ACCC to conduct random audits for the Franchising Code (and all other prescribed industry codes). At present, franchisees wishing to complain about franchisors not complying with the Franchising Code may fear reprisal from franchisors. The ACCC’s random audit powers will strengthen franchisor compliance with the Franchising Code, while relieving franchisees of the fear of retaliation against them for complaining to the ACCC about franchisor behaviour.

Further, the Government will extend the public warning power available under the Trade Practices Amendment (Australian Consumer Law) Bill 2009 to include breaches of the Franchising Code and other industry codes. This warning – or naming and shaming – power will alert the public to rogue or unscrupulous franchisors.

Under the reforms, where a large number of franchisees are harmed by the behaviour of a franchisor in breach of the Franchising Code, the ACCC will be able to apply for an order providing redress to all the franchisees, without requiring
every franchisee to be party to the legal proceedings.

Finally, under the reforms, the ACCC will be able to issue substantiation notices. These notices will enable the ACCC to quickly and easily require businesses to provide information to substantiate claims they have made. They will be an effective means of seeking information which will assist in determining whether a contravention of the Franchising Code or other codes has occurred.

These powers will be added to the existing remedies for breaches of industry codes which include:

• injunctions under section 80 of the Trade Practices Act;
• damages under section 82;
• other remedial orders under section 87 and other provisions;
• declarations about the effect or operation of industry codes, under section 163A;

The Government will introduce legislation to enact this enhanced enforcement package in early 2010.

2. Measures to better balance the rights between franchisees and franchisors

The Government recognises the need for measures to deal with imbalances in bargaining power and unreasonable behaviours.

The unconscionable conduct and false and misleading representations sections of the Trade Practices Act will be strengthened and will serve as a powerful disincentive for parties in a franchising arrangement to engage in the most obvious and deliberate breaches of good faith. Amendments to the Trade Practices Act will make it clear that protection from unconscionable conduct relates not only to the process of settling a contract but to the terms and conditions of the contract and the ongoing behaviour of the parties to the contract.

Good faith

The Government agrees in principle with the views expressed in the Joint Committee’s report to ensure that franchisors and franchisees undertake their business in good faith. However, it will deliver improvements in a more certain and targeted way. In summary, the Government’s response to the Franchise report’s recommendations on good faith will:

1. amend the Franchising Code to deal specifically with end-of-term arrangements for all new franchising agreements entered into after the commencement of the amendments;
2. amend the Franchising Code to include a list of necessary and desirable behaviours to encourage parties to approach a dispute resolution process in a reconciliatory manner;
3. refer specific behavioural issues (identified through consultation) to an expert panel for advice on whether further specific amendments to the Franchising Code are required to address those behaviours; and
4. amend the Franchising Code to provide that nothing in the Code limits any common law requirement of good faith in relation to a franchise agreement to which the Code applies.

The Government made a pre-election statement noting its belief that the Franchising Code should include good faith obligations as long as the scope of this obligation is well defined. Concerns were expressed during the consultation process on the options paper which was issued to prepare this response that a general notion of unfairness or of acting in good faith would have the effect of increasing risk, increasing business costs and potentially jeopardising small business financing. Moreover, if the obligation to act in good faith were expressed in very general and high-level terms, it may provide little practical protection to the parties. The Government’s approach would avoid this uncertainty.

Further, proposals from franchisee representatives for the inclusion of a good-faith obligation in the Franchising Code have generally been motivated by specific issues that arise during the term of a franchise agreement such as non-renewal, unforeseen capital expenditure and unreasonable unilateral variations to the agreement. The Government considers that specific issues identified through the Joint Committee inquiry should be dealt with by measures which will address specific behavioural concerns.

End-of-term arrangements
The Government will amend the Franchising Code to require franchisors to disclose to franchisees the process that will apply in determining end-of-term arrangements, including whether or not there is a right of renewal beyond the term of the agreement. Any exit arrangements should give due regard to the potential transferability of equity in the value of the business as a going concern.

The disclosure of this information is likely to assist in mitigating disputes where one party has an expectation (not shared by the other party) that the franchise agreement will be renewed. It will also help to address imbalances in power between franchisees and franchisors by assisting prospective franchisees to undertake their due diligence to adequately assess the business opportunity prior to entering into a franchise agreement.

The Government will also introduce amendments to the Franchising Code requiring franchisors to inform franchisees, at least six months prior to the end of the franchise agreement, of their decision either to renew or not renew a franchise agreement. Where franchise agreements are for a term less than six months, franchisors will be required to inform franchisees at least one month prior to the end of the franchise agreement of their decision to renew or not renew a franchise agreement.

It is the Government’s clear intention that these new end-of-term arrangements will apply for franchise agreements signed after the date of amendments to the Franchising Code. For agreements already in existence, the end-of-term arrangements can be included by the voluntary agreement of both parties but will not be obligatory.

Dispute resolution process
A second major area of concern identified by the Joint Committee was inappropriate practices undertaken by parties in dispute mediation processes. The Government will amend the Franchising Code to include a list of necessary and desirable behaviours aimed at discouraging behaviour which may impede the effectiveness of the dispute resolution process under the Code. This list should help encourage parties to a franchise dispute to approach their dispute in a reconciliatory manner.

Expert panel
Several areas where parties may engage in opportunistic behaviour were identified in the Joint Committee’s inquiry process. The Government will appoint an expert panel to inquire into and report on the need to introduce measures into the Franchising Code to prevent specific behaviours that are inappropriate in a franchising arrangement, with particular reference to:

- Unforeseen capital expenditure;
- Unilateral contract variation;
- Attribution of legal costs;
- Confidentiality agreements; and
- Franchisor-initiated changes to franchise agreements when a franchisee is trying to sell the business.

The panel will consult with franchising and retail tenancy representatives, small business organisations, the Australian Competition and Consumer Commission (ACCC) and other interested parties.

The same panel will also inquire into and report on the need to introduce a list of examples that constitute unconscionable conduct, or a statement of principles, in the Trade Practices Act.

3. Other reforms
The Government will change the name of the Office of the Mediation Adviser to the Office of the Franchising Mediation Adviser to aid the sector’s understanding of the role of this Office.

The Government supports the public release of broad ACCC data on trends of inquiries and complaints from small businesses and franchising businesses as an indicator of concerns within the franchising sector as compared with small businesses more generally. This, along with other measures discussed in the Government’s response, will help increase the Government’s understanding of disputation within the franchising sector.

The Government will also introduce amendments to the Franchising Code to require a statement in the disclosure documents that franchising is a business and that like any business the franchise (or franchisor) could fail during the franchise term. The Government will also ask the ACCC to develop additional educational information on the potential consequences and liabilities franchisees
could be exposed to in the event of franchisor failure. These changes will alert prospective franchisees and their advisers to the risk of franchisor failure and will assist them in undertaking their due diligence to adequately assess the business opportunity.

The Government will review the efficacy of these amendments, and the 1 March 2008 amendments, in 2013.

**Government response**

The Joint Committee’s recommendations and the Government’s response to those recommendations are set out below under the following categories:

- Compliance and enforcement: the Franchising Code of Conduct and the Trade Practices Act (Recommendations 9, 10, 11 and 2);
- Measures to better balance the rights between franchisees and franchisors (Recommendations 8 and 5);
- Mediation (Recommendation 6);
- Franchising statistics (Recommendation 7);
- Franchise failure (Recommendations 1 and 4); and
- Future review of the franchising sector (Recommendation 3).

**Compliance and enforcement: the Franchising Code of Conduct and the Trade Practices Act - Recommendations 9, 10, 11 and 2**

**Recommendations 9**

The committee recommends that the Trade Practices Act 1974 be amended to include pecuniary penalties for breaches of the Franchising Code of Conduct.

**Recommendations 10**

The committee recommends that consideration be given to amending the Trade Practices Act 1974 to provide for pecuniary penalties in relation to breaches of section 51AC (Unconscionable Conduct in business transactions), section 52 (Misleading or Deceptive Conduct), and the other mandatory industry codes under section 51AD.

**Recommendations 11**

The committee recommends that the ACCC be given the power to investigate when it receives credible information indicating that a party to a franchising agreement, or agreements, may be engaging in conduct contrary to their obligations under the Franchising Code of Conduct.

**Recommendations 2**

The committee recommends that the government investigate the benefits of developing a simple online registration system for Australian franchisors, requiring them on an annual basis to lodge a statement confirming the nature and extent of their franchising network and providing a guarantee that they are meeting their obligations under the Franchising Code of Conduct and the Trade Practices Act 1974.

The Government is committed to improving the enforcement regime of the Trade Practices Act and the Franchising Code to ensure that the legitimate interests of franchisees and franchisors are protected.

The Government plans to introduce:

- pecuniary penalties for blatant abuse of a stronger bargaining position;
- targeted enforcement measures for problems in the franchising sector; and
- improved enforcement and investigative powers for the ACCC.

**Pecuniary penalties for breaches of section 51AC and 52 of the Trade Practices Act**

The Trade Practices Amendment (Australian Consumer Law) Bill 2009, introduced on 24 June 2009, will increase the range of penalties and enforcement measures available for the unfair practices and unconscionable conduct provisions of the Trade Practices Act, and these will be applicable in a franchising context.

The Government will introduce civil penalties for breaches of the unconscionable conduct provisions in Part IVA of the Trade Practices Act, including section 51AC. This will allow the ACCC to respond appropriately to egregious conduct, by applying to the Court for a civil pecuniary penalty.

The Government will also introduce civil pecuniary penalties for many of the unfair practices provisions of the Trade Practices Act, such as section 53, which prohibits false or misleading representations in a number of specific circumstances.
Because section 53 prohibits more defined conduct than the general norm of conduct in section 52, the Government considers it appropriate to apply civil penalties to this specific conduct. Prohibitions under section 53 that are relevant to the franchising sector include conduct that:

- falsely represents that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use (paragraph (a));
- falsely represents that services are of a particular standard, quality, value or grade (paragraph (aa));
- falsely represents that a particular person has agreed to acquire goods or services (paragraph (bb));
- represents that the corporation has a sponsorship, approval or affiliation it does not have (paragraph (d));
- makes a false or misleading representation with respect to the price of goods or services (paragraph (e));
- makes a false or misleading representation concerning the availability of facilities for the repair of goods or of spare parts for goods (paragraph (ea));
- makes a false or misleading representation concerning the existence, exclusion or effect of any condition, warranty, guarantee, right or remedy (paragraph (g)).

When the new arrangements are in effect, the ACCC will be able to apply for civil pecuniary penalties in response to unconscionable conduct and false and misleading representations. Maximum penalties for this conduct will be $1.1 million for corporations and $220,000 for individuals.

The Joint Committee recommended that civil pecuniary penalties also apply to section 52 of the Trade Practices Act. The Government does not agree with this recommendation. Section 52 is a general prohibition of misleading or deceptive conduct in trade or commerce. Because it is a general norm of conduct and not a specific prohibition, there are no criminal sanctions for contraventions of section 52. Provisions which attract criminal liability or civil penalties for breaches are directed at specific wrongdoing which requires sanction, rather than general behaviour. Since section 52 is not directed at specific wrongdoing, the Government does not consider that civil penalties would be an appropriate mechanism for enforcing it, and believes that existing civil remedies are an appropriate response to breaches of section 52.

The availability of civil and criminal penalties for conduct governed by section 53 will provide adequate responses to the most serious misleading and deceptive conduct.

Enforcement of the Franchising Code

Part VI of the Trade Practices Act creates a number of civil remedies which are available to those harmed by a breach of an industry code. A franchisor or franchisee who is adversely affected by the other party’s contravention of the Franchising Code could apply for:

- an injunction, under section 80, to prevent the other party from continuing with conduct that is causing detriment;
- damages, under section 82, to restore the wronged party to the financial position it would have been in had the breach not occurred; or
- other orders, under section 87, which can be framed in such terms as the Court thinks will provide appropriate compensation, or prevent or reduce the loss or damage suffered as a result of the breach.

The Government will augment this range of remedies with an enhanced enforcement package for all industry codes, which is described in detail below. Briefly, the new remedies for breaches of industry codes will include:

- non-party redress, allowing the Court to order redress for large numbers of businesses affected by a breach of an industry code. This means that when a large number of franchisees are harmed by the conduct of a franchisor in breach of the Franchising Code, the ACCC will be able to apply for an order providing redress to all affected franchisees, without requiring every franchisee to be party to the legal proceedings.
The existing civil remedies and enhanced enforcement tools will together comprise a flexible and robust enforcement package, ensuring that industry codes such as the Franchising Code have the desired effect on the industries to which they apply. The Government will introduce legislation to enact the enhanced enforcement package in early 2010.

Further, the Government will develop and release a new policy document setting out the framework of Part IVB and the principles used in determining whether codes of conduct are appropriate and how they should be framed. This document will provide guidance to industry, consumer and community stakeholders about the Government’s approach to prescribed codes of conduct.

**ACCC investigative powers**

The Joint Committee recommended that the ACCC be given the power to investigate when it receives credible information indicating that a party to a franchising agreement, or agreements, may be engaging in conduct contrary to their obligations under the Franchising Code. Several industry codes apply to industries characterised by disparities in bargaining power, and this leads to fear that more powerful businesses may threaten reprisal action against less powerful businesses that complain about non-compliance. Under these conditions, less powerful businesses may bring complaints to the ACCC only on condition of anonymity, or may not make complaints at all, and this makes it difficult for the ACCC to monitor industries for compliance with codes.

The Government notes that the ACCC described this power to the Joint Committee as an ‘audit power’, and agrees that this is an appropriate enforcement mechanism in the context of the Franchising Code, as well as other prescribed industry codes.

The ACCC will be given the power to request copies of documents or other information from persons subject to an industry code. The ACCC will not be required to have any belief about compliance with the Franchising Code before conducting an audit. To minimise compliance costs, the power will be restricted to information that is required to be kept under a prescribed industry code. For example, the ACCC will be able to request a franchisor to produce a copy of its disclosure document. The Franchising Code provides that such a document must be kept, and allowing the ACCC to request copies of disclosure documents, at random, will enable it to ensure compliance with the Code’s obligations. The ACCC’s random audit powers will also relieve franchisees of the risk of retaliation against them for complaining to the ACCC about franchisor behaviour.

Where the documents obtained by the ACCC uncover information that justifies further investigation, the ACCC will be able to use its existing and additional investigative powers (for example, its power to obtain information, documents and evidence under section 155 of the Trade Practices Act, or the power to issue substantiation notices) to pursue the matter further and, if warranted, take enforcement action.

**Pecuniary penalties for breaches of the Franchising Code**

The Government has considered the Joint Committee’s concerns about the enforcement of the Franchising Code and its recommendation that pecuniary penalties be introduced for breaches of the Code. Industry codes are an important part of Australia’s regulatory framework, and it is vital that they are enforced effectively. Industry codes are a more flexible form of regulation that, while not a substitute for direct legislation, involve industry, consumers and other stakeholders in a co-regulatory approach to problems identified in specific industries, including the franchising industry. In order to ensure that industry codes adequately address these problems, as outlined in this response, the Government will act to make their enforcement more effective.

The Franchising Code is designed to ensure franchisees and franchisors treat each other at least with a certain minimum standard of fairness, and the Government’s proposed changes to the Franchising Code will improve its effectiveness in
promoting fairness and good practice. When a party to a franchise agreement fails to meet that minimum standard, and the other party suffers as a result, it is appropriate that the law provide a mechanism for the wronged party to achieve redress. This redress can be achieved through the payment of compensation or the rectification of contravening conduct.

At this stage, the Government does not propose to introduce civil pecuniary penalties for breaches of industry codes. However, the Government will keep this matter under review and allow time for the extensive improvements which will be made to the Franchising Code to take effect.

Online registration system for Australian franchisors

The Government has investigated the benefits of an online registration system for franchisors and considers that there are two elements to the Joint Committee’s Recommendation 2.

The first element of the online registration system proposed by the Joint Committee was to assist those considering entering a franchise agreement and for those monitoring the sector by acting as a research tool and assisting with data collection on the sector.

Based on the Australian Government Cost Recovery Guidelines the cost to the Government of establishing a franchisor registration system would need to be covered by a fee which would apply to all businesses within the franchise sector.

Industry input indicates that prospective franchisees, when considering whether to enter into a franchise system, are interested in the performance of that particular franchise system and business rather than broad statistics on the franchising sector. The information (that is the name, nature and size of a franchising system) that would be available to prospective and existing franchisees through a system of franchisor registration is unlikely to provide greater benefit than existing broad statistical information available to the sector through private industry surveys. Therefore, the benefit of a system of registration for the purposes of statistics collection is unlikely to outweigh the cost to businesses within the sector.

The second element of the Joint Committee’s proposed online registration system was aimed at improving franchisors’ compliance with the Franchising Code. The Joint Committee considered that this could be achieved through an online system of annual registration of Australian franchisors requiring them to lodge a statement providing a guarantee that they are meeting their obligations under the Franchising Code and the Trade Practices Act.

The Joint Committee considered that it is the proper role of legal advisers to determine whether disclosure documents and agreements are in compliance with the Code and other relevant regulation and legislation. The Joint Committee also considered that government resources are better directed to educational and enforcement responsibilities. As the Government would not be involved in verifying the accuracy of franchisors’ statements of guarantee, a system of registration of guarantees is unlikely to provide franchisees with any extra benefit as they would still need to undertake their own due diligence to confirm the accuracy of information on the register. A system of registration of franchisors could also create an expectation that the franchise has received the endorsement of the regulator.

The Government also considers that the extended powers for the ACCC outlined above (in response to Recommendations 9, 10 and 11) will encourage franchisor compliance with the Franchising Code and the Trade Practices Act.

Measures to better balance the rights between franchisees and franchisors – Recommendations 8 and 5

Recommendations 8
The committee recommends that the following new clause be inserted into the Franchising Code of Conduct:

6 Standard of Conduct
Franchisors, franchisees and prospective franchisees shall act in good faith in relation to all aspects of a franchise agreement.

Recommendations 5
The committee recommends that the Franchising Code of Conduct be amended to require franchisors to disclose to franchisees, before a franchising agreement is entered into, what process will apply in determining end of term arrangements.
That process should give due regard to the potential transferability of equity in the value of the business as a going concern.

The Government recognizes that during the Joint Committee's inquiry legitimate concerns were raised involving unreasonable and unfair commercial practices and appreciates the need for parties to a franchise agreement to behave honestly, reasonably and fairly.

**Unconscionable conduct**

As mentioned above, under the Government's Trade Practices Amendment (Australian Consumer Law) Bill 2009, the ACCC will be able to apply to the Court for an order that a person pay a pecuniary penalty for a contravention of the unconscionable conduct provisions and certain unfair practices provisions of the Trade Practices Act. The maximum pecuniary penalty available will be $1.1 million for corporations and $220,000 for individuals.

The Government will also introduce amendments to the Trade Practices Act to emphasise that the terms and progress of a contract are relevant to the finding of unconscionable conduct. This amendment will increase the understanding and clarity of the unconscionable conduct provisions.

The Government will appoint an expert panel, which will work with the franchising sector and other small business organizations, to inquire into and report on the need to introduce a list of examples that constitute unconscionable conduct, or a statement of principles concerning unconscionable conduct, into the Trade Practices Act. This will give greater clarity for the franchise sector in understanding what their obligations are.

**The Franchising Code of Conduct and good faith**

The Government made a pre-election statement noting its belief that the Franchising Code should include a good faith obligation as long as the scope of this obligation is well defined. In contrast, Recommendation 8 of the Joint Committee's report recommended the introduction of a broad and general reference to 'good faith' within the Franchising Code.

While accepting the intent of Recommendation 8, there are several problems with the suggested approach:

- The law on good faith is still evolving. The scope of the requirement is unclear. From a commercial perspective, uncertainty would be increased by an express statement of the requirement in the Franchising Code. Neither franchisors nor franchisees would be certain of the occurrence of a breach. Indeed, it would require court proceedings to establish that.

- From an economic perspective, in any given situation it is almost certain that the franchisor's perspective on the scope of the concept will differ from that of the franchisee. While the franchisor may have ready access to legal advice on what good faith means, a franchisee will not, so that there will be an information gap.

The extra uncertainty created by the inclusion in the Franchising Code of a general, undefined good-faith obligation could be expected to have adverse commercial consequences for franchisees. Franchisors would seek compensation for the extra risk they faced through larger franchise fees and more onerous terms and conditions in other parts of the agreement. And banks and other financiers would be more reluctant to provide credit to the franchisees and franchisors in these more risky commercial circumstances.

The Government's response to Recommendation 8 involves:

1. amending the Franchising Code to deal specifically with end-of-term arrangements for all new franchising agreements entered into after the commencement of the amendments;
2. amending the Franchising Code to include a list of necessary and desirable behaviours to encourage parties to approach a dispute resolution process in a reconciliatory manner;
3. referring specific behavioural issues (identified through consultation) to an expert panel for advice on whether further specific amendments to the Franchising Code are required to address those behaviours; and
4. amending the Franchising Code to provide that nothing in the Code limits any common law requirement of good faith in relation to a franchise agreement to which the Code applies.
The Government’s response to Recommendation 8 addresses the Joint Committee’s intent in a way that is legally feasible and avoids undesirable commercial consequences for franchising. This alternative approach avoids unnecessary uncertainty and associated extra costs for franchisees and franchisors. Inserting a general good-faith obligation in the Franchising Code would increase risks for franchisors who would seek to pass the cost of that risk back to franchisees in the form of higher franchise fees. Further, financiers (banks and other lenders) could be expected to be more reluctant to lend to franchises (franchisors and franchisees) in circumstances where the soundness of contracts is in question. Small business organisations are already claiming that banks are being too harsh in their small business lending practices. Inserting a general, ill-defined good faith obligation into the Franchising Code would only make matters worse.

Rather than introducing a general but uncertain solution, the Government will appoint an expert panel to inquire into and report on the need to introduce measures into the Franchising Code to prevent specific behaviours that are not appropriate in a franchising arrangement. Based on consultations, these behaviours relate to:

- end-of-term arrangements;
- dispute resolution;
- unforeseen capital expenditure;
- unilateral contract variation;
- attribution of legal costs;
- confidentiality agreements; and
- changes to franchise agreements when a franchisee is trying to sell the business.

**End-of-term arrangements**

The Joint Committee noted that end-of-term arrangements are one of the largest areas of dispute in the franchising sector. The Government supports the Joint Committee’s view that franchisors should be entitled to decline to renew franchise agreements on expiration if that is their choice. The Joint Committee did not support an automatic right to renewal or the requirement for good cause to be shown for not renewing a franchise agreement.

The Government recognises that prospective franchisees’ expectations about renewal need to be better managed, and the financial implications of non-renewal need to be better understood, before fixed term franchise agreements are initially signed. The Government agrees that franchise agreements should clearly stipulate what (if any) the end-of-term arrangements and processes will be, and that these arrangements should be fully and transparently disclosed to prospective franchisees. The disclosure of this information is likely to assist in mitigating disputes where one party has an expectation (not shared by the other party) that the franchise agreement will be renewed. It will also help to address imbalances in power by assisting prospective franchisees to undertake their due diligence prior to entering into a franchise agreement.

Therefore, the Government will amend the Franchising Code to require franchisors to disclose to prospective franchisees the process that will apply in determining end-of-term arrangements (Recommendation 5). This process should outline what, if any, exit arrangements would apply. Any exit arrangements should give due regard to the potential transferability of equity in the value of the business as a going concern. Without limiting the items that would need to be disclosed when developing end of term arrangements the following issues should be considered:

- Would the prospective franchisee have any options to renew or extend the agreement beyond the original term? If so, what processes would the franchisor use to determine whether or not to renew or extend the agreement?
- Information on whether or not the prospective franchisee would be entitled to an exit payment at the end of the term and, if so, how the exit payment would be determined and/or earned.
- Details on what arrangements would apply to unsold stock, or equipment purchased at the beginning of the term, at the end of the agreement. For example would the franchisor buy the stock and/or equipment back at the end of the term? If so, how would price be determined?
Details on whether or not the prospective franchisee would have the right to sell the business at the end of the term. If the franchisor would have first right of refusal on any right to sell the business, how would market value be determined?

The Government also considered the benefit of mandating a pre-expiry notice review as recommended by the Western Australian Government franchising inquiry in 2008. The Government will introduce amendments to the Franchising Code requiring franchisors to inform franchisees, at least six months prior to the end of the franchise agreement, of their decision either to renew or not renew a franchise agreement. Where franchise agreements are for a term less than six months, franchisors will be required to inform franchisees at least one month prior to the end of the franchise agreement of their decision to renew or not renew a franchise agreement.

It is the Government’s clear intention that these new end-of-term arrangements will apply for franchise agreements signed after the date of amendments to the Franchising Code. For agreements already in existence, the end-of-term arrangements can be included by the voluntary agreement of both parties but will not be obligatory.

To ensure the new end-of-term arrangements are implemented effectively, the Government will ask the ACCC to develop guidelines on how to disclose end-of-term arrangements. This will assist franchisors and prospective franchisees to understand their obligations under the amendments to the Franchising Code noted above.

Dispute resolution

Submissions to the Joint Committee suggest that some parties may be stalling negotiations and acting to deplete resources of the other party to frustrate the dispute resolution process under the Franchising Code. Examples highlighted in the Joint Committee report that may act to further drain the finances of franchisees and franchisors in mediation include:

- Having representatives attend mediation without having full authority to negotiate an outcome (despite this being a requirement under the Franchising Code);
- The franchisor not disclosing its main aim in attending mediation; and/or
- The franchisee utilising the current mediation and disclosure requirements in the Franchising Code to use, or threaten to use, litigation proceedings as a leverage to extract settlements or concessions from franchisors (there is a requirement to disclose litigation proceedings in disclosure documents which may have the potential to affect the franchisor’s brand).

The Franchising Code (clause 29(6)) currently obliges parties to ‘attend the mediation and try to resolve the dispute’. It is also implicit that parties must have the authority to settle the dispute when they attend mediation. However, there are no detailed specific obligations enumerated under the Franchising Code in relation to procedural obligations that could be followed by parties to demonstrate that they are trying to resolve their dispute (in accordance with clause 29(6)).

The Government recognises the need to encourage parties to a franchise dispute to approach their dispute in a reconciliatory manner. Therefore, the Government supports a targeted policy response to the concerns within the franchising sector in relation to unconstructive conduct by parties to franchise mediations.

Currently, it is a requirement under the Franchising Code that parties to a dispute must attend the mediation and try to resolve the dispute. The Government will introduce amendments to the Franchising Code to include a non-exhaustive list of behaviours aimed at discouraging behaviour which may impede the effectiveness of the dispute resolution process under the Franchising Code. However, the Government notes these behaviours would not require either party to subordinate its own interests or to act outside of its interests, in recognition of the commercial nature of the franchising relationship.

The list of behaviours covers a number of different aspects of dispute resolution and mediation and is aimed at discouraging behaviour which is impeding the effectiveness of the dispute resolution process under the Franchising Code. The Franchising Code currently provides that parties must try to resolve their dispute at mediation.
The list of behaviours clarifying the nature of this obligation would include:

- Attending and participating in meetings at reasonable times. In determining a reasonable time for meetings, parties should consider whether it is appropriate to hold meetings within standard business hours and consider any travel requirements of parties in different locations.
- Making intentions clear at the outset of the mediation. That is, if the aim is to negotiate an exit arrangement, rather than a resolution to enable continued trading, this should be disclosed.
- Observing confidentiality obligations during and after the mediation process.
- Not damaging the franchise brand during the dispute including by providing inferior goods, services, or support.

**Expert panel**

The Government will establish an expert panel to inquire into and report on the need to introduce into the Franchising Code a list of specific measures to prevent behaviours that are inappropriate in a franchising arrangement with particular reference to:

- Unforeseen capital expenditure;
- Unilateral contract variation;
- Attribution of legal costs;
- Confidentiality agreements; and
- Franchisor-initiated changes to franchise agreements when a franchisee is trying to sell the business.

This panel process could result in more defined concepts that could be inserted into the Franchising Code as clear prohibitions for franchisees and franchisors. To minimise any negative impact on the viability of the franchising model, the expert panel will also be asked to consider the potential impact any proposed measures to address inappropriate behaviours could have on franchising. This inquiry will be undertaken by the same expert panel that will inquire into and report on the need to introduce a list of examples that constitute unconscionable conduct, or a statement of principles, in the Trade Practices Act.

**Unforeseen capital expenditure**

During franchising consultations, concerns were raised that the terms of a franchise agreement may not be long enough for franchisees to recoup their capital expenditure. For example, franchisees could be required to purchase new equipment or undertake store refurbishments in the months before the agreement term ends. This could cause significant financial hardships for franchisees if the agreement is not renewed.

The Government recognises that the negotiation of and agreement to the terms of a franchise agreement is a commercial issue and that it is the responsibility of both parties to an agreement to ensure that the terms of an agreement are long enough to recoup possible expenditure. However, the Government recognises the potential financial implications capital expenditure can have on franchisees.

The Government notes that unforeseen capital expenditure is one of the issues to be considered as a part of the expert panel’s inquiry process.

**Unilateral variation**

The Joint Committee received submissions expressing concern that the Franchising Code does not prohibit unilateral variation of contracts. The Committee noted similar concerns relating to the inclusion of a clause in franchise agreements stipulating that a franchisee will comply with an operations manual supplied by the franchisor, the contents of which are subject to change at any time. Similar concerns were raised during consultation.

The Government recognises that franchisors need to make commercial decisions to maintain and revitalise their franchise model. While acknowledging the commercial nature of franchising, the Government recognises that unilateral changes to a franchise may change the viability of the franchise for individual franchisees.

The Government notes that unilateral contract variation is one of the issues to be considered as a part of the expert panel’s inquiry process.

**Attribution of legal costs**

During franchising consultations, concerns were raised that the terms of some franchise agreements include a requirement for the franchisee to
pay the franchisor’s legal costs and other expenses incurred in the enforcement of the agreement. Consultation suggests that these types of clauses are being used by franchisors to require franchisees to pay the costs of mediation of disputes under the franchise agreement.

As noted above, the Government recognises the need to encourage parties to a franchise dispute to approach their dispute in a reconciliatory manner. The Government considers that the inclusion of a clause in a franchise agreement requiring a franchisee to pay for the costs of mediation of disputes could provide a significant financial disincentive for a franchisee to initiate dispute resolution procedures or legal action against their franchisor.

The Government considers that parties engaged in trade and commerce should have a high degree of freedom to contract as the parties to the contract are best placed to determine commercial matters. However, the Government recognises that the attribution of legal costs to one party could negatively affect that party’s ability to access the dispute resolution processes under the Franchising Code. The Government notes that the attribution of legal costs in franchise agreements is one of the issues to be considered as a part of the expert panel’s inquiry process.

Confidentiality agreements

During consultations, concerns were raised that some franchise agreements contain confidentiality clauses that restrict the information that current and past franchisees can provide to prospective franchisees.

Under the Franchising Code, a franchisor is required to provide prospective franchisees with the contact details of existing franchisees and certain past franchisees. The Government recognises that confidentiality agreements may be necessary to protect a franchisor’s intellectual property and as noted above, the Government considers that parties engaged in trade and commerce should have a high degree of freedom to contract. However, the Government notes that information provided by current and past franchisees could aid the decision-making process of prospective franchisees. The Government notes that confidentiality arrangements are one of the issues to be considered as a part of the expert panel’s inquiry process.

Changes to franchise agreements when a franchisee is trying to sell the business

During franchising consultations, concerns were raised that when franchisees try to sell the business franchisors can change the terms of the franchise agreement, and this may reduce the viability of the business and make it harder for the franchisee to sell.

The Government recognises that franchisors need to make commercial decisions to maintain and revitalise their franchise model. While acknowledging the commercial nature of franchising, the Government recognises that changes to a franchise agreement when a franchisee is trying to sell the business may impact on the franchisee’s ability to maximise the return on their investment.

The Government notes that franchisor-initiated changes to a franchise agreement, when a franchisee is trying to sell the business, is one of the issues to be considered as a part of the expert panel’s inquiry process.

Mediation Recommendation 6

Recommendation 6

The committee recommends that the name of the Office of the Mediation Adviser be changed to the Office of the Franchising Mediation Adviser and that the Franchising Code of Conduct be amended to reflect this change.

The Government recognises the importance of ensuring franchisees and franchisors seeking assistance in dispute resolution are aware of and understand the role of the Office of the Mediation Adviser.

The Government accepts the Joint Committee’s finding that a name change will aid understanding and recognition within the sector of the role that the Office (of the Mediation Adviser) plays in dispute resolution in franchising. The Government agrees to change the name of the Office of the Mediation Adviser to the Office of the Franchising Mediation Adviser.

Franchising statistics – Recommendation 7

Recommendation 7

The committee recommends that the government require the Australian Bureau of Statistics to de-
velop mechanisms for collecting and publishing relevant statistics on the franchising sector.

The Joint Committee considered that it is difficult to assess the efficacy of current mediation provisions in the Franchising Code in the absence of a reliable understanding of the true extent of disputation in the sector. The Joint Committee therefore recommended that the Government require the Australian Bureau of Statistics (ABS) to develop mechanisms for collecting and publishing statistics relating to the franchising sector (Recommendation 7), with a focus on franchise disputation and dispute-related franchisee turnover, using information collected from both franchisees and franchisors.

The Government agrees that there is a need to develop mechanisms for collecting and publishing relevant statistics on the franchising sector. However, the Government considers that only collecting data on franchising disputes or other indicators of stability in franchising would provide limited insight into the issues faced by the sector. To fully understand the issues faced by the franchising sector, comparative data on disputes within other small businesses would need to be collected. Such data would provide a meaningful benchmark with which to determine whether the franchising sector is facing burdens over and beyond those faced by Australian business more generally.

Collection of data on disputes faced by Australian business, of which franchising is a subset, would impose considerable compliance burdens on the broad business community. The Government does not support the imposition of additional compliance burdens on the broader business community for the sole purpose of determining the stability of the franchising sector.

Although the Joint Committee recommended the ABS should develop mechanisms for collecting and publishing relevant statistics on the franchising sector, ABS surveys are only one way to gain an understanding of the stability of the franchising sector. In line with the Government’s objective of limiting compliance burdens on business, the Government supports exploring existing mechanisms of data collection.

The ACCC currently collates a summary of the statistics it collects in relation to small business disputes and enquiries, and franchising related disputes and enquiries (ACCC enquiries data). This information may be used as a possible indicator of trends and patterns of concerns within the franchising sector as compared with small business more generally.

In addition, the Australian Research Council (ARC) and the ACCC have commissioned Griffith University to research conflict in the franchising sector. The research project commenced in 2008 and is to be conducted over two years. The research is to produce an analysis of the most effective methods for anticipating and avoiding conflict. The ACCC will use the results of this survey to assist it with its education efforts in relation to the sector.

The Government supports the public release of broad ACCC data on trends of inquiries and complaints from small businesses and franchising businesses as an indicator of concerns within the franchising sector as compared with small businesses more generally. The ACCC and ARC commissioned Griffith University research on conflict in the franchising sector would also add to the Government’s understanding of disputation within the franchising sector.

The Government will work with industry, academics and the ACCC to gain a better understanding of the stability of the sector and will continue to investigate future opportunities to collect and publish statistics on the franchising sector, including ABS survey options.

**Franchise failure – Recommendations 1 and 4**

**Recommendation 4**

The committee recommends that the government explore avenues to better balance the rights and liabilities of franchisees and franchisors in the event of franchisor failure.

**Recommendation 1**

The committee recommends that the Franchising Code of Conduct be amended to require that disclosure documents include a clear statement by franchisors of the liabilities and consequences applying to franchisees in the event of franchisor failure.
The Government notes the recent franchise failures and recognises the need to better balance the rights between franchisees and franchisors. The Government understands the Joint Committee’s concerns about the implications that franchisor failure can have for franchisees and recognises that the implications for franchisees as a result of franchisor failure can be significant. Accordingly, the Government has explored avenues to better balance the rights and liabilities of franchisees and franchisors in the event of franchisor failure (Recommendation 4). The Government supports the development, by the ACCC, of additional educational information on the potential consequences and liabilities franchisees could be exposed to in the event of franchisor failure.

The Joint Committee considered that the Franchising Code should be amended to require that disclosure documents include a clear statement by franchisors of the liabilities and consequences applying to franchisees in the event of franchisor failure. However, the Government considers that individual franchisees, rather than franchisors, would be better placed to assess the liabilities and consequences applying to them in the event of their franchisor failing. In addition, such a statement may induce a belief among franchisees that, in the event of franchisor failure, they will not be exposed to any risks other than those noted in the disclosure document.

While the Franchising Code requires franchisors to provide detailed disclosure documents to prospective and existing franchisees, the disclosure requirements under the Franchising Code are intended to assist, not replace, standard due diligence processes. The obligation remains on a prospective franchisee, and their advisers, to adequately assess the business opportunity they are considering. Equally, there is an obligation on franchisors to provide accurate and full information during disclosure. Therefore, the Government does not support amendments to the Franchising Code that would require disclosure documents to include a clear statement by franchisors of the liabilities and consequences applying to franchisees in the event of franchisor failure (Recommendation 1).

If potential franchisees can identify and access the information needed to make a well informed business decision, they should have a better basis with which to negotiate a contract that meets their requirements. Parties engaged in trade and commerce should have a high degree of freedom to contract — the parties to the contract are best placed to determine commercial matters.

The Government will introduce amendments to clause 1.1(d) of Annexure 1 and clause 1.1(e) of Annexure 2 of the Franchising Code to state that franchising is a business and that like any business the franchise (or franchisor) could fail during the franchise term. This will alert prospective franchisees and their advisers to the risk of franchisor failure and will assist them in undertaking their due diligence to adequately assess the business opportunity.

As noted above, the Government will also ask the ACCC to develop additional educational information on the potential consequences and liabilities franchisees could be exposed to in the event of franchisor failure. This information, in addition to the amendments to the Franchising Code will assist in better balancing the rights and liabilities for franchisees and franchisors in the event of franchisor failure.

The Government notes that in the event of a franchisee becoming bankrupt, insolvent under administration or an externally-administered body corporate, the Franchising Code (under clause 23) provides franchisors with relief from the procedural requirements imposed by clauses 21 and 22 of the Franchising Code. Clause 23 of the Franchising Code does not give a franchisor the right to terminate a franchise agreement. Whether a right to terminate exists in the circumstances enumerated in clause 23 will depend on the terms of the franchise agreement and the application of the general law. That is, in the event of a franchisee becoming bankrupt, insolvent under administration or an externally-administered body corporate, any right to terminate would come either from the franchise agreement itself or the general law.

The inclusion of an automatic right of termination for franchisees (in the Franchising Code) in the event of franchisor failure would give one area of small business an advantage over others (preferential treatment). It would also provide franchisees with an automatic right under the Franchis-
ing Code that is not available to franchisors. Therefore, while the Government acknowledges the serious implications that franchisor failure can have on franchisees, the Government does not consider it appropriate for the Franchising Code to provide franchisees with an automatic right of termination in the event of franchisor failure.

Future review of the franchising sector – Recommendation 3

The committee recommends that the government review the efficacy of the 1 March 2008 amendments to the disclosure provisions of the Franchising Code of Conduct within two years of them taking effect.

The Government accepts the Joint Committee’s finding that some of the concerns about the disclosure process raised with the committee during its inquiry should be mitigated by the 1 March 2008 amendments if they function as intended. The Government also agrees with the Joint Committee’s statement that it is too soon to judge their efficacy at this stage. Therefore, the Government agrees to review the efficacy of the 1 March 2008 amendments, and any amendments to the Franchising Code of Conduct proposed as part of this response to the Joint Committee report, in 2013 (Recommendation 3). This would allow for a review after an adequate number of contracts, established after the amendments were implemented, have run their course, noting that franchise agreements generally operate for 5-10 years.

The Government notes that the franchising sector has been subjected to four separate reviews, at Commonwealth and the state level, since 2006 and the Government is reluctant to subject the sector to another review in such a short timeframe. The Government considers that the franchising sector deserves some certainty and stability before instigating another review that could result in regulatory changes.

1 Frazer, L et al. Franchising Australia 2008 Survey, Asia-Pacific Centre for Franchising Excellence, Griffith University.

2 When car dealerships and franchised fuel outlets are included, turnover increases to $130 billion.

3 Parliamentary Joint Committee on Corporations and Financial Services “Opportunity not opportunism: improving conduct in Australian franchising” (December 2008) pxxiii.

4 This list is not intended to be exhaustive or indicative of information that must be provided by a franchisor in their disclosure document. The Government recognises that information provided by franchisors in detailing their end of term arrangements is a commercial matter that is best determined by the individual parties.

5 Clause 29(7) provides that a party is taken to attend mediation if the party is represented at the mediation by a person who has the authority to enter an agreement to settle the dispute on behalf of the party.

6 Clause 29(7) provides that a party is taken to attend mediation if the party is represented at the mediation by a person who has the authority to enter an agreement to settle the dispute on behalf of the party.

7 Item 6.4 to 6.6, Annexure 1 of the Franchising Code of Conduct

8 Clauses 21 and 22 set out procedural requirements with which a franchisor must comply when seeking to terminate a franchise agreement. Clause 21 applies if a franchisor proposes to terminate a franchise agreement in circumstances where a franchisee is in breach of the agreement. Clause 22 applies where a franchisee has not breached the franchise agreement, but where the franchisor seeks to terminate in accordance with the agreement, before its expiry, and without the franchisee’s consent.

COMMONWEALTH GOVERNMENT RESPONSE TO THE SENATE STANDING COMMITTEE ON ECONOMICS REPORT ON THE NEED, SCOPE AND CONTENT OF A DEFINITION OF UNCONSCIONABLE CONDUCT FOR THE PURPOSES OF PART IVA OF THE TRADE PRACTICES ACT 1974

Government response to the report of the senate economics committee inquiry into the need, scope and content of a definition of unconscionable conduct for the purposes of part IVA of the trade practices act 1974

CHAMBER
Background
On 16 September 2008, following a motion from Senator Nick Xenophon, the Senate referred the following matter to the Standing Committee on Economics (the Committee) for inquiry and report by 3 December 2008:

The need to develop a clear statutory definition of unconscionable conduct for the purposes of Part IVA of the Trade Practices Act 1974 and the scope and content of such a definition.

Unconscionable conduct, a doctrine originally developed in the courts of equity, is conduct that attracts such moral opprobrium that it justifies the courts in granting relief to those who suffer by it. In Commercial Bank of Australia v Amadio (1983) 151 CLR 447, his Honour Justice Mason described unconscionable conduct as a situation where 'unconscientious advantage is taken of an innocent party whose will is overborne so that it is not independent and voluntary ... [or who] is unable to make a worthwhile judgment as to what is in his best interest'.

Part IVA of the Trade Practices Act 1974 (TPA) and Part 2 of the Australian Securities and Investments Commission Act 2001 (ASIC Act) contain provisions incorporating this equitable doctrine, thereby providing access to an additional range of remedies for unconscionable conduct.

The Committee received 31 submissions, and held a public hearing in Sydney on 3 November 2008. The Committee’s report was tabled in the Senate by Senator Don Farrell on 3 December 2008.

The Committee’s report makes three recommendations. These recommendations are directed at clarifying the meaning of ‘unconscionable conduct’ in the context of section 51AC of the TPA.

The Committee did not recommend a definition of unconscionable conduct, as it considered such a definition could create more uncertainty and confusion for the courts and have adverse consequences for the interests of consumers and businesses. Rather, the Committee suggested that its ‘precise and targeted [recommended] amend-
the section refers to the parties’ conduct towards each other, whether the contract provides for rights of unilateral variation, and undue influence or pressure as factors to which the court may have regard in making a determination of unconscionable conduct.

The Committee’s findings suggest that these provisions may not have been accorded sufficient weight by the courts when testing section 51AC. Therefore, the Government agrees that an amendment to emphasise that the terms and progress of a contract are relevant to a finding of unconscionable conduct will help clarify the intention of Parliament. The Government will introduce an amendment to section 51AC (and section 12CC of the Australian Securities and Investments Commission Act 2001, which mirrors section 51AC) along the lines suggested by the Committee at the earliest convenient opportunity.

Nevertheless, so-called ‘procedural unconscionability’ will still be relevant to a finding of unconscionable conduct under section 51AC. The equitable principles that have developed in relation to unconscionable conduct continue to provide a strong basis for the operation of Part IVA of the TPA. The amendment to section 51AC will simply clarify the operation of the section and not alter the prohibition or create a new standard of business conduct.

On 2 October 2008, the Council of Australian Governments (COAG) agreed to the establishment of a new national consumer law, which will include a provision addressing unfair contract terms. Where a substantive term of a standard form contract is unfair, consumers may be able to use this provision to prevent the other party insisting on that unfair contract term.

The Committee noted the concerns of some stakeholders that:

• the development of case law on section 51AC has been disappointing and that the section is therefore not working. In other words, there are many more unfair contract terms (‘substantive unconscionability’) operating in Australia than what the prosecution record would indicate.

The Government believes that the unfair contract terms provision agreed by COAG will address some of the concerns about ‘substantive unconscionability’ raised during the inquiry.

COAG agreed that the new national consumer law would be in place by the end of 2010. The Government introduced legislation on unfair contract terms into Parliament on 24 June 2009.

With regard to unfair contracts, the new provisions will not apply to business-to-business relationships. However, there are a number of ongoing processes examining the protections afforded to businesses in circumstances where they are dealing with other businesses with greater bargaining power and market power, including in the context of the Franchising Code of Conduct and the recommendations of this Inquiry.

The Government will consider the need for additional specific protections for businesses – including unfair practices and contract terms – when responding to specific identified problems. This is the approach taken by the Franchising Code review. Rather than offering general solutions to specific problems, this approach will avoid the risk of introducing uncertainty for franchising businesses and for those doing business in Australia more generally.

Recommendation 2

The committee recommends that the Federal Government engage industry participants from the retail tenancy and franchising sectors (among others) and the ACCC in an inquiry process. The inquiry should specifically consider the option of producing a list of clear examples, that all parties agree constitute ‘unconscionable conduct’, into the Trade Practices Act. Furthermore, the committee recommends that as a part of this national dialogue, a statement of principles should also be considered.

The Government accepts this recommendation.

An inquiry process would provide greater scope to examine stakeholder views on these options, and whether these options would address stakeholder concerns about unconscionable conduct or provide any greater clarity for Part IVA of the TPA.

The Minister for Competition Policy and Consumer Affairs will convene a panel of experts in the field of trade practices law and policy. That expert panel will engage in consultation with the
Australian Competition and Consumer Commission (ACCC), retail tenancy and franchising industries, and small business organisations, as well as any other interested parties, in considering the need for a list of examples or statement of principles for Part IVA.

Further, the Government will ask the expert panel to consider the need to develop a list of specific behaviours that should be prohibited under the Franchising Code of Conduct. If the Panel considers that such a list would be appropriate for either Part IVA of the TPA or the Franchising Code, it will develop those lists, again in consultation with the ACCC and the relevant industries.

The panel’s terms of reference are attached to this response. The Government intends for the panel to complete its work by the end of January 2010. The Government will consider the outcomes of the inquiry process, including any suggested amendments to the TPA or the Franchising Code, when it receives the panel’s final report.

**Recommendation 3**

The committee recommends that the ACCC pursue targeted investigation and funding of test cases.

The Government accepts this recommendation in principle.

The Government understands the desire for greater judicial guidance on unconscionable conduct under Part IVA of the TPA. While the decisions handed down by the courts since the introduction of section 51AC in 1998 have been instructive, a precise understanding of unconscionable conduct in the context of section 51AC has not been firmly settled. Further test cases concerning section 51AC could result in a more certain judicial understanding of the concept.

The ACCC is an independent statutory agency, responsible for determining its own enforcement priorities.

The Government notes that officers of the ACCC have made public comments recently which recognise the importance of establishing judicial guidance for the TPA. In giving evidence to the Committee, the ACCC noted:

the ACCC considers the case law as to the interpretation of sections 51AB, 51AA and 51AC is building … and providing further guidance to market participants … [T]he ACCC acknowledges the importance of judicial guidance in this area. In a speech to small business last July, [ACCC Chairman] Graeme Samuel noted the ACCC had from time to time taken matters through the misrepresentation provisions of the Trade Practices Act. He indicated that we would have, I guess, a renewed determination to pursue matters to the full extent in relation to both sections 51AC and 51AB. We have to do so in an environment when using taxpayers’ money and being responsible as regulators that, where there are opportunities to settle matters outside of full hearings, we have to take that into account. That said, Mr Samuel was very clear in the importance of providing further guidance through the courts. We currently have a number of matters before the courts that we hope will provide further guidance in this very important area. 3

In 1998 the ACCC was given directions (which are still in force) to initiate proceedings for the purpose of establishing legal precedents under section 51AC (see the Commonwealth of Australia Gazette, No. GN 35, 2 September 1998). The ACCC has indicated quite clearly that it is mindful of the importance of obtaining judicial guidance on Part IVA, and has factored this into its enforcement decision-making processes.

The Government encourages the ACCC to continue in its resolve to achieve further judicial guidance on unconscionable conduct under the TPA.

Further, the Government is committed to ensuring the ACCC has the enforcement tools necessary to administer the TPA effectively. The COAG agreement of 2 October 2008 provides for an enhanced range of consumer law penalties and enforcement tools. Where appropriate, these measures will be available for breaches of Part IVA.

On 24 June 2009, the Government introduced into Parliament the Trade Practices Amendment (Australian Consumer Law) Bill 2009. The Bill, when passed, will implement this enhanced package of penalties and enforcement tools for breaches of the unconscionable conduct provisions of the TPA.

Under the Bill the ACCC will be able to seek redress for people harmed by unconscionable
conduct, without requiring those people to be parties to court proceedings. The ACCC will also be able to seek civil pecuniary penalties of up to $1.1 million from corporations in breach of Part IVA, and will be able to issue infringement notices in relation to instances of unconscionable conduct. The ACCC will also be able to issue public warning notices about corporations suspected of contravening Part IVA, and will be able to seek disqualification orders to ban directors associated with findings of unconscionable conduct from managing corporations.

This enhanced enforcement regime will provide the ACCC with additional tools to bring proceedings under Part IVA. Further information about the Bill and the Australian Consumer Law may be found at www.treasury.gov.au. The Bill is currently being examined by the Senate Economics Committee.

**Government response to the minority comments**

*We* recommend that a definition of unconscionable conduct based on the approach taken by Associate Professor Zumbo, be inserted into section 51AC of the Trade Practices Act and that it be made clear to the extent that it is not inconsistent with such a definition, the pre-existing common law and equitable principles should apply.

The Government does not support this recommendation.

As noted in response to Recommendation 1, the principles of unconscionable conduct as developed by the courts of equity continue to provide a strong basis for the operation of Part IVA of the TPA. The equitable prohibition is not merely a back-up for when the statutory prohibition fails. Rather, the equitable concept is intrinsically tied to the statutory framework, and it is the equitable concept which Parliament intended to incorporate into the TPA.

As the previous Government noted when introducing section 51AC, the:

new provision will extend the existing common law doctrine of unconscionability expressed in the existing section 51AA of the current act. The bill will use the expression ‘unconscionable conduct’ rather than ‘unfair conduct’ in order to build on the existing body of case law which has worked with respect to consumer protection provisions of the act and which will provide greater certainty to small businesses in assessing their legal rights and remedies.

It would not provide any greater certainty to business to change fundamentally the concept of unconscionable conduct, as the Coalition senators and Senator Xenophon propose. The minority’s proposed definition, as the Committee noted, is too uncertain in law to provide any clarity for courts, consumers and businesses. It introduces concepts which are not synonymous with unconscionability as it is understood either in the law of equity or as it has been applied under the TPA (to the extent that there is any difference).

If inserted as a definition into the TPA, the Government considers that these concepts would substantively alter the nature of the prohibition of unconscionable conduct and lead to potentially greater confusion. The Government considers that inserting into the TPA a definition of ‘unconscionable conduct’ based on the minority’s proposed approach is not desirable.

Associate Professor Zumbo has provided the Committee with a draft of a statutory list of examples of what constitutes unconscionable conduct based on s 51AC(3) … We would recommend that Associate Professor Zumbo’s draft be used as the basis for the enactment of a list of examples of conduct that constitute unconscionable conduct, recognising that such a list should not be considered exhaustive.

The Government notes this recommendation.

The Government has accepted the Committee’s recommendation of an inquiry process to consider the issue of a statutory list of examples of unconscionable conduct. It would be inappropriate to pre-empt the outcome of that process.

The Government will consider the outcome of the inquiry process when it receives the expert panel’s final report.

*We* recommend that the Trade Practices Act be amended to prohibit bullying, intimidation, physical force coercion and undue harassment.

The Government does not support this recommendation.
There are a number of laws at the Commonwealth level already in place which address this behaviour. For example, as the minority notes, section 60 of the TPA prohibits physical force, undue harassment and coercion in the context of consumer transactions. Furthermore, section 12D1 of the ASIC Act applies the same prohibition in a financial services context.

Where the conduct in question is so egregious that even in a robust business context it becomes bullying, intimidating, harassing or coercive, it is likely that state and territory criminal provisions may provide a remedy for affected individuals, as well as laws dealing with specific issues such as trespass and debt collection. The courts have also recognised that duress, including economic duress in some circumstances, can render a contract voidable.

Further, section 51AC already refers to undue influence or pressure being exerted on the parties as relevant to a finding of unconscionable conduct. There is no evidence at this time that all these potential legal remedies provide inadequate protection against bullying, intimidation, physical force, coercion or undue influence.

[We] recommend that a statutory duty of good faith be inserted in the Trade Practices Act and that it apply to all business to business relationships.

The Government does not support this recommendation.

There is some discussion in academic and business circles about the appropriateness of a general duty of good faith in business relationships. The Government does not consider that there is a sufficient policy basis for making such a broad change to the legislative framework governing all business relationships in Australia.

As the additional comments observe, the Joint Parliamentary Committee on Corporations and Financial Services recently recommended a duty of good faith in the context of franchise agreements. The Government is responding to this specific recommendation in the context of the Joint Committee’s report.

[We] believe that the current Victorian legislative framework for dealing with unfair contract terms in consumer transactions should be extended to cover business to business relationships involving small businesses.

The Government notes this recommendation.

As noted in response to Recommendation 1 above, COAG has agreed that the new national consumer law will contain a provision dealing with unfair contract terms in standard-form contracts. The Government is considering the issue of unfairness in business-to-business contracts in the context of Recommendation 2 as set out above and its review of the Franchising Code of Conduct.

1 page 43 of the report.
2 page 8 of the report.
3 Evidence to the Senate Economics Committee, Parliament of Australia, Sydney, Monday 3 November 2008, page E9 (Mr Scott Gregson, General Manager, Coordination, Enforcement and Compliance Division, ACCC).
4 Commonwealth Parliamentary Debates, House of Representatives, Tuesday 30 September 1997, page 8765 (the Hon Peter Reith MP, Minister for Workplace Relations and Small Business).

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

The ACTING DEPUTY PRESIDENT (Senator Crossin)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 10 of 2009-10: Performance audit—Processing of incoming international air passengers: Australian Customs and Border Protection Service.

TIMOR SEA OIL SPILL

Return to Order

Senator SHERRY (Tasmania—Assistant Treasurer) (4.49 pm)—I table a statement and a document relating to the Montara oil spill in response to the order of the Senate of 29 October 2009.
TAX LAWS AMENDMENT (2009 MEASURES No. 5) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator SHERRY (Tasmania—Assistant Treasurer) (4.51 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 SHERRY (Tasmania—Assistant Treasurer) (4.51 pm)—I move:

That this bill be now read a second time.

I table a correction to the explanatory memorandum and seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

This Bill amends various taxation laws to implement a range of improvements to Australia’s tax laws.

First, Schedule 1 amends the A New Tax System (Goods and Services Tax) Act 1999 to ensure that a representative of an incapacitated entity is responsible for the GST consequences that arise during its appointment. The amendments will protect GST revenue in light of the adverse Federal Court of Australia decision of Deputy Commissioner of Taxation v PM Developments handed down on 12 December 2008.

The PM Developments decision found that a liquidator is not liable for the GST arising from a transaction occurring during the period of the liquidator’s appointment. Instead, the Court found that the GST liability is a liability of the company in liquidation.

The decision is contrary to the stated policy intention that the representative of an incapacitated entity is liable for GST on transactions within the scope of its appointment. It is also contrary to the Commissioner’s administration of the law since the introduction of the GST.

This Schedule amends the GST law with effect from 1 July 2000 to ensure the law achieves the stated policy objective. Retrospective amendment will protect the revenue by preventing claims for refunds of amounts of GST paid by representatives. Transitional provisions will apply to ensure that the amendments do not adversely impact taxpayers who have complied with the Commissioner’s interpretation of the law or who have acted in good faith.

The amendments also ensure that the GST consequences for a representative are the same as those that would have arisen had the action been performed by the incapacitated entity.

Schedule 2 amends the pay as you go instalment provisions to address unintended consequences arising out of amendments to those provisions contained in the Tax Laws Amendment (Taxation of Financial Arrangements) Act 2009.

For compliance reasons, a special provision was inserted into the income tax law by the TOFA Act to calculate TOFA gains and losses on a net rather than gross basis for PAYG instalment income purposes. However, the provision could unintentionally lead to a reduction in PAYG instalments paid because the net basis of calculation can produce a reduction in PAYG instalment income. The amendments reverse the changes the TOFA Act made to the PAYG instalments system, thus preventing this potential outcome.

In addition, the amendments ensure that where an entity has become liable to pay a decreased amount of PAYG instalments prior to the commencement of this Bill, there will be a catch-up payment of the decreased amount in the quarter that ends after the commencement of this Bill. This catch-up payment will only be of relevance to those taxpayers that have elected to apply the TOFA Act from the 2009-10 income year.

The Government intends to undertake consultation on a more appropriate method for dealing with the interactions between the PAYG instalments system and the TOFA Act. This method will have regard to taxpayer compliance costs.

Schedule 3 exempts from income tax the Outer Regional and Remote payment made under the Helping Children with Autism package. This payment is made to assist families with children
who have been diagnosed with Autism Spectrum Disorder and living in outer regional and remote areas, to access early intervention and education services. Exempting this payment from income tax reflects the added difficulties that can be faced by families living in a regional or rural area in gaining access to these services.

Schedule 4 exempts from income tax those payments made under the Continence Aids Payment Scheme. This scheme replaces the existing Continence Aids Assistance Scheme which provides subsidised continence products to eligible recipients. The replacement of the direct provision of products with a payment allows eligible recipients greater freedom in their choice of products and suppliers. Providing an income tax exemption for the receipt of this payment will ensure that no recipients are disadvantaged under the new scheme.

Schedule 5 amends the Income Tax Assessment Act 1936 so that Commonwealth issued debt will be exempt from interest withholding tax. This important measure will mean that Commonwealth debt, state government debt and private sector debt will be afforded the same treatment for interest withholding tax purposes. This will help improve the neutrality of the tax system, and bring Australia’s tax treatment of Commonwealth Government Securities into line with most other countries, including the United States and the United Kingdom. This measure will also improve the efficiency of financial markets, and increase the attractiveness of Commonwealth Government Securities to overseas investors. The exemption will apply to interest paid after the day the Bill receives Royal Assent. To be eligible for this exemption from interest withholding tax, the debenture or debt interest must pass the public offer test. The public offer test can be satisfied if a significant number of investors are likely to be interested in acquiring the debentures or debt interests.

Finally, Schedule 6 provides greater scope to the Victorian Bushfire Appeal Fund Independent Advisory Panel to support communities affected by the 2009 Victorian bushfires.

A joint Australian Red Cross Society and Victorian Government Appeal, the 2009 Bushfire Appeal Fund, received donations in excess of $375 million. Recognising the extraordinary circumstances surrounding the Victorian bushfires, these amendments permit the Panel, at their discretion, to use their donations for a broader range of purposes than the tax law considers charitable, without jeopardising the charitable status of the Red Cross. The amendments also apply so that the Panel can provide support and assistance in respect of all of the tragic fires that blighted Victorian communities in the 2009 fire season.

Importantly the Panel’s primary consideration remain the provision of assistance to individuals and communities in towns and suburbs affected by the 2009 fires to ensure that they are re-established to be thriving and socially inclusive. The allowable purposes for which the funds may be expended are consistent with the charitable expectations of the donors, who made their donations in good faith.

The key amendments permit the Panel, at their discretion, to assist with:

- Payments to orphans under the age of 18 without the need for annual assessments;
- Reimbursements to individuals or organisations where the Panel had later provided funds to others in the same circumstances;
- Grants up to $15,000 for those in transitional housing where a grant has been provided previously to assist with rebuilding the family home;
- Grants up to $10,000 to affected farmers to use for repair and restoration of farm activities, including in re-fencing; and
- Payments to those people, especially farmers, who own the family home through a company or trust structure.

In addition the Panel may also support community projects to fund the replacement or enhancement of pre-existing community facilities, or to establish new community facilities. If the Panel chooses to do so these projects must be consistent with the purposes of an income tax exempt entity, have a broad public benefit, with wide public accessibility, and have no more than an incidental and ancillary commercial or private benefit.

Full details of the measures in this Bill are contained in the explanatory memorandum.
Debate (on motion by Senator Sherry) adjourned.

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

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Reports
Senator FARRELL (South Australia) (4.52 pm)—At the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the reports on the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009 and the Telecommunications (Interception and Access) Amendment Bill 2009 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the reports be printed.

Education, Employment and Workplace Relations Legislation Committee
Report
Senator FARRELL (South Australia) (4.52 pm)—At the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee, Senator Marshall, I present the report on the provisions of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

COMMITTEES
Economics Legislation Committee
Report
Senator FARRELL (South Australia) (4.52 pm)—At the request of the Chair of the Economics Legislation Committee, Senator Hurley, I present the report on the provisions of the Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator EGGLESTON (Western Australia) (4.53 pm)—I move:

That the Senate take note of the report.

I would like to make just a short comment about the tightening of regulations regarding hobby farms. One of the things that the Economics Legislation Committee was concerned about was an unintended consequence. It was pointed out that, for example, the great Margaret River wine industry as we know it today might well have been prevented from developing had this legislation been in place at the time the first vineyards were put into the Margaret River area in the 1970s. An agricultural scientist from the Western Australian agriculture department, Dr John Gladstone, who was also associated with the department of agriculture at the University of Western Australia, thought that there were some similarities between the land in the south-west of France and some of the now wine-growing areas in Margaret River, which was then a dairy area. His report attracted the interest of some of the doctors in Busselton and Bunbury and they set up little hobby farms growing wine grapes in the Margaret River area. From that simple beginning not so very long ago in the mid-seventies, the great Margaret River wine industry has developed.

The coalition senators on the committee were concerned that this legislation, which requires some decision by the Commissioner of Taxation if the claim for a hobby farm being a legitimate business is marginal, might mean that if the commissioner did not have the vision to see the potential of the hobby farm developing into a new agricultural industry it might well not be permitted. Had that occurred in the case of those doctors from Busselton and Bunbury in the
Margaret River area, we would not have the
great Margaret River wine industry that we
have today.

Evidence was also given by alpaca farm-
ers who face exactly that sort of situation.
While alpaca farming is perhaps seen as a
niche agricultural development, the alpaca
farmers themselves have a long-term vision
of broadacre alpaca farming where alpacas
will be shorn for their wool and that will
develop into an industry in effect competing
with the Australian sheep wool industry. But
it will take a very long time to get to the
point where it is commercially viable be-
cause the genetics of the alpaca stock cur-
rently in Australia need to be improved and
that kind of breeding program will take a
long time to develop. The alpaca farmers
expressed grave concerns that, were their
industry to be subject to a commissioner’s
decision as to whether or not it had the long-
term potential to be a viable industry, it
might not be given the green light and the
potential for the alpaca industry to grow into
a broadacre farming industry might not oc-
cur.

The coalition senators, while not opposing
this legislation, certainly had some reserva-
tions about some of its other implications.
One of the projections which was made with
respect to this legislation was that it would
raise an additional $700 million in tax from
the fact that the hobby farmers would be sub-
ject to taxation on their developments rather
than being able to claim them as deductions.
It was felt that if the legislation was fairly
strictly imposed and the commissioner disal-
lowed various kinds of farming development
then the amount of revenue actually realised
might be far less than the $700 million that
the government assumed would be the case.

In conclusion, the coalition senators on
the Economics Legislation Committee were
concerned that this measure may inhibit the
growth of new industries such as would have
happened had the rules then applied to the
Margaret River wine industry and would
apply now to the alpaca breeding industry
and also to the bloodstock industry from de-
veloping in the future into important agricul-
tural industries. We, while not opposing this,
certainly have some reservations about the
impact of this legislation.

Question agreed to.

FEDERAL COURT OF AUSTRALIA
AMENDMENT (CRIMINAL
JURISDICTION) BILL 2009

FUEL QUALITY STANDARDS
AMENDMENT BILL 2009

CORPORATIONS LEGISLATION
AMENDMENT (FINANCIAL SERVICES
MODERNISATION) BILL 2009

Assent

Message from the Governor-General re-
ported informing the Senate of assent to the
bills.

SOCIAL SECURITY AND OTHER
LEGISLATION AMENDMENT
(INCOME SUPPORT FOR STUDENTS)
BILL 2009

Second Reading

Debate resumed.

Senator RONALDSON (Victoria) (4.59
pm)—I do want to refer back to the com-
ments I made just before question time. With
the leave of the Senate, I want to go back to
about 1992 when I was the federal member
for Ballarat. I remember that a couple came
down from the top end of my electorate. We
sat down and they said, ‘We’ve got a prob-
lem, Mr Ronaldson.’

We talked about their problem, and it was
that they had three children; from recollec-
tion, one was 16, one was 14 and one was
eight or nine. They said, ‘You are a parent,
and you have got younger children such as
we have?’ I did. They said: ‘We have to make a decision about which one of our children is going to go on to higher education. Can you imagine how difficult it is for us as parents to be making a decision about which of our children, who are aged between eight and 16, are going to go on to higher education? What would you do?’

This couple were remarkably calm, given the magnitude of the task that lay ahead of them. I said: ‘I don’t know what I would do in your situation. I will be confronted with the same decision that you are making, but I live in Ballarat and I suspect that my income is probably more than yours is, so while there might be some financial difficulties for me, they pale into insignificance compared to the issues that are going to confront you.’

This couple made the decision that their second child was going to be the one who would get that higher education. They went to the school to discuss with the teachers which of those children was likely to be the one who would benefit most. This was Australia in 1992, where parents were making decisions on the back of their financial position to make a determination about which of their children was going to get the chance that city kids did not have an issue with — there was no issue about a choice for them. That was 1992.

In 2009, while this bit of legislation might be innocuous in its title, it is actually taking us back to a situation where those parents in 2009 are going to be making the same decision about which of their children, potentially, will get a higher education. If this was a wealthy country in 1992, it is a far wealthier country in 2009, and yet we are putting parents in a position where they will have to make that decision.

I think there is a lack of understanding, I suspect, about the financial set up of many country families. On paper it looks all right because of the assets.

Senator Adams — Asset rich and income poor.

Senator RONALDSON — Absolutely — as Senator Adams said, asset rich and income poor. To address the income issue, the only way you could do that would be to sell the asset down. And the more the asset is sold down, the less the opportunity to support the family that is coming through. So that is a nonsensical option for everyone.

I just do not know what has driven this. It could be a class based approach: a jealousy of the fact that certain groups of people have been abusing this. But if it is a class issue, we actually agree that it has been abused, and we agree with the requirement to change things to make sure that rich city families are not accessing that. We agree with the Labor Party in that regard, so if it is a class thing we think there is an issue that has been identified and we are quite prepared to support changes in that regard.

If, as I fear, it is ignorance based, then that, perversely, is even worse. I know that Senator Mason has referred to this, and I know that the shadow minister, Christopher Pyne, has — and I would be very surprised if Senator Nash and those speaking after me do not mention it — but it was interesting that the Victorian parliamentary education and training committee — chaired by a Labor member who, funnily enough, is actually the member for my home city, Ballarat East, Geoff Howard — was a committee with an effective Labor majority. They were concerned about this, and I will read into Hansard again the committee’s comment, which was unanimously supported by all participants, in relation to the disadvantage that would be caused by this legislation:

… the Committee believes that the removal of the main workforce participation route will have a
disastrous effect on young people in rural and regional areas.

And again, that same committee found that the changes:

... will have a detrimental impact on many students who deferred their studies during 2009 in order to work and earn sufficient money to be eligible for Youth Allowance.

Again, the Senate committee recommended—and this is one of their many recommendations:

... that the workforce participation criteria in proposed section 1067A(10)(c)—

which is the fixed amount in 18 months aspect of the bill—

be extended beyond a transition measure, and be retained for students who are required to leave home to pursue their chosen course.

The Senate committee also found:

... the tightening of the workforce participation criteria has caused a high level of anxiety in the community, particularly to those students currently on their gap year, and those students who are completing Year 12 (or the equivalent) this year.

The committee went on to say:

The committee would like to put on the record that it believes the Government has handled the implementation of this policy reform poorly.

Poorly? Appallingly. I would say, has been the treatment in this regard. There are a whole lot of kids—and I will call them kids because they are kids—who are finishing their schooling this year who, on the back of discussions with Centrelink and on the back of discussions with their school, believed that they would be able to access a gap year, going forward. There are a whole lot of kids at the moment who are in that gap year who believed that they would be able to access that gap year and then get onto the independent youth allowance. So you have a whole group of kids who were going to study next year and who are taking the gap year this year and a whole group of kids who quite reasonably assumed when they were planning the next two years that this would continue. The minister has made absolutely minimal changes, which I think, from recollection, affected remote students only. Of about 30,000 students, five have been offered some relief. But the younger brothers and sisters of those people are in the same position as the other 25,000. There is an acknowledgement of an issue but not an acknowledgement of a long-term issue. How absolutely crass is that?

We have proposed, in my view, very sensible amendments. The minister, in her second reading speech on this bill, said that it would:

... make a difference for country kids—for rural and regional kids.

Truer words were never spoken. Will it make a difference? It will most certainly make a difference. It will make a diabolical difference to these regional and rural students. I thought it would be interesting to look through some of the submissions to the Senate committee. I will go through a couple of them. They are public documents and I am sure these people will not mind. There was a submission from Alexis Killoran, who wrote:

Due to the combined factors of my rural location and the current economic crisis I found it extremely hard to obtain a job for the first three months of my gap year. The local IGA supermarket, the biggest employer in the town closest to me, were uninterested in training someone who would shortly be leaving to attend uni. Other employers either shared the same opinion or offered only cash in hand jobs to an inexperienced young person such as myself.

Another student, Danielle Sinclair, said:

I collected papers over the last two months to see what jobs I could apply for. I come from Orange ... I circled nine jobs in four weeks that I could apply for and that gave me 30 hours a
week. There are another 300 kids graduating. There are just not enough jobs.

The stupidity of these new work arrangements is that there are simply not the jobs in the country towns for these kids. All of these kids who are coming out of high school are going to be going for the same minimal jobs. It is ridiculous. The lucky ones will pick up one of the very minimal jobs that are there and the rest cannot possibly comply with these requirements. Of course, they can comply if they are required to go off all over the country in search of work, but that surely was not the intention of these changes. Surely the intention was that they would be able to stay in their own area and meet these requirements and then go on and study from there.

What we quite rightly are going to move in this place is that if a student is required to move away from home to complete their studies then they should come under the old rules. Senator Adams and Senator Nash, who are in the chamber, are both country women. They know how important this is. They are mothers and they are senators. They are parents. They know what is required to give these kids the opportunity, and I think it is utterly bizarre that we are going to have a two-tier system of opportunity in this country. It is hard enough for country kids to make it in the city. The dropout rates are appalling, and they are appalling because they are kids who are away from home and they are kids who have had very limited experience with cities. So what we are going to do is take these kids out of the country and have them potentially scrounging around to put a bob together to educate themselves, when the person they are sitting beside in the classroom probably does not have that same disadvantage.

I want to talk in the time left to me about some who, quite frankly, I would have thought would know better. I want to talk about the current member for Corangamite, Mr Cheeseman—and I use the word ‘current’ advisedly, because he is only the current and will not be the continuing member for Corangamite after the next election. He is someone who in the truest sense of the words is Canberra’s representative in Corangamite as opposed to Corangamite’s representative in Canberra. He just plays the party line with every single issue that confronts him. He wrote an op-ed in the Geelong Advertiser. He described the bill as providing a ‘helping hand’ and as ‘positive for students and families, particularly those coming from country areas.’ What? A ‘helping hand’? ‘Positive for students and families, particularly those coming from country areas’? Where has this man been? What planet is he from with such complete and utter drivel?

I took the opportunity with Sarah Henderson, the next member for Corangamite, to have a couple of fora in both Geelong and Colac. I will tell you what: there are not too many people in Geelong or Colac who think it is positive for students and families, that they are getting a helping hand or that those coming from country areas are positive about it. Everyone who came to those fora was in exactly the situation of the couple that I referred to back in 1992.
I will finish as I started. If there is one person in this place who thinks it is reasonable to have an education differential between city and country kids in 2009 then, quite frankly, I do not think they deserve to be in this place. We have provided Minister Gillard with the opportunity to make this reasonable. We have provided her, via our amendments, with the opportunity to make sure that the legitimate concerns that she had about rich city kids abusing this are addressed without taking out the future hopes and aspirations of country kids, without taking away from them the right to share in the education experience in this country that every kid who lives in the city can have. It is an obscene piece of public policy, and I urge the Senate in the strongest possible terms to adopt what I believe are reasonable amendments which will make a poor bit of legislation a far better piece of legislation.

Senator NASH (New South Wales) (5.17 pm)—I rise to follow my colleague Senator Ronaldson to make some comments on the youth allowance legislation, as it is loosely known, before us. I commend my colleague Senator Ronaldson for his comments, because he is right on the money. I firstly thank the committee members of the Rural and Regional Affairs and Transport References Committee, which looked into this legislation, for their contribution. I also thank the secretariat, who is doing an enormous amount of work on this issue.

The Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 makes a number of changes. Some of those changes are positive. We from this side have indicated that we are supportive of the increase in the thresholds in a number of the areas and also of targeting, where it has occurred, the issue of rorting, so to speak, by rich city families. But there are also a number of negatives in this legislation, and the changes to the workforce participation criteria are among the worst.

I firstly address the issue of the gap year students. This has taken on a life of its own, because it has affected so many of our students right across the country. There was an absolute outcry when this bill came out into the public. I do not think I have ever had so many letters, emails and calls from people on an issue since I have been in the Senate, and I know that my Nationals and Liberal colleagues, particularly in the regional areas, received the same correspondence. And it was huge; we saw the submissions to the Senate inquiry. There were over 700 submissions to that inquiry, the bulk of which particularly addressed the changes to the youth allowance and the changes to the workforce participation criteria.

What we had was a cohort of students who at the end of 2008 took the advice of Centrelink and school advisers to go down the path of qualifying for independent youth allowance through the gap year provision—through earning the lump sum over the 18-month period. And the minister simply changed the goalposts halfway through, so all of these students who had in good faith embarked on this course of action to be able to access the independent youth allowance that they so desperately need were told by the minister: ‘Sorry, you can’t do it anymore. We don’t care that you’re nearly a year through your gap year. We couldn’t care less that you embarked on this in good faith; we’re just going to pull the rug out from underneath you and we’re going to start these changes on 1 January 2010.’

How unfair can you be in government? I do not think there was anything in recent times that was more unfair than saying to a student who is out there trying to get themselves a tertiary education, ‘I’m really sorry about that, but the financial assistance you
thought you were going to get I am simply going to take away from you just because I feel like it, because I think retrospectivity is a really good idea!’ But it is absolutely wrong that they changed the goalposts midway, and it was only recognised because all of those students right across the country got active and absolutely lobbied their hearts out to the minister to say, ‘This is wrong’. Clearly she could not see what impact it was going to have when she brought it in in the first place.

What did we see then? The minister did a backflip. But did she do a backflip for all the students? No, she did a backflip for some of them, just some of them, just those ones who lived further than 90 minutes away by public transport from a tertiary institution—just some of them. What about those other 25,000 students currently on a gap year who entered it on good faith? Because the minister has simply changed her mind about this criteria, they are no longer going to be able to gain that financial assistance. That is just wrong. It is just wrong and it is not on. It is a retrospective change. How dare the minister say to these students, ‘I’m going to change this around because I want to do something different,’ when they in their good faith had gone out and embarked on this particular course of action because they had been told to by the relevant authorities, by the people they trusted, that this was the appropriate thing to do?

We will be moving an amendment as has been indicated already by my colleagues to ensure that all of those gap year students are not hit by the incredibly mean, retrospective nature of this particular change to the legislation. It is not fair and it is not right, and those students should be allowed to access that funding that they so desperately need to start their university and tertiary courses.

The impact on rural and regional students is enormous as a result of the removal of criteria (c) which is: employment for at least 18 months since the person last left secondary school earning the person at least the equivalent of 75 per cent of the maximum Commonwealth training award payments for the calendar year in which the 18 months started. In short, the gap year.

What we have seen is that so often there is no alternative for financial assistance for these rural and regional students. This is an equity issue. This is a fairness issue, and the government simply does not understand the inequity. We were told time and time again as our committee went across the country, because we are doing a broader access to education for rural and regional students inquiry at the same time as this specific youth allowance inquiry, that the inequity that exists between rural and regional students and metropolitan students is huge, and we know that the cost for our regional families of relocating those students is around $15,000 to $20,000 a year.

In 2007 Charles Sturt University with Monash University, the University of Western Australia and the Foundation for Young Australians funded a study titled *Youth Allowance and regional young people access to tertiary education*, by Godden 2007, which was referred to many times during the course of the inquiry.

The study found:
Regional young people have high expenses when studying away from home—which all participants describe as the biggest challenge, and affects participation and choices. Regional families are extremely financially burdened with the expenses particularly when they are ineligible for Youth Allowance.

It went on to say:
… the annual living cost for a rural or regional young person studying away from home was be-
between $15,000 and $20,000, plus relocation and start-up costs of $3,000-$6,000.

Did the minister make absolutely no attempt before she came up with these changes to actually go and find out what the financial impact of relocation is for students? She obviously must not have given it a single thought because I can tell you right now the changes that are in this legislation, as much as they claim that they help country students, go nowhere near what is necessary for our regional students.

The issue is that the independent youth allowance and our youth allowance in general is a social welfare issue. It does not address this issue of equity, this issue of access to education. During the inquiry Mr Kent Spangenberg who is the principal of Loxton High School, I may inform the Senate, raised this issue with me about the inequity years ago. I quote from him:

... if you look at the inequity between two families on the same income—one in a metropolitan area and one in a rural area—the rural family, by the mere fact that they are living rural, has to find some significant additional financial income support or whatever for their child to access the same quality of tertiary education as an urban family. There has to be a baseline there or a benchmark around where that increased cost for accessing tertiary education must be addressed in any sort of solution. It does not matter whether you are earning $50,000 or $70,000 in an urban or a rural setting, the rural person has to find additional moneys to have their child study in Adelaide.

That just highlights the inequity, and the government obviously has no idea. What we have seen is that students and their families have been using this avenue of independent youth allowance because there is simply no other way for rural and regional students to access the assistance which they so desperately need. No other avenue exists.

In 2009, 12,473 regional and remote students accessed independent youth allowance. The government is going to take this away. They are simply pulling the rug out from underneath the current gappies. But as my good colleague Senator Ronaldson said, what about all those students coming after? What about all their siblings? What about all their younger brothers and sisters? What about all the new cohort of young students who are going to need to have some assistance? How many rural and regional students are going to be affected in 2010 and beyond? We have no idea. The department cannot tell us. No-one can tell us. But we know, and the regional members and senators in this place particularly know, that there are so many students who are going to be affected by this.

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from one of the local universities about some students currently doing year 12. Those students had applied for scholarships to go on to university, but they had not even told their parents that they had applied for scholarships because they knew their parents could not afford to send them away. They knew that if they did not get that scholarship, they would not be going. They had not even told their parents because they did not want to put the burden on them of the fact that they knew that their parents could not pay if they were not successful in getting those scholarships.

It is an incredibly sad indictment that we have got to the situation where we have students across the country not having the opportunity, if they so choose, to go on to tertiary education. I noticed today that the minister, Julia Gillard, has said:

"This is a new system to better support students who need that support the most, including country students."

I do not know who she has been talking to, but she certainly cannot have been talking to any country students, because that is just completely wrong. There were over 700 submissions to the inquiry, most of them railing against the government’s changes. The minister has said: ‘We’re having an education revolution. We want to have an education revolution,’ but obviously that is not taking into account rural and regional students. She said back on 18 November 2007:

"We want to make sure kids right across the country, irrespective of what family they’re born into, whether they’re in the centre of the city, in a regional centre or outback Australia, that they all get the support they need for their education.

She should put her actions where her mouth is and make sure that these regional students are looked after, because under the current provisions they certainly are not. One of the students during the course of the inquiry said of the minister:

I would like to ask her to consider the kids in the country that want to go up to tertiary education and have to travel for five hours or so. They live out of home and pay for their own meals and for their own transport. I do not think she has really put herself in our shoes.

That was from Miss Sasha Miles, and I think she is absolutely right on the money. The minister has absolutely no ability whatsoever to put herself in the shoes of those rural and regional students to see what it is like.

The coalition understands the seriousness and the significance of this issue, which is why we have put forward the amendment to continue criteria (c), which is about earning the lump sum amount over the 18-month period. Rural and regional students have no other way of accessing assistance. There is a welfare measure, but they have to use this independent youth allowance as an equity measure to try and ensure that they have the financial assistance available to go on to tertiary education. Thirty-three per cent of regional students go on to tertiary education. Fifty-five per cent of metropolitan students go on to tertiary education. What sort of equity is that? Are we saying that it is simply okay for our regional students—and primarily because of the reason of financial burden, as we have seen from all the evidence that has come through—not to have the chance to go on to tertiary education, knowing that they are far more likely to come back to our regional communities to take up their professions?

The committee also heard a lot of evidence showing how many of our regional families in professions are simply upping out of the regional communities and going back to the cities because it is easier for them to educate their children if they are actually living in cities. How much of a drain is that going to be on our regional communities that are struggling badly enough as it is? It is just not fair and it is not right. This issue of eq-
uity has to be addressed. The government wants only the 30-hour a week criteria to remain for independent youth allowance. It is just extraordinary stuff. It is just ridiculous. If it was not so serious it would be laughable. There are no jobs out there. The students cannot average the 30 hours a week, and they have to defer for two years. We all know it is far less likely that they will go on to university if they take a year off, let alone two. It is interesting that the removal of the two criteria, including this gap year provision, is to pay for the rest of the package. The minister has stolen the money from these country kids, from these rural and regional students, to pay for the rest of the package. It is just extraordinary. I see my good colleague Senator Ronaldson shaking his head. It is extraordinary and it is absolutely wrong.

Senator Sterle—He’s nodding off!

Senator Nash—He is shaking his head in despair and disbelief, thank you, Senator Sterle. It is interesting to note too that the intent of the remaining independent criteria is actually not to target—you might be interested in this, Senator Ronaldson—our regional students. The department said to the inquiry last Thursday:
The intention is to reflect that people who have been in the full-time labour market for a few years, who later form an intention to study, can return to study. Their independence—has been
as a full-time worker over a sustained period of time …
The remaining independent criteria are not even targeted at our school leavers, so the government is taking the whole lot away. It will still exist, of course, but with the lack of jobs and the deferment of two years what student is going to be able to utilise that to gain some access? What has the minister put in the package to target the rural and regional inequity? Nothing. Not a thing. Nada. Zip. This government simply does not care about regional Australia, and we are seeing it time and time again. I certainly believe the issue of a tertiary access allowance has to be addressed.

We have seen the issue of the inequity between metropolitan and rural and regional students starkly. There is no argument. We know that the costs are around $20,000 a year more. If we are serious about making sure that our rural and regional students have every opportunity to get to tertiary education then we need to get serious about providing them with the funding. This should not be about dollars. This is about access for our students, who are the future of this country. They need to be able to have every opportunity they possibly can to go on to tertiary education whether they live in metropolitan or in rural and regional Australia. It should not make any difference. This parliament has a requirement to assist them to do that for the betterment of the future of the country.

Senator Sterle (Western Australia) (5.37 pm)—I am grateful for the opportunity to speak in support of the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. As Senator Nash’s deputy chair, I too travelled around the country listening to a bevy of witnesses and reading a heap of submissions. But before I speak I must admit that I found some of the conversation coming out of Senator Nash very theatrical. I have to say quite clearly that we as a government are more than worried about the opportunity for rural and regional students, and also city students, to have a decent education. But one would think from that performance that Senator Nash is probably lining herself up for a three-cornered contest somewhere. I do not know. I would not have a clue. Crikey! With the way she performed just then, who knows? The Nationals are going through a transition period at the moment. With a fresh
young face who is intelligent, a mother and a valuable community member, some of the dinosaurs from the Libs might be a little bit worried. I do not know what is happening in New South Wales. I would not have a clue. I think that, if Senator Nash were to run for Hume, she would make a fantastic candidate and a superior member too. Anyway, that is another point.

With the way Senator Nash kept referring to her esteemed colleague Senator Ronaldson, I was watching Senator Ronaldson and the poor devil was nodding off. He was not agreeing with what she was saying. But on that he can answer for himself.

Senator Ronaldson—Mr Acting Deputy President, on a point of order: I know these things are said with some merriment, but I do not think that is appropriate in the Hansard. I would ask Senator Sterle to clarify for the record.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—I am sorry. What did you ask me to do, Senator Ronaldson?

Senator STERLE—Clarify you were nodding off!

Senator Ronaldson—I know it was said in a light-hearted manner, but that is not correct. I ask my friend and colleague Senator Sterle to clarify that it was said with some merriment.

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

Senator STERLE—To carry on with Senator Nash’s comments, Senator Nash referred to, I think, the Principal of Loxton High, Mr Kent—I apologise; I cannot remember his surname. Senator Nash said that he had personally raised it with her—I think these were her words—‘years ago’, and then she repeated ‘years ago’. That tells me all of a sudden that this is not a problem that has been confronting rural and regional students in the last year or so; it has been around for a long, long time, and that is why this government is doing its best to change some of those dinosaur pieces of legislation that were there under the Howard government.

On that, over the 11 years of John Howard’s coalition government we saw the continual erosion of federal government support for Australia’s higher education system—no argument; it was there. The coalition parties were a lead weight on the future of young people for the 11 years that they were in office and they are still a lead weight, unfortunately, on the backs of a lot of young Australians. They talked a lot about higher education but basically did very little. In fact, they actually reduced opportunities for young people in this country to gain a university education. They mucked up the higher education sector when they were in office and now, in regard to this bill, they want to put more obstacles in the way of young Australians who are seeking to better themselves through higher education.

At last, however, Australia has a Minister for Education that has a very clear vision for the future of higher education and has the determination and courage to make it happen. The opposition has been making a lot of noise in regard to this bill in an effort to dupe young people and their parents into believing that opposition members of this parliament are concerned about young people and their ability to afford to participate in higher education. The cruel fact is that the opposition’s proposed amendments will do the opposite.

It is not just the government saying this; it is also the heads of universities across the country and the national student body. On Friday of last week, 13 November, the Group of Eight, which is the coalition of Australia’s leading universities, called upon the Senate to pass this bill. The Chair of the Group of Eight, Professor Alan Robson, Vice-
Chancellor of the University of Western Australia, had this to say:

The Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 will realise important changes to student income support announced in the 2009 Budget.

Professor Robson went on to say:

"Under the proposed new parental income test, a family in which two students are living away from home will be able to earn up to $140,729 before those students lose their Youth Allowance payments. Currently Youth Allowance for such a family would cut out completely at an income of just under $80,000.

"At the same time loopholes in the current legislation allow students from high-income families to access the full rate of Youth Allowance.

"New start-up and relocation scholarships for all students on Youth Allowance will make a big difference for 150,000 students who have not been eligible for such support before, especially—

I emphasise ‘especially’—

for families in rural and regional areas.

"The Go8 recognises that the Opposition has tried to listen to students and its rural and regional MPs. However, the Opposition’s amendments are funded by permanently cutting the new Start-Up scholarships which will leave 150,000 students worse off.

"Permanently cutting scholarship funds for a large number of students in need in order to fund a Gap Year for a small number of wealthier students should not be an acceptable solution to the Senate."

They are pretty strong words. Again on 13 November 2009, the Australian Technology Network of Universities, the ATN, stated in a media statement:

Successful passage of the Government’s student income support package (Social Security and Other Legislation (Income Support for Students) Bill 2009) … is a crucial element in redressing university access and participation and must be passed—

I repeat ‘must be passed’—

if income support is to reach those students who need it most.

The chair of the ATN, Professor Ross Milbourne, said:

“What seems to be forgotten in this debate is that more low-income students are going to get access to Youth Allowance without having to do a gap year at all, and that the thresholds for at-home are much lower than the thresholds for away-from-home.

Professor Milbourne said the ATN was also strongly opposed to Opposition amendments to slash the value of the Start-up scholarship from $2,254 to $1000 as a means of funding their proposed amendments.

On 19 October 2009, Professor Peter Coaldrake, the Chair of Universities Australia, which is the peak industry body representing Australia’s universities, had this to say in a media release:

The passage of the Social Security and Other Legislations Amendment (Income Support for Students) Bill 2009 will give effect to substantial and welcome reforms—

I will repeat that: ‘substantial and welcome reforms’—

… to student income support as announced in the May Budget in response to the recommendations of the Bradley Review.

Peter Coaldrake indicated that the changes contained in the bill will mean that more students will be eligible for youth allowance and at a higher rate than previously. He concluded by saying:

… Universities Australia calls upon all members of Parliament to support the amendments proposed in this Bill.

The position being taken by the leaders of Australia’s university sector in support of the bill as it stands is backed by the findings of
the recent review of Australian higher education conducted by an independent expert panel, led by Emeritus Professor Denise Bradley AC. The Bradley review found that: … current student financial support arrangements are complex and poorly targeted.

The report went on to say:
The entire framework for provision of financial support for students needs urgent reform.

What we also found out from this review is that the Howard government in 1998 created a loophole in the eligibility criteria for student financial support. This loophole has enabled a large number of students to get around the means testing of household income in respect to eligibility for Youth Allowance. Students can become eligible for independent status so far as the payment of the relevant youth allowance is concerned by earning $18,850 in a recent 18-month period or by working a given number of hours in paid work over a specified period of time. This can be achieved by taking a gap year and working in casual employment for that period or by being—and this is really interesting—employed by their families.

The Bradley review of higher education found that as a result of this loophole 36 per cent of the students receiving youth allowance are from households with total income above $100,000 and—this is an interesting point—10 per cent are from households with total income in excess of $200,000. In other words, taxpayer funding of youth allowance payments has gone off the rails. A substantial proportion of funding that was originally supposed to support higher education opportunities for people from lower socioeconomic backgrounds has been captured by high-income households and very well off families—46 per cent, in fact. It is no wonder therefore there is strong support from the broader community and from the higher education sector for the Senate to pass this bill without amendment.

The fact is that Australia’s universities have been concerned for a number of years about the persistent underrepresentation of people from low-socioeconomic backgrounds and Indigenous people undertaking university studies. For this reason in 2007 Universities Australia commissioned the Centre for the Study of Higher Education at Melbourne university to undertake a review of the participation in higher education of people from low-socioeconomic backgrounds and Indigenous people. The review’s steering committee was chaired by the Vice-Chancellor of the University of WA and included several vice-chancellors from other Australian universities. This gives a measure of the level of concern that Australian universities have about this matter.

The Universities Australia review found that, firstly, in the six years from 2001 to 2006 under the Youth Allowance policy of the Howard government, access to university by people living in regional and rural areas declined while the access to university by people living in urban areas increased. So much for the Howard government’s concern about people living in regional and rural areas gaining access to higher education. Secondly, the review found that the level of access to university by people from low-socioeconomic backgrounds living in regional areas was much worse than for people from low-socioeconomic backgrounds who lived in urban areas. In other words, under the Howard government, if you were poor and lived in regional areas you were in a much worse position than someone from a similar background living in or near the city wishing to go to university. It is all there. It is all in black and white.

Thirdly, the review found that the likelihood of someone from a medium-
socioeconomic background attending a university was only 56 per cent of that of persons from high-socioeconomic backgrounds. The same comparison between low- and high-socioeconomic backgrounds was, unfortunately, much worse. So you can see that, during the period of the Howard government, if you lived in an urban area and were well-off, your chances of gaining access to higher education were vastly better than if you lived in a regional area or came from a lower socioeconomic background.

Opposition senators have got absolutely no credibility when trying to lecture the government on the matter of rural student access to university. What we are seeing and hearing is overwhelming endorsement by the higher education sector of the measures contained in this bill to provide better and far more appropriately targeted income support for students undertaking higher education. We owe it to the large number of students for whom the Youth Allowance and other income support measures contained in this bill are vital to pass this legislation without delay.

I also have a current media release from the National Union of Students and its national president, Mr David Barrow. I would like to quote two lines from Mr Barrow’s media release so that, hopefully, we can hammer home to senators opposite and the Independent senators the importance of passing this legislation without amendment. Mr Barrow says:

This package is part of the regional solution. To block it makes it that much harder for regional students in 2010. This package is a step toward addressing regional disadvantage, not a step back.

Senator Ronaldson—Did the minister write it for him?

Senator STERLE—Mr Acting Deputy President, I will take that interjection from Senator Ronaldson. He is wide awake now; I will give him that. Senator Ronaldson is wide awake now and has come up with a stupid, ridiculous comment—something about Mr Rudd.

Senator Ronaldson interjecting—

Senator STERLE—Through you, Mr Acting Deputy President, I would like to email this to Senator Ronaldson—as long as his colleagues do not pinch his email and run off with it.

Senator Joyce—Mr Acting Deputy President, I rise on a point of order. I know Senator Sterle should be addressing the chair but he seems to have now turned his back completely to us. He has one leg up on a chair and is about to sit on the table. The next thing I know, he is going to go to sleep on us. If he could just keep his profile to the front of the chamber then I could possibly be more engaged with what he has to say.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Joyce, that is not a point of order—and I think you know that.

Senator STERLE—To the leader of the Nats—in the Senate, sorry—I am taken aback by that. I am quite happy that you do like my full frontal position. There are no worries in that case: I will talk sideways to you, Mr Acting Deputy President, whilst I look at the Leader of the Nationals in the Senate. I am glad you like my profile, Senator Joyce. If it is all right with you, Mr Acting Deputy President, I will address my remarks through you.

Senator Joyce interjecting—

The ACTING DEPUTY PRESIDENT—It is more than all right; it is appropriate that you do, Senator. Senator Joyce, please cease interjecting.

Senator STERLE—Yes, you are hurting my feelings, Senator Joyce. I would like to quote another line from Mr Barrow, the Na-
tional President of the National Union of Students, from his media release dated 16 November, I think it was. He goes on to say, and it is a message to those opposite:

If this gets blocked—

and he is talking about this legislation—

the Coalition and Senator Fielding have a lot to answer for to the school-leavers born in 1991-1992. They have blocked legislation that funds student life and representation and now they could rob over a hundred thousand of these students these new scholarships.

Those are strong words, and it would be 150,000 students if those opposite had their way. I have other press releases from the Australian Technology Network of Universities and Universities Australia. It is all here. One would think that it would not hurt opposition senators to look outside the square and have a look at what is going on out there rather than taking the emotive road on every piece of legislation. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT—Senator Sterle, just before you resume your seat: Senator Ronaldson raised a point of order earlier in your contribution when he asked that you clarify some of your comments. I ruled at the time that that in itself was not a point of order and that I could not ask you to do that. But, on reflection, I think the comments that you made at the time were a reflection on Senator Ronaldson and I would now ask you to withdraw those remarks.

Senator STERLE—Mr Acting Deputy President, I would be more than happy to withdraw those comments about Senator Ronaldson nodding off. It was not true. It was said in jest and I am sorry if it hurt the senator that much—I will get some flowers for you, Senator Ronaldson.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (5.56 pm)—That was a fine display by the back of Senator Sterle. I have noticed that since he has been here we all seem to have migrated to other seats but Senator Sterle is very nostalgic about staying at the back of the chamber and has remained there now for years. We heard an interesting contribution. He talked about ‘em-er-itious’ professor—I imagine that is some Portuguese professor. I have never met Emma Ritious, but when I do meet Emma Ritious I will have to find a good restaurant with her, I suppose. It was a fascinating contribution. He relied on a quote from the President of the National Union of Students, David Barrow—his friend, guide and philosopher on these issues. No doubt David Barrow comes from some wonderful confines nearby the manic monkey cafe of inner suburban nirvana-ville and he is issuing forth on regional universities.

The problem with this bill, the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, is that we have had a retrospective change in legislation that has been completely discriminatory against those who live in regional areas. You cannot just relocate somebody from a regional area midway through the university course given the upheaval and problems that this will cause. If this goes through, if what Senator Sterle wants comes to fruition, then we are looking at a person having to work 30 hours a week for 18 months. Exactly how is somebody in Dirranbandi or in Bollon going to do that? Or do we just say that they are no longer allowed to avail themselves of a tertiary education?

The essence of work in regional areas is that when it is there you go flat out—and that gave students the capacity to earn their $19½ thousand in 12 months, and therefore they could struggle through the first six months of the second year and get themselves a university or tertiary education. I think it is absolutely amazing that Senator Sterle says this is
some form of advancement. Then we had this diatribe that apparently it is all about the politics of envy. He came up with the percentage of those earning over $100,000 and those earning over 200,000—with 36 per cent earning over $100,000 and 10 per cent earning over $200,000. But he failed to talk about the other 54 per cent who do not. They were left out. They are convenient numbers that Senator Sterle puts forward to promote his cause.

I commend the work that has been done by the coalition and by my colleagues in the National Party Senator Nash and Senator Williams in bringing this to the attention of the parliament. I commend the work done by Chris Pyne in the other place in shining a light on how completely exploitative this change would be on people in regional areas. The burden of dislocating yourself from your regional town and moving down to the cities is a massive cost. Charles Sturt University analysed it as $15,000 to $20,000 a year in the Regional young people and youth allowance study.

Why is the Labor Party so intent, when it has collected so much opprobrium over this, to militantly stick to its guns and to then hold up the opinion of David Barrow from the National Union of Students as its shining light of why this is a good outcome? Surely, that shows a complete lack of capacity to find the more likely sources, which are the regional universities. I have noted that every one that Senator Sterle put forward was an overarching body that is reliant on government funding for continuation, and of course you are going to get a favourable hearing from them. It is the way of the government to go to people it funds to get opinions for political point scoring. The government likes that very much. When in doubt go to the people whose wages you pay and ask them to give an opinion about you. Of course, the opinion you get is always very favourable. What other opinion would you expect?

We now have the ridiculous proposition, the government’s interim version, that if you are 90 minutes away by public transport there is an exemption for you, but this says nothing about the people who come after this interim period. The greatest sense of parity that you can deliver to a nation is the capacity to educate with a sense of equality. There are many issues that bring about this inequality in regional areas and we should not be exacerbating that. I suggest that Senator Sterle have a more deliberate look at the inadequate resources that are currently placed in regional areas as the reason why not many people from regional areas are ending up in tertiary education. I suggest he talk to some of his state Labor colleagues and ask why the standard of education at regional high schools has to suffer because they do not have the resources. The state Labor governments have been so profligate and wasteful, and the people who have suffered as a result of that profligacy are those at regional high schools.

I also see problems in regional high schools such as bullying and a lack of education standards, yet the Labor Party close their eyes to this problem. They just wish it would go away. We have not managed to grasp the nettle that one of the main reasons we are not getting the progression from state regional high schools to university is that the state Labor governments have just dropped the ball on regional high schools. If there is no competition, students do not have the capacity to go to an alternative venue to keep some competition in the market so that the standards of all stay up; hence, the standard of the remaining school will fall. I have heard no critique from the Labor Party, although for a while Julia Gillard started moving towards a proper assessment of regional high schools. But then the left wing of the Labor
Party got hold of her and she started moving away from a proper assessment of regional high schools. We do not want transparency to tell you exactly how your regional high school is going so that you, the parents, know the capacity of that high school to deliver an education to their child so they can then go onto a tertiary institution!

The Nationals have been at the forefront, since Federation, of trying to get universities into regional areas. It has been an imperative. From Earle Page and Drummond on, we understood the importance of having regional based universities. We strived to get medical schools placed in regional areas. It is absolutely imperative that we have students from regional areas educated in regional areas to keep them in regional areas to provide the doctors, the dentists, the nurses, the engineers and—dare I say it—the accountants for regional Australia. What the Labor Party has proposed with this piece of legislation is yet another blow to not just regional universities but people living in regional areas in the future to get the services that are available in metropolitan areas.

This legislation will be the reason that someone who was going to go to a regional university to do medicine will stay in the workforce. If they have the capacity to work 30 hours a week for 18 months, you might just find that they stay there and they do not bother getting a tertiary education. That is fine for them. They will probably go on to make a lot of money. If they are very competent they will, but they will not go to university to become the doctor or the dentist—the person you need to look after such things as Indigenous health and dentistry in remote areas. This just goes to show the lack of capacity of the Labor Party to see the intricacy of the tapestry that is required to deliver an outcome to regional Australia. This just goes to show how arbitrary and mercenary the Labor Party can be: once they have made a mistake and the spotlight shines clearly on that mistake, they will not lose face. They insist on sticking to their guns when it is really such a simple issue that they could change.

We heard Senator Sterle talk about regional areas, but in all his figures he boxed regional and metropolitan together. He did not have the capacity to differentiate between the two because the Labor Party have not done the research between the two. They have not differentiated between the two, yet they put themselves up as the advocate for regional universities. Senator Sterle was lounging around with his foot on the chair and his backside on the table chatting to non-existent people in the gallery, but he did not have the capacity to actually tell us exactly what proportion of the figures that he delivered to this chamber are pertinent to regional Australia.

Of the 36 per cent earning over $100,000 a year, Senator Sterle, how many came from regional Australia? How many of the 10 per cent earning over $200,000, those evil families who have done the worst thing on earth and actually made a buck in life— and you can’t have that, people making a buck in life—came from regional Australia? I live in St George out in the south-west and I cannot think of too many people in my street who earn over $200,000. Maybe they are there and I am not aware of them. Maybe I should pop up to the local high school at St George, have a quick whip around the classroom and find out how many of them are earning $200,000, or even $100,000, a year. It is not many, I would presume.

What the Labor Party has done for that other 54 per cent is to make tertiary education virtually impossible. What happens? What do they do? Where do they go under this new arbitrary law of yours? In the past they would have gone flat out in the cotton

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season, the harvesting season or the fruit-picking season and earned the money to get across that $19\frac{1}{2}$ thousand threshold in order to avail themselves of a tertiary education. You have cut that out. Now in regional Australia you are miraculously going to make the melons grow all year round! You are going to make the cotton season go all year round. You are going to make those times of working flat out to earn a buck go all year round.

Now you want 30 hours of work a week, let’s look at what the Labor Party does in those regional areas and let’s look at all the things that people used to do. Every step of the way the Labor Party has placed caveat after caveat and impost after impost to try and make it more difficult to earn a buck, not easier. These are people who do not have a tertiary education and whose work covers everything from roo shooting and abattoir work to every form of seasonal work. You have made life harder, not easier. And now you have the gall to come in here and say, ‘Even though we have made life harder, we are going to assume that everything in regional Australia is exactly the same as metropolitan Australia.’ This is fascinating. I look forward to you providing services in regional Australia in the same form and fashion as can be found in metropolitan Australia. I look forward to the same numbers of doctors and dentists and the same access to child care, public roads, public transport, health and air transport. It is just not there. Yet you have made the assumption in this piece of legislation that everything is the same. It shows a complete and utter ignorance of the form and substance of your legislation.

The National Party and the Liberal Party will continue to try and get a better deal for regional Australia. It is the only outcome. It looks like the Independents, who are generally not a bad litmus test when something is completely off the beam, will not be supporting the Labor Party either. The rational thing for a party to do, if it was not obstinate and arrogant and had not already become conceited during its short term in government, would be to change that around. It would actually change its position. It would accept that it had made a mistake—and it is only human to make a mistake—and change it. But, no, what we are getting is this belligerent and obstinate statement that it will stick to its guns and run out and find third-party endorsements from such people as David Barrow from the National Union of Students. What a benevolent recommendation that is!

I cannot understand why when it is so simple to fix you have not bothered to go out and fix it. In the meantime I imagine that this will be defeated or successful amendments will be proposed by the coalition and the Independents. Then we will have a real test of the Labor Party’s capacity to take a breath and to go back and address the problem. We will see whether it can accept there is a problem and whether it can accept the dignity of the Senate in the proposition that it has put forward. We will also see whether or not the Labor Party actually has the capacity to make progress in this issue.

Everybody in regional Australia is now watching and waiting. The students do not have the capacity to avail themselves of 30 hours per week over 18 months. You can forget that. If they are going to do that, they are going to stay in the workforce. But this is what you have suggested. And people in regional areas do not have the capacity, like they do in metropolitan areas, to go home to mum and dad at night. If you are going to a regional university in Armidale and you live in Walgett then you cannot just jump in the car and go home. You actually have to stay in Armidale. But your legislation does not recognise that. What your legislation means is that in order to work 30 hours a week over 18 months you are going to head to Sydney.
to do it. And guess what happens to people who go to Sydney to work? They generally stay there. Once they stay there that is the loss of another asset to help the services in regional areas. Our greatest loss is that people who have the capacity to work 30 hours a week over 18 months will decide to work 50 hours a week over 15 years. They will find themselves a new occupation and that is where they will stay. Alternatively, they will end up down the track at a metropolitan university and that is where they will stay.

I am interested to see how this dovetails into all the other Labor rhetoric on how they are going to look after people in regional and remote areas. How does it dovetail into their idea of delivering services to Indigenous communities? How does it dovetail into their idea of equity and parity across the Australian nation? What they have devised in this legislation is a little piece of nastiness for a very specific group in society—and that is the people living in regional Australia.

Senator BACK (Western Australia) (6.13 pm)—I appreciate the opportunity to comment on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. I am sure there would be nobody in this chamber who would not want to see young Australians given the opportunity to realise their potential through education, including tertiary education. As a young person from rural Western Australia, I would have had no opportunity at all to go to veterinary school in Queensland had it not been for opportunities given to me. Additional to that is the fact that I taught for some 14 years in rural universities. So I have a very keen interest. I can assure Senator Joyce that the trip from Brisbane back to Perth was only once a year if you were lucky.

Therefore, I have concerns about the move and the direction taken by the Minister for Education in her attempts to reform Youth Allowance. It lets down young people who have made decisions based on advice from Centrelink and their advisers and counsellors in schools. They have started the process of their gap year on the conditions they understood, only to see them changed. It is a fact that they have changed back as a result of the minister examining this more closely—for a limited number, but not for the lot. About 4,000 to 5,000 students will be advantaged by the changes the minister was forced to make as a result of pressure placed on her by the coalition, but there are still about 25,000 students who will miss out, particularly those students from rural, remote and regional areas. It is those about whom I have the greatest concern.

We heard our colleague Senator Sterle mount a very cogent case for the need for support for rural and regional students. He made the point about city students, urban students, and you only have to look where all the universities are in our cities—they are in higher socioeconomic areas and, therefore, obviously those who reside in the cities are going to have the greater opportunities. That will always be the case. But Senator Sterle was in fact trying to make the case—although he did not realise it—for greater support for rural and regional students. And that is the case that I want to see. Of course we want to see greater participation by lower socioeconomic youth in this country in higher education, and of course Indigenous youth. We know that the way forward for the Indigenous youth of this country is primary education followed by secondary education and, where possible, a greater participation in tertiary education. But we need to see far more of that.

Basically, the changes, as they have been suggested, will impact severely on rural and regional students. I want to address some of those impacts. We have heard in committee meetings about students in their final year at
school who have gone to their principals requesting applications for scholarships, but on the basis that their parents not be told whether or not they were successful—because, if they are unsuccessful, they do not want the pressure to be put on their families to try to get them to university or higher education. There are instances in families, farming and other rural families, where guilt is a real issue for these children. Maybe others in the family will not be able to afford the sorts of education that they want. Maybe because the family farm has been affected through drought or other conditions, or because of the high value of the Australian dollar—for whatever reason—they actually do not want to put their families through this sort of burden. How terrible is that for young Australians at that stage of their lives—high achievers, often, who have overcome the natural disadvantages that often occur in Australia, where educational opportunities in rural areas are not available to the extent they are in the city? And then, having achieved well, they simply cannot realise that potential. Basically, that is what we need to see change.

It starts with parity for all Australian students, regardless of where they reside. In the main, you cannot go to university from rural or regional areas; you have to move to cities or to larger regional centres. What is absolutely essential is that we move to a circumstance in which there is parity in terms of accommodation before we look at any other issues. In other words, if you come from a rural or regional area, you cannot travel to that institution each day. The 90 minutes by public transport is one that I accept. But, if you cannot achieve that, then in this country we must have a circumstance in which every student is equal in terms of their accommodation before they start their higher studies. Whether that is residing at home, whether it is residing in university colleges or whatever, it is absolutely essential that we achieve that.

I have had a lot of communication coming from Western Australia from the Isolated Children’s Parents Association, a group that is naturally highly concerned that their children have the opportunity to participate in tertiary and higher studies. They are seeing very strongly the fact that their children are being denied this. The recognition of the costs of living away from home—transport back to home, as we heard earlier—must be balanced out with urban students. The Isolated Children’s Parents Association pleads for some sort of tertiary access allowance. However that is undertaken, it must absolutely, critically, be examined.

That brings me to another issue, which comes up again and again—that is, the basis on which we determine socioeconomic status. Largely, it is determined on postcodes. That may be appropriate for Australia’s cities. It might be easy to identify those suburbs by postcodes. But, if you look at rural and regional Australia, very often the one postcode covers an enormous geographic area. And it will also cover an enormous range of socioeconomic bases, from businesspeople through to people on farms, owning farms, working on farms, to those who may only have part-time jobs or may even not be employed. Therefore, the use of postcodes as a determinant must be changed.

We come then to the new workplace participation criteria. These include a requirement for a minimum of 30 hours work per week for 18 months. For somebody just leaving school, the prospect of getting 30 hours work per week minimum is remote. It is almost negligible. I have put the question in estimates: what about a scenario when the crayfish season is running, when there is fruit picking available, when a crop is going...
in or a crop is going off? Young people might be working 100 hours a week. Is it possible to calculate back and have an average of 30 hours a week? The answer has been no. There is some logic to a scenario in which, if you are working 100 hours a week, it is credited to you, but you only get 30 hours credit. And when in another week you work 29 hours, of course you have failed the criteria. This is unacceptable. This is nonsense. Everybody can see that those circumstances are not particularly difficult to change. What we need is to have a combination of both. We need to have a scenario where the existing terms and conditions apply for someone who decides to take a gap year—that is, 15 hours a week for two years or the 30 hours a week for 18 months. But I plead that that 30 hours be an average over time, not a minimum.

I also ask the question, as one who would have been challenged with this particular circumstance: if someone cannot actually achieve 30 hours of paid work a week, but they are so desperate that they have given up their 18 months—and, in many cases, that is really equivalent to two years, because they probably cannot start university until the following February—why couldn’t we have a circumstance in which up to five of those 30 hours might be voluntary work, inputted to accredited service providers in the social and community areas?

That is a circumstance in which effectively that person is still committing themselves to 30 hours a week and there is an added benefit hopefully to members of the community, whether in the aged-care sector, the environmental sector or wherever—there will be plenty of opportunities for us to look at and we will not need to condemn these young people to a circumstance where they are not going to be successful. In many instances these people are going to have to move away from home. We know that in rural and regional Australia we want more educated young people in our communities. If they go to cities and never come back to those country towns they are lost as young professionals, they are lost as families and they are lost as contributors to those rural communities. We cannot have that in this country, I submit to you.

Basically what I am pleading for is a circumstance in which we do not disadvantage those who have gone into their gap year based on what they believed would be the circumstances. We must have legislation that protects them and covers them, and we must also allow a circumstance in which they can continue, if they are going to move to the 30 hours a week for 18 months, and they can win. Otherwise we are setting them up to fail. I cannot for the life of me see why we would be setting them up to fail.

I want to come to the question of eligibility for youth allowance in terms of assets. Under the guidelines if a family’s assets, including the family home, exceed $570,000 then they are not eligible for youth allowance. In the case of primary producers in agriculture that figure is extended to $2.286 million in terms of net farm assets exclusive of debt, which would include the land, the improvements, the stock, the machinery and the plant and equipment. You might say that $2.286 million sounds a very generous figure, the argument being that if a family’s farming asset exceeds $2.286 million they can afford to have their children at universities in the cities without further assistance from the government. Let me put that into perspective for you, and rather than use any figures that might come out of my head let me give you the figures from the Bureau of Agricultural and Resource Economics which were released in April this year for the period 2006-07 to 2008-09. These were divided into five different farming types: wheat and other crops, mixed livestock and cropping, sheep enterprises, beef enterprises and dairy enter-
prises. Remember the figure of $2.28 million, because for every single solitary one of those five sectors, according to ABARE, the asset values well and truly exceed $2.28 million.

In the case of our own wheat and sheep farming enterprises in Western Australia there would be very few farms that actually do not have a net asset value of around $6 million and so you would say, ‘Gracious me, there is no need at all for any support.’ But let me relate to you the farm cash income for those enterprises—it varies from $147,000 down to $25,000 for beef enterprises. Go a stage further and talk about what you actually have to spend on your children in the city after you have paid all your costs. According to ABARE, for those five groups the farm business profit—the average of the last few years—for wheat and other cropping was $33,000 and for mixed livestock and cropping there was a loss of $25,000. You might ask why profit is so low, but you only have to have a look around Australia in the last few years to see how farming has gone. In my own state of Western Australia we will probably harvest between eight million and 12 million tonnes of wheat and yet, with the value of the Australian dollar up around US$93c, the glut of wheat around Australia and the increasing cost of inputs, most of our wheat farmers will not actually make a generous profit at all despite the fact that the season in many areas is fantastic.

For sheep enterprises ABARE shows a loss of $42,000, for beef enterprises a loss of $43,000 and for dairy enterprises a profit of $127,000. The point I want to make, and that everybody needs to understand, is that to turn around and say that there would be very dangerous for their long-term viability. I make the point again that the difference between the capitalisation of farming enterprises and non-farming enterprises in Australia is significant. I also have to make the point that there would not be too many enterprises with net assets of $2.28 million that could turn a profit unless it was an intensive horticulture or related activity.

In April 2008 Universities Australia announced some of the areas about which they had concerns for tertiary education opportunities in Australia. We have heard some of that quoted by some of our colleagues. What is interesting is that Indigenous students seem to have less opportunity and fewer advantages, and legislation must be directed towards improving those opportunities. The third group is the higher socioeconomic students, and we should not be throwing babies out with the bathwater because families in higher socioeconomic groups can afford to have their children at university. The ones in the middle are the ones we must address ourselves to, and that includes rural and regional students. The informal conclusion of the vice-chancellor chairman of that Universities Australia group was very interesting when I had a discussion with him about that topic. He made the observation that over the last 50 years, regardless of the conditions for students going to universities—whether universities charged fees or were free, and with the introduction of scholarships and the intro-
duction of HECS—there actually has not been a significant change in the attendance of students from lower socioeconomic families when conditions have changed. What has impacted heavily over 45 or so years of government policy changes has been the capacity and participation of rural and regional students in tertiary education. I want that point to be remembered. An interesting point was made by Victorian vice-chancellors, that the objective is 20 per cent of lower socioeconomic people attending university. They made the observation that in Victoria they are already at 20 per cent for young women; they are not yet anywhere near that for young men.

Sitting suspended from 6.30 pm to 7.30 pm

Senator BACK—I just reflect again on a statement earlier, that everybody in this chamber wants to see young Australians given their opportunity to realise their potential through higher education. I hope earnestly that we can work with the government to achieve that goal. The point being made, of course, is that rural and regional students are likely to be disadvantaged in the proposed changes. I make the plea that we can come to an arrangement whereby that does not happen.

One of those areas is the proposed change to 30 hours work per week for up to a period of 18 months. That is practically impossible for students who are just leaving school. That provision is very good for those who have been in the workplace for a period of time; those who may have already been undertaking 30 hours work per week and who are ready to leave the workplace and go back into higher education. That needs to be applauded. The problem, of course, relates to the school leavers, for whom a minimum of 30 hours work a week in an 18-month period will be practically impossible in most instances, especially in rural and remote areas.

I conclude my discussion this evening with a plea that we need to tie funding and direction not just to participation at tertiary level but to success at tertiary level. Too often we refer to, focus on and concentrate on those policies and strategies that just get young people into places of higher education. That is critically important, but there needs to be incentives, financial and otherwise, that will ensure young people understand the commitment, obligation and sacrifice that are made by families, government and taxpayers so that they have a very strong desire to actually graduate, achieve and get back into their workplaces.

From my experience teaching in the university sector, I make the observation about what I call ‘wastage’ of students from those who leave school with the intention of going on to higher education. If we call them 100 per cent, then for those who take a year off and have a gap year the loss is around 30 per cent. For those who take two years prior to going to university, we do not know the actual figures but they are probably as high as 50 per cent of those who get into the workplace, or travel or do whatever but do not return to tertiary study. One of the concerns I have with the aspect of 30 hours a week for 18 months relates to when that 18 months may well become two years simply because they cannot start their courses until the February of the following year.

I conclude where I commenced: the opportunity for a young fellow, with a very short socioeconomic background—very difficult circumstances in my own family’s case—to go to university in Queensland through the agency of cadetships. A five-year cadetship to a state department guaranteed you employment at the end and ensured that you had to work but, of course, paid for your
travel, your education and a sustenance allowance. I do make the plea in the overall circumstance that when we are looking at for the future of young people, especially in regional and rural areas, we consider the opportunity of a return to cadetships.

Senator WILLIAMS (New South Wales) (7.34 pm)—I do not intend to make a long speech about the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, but it contains issues I am very concerned about. I commend my colleague, Senator Back, for the argument he has put forward about tertiary education and the effect on regional areas in Australia.

It is concerning that 33 per cent of regional students completing year 12 go on to tertiary education, but in the city areas that is 55 per cent. That is a concern in itself. In regional areas we are desperately short of many professional services: doctors, dentists and nurses—these people have to go to university and those people from regional areas who go to university are most likely to return to the regional areas. That is the argument we put forward this evening.

The goal for the government should be to provide opportunities for all Australians. That was the message that Mr Rudd had for the Australian people before the election: the Rudd education revolution. This is wrong, and what concerns me is that those seeking to declare themselves independent from their parents and get the independent youth allowance must look for 30 hours a week work for 18 months. Where are those jobs in those small regional communities? Go out to those regional towns—Bourke in New South Wales, or Gilgandra, Coonamble or Coonabarabran—the jobs are simply not there. On completing year 12, those students will simply take a gap year, which will now have to go to two years, and be forced to go to the cities to seek work and qualify for the independent youth allowance, which I think is $371.40 a fortnight.

To defer for two years is a problem in itself. As Senator Back just said, of those who defer for one year 30 per cent do not go on to tertiary education. If they go on to two years—and many universities will not defer for two years; that is a problem in itself—those people may well lose interest in study. Perhaps they will have a blue-collar job and simply not return to tertiary studies, and we will lose those specialists that we so desperately require. I especially relate those essential services to dentists. In rural and remote areas we only have 17 dentists per 100,000 people, but in the city areas we have 55 dentists per 100,000 people. That is a concern in itself.

I look at the asset test, and it is simply unfair. Many in rural Australia will not get youth allowance because their parents are asset rich and cash poor. Someone might have a thousand acres of land, some machinery and some stock. If they do not owe any money, they can break the threshold of the $2.286 million; hence, there will be no youth allowance for their child. But their income on 1,000 acres may be as low as $30,000 or $40,000. They are not wealthy people. They are wealthy in assets but they do not have cash, and the tens of thousands of dollars that are needed to educate their youngster through a tertiary education are simply not there.

As Mr Pyne said in the other place on 20 October 2009:
Students from farming and small business backgrounds in the country are often ineligible to receive youth allowance as dependants because the value of the average Australian family farm is significantly higher than the level of assets allowed under the test. However, the average Australian farming family cannot afford the tens of thousands of dollars required to support their
child’s move and their accommodation and living expenses while studying at university.

If that child were from the city, where they could stay at home to attend uni, but their parents did not have the asset then they would be eligible for the dependent youth allowance. That is simply unfair.

I also want to bring up what the Labor member for Ballarat East, Geoff Howard, said in a Victorian inquiry into youth allowance. He said that he was:

… concerned that the specific circumstances of rural and regional young people still have not been adequately addressed. Already, many such students defer their studies to meet eligibility criteria for income support and this route to financial independence is set to become even more difficult under the new system.

That was a Labor member of the Victorian state parliament who wrote that. It was not a coalition member, but a Labor member who is the chairman of the education and training committee. The committee believes that the removal of the main workforce participation route will have a disastrous effect on young people in rural and regional areas—and how right they are.

I look forward to the amendments to this legislation proposed by the coalition. The legislation is wrong in itself because it is retrospective. Those who completed year 12 last year, 12 months ago, sought advice from organisations such as Centrelink and people who were giving advice on careers et cetera. They took a gap year believing that the $19½ thousand gross earnings would get them the independent youth allowance, but now those regulations have been changed. The goalposts have been changed halfway through the game. That is wrong, and it affects some 25,000 students currently in their gap year. The government should not introduce retrospective legislation that affects those people. It is going back on what those people genuinely believed in as to what they were doing with their future careers and tertiary educations. To me, that is wrong and should also be amended.

I look forward to the coalition putting forward those amendments to get this legislation right. It is unfair for people, especially in regional and rural Australia, who want their youngsters to get a tertiary education. I have quoted the figures and they are disastrous. There must be a fair and equitable situation in Australia in which our young have the opportunity to get a tertiary education, regardless of where they live in this country, especially so that those from regional areas can return to those areas and deliver vital services that we so desperately need.

Senator XENOPHON (South Australia) (7.40 pm)—I rise to speak on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. This is a bill about which, a number of months ago, I had a lot of correspondence, which I will allude to shortly. This bill has been developed in response to the Bradley review into higher education. This review focused on the current situation and future challenges facing higher education in Australia. It was led by Professor Denise Bradley, who has had a prominent and successful career in higher education, including a long stint as Vice-Chancellor of the University of South Australia.

Throughout her career, Professor Bradley has consistently advocated for those experiencing social disadvantage and, particularly while at UniSA, has sought to build professional and community links between the university and some of Australia’s most economically challenged communities in Adelaide’s northern urban fringe. One example of these kinds of links was the recently completed research project between UniSA and 10 schools in Adelaide’s north. The Austra-
lian Research Council’s linkage project between the school of education, the northern areas secondary schools principals’ network, the South Australian Education Union and SA’s social inclusion unit sought to contribute to social sustainability and regional capacity building.

In short, the redesigning of pedagogies in the north project worked with teachers in disadvantaged schools to develop new ways of teaching to address poor retention rates and engage students in their learning by connecting student learning with their lives in the community. Of the numerous innovations and findings of this project, one stands out as significant to debate on this bill. This project found that teachers who came from and lived in the community in which they taught were often more effective in engaging students in their learning. This was found to be more than having opportunities to build relationships outside of school. It was also about understanding the needs and interests of students and their communities.

While some of those communities face challenges of social disadvantage, poverty, conflict or trauma, such an understanding is vital to professionals being effective in their service to those communities. It also goes some of the way to addressing difficulties and attracting people to work in areas that are doing it tough and reducing professional churn, with the resulting challenges of retraining professionals and retaining service quality. While this study focused on teachers working in schools and urban fringe communities, the idea that people from socially disadvantaged communities received training and returned to those communities will make sense for other professions. This idea will also make sense to those living in regional communities.

I believe the issue of improving access to university to those from areas that experience social disadvantage is vital. Therefore, it is significant that the Bradley review found that there were significant barriers to entering university for Indigenous and regional youth, as well as young people from lower socioeconomic backgrounds. One of the major reasons stated in the review was that current levels of income support are inadequate for these students. In response, the Bradley review made a series of recommendations, several of which are taken up in this bill. Broadly, this bill changes the criteria by which a student may be deemed independent for the youth allowance, changes the means testing arrangements for payments to students and youth, introduces new scholarships for students on income support for their study and removes equity and merit based scholarships from income tests.

More specifically, in relation to changing the criteria for independence, this bill will, firstly, gradually reduce the age for being considered independent from 25 to 22 years by 2012 and, secondly, prevent a person from claiming independence through part-time work. In relation to changing the means testing arrangements for payments, this bill will lift the parental income eligibility test from $32,800 to $44,165. This will allow more young people to qualify as independent; will reduce the taper rate on parental income to 20 per cent, which will also lift the point at which students can qualify; and will increase the personal income test from $236 to $400 per fortnight, which lifts the amount that students can earn before having their payments reduced. That is something that is welcome. I thought it was very petty; at that level it was simply too low.

Finally, this bill initiates a new student start-up scholarship of $12,127 for each six months of study and a new scholarship of $4,000 in the first year and $1,000 every year after for students who need to relocate for study. As the Senate Rural and Regional
Affairs and Transport References Committee report noted, the vast majority of these changes are largely uncontroversial; however, there has been much public concern about the impact of these changes on regional students, particularly those who have chosen to take a gap year to gain independent status. I share these concerns.

I first became aware of this issue in May of this year, when my office was contacted by people expressing their dissatisfaction after the measures were announced. I took these concerns to the office of the Deputy Prime Minister and requested a detailed response. Around that time, the media became aware of this issue, and my colleague Senator Sarah Hanson-Young advocated a review into these concerns—a position that I shared. My response at the time was to say that I would support such a review should the response from the Deputy Prime Minister be either not detailed enough or inadequate. I believe it was not at that time, so I supported the review by the Senate Rural and Regional Affairs and Transport References Committee which commenced on 17 August this year.

However, I was encouraged to see that the minister announced on 26 August that students who have taken a gap year and live more than 90 minutes away from university by public transport will be entitled to claim independent status for youth allowance until 30 June 2010. This is an extension of six months on the previous starting date for the new independent status arrangements. Due to these changes to the independence criteria, the government has estimated that, of the 30,700 students who would otherwise be ineligible for independent status, 5,000 will be covered by the minister’s decision to extend the start date by six months and 12,500 will still gain independence because the increases in the parental income threshold will mean that they will qualify. This leaves approximately 12½ thousand students who could miss out or receive smaller payments because they are living at home with their parents on too high an income.

The response of the coalition is that all of these 30,700 persons should be covered, and it is proposed by the coalition that the start date of the new independence criteria be pushed back by a further six months and that the size of the student start-ups be reduced. Further, the coalition estimates that rolling back the start-up by 12 months will cost some $573 million. I think that is correct, but I will stand corrected if it is not. However, the government has made it clear that it does not intend to support any amendment that is not revenue neutral. Consequently, the coalition has supplemented this change with a second measure that is estimated to raise $696 million. This change is to cut the annual student start-up scholarship by $1,254 per year. However, the government claims these changes will not be revenue neutral; rather they will cut funding significantly beyond the forward estimates. It is in this context of claim and counterclaim that I am attempting to formulate my response to this bill. I will be listening carefully in the committee stages as I wish to hear both sides substantiate these claims. Providing adequate evidence will be crucial to my final decision. An evidence based approach is always a good thing.

I also think it is appropriate to note the work done by the RRAT References Committee on the issue of regional students and indicate that I believe there is merit in the committee considering a regional tertiary entrance fund. I commend the work of members of that committee, in particular Senator Fiona Nash, the chair. It is my understanding that Senator Nash has a second reading amendment to this end, and I call on the government to give its full support with some degree of urgency to any investigation into
new measures to provide specific support for regional students to start study at university.

The issue of assistance for regional students is one of the utmost importance to me. I acknowledge that some regional students will be better off under the bill due to the new scholarship arrangements, but I believe that there is a lot more that can and should be done. The disproportionate cost of relocation and living at home for country and regional students needs to be addressed, particularly for those in more remote areas. The possibility that hardship criteria for independent youth allowance status could be extended to students from remote areas is worthy of consideration. I also believe that the government should seriously consider bringing forward its review of regional loading.

My colleagues have indicated that they intend to introduce a broad range of amendments, but the theme is a common one: how do we support more regional students entering tertiary education? If the government wants the support of the Senate for this bill, the onus is on it to provide much more information as part of the committee debate to indicate its plans to address these challenges. With these things in mind, I broadly support the changes to scholarships proposed in the bill. I also note the overwhelming support for this bill voiced earlier today by university vice-chancellors and student unions.

Finally, I welcome the way that this bill embraces many of the positive recommendations of the Bradley review. I think there is considerable scope for reform. This bill addresses a number of those issues. My concerns are in relation to regional students and the whole issue of the potential retroactivité of the bill. I understand it is a difficult policy issue. We are not dealing with a magic pudding—we have a limited amount of money to deal with this—but I think that the government needs to take up with some urgency the concerns expressed by the RRAT References Committee and the concerns expressed by Senator Nash and by others, such as Senator Hanson-Young, about how not to disadvantage and how to go forward with the issue of regional and disadvantaged students having access to our tertiary education. With those comments, I support this bill at the second reading.

Senator SCULLION (Northern Territory)
(7.51 pm)—As you know, Madam Acting Deputy President Moore, I come from the Northern Territory. As I travel around the territory, I could unsurprisingly find myself in any place in regional or rural Australia. I could be in Katherine, Tennant Creek, Alice Springs or Nhulunbuy. Of course we are a long way from anywhere; but most particularly we are a long way from university. As you would appreciate, it is a great tragedy that in our universities—for the benefit of Senator Xenophon, who is just leaving and whom I know is very keen on scientific evidence and on this issue—those people from regional areas who go to university are outnumbered by people from metropolitan areas two to one.

I can tell you, Madam Acting Deputy President, because I know you will know and agree with this, it is not because people from rural and regional Australia are a bit thick. We have some of the brightest men and women in regional Australia. It is just the same wherever you come from. We are Australians. Given the same opportunities, this place can close that gap. We talk about gaps in this place. If you come from Tennant Creek, Alice Springs, Katherine, Nhulunbuy or any of the regional centres around Australia, you have half as much chance of attaining a higher education and, in fact, making a contribution to the economy of this country, a social contribution, a contribution to science, or one of those wonderful contributions to a breakthrough in so many of the chal-
challenges that face our community. You may come from regional Australia but you only have half as many chances of getting there and making what I consider a very special contribution.

There are a number of reasons for that. Much of it is that if you have to travel such a long way from home, it is very, very difficult in a social sense to be completely dislocated from your community, your mates and your family. It is not like you can go down to the pub with your mate: ‘How did you go today?’ ‘I did a bit of study and a couple of units on this.’ You are completely dislocated from your family. Generally as a young man or young woman starting university, you are leaving school and you have been in a very protected environment for a very long time. You are stepping out into the big wide world and it is just so important to be able to have those connections. This place cannot alter that. We know that those things you cannot change contribute to the fact that only half the people go on to higher education. There are a whole lot of wonderful reasons that they live in regional Australia, and that is their decision.

But tragically, I believe that the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 will add to that number who do not go on to higher education. It will take away further opportunities from those people in regional and rural Australia to contribute to this great nation. There is also the financial cost, and what this legislation fundamentally does not deal with is the element of how you actually get there. Let me tell you, if you are in Katherine and you need to go to Melbourne university to make a contribution as a doctor—and I know a young lady there at the moment—it is a long way to travel. You have to find the money to travel to Darwin and then you have to get on a flight down to Melbourne via wherever. It is an expensive business. You can say: ‘It’s all right. You only have to make that twice a year.’ That would be great if it were the case.

We also know that there are a number of costs involved in setting up a home in about the same location as the university. I always used to think that living on campus was the cheapest. Obviously, I am very dated, Madam Acting Deputy President. As a young bloke, it was always cheaper to live on campus than it was to live in a shared house in Canberra, but that is not the case anymore. It is very expensive, I am led to believe, to live on campus and not the other way around.

For Senator Xenophon’s benefit, in the guide for country students published by the University of Adelaide a guide to the costs involved in living in Adelaide was provided and the cost of living estimate is stated as being between $290 and $495 a week. These are basic living costs and do not include the cost of textbooks, running a car, that are faced by all students regardless of where they have lived prior to university. If you come from one of the places that I talk about—and you know about it, Madam Acting Deputy President—that is an extra cost that is not a choice.

I might have hated mum and dad, and mum certainly hated me. I was a scruffy bugger, and she wanted me to move out, but I had a choice. I could have lived at home. But whatever the case was, the fact that I had a choice put me in a completely different demographic than someone in Tennant Creek who has to pay that. It does not matter what you do, you will be paying a significant amount of money every week simply to get the benefit of a university education. Of course, this goes to the crux of the issue which is that regional and remote students face that just to go to university where their city colleagues do not. And still we see that there are only half as many people who go.
That is pretty bad. But if we change that, if we take away the capacity that people have under the current situation in legislation, it may not be perfect. If we take that existing capacity away, clearly, that number will grow, and that is not in the interests of those individuals or the contribution they will make to the nation and is clearly not in the national interest.

The financial obstacles have been mitigated in the past. They were able to take a gap year to become eligible to receive the independent youth allowance. A student was able to cover the additional expenses that they may have saved or otherwise during that time that were not faced by a city resident, and that ensured that there was at least some level of equity in the ability to access tertiary education. So whenever legislation is introduced in this place there are inevitably winners and losers. That is just part of the deal here. There will always be someone who will be on the outside. That is in the nuances and I accept that. But the role of parliament is really to ensure that the net result is good for the country as a whole. I am not talking about country. I am talking about the nation because clearly this is not going to be good for the country or the bush.

This legislation, whilst designed to provide greater assistance to those who need it will also return savings to the government over the forward estimates, and I think that is what we need to look at. Clearly, there will be a net saving of some $30 million. I understand it was some $100 million. We have allocated $70 million of that to another demographic of people who are doing their master’s. I am sorry if people are shaking their heads over there. I may have got that wrong. Anyway the net would be some $30 million—and thanks for your help. Taking this into account there is still a real bonus for the government coffers and I am not suggesting any particular mischief. The change is, if you consider the net benefit of $30 million and the net benefit to this country, that those students from rural and regional Australia, who depend on the current legislative circumstance, can continue to access independent youth allowance so that they can go and make this contribution. I think $30 million would be a pittance over the years. Forward estimates is a very short period of time but if you think about national interest and the contribution that these individuals will make over their lifetime, that will make a substantive difference to Australia and a substantive difference to those issues I have already dealt with.

Where once eligibility was gained through a gap year when you earned $18,500 in 18 months, a lot of people gained a bit of experience in that time, they could because they knew it was a contribution to allowing them to be able to move away from home and get access to a university education. It was handy. People were encouraged to do it because there is a great deal of experience you need to gain after school, which is a very protected environment. They got out and normally worked for six months or so, saved the $18,500 and then hooked it up. Who would not after a life in school? I certainly did. It was a great opportunity for people to get a bit of experience, to earn the money and demonstrate that they had independence. Under this legislation that opportunity is denied. If that is denied, families have to find between $12,000 and $15,000 just to get their child to university, before any other costs are covered.

One of the great tragedies about living in the bush is that there is a Solomon’s moment; which child do I send to get an education? It is the case even now that they have to make a decision: do I pick the brightest one? Is it the oldest? As for me, I certainly was not the brightest. It is going to get a lot tougher because they are going to have to
give money to one less kid or they are going to have to compact their resources. Resources do not just come and go because you have a challenge in the bush—or in the city. Your circumstances remain the same. Through this legislation we are saying: ‘The circumstances that you now have have changed. I’m sorry, but the money you may have been able to earn in demonstrating independence you are now going to have to find some other way.’ Of course those parents are going to have more than a Solomonic moment, and that is going to create a great deal of difficulty in the bush, which already has sufficient tension in so many other regards.

What is being proposed is that you have to work 30 hours every week, so you have to get a full-time job. Full-time jobs 30 hours a week are a bit thin on the ground in Tennant Creek. I will give you the drum, Madam Acting Deputy President: they are pretty hard to find. People say, ‘Move away to Darwin.’ By the time you have covered your accommodation in Darwin that is a net loss, so that is really not going to work. That is a particularly onerous aspect of this legislation and it really is not a good thing.

I said before that the notion of a gap year—just kicking up your heels and doing a bit of work—was a great thing, but sometimes it is not such a great thing. If you are working effectively full-time for 18 months, you think: ‘It’d be nice to have a car to drive to work. The donkey’s getting a bit old. I’ll trade it in, get a VW and go to work that way. How do I do it? Well, we’ll get on the murray.’ The old banks—I know they made a $16 billion profit between the four of them—are there to help you out. So you think: ‘I’ll get on the murray. I’ll buy a car to get to work. That makes it a bit easier, but I now have an obligation to keep working.’ It is funny what happens over 18 months. It is around the time where the opposite sex are particularly attractive. I still find them very attractive, as does Senator Fifield! In the period of time after you leave school there are other distractions. Getting a full wage over 18 months in the workplace provides all these other distractions, so more and more of the people who will be required to do this—and they do not have to do this in the city; they can have all their distractions and still get to university—may well make the choice: ‘I’ve got a financial obligation. I can’t just give it away. I can’t just give it up. I’ve fallen in love with Jeremy’—or Rose or whoever it is—and suddenly their life changes. So in that demographic we are going to lose more people who make that decision simply because legislative changes ensure that they take a particular road.

The modelling and assessments about what may happen to those in regional and rural Australia have not been completed. There are probably some very good reasons for that, but if we were looking at this legislation in the context of some good scientific data—which only does not exist because it was not done by this government—we would be in a much better position to evaluate it.

There are a number of other issues. One of the government’s main selling points for this legislation is that the family means test has been relaxed, enabling more students to become eligible for full- and part-time allowance. That, coupled with the new Start-up Scholarship, is claimed to provide greater benefits for those who really need them. That is probably right but, again, we have to be careful in this place about how many losers and how many winners there are going to be. We have already supported many of the people who are now moving on to their master’s. I am not going to belt them particularly, but we have selected a group who are going to be winners. There have to be losers, given that there is a $30 million win for the government.
There is a flawed assumption by the government about families with significant assets. I will not criticise the government, as I sometimes do in this place. They have made that decision because they simply have not done the work on the impact on those people who live and work in regional and rural Australia. Of course country people have often been described as dirt rich and cash poor. Of course that is the case. You cannot necessarily make money out of the sort of equipment and machinery that people have lying around the place, but you need it to run the farm. So they are still not going to be able to get through that assets test. That reality has been either ignored or dismissed by the government, and that is very sad.

I touched on the realities of living in places like Tennant Creek and Broome. To get access to a university education under independent youth allowance you have to find a job. But those are pretty small places, and I am sure I do not have to tell you, Madam Acting Deputy President Moore, that the employment opportunities are very different. If they are going to go and make this, they are not going to move to Melbourne, Sydney or Darwin. Even in Darwin it can be pretty tight on the ground, and it is getting tighter. So people are going to miss out on a higher education not through any fault of their own or our own. But this legislation simply does not recognise the difficulties. It is like saying: climb the mountain, kill the 20 dragons and maybe you can talk to the princess or borrow her thong. There are too many obstacles in the way to ensuring that the number of students from regional and rural Australia that can make a contribution to this nation grows. It is not going to grow if it is indexed to population; it is going to shrink. I believe quite sincerely that there are barriers that are being put in the way. The reason that the government are putting forward this legislation is they either do not understand or have not done sufficient research in this particular area to find out about these areas, which I do not think they understand at all.

I am sure that, being from regional and rural Australia yourself, Madam Acting Deputy President Moore, you would know that, if you live in a country area and your son has a bit of a speech impediment, you do not stay there if there are no speechies in town. You want the best for your son, so you shift. Many of our health professionals in Alice Springs are wonderful people from Kenya. They are fantastic, and I commend them for the wonderful contribution they make. We would probably like to grow a few of our own, but it is very difficult getting people in regional and rural Australia in any of the services. That is a choice about how we live there. There is contraction of services in regional and rural Australia. I know everybody in this place that knows anything about this country or about regional and rural Australia will understand. Yet this legislation will ensure that those people in regional and rural Australia will be able to grow fewer professionals of our own because of all the issues I have discussed.

It is bad enough normally when you go away to university. You may meet someone at university and fall in love or get a good job or whatever you do; you are less likely to return. So it is bad enough anyway, because that is why we are under the pump and do not have a lot of professionals. But this is going to make it worse, because people from regional and rural Australia will not have doctors, nurses, accountants, lawyers, schoolteachers or any of the professionals that are part of a vibrant community. I see that this legislation, if put in place unamended, will not be able to provide that. We need to put in place policies and programs that ensure that we remove the disadvantage of distance—the tyranny of distance that is
evident now and that this legislation will make a lot worse. We need to ensure that those fundamentals of access to higher education should be based on academic achievement rather than geographic location. If you run the rule over this legislation and what it will do, will it ensure that you get rewarded and that you get higher education because you worked hard or because of where you live? I suspect the obvious answer is: more likely where you live.

I know this legislation has been proposed to address a problem where some recipients of independent youth allowance were neither independent nor financially disadvantaged, and I have to say I agree. I think we are starting from the same place. Frankly, I believe that, if you are living at home, you should not receive any allowance. It is just tough nowadays. We should be able to choose to go down the road. I think that we are probably not starting off with a bad premise. The circumstances at the time could have been improved. We certainly need to improve the aspirations of young Australians who live in regional and rural Australia. We need to improve their lot, but this legislation is not the way.

As I suspect, there is no mischief from government apart from the fact that they have not done the right research. We have had a look at some of the research they have done. I know the RRAT committee has had a very close look at that, but it has also identified that there was absolutely no work or modelling done on the impact on those people in regional and rural Australia. That is clear from the legislation that is before us. Country students are going to have to leave home; there is no doubt about that. They are now going to be fighting for jobs in places where there are no jobs. They are going to be exposed to much longer periods of time for their chosen profession, their vision and their capacity to help Australia and particularly the areas that they come from, the regions. I think that they are going to face considerable extra cost simply to walk through the door of a university campus, and more and more parents are going to have to bear that cost. People are living at home longer. As I said, that quiet moment around the dinner table is Solomon's moment: 'Which one of our children will go to university? Which one will not?' I think that is a disturbing decision that people at more and more tables around regional Australia will have to be making.

In view of all that, I cannot really support the legislation as drafted, and I do not support any action that pushes university further out of the reach of our young men and women in Australia that have the capacity to make such a fantastic contribution. I will not support legislation that does not support their vision or their aspirations.

Senator BARNETT (Tasmania) (8.11 pm)—Tonight I stand to speak on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. I dedicate my address to the Senate tonight to Jess Baikie, Rachael Wilkinson and Hunter Peterson, all students from Launceston College in the city of Launceston, where I reside. I congratulate them and say, 'Well done,' to them on their advocacy for and on behalf of their fellow students and those who are adversely impacted by the legislation before us.

This bill as it is currently framed is bad legislation. The students to whom I referred, as I say, are all students at Launceston College, and they have run a campaign to address the concerns set out in this bill. I first met them earlier this year once the legislation became public. They were very active and proactive. They expressed their views not just to me but to their local member, the federal Labor member for Bass, Jodie Campbell, and to their local senators, includ-
They organised a public meeting on Wednesday, 22 July 2009, which was a very successful public meeting. It was a meeting which I attended. Senator Bob Brown attended. Indeed, other federal members of parliament were invited, including, I understand, the federal member for Bass. But, even if she was not invited, it was very much promoted publicly. Unfortunately she was not present and was not available to express her views with respect to this legislation or to receive representations from those three students.

Nevertheless, it was an exciting and very informative and enjoyable public meeting. Those three students I referred to, Jess, Rachael and Hunter, all spoke eloquently and to the point, together with many others, including concerned family members and others in rural, regional and remote Tasmania. I am sure the towns that are going to be disadvantaged by this legislation were represented on that night and in other respects. The families affected come from towns like Longford and Cressy, Flinders Island, King Island, Campbell Town in Northern Tasmania, the east and west coasts of Tasmania, the Central Highlands, the Derwent Valley and no doubt many other rural and remote parts of Tasmania. The sad thing is that it appears that Labor have not listened to the concerns that have been expressed in a very conciliatory, thoughtful and proactive manner not just by the students but by the families as well.

On behalf of the students and that public meeting that night, I wrote to the Deputy Prime Minister, Julia Gillard, with their concerns and with a summary of all the papers presented that night and a copy of the speeches—the testimonials of the students and parents who attended the Launceston forum. I wrote on 28 July, setting out their concerns. The Deputy Prime Minister kindly responded on 23 September 2009. But the response clearly has not addressed the concerns, as can be seen in the bill before us in the Senate tonight. The Deputy Prime Minister in a barely comprehensive manner in a 1¾-page letter in response trots out the Labor Party line to say that it is fair and reasonable and that it will not be a problem for rural and remote students in Tasmania or elsewhere around Australia. The fact is that it is and will be. Unless this legislation is amended, there will be people who will suffer adversely as a result of this bill. It should be fixed, and I hope the amendments that have been foreshadowed and that will be put forward by the coalition will be accepted because otherwise rural and remote Australia will be adversely affected as a result.

I want to refer in particular to the petition that was prepared by the students at Launceston College. The principal petitioner was Hunter Christian Peterson of 60 Trevallyn Road, Trevallyn, Tasmania. They set out 10 key points as to why they were upset and concerned with the legislation as it was earlier this year, in July. That petition was signed by copious numbers of students, families and members of the public in Northern Tasmania in particular. I thank the shadow minister for education for tabling that petition in the House of Representatives on my behalf and on behalf of those students who pulled that petition together and got all those signatures. I again congratulate those students for the work that they did.

That petition certainly sets out their concerns, but they also wrote to their local members of parliament. They wrote to and had meetings with their local senator, which was good. I respect and thank Senator Kerry O’Brien for meeting with them and listening to their concerns. I cannot say the same for the federal member for Bass. I wish she had more of a listening ear for the concerns of
her local constituents and was prepared to stand up for them when she knows what is right, fair and in their best interests. Sometimes you just have to do it. But they have written extensively to me and to others and I have had meetings with them. I would like to also commend Mary Dean from my office, who has been in close contact with them throughout this whole saga.

At this point, I would like to commend and thank Trudi Lister, who is a teacher and facilitator at Launceston College. She has been a tremendous support to the students—Jess, Rachael and Hunter—throughout this campaign that they have waged. In fact, they were tele conferenced into a Senate committee hearing last Thursday, 12 November, when the committee was meeting in Melbourne. That was the Senate Rural and Regional Affairs and Transport References Committee, chaired by Senator Fiona Nash. It was also that committee, of which I was a participating member, that delivered its report in October. That was again chaired by Senator Nash, and I thank her for her leadership and her speech earlier in the day in the Senate commending the coalition amendments and the report that was tabled in October. I note also Senator Bill Heffernan and Senator Julian McGauran, who were active members of the committee, and the other participating members from the coalition were Senator Chris Back from Western Australia and me from Tasmania. I also thank Jeanette Radcliffe, the secretary, and the secretariat for pulling together the Senate report, which is available as a public document.

I would like to commend the coalition amendments to the Senate, to senators and to members of the public. No doubt this campaign will continue in the hours and days ahead until this matter is sorted. Certainly our aim here and the objective behind these amendments is to ensure that students achieve their potential. That is what we want. Surely that is the objective of all members and senators in this federal parliament. We want them to be the best that they can be. This is the sort of message I share with schools and students when I meet with them from time to time as a senator standing up for Tasmania. That is what we want. We want the best. We want them to be the best. We want them to have opportunities, to have a choice, to be the best they can be, to achieve their dreams and to have a go. This legislation will deny students the opportunity to have a go, to express a choice and to participate.

What is most offensive about the government’s legislation is its retrospectivity. This is the thing that really gets my goat, and I know it is the same for others on the coalition side and elsewhere in the community. The fact is that the government has changed the rules part way through. The goalposts have moved. So, in summary, I can say that the amendments that will be put forward will allow all students on youth allowance to be better off, receiving for the first time ever a $1,000 start-up scholarship. Rural and regional students will have a clear route to university available to them.

Those students currently on their gap year preparing to enter university next year and to claim youth allowance will have the rug pulled out from under their feet. It is that latter point that I would like to address in particular. Thousands of students and parents are frankly distraught and very upset. I have had letters from a whole range of them, particularly from Northern Tasmania—people who went to that public meeting in July in Launceston. They are very upset for and on behalf of their children and for and on behalf of themselves, because it has not only a financial consequence but a consequence for their kids in terms of achieving their dreams. Of course they are distraught and concerned.
The government’s legislation does make retrospective changes to the youth allowance, meaning that over 25,000 students all around Australia currently undertaking their gap year are set to not receive the youth allowance in 2010. That is wrong. That is unfair. It should be changed by amendments to this bill that are going to be put in the Senate. The retrospective nature of the legislation is a shocking approach to legislation and to good public policy.

The government did try to fix this with a half-baked approach. Initially there were an estimated 30,000 students who would have been affected by this retrospective changing of the goalposts halfway through. Yes, the government have now reduced that from 30,000 to an estimated 25,000 young people who will be affected—people who, in good faith, followed the advice of the Centrelink advisers and followed the advice and guidance of counsellors to defer their studies and to undertake a gap year. We want to make sure those students are not disadvantaged. Exactly how many there are in Tasmania I do not know, but we do know there are an estimated 25,000 around Australia. It is simply wrong. Yes, there was a backflip—but I would call it a half-baked backflip—by the federal minister and Deputy Prime Minister some time ago, but it was not good enough. So, with respect to that, if they have taken their gap year then why change the rules part-way through it? That is wrong.

The legislation will have a start date of 1 January 2010. That means all students currently undertaking a gap year in order to earn the required threshold to demonstrate independence will no longer be eligible as that criterion has been axed under this bill. We know that many of those students undertook a gap year based on advice from their schools, from counsellors and from Centrelink advisers. This is a government department and I do not mean to attribute any offensive cause to them whatsoever in whatever shape or form. They were simply acting on the advice that they had at the time, or the rules that they had at the time, but now that has all been turned on its head. The fact is that not only me but also other coalition members and senators around the country have been inundated with emails, text messages, letters and phone calls from concerned parents and upset students. That is entirely understandable, because the legislation is retrospective, it is wrong and it should be changed.

The government’s plan for scholarships should be supported in its thrust of making sure that those most in need do get support, and of course I would like to express my support for that part of the legislation that determines that those most in need receive that support. But changing the rules part-way through is not on. In terms of the effect on the scholarships, what we do know is that this government has a track record now which is systemic throughout the government—that is, the profligate approach to spending and the profligate approach to managing matters within the government. The waste and mismanagement throughout the government and government departments, one and all, is a shocking record—whether it is in the schools area with the $1.7 billion overrun of the education revolution or whether it is the Abbotsford Public School, which I visited some months ago in Sydney. There the government wanted to spend $2.5 million tearing down four classrooms to rebuild four classrooms. It was absolutely absurd.

I want to put on record my thanks to the parents and citizens association and the school council—including Robert Vellar, his colleagues at the school and the principal as well—for their support and for their efforts on behalf of their students and the families concerned. I know that they have now come
to an agreed outcome as a result of lobbying, public pressure and good common sense. It is not ideal, but they have a mutually agreeable outcome. I thank them for the recent response and appreciate their efforts to ensure a good outcome for their students. So I say congratulations to them and well done to them for fighting against the waste and mismanagement of the federal Labor government. I say to them: good on you.

There are some sensible parts of the bill but all in all I simply cannot support the bill as it stands unless these amendments are made. I hope that they are passed together with the support of the Independents and the cross benches. In conclusion I say congratulations and well done to Jess Baikie, Rachael Wilkinson and Hunter Peterson. Thank you for your advocacy and your leadership on behalf of the students and their families in and around Launceston and Northern Tasmania. You have put in a stellar performance. You should be congratulated. You have done the job, and let us see if we can finish the job for you and on your behalf here in the Senate. I thank the Senate.

Senator BIRMINGHAM (South Australia) (8.27 pm)—I rise to speak tonight on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 with somewhat of a heavy heart. When a government goes to an election, when it goes to the people, and has much to say and proclaims much about an education revolution and its vision for what it will do for education and for young Australians and for their opportunities into the future it is reasonable to hope that it will deliver on those aspirations and put in place action on those beliefs.

People can expect an education revolution to deliver more than bricks and mortar and to deliver more than the occasional laptop—to deliver throughout every level of education: to deliver for young students, to deliver for those in preschool and primary school, and to deliver for those in secondary school; to deliver through improved teacher standards; to deliver through an improved curriculum; and to deliver through improvements in the whole range of areas where education could and should be improved. Education can be improved by taking advantage of the things which are not bricks and mortar but which could make a real education revolution. Indeed, we could improve the opportunities that are available to young people to go on and pursue whatever their educational dreams may be, be they in vocational educational arenas or higher educational arenas in a more academic field.

It is with a heavy heart that I speak to this legislation tonight because it is another area where the government’s rhetoric and the hope and the promises that it took to the last election have not been delivered. It has let down young Australians, especially in this instance young Australians from rural and regional Australia who will now find their pathways to educational opportunity and to pursue those dreams and ambitions they may have of higher education all the more difficult thanks to the proposals in this legislation. This is another classic instance of the government giving with one hand while taking with the other—talking big about all its other education proposals, yet making this pathway to higher education so much harder for young Australians. It is, as I said, particularly unfair for country students. It is typical of so many areas that this government pursues, where its total failure to understand the importance and the unique challenges faced by rural and regional Australia is so evident. Its total failure to grasp these unique challenges of rural Australians stands out and this is yet again another instance of that failure.

These changes to the youth allowance by the government will pull the rug out from
under the feet of 25,000 young Australians preparing to go to university just next year. That is 25,000 young Australians just in one year who will face increased difficulties thanks to the proposals in this legislation. They face the prospect of seeing a year of their lives that they put on hold to set themselves up for their university education potentially wasted because the gap year that they planned as a pathway to secure an independent youth allowance will now be shut off if the government gets its way.

This legislation has been investigated by the usual processes of the Senate—by the Senate Standing Committee on Rural and Regional Affairs and Transport, who delivered their report recently. The coalition, as the Senate has heard from other speakers, intends to move amendments in line with the committee’s key recommendations. We will move those amendments to provide these country students with the opportunity to continue accessing youth allowance. We will remove the retrospective aspects of this legislation that particularly punish those 25,000 gap year students. These are the changes that the coalition is championing tonight on behalf of rural and regional young people.

The main issue facing rural and regional students is the abolition of the workforce participation route for youth allowance eligibility. That route is important to qualify as an independent student and therefore provides a pathway for so many young people from rural and regional backgrounds to access youth allowance and survive independently from their parents in the pursuit of their studies. That is important because an overwhelming number of young people outside of metropolitan areas find that they have to move to pursue their higher education dreams. In the vast majority of instances they have to move from home and into cities to pursue those dreams. This need to move is a much greater burden than any of us who grew up in closer proximity to urban areas usually face. Certainly, many people face struggles to go onto higher education. They face struggles in finding the right income and the right support to assist them through this. But young people from rural and regional areas face a far more defined and greater difficulty than those of us who grew up closer to the cities.

Students from farming and small business backgrounds in the country often find themselves ineligible to receive youth allowance as dependants because the value of the average Australian family farm is often significantly higher than the level of assets allowed under that test. Yet the average Australian farming family cannot afford the tens of thousands of dollars required to support their children’s moving, accommodation and living expenses while studying at university. It is a simple reality that the situation is difficult when you have to set up a totally different home and living arrangement, and that that is a necessity of your pursuit of higher education. If the child was from the city they would have the opportunity—or the choice at least—of staying at home. That does not work out for everybody and I am the first to recognise that, but at least that choice would provide for some greater chance for young people from metropolitan areas to pursue those higher education dreams, unlike those from rural and regional areas.

Because of this, significant cohorts of students from the country who are ineligible to receive the dependant youth allowance choose an alternative pathway. Thousands every year currently gain eligibility for youth allowance under the workforce participation criterion. This criterion, as it currently stands, means that they must earn $19,532 within an 18-month period, which most do during a now commonly accepted gap year approach. This government is seeking to abolish that alternative pathway that has been used so effectively to provide better
opportunities for so many rural and regional young Australians. In doing so, the govern-
ment claims that it is simply because it was being exploited by a small cohort of wealthy
city families. Like so many of the proposals that have come from this government, it is
fine to perhaps have a valid reason behind your proposal, but you need to consider all of
the consequences. All of the consequences of these changes impact on thousands upon
thousands of young Australians in rural and regional areas every single year. This is not a
one-off impact. Certainly, there is a very particular one-off impact for those people who
are already in the middle of their gap year, but it will be a recurring impact on young
Australians year in, year out into the future if this legislation is passed.

These changes fly in the face of the government’s claims that they are interested in
increasing higher education participation from all sections of the community. This will
not increase participation from one key section—from those young people living in ru-
ral and regional Australia. It will do the exact opposite when it comes to those young peo-
ple’s opportunity to participate in higher education. It will disadvantage them, and in
doing so it risks decreasing their participation in higher education.

It is not only the Australian parliament that has looked at these changes. The Victor-
ian parliament has taken a look at them as well. The Victorian parliament’s Education
and Training Committee has investigated the issue of rural disadvantage in relation to the
government’s Youth Allowance measures, and that committee’s report was supported
unanimously by all participants across a range of parties. On the issue of criteria of
independence for rural and regional young people, this committee of the Victorian par-
liament found that ‘the removal of the main workforce participation route will have a
disastrous effect on young people in rural and regional areas’. This committee, chaired
by a Victorian Labor MP, found that the changes that the Rudd government wants this
Senate to pass tonight would have ‘a disas-
trous effect’. Our own Senate Rural and Re-
gional Affairs and Transport References
Committee also investigated this bill. It
found that the removal of the workforce par-
ticipation criteria would have a particular
impact on students who are required to leave
home to pursue their chosen course of study
and, ultimately, career.

As I indicated earlier, the government is
putting in place a change that will affect stu-
dents for many years to come. There is also,
however, a particular impact on students who
have taken a gap year in between the conclu-
sion of their secondary studies and the com-
mencement of their tertiary studies. This leg-
islation is particularly damaging to those
students in its effects on their plans for study
and their chosen pathway through life. The
legislation is planned to have a start date of 1
January 2010. That means that all those stu-
dents currently undertaking a gap year, and
who are doing so in order to earn the income
required under the threshold to demonstrate
that they meet the independence criteria, will
no longer be eligible. They will no longer be
eligible because this criterion has been axed.

Many of these students undertook a gap
year based on advice from their schools and
from Centrelink. They decided this was the
best pathway for them to be able to gain the
independence required. I, and all coalition
MPs, and I am sure crossbench and indeed
government MPs, have been inundated by
what must be thousands of contacts from
distraught students who feel like the gov-
ernment has pulled the rug out from under
their feet. They made their plans. They had
their dreams of going to uni and of studying.
They made what seemed to be wise plans to
choose to study the area of their dreams and
then to set themselves up by taking a gap

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year and by earning the required income threshold. They believed that this would provide them with the opportunity to enjoy independence while studying. Yet now, in many, many cases, they find that having taken a year out and having not gone immediately into university has left them with no advantage. There is no advantage because this opportunity for so many of these students undertaking the gap year has been closed off.

In August, the Minister for Education admitted that there was a problem with the retrospectivity of this legislation. She acknowledged that there was an impact on rural disadvantage and she said the government would do something to try to address it. Once again, the action does not live up to the rhetoric. The commitment to address it is not a wholehearted commitment. It is not a fully fledged commitment that will ensure that all young Australians in rural and regional areas who have taken this gap year and who meet the existing threshold will be able to qualify under the independence category and fulfil their plans as they set them out. The government’s actions only go part way. The measures are once again half baked and provide a stay of execution simply for remote students in 2010. It is not for all rural and regional students but just for those in the remote category as defined by the government.

It is estimated that some 25,000 gap year students would be left out in the cold. Some 25,000 young Australians of around 17, 18 or 19, in every corner of this country, who have made their plans based on what they thought was a reasonable expectation of certainty that the government would not go changing the rules on them halfway through, now find that the government is changing the rules on them. There was a window there, in August, where they thought they were going to be saved. They heard that the government had listened to the problem of the retrospective action impacting on young people who had already set their lives up based on the existing criteria. But we find that there is only partial salvation for a cohort of affected students rather than a recognition that all who finished school last year and who set themselves on a particular pathway should be able to enjoy that pathway and not have the government go and change their plans for them part way through.

The Victorian parliament’s Labor dominated Education and Training Committee found that these changes ‘will have a detrimental impact on many students who deferred their studies during 2009 in order to work and earn sufficient money to be eligible for Youth Allowance’. That is a Labor dominated committee from the Victorian parliament that talks of detrimental impacts and disastrous effects, and still the government seems deaf to these criticisms of its treatment of young Australians from rural and regional areas.

The Senate rural and regional affairs and transport committee recognised the high level of anxiety that would be caused in the community and went on to say that the implementation of this policy by the government had been ‘handled poorly’. That is, of course, a polite understatement—especially if you are one of those young people who have been impacted around Australia.

The coalition parties are pursuing a range of amendments to this legislation. To deal with the issue of retrospectivity the coalition moved an amendment in the House which was opposed by the government. But we will move a similar amendment here in the Senate to move the start date for this legislation from 1 January 2010 to 1 January 2011, to ensure that when it comes to the workforce criteria for independent youth allowance we do not disadvantage anybody who has set
their lives on a particular pathway already, so that they can enjoy the certainty they deserve from having made decisions at the end of their schooling before they go and start their university lives and not find that, a few months out from starting at university, the whole world has been turned upside down on their plans, their aims and their aspirations.

Secondly, to assist rural and regional students who do not qualify for youth allowance but who are unable to afford the cost of moving to attend university, we will move an amendment along the lines recommended by the Senate inquiry that investigated this bill. This amendment will provide for rural students who must leave home in order to study to continue to access independent youth allowance by allowing them to access the same gap-year provisions that are available at the moment, to stop the ongoing effects that these proposed changes would have on many rural and regional young people throughout Australia.

We will also move an amendment following the Senate inquiry recommendations to put in place auditing processes to ensure that, once students have received independent youth allowance, they do not then return to live at home while claiming this allowance— to stop the rorting, to make sure that those areas where the government had some intentions of clamping down on rorting are indeed tackled without disadvantaging thousands of other young people. And we have proposed alternative ways to pay for these measures, by reducing the rate of the student start-up scholarship, a scholarship that has not yet been paid so will not disadvantage anybody, has none of the retrospective elements of this provision and of course will not stop the massive decline in access to education that this legislation will lead to for rural and regional Australians.

I hope the government will listen to the opposition’s concerns, will accept these amendments, that the Senate as a whole will accept them and that we will see a fair outcome rather than the grossly unfair proposal that the government has before the Senate at present.

Senator O’BRIEN (Tasmania) (8.47 pm)—Unfortunately, I have to say that Senator Birmingham had better ask his staff to have another look at the facts that they based his submission on, because they got so much wrong. Just as this debate has been characterised by misunderstandings, misrepresentations and ignorance, so has the coalition position in relation to the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. It was not always so. Last year the then shadow education minister, Tony Smith, panned the system that the opposition now seeks to support, when he said:

Overall, the evidence seems to suggest that it has become too easy for students from affluent backgrounds to qualify and too difficult for students from modest backgrounds.

He further agreed with the government’s approach when he said:

This means that students from a family earning an average weekly income cannot effectively go straight from school to university and be supported. It particularly disadvantages many students—particularly those from the country—who have to leave home to study …with many of them taking a year off to earn enough money to qualify for independence for Youth Allowance and possibly not returning.

That is what he told the Australian Liberal Students Federation federal council on 7 July last year. Of course, the government does agree. In fact, we know that 30 per cent of kids who take a gap year do not end up going on to university. That is why under the new system many students will be able to access support immediately under a higher parental
income test, rather than having to wait 18 months to prove their independence.

The propositions which are to come before this chamber arising from the Senate committee report, frankly, will do very little to redress the disadvantage situation that exists at the present time under the former government’s legislation. What the Bradley report found was that many students from affluent backgrounds were able to make arrangements under one of the criteria laid down in the legislation—welfare legislation, I might say; social security legislation—entitling the student the benefit of taxpayer support. The three provisions in the legislation that might be targeted to avoid the consequence of parental income tests and parental asset tests are for a student to establish that they are independent. There are some other grounds, but for the purpose of this debate they are the most important ones. What the government is targeting is the measure that has been used very successfully by students from very affluent backgrounds.

The Bradley report found that students from families with incomes of $150,000, $200,000, $300,000 per year were, by earning an amount of money within 18 months—which I think currently stands at about $19,532 but which has been indexed over time—were able to establish that they were independent. That did not actually require them to move away from home. The Bradley report found that a great many students actually did not move away from home, yet established independence and received taxpayer support, even, in a substantial percentage of cases—I think it was about 36 per cent of cases—where the parental income was over $100,000; and a very significant amount, around 10 per cent of cases, when the parental income was over $150,000 and approaching $200,000.

This is hardly the sort of measure that would indicate that it was operating in the best interests of the taxpayer, and certainly not in the best interests of students from disadvantaged backgrounds, because at the same time, under the current legislation, the assistance started to phase out where parental income was a princely $32,000 approximately at the rate of 25c in the dollar beyond that. The Deputy Prime Minister proposes a system where the parental income threshold increases to $44,000 approximately, where the taper, as they call it—the rate at which the benefit declines—has been reduced from 25c to 20c in the dollar. The result of that is to dramatically extend the parental income thresholds where some benefit is payable. In addition, some other measures are being introduced which provide more widespread benefits to students, particularly those who need to move away from home, and that generally applies to students from rural and regional backgrounds but also applies to students from some cities who need to move to another city to study the course of their choice.

Initially, the attack on this measure was from that cohort of students who was currently undertaking a gap year—that is, the students had finished their studies in 2008, they were working through 2009, intending to start university in 2010 and targeting that magical figure of $19,532 as the loophole, if I can call it that, which they needed to jump through to access youth allowance support for their studies. What I think was erroneously referred to by Senator Birmingham, who preceded me, as an extension of the benefit only for remote students is actually a proposal of the Deputy Prime Minister for those students who need to live away from home under the tests currently laid down in the legislation—that is, they must attend a university which is at least 90 minutes by public transport from their place of resi-
dence. Those students would still be able to access the independence test measure. That means that the government has extended the cost of the package which was, when it was first envisaged with a number of changes which are encapsulated and which were set out in evidence before the Senate committee, essentially a revenue-neutral and cost-neutral package. With this measure the government has extended the cost and, by doing that, adjusted some other measures contained within the package. For example, one of the other improvements to the system that the government is proposing is to extend the income threshold available to students—that is, the amount of money they can earn within a fortnight before their benefit is affected. The proposal was to extend it from $236 to $400. The other measure included in the original package was the reduction of the age at which independence was automatically determined coming down from 25 to 22 years. The result of those additional costs that the gap year measure that the Deputy Prime Minister announced, if I can call it that, is to phase in at a slower rate those two new improved benefits for students in their ability to earn income or be deemed independent under this bill now before the Senate.

The government has been keen to deal with the inequity that the current legislation and its implementation has led to—that is, excluding young people from families with average or lower than average incomes and permitting access to a welfare benefit for higher income families because they are able to organise their affairs, get work or live in an area where there is plenty of work to enable them to earn the magical figure and be assessed as independent, even though they did not have to leave home. The government has come up with a measure which will benefit, it is estimated, 68,000 additional students as being eligible for the dependent youth allowance benefit. That is, without establishing independence, approximately 68,000 more students next year would be eligible to go straight to uni with the youth allowance benefit, no gap year, no requirement to take time out of university, less risk of those students not completing a university degree and making university accessible to many more students from lower income families. In addition to that, it is believed that approximately 36,000 students would gain a greater benefit under the government’s proposals than would currently exist for them under the existing legislation of the coalition. That means that over 100,000 students would be better off under this legislation than they would be under the existing legislation.

Of course, when you make changes there are people who are not better off; some people will be worse off. A family, despite the thresholds increasing substantially, still with an income at a higher level—bearing in mind that under the previous system without independence all benefits would have ceased at a parental income threshold of $79,000—now with two children at university can earn up to $140,000 if they have two students living away from home and can still get substantial benefits. Those benefits include, for example, a start-up cost benefit of $4,000 per annum for each student to assist them to move away from home in the first year of university. That benefit reduces to $1,000 in subsequent years, the higher benefit being structured to assist with the initial costs of moving away from home and the initial set-up costs of any such arrangement.

I travelled with the Senate inquiry extensively through Western Australia, South Australia, Victoria, New South Wales, Queensland and here in the ACT taking evidence on this matter, and there were parents with two children who would be at university at the same time and who had incomes under $100,000 who would be very much better off
under this legislation than they would have been under the other legislation—without the need to establish independence, or for both students to take a gap year under the current legislation if the work is available.

The other thing that seems to be forgotten in this debate is that when people are focusing on the ability to earn the $19\frac{1}{2} thousand in a gap year, everyone assumes that in the current economic circumstances things will be the same as they may have been in the boom, and that the work availability will mean that in some cases people will just as easily be able to earn the $19,532. I think what the Senate inquiry has established, as far as I am concerned, is that there are many parts of this country where it will be far from easy to earn $19,532, and to do that, let alone to establish real independence, would require the young person to move away from home.

But if you look at the evidence we took, I am mindful of our experience when we were in Townsville last week—last Tuesday, as a matter of fact—where we had principals from Charters Towers, Ayr, the north coast of Townsville and Ingham. They all agreed that the majority of the parents in those schools would come from lower income groups. When we tested it, and when I spoke to them afterwards, it was very clear that many of the students in those schools would be the beneficiaries of the new legislation. But, of course, that is not what they had been given to understand. The story that is being spread by those who perceive that they are disadvantaged by this, or by those who do not understand it, is convincing people who are really beneficiaries of the new system that the new system will not be good for them.

That is the problem we have. There are a lot of people whom I have encountered from various walks of life in my own constituency and on this inquiry who have a view of the legislation which is quite disconnected from the reality of the legislation. When they are brought to understand it, they really are saying, 'Why didn’t we know this before?' The problem the department indicated is that they cannot sell the legislation and the benefits of it until it is actually passed.

What we have seen, in some cases, is a somewhat hysterical campaign—but I would not want to categorise people as hysterical on the basis that they somehow, with all of the facts before them came to wrong decision and became hysterical about it. What I am really saying is that people have been misled, they have misunderstood the legislation and, when they assess it, in many cases they find that they are not badly off at all, that there are significant benefits and what the government is putting forward is a system which will actually benefit the people that we would want a welfare legislation measure to benefit—that is, low-income and middle-income families right throughout Australia.

The other reality is that in regional Australia students need to move away from home to study. Looking at the material that the department provided for us, there are a great many people from regional Australia who already use the system. I believe, given a chance to operate, there will be a great many more who will benefit from this. The fact is that if you move away from home, the youth allowance benefit is higher. As I said earlier, there are start-up benefits for those who do move away from home of $4,000 in the first year and $1,000 in each subsequent year. There is also the youth allowance—that may reduce depending on the family income—and there is also rent assistance on top of that. So, significant benefits are still available for students. The important thing is that for many of them there is no need to take a gap year; because of the increased parental income thresholds, many of those students will be able to finish high school this year.
and start uni next year if this legislation is passed.

On the basis of departmental advice we say that approximately 100,000 students will be better off under this legislation. I think there may be a quarter of that number who are not better off, and who are, in fact, worse off. I think with the changes that the Deputy Prime Minister announced, which deal with the so-called 2009 gap year students, the reality is that an additional 4,700 of those students will benefit from the extension of the definition of ‘independent’ which allows them to earn that $19,532 and qualify as independent. The Deputy Prime Minister listened to the student community and parents who had concerns about the plans those students had made. The government has made the decision that those students should not be effectively disadvantaged by the change of the system after they had actually made the decision to take the gap year. That has been attended to, but only for those students who need to move away from home, because, frankly, the disadvantage for students who do not need to move away from home is far less, if anything at all. If those students who do not need to move away from home are from a higher income family, they will have the benefit of parental support and also the benefit of the ability to work part time, as many would in any case in that university setting. That is clearly the evidence that we have received from right around the country.

The important thing that we should take from the assessment of this legislation in this debate is that it is, I suppose, all right to say that sometimes we play politics with these issues. But the reality here is that we have an opportunity to help many, many more young people, particularly in the cities, who do not need to move away from home and who have access to work in any case, having access to these benefits any longer where their parental incomes are high. There are other things that no doubt need to be done, but one of the big problems that I have with the coalition’s approach on this issue is this: they were in government for nearly 12 years, they talked about disadvantage in regional Australia but, when it came down to it, you had to skate through this loophole in the legislation to get a benefit and if you did not, you were on your own. Now it is all too hard and they want to blame this government for their own failings.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.08 pm)—Today as I rise to speak on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 I feel a sense of deja vu, as this Senate meets again to vote on legislation affecting our higher education sector that will actually put rural students at a huge disadvantage compared to their city cousins. This bill has sold out rural and regional Australians because the Rudd government has taken a sledgehammer to the Youth Allowance scheme. Just over a month ago the Senate passed the Higher Education Support Amendment (2009 Budget Measures) Bill. I said at the time that it was ridiculous to be debating that bill, the support amendment bill, while we did not at the same time start to cover this current bill, the social security bill. The bills are completely linked and they address similar issues. I said that to have them debated separately was the wrong way of going about it.

The support amendment bill abolished the existing Commonwealth scholarships, while the current bill provides for their replacement. But, importantly, the current bill also does something else. It makes a number of changes to the youth allowance system that
will make it even harder for kids in the country to go to university and harder for all those kids who need to relocate to go to university. A clever country would make it easier for our kids to get to uni, not harder. The government did not have the guts to put all of their changes to the parliament at once, rather putting them separately. They knew that if they put them together, they would end up having the debate that we are probably going to have today which would have been tied up with the other bill. What the government are now trying to do is hold this Senate to ransom and to say that the measures of their Commonwealth scholarships will not be in there next year if this bill does not proceed. I am hoping that tonight we will make changes to the bill. It may even be rejected in order to force the government back to the negotiating table to fix the current bill.

The government have gone out, ripped out all of the scholarships that used to be available to students who depend on government funding and said, ‘If you want them back, you had better pass this bill, even though its youth allowance cutbacks will hurt 26,000 Australian kids who are trying to get to university.’ The government’s actions are reckless and have put the welfare of students, particularly those from rural and regional areas, in jeopardy. They have sold out the bush; they have sold out regional and rural kids wanting to get university. For all the government spin and polish on its education revolution, there is nothing more than education wreckage. The Rudd government know they got it wrong, and that is why they did an embarrassing backflip. But the Rudd government did not fix the problem; they just deferred it by exempting this year’s gap year students. The government have stuffed up with their changes to youth allowance, and for months on end they have refused to listen to anyone on the issue. In the end, the government have been left with egg on their face. If the government had not been so arrogant and had not insisted for months on pressing ahead with its changes to the youth allowance and not listening to anyone on changes, just allowing a quick change at the end to exempt this year’s gap year students, it would not have suffered such an embarrassment as it has so far on this issue. It did not need to come at this issue with a sledgehammer, but that is what is has done. In the end, it took a roundtable discussion that was organised by Family First and where the Deputy Prime Minister got a chance to meet with a group of interested adults and students from rural and regional Victoria to set the record straight on some of these changes to the youth allowance. I want to acknowledge and thank the Deputy Prime Minister for making herself available to hear this group and for taking the time to actually listen to their concerns. But it is a shame that this type of roundtable discussion did not happen early enough. In the end, it was left for others to step in to try to get some real discussions happening with real people to enable them to share with the government first hand how these changes would affect them greatly.

In less than an hour at this meeting the students and parents whose lives were going to be detrimentally affected by the proposed changes to youth allowance were able to at least allow the Deputy Prime Minister to see that there was an enormous mistake being made. These parents and students highlighted how the changes to the youth allowance eligibility criteria would see rural and regional kids left two years behind their city counterparts. That is because the government wants to force school leavers to work 30 hours per week for 18 months to prove their independence to qualify for youth allowance. But instead of coming up with a proper solution, the government came up with a quick fix bandaid solution that only deferred the prob-
lem but did not fix it—that is, the government just delayed the introduction of these youth allowance changes by six months but left the whole system in a mess. The government gave a reprieve to those students currently on a gap year but condemned all future students from rural and regional Australia to a youth allowance system in need of urgent repair. The government has sold out rural and regional Australians in this bill. The changes to the youth allowance eligibility criteria are blatantly unfair and will see fewer people from country Australia heading to university instead of promoting university education for more Australians.

We already have a situation in which there is a huge discrepancy between the number of people from the city who go to university and the number of people from the country who go to university. Twenty-nine per cent of the population aged between 25 and 34 hold a university degree, but out in the rural and regional areas this figure is much lower: only 17 per cent. What is the reason for this difference? People who live in rural and regional Australia are no less intelligent, no less capable and no less ambitious than the people living in major cities, so why is there such a big gap between the number of people living in the metro areas who go to university and the number of people living in the bush who go to university?

A lot of it is because of a huge financial burden for students who are forced to relocate to other areas or to the city to try to get by while studying full time. It is also because the government is not doing enough to make it easier for these rural and regional students. Instead of making it easier for our kids in the country to go to uni, the government wants to do the exact opposite: to make it even harder for rural and regional students to get to uni. The government’s changes to youth allowance are absolutely ridiculous, and it ought to be embarrassed with itself. A clever country would be making it easier, not harder, for our kids to go to university, but the Rudd government’s proposed youth allowance changes are citycentric and force rural students to abandon their university dreams.

The government’s changes to youth allowance would disadvantage rural and regional students and put them two years behind people living in the city. They will force school leavers from rural and regional areas to delay their study plans by two years in order to go to university. Many of them may well decide not to bother going to a university if it means having to wait so long. It is already hard enough for rural and regional students to get into university with the extra costs of having to live away from home, and now the government wants to put them two years behind their city counterparts. Sometimes it seems the government is more interested in making it easier for kids from overseas to come study in Australia than doing all it can to help our own rural and regional students get to university.

In just a few short months we have had both the Deputy Prime Minister and the Minister for Trade visit India to try to encourage Indian students to keep coming to Australia. That is well and good, but what about making it easier for our own kids from rural and regional areas to get to university? A decade ago, Australia was ranked seventh in the OECD for the proportion of the population aged 25 to 34 with a university degree. Since then, we have slipped to ninth. The government’s changes to youth allowance will push us even further down these rankings. It remains a fact that Australian university students receive among the lowest levels of income support in the OECD.

The government has claimed that there are some students who are rorting the current youth allowance eligibility requirements to
get government assistance when they do not really deserve it, but instead of tackling that concern sensibly and responsibly the government has taken a sledgehammer approach and overturned the youth allowance eligibility criteria without properly considering all of the consequences. The government’s proposed changes to youth allowance are not real solutions; they are not solutions at all. Family First will be moving an amendment for a 100-kilometre relocation clause which would keep the current eligibility requirements for youth allowance if a student were forced to move more than 100 kilometres away from home. This will mean that students who are forced to relocate from home to go to university will still qualify for youth allowance under the old criteria. The 100-kilometre relocation clause amendment will make sure that those students who really need government assistance will continue to be eligible for youth allowance. It will ensure that rural and regional students are not forced to defer their studies by two years, so they are not left behind their city neighbours.

The government needs to understand that we are talking about real people and real kids’ university futures here. We are not just talking about names and numbers on a piece of paper. Take, for example, one letter I received from a concerned mother called Lisa, who wrote:

Financially, I have grave concerns for how we are going to be able to support the girls at university. My husband is a teacher and I work two days a week as an early intervention teacher. We are a middle income earning family with a home mortgage. I also have another daughter who will be attending university before Claire and Hayley will gain independence under the new scheme.

Before the changes to Youth Allowance were made this year, Claire and Hayley were initially going to take a gap year (to claim independence) as they knew we could not solely financially support both going to university. Under the new scheme this is not an option as they would be unable to get a guaranteed 30 hours a week of work, as we live in a high unemployment area.

What about another letter, this from a mother from rural Australia called Jacky, who wrote: I have a very stressed 17 year old, about to commence his year 12 and his whole future has been thrown into turmoil. It is a difficult time for him and thousands of other students in the same situation, he doesn’t know what his next move will be because of the youth allowance situation.

These are real lives that the government is messing about with here. The government needs to get these changes right; otherwise, it will put education of our kids at risk.

I was listening to the debate before, and one of the other senators referred to the youth allowance as a ‘loophole’. I would like that senator to go out to the rural and regional parts of Australia and call it a loophole. Look in the eyes of those kids who actually need the income support from youth allowance to get to university. How dare this government label it as a loophole that they can claim? I think the senator would regret saying that to rural and regional Australia, treating them with such contempt. A loophole! These people are struggling to get their kids to uni, and you are calling it a loophole for those people out there? That is outrageous, to say the least. The same senator would then say, ‘In these times, it may be tough to go and get the $19,500.’ How tough will it be to get 30 hours a week for 18 months? That is even tougher. I do not think you realise what you are doing to the next generation. I do not think you really have gone out to the rural and regional areas and spoken to people, looked people in the eye and said, ‘These changes will make it worse; they will make it harder.’ A clever country does not make it harder for its kids to get to university; it makes it easier. You are pinching pennies in the wrong area.

Most of us got our education for free, and you are making these kids sound like they
are being greedy. It is just wrong. It remains a fact that Australian university students receive among the lowest levels of income support across the OECD countries; they are not greedy. Do not be so stingy. Education is important. You could have made some changes and not taken a sledgehammer approach to youth allowance. You could have made some changes. You are being so stingy; I just cannot believe it. You have to come to your senses and make some changes, and I am hoping that tonight or when we get to vote on this particular bill that we stand up for rural and regional kids and we force the government back to the negotiation table.

If this bill does not get up, you will make a claim that we are being reckless because the Commonwealth scholarships will not be provided next year. You folks took them away in a previous bill. I said at the time that you should have brought this bill in at the same time and had them both debated on. But no, you waited until the last two weeks of the sitting year to try and force it through, hide it late at night. What a joke. You should have had the guts to bring these two bills in together, have them debated together and let us see then where they fell. But to try and hold us to ransom and say: ‘If you don’t pass this bill, you’re being reckless. If this bill doesn’t pass, there’ll be no Commonwealth scholarships’, that is your fault—no-one else’s except your own.

You should be making it easier for our kids to get to university. Yes, the changes do allow some others to get some support. But 26,000 kids will be worse off. It is wrong. Many of the people who rely on youth allowance are from rural and regional areas where we need the doctors, we need the nurses, we need the accountants and we need the professional services. They are short in those areas because they need people from the area to get their degrees and then go back to where they have come from. As I was saying, a clever country would make it easier for our kids to get to university, and you turn your back on the rural and regional areas at your own peril. You have a chance now to fix it; you have a chance not to be so stingy. You say you are happy to look at changes as long as they are within budget parameters. But when you wake up one day you are quite happy to spend 43 billion bucks. You are happy to have lots of money going out the door but when it comes to our kids’ university education or making it easier for kids from rural and regional areas, you say ‘Let’s cut back here.’

You should not have taken a sledgehammer approach to it. We have been saying this for a little while now. A lot of these issues were raised back when the first bill came through. You have yourselves in a mess here, so you can try and go out to rural and regional areas and the Australian public and say that we are holding back Commonwealth scholarships, but you are. You have a chance to change what you are putting forward here tonight—and you really should. Let us do the right thing by the next generation and make it easier for our kids to get to uni not harder. Stop penny pinching.

Senator HANSON-YOUNG (South Australia) (9.26 pm)—I rise to speak to the Rudd government’s attempt to restructure the way in which student income support is offered to those undertaking tertiary study in the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. I would like to point out from the outset that the Greens have been upfront from the beginning, from budget night, about how we do support some of the positive measures contained within this bill but that we have ongoing concerns with the negative measures that we feel will have an unfair consequence on students from rural and regional Australia.
Various speakers in this place tonight have alluded to a number of those concerns. They are strong concerns. They are held not only by people in this chamber but also by the people we represent, rural and regional students around the country, their families, educators, teachers—the people in those rural and regional communities who are concerned about what this means for the education of their young people.

The need for adequate student income support is particularly acute for those who have no other choice but to leave home in order to take their place in a higher education institution and to fulfil the potential they have demonstrated in earning that university place. At a time when young people are under increasing financial pressure, students and those in guaranteed training places need to be better supported if they are to stay on and excel in their chosen path.

For young people in rural and regional Australia the obstacles in accessing higher education are even more pronounced. Many prospective students wishing to pursue tertiary studies who have no other choice but to leave home to do so are forced to take a gap year following secondary school in order to earn the required money to access the independent rate of youth allowance. Our big concern is the removal of the workplace participation criteria without replacing it with something comparable.

Even the Bradley review into higher education, which the government continues to reference as its point of call on this issue, identified the obstacles for country kids in accessing higher education, with the report noting the decline in the participation rate in tertiary education from 25.4 per cent down to 18.1 per cent for rural and remote students. Surely these figures should be ringing alarm bells within the government as to how we can ensure that the most disadvantaged students from these areas are provided with appropriate levels of support to participate and fulfil their potential? I understand the government’s claim and its will to deal with the system and re-target youth allowance for those most in need, and I believe in many of the measures it has been able to do this. But in its targeting it has overshot and missed those who are going to incur extra cost simply because of where their family is geographically located. They are, of course, the rural and regional students.

I am also concerned that, whenever we talk about this issue, question the amounts and look at the numbers, the government insists that the scholarships provided will indeed add to that extra fortnightly amount. But let us not forget what these scholarships are for. These scholarships are things for which organisations right around the country—student groups, political parties like the Greens and others—have been pushing for quite some time. We are quite committed to the scholarships scheme. We know that students need that extra money at the beginning of each semester to cover their educational costs, their textbooks, their ancillary fees—all the things that you need to set up for the semester. But it should not be considered by anyone, particularly not the government, as part of their fortnightly allowance, because it is not part of their living costs. It is part of their educational costs. That is the difference. It is not good enough for the government to suggest that, just because students are going to get some extra money through a scholarship fund, that means it can cut their fortnightly rate, which effectively is what the government’s package of reforms will do for 30,000-odd students. Some will get less and some will get nothing, but there are 30,000 students, on the government’s own figures, that are going to be worse off under this scheme. It is not good enough just to say that they will get some extra money at beginning
of semester, because we know that this is for educational costs and is not a living allowance.

As part of its reform package the government announced that two of the three workforce participation criteria for a young person to qualify as independent and therefore get the maximum rate, $371.40, of youth allowance as income support while they study will be removed from 1 January 2010. As I have already mentioned, the government’s own estimates suggest that 30,700 young people will be caught short by these changes. While the moving of the goalposts was originally intended to commence on 1 January 2010, the Deputy Prime Minister, Julia Gillard, has since announced that the commencement of this change would be delayed for six months, finally acknowledging—at months of hard campaigning and awareness-raising from the young people affected, who have done an outstanding job at having their voices heard—the unfairness of this proposed budget measure, which would have had a retrospective effect on those thousands of students currently working towards qualifying for student income support next year. The government has addressed some of those concerns but clearly not all of them. While I want to place on record the Greens’ support for the improved targeting of income support payments and scholarships, we remain concerned that the government’s approach to better targeting has resulted in a negative impact on students from rural and regional Australia. Those students arguably are among the most in need of support and will be disproportionately affected by the independence criteria, as they are the way in which most students who have to move out of home to go to university access the income that they need.

During the public inquiry Universities Australia informed the committee that if you compare the income support of Australian students against the OECD benchmarks, we rate very lowly. It just puts before us the speculation—and perhaps it is more than speculation; it is a probability—that being revenue neutral in relation to these expenditures will just shift pockets of inequality rather than address inequality on a structural basis, and that is precisely the point here. The government has said, ‘We want to be able to give more people some type of support without putting any extra money into the pot.’ I have heard the minister say numerous times: ‘We’re going to be helping 100,000 extra students.’ But they have not put any more money into the pot, so they are spreading it more thinly. They are spreading it amongst a large number of people, which means that ultimately everybody gets less. Those students who need the maximum amount are students who are independent because they do not live at home. They cannot rely on their parents and have to move out of home in order to go to university. Those students primarily are from rural and regional Australia.

This idea of shifting the pockets of inequality from one place to another and not dealing with the issue of inequality really sums up the root of the problem with this package of reforms. There was not one extra dollar put into the pot for student income support in the 2009-10 budget by a government who went to the electorate saying, ‘We will be the party of the education revolution.’ We are all still waiting. At the moment it is purely rhetoric. At this time we know we need to be investing in the education of our next generation to ensure that the recovery that we have had over the last 12 months will not just be a blip but will drive us into the future and set us up for the future. We need to be training and educating our young people. We know that when unemployment levels rise the desire for upskilling and training rises. We need to capture those people and
not leave them in limbo. This is the time to be investing in education and investing in the support that we give to students, because without supporting students there will be no education revolution. It will all be words and it will all be semantics. It will not actually be a generation of trained, upskilled, educated young people who can go back to their communities and be the professionals we so desperately need.

While the government has been more forthcoming with producing figures on how many students will benefit from this reform package, the department have failed to adequately identify just how many students will be worse off or in fact will miss out on payments altogether and have not advised what type of economic modelling, if any, they have used and relied upon to derive this budget package. The government continues to tell us that this is a budget neutral package, yet it cannot show us the modelling. I question whether you can honestly tell the electorate it is budget neutral without actually giving us the figures. What we are continuously being told is that some of the estimated 30,700 young people affected—and this is the only real figure the government has been able to come up with—by the proposed change will still benefit under the proposed changes to the parental income threshold. But of course we know you cannot give more people the same amount of money without putting more money in or cutting people’s payments. These kids are not going to get the full amount of youth allowance that they need to get them through their university careers. It is just mathematics: you cannot cut the same bit of pie of into smaller pieces and assume you have more.

This is not a magic pudding: this is the government saying they have a budget-neutral package and that we should all be proud of that. Well, I am not. This is the time when we need to be investing in education, not making students carry the can for the government’s budget issues and the economic crisis. We need to be investing in the education of our young people.

Given Universities Australia’s own estimates that suggest the average cost of being a student is about $670 per fortnight—and that is a very conservative figure—the fact that we have not seen one increase in the fortnightly youth allowance rate of $371.40 aside from the annual indexation is appalling. This is not just a reflection on the current government; this is clearly a reflection on the coalition as well. For 12 years the coalition ripped money out of universities, expected students to skimp and save in order to get themselves through their basic living costs and made it very difficult for young people who honestly wanted to get an education, get through their university career and move on to being wonderful workers in our workforce and participating in the productivity of the economy.

The coalition also have a lot of responsibility to take here, and perhaps this is the time for them to make it up. Perhaps it is time for them to say: ‘Yes, we need to see more investment in education. We need to be supporting our students, so not only are we going to deal with the retrospectivity aspect of these youth allowance changes; let us make it fairer. With those people who need the maximum amount because they have higher costs because of where they come from—generally rural and regional areas—we will support those kids in getting to university.’

An increase of the budget to bring the youth allowance to at least somewhere in the realm of the Henderson poverty line, which is $673.12 per fortnight, or at least to bring the current youth allowance up to the rate of Newstart, which is $456, as opposed to the maximum youth allowance rate, which is
$371, would be a start in order to address the real costs of education for students. This would be very welcome. In saying that, I now move my second reading amendment, which deals with that exact issue:

At the end of the motion, add: ‘but the Senate calls on the Government to commit to an increase in the 2010-11 Budget to bring Youth Allowance in line with other social welfare payments such as Newstart, which provides a maximum fortnightly payment of $456.’

These concerns are not new to government, and nor are they new to the coalition. The Greens, and formerly the Democrats, have long championed the need for the government to provide better support for young people in pursuing higher education, particularly for those students from rural and regional Australia, yet we still find our students receiving amongst the lowest of income support in the OECD.

We know that the response from students around the country to this budget measure has been loud and very clear. They feel gypped that the government has decided to change the rules halfway through. It is not good policy for any government to be making changes that are retrospective. At the very least the government should deal with the retrospectivity aspect. Let us not deal with that simply by making changes that rip off other students who desperately need support; let us see some honest investment in the education revolution.

The feedback from the community around the country has been loud and clear. Students, their parents, their teachers, their communities, their local councillors, their parent and teacher school councils, their employers and people around the country are very concerned at the impact that these changes will have in the long term. Of course, they also welcome some of the good things. The scholarships are fantastic. Let us keep them there and get them started. Let us work across both sides of the chamber and get this legislation to a point where we remove the bad policy—the ‘scribble on the back of the envelope’ approach to the retrospectivity aspect. Let us ensure that we do give support to students who need it because they have no other choice but to leave because their university is in the city and they happen to live in the bush. Let us make sure we see a proper investment in educating our young people.

We cannot just take away two of the workforce participation criteria without replacing them with something comparable. If as a student you are required to move out of home to go to university and there is a 90-minute travelling time back home at a minimum—that is a suggestion—then you should automatically qualify for the independent rate for the purposes of youth allowance. If you have to move out of home then you are no longer living with your parents. If the one thing that is going to stop young people from rural Australia from going to university is the fact that they are not going to be able to support themselves through their university career because the government will not give them the income support they need, we need to seriously question what we are doing. We need to review it.

A number of students gave evidence during the Senate inquiry into this legislation, and I just want to read a quote from one student, relating to the fact that the only workforce participation criterion left in this legislation is the one that says you have to work 30 hours a week for 18 months in order to prove yourself independent. She was puzzled at the idea that the government could think that this would even be possible for a young person—somebody on a junior wage trying to find that type of work in a rural and regional area. She said:

I collected papers over the last two months to see what jobs we could apply for—
to suit this criterion.
I come from Orange, which is quite regional—in comparison to some of the remote areas these girls are from.
I circled nine jobs in four weeks that I could apply for and that gave me 30 hours a week.
Just nine in four weeks!
There are another 300 kids graduating—from year 12.
There are just not enough jobs. The proof is there; it is in the papers and the statistics.
There is a young woman who has taken the initiative to say, ‘Okay, let’s see if I can do this and get the 30 hours a week.’ She has gone out and bought the paper and gone through the paper every day for the last two months to try and find a job. She came up with nine, and she understood that there are 300 other kids in year 12 who are going to be in the same situation. The jobs simply are not there.

The government has not given a comparable option to those students who currently rely on being able to earn the $19½ thousand, take their gap year and then qualify for the full amount—they need the full amount because they are the ones who incur the highest costs because they have to move out of home. The geographical location argument seems to be the one of most concern to prospective students, and it is a valid one. It is why the Greens will be seeking to amend the legislation before us to remedy what we have seen as being an unfair disadvantage for some of the most vulnerable students.

The principal of Loxton High School, in my home state of South Australia, highlighted to the committee during the course of the inquiry into access to rural education the inequalities in accessing education between metro and non-metro students. He said:
… if you look at the inequity between two families on the same income—one in a metropolitan area and one in a rural area—the rural family, by the mere fact that they are living rural, has to find some significant additional financial income support or whatever for their child to access the same quality of tertiary education as an urban family.
They have to find some significant additional financial income support to allow their kids to go to university. We are putting barriers in place. We are putting barriers in front of kids from rural and regional areas that are going to make it much more difficult for them and much more difficult for their families to get them to university.

Unfortunately for our country kids, they are the ones who are being forced to pay for the government’s budget savings. It is not good enough to simply say that this is a budget neutral package. It should not be. We need to be investing in the education of our children. We need to be investing in the education of the next generation. We need to be investing in the education of those kids, wherever they are from—metropolitan areas, country areas, remote areas, regional areas or rural areas. This package, because it has been so poorly drafted, misses the boat.

Senator IAN MACDONALD (Queensland) (9.46 pm)—I wanted to make a small contribution to this debate on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 and to again highlight the value of remote students to our regional universities and the particular importance that regional universities play in getting kids from more remote areas into tertiary education and, more importantly, sending them back to those areas once they have qualified.

Just recently, the Senate Rural and Regional Affairs and Transport References Committee held a hearing into student accommodation and remuneration at James Cook University in Townsville. I was pleased to be able to go along for a little while to hear evidence from students Anna-
Jane Gordon and Heather Ann Hanks and also from Associate Professor Richard Murray, the Head of the School of Medicine and Dentistry there. The two students are members of what is called RHINO, which is the Rural Health in the Northern Outback organisation. They are a great group operating out of James Cook University in Townsville and Cairns. They do a lot to support young people coming in from the bush, going into what is for many of them a strange environment and then undertaking studies. This pair and their organisation, as its name suggests, deal with rural health. The organisation did quite a large survey of students at James Cook University. They found that 11 per cent of people who responded were from urban areas, 46 per cent were from regional areas, 30 per cent were from rural areas and 11 per cent were from a remote location. The research showed that the people who responded had to face barriers to university education. Ninety-six per cent of those who responded to the survey had reported that they would like to return to a regional, rural or remote area upon graduation in the health area.

I will just pause to pay tribute to former health minister Dr Wooldridge—

Senator Cormann—Good man.

Senator IAN MACDONALD—a very good man—who was the one who recognised the importance of getting kids from country areas into regional universities in the hope and expectation that they would be more likely to return to the bush. You, Madam Acting Deputy President Moore, would remember that when Dr Wooldridge was health minister he took over from a government that prior to 1996 had little interest in rural and regional students or rural and regional health. Because of that, there was a huge shortage of doctors and other medical personnel in country Australia. It was getting to a crisis point.

Senator Cormann—Traveston Crossing dam?

Senator IAN MACDONALD—Nowhere near the Traveston Crossing dam, no, but perhaps in more remote areas. Dr Wooldridge, with the help of a lot of the then members of parliament and the medical profession, realised that you needed to establish medical schools in regional universities.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

Forgotten Australians

Senator McLUCAS (Queensland) (9.50 pm)—Today is a day that I thought would never come. It was with enormous pride that I joined with some 900 Australians in the Great Hall today to witness the historic apology to the so-called forgotten Australians and child migrants. I want to commend the Prime Minister and Minister Macklin and her staff. I want to thank them for hearing the representations that have been made on behalf of many people who were institutionalised as children and who were child migrants. The Prime Minister and Minister Macklin have listened to a call that has been going out for decades, and they have responded to that call in, I think, a very heartfelt way today. I welcome the bipartisan support for today’s apology, and I acknowledge that Mr Turnbull’s contribution was also very heartfelt.

The words of the motion which was moved today in this place and in the House of Representatives and put in front of those people this morning reflect a sound understanding of the history and the hurt and suffering that was experienced in the past. They
reflect an understanding of the ongoing struggle of many people in dealing with their experience. They also recognise what we need to do in the future to continue to assist people who were institutionalised.

I never thought it would happen. The previous government’s response to our report, which was tabled in 2004, said in response to recommendation 1, which was that we issue a formal statement of apology:

While it would not be appropriate for the Australian Government to issue an apology for a matter for which it does not have responsibility, the Government expresses its sincere regret that these children were placed in situations where they did not receive the care they deserved.

Like many on the committee, when I read that response I was deeply saddened—but not as deeply saddened, of course, as those who experienced institutional care.

The value of the apology was on display today. We saw in the Great Hall a celebration of survival. As we all saw, there were lots of tears, but there were also many laughs and a coming together of people who have struggled, personally and collectively. They believe, and I share their belief, that they have made a great gain today. Today was an acknowledgement and a validation of their experience. We heard many times during the inquiry that people knew they were not being believed when they told their stories. Today I hope that care leavers across the nation and child migrants feel that the Australian government, on behalf of the Australian people, believes them.

Today I sat beside a man who was in care in a number of states. He was taken into care in South Australia, moved to Victoria and then to New South Wales. I had not met him before. He was very quiet and then asked me if I would talk to his wife rather than talking to him. She told me that they did not know about the 2004 inquiry—they had not heard about it and only knew about the work of many who have been agitating on behalf of care leavers for the last couple of years. They are not alone. Even now, from time to time, I am contacted by care leavers who have no knowledge of the inquiry and who have just realised the work that the Senate Community Affairs References Committee did. I encourage people who are in that situation to seek support from counsellors. Remembering their shocking treatment, which they have pushed back from their mind for so long, revives emotions and feelings that are very hard to deal with. We know from having so much experience in this that the simple fact of remembering what happened to them in their younger years does raise significant issues that require support.

I describe myself as a person who sees good in humanity and who believes that people are essentially a positive force in society, but the evidence that we heard during that inquiry sorely tested that view of the world. There were stories about lack of food, lack of blankets, lack of clothing and horrible stories of children in Victoria with no shoes. There were stories about the beatings, the use of children as slaves and the menial or worthless tasks that children were told to do simply to fill in time. There were stories about the verbal abuse and the emotional torture these children lived with, and the horrifying and all-too-common sexual attacks. These stories will stay with us all forever. But the bit that really gets me, and the bit that I cannot deal with, is the callous, heartless behaviour of so-called carers who intentionally built a culture of lovelessness in so many of the institutions. That is what cut me to my core.

How could these people systematically ensure that babies, toddlers, children and teenagers did not receive any affection, any kind words or any cuddles—no love at all? That is the bit that I cannot understand. How
can an adult human being not show affection for a vulnerable child? Those actions are actions that have to be acknowledged. The hurt that they caused so many people has to be talked about. That is why I am so pleased with the announcement today by the Prime Minister that funding will be made available for care leavers to allow them to share their stories. I have in my office in Cairns a whole section of books that have been written by care leavers. It is clearly really helpful for people who have been institutionalised to write down their story and to share it. It seems to purge them in some way of the horrific experience that they have been subjected to. I do encourage many care leavers to take the opportunity to share their story. It is a very hard thing to do, I am sure, but if you share your story then I hope it will help you to heal.

There are many people we need to thank in this process and a lot of them have been referred to today. Various support organisations exist around this country and every one of them needs to be applauded for their persistence and their strength. Persistence is the word that comes to mind. They are all brilliant people. I want to talk about one person who made this happen—that is, former senator Andrew Murray. Andrew saw me in the corridor today. He said ‘Jan’ and we had a hug and that was sort of it. We did not really have to say much. I pay tribute to him. His dedication and commitment to ensuring that justice started to be done—and ‘started’ is the right word; we have not finished the work—initially for the child migrants and also for the care leavers is something that I know all of us in this place really applaud, but not as much as those people in that hall today. The ovation that he was given was truly well deserved.

Like Senator Moore I want to pay tribute to the staff of the Community Affairs References Committee. These people have carried on this work through the changes of leadership on the committee. They have ensured that the initial work done in the first inquiry into lost innocence and then the subsequent inquiry into the forgotten Australians was not lost. So to Elton Humphery, to Christine McDonald, to Geraldine Badham, who was there then, to Peter Short, who was also there then, to Leonie Peake, who has done a fantastic piece of work, and to Ingrid Zappe I say thank you for your commitment to this work. My final comment is on the word ‘forgotten’. I think we should forget the word ‘forgotten’. I think we should from now on ensure that we talk about the ‘remembered’ Australians.

Forgotten Australians

Senator KROGER (Victoria) (10.00 pm)—In opening, I would like to associate myself with the comments that Senator McLucas has made about the forgotten Australians and share her empathy, appreciation and understanding of what so many have experienced and still deal with. In my first speech over a year ago I spoke about the importance of family for me and quoted Thomas Moore:

Family life is full of major and minor crises—the ups and downs of health ... success and failure ... is tied to places and events and histories. With all of these felt details, life etches itself into memory and personality. It’s difficult to imagine anything more nourishing to the soul.

Sadly, hundreds of thousands of children were stripped of the opportunity to experience these ups and downs, these normal failures and successes, and these major and minor crises that we all have enjoyed. Sadly, their souls had little, if any, opportunity to be nourished. Today, Australians had the opportunity to witness our parliamentary leaders shelve their political agendas and recognise the torment and suffering of hundreds of thousands of children from the 1920s through to the late 1960s. It was a moving
ceremony, with many of the brave victims present, supported by family, friends, community and group leaders. Many of those who attended today we have come to know as child migrants and lost innocents. Today we extended a deserved apology on behalf of the nation.

A word, in and of itself, means absolutely nothing. The Book of James famously reminds us that faith without works is dead. Considering the application of that sentiment today, we may conclude that an apology without action is meaningless. That is why I welcome the commitments that both the Prime Minister and the Leader of the Opposition made today. Their genuine concern and action in this matter is admirable and respected by many. I note with gratitude the many charitable and religious organisations that have in the past been involved with state care programs which have published public apologies to those abused and neglected whilst in their care. Similarly, most state governments have issued apologies to victims.

The Hon. Malcolm Turnbull earlier today drew attention to a quote at the beginning of the Senate Community Affairs References Committee’s Forgotten Australians report. Nelson Mandela said:

Any nation that does not care for and protect all of its children does not deserve to be called a nation.

Of the 39 recommendations in that Senate report, the very first recommendation has now been accomplished. The report wisely recommended:

That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.

I note that the Prime Minister today pledged to advance some of the 33 recommendations made in the Senate report on child migration titled Lost innocents: righting the record. This action is also welcomed.

In my home state of Victoria today there were two events which coincided with the national apology. One organised by the Interim Service for Forgotten Australians and the other by MacKillop Family Services. I commend both organisations for their initiative and coordination of today’s events. On a day such as today it is important to recognise the organisations that remain committed to this important work—of which there are many—but in particular I would like to note the Care Leavers Australia Network, the International Association of Former Child Migrants and their Families, and the Alliance for Forgotten Australians.

Without the determination and resolution of these organisations to pursue what is right, there would be no apology and, sadly, no acknowledgement of past evils. I must also acknowledge the continuing work of the National Association for the Prevention of Child Abuse and Neglect—NAPCAN—and Adults Surviving Child Abuse, who I have worked closely with and support in whatever way I can.

Today the Australian parliament acknowledges the individual experiences which children had whilst in institutional care. In many instances they were taken from disadvantaged circumstances with the objective of more appropriate care but were frequently separated from their family and, in the case of British child migrants, moved to the other side of the world. We have heard of the conditions to which they were subjected to: from brutal, isolated and emotionally inadequate to physically, emotionally and sexually abusive. Whilst not all children claimed mistreatment, the personal stories of so many are
heart-wrenching. We know that there are 500,000 of these survivors nationally and 90,000 survivors in my home state of Victoria. No words can ever be sufficiently adequate in recognising the trauma inflicted by these events, and they should not be forgotten.

In reading some of the submissions to the Senate’s inquiry into institutional care, I was overwhelmed by the horror, abject fear and misery that these children endured rather than knowing and enjoying unconditional love. During the ceremony today, I saw the anguish of the past on so many faces. I can only imagine the continuing pain from a lifetime of torment that needs and demands our support and understanding. I also want to recognise and note my admiration for the strength and courage that was shown today by so many who chose to come and share. I am humbled by that strength and fortified by the collective will. As a nation we must ensure this dark chapter in our history book is not ignored but used to assist us in shaping our future.

I read the testimony of Mrs Deborah Findlay to the Senate inquiry who told of her ordeal as a ward of the state. She wrote at some length about this, and I wish to share just a little of it with you. She starts by saying that she is writing this story because she believes it needs to be told. She was born in 1964 and, at the age of two, was made a ward of state. She was placed in the Alexandra Toddler’s Home in Ballarat, Victoria in 1966, then transferred to the Ballarat Children’s Home on 19 September 1969 where, until 1979, she spent her whole childhood in state care. I will quote her from this point in her story:

While in the care of the Ballarat Children’s Home in Victoria I was subjected to physical, sexual, emotional Abuse constantly walking a fine line of terror, fear, hate and shame.

From 1971-1978 my cares physical abused me such as:
1) I was made to have cold showers every morning, due to bed-wetting.
2) Had my face rubbed in my wet sheets of my bed?
3) I was belted with a cane, belts, bats anything that they could get their hands on.
4) Had my mouth washed out with hand soap?
5) Dragged along the hallway carpet by my hair.
6) Kick in the stomach and body while I was on the floor.
7) Made to stand in hallway in the cold at night.
8) Made to clean on hands and knees cleaning metal strips on carpet runners cleaning hours on end.
9) Had my ears pulled upwards that I was standing on my tippee toes.
10) Thrown up agents the hallway wall.

I reflect on her life. Mrs Findlay is now 45 years old, five years younger than I am. And yet she has experienced such enormous tragedy and torment in her life. In her submission she continued to recount the emotional abuse she received. I cannot bring myself to mention the physically and emotionally violent atrocities inflicted upon her but, needless to say, no person should ever, ever have to experience what she has, let alone a child who has every right to expect that we will protect them. For the neglect and abuse inflicted on so many innocents by governments, churches and charities, we say sorry.

**Building the Education Revolution Program**

Senator POLLEY (Tasmania) (10.10 pm)—It is very hard to give a speech following on from the two speakers tonight in the adjournment debate. I concur with their comments. It has been, yet again, another historic day for Australia to acknowledge our wrongs of the past. But tonight I am delighted to have the opportunity to talk can-
didly about the immense differences being made to school communities across Tasmania as a consequence of Building the Education Revolution.

The education revolution was a cornerstone of the Labor federal election campaign in 2007 and quickly became a popular and widely supported policy platform. It was popular for one very simple reason, and that is that education is unanimously regarded as one of the critical issues in society. Every parent, every teacher and every community wants the best possible standards of education for our children because each and every one of them understands the integral relationship between a good education and an innovative, productive and cohesive society.

Education achieves its greatest potential through a balance. The balance is reached through dedicated and skilled staff, sufficient resources administered in effective ways, well-planned systems of teaching and learning, and infrastructure conducive to heightened learning. If one part is not measured or weighed appropriately then the balance cannot be achieved and we, as a community, suffer collectively as a consequence.

A high quality of education is what every community wants for its children and for itself. Yet core need was ignored and neglected, and funding whittled away over a significant period by the former Liberal government. Under the former government, funding was diminished, resources were squeezed and infrastructure was left to stretch beyond its effectiveness. The losers out of this were all of us as the standard of education that feeds the lifeblood of our communities slipped. The Rudd Labor government noted this slippage and countered it with the promise of a revolution. And it has delivered. Those on the opposite side of the chamber scoff at the idea of a revolution. They have accused, talked and blustered. In fact, they have done everything except provide a meaningful commitment to improving the quality of education in this nation.

Since the program commenced in February this year, there have been significant and undeniable steps forward in improving educational infrastructure across Australia. The focus on investing in infrastructure has been a wise one. Infrastructure investment, which was sadly ignored for too long, improves teaching and learning by creating the best possible environment for those in our community.

Old, poorly air-conditioned, poorly heated, cramped, and temporary classrooms are all too common across Australian schoolyards. A lack of outdoor learning areas means children miss out on opportunities that encourage further learning and skills. Poorly equipped gymnasiums, outdated library facilities, exteriors beyond repair and inefficient use of space—all of these have hampered many schools from creating the ideal learning environment for our children. For too long we have lived with the mentality that teachers are good at making the most of resources they have and that somehow this is enough reason to sit on our hands. Our commitment to solid investment in our schools is a clear indication of how seriously we as a nation value education.

The opposition may gripe—and they do—about how much the program costs, but this mindset ignores two fundamental points. The first is that real, tangible, worthwhile investment costs money—in fact, it costs more after significant periods of neglect, as has been the case. No change is ever achieved in this world without a commitment to do whatever is required to achieve it. The second point is that every dollar we spend now in investing in education will be repaid tenfold. Our investment will reap great benefits in increased teaching capacity, learning op-
opportunities and the flow-on effects of productivity and prosperity.

In my home state of Tasmania, with a population of a mere 500,000 people, a staggering $439 million commitment has been made to education infrastructure. In a highly decentralised state, with a number of smaller, rural and regional schools, for too long many of them have made do with conditions that are less than optimal. But 272 schools will expand and renew through the funding of 599 projects. Classrooms will be updated, amenities will be built, libraries will be modernised, outdoor learning areas will be upgraded, science labs will be constructed and buildings will be renewed and refreshed. The results will not be simply to make the schools look better. Buildings and resources that have been utilised for decades and have long since become obsolete will be brought into the 21st century. Our children will get a 21st century education and the entire community will benefit.

I recently read a media release that outlined this very fact. The release stated that the use of school facilities by community and sporting groups increased by over 7,600 hours in the last financial year. Schools have been encouraged to make educational facilities available to the wider community, and the response has been very strong. The benefits of new and improved facilities, such as gymnasiums or meeting spaces, are therefore accessible to a wider population, and so the value of the investment is increased exponentially.

I recently visited a number of schools in my home state of Tasmania. Outside Launceston I visited what to me was an innovative, exciting environment in a district school that is the centre of that community, and its buildings are widely utilised by the community. Funding under the Building the Education Revolution program was in the process of turning their poorly heated tin shed into a modern gymnasium. The gym will have improved amenities and community meeting rooms as well as improved parking. Suddenly, an entire town and its surrounds will benefit from something that can be used and used and used again. People are able to come together and collaborate in ways that are meaningful to them, and all the facilities have been provided by the investment of this government.

I also spent a day visiting some schools in Hobart recently—private and public. I take the interjection earlier from the senators over there. It was really quite interesting, when you speak to the school principals about the management of the programs and the investment that has been made in the school, that none of them—not one principal, not one teacher, no-one from those school communities—could fathom the criticism by those opposite of this major investment in the future of our young people. They were raving that they have been able to run the projects at a local school level, meaning students, teachers, parents, architects and builders have all had input into the design and building work. This is a far cry from the Tasmanian Liberal senators’ claims that the program demonstrated a ‘lack of value’ and that they had principals, teachers and builders calling for a review of the requirements imposed. It is a staggering investment in Tasmania now and into the future. But what have my Tasmanian colleagues across the chamber had to say on such a historical investment? Far from supporting this investment in our schools and our children, they have done nothing but search endlessly for any reason to be unsupportive. May I reiterate that not one school in the north or the south of the state raised any concerns at all—

Senator Bushby—With you!
Senator POLLEY—They were very grateful for the investment that the Rudd Labor government has made. I will take the criticisms, but I challenge you, Senator, to go and visit the schools in your home state and hear firsthand how valued that investment and those dollars are to the Tasmanian community, and more so for our Tasmanian students.

No system is ever perfect. No plan is ever implemented without incident. But this should never stop us from trying. The Rudd government does not shy away from a tough fight—and thank goodness, because we have much to show for it. I am truly proud of having something tangible for my grandchildren to touch and utilise as a consequence of our ambitions and efforts in government. I am proud to be a part of that and I am very proud of the innovative way that those Tasmanian schools are utilising every single dollar that this government is investing in the students, the teachers, the school communities and the wider community in general. Each of those schools is now engaging more with its community because they are inviting the community to be part of their school community.

I am always amazed that it does not matter what this government has done since we have been in government; those opposite always have to look for the negativity. They can never say, ‘Wow, this is a good program,’ or acknowledge the fact that they made mistakes for 11½ very long years. They did nothing but rip money out of education in this country. They put us on the back foot, and now it has taken us to show the way and to invest in the education revolution. This is the beginning of what I see as a very fruitful decade, with more to come. But the thing that struck me was that there are schools that have been using the same libraries since the 1960s. So many of the principals and the project managers were talking in relation to the decade that—(Time expired)

Forgotten Australians

Senator BOYCE (Queensland) (10.20 pm)—I would like to associate myself with the earlier remarks of other senators and of the Prime Minister and the Leader of the Opposition in the Great Hall in making the apology to the forgotten Australians and the lost innocents, the child migrants of the past. It was an honour to be part of the Senate Community Affairs References Committee, which recommended that this apology be made. And it was a delight to have the opportunity today to be part of such a raw, emotional but uplifting experience as the apology.

I met a man who came from the Sunshine Coast, in Queensland, who was proudly wearing his CLAN colours—CLAN being the Care Leavers of Australia Network. He told me that he had spent 16 years in an orphanage and very briefly went through an account of his experiences there. But when he got out of that orphanage he became involved in what he called motorcycle clubs. Others would have referred to them as outlaw motorcycle gangs. But it was in those gangs, or clubs, that he found someone at last who cared about him—a sense of belonging somewhere, where someone cared. He spent time in jail because of that involvement, so he has now given away being involved in motorcycle clubs and has started his own motorcycle club. He was there proudly wearing the result of that lifetime of getting to the stage of being happy in his own skin and being able to function as part of the law-abiding community. But it was a long, long road for him.

I met another man today who, when I asked him where he was from, said he came from Ireland in a very broad Australian accent. He had come to Australia more than 40
years ago, and today was the day he could remember that and feel better about the fact that now it was being recognised, now it was being accepted and now it was being apologised for; people were saying sorry.

I think the speeches today by both the Prime Minister and my leader, the opposition leader the Hon. Malcolm Turnbull were superb. I want to quote a little from the end of the speech made by the Prime Minister:

... let us also resolve this day, that this national apology becomes a turning point in our nation’s story. A turning point for shattered lives. A turning point for governments at all levels and of every political colour and hue, to do all in their power to never let this happen again.

We have already had people tell us about the sacred duty that we should all have as adults, to protect children. But the problem is that even though we can say we will never let this happen again we know it has happened again, we know it will go on happening whilst we have institutions that are not open and easily accountable to the community. I was interested to see in the Courier Mail today this comment from a woman who calls herself ‘Mum of Brisbane’:

So the apology is for the abuse in care up until the 1970’s. Where is the apology of the 80’s and 90’s—that is when I was in care, being abused under the watchful and knowing eyes of the Dept—

meaning the Queensland Department of Community Services—

...Why try to make out this ended long ago when you know it didn’t.

Probably the most awful truth for all of us to try and face is that this was not done by unknowing people; it was done as systematic abuse, as the Prime Minister said today, as systemic abuse. The system was set up to be an abusive system, and while we continue to have institutions where people are not easily able to speak their mind you will continue to have the same problem.

I was pleased to hear the Prime Minister say today, in terms of the aged-care needs of the forgotten Australians, that there would be a special needs component. The reason that there is concern about the aged-care needs of the forgotten Australians is that they will be re-institutionalised, as everyone who goes into an aged-care home is. Institutions can function well, but they are always institutions. Whenever we put people in special places away from the community we accept that those that are vulnerable may be abused and may be exploited. But we go on doing it because it is an efficient and economical way of dealing with some of the issues that we find too hard to deal with in our communities.

This has got to be where we start to think about institutionalisation across the board, not just to comfortably try and tell ourselves that this is in the past and that this will not happen again, that if a state government builds an institution for children with disabilities or an aged-care home it will be different, that this time these institutions will be good institutions. An institution can only be as good as the people who constantly watch, constantly check and constantly tell themselves: ‘This happened before, it can happen again, it will happen again if we do not continue to remind ourselves over and over that it is absolutely and unfortunately a part of human nature to behave in diabolical ways towards people less powerful’. The only way we can stop this from being an apology that will have to be made again in 50 years or 60 years or to a new group of vulnerable people is to keep reminding ourselves that this can happen, it is happening now and it can continue to happen until we open up the institutions, until we stop assuming that there can ever be good institutions without constant and total vigilance.

I can appreciate the sentiments of the people who suggest that we should talk now
about the ‘remembered Australians’ not the ‘forgotten Australians’, but I think we need to continue to remember the lessons of the forgotten Australians today, tomorrow and forever.

Senate adjourned at 10.29 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

A New Tax System (Family Assistance) (Administration) Act—A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1) [F2009L04160]*.

Acts Interpretation Act—Statements pursuant to subsection 34C(6) relating to the extension of specified period for presentation of reports—

Torres Strait Regional Authority—Report for 2008-09.

Airports Act—Select Legislative Instrument 2009 No. 290—Airports (Control of On-Airport Activities) Amendment Regulations 2009 (No. 1) [F2009L04010]*.

Australian Citizenship Act—Select Legislative Instrument 2009 No. 288—Australian Citizenship Amendment Regulations 2009 (No. 1) [F2009L04035]*.

Australian Communications and Media Authority Act—Australian Communications and Media Authority (Development of Technical Standards for Domestic Digital Television Reception Equipment) Direction No. 1 of 2009 [F2009L04140]*.

Australian Meat and Live-stock Industry Act—
Australian Meat and Live-stock (Beef Export to the USA – Quota Year 2010) Order 2009 [F2009L04159]*.


Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

371/09—Instructions – use of RNAV (GNSS) approaches by RNP-capable aircraft [F2009L03136]*.
477/09—Direction – number of cabin attendants [F2009L03961]*.
478/09—Instructions – GLS approach procedures [F2009L03949]*.
492/09—Directions – for determining maximum weight [F2009L04069]*.
EX86/09—Exemption – flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at West Sale Aerodrome [F2009L03930]*.
EX87/09—Exemption – from standard take-off minima – Jetstar [F2009L03946]*.
EX88/09—Exemption – from standard take-off and landing minima – Jetstar [F2009L03947]*.
EX89/09—Exemption – flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at West Sale Aerodrome [F2009L03943]*.
EX94/09—Exemption – bungy jumping [F2009L04038]*.
EX96/09—Exemption – solo flight training using ultralight aeroplanes registered with the RAA at Coffs
Harbour Aerodrome

Civil Aviation Safety Regulations—Airworthiness Directives—
AD/ARRIEL/17 Amdt 3—Engine – Gas Generator Second Stage Turbine
AD/B747/379—Airworthiness Limitations & Inspections – Fuel Tank Systems
AD/B/146/79—Nose Landing Gear Oileo
AD/DAUPHIN/98—Vertical Gyro Unit Data Output – Operational Limitation/Procedure
AD/F50/101—Engine Controls – Automatic Flight-Idle Stop Control Unit
AD/F/406/19—Flap Push Rod Assemblies
AD/THIELERT/13—Engine/Propeller – Constant Speed Unit – Propeller Control Valve

Instrument No. CASA EX97/09—Exemption – to produce a modification or replacement part

Commissioner of Taxation—Public Rulings—
Class Ruling CR 2009/62.

Corporations (Aboriginal and Torres Strait Islander) Act—Select Legislative Instrument 2009 No. 285—Corporations (Aboriginal and Torres Strait Islander) Amendment Regulations 2009 (No. 1) [F2009L04041]*.

Corporations Act—
AASB 2009-10—Amendments to Australian Accounting Standards – Classification of Rights Issues

Regulation impact statement and Auditing Standards—
ASA 101—Preamble to Australian Auditing Standards
ASA 102—Compliance with Ethical Requirements when Performing Audits, Reviews and Other Assurance Engagements
ASA 200—Overall Objectives of the Independent Auditor and the Conduct of an Audit in Accordance with Australian Auditing Standards
ASA 210—Agreeing the Terms of Audit Engagements
ASA 220—Quality Control for an Audit of a Financial Report and Other Historical Financial Information
ASA 230—Audit Documentation
ASA 240—The Auditor’s Responsibilities Relating to Fraud in an Audit of a Financial Report
ASA 250—Consideration of Laws and Regulations in an Audit of a Financial Report
ASA 260—Communication with Those Charged with Governance
ASA 265—Communicating Deficiencies in Internal Control to Those Charged with Governance and Management
ASA 300—Planning an Audit of a Financial Report
ASA 315—Identifying and Assessing the Risks of Material Misstatement through Understanding the Entity and Its Environment
ASA 320—Materiality in Planning and Performing an Audit [F2009L04080]*.
ASA 330—The Auditor’s Responses to Assessed Risks [F2009L04081]*.
ASA 402—Audit Considerations Relating to an Entity Using a Service Organisation [F2009L04082]*.
ASA 450—Evaluation of Misstatements Identified during the Audit [F2009L04083]*.
ASA 502—Audit Evidence—Specific Considerations for Litigation and Claims [F2009L04086]*.
ASA 505—External Confirmations [F2009L04088]*.
ASA 520—Analytical Procedures [F2009L04090]*.
ASA 540—Auditing Accounting Estimates, Including Fair Value Accounting Estimates, and Related Disclosures [F2009L04092]*.
ASA 550—Related Parties [F2009L04093]*.
ASA 560—Subsequent Events [F2009L04094]*.
ASA 710—Comparative Information—Corresponding Figures and Comparative Financial Reports [F2009L04103]*.
ASA 720—The Auditor’s Responsibilities Relating to Other Information in Documents Containing an Audited Financial Report [F2009L04104]*.
ASA 800—Special Considerations—Audits of Financial Reports Prepared in Accordance with Special Purpose Frameworks [F2009L04106]*.
ASQC 1—Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements [F2009L04063]*.

Customs Act—
CEO Instruments of Approval Nos—
2 of 2009—Incoming passenger card (English) [F2009L03862]*.
5 of 2009—Incoming passenger card (simplified Chinese) [F2009L03865]*.
7 of 2009—Incoming passenger card (Greek) [F2009L03867]*.

Tariff Concession Orders—
0906217 [F2009L03894]*.
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0911062 [F2009L03909]*.
0911064 [F2009L03879]*.
Environment Protection and Biodiversity Conservation Act—
Adoption of State or Territory Plans as Recovery Plans, dated 6 November 2009 [F2009L04165]*.
Amendments of lists of—
Exempt native specimens—
EPBC303DC/SFS/2009/32
[F2009L04071]*.
EPBC303DC/SFS/2009/33
[F2009L04072]*.
EPBC303DC/SFS/2009/38
[F2009L04203]*.
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[F2009L04204]*.
Threatened species, dated 20 October 2009 [F2009L04194]*.
Select Legislative Instrument 2009 No. 301—Environment Protection and Biodiversity Conservation Amendment Regulations 2009 (No. 2) [F2009L04164]*.
Extradition Act—Select Legislative Instrument 2009 No. 281—Extradition (Macedonia) Amendment Regulations 2009 (No. 1) [F2009L04007]*.
Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 113 – 2009 [F2009L04112]*.
Health Insurance Act—
Health Insurance (Cataract Surgery) Determination 2009 [F2009L04076]*.
Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Service) Determination 2009 [F2009L04065]*.
Health Insurance (Radiation Oncology) Determination 2009 [F2009L04073]*.
Select Legislative Instruments 2009 Nos—
286—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2009 (No. 4) [F2009L03534]*.
305—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2009 (No. 5) [F2009L03988]*.
Higher Education Support Act—
Commonwealth Grant Scheme Guidelines No. 1—Amendment No. 6 [F2009L04058]*.
Declaration of List of Other Grants (Research) under Division 41 for 2010 [F2009L04116]*.
VET Provider Approval No. 40 of 2009—Phoenix Institute of Victoria Pty Ltd [F2009L04056]*.
Indigenous Education (Targeted Assistance) Act—Select Legislative Instrument 2009 No. 284—Indigenous Education (Targeted Assistance) Amendment Regulations 2009 (No. 1) [F2009L03990]*.
Insurance Act—Select Legislative Instrument 2009 No. 297—Insurance Amendment Regulations 2009 (No. 1) [F2009L04055]*.
Jervis Bay Territory Acceptance Act—Leases Amendment Ordinance 2009 (No. 1) [F2009L04008]*.
Judiciary Act—Select Legislative Instrument 2009 No. 315—High Court Amendment Rules 2009 (No. 1) [F2009L04135]*.
Migration Act—Migration Regulations—Instruments IMMI—
09007—Specification of addresses [F2009L03977]*.
09/098—Determination of daily maintenance amounts for persons in detention [F2009L03974]*.

09/116—Refund of visa application charges [F2009L03978]*.

09/117—Access to movement records [F2009L03975]*.

09/118—Exemptions to the English language requirement for the Temporary Business (Long Stay) Visa [F2009L03973]*.

09/120—Regional certifying bodies and regional postcodes [F2009L03976]*.

09/121—Specification of addresses [F2009L03971]*.

09/127—Classes of persons [F2009L04128]*.

Select Legislative Instrument 2009 No. 289—Migration Amendment Regulations 2009 (No. 13) [F2009L04027]*.

Military Rehabilitation and Compensation Act—Select Legislative Instrument 2009 No. 283—Military Rehabilitation and Compensation Amendment Regulations 2009 (No. 1) [F2009L03995]*.

Military Superannuation and Benefits Act—Military Superannuation and Benefits (Delayed Payment of Benefits) Determination 2009 [F2009L04057]*.

National Health Act—

Select Legislative Instrument 2009 No. 287—National Health Amendment Regulations 2009 (No. 2) [F2009L03535]*.

National Transport Commission Act—
Select Legislative Instruments 2009 Nos—

293—National Transport Commission (Model Amendments Regulations 2008 (Twin Steer Mass and Loading Limits)) Regulations 2009 [F2009L04051]*.


Primary Industries (Excise) Levies Act—
Select Legislative Instrument 2009 No. 280—Primary Industries (Excise) Levies Amendment Regulations 2009 (No. 4) [F2009L04024]*.

Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2009 (No. 7) [F2009L04109]*.

Public Service Act—Amendment Determination, dated 29 October 2009 [F2009L04108]*.

Remuneration Tribunal Act—
Determinations—
2009/21: Remuneration and Allowances for Holders of Public Office [F2009L04054]*.


Social Security Act—
Social Security (Australian Government Disaster Recovery Payment) Determination 2009 (No. 8) [F2009L04138]*.

Social Security (Waiver of Debts – Small APRA Funds) (DEEWR) Specification 2009 (No. 1) [F2009L04113]*.

Social Security (Administration) Act—
Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2009 (No. 11) [F2009L04029]*.

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2009 No. 295—Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 5) [F2009L04000]*.
-safe work australia act 2008—sections 3 to 73—1 november 2009 [f2009l03902]*.

therapeutic goods amendment (medical devices and other measures) act 2009—schedule 3—1 december 2009 [f2009l03387]*.

* explanatory statement tabled with legislative instrument.

tablimg

the following documents were tabled pursuant to the order of the senate of 26 october 2009:

finance—future fund—telstra shares—
letter from the chairman of the australian securities and investments commission (mr d’aloisio) to the minister for financial services, superannuation and corporate law (mr bowen), dated 12 november 2009.
response to the resolution of the senate of 26 october 2009 from the future fund.

superannuation (unclaimed money and lost members) act—unclaimed money days and scheduled statement days [f2009l04037]*.

tax agent services act—select legislative instrument 2009 no. 314—tax agent services regulations 2009 [f2009l04020]*.

therapeutic goods act—
therapeutic goods information specification 2009 [f2009l04131]*.

therapeutic goods (listing) notice 2009 (no. 7) [f2009l04197]*.

veterans’ entitlements act—statements of principles concerning—
adrenal insufficiency no. 74 of 2009 [f2009l04045]*.

adrenal insufficiency no. 75 of 2009 [f2009l04046]*.

hypopituitarism no. 76 of 2009 [f2009l04047]*.

hypopituitarism no. 77 of 2009 [f2009l04048]*.

malignant neoplasm of the ovary no. 70 of 2009 [f2009l04040]*.

malignant neoplasm of the ovary no. 71 of 2009 [f2009l04042]*.

panic disorder no. 68 of 2009 [f2009l04031]*.

panic disorder no. 69 of 2009 [f2009l04032]*.

scrub typhus no. 72 of 2009 [f2009l04043]*.

scrub typhus no. 73 of 2009 [f2009l04044]*.

australian citizenship amendment (citizenship test review and other measures) act 2009—schedule 1—9 november 2009 [f2009l04034]*.

migration amendment (abolishing detention debt) act 2009—schedule 1—9 november 2009 [f2009l04033]*.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

National Broadband Network
(Question No. 1505)

Senator Cash asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 12 May 2009:

With reference to the Government’s recent $43 billion National Broadband Network announcement:

(1) Will the following towns in Western Australia be serviced by the proposed broadband network:
   (a) Cue;
   (b) Mount Magnet;
   (c) Meekatharra;
   (d) Herne Hill;
   (e) Hovea;
   (f) Gingin;
   (g) Lancelin;
   (h) Muchea;
   (i) Nannup; and
   (j) Pemberton.

(2) For how long are the abovementioned towns required to wait for connection to true metro-equivalent broadband services.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) (a) to (j) Yes, the National Broadband Network objective is to connect 90 per cent of homes, schools and workplaces with fibre to the premises infrastructure that is capable of providing broadband services. The remaining premises will be connected with next generation wireless and satellite technologies. The network will also provide fibre optic transmission links connecting cities, major regional centres and rural towns.

   As a guide, towns with a population of more than 1,000 will be connected by fibre. However, this does not mean that towns with less than 1,000 people will automatically miss out. Locations with less than 1,000 people may be connected by fibre if their proximity to relevant infrastructure is favourable. If small communities are well positioned in relation to backbone fibre links and other facilities, then it is very possible that they will be served by fibre.

   The Implementation Study is working closely with NBN Co to further develop planning around the specific locations to be covered. The implementation study will also investigate the likely coverage for each of the proposed technologies. Once complete, the study will provide much greater clarity on the network design. The study is due to report early in 2010.

(2) The information I have received shows that the towns mentioned in 1(a)-(j) have access to metro-comparable broadband services. The Australian Broadband Guarantee complements the National Broadband Network by providing equitable access to broadband services while this network is being rolled out.
**Questions on Notice**

**Health and Ageing: Hospitality**

*(Question Nos 1793, 1812, 1816 and 1818)*

Senator Abetz asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 June 2009:

(1) (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and

(b) of this, how much was spent on alcohol.

(2) For each Minister and any associated parliamentary secretary:

(a) Can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and

(b) of this, how much was spent on alcohol.

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

(1) (a) The Department’s hospitality expenditure from 24 November 2007 to 30 June 2009 was $119,108.63 as per the itemised list below. This listing does not include Ministerial hospitality expenditure.

(b) The Department’s financial management system does not capture the level of detail requested on alcohol expenditure and to extract this information from supplier accounts, invoices held and other documents would require an unreasonable diversion of resources.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>27-Nov-07</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Official dinner - 40th Medical Services Advisory Committee meeting</td>
<td>$1,802.00</td>
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<tr>
<td>1-Dec-07</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
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<td>4-Dec-07</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
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<tr>
<td>5-Dec-07</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Working dinner - Gene Technology Technical Advisory Committee meeting</td>
<td>$1,159.00</td>
</tr>
<tr>
<td># 6-Dec-07</td>
<td>Hanuman’s Restaurant, Alice Springs, NT</td>
<td>Dinner for Minister for Health and Ageing and representatives of NT Health # Entry relates to a dinner hosted by the former Minister for Health and Ageing, Tony Abbott, in April 2007. The account was not paid until December 2007, so has been included.</td>
<td>$615.45</td>
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<td>7-Dec-07</td>
<td>Hilton International Airport Hotel, Melbourne, VIC</td>
<td>Working dinner - Medical Device Evaluation Committee</td>
<td>$1,540.00</td>
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<tr>
<td>7-Dec-07</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
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<td>8-Dec-07</td>
<td>Canberra, ACT</td>
<td>Meeting with AUSAID consultant on South Pacific HIV/AIDS issues</td>
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<td>Date</td>
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<tr>
<td>17-Dec-07</td>
<td>The Lobby Restaurant, Canberra, ACT</td>
<td>Asia-Pacific Economic Cooperation Committee meeting</td>
<td>$2,350.00</td>
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<tr>
<td>22-Dec-07</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$179.70</td>
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<tr>
<td>18-Feb-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$75.96</td>
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<tr>
<td>21-Feb-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$333.68</td>
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<tr>
<td>26-Feb-08</td>
<td>Lemon Grass Thai Restaurant, Canberra, ACT</td>
<td>Business lunch – Review and discussion of Aged Care ratios</td>
<td>$112.70</td>
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<td>27-Feb-08</td>
<td>Sydney, NSW</td>
<td>International Women’s Day function</td>
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<td>4-Mar-08</td>
<td>Melbourne, VIC</td>
<td>International Women’s Day function</td>
<td>$163.64</td>
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<td>4-Mar-08</td>
<td>Cape Cod Restaurant, Deakin, ACT</td>
<td>Business lunch with senior representative of the Institute of Infectious Diseases, Japan</td>
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<td>5-Mar-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$399.35</td>
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<td>6-Mar-08</td>
<td>National Convention Centre, Canberra, ACT</td>
<td>International Women’s Day function</td>
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<td>7-Mar-08</td>
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<td>8-Mar-08</td>
<td>Sydney, NSW</td>
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<td>17-Mar-08</td>
<td>Aria Restaurant, Sydney, NSW</td>
<td>Official dinner for delegates attending the Pandemic Influenza Preparedness Meeting</td>
<td>$2,599.00</td>
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<td>26-Mar-08</td>
<td>Bistro 1, Melbourne, VIC</td>
<td>Lunch for BreastScreen Australia Evaluation Advisory Committee meeting</td>
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<td>27-Mar-08</td>
<td>Jaspers Brasserie, Tanunda, SA</td>
<td>Dinner for BreastScreen Australia Evaluation Advisory Committee meeting</td>
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<td>31-Mar-08</td>
<td>National Convention Centre, Canberra, ACT</td>
<td>International Women’s Day function</td>
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<td>5-Apr-08</td>
<td>Antwerp, BELGIUM</td>
<td>Hospitality incidental to overseas training course</td>
<td>$53.00</td>
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<td>10-Apr-08</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Dinner for Gene Technology Technical Advisory Committee meeting</td>
<td>$1,471.20</td>
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<td>11-Apr-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
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<td>17-Apr-08</td>
<td>Marque Restaurant, Sydney, NSW</td>
<td>Business dinner Regulatory Scientist, Health Canada</td>
<td>$333.00</td>
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<td>18-Apr-08</td>
<td>Stanford Plaza Hotel, Sydney, NSW</td>
<td>Complementary Medicines Evaluation Committee meeting</td>
<td>$440.00</td>
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## QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
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<tr>
<td>22-Apr-08</td>
<td>Hyatt Hotel, Adelaide, SA</td>
<td>Council on The Ageing 50 Year celebration</td>
<td>$160.00</td>
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<td>24-Apr-08</td>
<td>Rubicon Restaurant, Canberra, ACT</td>
<td>Official dinner with the Director of the Medical Devices Bureau, Health Canada</td>
<td>$128.00</td>
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<td>1-May-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$86.35</td>
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<td>6-May-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$288.65</td>
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<td>12-May-08</td>
<td>Pangea Restaurant, Canberra, ACT</td>
<td>Formal dinner with National Manager, Therapeutic Goods Administration (TGA) and expert panel to discuss the Review of Strategies and Processes within the TGA.</td>
<td>$299.00</td>
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<td>14-May-08</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner with National Manager and Office Heads, Therapeutic Goods Administration (TGA) and expert panel to discuss the Review of Strategies and Processes within the TGA.</td>
<td>$937.00</td>
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<td>19-May-08</td>
<td>Sheraton on the Park Sydney, NSW</td>
<td>Australian Council of Safety and Quality in Health Care Commissioners working dinner</td>
<td>$1,772.00</td>
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<td>21-May-08</td>
<td>Canberra Club, Canberra, ACT</td>
<td>Records Management Association of Australasia annual dinner</td>
<td>$75.00</td>
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<td>28-May-08</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Dinner - Gene Technology Ethics Committee</td>
<td>$784.00</td>
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<td>2-Jun-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Business dinner – Preventative Health Task Force</td>
<td>$1,521.00</td>
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<td>11-Jun-08</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Dinner. Gene Technology Technical Advisory Committee meeting</td>
<td>$1,425.00</td>
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<td>15-Jun-08</td>
<td>Axis Restaurant, Canberra, ACT</td>
<td>Business lunch – Professor of Global Health, University of California</td>
<td>$269.00</td>
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<td>15-Jun-08</td>
<td>Restaurant De Lomu, Geneva, SWITZERLAND</td>
<td>Consultation with the Indonesian/US delegation during the World Health Organisation Intergovernmental meeting.</td>
<td>$1,431.23</td>
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<td>16-Jun-08</td>
<td>Bottega Restaurant, Melbourne, VIC</td>
<td>Official dinner visiting experts from the Vietnamese National Institute of Hygiene and Epidemiology</td>
<td>$500.00</td>
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<td>17-Jun-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Business dinner with head of the School of Medicine, University of Auckland</td>
<td>$792.00</td>
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<td>19-Jun-08</td>
<td>Hyatt Hotel, Canberra, ACT</td>
<td>Australian Sports Commission Board dinner</td>
<td>$1,113.50</td>
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<td>25-Jun-08</td>
<td>Boathouse, Canberra, ACT</td>
<td>Swissmedic Delegation</td>
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<td>1-Jul-08</td>
<td>Axis Restaurant, Canberra, ACT</td>
<td>Official lunch for Thai Delegation</td>
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<td>2-Jul-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$288.65</td>
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<tr>
<td>8-Jul-08</td>
<td>Brisbane Convention and Exhibition Centre, QLD</td>
<td>Conference dinner - Population Health Congress 2008</td>
<td>$120.00</td>
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<td>10-Jul-08</td>
<td>National Convention Centre, ACT</td>
<td>Executive Assistant of the Year function</td>
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<td>22-Jul-08</td>
<td>Department of Health and Ageing, Adelaide, SA</td>
<td>Small scale entertainment</td>
<td>$181.91</td>
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<td>25-Jul-08</td>
<td>Level 41 Restaurant, Chifley Square, Sydney, NSW</td>
<td>Official dinner, Indonesian, US and Australian Influenza Preparedness meeting</td>
<td>$3,992.00</td>
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<td>25-Jul-08</td>
<td>Café in the House, Canberra, ACT</td>
<td>Official lunch for international delegates attending training course in evaluation of generic medicines</td>
<td>$398.00</td>
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<td>25-Jul-08</td>
<td>Rubicon Restaurant, Canberra, ACT</td>
<td>National Health and Hospital Reform Commission business lunch</td>
<td>$332.50</td>
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<td>29-Jul-08</td>
<td>Three, One, Two Restaurant, Carlton, VIC</td>
<td>Working dinner National Indigenous Health Quality Council</td>
<td>$150.00</td>
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<td>1-Aug-08</td>
<td>University House, Melbourne, VIC</td>
<td>Business lunch for visiting experts from the Vietnamese National Institute of Hygiene and Epidemiology</td>
<td>$385.00</td>
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<td>1-Aug-08</td>
<td>Bottega Restaurant, Melbourne, VIC</td>
<td>Business dinner for visiting experts from the Vietnamese National Institute of Hygiene and Epidemiology</td>
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<td>Belluci’s Restaurant, Woden, ACT</td>
<td>Australian Community Pharmacy Authority consultations</td>
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<td>6-Aug-08</td>
<td>The Treasury Bistro, Melbourne, VIC</td>
<td>Meeting with Director of Medical Services, Ministry of Health, Singapore Tobacco Working Group meeting</td>
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<td>6-Aug-08</td>
<td>Hilton International Airport Hotel, Melbourne, VIC</td>
<td>Alcohol Working Group meeting</td>
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<td>8-Aug-08</td>
<td>Hilton International Airport Hotel, Melbourne, VIC</td>
<td>4th Commonwealth Sports Minister’s Meeting (CSMM)</td>
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<td>9-Aug-08</td>
<td>Hilton Beijing Hotel, China</td>
<td>Business lunch with General Manager, Hazardous Substances, Environmental Risk Management Authority, New Zealand</td>
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<td>14-Aug-08</td>
<td>Pho Bac Hai Duong Restaurant, Marrickville, NSW</td>
<td>Lunch meeting between National Health and Hospital Reform Commission staff and forum organisers</td>
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<td>The Malaya Restaurant, Sydney, NSW</td>
<td>Meeting with Medicare Australia to discuss MoU issues</td>
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<td>15-Aug-08</td>
<td>Brasserie Restaurant, Canberra, ACT</td>
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<td>Purpose</td>
<td>Cost of Hospitality (incl. GST)</td>
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<td>18-Aug-08</td>
<td>Bottega Restaurant, Melbourne, VIC</td>
<td>Dinner meeting with National Health and Hospital Reform Commission staff and the CEO of the NT Dept of Health and Community Services</td>
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<td>20-Aug-08</td>
<td>MBF Boardroom, Sydney, NSW</td>
<td>Dinner with Health Insurers – National Health and Hospital Reform Commission paid for own attendees</td>
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<td>20-Aug-08</td>
<td>Office of Australian Council of Safety and Quality in Health Care office, Oxford St, Sydney, NSW</td>
<td>Working dinner at Australian Commission on Safety and Quality in Health Care – Inter Jurisdictional Committee meeting</td>
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<td>25-Aug-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Working dinner National Indigenous Health Quality Council</td>
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<td>5-Sep-08</td>
<td>Essence Food and Wine Restaurant, Devonport, TAS</td>
<td>Mersey Hospital transition team consultations</td>
<td>$808.50</td>
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<td>5-Sep-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$202.06</td>
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<td>9-Sep-08</td>
<td>Tre Scalini, Darlinghurst, Sydney, NSW</td>
<td>Business dinner with Professor of Human Nutrition, University of Sydney</td>
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<td>11-Sep-08</td>
<td>Ottoman Cuisine, Canberra, ACT</td>
<td>Official dinner for the Pacific Senior Officials Network</td>
<td>$1,618.50</td>
</tr>
<tr>
<td>16-Sep-08</td>
<td>Da Cellini Café, Braddon, ACT</td>
<td>Working dinner – National Health and Hospital Reform Commission</td>
<td>$75.83</td>
</tr>
<tr>
<td>22-Sep-08</td>
<td>Sheraton on the Park, Sydney, NSW</td>
<td>Working dinner of Australian Commission on Safety and Quality in Health Care Commissioners</td>
<td>$2,546.00</td>
</tr>
<tr>
<td>23-Sep-08</td>
<td>Manila, Philippines</td>
<td>World Health Organisation, Western Pacific Regional Office, Official dinner</td>
<td>$2,270.30</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td>Beaver Galleries, Canberra, ACT</td>
<td>Purchase of official gifts for International delegations</td>
<td>$456.00</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td>National Gallery of Australia Canberra, ACT Anise, Canberra, ACT</td>
<td>Purchase of official gifts for International delegations</td>
<td>$279.80</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td>The Commonwealth Club, Canberra, ACT</td>
<td>Official dinner for the Japan-Australia Partnership Program</td>
<td>$467.00</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td></td>
<td>Executive working lunch with CEO of the National Health and Hospital Reform Commission</td>
<td>$187.00</td>
</tr>
<tr>
<td>15-Oct-08</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner for Gene Technology Ethics Committee meeting</td>
<td>$990.00</td>
</tr>
<tr>
<td>20-Oct-08</td>
<td>WrapLove bar music room, Melbourne, VIC</td>
<td>Welcome for delegates attending 15th Pharmaceutical Inspection Convention/Co-operation Scheme expert circle on Human Blood and Tissue</td>
<td>$230.00</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>31-Oct-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$394.36</td>
</tr>
<tr>
<td>6-Nov-08</td>
<td>Onred Restaurant, Canberra, ACT</td>
<td>Pacific Senior Health Officials Network Annual Meeting</td>
<td>$2,093.00</td>
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<tr>
<td>18-Nov-08</td>
<td>National Press Club, Canberra, ACT</td>
<td>Address by the Victorian Premier, the Honourable John Brumby</td>
<td>$140.00</td>
</tr>
<tr>
<td>24-Nov-08</td>
<td>Chairman and Yip, Canberra, ACT</td>
<td>Dinner function – committee review discussions with chairs of National Health and Hospital Reform Commission, Preventative Health Taskforce and the National Primary Care Strategy External Reference Group</td>
<td>$1,066.50</td>
</tr>
<tr>
<td>25-Nov-08</td>
<td>Ottoman Cuisine, Barton, ACT</td>
<td>Working dinner – National Health and Hospital Reform Commission</td>
<td>$165.00</td>
</tr>
<tr>
<td>26-Nov-08</td>
<td>The Waters Edge, Canberra, ACT</td>
<td>Executive working lunch with Executive Director, Director General’s Office, World Health Organisation</td>
<td>$133.00</td>
</tr>
<tr>
<td>27-Nov-08</td>
<td>National Gallery of Australia, Canberra, ACT</td>
<td>Purchase of official gifts for International delegations</td>
<td>$347.80</td>
</tr>
<tr>
<td>5-Dec-08</td>
<td>Melbourne Cricket Ground, Melbourne, VIC</td>
<td>Official dinner - Australian Sports Commission</td>
<td>$5,710.33</td>
</tr>
<tr>
<td>8-Dec-08</td>
<td>First Floor, Canberra, ACT</td>
<td>Dinner – Australian General Practice Network</td>
<td>$124.10</td>
</tr>
<tr>
<td>9-Dec-08</td>
<td>Chairman and Yip, Canberra, ACT</td>
<td>Dinner for BreastScreen Australia Evaluation Advisory Committee meeting</td>
<td>$582.00</td>
</tr>
<tr>
<td>11-Dec-08</td>
<td>Fix St James Restaurant, Sydney, NSW</td>
<td>Working dinner – Australian Council of Safety and Quality in Health Care Commissioners</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>16-Dec-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Working dinner – National Health and Hospital Reform Commission</td>
<td>$130.40</td>
</tr>
<tr>
<td>31-Dec-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$545.94</td>
</tr>
<tr>
<td>15-Jan-09</td>
<td>Delissio Brasserie, Braddon, ACT</td>
<td>Lunch meeting with Australian Healthcare and Hospitals Association and Executive Director and Chair of Commission</td>
<td>$85.00</td>
</tr>
<tr>
<td>28-Jan-09</td>
<td>Selah Restaurant, Sydney, NSW</td>
<td>Working dinner - Australian Commission on Safety and Quality in Health Care Work Programs</td>
<td>$250.00</td>
</tr>
<tr>
<td>30-Jan-09</td>
<td>Zest Restaurant, Sydney, NSW</td>
<td>Working lunch – National Health and Hospitals Reform Commission</td>
<td>$16.10</td>
</tr>
<tr>
<td>2-Feb-09</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Official dinner Deputy Secretary, Organisation for Economic Co-operation and Development</td>
<td>$971.00</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost of Hospitality (incl. GST)</td>
</tr>
<tr>
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<td>---------------------------------</td>
</tr>
<tr>
<td>15-Feb-09</td>
<td>Verve Restaurant, Canberra, ACT</td>
<td>Business lunch with Professor of Global Health, University of California, Los Angeles</td>
<td>$320.00</td>
</tr>
<tr>
<td>16-Feb-09</td>
<td>National Press Club, Canberra, ACT</td>
<td>Dr Christine Bennett, Chair, National Health and Hospitals Reform Commission</td>
<td>$299.99</td>
</tr>
<tr>
<td>16-Feb-09</td>
<td>National Press Club, Canberra, ACT</td>
<td>Official launch of National Health and Hospitals Reform Commission Interim Report</td>
<td>$550.00</td>
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<tr>
<td>17-Feb-09</td>
<td>First Floor Restaurant, Canberra, ACT</td>
<td>Dinner function Australian Suicide Prevention Advisory Council</td>
<td>$532.70</td>
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<tr>
<td>18-Feb-09</td>
<td>Sydney, NSW</td>
<td>NICNAS International Women’s Day and Leadership seminar</td>
<td>$530.00</td>
</tr>
<tr>
<td>18-Feb-09</td>
<td>Tre Scalini, Sydney, NSW</td>
<td>Chief Medical Officers’ meeting</td>
<td>$150.00</td>
</tr>
<tr>
<td>18-Feb-09</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner - Gene Technology Ethics Committee</td>
<td>$770.00</td>
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<tr>
<td>24-Feb-09</td>
<td>Rubicon Restaurant, Canberra, ACT</td>
<td>Official lunch - Regional Director World Health Organisation</td>
<td>$548.50</td>
</tr>
<tr>
<td>28-Feb-09</td>
<td>Verve Café Bar, Canberra, ACT</td>
<td>Business lunch with Professor of Global Health, University of California, Los Angeles</td>
<td>$130.55</td>
</tr>
<tr>
<td>28-Feb-09</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$1,218.87</td>
</tr>
<tr>
<td>2-Mar-09</td>
<td>Rubicon Restaurant, Canberra, ACT</td>
<td>Lunch with Chairman, Garvan Institute of Medical Research</td>
<td>$102.30</td>
</tr>
<tr>
<td>5-Mar-09</td>
<td>Longrain Restaurant, Sydney, NSW</td>
<td>Working dinner to discuss the Australian Council on Safety and Quality in Health Care research and work</td>
<td>$1,700.00</td>
</tr>
<tr>
<td>5-Mar-09</td>
<td>National Convention Centre, Canberra, ACT</td>
<td>United Nations Development Fund for Women International Women’s Day Lunch 2009</td>
<td>$130.00</td>
</tr>
<tr>
<td>6-Mar-09</td>
<td>Plaza Ballroom, Melbourne, VIC</td>
<td>International Women’s Day Lunch</td>
<td>$950.00</td>
</tr>
<tr>
<td>11-Mar-09</td>
<td>Delissio Restaurant, Canberra, ACT</td>
<td>Lunch to discuss women’s health</td>
<td>$45.00</td>
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<tr>
<td>13-Mar-09</td>
<td>Tutto Benne, Melbourne, VIC</td>
<td>Preventative Health Taskforce Dinner</td>
<td>$1,064.50</td>
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<tr>
<td>19-Mar-09</td>
<td>Coast Restaurant, Sydney, NSW</td>
<td>Working dinner - Improve Healthcare National Forum</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>19-Mar-09</td>
<td>Parliament House, Canberra, ACT</td>
<td>Business lunch National Manager TGA, Head of the Centre for Devices and Radiological Health (USA) and representative of the Medicines and Health Care Products Regulatory Agency (UK).</td>
<td>$180.00</td>
</tr>
</tbody>
</table>
(2) (a) The hospitality expenditure for each Minister and associated Parliamentary Secretary from 24 November 2007 to 30 June 2009 is detailed below.

(b) The Department’s financial management system does not capture the level of detail requested on alcohol expenditure and to extract this information from supplier accounts, invoices and other documentation would require an unreasonable diversion of resources.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-Mar-09</td>
<td>Waters Edge Restaurant, Canberra, ACT</td>
<td>Business dinner National Manager TGA, Head of the Centre for Devices and Radiological Health (USA) and representative of the Medicines and Health Care Products Regulatory Agency (UK).</td>
<td>$340.00</td>
</tr>
<tr>
<td>30-Mar-09</td>
<td>Cape Cod Restaurant, Canberra, ACT</td>
<td>Dinner with CEO, Australian Red Cross Blood Service</td>
<td>$146.50</td>
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<tr>
<td>8-Apr-09</td>
<td>National Press Club, Canberra, ACT</td>
<td>Address by the CEO, Australian Food and Grocery Council</td>
<td>$375.00</td>
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<tr>
<td>15-Apr-09</td>
<td>National Press Club, Canberra, ACT</td>
<td>Address by the National CEO, Australian Heart Foundation</td>
<td>$975.00</td>
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<tr>
<td>21-Apr-09</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$30.17</td>
</tr>
<tr>
<td>22-Apr-09</td>
<td>Glasshouse Café Restaurant, Sydney, NSW</td>
<td>Lunch for OECD New Chemicals Clearing House meeting</td>
<td>$645.00</td>
</tr>
<tr>
<td>22-Apr-09</td>
<td>Ventuno Restaurant, Sydney, NSW</td>
<td>Dinner for Chairs of Working Groups New Chemicals Clearing House</td>
<td>$340.00</td>
</tr>
<tr>
<td>22-Apr-09</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner - Gene Technology Technical Advisory Committee meeting</td>
<td>$1,265.00</td>
</tr>
<tr>
<td>24-Apr-09</td>
<td>Sheraton Restaurant, Sydney, NSW</td>
<td>Peak Safety and Quality Organisations working dinner</td>
<td>$3,002.70</td>
</tr>
<tr>
<td>30-Apr-09</td>
<td>Parliament House, Canberra, ACT</td>
<td>Institute of Biosafety Committee forum dinner</td>
<td>$2,362.50</td>
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<tr>
<td>8-May-09</td>
<td>Parliament House, Canberra, ACT</td>
<td>Presentations to guest speakers - Institute of Biosafety Committee forum dinner</td>
<td>$126.00</td>
</tr>
<tr>
<td>8-May-09</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$138.35</td>
</tr>
<tr>
<td>27-May-09</td>
<td>E-Cucina Restaurant, Perth, WA</td>
<td>Working dinner - Expert Advisory Committee on clinical handover</td>
<td>$1,226.85</td>
</tr>
<tr>
<td>11-June-09</td>
<td>Australian Commission on Safety and Quality in Health Care offices, Sydney, NSW</td>
<td>Australian Commission on Safety and Quality in Health Care Reviewers meeting</td>
<td>$100.00</td>
</tr>
<tr>
<td>16-June-09</td>
<td>Celah Restaurant, Sydney, NSW</td>
<td>Working dinner with International Safety and Quality expert</td>
<td>$73.30</td>
</tr>
<tr>
<td>17-June-09</td>
<td>Ottoman Restaurant, Sydney, NSW</td>
<td>Open Disclosure Advisory Group working dinner</td>
<td>$765.00</td>
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</table>
Minister Roxon

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-May-08</td>
<td>Treasury Cafe, Melbourne, VIC</td>
<td>Maternity Services Review meeting</td>
<td>$66.00</td>
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</table>

Minister Elliot

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Apr-08</td>
<td>Mantra on Salt Beach, Kingscliff, NSW</td>
<td>All day workshop to discuss issues relevant to the Ageing portfolio</td>
<td>$855.00</td>
</tr>
<tr>
<td>9-Apr-08</td>
<td>Artespresso, Kingston, ACT</td>
<td>Meeting with the Ambassador for Ageing to discuss issues relevant to the Ageing portfolio</td>
<td>$164.30</td>
</tr>
<tr>
<td>27 May-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting in the Minister’s office to discuss issues relevant to the Ageing portfolio</td>
<td>$72.10</td>
</tr>
<tr>
<td>30-May-08</td>
<td>Mantra on Salt Beach, Kingscliff, NSW</td>
<td>Meeting with Uniting Care to discuss issues relevant to the Ageing Portfolio</td>
<td>$351.00</td>
</tr>
<tr>
<td>16-Jun-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Anglicare key executives including CEO’s to discuss issues relevant to the Ageing Portfolio in the Minister’s office</td>
<td>$690.00</td>
</tr>
<tr>
<td>23-Jun-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with the Human Rights Commissioner, Aged Care Commissioner and the Ambassador for Ageing in the Minister’s office</td>
<td>$423.25</td>
</tr>
<tr>
<td>1-Sep-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Catholic Health Care Australia held in the Minister’s Parliament House office to discuss aged care options and the company’s organisational profile</td>
<td>$433.00</td>
</tr>
<tr>
<td>15-Sep-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Uniting Care Australia held in the Minister’s Parliament House office to discuss issues pertaining to aged care development options</td>
<td>$523.91</td>
</tr>
</tbody>
</table>

Minister Snowdon - Nil
Minister Ellis - Nil
The former Parliamentary Secretary Jan McLucas - Nil
Parliamentary Secretary Mark Butler - Nil

**Small Business, Independent Contractors and the Service Economy: Consultancies**

*(Question No. 1903)*

**Senator Barnett** asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 2 July 2009:

1. (a) Since November 2007, what is the total number of: (i) completed, and (ii) ongoing, consultancies in the portfolio/agency; and (b) for each consultancy: (i) who is the consultant, (ii) what is the subject matter, (iii) what are the terms of reference, (iv) what is its duration, (v) what will it cost, and (vi) what is the method of procurement (i.e. open tender, direct source, etc.).
(2) Can copies be provided of all the completed consultancies.

(3) (a) How many consultancies are planned or budgeted for: (i) 2009, and (ii) 2010; (b) have these been published in the Annual Procurement Plan on the AusTender website; if not, why not; and (c) in each case, what is the: (i) subject matter, (ii) duration, (iii) cost, (iv) method of procurement, and (v) name of the consultant if known.

Senator Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

Dr Emerson has provided the following response:

Please refer to the answer provided to Parliamentary Question 1887.

**Immigration and Citizenship: Liaison Officers**

(Question No. 1915)

Senator Barnett asked the Minister for Immigration and Citizenship, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) (a) As at 2 July, 2009, a total of 14 ministerial staff positions and two Departmental Liaison Officer (DLO) positions exist in the office of the Minister for Immigration and Citizenship. Two ministerial staff positions and two DLO positions exist in the office of the Parliamentary Secretary for Multicultural Affairs and Settlement Services.

(b) As at 2 July, 2009, a total of 14 ministerial staff and two DLOs are employed in the office of the Minister for Immigration and Citizenship. Two ministerial staff and one DLO are employed in the office of the Parliamentary Secretary for Multicultural Affairs and Settlement Services.

(c) As at 2 July, 2009, there is one DLO vacancy in the Parliamentary Secretary’s office, however, there is no intention to fill this position.
(d) The levels of the ministerial staff positions in the office of the Minister for Immigration and Citizenship are:

- Senior Adviser Chief of Staff (Cabinet) x 1;
- Senior Adviser (Cabinet) x 2;
- Senior Media Adviser x 1;
- Adviser x 5;
- Assistant Adviser x 2;
- Executive Assistant/Officer Manager x 2; and
- Secretary/Administrative Assistant x 1.

The levels of the positions in the office of the Parliamentary Secretary for Multicultural Affairs and Settlement Services are:

- Assistant Adviser x 2; and
- Executive Assistant/Officer Manager x 1.

Of the four existing DLO positions, one position is at the Executive Level (EL) 2 level and three positions are at the EL1 level. At the time of drafting this response, the EL 2 position was in the process of being disbanded. As at 2 July 2009, the three staffed DLO positions were at the EL1 level.

(e) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1987 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au. The total cost for the three DLOs in the Minister’s office and the Parliamentary Secretary’s office on an annual basis would be $302,244.

(2) The office of the Minister for Immigration and Citizenship is provided with 9 laptops and 15 Blackberrys (equivalent to Personal Digital Assistants). No mobile phones are provided to the office.

The office of the Parliamentary Secretary for Multicultural Affairs and Settlement Services is provided with one laptop and one Blackberry. No mobile phones are provided to the office.

(3) As at 2 July 2009 there were no departmental officers on secondment to the office of the Minister or the Parliamentary Secretary.

(4) and (5) I refer the honourable senator to my answer for Question No. 1789.

(6) While the Department does not maintain individual records for the items in question, a review of significant transactions for the 2008-09 financial year has revealed the following:

(a) For the 2008-09 financial year the Department has recorded expenditure of some $278,764 on the hire of plants, including $9,859 at overseas posts.

(b) For the 2008-09 financial year the Department has recorded expenditure of some $41,158 on the maintenance of plants, including $813 at overseas posts.

(c) For the 2008-09 financial year the Department has recorded expenditure of some $45,038 on drinking water (including water cooler rental, bottled and spring water) including $23,068 at overseas posts.

(d) For the 2008-09 financial year the Department has recorded expenditure of some $31,732 on television subscriptions, including $26,773 at overseas posts.

While a review of significant transactions may not provide a complete answer, there is no documentation providing a more detailed response on these items without an unreasonable diversion of resources.
(7) As at 30 June 2009, the Department had issued 4488 credit cards.

(8) (a) For the 2008-09 financial year, the Department had 128 credit cards reported lost.  (b) (i) All 128 credit cards that were reported lost have been cancelled. (ii) Out of the 128 credit cards that were reported lost, none remain active. (iii) Nil.

Health and Ageing

(Question Nos 1919, 1938, 1942 and 1944)

Senator Barnett asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007:
   (a) how many positions exist;
   (b) how many staff are employed;
   (c) how many vacancies exist;
   (d) what are the levels of these positions; and
   (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so:
   (a) how many; and
   (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and
   (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary:
   (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and
   (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on:
   (a) the hire of plants, either real or artificial;
   (b) the maintenance of these plants;
   (c) water coolers; and
   (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and
   (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

Senator Ludwig—the Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
(1) Refer to Attachment A.

(2) The Office of the Minister for Health & Ageing –
   12 laptops, 10 Blackberries, 1 mobile phone.
   The Office of the Minster for Ageing –
   9 laptops, 7 Blackberries, no mobile phone.
   The Office of the Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery –
   4 laptops, 6 Blackberries, 2 mobile phones.
   The Office of the Minister for Sport –
   2 laptops, 1 Blackberry, no mobile phone.
   The Office of the Parliamentary Secretary for Health –
   5 laptops, 7 Blackberries, no mobile phone.

(3) (a) 2 Officers. (b) The Office of the Minister for Health and Ageing and the Office of the Minister for Ageing.

(4) (a) (i) $86,445.67 (ii) $86,212.32. (b) (i) (ii) (iii) (iv) Details of each event are provided below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-Feb-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$75.96</td>
</tr>
<tr>
<td>21-Feb-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$333.68</td>
</tr>
<tr>
<td>26-Feb-08</td>
<td>Lemon Grass Thai Restaurant, Canberra, ACT</td>
<td>Business lunch – Review and discussion of Aged Care ratios</td>
<td>$112.70</td>
</tr>
<tr>
<td>27-Feb-08</td>
<td>Sydney, NSW</td>
<td>International Women’s Day function</td>
<td>$81.82</td>
</tr>
<tr>
<td>4-Mar-08</td>
<td>Melbourne, VIC</td>
<td>International Women’s Day function</td>
<td>$163.64</td>
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<tr>
<td>4-Mar-08</td>
<td>Cape Cod Restaurant, Deakin, ACT</td>
<td>Executive hospitality</td>
<td>$89.90</td>
</tr>
<tr>
<td>5-Mar-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$399.35</td>
</tr>
<tr>
<td>6-Mar-08</td>
<td>National Convention Centre, Canberra, ACT</td>
<td>International Women’s Day function</td>
<td>$176.00</td>
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<tr>
<td>7-Mar-08</td>
<td>Melbourne, VIC</td>
<td>International Women’s Day function</td>
<td>$2,880.00</td>
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<tr>
<td>8-Mar-08</td>
<td>Sydney, NSW</td>
<td>International Women’s Day function</td>
<td>$900.02</td>
</tr>
<tr>
<td>17-Mar-08</td>
<td>Aria Restaurant, Sydney, NSW</td>
<td>Official dinner for delegates attending the Pandemic Influenza Preparedness Meeting</td>
<td>$2,599.00</td>
</tr>
<tr>
<td>26-Mar-08</td>
<td>Bistro 1, Melbourne, VIC</td>
<td>Lunch for BreastScreen Australia Evaluation Advisory Committee meeting</td>
<td>$369.90</td>
</tr>
<tr>
<td>27-Mar-08</td>
<td>Jaspers Brasserie, Tanunda, SA</td>
<td>Dinner for BreastScreen Australia Evaluation Advisory Committee meeting</td>
<td>$768.00</td>
</tr>
<tr>
<td>31-Mar-08</td>
<td>National Convention Centre, Canberra, ACT</td>
<td>International Women’s Day function</td>
<td>$218.19</td>
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<tr>
<td>5-Apr-08</td>
<td>Antwerp, BELGIUM</td>
<td>Hospitality incidental to overseas training course</td>
<td>$53.00</td>
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QUESTIONS ON NOTICE
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<thead>
<tr>
<th>Date</th>
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<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-Apr-08</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Dinner for Gene Technology Technical Advisory Committee meeting</td>
<td>$1,471.20</td>
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<tr>
<td>11-Apr-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$75.44</td>
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<tr>
<td>17-Apr-08</td>
<td>Marque Restaurant, Sydney, NSW</td>
<td>Business dinner Regulatory Scientist, Health Canada</td>
<td>$333.00</td>
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<tr>
<td>18-Apr-08</td>
<td>Stanford Plaza Hotel, Sydney, NSW</td>
<td>Complementary Medicines Evaluation Committee meeting</td>
<td>$440.00</td>
</tr>
<tr>
<td>22-Apr-08</td>
<td>Hyatt Hotel, Adelaide, SA</td>
<td>Council on The Ageing 50 Year celebration</td>
<td>$160.00</td>
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<tr>
<td>24-Apr-08</td>
<td>Rubicon Restaurant, Canberra, ACT</td>
<td>Official dinner with the Director of the Medical Devices Bureau, Health Canada</td>
<td>$128.00</td>
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<tr>
<td>1-May-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$86.35</td>
</tr>
<tr>
<td>6-May-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$288.65</td>
</tr>
<tr>
<td>12-May-08</td>
<td>Pangea Restaurant, Canberra, ACT</td>
<td>Formal dinner with National Manager, Therapeutic Goods Administration (TGA) and expert panel to discuss the Review of Strategies and Processes within the TGA.</td>
<td>$299.00</td>
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<tr>
<td>14-May-08</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner with National Manager and Office Heads, Therapeutic Goods Administration (TGA) and expert panel to discuss the Review of Strategies and Processes within the TGA.</td>
<td>$937.00</td>
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<tr>
<td>19-May-08</td>
<td>Sheraton on the Park Sydney, NSW</td>
<td>Australian Council of Safety and Quality in Health Care Commissioners working dinner</td>
<td>$1,772.00</td>
</tr>
<tr>
<td>21-May-08</td>
<td>Canberra Club, Canberra, ACT</td>
<td>Records Management Association of Australasia annual dinner</td>
<td>$75.00</td>
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<tr>
<td>28-May-08</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Dinner - Gene Technology Ethics Committee</td>
<td>$784.00</td>
</tr>
<tr>
<td>2-Jun-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Business dinner – Preventative Health Task Force</td>
<td>$1,521.00</td>
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<tr>
<td>11-Jun-08</td>
<td>Hotel Realm, Canberra, ACT</td>
<td>Dinner, Gene Technology Technical Advisory Committee meeting</td>
<td>$1,425.00</td>
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<tr>
<td>15-Jun-08</td>
<td>Axis Restaurant, Canberra, ACT</td>
<td>Business lunch – Professor of Global Health, University of California</td>
<td>$269.00</td>
</tr>
<tr>
<td>15-Jun-08</td>
<td>Restaurant De Lomu, Geneva, SWITZERLAND</td>
<td>Consultation with the Indonesian/US delegation during the World Health Organisation Intergovernmental meeting.</td>
<td>$1,431.23</td>
</tr>
<tr>
<td>16-Jun-08</td>
<td>Bottega Restaurant, Melbourne, VIC</td>
<td>Official dinner visiting experts from the Vietnamese National Institute of Hygiene and Epidemiology</td>
<td>$500.00</td>
</tr>
<tr>
<td>17-Jun-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Business dinner with head of the School of Medicine, University of Auckland</td>
<td>$792.00</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost of Hospitality (incl. GST)</td>
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<tr>
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<td>-------------------------------------------</td>
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</tr>
<tr>
<td>19-Jun-08</td>
<td>Hyatt Hotel, Canberra, ACT</td>
<td>Australian Sports Commission Board dinner</td>
<td>$1,113.50</td>
</tr>
<tr>
<td>25-Jun-08</td>
<td>Boathouse, Canberra, ACT</td>
<td>Swissmedic Delegation</td>
<td>$766.70</td>
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<tr>
<td>1-Jul-08</td>
<td>Axis Restaurant, Canberra, ACT</td>
<td>Official lunch for Thai Delegation</td>
<td>$628.20</td>
</tr>
<tr>
<td>2-Jul-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$288.65</td>
</tr>
<tr>
<td>8-Jul-08</td>
<td>Brisbane Convention and Exhibition Centre, QLD</td>
<td>Conference dinner - Population Health Congress 2008</td>
<td>$120.00</td>
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<tr>
<td>10-Jul-08</td>
<td>National Convention Centre, ACT</td>
<td>Executive Assistant of the Year function</td>
<td>$200.00</td>
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<tr>
<td>22-Jul-08</td>
<td>Department of Health and Ageing, Adelaide, SA</td>
<td>Small scale entertainment</td>
<td>$181.91</td>
</tr>
<tr>
<td>25-Jul-08</td>
<td>Level 41 Restaurant, Chifley Square, Sydney, NSW</td>
<td>Official dinner, Indonesian, US and Australian Influenza Preparedness meeting</td>
<td>$3,992.00</td>
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<tr>
<td>25-Jul-08</td>
<td>Café in the House, Canberra, ACT</td>
<td>Official lunch for international delegates attending training course in evaluation of generic medicines</td>
<td>$398.00</td>
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<tr>
<td>25-Jul-08</td>
<td>Rubicon Restaurant, Canberra, ACT</td>
<td>National Health and Hospital Reform Commission business lunch</td>
<td>$332.50</td>
</tr>
<tr>
<td>29-Jul-08</td>
<td>Three, One, Two Restaurant, Carlton, VIC</td>
<td>Working dinner National Indigenous Health Quality Council</td>
<td>$150.00</td>
</tr>
<tr>
<td>1-Aug-08</td>
<td>University House, Melbourne, VIC</td>
<td>Business lunch for visiting experts from the Vietnamese National Institute of Hygiene and Epidemiology</td>
<td>$385.00</td>
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<tr>
<td>1-Aug-08</td>
<td>Bottega Restaurant, Melbourne, VIC</td>
<td>Business dinner for visiting experts from the Vietnamese National Institute of Hygiene and Epidemiology</td>
<td>$906.00</td>
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<tr>
<td>1-Aug-08</td>
<td>Bellucci’s Restaurant, Woden, ACT</td>
<td>Australian Community Pharmacy Authority consultations</td>
<td>$403.40</td>
</tr>
<tr>
<td>6-Aug-08</td>
<td>The Treasury Bistro, Melbourne, VIC</td>
<td>Meeting with Director of Medical Services, Ministry of Health, Singapore Tobacco Working Group meeting</td>
<td>$150.00</td>
</tr>
<tr>
<td>6-Aug-08</td>
<td>Hilton International Airport Hotel, Melbourne, VIC</td>
<td>Alcohol Working Group meeting</td>
<td>$456.00</td>
</tr>
<tr>
<td>8-Aug-08</td>
<td>Hilton International Airport Hotel, Melbourne, VIC</td>
<td>4th Commonwealth Sports Minister’s Meeting (CSMM)</td>
<td>$26,741.00</td>
</tr>
<tr>
<td>9-Aug-08</td>
<td>Hilton Beijing Hotel, China</td>
<td>Business lunch with General Manager, Hazardous Substances, Environmental Risk Management Authority, New Zealand</td>
<td>$87.00</td>
</tr>
</tbody>
</table>

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</thead>
<tbody>
<tr>
<td>14-Aug-08</td>
<td>The Malaya Restaurant, Sydney, NSW</td>
<td>Lunch meeting between National Health and Hospital Reform Commission staff and forum organisers</td>
<td>$149.00</td>
</tr>
<tr>
<td>15-Aug-08</td>
<td>Brasserie Restaurant, Canberra, ACT</td>
<td>Meeting with Medicare Australia to discuss MoU issues</td>
<td>$93.80</td>
</tr>
<tr>
<td>18-Aug-08</td>
<td>Bottega Restaurant, Melbourne, VIC</td>
<td>Dinner meeting with National Health and Hospital Reform Commission staff and the CEO of the NT Dept of Health and Community Services</td>
<td>$95.60</td>
</tr>
<tr>
<td>20-Aug-08</td>
<td>MBF Boardroom, Sydney, NSW</td>
<td>Dinner with Health Insurers – National Health and Hospital Reform Commission paid for own attendees</td>
<td>$283.96</td>
</tr>
<tr>
<td>20-Aug-08</td>
<td>Office of Australian Council of Safety and Quality in Health Care office, Oxford St, Sydney, NSW</td>
<td>Working dinner at Australian Commission on Safety and Quality in Health Care – Inter Jurisdictional Committee meeting</td>
<td>$750.00</td>
</tr>
<tr>
<td>25-Aug-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Working dinner National Indigenous Health Quality Council</td>
<td>$1,878.00</td>
</tr>
<tr>
<td>5-Sep-08</td>
<td>Essence Food and Wine Restaurant, Devonport, TAS</td>
<td>Mersey Hospital transition team consultations</td>
<td>$808.50</td>
</tr>
<tr>
<td>5-Sep-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$202.06</td>
</tr>
<tr>
<td>9-Sep-08</td>
<td>Tre Scalini, Darlinghurst, Sydney, NSW</td>
<td>Business dinner with Professor of Human Nutrition, University of Sydney</td>
<td>$267.00</td>
</tr>
<tr>
<td>11-Sep-08</td>
<td>Ottoman Cuisine, Canberra, ACT</td>
<td>Official dinner for the Pacific Senior Officials Network</td>
<td>$1,618.50</td>
</tr>
<tr>
<td>16-Sep-08</td>
<td>Da Cellini Café, Braddon, ACT</td>
<td>Working dinner – National Health and Hospital Reform Commission</td>
<td>$75.83</td>
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<tr>
<td>22-Sep-08</td>
<td>Sheraton on the Park, Sydney, NSW</td>
<td>Working dinner of Australian Commission on Safety and Quality in Health Care Commissioners</td>
<td>$2,546.00</td>
</tr>
<tr>
<td>23-Sep-08</td>
<td>Manila, Philippines</td>
<td>World Health Organisation, Western Pacific Regional Office, Official dinner</td>
<td>$2,270.30</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td>Beaver Galleries, Canberra, ACT</td>
<td>Purchase of official gifts for International delegations</td>
<td>$456.00</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td>National Gallery of Australia Canberra, ACT</td>
<td>Purchase of official gifts for International delegations</td>
<td>$279.80</td>
</tr>
<tr>
<td>1-Oct-08</td>
<td>Anise, Canberra, ACT</td>
<td>Official dinner for the Japan-Australia Partnership Program</td>
<td>$467.00</td>
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<tr>
<td>1-Oct-08</td>
<td>The Commonwealth Club, Canberra, ACT</td>
<td>Executive working lunch with CEO of the National Health and Hospital Reform Commission</td>
<td>$187.00</td>
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<tr>
<td>15-Oct-08</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner for Gene Technology Ethics Committee meeting</td>
<td>$990.00</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost of Hospitality (incl.GST)</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>20-Oct-08</td>
<td>WrapLove bar music room, Melbourne, VIC</td>
<td>Welcome for delegates attending 15th Pharmaceutical Inspection Convention/Co-operation Scheme expert circle on Human Blood and Tissue</td>
<td>$230.00</td>
</tr>
<tr>
<td>31-Oct-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$394.36</td>
</tr>
<tr>
<td>6-Nov-08</td>
<td>Onred Restaurant, Canberra, ACT</td>
<td>Pacific Senior Health Officials Network Annual Meeting</td>
<td>$2,093.00</td>
</tr>
<tr>
<td>18-Nov-08</td>
<td>National Press Club, Canberra, ACT</td>
<td>Address by the Victorian Premier, the Honourable John Brumby</td>
<td>$140.00</td>
</tr>
<tr>
<td>24-Nov-08</td>
<td>Chairman and Yip, Canberra, ACT</td>
<td>Dinner function – committee review discussions with chairs of National Health and Hospital Reform Commission, Preventative Health Taskforce and the National Primary Care Strategy External Reference Group</td>
<td>$1,066.50</td>
</tr>
<tr>
<td>25-Nov-08</td>
<td>Ottoman Cuisine, Barton, ACT</td>
<td>Working dinner – National Health and Hospital Reform Commission</td>
<td>$165.00</td>
</tr>
<tr>
<td>26-Nov-08</td>
<td>The Waters Edge, Canberra, ACT</td>
<td>Executive working lunch with Executive Director, Director General’s Office, World Health Organisation</td>
<td>$133.00</td>
</tr>
<tr>
<td>27-Nov-08</td>
<td>National Gallery of Australia, Canberra, ACT</td>
<td>Purchase of official gifts for International delegations</td>
<td>$347.80</td>
</tr>
<tr>
<td>5-Dec-08</td>
<td>Melbourne Cricket Ground, Melbourne, VIC</td>
<td>Official dinner - Australian Sports Commission</td>
<td>$5,710.33</td>
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<tr>
<td>8-Dec-08</td>
<td>First Floor, Canberra, ACT</td>
<td>Dinner – Australian General Practice Network</td>
<td>$124.10</td>
</tr>
<tr>
<td>9-Dec-08</td>
<td>Chairman and Yip, Canberra, ACT</td>
<td>Dinner for BreastScreen Australia Evaluation Advisory Committee meeting</td>
<td>$582.00</td>
</tr>
<tr>
<td>11-Dec-08</td>
<td>Fix St James Restaurant, Sydney, NSW</td>
<td>Working dinner – Australian Council of Safety and Quality in Health Care Commissioners</td>
<td>$1,600.00</td>
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<tr>
<td>16-Dec-08</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Working dinner – National Health and Hospital Reform Commission</td>
<td>$130.40</td>
</tr>
<tr>
<td>31-Dec-08</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$545.94</td>
</tr>
<tr>
<td>15-Jan-09</td>
<td>Delissio Brasserie, Braddon, ACT</td>
<td>Lunch meeting with Australian Health-care and Hospitals Association and Executive Director and Chair of Commission</td>
<td>$85.00</td>
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<tr>
<td>28-Jan-09</td>
<td>Selah Restaurant, Sydney, NSW</td>
<td>Working dinner - Australian Commission on Safety and Quality in Health Care Work Programs</td>
<td>$250.00</td>
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<tr>
<td>30-Jan-09</td>
<td>Zest Restaurant, Sydney, NSW</td>
<td>Working lunch – National Health and Hospitals Reform Commission</td>
<td>$16.10</td>
</tr>
<tr>
<td>2-Feb-09</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Official dinner Deputy Secretary, Organisation for Economic Co-operation and Development</td>
<td>$971.00</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost of Hospitality (incl.GST)</td>
</tr>
<tr>
<td>------------</td>
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<tr>
<td>15-Feb-09</td>
<td>Verve Restaurant, Canberra, ACT</td>
<td>Business lunch with Professor of Global Health, University of California, Los Angeles</td>
<td>$320.00</td>
</tr>
<tr>
<td>16-Feb-09</td>
<td>National Press Club, Canberra, ACT</td>
<td>Dr Christine Bennett, Chair, National Health and Hospitals Reform Commission</td>
<td>$299.99</td>
</tr>
<tr>
<td>16-Feb-09</td>
<td>National Press Club, Canberra, ACT</td>
<td>Official launch of National Health and Hospitals Reform Commission Interim Report</td>
<td>$550.00</td>
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<tr>
<td>17-Feb-09</td>
<td>First Floor Restaurant, Canberra, ACT</td>
<td>Dinner function Australian Suicide Prevention Advisory Council</td>
<td>$532.70</td>
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<tr>
<td>18-Feb-09</td>
<td>Sydney, NSW</td>
<td>NICNAS International Women’s Day and Leadership seminar</td>
<td>$530.00</td>
</tr>
<tr>
<td>18-Feb-09</td>
<td>Tre Scalini, Sydney, NSW</td>
<td>Chief Medical Officers’ meeting</td>
<td>$150.00</td>
</tr>
<tr>
<td>18-Feb-09</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner - Gene Technology Ethics Committee</td>
<td>$770.00</td>
</tr>
<tr>
<td>24-Feb-09</td>
<td>Rubicon Restaurant, Canberra</td>
<td>Official lunch - Regional Director World Health Organisation</td>
<td>$548.50</td>
</tr>
<tr>
<td>28-Feb-09</td>
<td>Verve Café Bar, Canberra, ACT</td>
<td>Business lunch with Professor of Global Health, University of California, Los Angeles</td>
<td>$130.55</td>
</tr>
<tr>
<td>28-Feb-09</td>
<td>Department of Health and Ageing, Canberra, ACT</td>
<td>Executive hospitality</td>
<td>$1,218.87</td>
</tr>
<tr>
<td>2-Mar-09</td>
<td>Rubicon Restaurant, Canberra ACT</td>
<td>Lunch with Chairman, Garvan Institute of Medical Research</td>
<td>$102.30</td>
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<tr>
<td>5-Mar-09</td>
<td>Longrain Restaurant, Sydney, NSW</td>
<td>Working dinner to discuss the Australian Council on Safety and Quality in Health Care research and work</td>
<td>$1,700.00</td>
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<tr>
<td>5-Mar-09</td>
<td>National Convention Centre, Canberra, ACT</td>
<td>United Nations Development Fund for Women International Women’s Day Lunch 2009</td>
<td>$130.00</td>
</tr>
<tr>
<td>6-Mar-09</td>
<td>Plaza Ballroom, Melbourne, VIC</td>
<td>International Women’s Day Lunch</td>
<td>$950.00</td>
</tr>
<tr>
<td>11-Mar-09</td>
<td>Delissio Restaurant, Canberra, ACT</td>
<td>Lunch to discuss women’s health</td>
<td>$45.00</td>
</tr>
<tr>
<td>13-Mar-09</td>
<td>Tutto Benne, Melbourne, VIC</td>
<td>Preventative Health Taskforce Dinner</td>
<td>$1,064.50</td>
</tr>
<tr>
<td>19-Mar-09</td>
<td>Coast Restaurant, Sydney, NSW</td>
<td>Working dinner - Improve Healthcare National Forum</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>19-Mar-09</td>
<td>Parliament House, Canberra, ACT</td>
<td>Business lunch National Manager TGA, Head of the Centre for Devices and Radiological Health (USA) and representative of the Medicines and Health Care Products Regulatory Agency (UK).</td>
<td>$180.00</td>
</tr>
</tbody>
</table>
(5) (a) The amounts spent by each Minister and Parliamentary Secretary for the calendar year 2008
and the financial year 2008-09 are detailed below:

(b) Minister Roxon:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-May-08</td>
<td>Treasury Cafe, Melbourne, VIC</td>
<td>Maternity Services Review meeting</td>
<td>$66.00</td>
</tr>
<tr>
<td>16-May-09</td>
<td>Parliament House, Canberra, ACT</td>
<td>Presentations to guest speakers - Institute of Biosafety Committee forum dinner</td>
<td>$126.00</td>
</tr>
<tr>
<td>20-May-09</td>
<td>Parliament House, Canberra, ACT</td>
<td>Small scale entertainment</td>
<td>$138.35</td>
</tr>
<tr>
<td>24-May-09</td>
<td>Ottoman Restaurant, Canberra, ACT</td>
<td>Dinner - Gene Technology Technical Advisory Committee meeting</td>
<td>$1,265.00</td>
</tr>
<tr>
<td>28-May-09</td>
<td>E-Cucina Restaurant, Perth, WA</td>
<td>Working dinner - Expert Advisory Committee on clinical handover</td>
<td>$1,226.85</td>
</tr>
<tr>
<td>11-June-09</td>
<td>Australian Commission on Safety and Quality in Health Care offices, Sydney, NSW</td>
<td>Australian Commission on Safety and Quality in Health Care Reviewers meeting</td>
<td>$100.00</td>
</tr>
<tr>
<td>17-June-09</td>
<td>Celah Restaurant, Sydney, NSW</td>
<td>Working dinner with International Safety and Quality expert</td>
<td>$73.30</td>
</tr>
<tr>
<td>18-June-09</td>
<td>Ottoman Restaurant, Sydney, NSW</td>
<td>Open Disclosure Advisory Group working dinner</td>
<td>$765.00</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Minister Elliot spent $3,512.56 for the calendar year 2008 and $956.91 for the financial year 2008-09 as detailed below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost of Hospitality (incl.GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Apr-08</td>
<td>Mantra on Salt Beach, Kingscliff, NSW</td>
<td>All day workshop to discuss issues relevant to the Ageing portfolio.</td>
<td>$855.00</td>
</tr>
<tr>
<td>9-Apr-08</td>
<td>Artespresso, Kingston, ACT</td>
<td>Meeting with the Ambassador for Ageing to discuss issues relevant to the Ageing portfolio.</td>
<td>$164.30</td>
</tr>
<tr>
<td>27 May-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting in the Minister’s office to discuss issues relevant to the Ageing portfolio.</td>
<td>$72.10</td>
</tr>
<tr>
<td>30-May-08</td>
<td>Mantra on Salt Beach, Kingscliff, NSW</td>
<td>Meeting with Uniting Care to discuss issues relevant to the Ageing portfolio.</td>
<td>$351.00</td>
</tr>
<tr>
<td>16-Jun-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Anglicare key executive including CEO’s to discuss issues relevant to the Ageing Portfolio in the Minister’s office.</td>
<td>$690.00</td>
</tr>
<tr>
<td>23-Jun-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Human Rights Commissioner, Aged Care Commissioner and the Ambassador for Ageing in the Minister’s office.</td>
<td>$423.25</td>
</tr>
<tr>
<td>1-Sep-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Catholic Health Care Australia held in the Minister’s Parliament House office to discuss aged care options and the company’s organizational profile.</td>
<td>$433.00</td>
</tr>
<tr>
<td>15-Sep-08</td>
<td>Parliament House, Canberra, ACT</td>
<td>Meeting with Uniting Care Australia held in the Minister Parliament House office to discuss issues pertaining to aged care development options.</td>
<td>$523.91</td>
</tr>
</tbody>
</table>

Minister Snowdon - Nil
Minister Ellis - Nil
The then Parliamentary Secretary Jan McLucas - Nil
Parliamentary Secretary Mark Butler - Nil

(6) (a) and (b) $55,104.00 (incl.GST) per annum
Comments: The Department hires plants on terms which include the maintenance of these plants and therefore the costs for (a) and (b) are recorded as one fee.

(c) $4,890 (incl.GST) per annum
Comments: The above refers to stand alone water coolers.

(d) $6,217 (incl.GST) per annum
Comments: These costs exclude the costs associated with Parliamentary television.

(7) As at 30 June 2009 the Department had 544 government credit cards on issue.

(8) (a) For the 2008-09 financial year eight departmental credit cards were reported lost. (b) (i) all eight cards have been cancelled; (ii) N/A; (iii) N/A
### MINISTERIAL STAFF

<table>
<thead>
<tr>
<th>Minister/Parliamentary Secretary</th>
<th>(a) Number of positions as at 2 July 2009</th>
<th>(b) Number of Staff employed as at 2 July 2009</th>
<th>(c) Number of vacancies as at 2 July 2009</th>
<th>(d) Level of positions as at 2 July 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Nicola Roxon MP</td>
<td>11</td>
<td>11</td>
<td>0</td>
<td>Senior Adviser Chief of Staff (Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Senior Adviser 1 (Cabinet) x 1</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Senior Media Adviser x 1</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td></td>
<td></td>
<td></td>
<td>Secretary/Administrative Assistant x 1</td>
</tr>
<tr>
<td>The Hon Warren Snowdon MP</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Media Adviser x 1</td>
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<td>Adviser x 1</td>
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<td>Assistant Adviser x 1</td>
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<td>Executive Assistant/Office Manager x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Secretary/Administrative Assistant x 1</td>
</tr>
<tr>
<td>The Hon Justine Elliot MP</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Media Adviser x 1</td>
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<td>Adviser x 1</td>
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<td>Assistant Adviser x 1</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Secretary/Administrative Assistant x 1</td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>7</td>
<td>6</td>
<td>2</td>
<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Media Adviser x 1</td>
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<td>Adviser x 1</td>
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<td>Assistant Adviser x 2</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td></td>
<td></td>
<td></td>
<td>Secretary/Administrative Assistant x 1</td>
</tr>
<tr>
<td>The Hon Mark Butler MP</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>Assistant Adviser x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Executive Assistant/Office Manager x 1</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
*The above information does not include electorate staff. Input for Ministerial staff provided by the Department of Finance and Deregulation.

(e) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au.

¹Note that the figures for Parts (1)(b) and (1)(c) do not necessarily add up to be the figure provided for Part (1)(a) as more than one individual can be employed against a particular position.

**Answer (1) (a)-(e) relating to Departmental Liaison Officers**

**DEPARTMENTAL LIAISON OFFICERS (DLOs)**

<table>
<thead>
<tr>
<th>Minister/Parliamentary Secretary</th>
<th>(a) Number of positions as at 2 July 2009</th>
<th>(b) Number of Staff employed as at 2 July 2009</th>
<th>(c) Number of vacancies as at 2 July 2009</th>
<th>(d) Level of positions as at 2 July 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Nicola Roxon MP</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>Departmental Liaison Officer x 2 at EL2 level</td>
</tr>
<tr>
<td>Minister for Health and Ageing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Warren Snowdon MP</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Departmental Liaison Officer x 1 at EL2 level</td>
</tr>
<tr>
<td>Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Justine Elliot MP</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Departmental Liaison Officer x 1 at EL2 level</td>
</tr>
<tr>
<td>Minister for Ageing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Departmental Liaison Officer x 1 at EL2 level</td>
</tr>
<tr>
<td>Minister for Sport</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Mark Butler MP</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Departmental Liaison Officer x 1 at EL2 level</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) Salaries for Executive Level 2s (EL2) within the Department of Health and Ageing under the Department’s Collective Agreement 5 (CA5) range from $95,283 - $112,811. In addition to this, DLOs are entitled to be paid under CA5 a pro rata allowance for each day they attend the Office of the Minister at the annual rate of $17,000.

**Finance and Deregulation**

(Question No. 1921)

**Senator Barnett** asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 2 July 2009:

1. With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

2. Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

3. Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.
(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008 09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

Senator Conroy—The Minister for Finance and Deregulation has provided the following answer to the honourable senator’s question:

(1) The following staffing levels applied at 2 July 2009. To provide a historical profile since November 2007 would require an unreasonable diversion of resources.

Ministerial Staff as at 2 July 2009

<table>
<thead>
<tr>
<th>Minister/Parliamentary Secretary</th>
<th>(a) Number of positions*</th>
<th>(b) Number of Staff employed*</th>
<th>(c) Number of vacancies*</th>
<th>(d) Level of positions*</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Lindsay Tanner MP,</td>
<td>10</td>
<td>10</td>
<td>1</td>
<td>Senior Adviser Chief of</td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td></td>
<td></td>
<td></td>
<td>Staff (Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Senior Adviser 1 (Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Senior Media Adviser x 1</td>
</tr>
<tr>
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<td></td>
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<td></td>
<td>Adviser x 3</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Assistant Adviser x 2</td>
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<td></td>
<td>Executive Assistant/Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Manager x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Secretary/Administrative</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Assistant x 1</td>
</tr>
</tbody>
</table>

* The above information does not include electorate staff.

NOTE: The figure in (a) and the figures in (b) and (c) do not add up as more than one person can be employed against a single position.

(e) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled on 23 December 2008 and is available on the Department of Finance and Deregulation’s website at:

Departmental Liaison Officers as at 2 July 2009

<table>
<thead>
<tr>
<th>Minister’s Office</th>
<th>(a) Number of positions</th>
<th>(b) Number of Staff employed</th>
<th>(c) Number of vacancies</th>
<th>(d) Level of positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Lindsay Tanner MP, Minister for Finance and Deregulation</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>Executive Level 2</td>
</tr>
</tbody>
</table>

(e) Information on the salary, superannuation and allowances for Department of Finance and Deregulation staff is available in the Department of Finance and Deregulation Collective Agreement 2009-2011 available at http://www.finance.gov.au.

(2) At 2 July 2009, nine Laptops, two Mobile Phones and nine PDAs were provided to the Minister for Finance and Deregulation’s Office.

(3) At 2 July 2009, two Department of Finance and Deregulation employees were on leave without pay and employed in the Minister’s Office under the Members of Parliament (Staff) Act 1984.

(4) and (5) A similar Question on Notice (1795) was asked by Senator Abetz on 16 June 2009. Please refer to the response to that question.

(6) (a) and (b) $105,952 (combined figure for plant rental and maintenance).

(c) A similar Question on Notice (1968) was asked by Senator Abetz on 21 July 2009. Please refer to the response to that question.

(d) $35,033.

(7) At 2 July 2009, 234 were issued by the Department.

(8) (a) From 1 July 2009 to 30 June 2009, nine cards were reported lost.

(b) (i) All nine cards were cancelled and then re-issued.
(ii) 0.
(iii) No cards remain active.

Infrastructure, Transport, Regional Development and Local Government

(Question No. 1922)

Senator Barnett asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.
(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) (a) to (e) Information relating to Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at <http://www.finance.gov.au>.

<table>
<thead>
<tr>
<th>Departmental Liaison Officers</th>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)/(e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Hon Anthony Albanese MP</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>Executive Level 1</td>
</tr>
<tr>
<td>Office of the Hon Maxine McKew MP</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Executive Level 1</td>
</tr>
<tr>
<td>Office of the Hon Gary Gray AO MP</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Executive Level 1</td>
</tr>
</tbody>
</table>

(2) Each staff member is provided with a laptop and mobile phone where it is required for the performance of their duties.

(3) (a) No
(b) Not applicable

(4) (a) (i) $187,666 (CY 2008) (ii) $156,611 (FY 2008-09)
(b) (i), (ii), (iii), (iv) The Department does not record this level of detail in its Financial Management Information System

(5) (a) (i) $918 (CY 2008) (ii) $1709 (FY 2008-09)
(b) (i), (ii), (iii), (iv) The Department does not record this level of detail in its Financial Management Information System

(6) (a) $29,109 (excluding GST)
(b) Nil
(c) $4,807 (excluding GST)
(d) $14,160 (excluding GST)

(7) 965

(8) (a) 60
(b) (i) All. (ii) None. (iii) Nil.

---

1 Figures are as at 20 July 2009.

**Special Minister of State**

(Question No. 1928)

**Senator Barnett** asked the Special Minister of State, upon notice, on 2 July 2009:
(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

The following staffing levels applied at 2 July 2009. To provide a historical profile since November 2007 would require an unreasonable diversion of resources.

<table>
<thead>
<tr>
<th>Minister Parliamentary Secretary</th>
<th>(a) Number of positions*</th>
<th>(b) Number of Staff employed*</th>
<th>(c) Number of Vacancies*</th>
<th>(d) Level of positions*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator the Hon Joe Ludwig, Special Minister of State</td>
<td>11</td>
<td>9</td>
<td>2</td>
<td>Senior Adviser Chief of Staff (Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td>Senior Adviser 1 (Cabinet) x 1</td>
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<td>Senior Media Adviser x 1</td>
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<td></td>
<td>Adviser x 4</td>
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<td></td>
<td>Assistant Adviser x 2</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td>Secretary/Administrative Assistant x 1</td>
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<td>Adviser x 3</td>
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<td>Assistant Adviser x 4</td>
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<td>Secretary/Administrative Assistant x 2</td>
</tr>
<tr>
<td>Caucus Committees</td>
<td>9</td>
<td>4</td>
<td>5</td>
<td></td>
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<tr>
<td>Support and Training Unit Staff</td>
<td></td>
<td></td>
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</tbody>
</table>

* The above information does not include electorate staff.
(e) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled on 23 December 2008 and is available on the Department of Finance and Deregulation’s website at http://www.finance.gov.au.

**Departmental Liaison Officer**

<table>
<thead>
<tr>
<th>Minster’s Office</th>
<th>(a) Number of positions as at 2 July 2009</th>
<th>(b) Number of Staff employed as at 2 July 2009</th>
<th>(c) Number of vacancies as at 2 July 2009</th>
<th>(d) Level of positions as at 2 July 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator the Hon Joe Ludwig, Special Minister of State</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Executive Level 1</td>
</tr>
</tbody>
</table>

(e) Information on the salary, superannuation and allowances for Department of Finance and Deregulation staff is available in the Department of Finance and Deregulation Collective Agreement 2009-2011 available at http://www.finance.gov.au.

(2) At 2 July 2009, ten laptops, no mobile phones and eleven PDAs were provided to the Special Minister of State’s Office. Four laptops, no mobile phones and four PDAs were provided to the Caucus Committees Support and Training Unit.

(3) From 15 June to 5 July 2009 one extra departmental staff member (in addition to the DLO) was assigned to the office of the Special Minister of State to assist the Office on entitlements matters following the Ministerial reshuffle.

(4) and (5) A similar Question on Notice (1802) was asked by Senator Abetz on 16 June 2009. Please refer to the response to that question.

(6) to (8) Please refer to the response to question 1921 to the Minister representing the Minister for Finance and Deregulation.

**Environment, Heritage and the Arts: Water**

*(Question No. 1973)*

**Senator Abetz** asked the Minister representing the Minister for the Environment, Heritage and the Arts, 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 Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

There was no expenditure on these items by the office of the Minister for the Environment, Heritage and the Arts during the 2008-09 financial year.

In many cases it has not proven possible to accurately identify the costs of bulk water, where this is taken to mean the provision of water to buildings for drinking, washing, cleaning and ablutions. This is because water costs are normally included within broader leases, and cannot be disaggregated – in these cases they are classified as ‘not available’. Where specific itemised amounts have been available, they have been included.

The amount spent in the 2008-09 financial year by the department and agencies within the portfolio was as follows:
Department of the Environment, Water, Heritage and the Arts, including its Australian Antarctic Division and Supervising Scientist Division operations:

(a) bottled water: Nil
(b) bulk water: Not available
(c) cooler rental: $11,009.63
(d) cooler hire: Nil
(e) water delivery: Nil

The $11,009.63 allocated to cooler rental is broken down as follows:

- $4,763.63 – spending by the Canberra offices on the rental of coolers and 15 litre bottles provided at the John Gorton Building and Farrell Place gymnasia. The John Gorton Building gymnasia is in the sub-basement and the Farrell Place gymnasia is adjacent to the underground carpark, and in neither location are there available taps nearby.
- $3,826 - rental and water costs by the Supervising Scientist Division in the Northern Territory which includes the Jabiru field station where bore water is in use.
- $2,420 - rental and water refills by the Australian Antarctic Division in Hobart provided to staff who are not situated close to kitchen facilities, for example those located in workshops.

Australia Council for the Arts:

(a) bottled water: $200.00
(b) bulk water: Not available.
(c) cooler rental: Nil
(d) cooler hire: Nil
(e) water delivery: Nil

Australian Film, Television and Radio School:

(a) bottled water: $182.00
(b) bulk water: not available
(c) cooler rental: Nil
(d) cooler hire: Nil
(e) water delivery: Nil

Australian Business Arts Foundation:

(a) bottled water: Nil
(b) bulk water: not available
(c) cooler rental: $540.00
(d) cooler hire: Nil
(e) water delivery: Nil

Cooler rental costs were for the Melbourne office.

Bureau of Meteorology:

(a) bottled water: $5837.45
(b) bulk water: $48478.79 (not including sites where water costs were included in property leases and could not be disaggregated)
(c) cooler rental: $4672.00
(d) cooler hire: Nil

QUESTIONS ON NOTICE
(e) water delivery: Nil

The $5837.45 allocated to bottled water is broken down as follows:

- $1500 spent on supplying bottled water to Willis Island while problems with the water supply were being rectified.
- $4337.45 spent on supplying water to staff during inspection/maintenance trips to remote locations and on other occasions when potable water was unavailable.

The $48478.79 allocated to bulk water includes:

- $100.00 to top up a rain water tank at Cocos Island.
- $28946.09 spent on water and sewerage rates and $19432.70 spent on water consumption for 44 sites around Australia.

The $4672.00 allocated to cooler rental was spent at locations around Australia to provide adequate supplies of chilled water.

- Great Barrier Marine Park Authority:
  (a) bottled water: Nil
  (b) bulk water: $7,794
  (c) cooler rental: $3,813
  (d) cooler hire: Nil
  (e) water delivery: Nil

The $7,794 allocated to bulk water is for water used at Reef HQ Aquarium in Townsville which includes water used for public facilities, staff facilities and operation of the Aquarium.

The $3,813 allocated to cooler rental is broken down as follows:

- $2,874 for cooler rental at Townsville offices
- $939 for regional offices located in Cairns, Mackay and Rockhampton where a number of meetings with members of the public and other Government agencies are held.

- National Film and Sound Archive:
  (a) bottled water: Nil
  (b) bulk water: $279.95
  (c) cooler rental: Nil
  (d) cooler hire: $174.45
  (e) water delivery: Nil

The cooler hire costs relate to a single water cooler that was rented for six months for the William Street, Sydney office while the Pyrmont office was re-fitted.

- National Library of Australia:
  (a) bottled water: $566.82
  (b) bulk water: $120,486
  (c) cooler rental: $340.80
  (d) cooler hire: Nil
  (e) water delivery: Nil

QUESTIONS ON NOTICE
The bottled water costs exclude costs for the provision of water to staff in Jakarta as this information is not readily available. The bulk water costs relate to the Library owned buildings in Parkes ($118,204), Hume ($2,282) and the leased workshop in Mitchell (nil), ACT. Bulk water costs are not available for our leased premises in Hume in the ACT or for leased premises in Jakarta.

- National Gallery of Australia:
  (a) bottled water: Nil
  (b) bulk water: $228,038
  (c) cooler rental: $7,774
  (d) cooler hire: Nil
  (e) water delivery: Nil
The cost of bulk water relates to water rates as paid to ActewAGL and is for both water consumption and supply. These amounts are unable to be split.

- Screen Australia:
  (a) bottled water: $1721.09 -
  (b) bulk water: Not available
  (c) cooler rental: Nil
  (d) cooler hire: Nil
  (e) water delivery: Nil
Bottled spring water used for the theatrette which hosts outside bodies. Screen Australia has recently substituted this with filtered tap water.

- Sydney Harbour Federation Trust:
  (a) bottled water: $537.56
  (b) bulk water: $445.97
  (c) cooler rental: Nil
  (d) cooler hire: Nil
  (e) water delivery: Nil
Bottled water was purchased to provide for members of the public who were camping overnight on Cockatoo Island on New Year’s Eve. This was a one-off event, where other catering facilities or sufficient alternative water supplies were not available. The bulk water cost is limited to the Mosman office only; other data was not available.

- National Museum of Australia:
  (a) bottled water: Nil
  (b) bulk water: Not available -
  (c) cooler rental: Nil
  (d) cooler hire: Nil
  (e) water delivery: Nil
The spending on bulk water is not available as the Museum shares a common supply with two other government agencies.

- Australian National Maritime Museum:
  (a) bottled water: $Nil
  (b) bulk water: $15,198.40
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 answer to the honourable senator’s question is as follows:

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, $10,549 relates to purchases in Area North Australia (which covers the Northern Territory and a large part of the Kimberleys). This water was purchased for remote servicing employees to take with them on outreach trips to remote Indigenous communities.

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
Australian Hearing
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.

**Small Business, Independent Contractors and the Service Economy: Water**
(Question No. 1987)

**Senator Abetz** asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 21 July 2009:

For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 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 Carr**—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

For Department and Agency spending on water coolers for 2008-09, please refer to the answers provided in part (6) of question no. 1924.

Water cooler costs for the Minister for Small Business, Independent Contractors and the Service Economy for 2008-09 financial year totalled $928.84.

**Environment, Heritage and the Arts: Media Training**
(Question No. 2010)

**Senator Abetz** asked the Minister representing the Minister for the Environment, Heritage and the Arts, 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 Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

Neither myself, nor any of my staff, have undertaken media training since 24 November 2007.

**Health: Lucentis**
(Question No. 2043)

**Senator Cormann** asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 July 2009:

(1) Is it correct that in the 2009-10 Budget the Government has allocated $200 million per year for Lucentis, and that each injection for treating macular degeneration costs (per vial) approximately $2000.

(2) Is the Minister aware of research and international clinical practice that indicates Lucentis and Avastin provide an equivalent clinical outcome for patients with macular degeneration.

(3) Has the department, the Therapeutic Goods Administration or the Pharmaceutical Benefits Advisory Committee (PBAC) considered this international experience and research, or done any other investigation as to whether Avastin would deliver an equivalent clinical outcome for patients with macular degeneration as Lucentis at a lower cost; if not, why not.
(4) Is the Minister aware that Avastin was recommended by New Zealand’s Pharmaceutical Management Agency (PHARMAC) for use in patients with macular degeneration.

(5) Has the department examined the experience in the United States of America (US), and specifically, is it correct that in the US Avastin is now used twice as often as Lucentis to treat macular degeneration.

(6) What would be the cost (per vial) for an injection of Avastin for the treatment of macular degeneration in Australia.

(7) Has the department or the PBAC considered the savings that could be made through the use of Avastin to treat macular degeneration; if not, why not.

(8) (a) Is the Minister, the department or the PBAC aware of claims that savings of approximately $100 million per year could be made to the Pharmaceutical Benefits Scheme (PBS) expenditure by encouraging the use of Avastin, whilst delivering an equivalent clinical outcome to products already listed on the PBS which are more expensive than Avastin; and (b) what is the view of the Minister, the department and/or the PBAC of this claim.

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

(1) The addition of Lucentis® to the PBS was announced in mid-2007. The Government did not allocate $200 million per year for Lucentis® in the 2009/10 Budget. The PBS listed price is $2,246.36 per injection.

(2) (3), (6), and (7) The supplier of Avastin®, Roche Products, would need to apply to the Therapeutic Goods Administration (TGA) for registration of this product in Australia for macular degeneration. Roche may submit, at any time, an application to the PBAC for PBS subsidy of Avastin® for macular degeneration, provided Avastin® has been registered for treatment of that condition with the TGA.

The Pharmaceutical Benefits Advisory Committee (PBAC) has not yet received a submission for the treatment of any other indication with Avastin®.

The Government is committed to using sound, evidence-based principles to decide which products should be subsidised through the PBS and under what circumstances. The same requirements for listing medicines on the PBS are applied in all cases to ensure consistency and fairness in the listing process.

Avastin® is currently listed on the PBS for bowel cancer at a cost of $534.77 per 100mg vial, and $1866.36 per 400mg vial. The price per vial for any other listings would be determined as part of the PBAC process to assess cost effectiveness.

(4) Yes

(5) The Department has not examined the US experience and is unable to comment on the use of Avastin compared to Lucentis.

(8) (a) No. (b) As no submission has been made to the PBAC for the listing of Avastin® for macular degeneration, it is not possible to comment on the costs and benefits of Avastin® this condition.

Health: Medications to Treat Blinding Conditions

(Question No. 2044)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 July 2009:

Has the department received a Royal Australian and New Zealand College of Ophthalmologists (RANZCO) 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 42740 (Medicare Benefits Schedule item number) even though they do not have approval for this use by the Therapeutic Goods Administration (TGA); if so:
(a) when did the department receive the recommendation;
(b) when was the recommendation forwarded to the Minister;
(c) will the Minister, the department or the TGA respond to the recommendation; if so, when will that response be made; and
(d) have there been delays in responding to the recommendation; if so, why.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
(a) On 8 December 2008, Royal Australian and New Zealand College of Ophthalmologists (RANZCO) provided a submission to the Department which included a list of substances that it believed were essential for the clinically appropriate treatment of some patients but which were not approved by the Therapeutic Goods Administration (TGA) for those indications.
(b) Following assessment of the submission and further consultation with stakeholders (including RANZCO), the Department provided the Minister with advice for her consideration on 26 June 2009.
(c) and (d) The Minister is considering this advice and has requested further information.

Agriculture, Fisheries and Forestry: Program Funding
(Question No. 2108)

Senator Cormann asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, 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 Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
The answers to all these questions were provided by the Hon Peter Garrett AM MP, Minister for the Environment, Heritage and the Arts, on 16 September 2009.

Broadband, Communications and the Digital Economy: Sponsored Visits
(Question No. 2114)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 3 September 2009:
QUESTIONS ON NOTICE

(1) Has the department sponsored any individual to visit Australia, for example, by providing flights or accommodation, or reimbursement for flights, accommodation, expenses, appearance fees or speaking fees, in 2008 and/or 2009; if so: (a) who was sponsored; (b) what was the purpose of the sponsorship; (c) what was the: (i) total, and (ii) itemised, costs; and (d) what engagements did the individual attend during their visit.

(2) Has the department sponsored, met or reimbursed the costs associated with any speaking engagements of any individual (other than the Minister or a permanent employee of the department) on any portfolio-related topic in 2008 and/or 2009; if so: (a) who was sponsored; (b) when; (c) for what purpose; and (d) what was the: (i) total, and (ii) itemised costs, for each arrangement.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) Individual visits to Australia involving costs met by the Department of Broadband, Communications and the Digital Economy (2008 and 2009)

<table>
<thead>
<tr>
<th>Individual</th>
<th>Purpose and Date</th>
<th>(c)(i) Total costs</th>
<th>(c)(ii) Itemised costs</th>
<th>(d) Engagements the individual attended during their visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Walsh (Hong Kong)</td>
<td>Speaker at the Get Ready for Digital TV conference, Hilton Hotel, Sydney (30-31 March 2009)</td>
<td>$17,000 (excl GST)</td>
<td>Airfare $5,000 Speaker fee, accommodation, transport, meals $12,000</td>
<td>2 days of conference formal conference dinner formal conference lunch engagement with stakeholders during conference.</td>
</tr>
<tr>
<td>William Berryman (Singapore)</td>
<td>Speaker at the Get Ready for Digital TV conference, Hilton Hotel, Sydney (30-31 March 2009)</td>
<td>$1,653.60 (excl GST)</td>
<td>Airfare - $1,353.60 Accommodation - 1 night $300</td>
<td>2 days of conference formal conference dinner formal conference lunch engaged with stakeholders during conference.</td>
</tr>
</tbody>
</table>

(2) Speaking engagements involving costs met by the Department of Broadband Communications and the Digital Economy 2008 and 2009 not covered in (1) above.*

<table>
<thead>
<tr>
<th>Individual</th>
<th>Date</th>
<th>Purpose</th>
<th>(d)(i) Total cost</th>
<th>(d)(ii) Itemised costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geoff Rhodes (consultant)</td>
<td>9-13 June 2008 (Darwin, Hobart, Sydney)</td>
<td>National E-Security Awareness Week</td>
<td>$5,276.23 (excl GST)</td>
<td>Travel and Out of Pocket expenses $5,276.23</td>
</tr>
</tbody>
</table>
(a) Individual  (b) Date  (c) Purpose  (d)(i) Total cost  (d)(ii) Itemised costs

Malcolm Crompton  
(consultant)  
11 June 2008  
(Brisbane)  
National E-Security Awareness Week  
$2,837.68 (excl GST)  
Presentations & Tutorials $2,000.00  
Travel and Out of Pocket expenses $837.68  

Alastair MacGibbon  
(Surete group – consultant)  
5-12 June 2009  
(Melbourne, Canberra, Brisbane, Sydney)  
National E-Security Awareness Week  
$5,889.76 (excl GST)  
Speaking engagements and media appearances $5,000.00  
Travel and Out of Pocket expenses $889.76  

Janine Wiedermann  
(Surete group – consultant)  
10-11 June 2009  
(Blackwater, Emerald)  
National E-Security Awareness Week  
$6,129.44 (excl GST)  
Presentations $5,000.00  
Travel and Out of Pocket expenses $1,129.44  

*Please note the response does not include any speaking engagements relating to Portfolio Board or Committee members where presentations were made in their capacity as members.

Resources and Energy and Tourism: Stationery  
(Question Nos 2148 and 2149)

Senator Ronaldson asked the Minister for Resources & Energy and the Minister for Tourism, in writing, on 10 September 2009:

For the 2008-09 financial year:

(1) Did the Minister have any ministerial letterhead produced using the funds or resources of his or her home department; if so:
   (a) how many sheets of letterhead were produced; and
   (b) what was the cost of the production of the letterhead.

(2) What was the total postage cost of mailings conducted by the Minister and/or Parliamentary Secretary using their departmental-funded franking machine.

(3) (a) What was the total cost, including production and distribution, of all direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece; and
   (b) can an itemised list be provided of: (i) production costs, and (ii) distribution costs.

Senator Carr—The Minister for Resources and Energy and the Minister for Tourism has provided the following response to the honourable senator’s questions:

(1) No.
(2) $3261.04.
(3) No direct mail campaigns were produced in 2008-09 financial year.
Health and Ageing: Printing  
(Question Nos 2174, 2193, 2197 and 2199)

Senator Ronaldson asked the Minister representing the Minister for Health and Ageing, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year: (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and (b) what was the total cost of: (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including:
   (a) the cost of producing each of these publications; and
   (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so:
   (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary;
   (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and
   (c) what resources does the department provided to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so:
   (a) how and to whom; and
   (b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s questions:

(b) (i) $18,811.54. (ii) Nil.
(2) $7,315.31
(3) $30,733.41
(4) 2007-08 Department of Health and Ageing Annual Report
   (a) The total cost of producing this publication was $48,068.17 (GST inclusive).
   (b) 1,469 copies were distributed to persons external and internal to the Department. External distribution included Parliament (both houses), the Parliamentary Press Gallery, the Parliamentary Library, other government agencies, libraries, non-government organisations and interested members of the public. Internal distribution included the Executive, Managers, Business Management Units and State and Territory Offices.

2009-10 Health and Ageing Portfolio Budget Statements
(a) The total cost of producing this publication was $26,312 (GST inclusive).
(b) 1,600 copies were distributed to persons external and internal to the Department. External distribution included Parliament (both houses), the Parliamentary Press Gallery, the Parliamentary Library, portfolio agencies, other government agencies, libraries, non-government organisations and interested members of the public. Internal distribution included the Executive, Managers, Business Management Units and State and Territory Offices.

Australian Health Management Plan for Pandemic Influenza (AHMPPI) 2008
(a) The total cost of producing this publication was $33,840.47 (GST inclusive). This cost includes editing, desktopping, printing, storage and distribution services.
(b) 8,000 copies were printed in total with 1,500 directly mailed out to the peak bodies, key government stakeholders and committee members. The remaining copies were available to the public.

The State of Our Public Hospitals Report 2009
(a) The cost for producing this publication was $72,755.00 (GST Inclusive).
(b) The State of Our Public Hospitals Report 2009 was released on-line and on CD. CDs were distributed to 2103 entities including: 76 to Commonwealth Senators; 150 to Members of Parliament (House of Representatives); to General Practice Divisions; 767 to Public Hospitals; 270 to Day Surgeries; 283 to Private Hospitals; 8 to Private Hospital Libraries; 36 to Public Hospital Libraries; 9 to Parliamentary Libraries; 218 to Health and Medical Libraries; 30 to Department Staff; 32 to State and Territory Health Department Managers; and 4 to the General Public (by request).

NICNAS Annual Report 2007-08
(a) The cost for producing this publication was $20,746.00 (GST Inclusive).
(b) 800 mandated copies of this publication were distributed to key stakeholders.

NICNAS Matters (May 2009)
(a) The cost for producing this publication was Nil.
(b) 5,000 copies of this publication were distributed to all NICNAS Registrants.

NICNAS Matters (June 2009)
(a) The cost for producing this publication (June 2009) was Nil.
(b) 5,000 copies of this publication were distributed to all NICNAS Registrants.

Home and Community Care Program Annual Report 1 July 2007 to 30 June 2008
(a) The cost for producing this publication was $8,293.00 (GST Inclusive).
(b) The report is yet to be distributed.
2009 Minister’s Awards for Excellence in Aged Care – Nomination Kit
(a) The cost for producing this publication was $31,182.80 (GST Inclusive).
(b) 7,200 copies of this publication were distributed to: Approved providers of aged care services, including respite services; and Major Home and Community Care (HACC) service providers through their regional HACC official.

2009 Minister’s Awards for Excellence in Aged Care – Nomination Postcard Reminder
(a) The cost for producing this publication was $1,789.70 (GST Inclusive).
(b) 7,000 copies of this publication were distributed to: Approved providers of aged care services, including respite services; and Major Home and Community Care (HACC) service providers through their regional HACC official.

(a) The cost for producing this publication was $17,727.00 (GST Inclusive).
(b) 120 printed copies were distributed to aged Care stakeholders.

The 2007 Australian National Children’s Nutrition and Physical Activity Survey - Main Findings Report
(a) The cost for producing this publication was $13,084.70 (GST Inclusive).
(b) 975 copies of this publication were distributed to: Department of Agriculture, Fisheries and Forestry; Australian Food and Grocery Council; The project team and steering committee of the survey, Food Standards Australia New Zealand, Department of Health and Ageing Staff and Library, Senator McLucas and Minister Roxon’s offices.

Development of a New National Women’s Health Policy – Consultation Discussion Paper
(a) The cost for producing this publication was $6,334.00 (GST Inclusive).
(b) 150 copies of this publication were distributed to individuals and stakeholders on request.

Developing a Men’s Health Policy for Australia – Resource Kit
(a) The cost for producing this publication was $46,146.00 (GST Inclusive).
(b) 1,880 copies of this publication were distributed to: Attendees of the National Men’s Health Policy consultation forums and National Rural Health Conference; and individuals and stakeholders on request.

Australia: the Healthiest Country by 2020 - a discussion paper prepared by the National Preventative Health Taskforce
(a) The cost for producing this publication paper was $13,740.65 (GST Inclusive).
(b) 1,020 copies of the discussion paper have been distributed to attendees of various consultation forums and Department of Health and Ageing staff.

(a) The cost for producing this publication was $21,000.00 (GST Inclusive).
(b) 1,800 copies have been distributed to Parliament, Library Deposit Scheme, Teaching Hospitals, Members of the Medical Training Review Panel and throughout the Department of Health and Ageing.

Towards a National Primary Health Care Strategy: A Discussion Paper from the Australian Government
(a) The cost for producing this publication was $18,711.00 (GST inclusive).
(b) Approximately 1,500 copies were distributed to a range of people including professional organisations, industry representatives, academia, clinicians, consumers and Commonwealth officers.

The Discussion Paper was also made available on the Department’s website for download.

**Improving Maternity Services in Australia: A Discussion Paper from the Australian Government**

(a) The cost for producing this publication was $6,472.00 (GST inclusive).

(b) Approximately 980 copies were distributed to a range of people, including professional organisations, industry representatives, academia, clinicians, consumers and Commonwealth officers.

The Discussion Paper was also made available on the Department’s website for download.

**Improving Maternity Services in Australia: The Report of the Maternity Services Review**

(a) The cost for producing this publication was $10,497.30 (GST inclusive).

(b) Approximately 510 copies were distributed to a range of people, including professional organisations, industry representatives, academia, clinicians, consumers and Commonwealth officers.

The Report was also made available on the Department’s website for download.

(5) (a) Online content for the Ministers and the Parliamentary Secretary is contained in individual site areas within www.health.gov.au. There are not separate websites for each Minister/Parliamentary. The technical component cost for developing the Ministers’ pages post the 2007 election was $1,436.00. This comprised creating new site areas, changing images, building the portal page and creating shortcuts.

(b) The site was refreshed to accommodate changes within the ministry; to replace the existing media release/speeches site areas by a single media portal; the addition of a photo gallery; placing new images in the banner, and some site architecture changes.

The technical component cost for the web site refresh, including the change of Minister in June 2009 was $4,552.00.

(c) As part of their daily work on www.health.gov.au web authors publish, maintain and update content on the ministers’ site areas. In 2008-09, 544 media release were published. Each media release requires approximately 30 minutes work to publish. The estimated resources cost of this work was $15,064.00.

(6) (a) and (b) Please refer to Attachment A.

**Attachment A**

<table>
<thead>
<tr>
<th>Date</th>
<th>Minister/PS</th>
<th>Title</th>
<th>Distribution</th>
<th>Cost – ex GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/7</td>
<td>Roxon</td>
<td>New health services from today</td>
<td>Australian News Circuit Health and Medical – All States</td>
<td>$526.50</td>
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<td>7/7</td>
<td>Roxon</td>
<td>Preventative Health Taskforce</td>
<td>Australian News Circuit All States &amp; Territories Wire</td>
<td>$596.80</td>
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<td>7/7</td>
<td>McLucas</td>
<td>New head for FSANZ board</td>
<td>Australian News Circuit Food, Beverage &amp; Hospitality Federal Parliament – Email Health &amp; Medical – All States</td>
<td>$707.73</td>
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<tr>
<td>18/7</td>
<td>McLucas</td>
<td>Flying Doctor delivers new health programs to North Qld</td>
<td>Australian News Circuit Health &amp; Medical – All States Regional – QLD Parliament – Boxed</td>
<td>$610.80</td>
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<tr>
<td>21/8</td>
<td>Roxon</td>
<td>Schoolkids to fight obesity</td>
<td>Australian News Circuit Health and Medical – All States Food, Beverage &amp; Hospitality Education</td>
<td>$1376.70</td>
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<td>18/9</td>
<td>Roxon/McLucas</td>
<td>Rudd Government introduces Organ and Tissue Transplantation Authority legislation</td>
<td>Medical Magazines Australian News Circuit Parliamentary Press gallery</td>
<td>$1697.70</td>
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<td>28/9</td>
<td>McLucas</td>
<td>Rudd government acts to ease food regulation burden</td>
<td>Major Metro – All States Federal Parliament – Boxed Health &amp; Medical – All States</td>
<td>$213.00</td>
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<td>2/10</td>
<td>McLucas</td>
<td>Parliamentary Secretary opens Baptist aged care home</td>
<td>Major Metro – Melbourne Suburban – Melbourne East Seniors</td>
<td>$29.70</td>
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<td>3/10</td>
<td>McLucas</td>
<td>Snapshot shows that childhood overweight and obesity are still a concern</td>
<td>Australian News Circuit Health &amp; Medical – All States Food, Beverage &amp; Hospitality</td>
<td>$1923.60</td>
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<td>5/10</td>
<td>McLucas</td>
<td>Sen McLucas opens 11th Transplant Games</td>
<td>Australian News Circuit Health &amp; Medical – All States</td>
<td>$625.50</td>
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<td>15/10</td>
<td>McLucas</td>
<td>Study confirms insufficient iodine in our food</td>
<td>Australian News Circuit Health and Medical – all states</td>
<td>$527.40</td>
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<td>16/10</td>
<td>Roxon</td>
<td>Alert- New national campaign on obesity and chronic disease</td>
<td>Australian National Circuit Federal Parliament - Boxed</td>
<td>$513.15</td>
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<td>17/10</td>
<td>Roxon</td>
<td>Australia Measures Up – national obesity campaign</td>
<td>Major Metro – All states All States and Territories Wire Health &amp; Medical – All States</td>
<td>$288.55</td>
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<td>20/10</td>
<td>McLucas</td>
<td>New asthma report</td>
<td>Major metro Major regional</td>
<td>$179.55</td>
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<td>23/10</td>
<td>Roxon</td>
<td>Australia the healthiest country by 2020</td>
<td>Major Metro – All States Health &amp; Medical – Tas – Print, Radio &amp; TV Expanded Regional – Tas – All</td>
<td>$98.55</td>
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<tr>
<td>Date</td>
<td>Minister/PS</td>
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<td>Distribution</td>
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<td>29/10</td>
<td>Roxon</td>
<td>Top chefs show community groups how to measure up</td>
<td>Ethnic</td>
<td>$98.55</td>
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<tr>
<td>6/11</td>
<td>McLucas</td>
<td>Better blood management advancing well in Australia</td>
<td>All wire</td>
<td>$214.30</td>
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<td>12/11</td>
<td>McLucas</td>
<td>McLucas launches food safety advertisements</td>
<td>Australian News Circuit</td>
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<td>Health and Medical Package</td>
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<td>Food, Beverage &amp; Hospitality</td>
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<td>21/11</td>
<td>McLucas</td>
<td>Asthma pilot program in community pharmacies</td>
<td>Australian News Circuit</td>
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<td>Press Galleries: Federal Parliament – Boxed</td>
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<td>Health &amp; Medical – All States</td>
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<td>28/1</td>
<td>McLucas</td>
<td>Healthy hearts</td>
<td>General Newswire: All States &amp; Territories</td>
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<td>Health Magazines &amp; Supplements</td>
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<td>Health Websites</td>
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<td>5/2</td>
<td>McLucas</td>
<td>Parents and teachers warned of back to school asthma spike</td>
<td>General Newswire: All States &amp; Territories</td>
<td>$680.40</td>
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<td>Education</td>
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<td>2/3</td>
<td>McLucas</td>
<td>New gene technology regulator appointed</td>
<td>Australian News Circuit</td>
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<td>Client’s Own List – List 6</td>
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<td>27/3</td>
<td>McLucas</td>
<td>Australian Transplant games will get Australia talking</td>
<td>Australian News Circuit</td>
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<td>29/4</td>
<td>Roxon</td>
<td>Influenza H1N1 bulletin</td>
<td>Australian News Circuit Current Affairs Federal Parliament – Email &amp; Boxed Health &amp; Medical – All States Heal Journals Top Health Writers Health Websites</td>
<td>$742.20</td>
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<tr>
<td>29/4</td>
<td>Roxon</td>
<td>Influenza H1N1 bulletin</td>
<td>Australian News Circuit Current Affairs Federal Parliament – Email &amp; Boxed Health &amp; Medical – All States Health Journals Health Websites</td>
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<tr>
<td>30/4</td>
<td>Roxon</td>
<td>Influenza H1N1 bulletin</td>
<td>Australian News Circuit Current Affairs Federal Parliament – Email &amp; Boxed Health &amp; Medical – All States Health Websites Top Health Writers Health Magazines &amp; Supplements Health Journals</td>
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<td>Roxon</td>
<td>Influenza H1N1 bulletin</td>
<td>Australian News Circuit Current Affairs Federal Parliament – Email &amp; Boxed Health &amp; Medical – All States Health Websites Top Health Writers Health Magazines &amp; Supplements Health Journals</td>
<td>$742.70</td>
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<td>30/4</td>
<td>Roxon</td>
<td>Alert - Influenza H1N1 bulletin – TV footage</td>
<td>Major Metro – TV All States and Territories Current Affairs – Television Federal Parliament – Email &amp; Boxed Health &amp; Medical – TV all States</td>
<td>$159.30</td>
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QUESTIONS ON NOTICE
**QUESTIONS ON NOTICE**

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<th>Cost – ex GST</th>
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<td>5/5</td>
<td>McLucas</td>
<td>Inhaler technology for asthma control</td>
<td>Health &amp; Medical – All States, Health Websites, Top Health Writers, Health Magazines &amp; Supplements, Health Journals</td>
<td>$189.00</td>
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<td>Roxon</td>
<td>Alert – Budget media release</td>
<td>All States and Territories, Wire, Health &amp; Medical – All States, Health Websites, Health Magazines &amp; Supplements, Top Health Writers, Seniors</td>
<td>$378.00</td>
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<tr>
<td>25/5</td>
<td>Roxon</td>
<td>Alert level raised to ‘contain’</td>
<td>Australian News Circuit, All States &amp; Territories, Wire, Federal Parliament – Email, Boxed &amp; Faxed, Health &amp; Medical – All States</td>
<td>$909.60</td>
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<td>28/5</td>
<td>Roxon</td>
<td>Alert- STI launch</td>
<td>Major Metro – Melbourne, Health and Medical – Vic – Print, Radio &amp; TV</td>
<td>$25.20</td>
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<td>24/6</td>
<td>Butler</td>
<td>FSANZ appointments</td>
<td>All States &amp; Territories, Wire, Health &amp; Medical – All States, Top Health Writers, Health Websites, Health Journals, Food, Beverage &amp; Hospitality</td>
<td>$1077.30</td>
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</tbody>
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