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FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg

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

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

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

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

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

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

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

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

Senate Party Leaders and Whips

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

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

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

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

Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce

Deputy Leader of the Nationals—Senator Fiona Nash

Leader of the Australian Greens—Senator Robert James Brown

Deputy Leader of the Australian Greens—Senator Christine Anne Milne

Leader of the Family First Party—Senator Steve Fielding

Chief Government Whip—Senator Kerry Williams Kelso O’Brien

Deputy Government Whips—Senators Donald Edward Farrell and Anne McEwen

Chief Opposition Whip—Senator Stephen Shane Parry

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

The Nationals Whip—Senator John Reginald Williams

Australian Greens Whip—Senator Rachel Mary Siewert

Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
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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]
RUDD MINISTRY—continued

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

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

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

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

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

Shadow Minister for Financial Services, Superannuation and Corporate Law
The Hon. Chris Pearce MP

Shadow Assistant Treasurer
The Hon. Tony Smith MP

Shadow Minister for Sustainable Development and Cities
The Hon. Bruce Billson MP

Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Minister for Housing and Local Government
Mr Scott Morrison 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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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

CARBON POLLUTION REDUCTION SCHEME BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]

AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2009 [No. 2]

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CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD ASSISTANCE) BILL 2009 [No. 2]

Debate resumed from 17 November.

Second Reading

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (9.31 am)—I move:

That these bills be now read a second time.

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

Leave granted.

The documents read as follows—

CARBON POLLUTION REDUCTION SCHEME BILL 2009 [NO. 2]

The need for action on climate change

The Government is committed to taking action on climate change.

We accept the consensus view of scientists that global warming is unequivocal and human activities are very likely responsible for most of the observed warming over the last fifty years.

Climate change is real and there will be serious consequences if greenhouse gas emissions are not restrained.

Australia is highly exposed to the impacts of climate change. The effects on Australia’s environment – and economy – will be serious. The health of our population, the security of our water and energy supplies, and impacts on coastal communities and infrastructure all face unprecedented tests.

Acting on climate change is squarely in Australia’s national interest.

If we don’t act, average temperatures across Australia are expected to rise by over 5°C (compared to 1990) by 2100. To put this in perspective, a 1°C rise in temperature risks a 15 per cent reduction in stream flow in the Murray-Darling Basin, Australia’s biggest river system.

Under a worst case scenario, irrigated agriculture in the Murray-Darling Basin would virtually disappear by 2100.

Bushfires are expected to become more intense, and the interval between them will shorten. The mega fires in Victoria in 2009 and Canberra in 2003 are consistent with these expected changes in fire regimes.
The business community in Australia is calling for investment certainty so that they can commit the necessary investment to start to move the Australian economy to a low carbon future.

As Heather Ridout from the Australian Industry Group said in a speech on 15 October 2009, “Many of our members are telling us that they are holding off making investments until there is a greater degree of clarity around domestic climate change legislation.”

Coupled with the Renewable Energy Target of 20 per cent of electricity from renewable sources by 2020, the Carbon Pollution Reduction Scheme (CPRS) will drive around $19 billion in investment in renewables in the period to 2020.

This demonstrates that Australia can take action against climate change whilst continuing to grow and prosper. In fact, modelling done by the Australian Treasury shows we can create 1.7 million jobs to 2020, while reducing carbon pollution.

And from an employment perspective, all major sectors - including the coal mining sector and electricity generation overall - grow over the years to 2020, delivering substantial increases in employment from today's levels.

As the world prepares to gather in Copenhagen to strive towards an international deal, what each country does at home matters. All nations need to keep moving forward, and it is squarely in Australia’s national interest to show up at the negotiating table in Copenhagen with a plan to deliver our targets.

It maximises our chance of playing a constructive role in negotiations and sealing the deal we know the world needs, and it provides certainty that the targets we sign up for internationally will be achieved at the lowest possible overall cost.

To major developing countries, it would send the signal that Australia is serious about delivering the emissions reductions to which we have committed – and therefore encourage action from them.

For all nations, it will help build confidence that, even in one of the world’s most resource-intensive economies, we can start to reduce our emissions while continuing to grow our economy.

I would like to address at the outset some of the major arguments of those who oppose action on climate change.

It is sometimes said that because Australia is responsible for a small proportion of global greenhouse gas emissions, we should not be 'acting ahead of the rest of the world' by unilaterally committing to reduce our emissions – that this would impose costs on Australia without solving the global warming problem.

We are not acting ahead of the rest of the world – in fact 27 EU countries, the US, Japan, Canada, New Zealand and Korea all have, or are developing, cap and trade systems.

And there is no need to wait until after Copenhagen as there is nothing in the R4221 Bill which makes its passage contingent on Copenhagen outcomes.

The CPRS establishes the framework under which Australia’s emissions reduction targets will be achieved and it has been designed for Australia’s national circumstances. The CPRS has also been designed to be sufficiently flexible to accommodate the range of possible outcomes from Copenhagen, so important details such as the scheme caps will not be set until after Copenhagen.

And finally, the Liberals have endorsed the Government’s emissions targets for 2020, including a commitment to reduce emissions by at least 5 per cent compared to 2000 levels, irrespective of commitments by other countries.

This is an ambitious commitment. It is important for the community to know how this will be achieved so that everyone – including business and households – can start down the path of reducing emissions.

So the debate over whether Australia should wait is over. In fact, it should have been over since 2007, when the Howard Government endorsed the findings of its Task Group on Emissions Trading, which recommended that the then Government announce an emissions target ahead of a post-Kyoto agreement and recommended the adoption of an emissions trading scheme to achieve those targets.

Development of the Carbon Pollution Reduction Scheme
Numerous reviews have found that an emissions trading scheme is the best and most efficient tool to achieve emissions reductions – including the former Prime Minister Howard’s Task Group on Emissions Trading and the Garnaut Review.

Both these concluded that market-based approaches that deliver a price on carbon will reduce greenhouse gases at least cost, and that an emissions trading scheme is the best market-based approach.

This is why both major political parties went to the last election committing to establish an emissions trading scheme – and why the Rudd Government has developed the Carbon Pollution Reduction Scheme.

Since the election of the Rudd Government, there has been an extensive process to develop the CPRS.

The core principles of the scheme were clearly articulated as long ago as February 2008.

The Government’s CPRS Green Paper was released for public consultation in June 2008. The Department of Climate Change undertook extensive stakeholder consultation in developing the Green Paper, including meetings and the release of 16 papers on different aspects of scheme design.

Final policy positions were set out in the CPRS White Paper, released in December 2008. In developing these policy positions, the Government considered 1026 submissions on the Green Paper, the final report of the Garnaut Climate Change Review, the results of the Australian Treasury’s comprehensive modelling exercise, feedback from meetings, workshops and one-on-one stakeholder consultation and outcomes from a number of industry workshops.

In March and April 2009, the Government released for consultation draft legislation to implement the CPRS. A number of changes were made to the legislation in light of that consultation.

From this brief history it is clear that the CPRS has been subject to a great deal of public scrutiny. It has also had a great deal of parliamentary scrutiny. Three Senate Committees considered and reported on the CPRS bills, and there was extensive Parliamentary debate on those bills between April and August of this year.

We have conducted a thorough, consultative and transparent policy process over the last two years to reach this final stage.

It is pleasing that the Coalition has now finally come forward with proposals to amend the CPRS and we are looking forward to negotiating in good faith will all parties.

I now turn to consider some of the major elements of the CPRS Bill.

**Emissions-intensive trade-exposed industries**

The Government recognises that the introduction of a carbon price ahead of effective international action may provide incentives for some trade exposed industries to relocate or source production offshore – so called carbon leakage.

That is why the CPRS bill provides for a program to support businesses producing internationally traded goods which face the most significant exposure to the carbon price.

The features of that program have been clearly stated by the Government.

Assistance, in the form of administrative allocations of permits, will be provided to new and existing firms engaged in emissions-intensive trade-exposed – so called EITE – activities.

Assistance will be targeted to the most emissions-intensive trade-exposed activities. From the first year of the CPRS, highly emissions-intensive activities will have an effective rate of assistance of almost 95 per cent, and less emissions-intensive activities will have an effective rate of assistance of 66 per cent – rates of assistance endorsed by the Opposition through their support for similar arrangements under the Government’s Renewable Energy Target legislation.

Unlike the EU Scheme or the schemes proposed in the US Waxman-Markey and Kerry-Boxer bills there is no overall cap on free permit allocations. And as assistance will be directly linked to output, this means that if production doubles the allocation of permits doubles. This is important to cater for the expansion of Australian industry, and is the key reason why the Australian arrangements are more generous than the EU and proposed US schemes.

Notwithstanding the generosity of these arrangements, the design of the EITE program ensures
that even these firms face the full carbon price and have the same incentives as all other industries to find opportunities to reduce their emissions. Assistance is calculated based on historical, industry baselines of greenhouse intensity and assistance reduces by 1.3 per cent per year. This ensures that the most efficient producers in an industry, and the producers that become more efficient over time, are rewarded for their efforts.

The Government is confident that its EITE program reduces the risk of carbon leakage, while promoting efficient production decisions and ensuring that all industries make a contribution to the national effort to reduce carbon emissions, without risking jobs.

In order to provide clear and detailed rules about how much assistance will be provided, the detail of activity definitions, rates of assistance and other matters will be set out in regulations.

A significant proportion of the relevant regulations have already been tabled in draft form. It is, of course, unusual that draft regulations be released for public comment ahead of the passage of legislation. The Government has taken this extra step to make available as much information as possible to parliament when considering the CPRS bills.

Coverage of the CPRS

One important design principle that the Government has adopted in developing the CPRS is breadth of coverage.

The CPRS has broad coverage, as it applies to approximately 75 per cent of Australia’s emissions.

This is consistent with the approach of former Prime Minister Howard’s Task Group on Emissions Trading, which said:

“The efficiency and fairness of a national abatement effort will be increased to the extent that all sectors contribute to greenhouse gas reductions. The broader the opportunity to identify and implement abatement opportunities, the lower will be the costs to the economy of meeting any given abatement task. In addition to achieving abatement efficiently, comprehensive coverage has an important equity dimension: it ensures the abatement task is shared broadly across sectors of the economy...”

For these reasons, any proposal to exclude or carve out sectors from the CPRS must be examined very carefully. Any benefits have to be weighed up against the increased burden on other industry sectors, the loss of opportunities for low-cost emissions reductions, and the possible loss of permit revenue to assist households.

Domestic offsets

Agriculture is not currently in the CPRS, but the Government has not ruled out including it in the future - from 2015 at the earliest.

The CPRS Bill does however provide for domestic offsets for reforestation.

This is a crediting mechanism - to encourage reductions in carbon pollution before the scheme starts, proponents of approved reforestation projects will be eligible to receive emission units for increases in carbon sequestration taking place from 1 July 2010.

These emissions units will then be available for purchase by liable entities – the large emitters and fuel suppliers – as an alternative to reducing their emissions or purchasing emissions units from other sources.

Given that there has been some discussion about including additional offsets in the CPRS, it is important to keep in mind the following points.

First, offsets should only be available for sectors that are outside the CPRS. There would be double counting if offsets are provided for abatement that would also be recognised through reductions in CPRS obligations.

Second, offsets should count towards Australia’s international commitments. Otherwise, Australia would need to tighten its scheme cap, with a cost to industry and consumers, or purchase Kyoto units on the international market, costing taxpayers.

Third, practical issues of measurement and administration have to be considered.

Electricity Sector Adjustment Scheme

Free permits will also be issued, on a once-off basis over the first five years of the CPRS, to investors who purchased or constructed coal-fired generation assets prior to the Commonwealth Government’s announcement of its support for an emissions trading scheme.
While such a policy change could have been foreseen prior to this announcement, the Government considers it appropriate to partially recognise significant losses of asset value experienced by investors that were committed to such investments prior to a clear announcement by the Commonwealth Government of its support for such a scheme.

It is estimated that the free permits to be provided to generators will be worth approximately $3.8 billion. This assistance is focused on the most emissions-intensive generators as these generators are likely to experience the largest losses in asset value.

While individual electricity generators argue for increased assistance, what the whole electricity sector requires is certainty around the regulatory environment. It is only once they have that certainty, through the passage of these bills, that they can make the necessary investments in lower-emissions technologies.

This is another reason why we must act now.

**Assistance for the Coal Sector**

The Government recognises that emissions-intensive coal mines do need transitional assistance to adjust to the introduction of the Carbon Pollution Reduction Scheme.

The Government has said it will target assistance to the most gassy mines, and has on the table a $750m package to assist these mines investigate and implement abatement opportunities and ease their transition to the introduction of a carbon price.

The Government believes this formulation will allow the coal sector to play its part in emissions reductions whilst providing assistance for the mines most affected by the introduction of a carbon price.

**Conclusion**

Australians have made it clear they want action on climate change.

The Australian Government believes it is critical to take action on climate change now.

Business want the certainty that will allow them to invest.

And on the eve of the Copenhagen conference, the world is watching.

The time has come, after 12 years of inaction, to provide business certainty and to act on climate change.

The Government is determined to meet this challenge and make this important reform.

The Government welcomes the Opposition’s proposals and looks forward to negotiating in good faith with all parties.

It is up to the Leader of the Opposition to now show how his proposals are environmentally and fiscally credible and commit to voting on the CPRS this year.

———

**CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009 [NO. 2]**

The Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 contains consequential and transitional provisions relating to the Carbon Pollution Reduction Scheme.

The Bill seeks to amend 11 Acts and one set of regulations.

**National Greenhouse and Energy Reporting**

The most significant amendments relate to the National Greenhouse and Energy Reporting Act 2007.

This Act provides the existing national framework for the reporting of information on greenhouse gas emissions, energy consumption and energy production. To maintain the Government’s commitment to the streamlining of reporting of greenhouse and energy data, the Act will be the starting framework for monitoring, reporting and assurance under the Carbon Pollution Reduction Scheme.

A number of changes are proposed to strengthen the Act and align it with the requirements of the Scheme, as outlined in the Government’s White Paper titled Carbon Pollution Reduction Scheme: Australia’s Low Pollution Future, which was released on 15 December 2008. Under the amendments, one report will satisfy an entity’s reporting requirements for the Scheme and current reporting requirements under the National Greenhouse and Energy Reporting Act 2007.
Coverage of synthetic greenhouse gases
The Carbon Pollution Reduction Scheme covers synthetic greenhouse gases. As some of these gases are already regulated under the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989, amendments will be made to that Act to align it with the Scheme.

Establishment of the Australian Climate Change Regulatory Authority
The bill contains a number of consequential amendments relating to the establishment of the Australian Climate Change Regulatory Authority. As well as administering the Carbon Pollution Reduction Scheme, the new Authority will take over administration of both greenhouse and energy reporting and the renewable energy target. This necessitates a number of legislative amendments to replace two existing statutory bodies – the Office of the Renewable Energy Regulator and the Greenhouse and Energy Data Officer – and transfer their functions to the Authority.

The creation of the Australian Climate Change Regulatory Authority also gives rise to a number of other consequential amendments – for example, to apply financial management and accountability requirements to the Authority.

Measures to prevent market manipulation and misconduct
Australian emissions units and eligible international emissions units are to be financial products for the purposes of the Chapter 7 of the Corporations Act 2001 and Division 2, Part 2 of the Australian Securities and Investments Commission Act 2001. The bill amends these Acts accordingly. These amendments will provide a strong regulatory regime to reduce the risk of market manipulation and misconduct relating to emissions units. Appropriate adjustments to the regime to fit the characteristics of units and avoid unnecessary compliance costs will be made. The Government has committed to consulting further on those adjustments and recently released a discussion paper on this issue.

As required by the Corporations Agreement between the Commonwealth, States and Territories, the Ministerial Council for Corporations has been consulted about the amendments to the corporations legislation and, to the extent necessary, has approved those amendments.

Taxation treatment of emissions units
Schedule 2 of the bill amends various taxation laws to clarify the income tax and Goods and Services Tax treatment of emissions units.

The main consideration in designing the tax treatment of units is that the tax treatment should not compromise the main objectives of the Scheme. This means that tax should not influence decisions between purchasing, trading and surrendering units or alternatively reducing emissions. The preferred tax treatment will help implement the Scheme and reduce compliance and administration costs for taxpayers and the Australian Government.

For income tax, the amendments establish a rolling balance treatment of registered emissions units which is similar to that for trading stock. The result of the treatment is that the cost of a unit is deductible, with the effect of the deduction generally being deferred through the rolling balance until the sale or surrender of the unit.

The proceeds of selling a unit are assessable income with any difference in the value of units held at the beginning of an income year and at the end of that year being reflected in taxable income. Any increase in value is included in assessable income and any decrease in value allowed as a deduction.

The Bill also amends the Goods and Services Tax law. It characterises a supply of an eligible emissions unit or a Kyoto unit specifically as a supply of a personal property right and not a supply of or directly connected with real property. The amendments will promote certainty about the application of the normal GST rules to Scheme transactions.

Conclusion
The consequential amendments contained in this bill are important for the efficient and effective operation of the Carbon Pollution Reduction Scheme. The amendments seek, where possible, to streamline institutional and regulatory arrangements and minimise administrative costs with the Scheme.
AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009 [NO. 2]

This bill would establish the Australian Climate Change Regulatory Authority – a new statutory authority that would be responsible for administering the Carbon Pollution Reduction Scheme.

It is one of a package of bills to establish the Scheme.

The Authority will be responsible for auctioning and allocating emissions units, maintaining a national registry of emissions units and ensuring that firms comply with their obligations under the Scheme.

The Government’s intention is to establish an effective, efficient and independent regulator.

The Authority will be a body corporate headed by a Chair and between two and four other members. Through the Chair, it will employ Australian Public Service employees on behalf of the Commonwealth.

It will have a modern set of information-gathering, inspection and enforcement powers, conferred on it by the Carbon Pollution Reduction Scheme Bill 2009.

The Authority will be at arm’s length from Government. As with other independent regulators, the Minister will only be able to provide directions on general matters and there are limited grounds on which a member of the Authority may be removed from office.

The Authority will also be accountable. It will be required to produce 3-yearly corporate plans and annual reports, and comply with the Financial Management and Accountability Act 1997.

The Authority will take over the functions of the existing Office of the Renewable Energy Regulator and the Greenhouse and Energy Data Officer, so that a single regulatory body will have overall responsibility for administration of climate change laws. This transfer of functions is to be affected through the Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009.

While it will have strong powers to ensure that Scheme obligations are complied with, the Authority will also have an important role in advising and assisting persons in relation to their obligations under the Scheme – something that is formally reflected in the Authority’s functions.

CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2009 [NO. 2]

This bill, which is part of the legislative package to establish the Carbon Pollution Reduction Scheme, is one of three technical bills which anticipate the possibility that the charge payable by a person to the Commonwealth for issue of an Australian emissions unit as the result of an auction, or for a fixed charge, is a tax within the meaning of section 55 of the Constitution.

The Commonwealth does not consider that these charges are taxes for constitutional purposes. However, the Government has taken an approach of abundant caution, with the charges bills providing safeguards in case a court reaches a different view on this question.

This bill caters for the possibility that the charges I have mentioned are, in whole or part, both a tax and a duty of customs by providing for the imposition of such a charge under this bill.

CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2009 [NO. 2]

This bill, which is part of the legislative package to establish the Carbon Pollution Reduction Scheme, is one of three technical bills which anticipate the possibility that the charge payable by a person to the Commonwealth for issue of an Australian emissions unit as the result of an auction, or for a fixed charge, is a tax within the meaning of section 55 of the Constitution.

The Commonwealth does not consider that these charges are taxes for constitutional purposes. However, the Government has taken an approach of abundant caution, with the charges bills providing safeguards in case a court reaches a different view on this question.

This bill caters for the possibility that the charges I have mentioned are, in whole or part, both a tax and a duty of excise by providing for the imposition of such a charge under this bill.
CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2009 [NO. 2]

This bill, which is part of the legislative package to establish the Carbon Pollution Reduction Scheme, is one of three technical bills which anticipate the possibility that the charge payable by a person to the Commonwealth for issue of an Australian emissions unit as the result of an auction, or for a fixed charge, is a tax within the meaning of section 55 of the Constitution.

The Commonwealth does not consider that these charges are taxes for constitutional purposes. However, the Government has taken an approach of abundant caution, with the charges bills providing safeguards in case a court reaches a different view on this question.

This bill caters for the possibility that the charges I have mentioned are, in whole or part, a tax. In those circumstances, this bill imposes the charge, but only to the extent the charge is neither a duty of customs nor a duty of excise.

CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2009 [NO. 2]

This bill seeks to establish in legislation the ‘CPRS fuel credit’ measure. It will provide transitional assistance to eligible industries and fuels that will not benefit from the cent-for-cent fuel tax reduction made under the Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009.

The CPRS fuel credit will offset the increase in eligible fuel prices by an amount equal to the reduction in the fuel tax rate. CPRS fuel credit amounts will be adjusted automatically with adjustments to the fuel tax made under the Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009.

The CPRS fuel credit program will give transitional assistance to the agriculture (excluding forestry) and fishing industries for the period 1 July 2011 to 30 June 2014. For the period the Government has fixed the emissions unit charge at $10 per tonne, based on current taxation arrangements, this credit will equal 2.455 cents per litre.

Activities incidental to the agriculture and fishing industries currently receive 50 per cent of the fuel tax credit under the Fuel Tax Act until 30 June 2012 after which they will be entitled to a full fuel tax credit. As these incidental activities will therefore receive a partial benefit from the reduction in fuel tax until 30 June 2012, they will be entitled to a partial CPRS fuel credit until that date. This CPRS fuel credit will be 50 per cent of the full CPRS fuel credit while the reduced fuel tax credit rate applies, and the full CPRS fuel credit thereafter until 30 June 2014.

CPRS fuel credits will also provide transitional assistance to heavy on-road transport users for the period 1 July 2011 to 30 June 2012. The industry will be entitled to a CPRS fuel credit of 2.455 cents per litre based on current taxation arrangements and the introduction of an emissions unit charge fixed at $10 per tonne.

Liquid petroleum gas (LPG), liquid natural gas (LNG) and compressed natural gas (CNG) are alternative transport fuels and will face a Carbon Pollution Reduction Scheme emissions unit obligation. However, as LPG, LNG and CNG are currently outside the fuel excise system they will not benefit from the fuel tax reductions applying to other fuels. The CPRS fuel credit program will therefore be extended to these fuels.

To be eligible for a CPRS fuel credit for the supply of gaseous fuels, an entity must be the liable entity for that fuel under the Carbon Pollution Reduction Scheme Bill 2009.

Suppliers will benefit from a CPRS fuel credit for differing transitional periods depending on the fuel.

The CPRS fuel credit will be provided to LPG suppliers for the period 1 July 2011 to 30 June 2014 as it is predominantly used for private motoring as an alternative to petrol.

The CPRS fuel credit will be provided to LNG and CNG suppliers for the period 1 July 2011 to 30 June 2012. This treatment is the same as for heavy on-road transport as LNG and CNG are predominantly used for this purpose.

The Government will review these measures upon their conclusion.
As the volume of emissions from these fuels is substantially lower than the volume from petrol and diesel, the Australian emissions unit auction charge impact on them will be lower. To reflect this, these fuels will receive less than the full amount of the CPRS fuel credit.

From 1 July 2011, based on current taxation arrangements and the introduction of the emissions unit charge fixed at $10 per tonne for one year, CNG will receive a CPRS fuel credit of 1.91 cents per litre which is 78 per cent of the full credit, LNG will receive a credit of 1.23 cents per litre which is 50 per cent of the full CPRS fuel credit. LPG, which has the three year assistance period, will receive a credit of 1.64 cents per litre, which is 67 per cent on the full CPRS fuel credit, for the first year after which the credit will be adjusted in accordance with increases in the emissions unit charge.

The CPRS fuel credit program will be administered by the Australian Taxation Office and claims will be made in the Business Activity Statement in the same manner as fuel tax credits.

The Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009 are contained in the Explanatory Memorandum.

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EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [NO. 2]

This bill seeks to amend the Excise Tariff Act 1921 to confirm in legislation the Government’s commitment in the Carbon Pollution Reduction Scheme: Australia’s Low Pollution Future White Paper. The Government will cut fuel taxes on a ‘cent for cent’ basis to offset the initial price impact on fuel of introducing the Carbon Pollution Reduction Scheme.

The Government recognises that people have limited flexibility to respond quickly to changes in fuel prices but that, over time, transport choices can respond to price changes.

To give households and businesses time to adjust to the Scheme, this legislation introduces a mechanism to automatically adjust the rate of fuel tax on all fuels that are currently subject to the 38.143 cents per litre rate of excise.

Fuel tax consists of excise duty on domestically manufactured fuels and excise-equivalent customs duty on imported fuels. Fuel tax is predominantly applied at a rate of 38.143 cents per litre across the range of fuels including petrol, diesel, kerosene, fuel oil, heating oil, biodiesel and fuel ethanol.

Different fuels emit different amounts of carbon when they burn and their prices will increase according to the volume of their emissions. To minimise compliance costs, the fuel tax cut will be made ‘across the board’ to currently taxed fuels. The fuel excise adjustment will be based on the expected rise in the price of diesel resulting from the introduction of the Scheme. This will ensure there is ‘cent for cent’ assistance for diesel users.

Diesel emits more carbon than petrol on a per litre basis so the fuel tax cut will provide more than ‘cent for cent’ assistance for petrol users,
which make up the majority of motorists. However, diesel use is becoming more common as fuel and vehicle standards improve. Basing the fuel tax cut on diesel will therefore ensure that the Government’s ‘cent for cent’ commitment is delivered for the most common fuels used by households.

Any reductions will take place on 1 January and 1 July of each year, to harmonise with the Business Activity Statement reporting period.

The first fuel tax reduction will occur on 1 July 2011 with the commencement of the Carbon Pollution Reduction Scheme. On 1 July 2011, based on current taxation arrangements and that the emissions unit charge will be fixed at $10 per tonne, the fuel tax will be reduced by 2.455 cents per litre to 35.688 cents per litre.

After the fixed emission unit price of $10 per tonne lapses on 30 June 2012, the need for further reductions, and the amount, will be assessed based on the average Australian emissions unit auction charge over the preceding six month period. If the average unit charge at the time of the assessment is greater than the average unit charge that formed the basis of the previous reduction, then the fuel tax rate will be further reduced. This approach will apply to adjustments that occur from 1 July 2012.

If the current average unit charge amount is less than the previous average unit charge amount then the rate of fuel tax will remain the same—the fuel tax rate will not be increased if the emissions charge has fallen.

Information on the six-month average Australian emissions unit auction charge will be published by the Australian Climate Change Regulatory Authority in accordance with section 271 of the CPRS Bill.

The final reduction will be made, if necessary, on 1 July 2014. The fuel tax rate at that date will be the ongoing rate, that is, the fuel tax rate will not revert to the 38.143 cents per litre rate. At this time the Government will review the mechanism introduced by these amendments.

The amendments to the Excise Tariff Act will commence on 1 July 2011 assuming that the Carbon Pollution Reduction Scheme commences on that date.

Full details of the Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 are contained in the Explanatory Memorandum.

CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [NO. 2]

I am introducing today a bill to amend the Customs Tariff Act 1995 to confirm in legislation the Government’s commitment in the Carbon Pollution Reduction Scheme: Australia’s Low Pollution Future White Paper. The commitment is to cut fuel taxes on a ‘cent for cent’ basis to offset the initial price impact on fuel of introducing the Carbon Pollution Reduction Scheme.

This amendment will introduce a new section into the Customs Tariff Act to ensure that the reductions made to the excise rates on fuels due to the introduction of the Scheme also apply to the relevant imported products.

Where a relevant excise rate, as defined in the Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009, is reduced, this amendment will substitute the same rate to the excise-equivalent customs duty rates. The substitution will apply to the subheadings in Schedules 3, 5, 6, 7 and item 50(1A) in Schedule 4 to the Customs Tariff Act.

Only the rate of excise-equivalent duty - that is, the non-ad valorem - component of the duty will be substituted.

The amendments to the Customs Tariff Act will commence on 1 July 2011 assuming the Carbon Pollution Reduction Scheme Bill 2009 commences on that date.

Full details of the Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 are contained in the Explanatory Memorandum.

CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD ASSISTANCE) BILL 2009 [NO. 2]

This bill delivers on the Government’s commitment to assist low and middle-income households with the expected increases in the cost of living arising from the introduction of the Carbon Pollution Reduction Scheme.
Climate change threatens Australia’s way of life and our future prosperity. Australians want action on climate change. That’s why the Government has moved to introduce the Carbon Pollution Reduction Scheme. It will allow economic growth without growth in emissions.

The introduction of the Scheme will have a modest impact on the cost of living for households. That is why the Government is providing low and middle-income households with upfront assistance to adjust to the impacts of the scheme.

Through a package of cash assistance, tax offsets and other measures, the Government will help these households maintain their standard of living while moving to a low pollution future.

This bill delivers on the Government’s commitments given in the Carbon Pollution Reduction Scheme White Paper that:

- pensioners, seniors, carers, veterans, people with disability, the unemployed, students and other allowees will receive additional support, above indexation, to fully meet the expected overall increase in the cost of living flowing from the scheme;
- low-income households will receive additional support, above indexation, to fully meet the expected overall increase in the cost of living flowing from the scheme; and
- middle-income households will receive additional support, above indexation, to help meet the expected overall increase in the cost of living flowing from the scheme.

The assistance in this bill delivers on these commitments.

This bill takes account of changes to the Carbon Pollution Reduction Scheme announced on 4 May 2009 that introduces an initial $10 per tonne fixed carbon price in 2011-12 and a flexible carbon price in 2012-13. The composition of the Household Assistance package reflects this staged approach.

The Bill also takes account of other policy changes in the Budget, principally the Government’s Secure and Sustainable Pension Reform, which will affect how assistance is paid.

The Carbon Pollution Reduction Scheme will see a modest increase in the overall cost of living as we start to recognise the costs of carbon pollution in our everyday lives.

It is anticipated that the Carbon Pollution Reduction Scheme will result in increases in the cost of living of 0.4 per cent in 2011-12 and 0.8 per cent in 2012-13, resulting from an initial $10 per tonne fixed carbon price in 2011-12 and a flexible carbon price in 2012-13.

For many households, government payments only represent a share of their income. Therefore increasing payments in line with headline Consumer Price Index impacts alone will not fully restore their standard of living following the introduction of the Carbon Pollution Reduction Scheme.

To adequately compensate these households, compensation needs to go beyond the average household Consumer Price Index impact.

To ensure fairness, household composition has also been taken into account in designing the assistance.

This household assistance will be funded from the auction of carbon pollution permits. The Government has committed to use every cent raised from the introduction of the scheme and the auction of carbon pollution permits to help households and businesses adjust and move Australia to the low pollution economy of the future.

**Increases to pension, benefit and allowance payments**

The measures contained in this bill will increase the amount of certain social security and Veterans’ Affairs pension and allowance payments by 2.8 per cent over two years. This includes a 1 per cent increase from 1 July 2011 and a further 1.8 per cent increase on 1 July 2012, including upfront indexation.

These payment increases include the bringing forward of the expected Consumer Price Index related indexation increases that will automatically flow from the Scheme’s introduction. These indexation increases are expected to be 0.4 per cent in 2011-12 and 0.8 per cent in 2012-13. The 0.4 per cent expected indexation increase for 2011-12 will be brought forward and paid from 1 July 2011. The 0.8 per cent increase in the ex-
pected indexation increase will be brought forward and paid from 1 July 2012. Because assistance for the cost of living increase provided through certain payments will be brought forward, subsequent indexation arrangements will be adjusted to avoid duplicate assistance.

These increases will apply to a range of income support payments including the age pension, carer payment, veteran service pensions, disability support pension, Newstart allowance, Youth Allowance, parenting payments and the special benefit. A list of affected payments is included in the bill.

**Increases to family tax benefit**

Similar to pension and allowance increases, family tax benefit will be increased to help low and middle-income families meet the expected overall increase in the cost of living flowing from the Carbon Pollution Reduction Scheme. The increases to family tax benefit will include the up-front payment of the expected automatic indexation increases that will flow from the scheme’s introduction. These automatic increases are expected to be 0.4 per cent in 2011-12 and 0.8 per cent in 2012-13. Subsequent indexation points for family tax benefit payments will be adjusted to avoid the duplication of assistance.

The per-child maximum standard rates of family tax benefit Part A for under 16 year olds and the family tax benefit Part A supplement will be increased by 2.8 per cent over two years, in line with changes to pensions and allowances.

Per-family standard rates of family tax benefit Part B and the Part B supplement will also be increased by 2.8 per cent over two years.

Additional increases are also being made to the base rate of family tax benefit Part A to assist recipients of these payments.

Adjustments will be made to indexation of family tax benefit Part A and Part B rates on 1 July 2012 and 1 July 2013 (and over further indexation points if necessary) to prevent duplication of the amounts brought forward on 1 July 2011 and 1 July 2012.

A new family tax benefit combined end-of-financial-year supplement will be created for families eligible for both family tax benefit Part A and Part B, where the main income earner has income above $60,000 per year. The value of the supplement will be up to $240 per family in 2011-12 and up to $680 per family in 2012-13 and later years. The supplement will phase in at four cents in the dollar when the primary earner’s income reaches $60,000 until the supplement reaches the maximum amount. The entitlement to this supplement will cease when a family’s entitlement to family tax benefit Part A or Part B ceases.

**Measures delivered through the tax system**

Assistance is also being provided through the tax system. These measures provide additional assistance to eligible low and middle-income households through increases to the low income tax offset and various tax offsets for taxpayers who maintain a dependant.

**Low income tax offset**

From 1 July 2011, the low income tax offset will increase by $150 from $1,500 to $1,650. From 1 July 2012, it will increase a further $280 to $1,930. This will increase the taxable income up to which a taxpayer is entitled to an amount of low income tax offset to $71,250 for the 2011-12 income year and to $78,250 for the 2012-13 income year and later income years.

**Senior Australians tax offset**

These increases in the low income tax offset will increase the income level above which senior Australians eligible for the senior Australians tax offset begin to pay tax. From 1 July 2011, eligible senior Australians will have no tax liability until their income reaches $31,474 for singles and $27,680 for each member of a couple. From 1 July 2012, eligible senior Australians will have no tax liability until their income reaches $32,948 for singles and $29,547 for each member of a couple. Adjustments will also be made to the Medicare levy thresholds for senior Australians.

**Dependency tax offsets**

Measures for households include assistance to eligible adults who maintain a dependant. These increases will apply to the dependent spouse offset, the child-housekeeper offset, the invalid-relative offset, the parent/parent-in-law offset and the housekeeper offset.
From 1 July 2011, these dependency offsets will increase by $60 while, from 1 July 2012, they will increase by $105. These increases will be in addition to the annual increases in these offsets that occur due to automatic indexation.

**Transitional payments**

A carbon pollution reduction transitional payment will be payable for each of the 2011-12 and 2012-13 income years to independent adults in low-income households who can show they have not been assisted in line with the Government’s commitments.

The amount of the carbon pollution reduction transitional payment for the 2011-12 income year will be $200 per claimant and $550 per claimant in 2013.

The carbon pollution reduction transitional payment will become payable to qualifying individuals for the first year from 1 July 2012 and will be assessed with reference to the individual’s income in the 2011-12 financial year. The person will have until 30 June 2014 to lodge a claim for the 2012 carbon pollution reduction transitional payment.

The second year of carbon pollution reduction transitional payment will be assessed with reference to the individual’s income in the 2012-13 financial year and will become payable from 1 July 2013. A person will have until 30 June 2015 to lodge a claim to receive the 2013 carbon pollution reduction transitional payment.

**Interaction with pension reform legislation**

The Government proposes to pay Carbon Pollution Reduction Scheme household assistance to pensioners through the new Pension Supplement, announced in the Budget as part of the pension reform package. As this supplement did not exist in law when this bill was originally drafted, several provisions that enable legislative instruments to be made were included to allow the timing discrepancy to be addressed.

However, the legislative instrument provisions are now unlikely to be used. Instead, the substantive amendments provided by the pension reform legislation to this current bill (amendments which will commence when this current bill is enacted) will reflect the structure of the new pension system following the Government’s pension reforms and pay the household assistance to pensioners via the new Pension Supplement.

More specifically, the pension reform legislation will remove the relevant powers to create legislative instruments regarding payment amounts and mechanisms for pensioners, and include these details in the primary Carbon Pollution Reduction Scheme legislation.

**Conclusion**

Through the measures introduced by this bill, the Government will provide upfront support to low and middle-income households to help in adjusting to a low pollution future.

The Government will update the household assistance package on the basis of any new information on the estimated carbon price before the scheme starts. Each year, the adequacy of this assistance will be reviewed in the context of the Budget.

**Senator IAN MACDONALD (Queensland) (9.31 am)—**I am very pleased to be able to lead off in this debate, but I have to say it is going to be one of the most difficult debates to prosecute, because the bill before the chamber today, the Carbon Pollution Reduction Scheme Bill 2009 [No. 2], is exactly the same bill that the Senate voted down three months ago. So what we are debating today is a piece of flawed legislation that the Senate has already expressed its views on.

But we are told by the media that there will be amendments to this bill. None of us yet know what those amendments will be. We have no idea of the detail of those amendments but, according to leaks in the press from Senator Wong, there will be an amendment about agriculture. Certainly the coalition has been very keen to see the issue of agriculture addressed in the CPRS Bill—the so-called CPRS Bill, I might say, because it is really an emissions trading scheme wrongly named the Carbon Pollution Reduction Scheme by the Labor Party. We know, of course, that carbon dioxide is essential for this planet. Trees will not grow without it, so
it is always amusing to me to think that carbon pollution is being reduced. But that is by the way. We are pleased to see that the government has eventually followed the call from the Liberal Party and, I think, the National Party to include agriculture in the bill. That is, of course, endorsed by the National Farmers Federation and by all of the serious farming groups. But we do not know what the detail of that is.

Mr Acting Deputy President, the government’s climate change policy is in complete shambles. You will recall that it was originally all about global warming, and then a few months ago the ‘global warming’ term was dropped and it became ‘climate change’. But nothing in this bill has changed in the three months, so as it now stands I can confidently say that the coalition would be voting against this bill.

When Mr Rudd was first elected, he promised the Australian public that he was going to sort out climate change, and he very quickly went up to Indonesia and ratified the Kyoto Protocol—a protocol, I might say, which had been negotiated by Robert Hill on behalf of the Australian people at those conferences. A lot of people had believed Mr Rudd when he indicated that ratifying the Kyoto Protocol would fix everything. Suddenly climate change would happen no more. That was the impression Mr Rudd gave before the election and certainly in the euphoria of him and Minister Wong when they grabbed the Australian front pages by ratifying the protocol not long after they were elected. But, of course, nothing has changed, and we are back in the Senate today debating the exact same bill that the Senate voted down three months ago.

Copenhagen has been talked about by Senator Wong and Mr Rudd in hushed tones for the last 12 months. Copenhagen was going to fix everything. Everything had to be done before Copenhagen. Australia had to have a legislated position before Copenhagen. Of course, as we on this side all knew, as time has moved on we have found that the Copenhagen process is in a complete shambles, and the recent APEC meeting has let the cat out of the bag and has let the world know that nothing is really going to happen at Copenhagen.

In recent times we have also been alerted to the fact that Copenhagen, according to the Australian government, was going to involve the signing of a treaty that nobody had seen. Just a few weeks ago we suddenly learnt something about this treaty and how horrific it would have been for Australia. Since that was exposed, the treaty seems to have been ripped up by those organising the conference, but I would like Senator Wong to explain in this debate just what part she had in that draft treaty and what the Australian government’s view on it was. Did we support it? Why wasn’t it exposed to the Australian public and particularly to this parliament? I would be very keen to hear from Senator Wong why that treaty was kept so secret and why it now appears to have been ripped up and a new position formed. Was it only because of the pressure brought by the Australian people, the media and indeed the opposition to look at that particular treaty?

My personal position on this whole issue has been very simple right from day one. I have been very consistent about my view. Is the climate changing? Yes, of course it is. It has been changing for a hundred million years. We all know that the earth was once covered by ice. We even know how the climate has changed in my lifetime. I do not think that there is much doubt about the fact that the climate is changing. It has been for a hundred million years; it still is. Is the climate change caused by human activity? Quite frankly, I am not a scientist; I do not know. I have read reports, I have listened, I
have been to lectures, I have sat in meetings with dozens of respected scientists around Australia and I have read what scientists right around the world have said on this particular topic. About half of them say that it is the fault of man; the other about half say that it is not anthropogenic. If those scientists who are trained in this area cannot make up their minds, what chance have I got as a layman in this area?

I have always said that if the rest of the world is going to get involved in some sort of emissions trading scheme then I do not think that Australia has an alternative but to get involved at the same time. But why would we do this in advance of the rest of the world when Australia emits less than 1.4 per cent of the world’s greenhouse gas emissions? Even if this bill were passed in its present form, Australia’s emissions to the world would reduce from 1.4 per cent to about 1.2 per cent. I have begged Senator Wong at any number of estimates hearings, in this chamber and in every forum to please tell me what difference a 0.2 per cent reduction in carbon emissions will make to the changing climate of the world. Senator Wong and many Labor Party people have been running around the country, dishonestly saying that the Barrier Reef is in danger if we do not pass this so-called Carbon Pollution Reduction Scheme. What absolute fraudulent claptrap. We all know that a 0.2 per cent reduction in Australia’s greenhouse gas emissions will have absolutely nil impact on the changing climate of the world. So why would we put Australia, its economy, its lifestyle and the jobs of tens of thousands of working families at risk with this particular piece of legislated claptrap just to build, support and assuage the egos of both Mr Rudd and Senator Wong?

Very often the Minister for Climate Change and Water accuses the coalition of doing nothing, yet yesterday in question time she was pointing out—quite rightly, and I am pleased to see that she has at last acknowledged it—that it was the coalition government that set up the first greenhouse office in the world. It was the coalition government that established the Greenhouse Challenge, which actually did reduce Australia’s carbon emissions, and it was the coalition government that ensured that Australia, almost alone, was the country that actually met the targets set by the Kyoto discussion. That all happened under a coalition government. So the coalition understands these issues and is keen to do something about them. But we do not do things that will impact upon the Australian economy.

I sat through two of the four Senate committees dealing with climate change policy. We heard dozens and dozens of witnesses over 14 days of hearings. We heard all sorts of views, but it was quite clear from the evidence presented—and it was evidence that was supported by fact and by research that could be seen and understood—that in the mining industry 23½ thousand jobs would go by 2020 if the Rudd government’s emissions trading scheme were adopted. If you go to 2030, evidence showed that almost 70,000 jobs of Australian mining workers would disappear. In Queensland alone, we would lose about 11½ thousand jobs by 2020 and 35,000 jobs by 2030 in the coal industry. That would of course flow on to all the support industries in Central Queensland. It would flow on to restaurants, shops and taxis. The impact, particularly in my state of Queensland, would be absolutely devastating.

I heard a ridiculous comment from one of the Labor senators—and, I think, from Sharan Burrow from the ACTU—saying that the Bowen Basin coalfields towns, when they lost all their work in the coalfields, would turn into a Silicon Valley. What absolute claptrap. It just shows what ignorance there
is around some of the Labor Party. The local member for the biggest coalmining areas, the member for Dawson, James Bidgood, continues to demonstrate the Rudd government’s ill-informed and shambolic approach to the ETS. He said in the debate in the House:

This legislation is absolutely essential to safeguard mining jobs. Yes, we need to cut emissions and we need to have the legislation to do that—because it will save jobs. It will not lose jobs; it will save jobs. The Rudd government is taking responsible and decisive action immediately to tackle climate change by introducing this Carbon Pollution Reduction Scheme.

That just demonstrates how clearly out of touch the local Labor members are with their electorates. Nobody believes that this ill-conceived emissions trading scheme could do other than cost jobs in the coal mining, mineral processing and other essential industries in my home state of Queensland and elsewhere.

I did a survey, randomly picked, up in the north of Queensland—Cairns, Mt Isa, Bowen, Clermont, Moranbah, Rockhampton, Mackay, Collinsville and other parts of the Dawson electorate: 27 per cent of respondents supported the government’s ETS; 88 per cent of respondents had little or not much knowledge of the government’s proposed ETS. Most of them wanted to know more; 74 per cent of respondents want the government to wait until after Copenhagen before it determines its final position. I am not here to help the Labor Party, but I think the Labor Party should know that, of those who did indicate in my survey their voting preferences—and I have to concede it was not the majority—and of those who indicated that they were Labor voters, only 50 per cent supported the ETS; 17 per cent were against it and 33 per cent did not know. Of Labor Party voters, 41 per cent said to do it before Copenhagen and 33 per cent said afterwards. Across the board, for those who did not indicate party preferences, the results were overwhelmingly against Copenhagen—and that was by the highest margin—and against the ETS proposed by Mr Rudd.

The challenges facing Australia are ensuring that our economy keeps going, our lifestyle continues and we keep jobs. The Great Barrier Reef will adapt if we do the other measures like water quality and such that we are doing in the Reef Rescue package. The essential thing for Australia is to develop food security. It is not to increase electricity prices from anywhere between 40 to 50 per cent and 200 per cent, depending upon which of the people who gave evidence to our committee you believe—and if you look at the evidence you could believe both of them. That is how much the ordinary household electricity price will go up.

Next Friday at James Cook University in Townsville I will be attending the launch of a new technology that with the help of sunlight converts CO2 into algae which can then be used for food, cosmetics, synthetics or diesel fuel, and it is a workable scheme. It is being launched by the Queensland Premier. That is what we should be concentrating on to reduce carbon dioxide emissions. We should look at new technologies to move ahead rather than try to destroy the Australian economy in the way this bill does.

What is Europe doing? Why are we not treating our farmers and coalminers the same as Europe? Why are we not treating our coalminers, aluminium producers, bauxite miners and mineral processors in the same ways as our competitors? There is no doubt, and the evidence to the Senate committee showed, that investment in Australia’s mining and processing will continue to fall if this legislation goes through. It will all move offshore to Indonesia, Columbia and South Africa, where they do have adequate supplies of coal and where they can compete against
us because our coal miners will have a tax on them which their competitors will not have. Why the Europeans—always holier than thou, the Europeans—do not have as many greenhouse gas emissions is that countries like France have 70 or 80 per cent of their power coming from nuclear energy, and yet you mention nuclear energy to the Labor Party in Queensland or, it seems, at Commonwealth level and they all go to water. Why are we not using nuclear energy if the Labor Party is so concerned about greenhouse gas emissions?

We keep hearing about the Americans. We have said it time and time again from this side of the House. We have been laughed at by Senator Wong, belittled and derided. But, of course, everybody knew the Americans would not go to Copenhagen with a legislated response to climate change. There is a great deal of doubt whether they will advocate anything that is meaningful in their reduction and the tortuous passage of legislation through the American congress clearly demonstrates that there is no immediate result at hand.

I have always said when China, India, the United States, Russia, Columbia, Indonesia and South Africa get involved in an emissions trading scheme then so should Australia. But until that time all we are doing by getting involved in the sort of scheme proposed by Mr Rudd is destroying our country, destroying the jobs of Australian working families and destroying our lifestyle. And if there were a purpose in that—if it were going to achieve anything—you could say that perhaps that is what we have to do. But this legislation proposed by the Rudd government, will do absolutely nothing for the climate change of the world. It will not fix the Barrier Reef. It will not fix the occurrence of cyclones and fires. It will not do any of that. It will do absolutely nothing. What it will do is cost Australian jobs, the Australian economy, for no benefit at all. Unless the Rudd government can accept all of the conditions imposed by the coalition—the suggestions we have made for improvements—then I do not see this bill going anywhere. But, as this bill now stands, I will do as I did three months ago and vote against it.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (9.51 am)—The Greens will not be supporting this legislation, because it has failure written right across the top of it. This is an age where the best thinkers on the planet, in their vast majority, looking at the science which our God-given brains tell us to use in our guardianship of this planet which is, so far as we know, the only place that supports and can support our life and life in general in the universe, are impelling us to set global targets where the wealthier countries reduce greenhouse gases by 40 per cent by 2020 over 1990 levels, not by the 25 per cent and certainly not by the five per cent, which is inherently written into this legislation and which the opposition would even further have weakened in its trajectory in tackling climate change. At the outset, I therefore move a second reading amendment to the Carbon Pollution Reduction Scheme Bill 2009 [No. 2]:

At the end of the motion, add:

provided that the Government first commits to entering the climate treaty negotiations at the end of 2009 with an unconditional commitment to reduce emissions by at least 25 per cent below 1990 levels by 2020 and a willingness to reduce emissions by 40 per cent below 1990 levels by 2020 in the context of a global treaty.

There will never be more important legislation and a more important duty in front of this parliament than tackling climate change in terms of the long-term security of this nation. It is incumbent upon parliament, after decades of studied delay and ignorance, not only to tackle climate change but to do so in
a responsible way commensurate with the best science of Australian scientists and global scientists of the day. This legislation manifestly fails to do that. It does not come within a bull’s roar of the responsibility we have on our shoulders to tackle climate change for the reality that it is with a vigour that would enable Australia to be a world leader in getting out of the catastrophic potential which climate change has not just for humanity but for the biosphere.

In 1896 Arrhenius, the great Scandinavian scientist, predicted that the atmosphere might warm due to the pollution coming from humanity. We have had our own scientists in this nation warning us about this since the 1960s. In 1988 the cabinet of this country under the Hawke government decided that there ought to be a greenhouse gas emission reduction of 20 per cent between 1988 and 2005 with the rider that it did not harm the economy. In 1992 at the Rio Earth Summit there was general agreement that global warming was a massive threat to the planet. And in 1995 more than 1,000 of the world’s top scientists including 111 Nobel Prize winners warned political leaders that we had to change direction if we were going to sustain life on this planet without a massive threat to species, including our own.

But here we are in 2009 with a prescription for failure from the government being undermined further as the government and opposition engage in discussions to conjointly get legislation through the parliament in the run to the global conference on tackling global warming at Copenhagen in Denmark next month. Let me make it very clear that the Greens in this parliament intend to continue to work for the outcome that the scientists tell us is responsible, is warranted and is urgently required if we are to save this nation, our children and their children from massive problems, economic, employment and environmental, including lifestyle, which will injure their time on the planet. That is not just the Leader of the Australian Greens in this parliament speaking. I point to Professor Ross Garnaut, the prodigious adviser to the government on this issue, who finished his report and delivery to the public on 30 September 2008 with these words: If we fail, on a balance of probabilities, the failure of our generation will haunt humanity until the end of time.

If we fail, failure will haunt humanity until the end of time.

I want to go to the work of the head of the NASA Goddard Institute for Space Studies in the United States, Professor James Hansen, who is also adjunct professor in the Department of Earth and Environmental Sciences at Columbia University and—he will not mind me saying this—generally acclaimed as the godfather of climate science. He addressed Congress in 1988 and warned about the danger of climate change. Twenty years later, with a tinge of despair, this great global thinker of our time went back to Congress on 23 June and I will read part of his delivery which followed that 20 years of inaction by the elected democratic representatives in the United States. Under the heading ‘The coming storm’ Professor Hansen told the congress:

What is at stake? Warming so far, about two degrees Fahrenheit over land areas, seems almost innocuous, being less than day-to-day weather fluctuations. But more warming is already “in-the-pipeline”, delayed only by the great inertia of the world ocean. And climate is nearing dangerous tipping points. Elements of a “perfect storm”, a global cataclysm, are assembled.

Climate can reach points such that amplifying feedbacks spur large rapid changes. Arctic sea ice is a current example. Global warming initiated sea ice melt, exposing darker ocean that absorbs more sunlight, melting more ice. As a result, without any additional greenhouse gases, the Arctic soon will be ice-free in the summer.
More ominous tipping points loom. West Antarctic and Greenland ice sheets are vulnerable to even small additional warming. These two-mile-thick behemoths respond slowly at first, but if disintegration gets well underway it will become unstoppable. Debate among scientists is only about how much sea level would rise by a given date. In my opinion, if emissions follow a business-as-usual scenario, sea level rise of at least two meters is likely this century. Hundreds of millions of people would become refugees. No stable shoreline would be reestablished in any time frame that humanity can conceive.

Animal and plant species are already stressed by climate change. Polar and alpine species will be pushed off the planet, if warming continues. Other species attempt to migrate, but as some are extinguished their interdependencies can cause ecosystem collapse. Mass extinctions, of more than half the species on the planet, have occurred several times when the Earth warmed as much as expected if greenhouse gases continue to increase. Biodiversity recovered, but it required hundreds of thousands of years.

Under the heading of getting to 350 parts per million—and that is not, I might add, in the bailiwick of either the government or opposition in Australia in 2009—Professor Hansen says:

The disturbing conclusion, documented in a paper I have written with several of the world’s leading climate experts, is that the safe level of atmospheric carbon dioxide is no more than 350 ppm (parts per million) and it may be less. Carbon dioxide amount is already 385 ppm and rising about 2 ppm per year. Stunning corollary: the oft-stated goal to keep global warming less than two degrees Celsius (3.6 degrees Fahrenheit) is a recipe for global disaster, not salvation.

These conclusions are based on paleoclimate data showing how the Earth responded to past levels of greenhouse gases and on observations showing how the world is responding to today’s carbon dioxide amount. The consequences of continued increase of greenhouse gases extend far beyond extermination of species and future sea level rise. Arid subtropical climate zones are expanding poleward. Already an average expansion of about 250 miles has occurred, affecting the southern United States, the Mediterranean region, Australia and southern Africa. Forest fires and drying-up of lakes will increase further unless carbon dioxide growth is halted and reversed.

Mountain glaciers are the source of fresh water for hundreds of millions of people. These glaciers are receding world-wide,— I emphasise there the use of the present tense: this is not some future scenario. I go back to Professor Hansen—

These glaciers are receding world-wide, in the Himalayas, Andes and Rocky Mountains. They will disappear, leaving their rivers as trickles in late summer and fall, unless the growth of carbon dioxide is reversed.

Coral reefs, the rainforest of the ocean, are home for one-third of the species in the sea. Coral reefs are under stress for several reasons, including warming of the ocean, but especially because of ocean acidification, a direct effect of added carbon dioxide.

That is, greenhouse gas. He continues:

Ocean life dependent on carbonate shells and skeletons is threatened by dissolution as the ocean becomes more acid.

And finally, in this part of his delivery Professor Hansen said:

Such phenomena, including the instability of Arctic sea ice and the great ice sheets at today’s carbon dioxide amount, show that we have already gone too far. We must draw down atmospheric carbon dioxide to preserve the planet we know. A level of no more than 350 ppm is still feasible, with the help of reforestation and improved agricultural practices, but just barely—time is running out.

I might add that in the last week we saw the opposition gain a concession from the government to exclude change in agricultural practice. In today’s press one estimate of the transferred cost of that on the rest of the economy is $7 billion. But according to Professor Hansen it is essential that we help reforestation and improve agricultural practices because time is running out.
This is a warning to we homo sapiens, we 6.8 billion people on this planet—this large mammal with an intelligent brain which occupies this Senate. It is a challenge to our intellect and to our morality that is at stake here. We may, like several government ministers and opposition leaders, be coerced by the self-interested lobbying of the coal industry, the logging industry, the cement industry, the metals manufacturing industries and other sectional big end of town interests—the big polluters. If we do, we will fail.

I am very well aware that the good-hearted scientists from the Great Barrier Reef were in this parliament this week—people from GetUp!, from environmental organisations and from—

Senator Ian Macdonald interjecting—

Senator BOB BROWN—We get laughter from Senator Macdonald who, a moment ago in his delivery said, ‘the Great Barrier Reef will adapt’, so we have a presentation of nonsense non-science in a debate where we are expected to confront reality—not duck from it—and to act in the widest interests of this nation, not the sectional interests of those who already have the money and the power.

Instead of that, under the prime ministership of Kevin Rudd we have a prescription for polluters. We have through this legislation a $16.5 billion handout to those people who are causing the problem above and beyond other citizens—$16.5 billion over four years going to polluters on the basis that the more that you pollute, the more you get. It is an extraordinary failure in the responsibility of the Rudd government to this nation and its 20-plus million people—going on 35 million people by mid-century, we are told—its environment, its amenity, its economy and its employment prospects. We know from wiser counsel like Sir Nicholas Stern, ex-World Bank, adviser to the British government and eloquent speaker to both the big parties here in Canberra. They have ignored him and turned their backs on the issue.

Those economies which become environmental trailblazers will be the strongest economies in the years ahead. Instead we are held back by the powerhouses across the road from this parliament: the Minerals Council of Australia, the coal miners and the National Association of Forest Industries—lobbyists who corrupt the process of decision making in this parliament; who have an open door to prime ministerial and opposition leaders’ offices, that of the Minister for Climate Change and Water and those of the ministers several; and who make this parliament now move towards a prescription for failure in this legislation to tackle arguably the greatest challenge the nation faces in the 21st century. People in the future will look back at this failure as a studied failure, because we know the consequences and we know the responsibilities we have on our shoulders. And we know the avenue to fixing it and gaining from it is being ducked studiously by the Prime Minister, by the cabinet and by the opposition, all under pressure from vested interests who want more money to pollute, as they have done in the past, under a prescription which says, ‘The difference you will have to make will be marginal.’

It will not be commensurate with what the scientists tell us we have to do if we are going to be save the Great Barrier Reef. I remind members of their failure to come and listen to leading scientists yesterday—there were eight people from this parliament of more than 200—who told us the Great Barrier Reef is already worth $5.6 billion to the economy each year and 66,000 jobs depend upon it.
Senator Ian Macdonald—We’ve heard them all before. We didn’t have to go yesterday; we’ve been listening to them for years.

Senator BOB BROWN—Here we have Senator Macdonald and his colleagues, who do not have the common sense to be able to respond to a prescription for saving the Great Barrier Reef and those 66,000 jobs. Why? Because, working with the government, billions more dollars are to be allocated to fast-track the export of coal out of the Bowen Basin and the Hunter Valley to be burnt elsewhere on the planet to more rapidly increase greenhouse gas emissions from this nation, which per capita has the highest greenhouse gas emissions of all the industrialised countries. If you take into account that export of fossil fuels, you can double it.

Senator Cash—That really makes a difference!

Senator BOB BROWN—We have members of the opposition interjecting from a position for which, I remind them, they take the responsibility. It is on their shoulders. They take the responsibility, along with members of government, for this failed prescription we have before this Senate.

We do not have the amendments which may or may not come from a government-opposition get together. We know it will further weaken it, but it is going to be marginal. What we have here is a failed prescription. What we have from the Greens is a prescription commensurate with responsible scientific and economic advice and common sense. We will stand by it and we are pleased to be giving that option to this parliament and the people of Australia.

Senator CASH (Western Australia) (10.11 am)—I rise to speak against the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and the series of associated bills that are now before the Senate. On 13 August 2009, some three months ago now, I, along with all other non-government senators, voted down the Rudd government’s so-called Carbon Pollution Reduction Scheme. Why did we do this? The reason was very clear: Labor’s legislation was fundamentally flawed. If it had passed, this is the effect that it would have had: it would have harmed Australian exports; it would have harmed Australian jobs; it would have harmed investment in Australia; and, almost worse than that, it would have harmed the environment through carbon leakage. Whilst it may have resulted in a decrease in domestic emissions, it would have resulted in an increase in overall global emissions.

But do these fundamental flaws in this legislation mean anything to Rudd Labor? No, of course they do not. And we have proof of that: in summing up the case before the Senate in August 2009, this is what Senator Wong said:

... these bills may be going down today, but this is not the end.

... ... ...

We will press forward and on with this reform for as long as we have to. We will bring these bills back before the end of the year ...

and that is what we have today. Labor have brought the exact same legislation back to this Senate. Have Labor listened to any of the serious concerns raised in relation to this legislation? Quite simply: no. As Senator Macdonald so eloquently said when he addressed this chamber, what we are speaking to today is that same legislation that was comprehensively rejected by the Greens, the coalition, Senator Xenophon and Senator Fielding some three months ago. It is back in the parliament with not one alteration or amendment. That is the absolute height of Labor arrogance.

We are now just weeks away from the Copenhagen climate conference, and what we have before us is a Labor government
that is frozen in time, a Labor government that refuses to acknowledge its serious mistakes with this legislation. We have a government that is currently asking the Senate to pass legislation that it knows, if passed, will result in action being taken at the expense of the Australian people and is likely to achieve the perverse outcome of increasing global emissions. Labor is asking the Senate to support legislation that manifestly fails to achieve its stated objectives.

But does that stop the self-engrossed, self-obsessed, international egotist Mr Rudd? No, of course not. Mr Rudd has told the parliament that, regardless of the legislation’s consequences, regardless of the fact that there will be no positive benefit to the environment, regardless of the recent events at APEC and the fact that the Copenhagen conference commences in approximately two weeks, Australians must have the Rudd Labor ETS no matter how flawed. Does this man’s arrogance know any limits? Clearly not.

As was reported in the Australian newspaper yesterday, Mr Rudd told the parliament on Monday that the clock is ticking on climate change and he has vowed to press ahead with the CPRS legislation before the conference. The only clock that is ticking is Mr Rudd’s dream to be a hero on the world stage, and that is a dream that is fading rapidly. What we have before us today is legislation that is nothing more and nothing less than political convenience aimed at portraying Mr Rudd in a positive light internationally at the expense of the Australian people. That is shameful and it is un-Australian.

In contrast, however, the coalition has listened to the serious concerns of industry, employers, employees and Australian families and has put forward a number of substantial amendments to this flawed legislation that will address the potential loss of jobs, the likelihood of sending industry offshore, increased electricity costs, the outstanding issues raised by agriculture and increased cost of living.

What do we have from Rudd Labor to date? We have the announcement that it will exclude agriculture from its scheme. What a concession! That was always a major flaw in this legislation. If there is to be a scheme, agriculture should never have been mooted for inclusion, in line with what has gone on in Europe and the United States. The fact that Labor had the audacity to moot agriculture for inclusion shows just how flawed this legislation actually is.

We all know that Labor specialises in spin over substance, and it was interesting to read Mr Swan’s contribution to this debate in the House of Representatives. In his contribution he said:

At the end of the day what it means to the average Australian is jobs … The scheme is designed to help support the jobs of today, while creating the low-pollution jobs for the future.

Well, Mr Swan, let us now look at the evidence that has been put forward in the Senate inquiries and see if what you have said is factual or whether it is just more Labor spin and rhetoric. The evidence given to the Senate inquiries is quite clear. In asking the Senate to pass this legislation before the international community has collaborated, the Rudd government is going to impose on Australian industry a massive taxation burden and one that our competitors will not bear. So what we have is the Treasurer of Australia supporting legislation that will seriously damage our competitive position, harm Australian jobs and see CO2 emissions rise.

Time and time again, in inquiry after inquiry, the Senate heard evidence that the bottom-line impact of the Rudd Labor scheme is that it will cost Australia jobs, contrary to what Mr Swan has told the parliament. The
Minerals Council of Australia has stated that the CPRS legislation in its current form will cost over 66,000 jobs. The Access Economics report commissioned by none other than the state premiers, all but one of whom are Labor, said that it will cost no fewer than 13,000 jobs in my home state of Western Australia alone. I will continue to stand up for the interests of Western Australia, even if those Labor senators opposite will sell it out to a spin driven political timetable of convenience.

Mr Swan also said in his contribution:

The reality is that those opposite have never faced up to a hard decision. They can never absolutely face up to the decisions that go to the core of our economic prosperity.

If that is not spin over substance, I do not know what is. Mr Swan knows that the reality is that when Labor came into government it inherited no debt, billions of dollars in the bank and the best financial regulatory system in the world. Mr Swan in his role as Treasurer has destroyed it all. Now Mr Swan is asking the people of Australia to believe that he is part of a government that is going to take responsible action on the environment. The public are not fools, even though Mr Swan and Labor would treat them as though they are.

Labor with its spin and rhetoric has, over the last 18 months, conveniently stifled any real debate on the issue of climate change. I agree with Professor Bob Carter from James Cook University, who recently said:

The current public “debate” on climate is not so much a debate as it is an incessant and shrill campaign to scare citizens into accepting dramatic changes in their way of life in pursuit of the false god of preventing dangerous global warming.

If you dare to question the impact of Mr Rudd’s legislation, you are derided as a sceptic, no matter how valid your concerns might be. God forbid you bother to read the legislation, as I have done, and then raise questions about its impact on the Australian economy and on Australian jobs. Mr Rudd derides you as a climate sceptic. God forbid you read the legislation, as we on this side have done, and you then raise concerns about the potential for carbon leakage and an increase in global emissions. Mr Rudd derides you as a climate sceptic. God forbid you raise concerns about the potential for industry to move offshore. Mr Rudd again derides you as a climate sceptic.

Well, Mr Rudd, despite your deliberate attempt to disguise and shroud the true nature of this legislation, the Australian people will not be conned. They are awake to the nasty little surprise that Rudd Labor have in store for them. It is a nasty little surprise in the form of a tax, a tax on the Australian people—the ETS tax. Yes, that is right: mums and dads of Australia, if this legislation passes in this form, everything that you touch will be tainted by Labor’s tax. Every time you turn your lights on, every time you buy something, every time you cook a meal, Labor’s tax will be there staring you in the face. You will pay for Labor’s arrogance and incompetence, with no benefit to the environment. It is proven that Labor’s scheme will push up electricity prices. Guess who invests most of their money in paying for electricity and in paying for energy? The poor and the elderly. The poor and the elderly will pay the price under Labor’s legislation.

For those of you who say, ‘But we will not know the real impact of the scheme until after it is brought in,’ let us look at the recent analysis of the EU emissions trading scheme prepared by the TaxPayers’ Alliance, which reveals the high costs being imposed on British and European consumers by the EU emissions trading scheme. Their report says:
The burden on consumers since the scheme was introduced on 1 January 2005 has been significant.

At page 3 of the report it is estimated that the ETS cost British consumers nearly £3 billion in 2008 alone, equivalent to around £117 per family, by increasing the cost of energy. Too bad if you are poor or elderly in that country. This figure increases to £132 per family if you look at the cost of the scheme on consumers from its introduction to the end of 2008 in all ETS participating countries. So, mums and dads, if this legislation passes, prepare for a hefty increase in your household energy costs.

But that is not the only nasty little surprise that the Labor Party have in store for the people of Australia. As part of their so-called action on climate change they have conveniently hidden from the people of Australia the details of the current Copenhagen draft treaty which, if you read it, effectively gives complete power over the Australian economy to a committee of unelected UN carbon regulators controlled by those claiming climate compensation from Australia. So much for open and transparent government. The question for advocates of this scheme is: how could any thinking person acting in the national interest actually endorse such flawed legislation? The answer to that is: perhaps because this legislation is being run to a political timetable as opposed to one that underpins good public policy. That is why those opposite are so keen to see the Senate pass this legislation next week.

Minister Wong’s claims that the legislation must be passed to provide momentum to the crucial UN negotiations in Copenhagen in December are absolutely absurd given the events of the last week. Based on what has now happened at the APEC conference in Singapore, based on what we now know is the likely outcome of the Copenhagen conference, is the minister still so deluded to actually believe that the world is waiting with bated breath to see what Australia, with a mere 1.4 per cent of global emissions, is actually going to do to tackle so-called climate change? I think not. Let us not forget that this is the minister who tirelessly trumped a 2010 start date because the world was going to end. Then what happened? A political decision was made by her leader and, guess what, the start date became 2011. She then appeared in this chamber as if nothing had happened and trumpeted a 2011 start date.

Consistency of argument will never ever get in the way of those on the other side when they are trying to sell Mr Rudd’s message of the day. Mr Rudd and Minister Wong need to understand that, while they may delude themselves over their own self-importance, the world leaders at APEC have dismissed their delusional state of mind and have made it very, very clear that they have not fallen for their ETS stunt. Our international competitors must be rubbing their hands with glee at Mr Rudd’s insistence at strutting the world stage and promoting himself rather than protecting Australian jobs.

As a senator for Western Australia I have to again put on the record that Western Australia is being short-changed by the current legislation. Why? It is a failure by those on the other side to recognise the disparity between the national electricity market and the Western Australian electricity market in relation to the Electricity Sector Adjustment Scheme. This failure and the resulting detrimental impact on Western Australia will see electricity generators in WA pay more for the price of their electricity.

This detrimental impact is not new. It has been raised time and time again by Griffin Energy and by senators on this side of the chamber with the minister over the last 18 months. Griffin Energy have even provided...
the Labor Party with the appropriate amend-
ments that would actually rectify this appall-
ing situation. What have the Labor Party
done to date? Absolutely nothing. They have
done nothing to rectify a serious issue in re-
lation to a flaw in this legislation that will
detrimentally impact upon Western Australia.
Labor senators from WA on the other side
should hang their heads in shame at their
failure to stand up for Western Australia, to
stand up for industry in Western Australia
and to stand up for jobs in Western Australia.
Prior to the 2007 election Prime Minister
Rudd, as the then opposition leader, said:
In taking the lead before an effective international
agreement is in place, it is also vitally important
that a domestic scheme does not undermine Aus-
tralia’s competitiveness and provides mechanisms
to ensure that Australian operations of energy-
intensive trade-exposed firms are not disadvan-
taged.

That is nothing more and nothing less than
Ruddspeak for, ‘The Australian people are
fools and that is the way I am going to treat
them.’ The Rudd Labor CPRS fails on all
counts. It will cost Australians their jobs, it
will kill investment in Australia and it will
do very little, if anything, to reduce CO2
emissions. The bill that we have before us is
absolutely self-defeating. It is not good pub-
lic policy and under no circumstances should
it be supported.

Senator BACK (Western Australia)
(10.31 am)—The presentation of the Carbon
Pollution Reduction Scheme Bill 2009 [No.
2] and related bills in this place at this time is
the height of hypocrisy and if passed could
visit on the Australian people a scourge of
the highest taxes, the greatest loss of jobs,
the worst impact on our economy and the
most severe assault on our way of living and,
if you believe credible experts and govern-
ment advisers alike, all for no benefit to the
nation or indeed the world. The proposed
legislation is the demand of a Prime Minister
who seeks self-gratification well ahead of the
wellbeing of this nation he has the responsi-
bility to lead. He does not care at what ex-
 pense it will be to our country and our peo-
ple, and he demands that this bill be passed
less than 20 days before world leaders are to
debate the very issues covered by the legisla-
tion knowing that it will impact on Australia
and that the outcomes should be taken into
account in framing our eventual position.

I will address three key issues in my con-
tribution: the timing of this debate and the
vote, key environmental issues and, of
course, community engagement. The Prime
Minister wants to lock Australia into a posi-
tion on carbon emissions trading or taxing
before he goes to Copenhagen next month.
He wants the legislation passed now, yet it is
not due to come into effect until July 2011,
some 19 months away. He has not explained
to the Australian people or to this chamber
why it is so necessary to deal with this legis-
lation in advance of Copenhagen when it is
not coming in until July of 2011. Nobody in
the media has challenged him on this ques-
tion. Australians have the right to know why
it is that none of our major trading partners
or our competitors are committing to a posi-
tion prior to Copenhagen and yet we have to,
for whatever reason.

This global gambler, the very person who
recently lectured his political opponents on
the finer points of the game of poker quoting
from the Kenny Rogers song, went on to
state:
You’ve got to know when to hold ‘em, know
when to fold ‘em.
Know when to walk away, know when to run.
Indeed, he wants to run to Copenhagen. He
wants to wave our cards in front of the world
community before they have even picked
theirs up off the table. On this issue, the
 gambler’s advice from that song continues,
and it is a shame the Prime Minister did not
go a bit further in the quote himself because it goes on to say: ‘You shouldn’t count your money ‘til the dealin’s done,’ and the deal is certainly not yet done, neither here nor in Copenhagen. One can only hope that the Prime Minister’s reference to this song is no guide to the way that he is attempting to run this economy or indeed to run it down.

It was on 8 November that his Treasurer Wayne Swan, in a speech in Edinburgh after the G20 finance ministers’ conference leading up to Copenhagen, said:

I would regard it as premature for us to be putting forward a figure in total in the absence of some knowledge about the likely nature of the agreement—

in Copenhagen—

and the institutional mechanisms that go with it.

The G20 finance ministers meeting in Edinburgh that weekend wanted consensus and they did not get consensus. The European ministers, of course, want the G20 nations to commit to an expenditure of, if you do not mind, A$180 billion per year as an incentive to developing countries to emission reductions. Even the Danish Prime Minister, who will host the group in Copenhagen, went on to say that the climate change meeting in Copenhagen could now not lead to a legally binding agreement. Yet we are being asked in this place, in the next two weeks, to do just that. The most senior ministers in this government are totally confused. We have a Prime Minister who wants us to pass this legislation this week and a Treasurer, quite rightly, preaching caution on Australia’s financial exposure in the face of spirited pressure. But I suppose he too, like the rest of us, is a coward and therefore is not being listened to.

The Europeans hold a very strong hand when it comes to carbon emissions and to the debate. Why? Because, of course, they rely heavily on low-carbon nuclear energy for generating their electricity. France generates 80 per cent of its electricity from nuclear reactors. The UK, another Labour government, only last week announced that they are constructing 10 new power stations. Indeed 19 of the G20 nation countries have nuclear energy in their power mix, so of course they are very, very happy to be wedging us. They are low-carbon emitters because they have a form of energy that we will not even talk about in this country. How is the Prime Minister going to play our cards in this situation? How can he commit Australia when he does not even know what our trading partners, or, worse, our trading competitors, are going to do? Those who ignore the lessons of history are doomed to repeat them. We know very well that the Europeans have always sought to benefit themselves first and this round will not be any different. Anyone who wishes to dispute that need look no further than the tariff protection of their agricultural trade over the last 40 years.

I come now to the question of environmental sustainability in this question of climate and the deliberate confusion being spread about carbon. The core issue in the minds of business and community leaders is a sustainable environment. This is where the focus should be in this debate and not on carbon dioxide. If I can use a medical analogy, carbon dioxide and greenhouse gases are not diseases. They may or may not be symptoms of disease. So what is the disease? It is the deterioration of the environment, here in Australia and internationally, and most reasonable people would accept that the deterioration of the environment is due to human impact. That is where the attention should be. Using my medical analogy, a headache, like carbon, is not a disease. If the clinician rushes in to treat the symptoms, whether it be with a carbon tax or an aspirin, they will fail because they have failed to diagnose the cause of that headache or that
disease. Get it wrong and it will have been wasteful or indeed could make matters worse. This flawed carbon tax—and of course the word ‘flawed’ will now incur the wrath of the thought police—will create far more than a headache for the Australian people well into the future. The emphasis needs to be on fixing the environment and not de-meaning carbon dioxide.

But what is this government’s commitment to investment in a sustainable environment and minimising the impact of humans? Once again we see a track record of empty rhetoric and absolutely and utterly no performance. Let me give you just a few examples. Water management is one. This is the driest continent on earth. Would you not think that we would be at the fore? My Israeli colleagues have said to me: ‘Why is it that your country is so far behind and we are so far to the fore in water management?’ Why is it that water in the Thames River travels through people seven times from its point of origin to the ocean, and yet we in Australia are so far behind? What action have we taken over time as a community, as households and as businesses on the billions of litres of potable water wasted in industry, in households and by governments? No action has been taken in this area.

I look at the river systems. There is a total failure in river system management. The Murray-Darling is an absolute disgrace for this country—for federal and state governments and anybody else associated with this inactivity. I look at land use, particularly in my state of Western Australia. In one area alone in the northern wheat belt the equivalent of a football field per hour is lost to salinity. It is not just agricultural land. There is creeping salt in the towns as well. It is a catastrophic problem, and yet we learnt recently there is no money to control salinity.

Then there is power generation and distribution. This government was forced kicking and screaming by Western Australian parliamentarians from our side to recognise LNG as a viable and lower-carbon alternative to coal. They were unwilling to do so, despite the fact they were very happy to go over there and have their photos taken beside Chevron and their partners in Gorgon, the Browse et cetera. Let us see some action in this whole debate. Why are we not seeing it? There is a lack of vision, no leadership and empty rhetoric. Look at power distribution. The rest of the world has high-voltage direct current power distribution. It is phenomenal. We could link up eastern Australia to Western Australia. Some of our Treasury officials in an inquiry recently did not even know there is no grid linking up the east to the west. We could go further with our distribution chain with high-voltage DC and we could link up to Asia. The Chinese are into it and the Europeans are into it; we are doing nothing. The $900 per head would have been far better spent on that sort of activity than the way it was wasted.

Madam Acting Deputy President, I remind you again that 19 out of 20 of the G20 countries are indeed using nuclear means. We have, I think, the third highest level of reserves in this country. I am not advocating nuclear at this time, because fortunately Australia has coal and it has LNG in abundance, but in 20 to 30 years time we need to be looking at this issue. This government needs to be taking leadership in it. It has some senior ministers who have the nerve to get up and say so. It needs a lot more and it needs the Prime Minister.

I continue with Land and Water Australia. What is more important in this country than Land and Water Australia? Yet after years of excellent research we see Land and Water Australia is being abandoned and effectively even now has been neutered down to noth-
There is also the Desert Knowledge CRC. Why do I mention it? Simply because it is also to be the subject of the knife. Only recently were you on the east coast reminded of the impact of desertification and feral animals when half of the east coast, including the city of Sydney and this city of Canberra, was covered in dust. What a shame the dust storm did not come before the decision to cut off the funding to the Desert Knowledge CRC. The list simply goes on.

I come to the third of my points, and that is community engagement. What hand has this Prime Minister dealt to the Australian people? Can the gambler know what the cards are by the way he holds his eyes? What have we been told about emissions trading as a community? The man on the street knows very little. Recent surveys of business people—people who should be across this—have brought out comments like: ‘I’m not proud to admit it, but I don’t know anything about the ETS.’ ‘Sorry, I can’t even put two sentences together,’ said one person. ‘I know nothing about it,’ said a second. A third tried to indicate it might have something to do with ‘polluters buying credits from tree growers’, for example, but could not say much more. A fourth person said: ‘Sorry, I don’t know what ETS stands for. Should I look it up?’

The government has set new records in spending taxpayers’ money boasting about the so-called education revolution—which in the building sense, as I have said, is not going to add one iota to the learning of any children—and the fair work laws, but there has been nothing on emissions trading or a carbon tax. Why aren’t they engaging with the community? Why is the community so confused? Do the community want to see some action? Of course they do. What do they want to see it on? Nobody actually knows, because this government has simply not addressed it.

There is an old saying: ‘awareness brings action which brings results’. Well, it starts with awareness, and the government have done nothing. I ask why. Is it because they cannot tell the people that it will be the largest taxing issue most Australians will face in their lifetimes? Or is it because they know the carbon tax will have no impact on world carbon dioxide levels, that it will drive jobs away from Australia, and that it will drive businesses and industries into the hands of our competitors—in so doing probably making the world carbon problem worse?

I look now to the CSIRO—and it is a shame the minister has just left the chamber. In 2008, Senator Carr very sensibly gave the CSIRO a new charter to protect academic freedom, stating that Australian scientists should be able to contribute their personal opinions to public debate. Unfortunately, what happened when respected CSIRO scientist Dr Clive Spash tried recently to question the emissions trading scheme? He was gagged by the CSIRO senior management on the basis of the same charter that Senator Carr had given them on the grounds that Australian scientists should be able to contribute their opinions. His contribution to the debate was to argue that economic theory underpinning emissions trading is far removed from the reality of market permits. I will quote him:

While carbon trading and offset schemes seem set to spread, they so far seem ineffective in terms of actually reducing GHG’s … Despite this apparent failure, ETS remain politically popular amongst the industrialised polluters.

He could have added banks. He went on to say:

The public appearance is that action is being undertaken. The reality—according to Dr Spash—is that GHGs are increasing and society is avoiding the need for substantive proposals to address the problem …
He is one of our most respected scientists and he wanted to say that publicly. He was gagged from doing so. Where is the cowardice in that? What we have to know is that this emissions trading scheme, this bill, will not change anybody’s behaviour and will have no improving effect on world carbon, greenhouse gas or, indeed, importantly, environmental sustainability.

In my contribution to this debate in June, I pointed out that the government had refused to release any Treasury modelling on what the impact would be on Australia if our trading competitors and partners did not participate. I simply do not believe that professional Treasury officials did not do that modelling. If they have not, they are derelict, but this government must now demand they do it and they must release it. I call on them to do so. Some Treasury data was, of course, recently made available for the community to scrutinise. The bottom line is that its own modelling shows that the ETS will have little or no impact on the coal-fired electricity generation industry in our lifetime.

The Australia Institute CEO, Dr Richard Denniss, hardly a person from our side, stated:

What she—
Senator Wong—
doesn’t tell us is that her CPRS, complex and impenetrable as it is, does not actually result in the reduction of greenhouse gas emissions from our coal-fired power stations.
He went on to say:
The CPRS is complex, expensive and ineffective. The government’s strategy—
and these are his words—
is to suggest to voters that they are taking significant action on climate change while simultaneously allowing them to assure industry that they aren’t really doing anything. It may or not turn out to be a well-designed political tool, but as a policy tool it is an enormous distraction.

So then we have the issue of what the Prime Minister is doing about it. Who is he protecting, and for how long? He says he is going to protect low-socioeconomic families but he does not tell them openly that it is only for a two-year period. What is he doing for self-funded retirees? And who is missing out again on any sort of support in this ill-considered legislation? Who will bear the burden of it? It is, naturally enough, the engine room of this economy: small business people and middle-income Australians. They are the ones who provide the employment and take the risks out of their own pockets and in their own businesses. They are the ones who will be slugged on this occasion.

In June of this year I made a comment in this place. It has recently been picked up by community leaders and economists. Bill Evans, the senior economist from Westpac, said only recently that if Australia ‘genuinely wants to reduce global carbon emissions, we should be investing heavily in research and development in those areas where we can make a difference’. He agreed with me that Australian research organisations and industry have a strong record in this area. The results of that R&D could be sold to wealthy countries to recover and invest further and could be given by Australia as a wealthy country to the developing countries as our contribution. The point being made is that this will have a far greater effect on the 1.5 per cent.

I conclude with reference to the fact that it is a remarkable coincidence that this conference in December is to be held in Copenhagen, the spiritual home of the fairytale teller Hans Christian Andersen. We all know of the fable *The Emperor’s New Clothes*. For those who need reminding, it is of the emperor who cares for nothing but his own wardrobe. He hires two so-called weavers—swindlers—and they promise to make him the finest suit of clothes. The only problem is
that it is invisible. The emperor sends his ministers along to see how the job is going.
The ministers think, ‘Well, I can’t possibly stand up and say there is nothing there; I will
go back and I will join in the rort.’ He sends advisers and the advisers do the same thing.
As we all know, what ends up happening is a parade. All the people want to see this won-
derful exercise. The people cheer, hoot, carry on and clap and only one little boy in the
crowd says to his dad, ‘The emperor has no clothes.’

What is the plot? It is an arrogant emperor who placed his own vanity ahead of national
interests, two swindlers who saw him for what he was, demand by them for resources
that would rob the people of their assets, sycophantic advisers and colleagues who
perpetuated the myth, a crowd looking for leadership and an innocent bystander who
himself was not a coward. We all know we need change. I am here to say that this bill
will not deliver that change.

Senator FURNER (Queensland) (10.51 am)—It gives me pleasure to be here this morning to speak on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. I was a participating member on both the Carbon Pollution Reduction Scheme inquiry and the climate change inquiry, one of which you, Madam Acting Deputy President Hurley, presided over as chair. What we tend to end up losing as a result of the lack of participation and contribution by the opposition towards this bill is employment, tourism, the Great Barrier Reef, successful farming and agriculture industries, and beautiful beaches. This is just a glimpse of what we stand to lose in the sunshine state of Queens-
land, which I represent, if those opposite do not support the Rudd government’s fight against climate change. Queensland is known for its sunshine, its beaches and, most importantly, the Great Barrier Reef, which stretches 2,100km along the Queensland

coast from Bundaberg to the tip of Cape York. It covers close to 350,000 square kilo-
metres and is the only living organism visible from space. The Great Barrier Reef is of
great significance to Queenslanders and Australians. It is protected as a marine park and
has been a World Heritage area since 1981. The seagrass beds and mangrove forests of
the reef are home to more than 4,000 mollusc species, about 1,500 fish species, most of the
world’s marine turtle species, the dugong, dolphins and whales. If we delay the imple-
mentation of the Carbon Pollution Reduction Scheme, we will lose the Great Barrier Reef,
one of the seven natural wonders of the world.

The biodiversity vulnerability assessment conducted by the Department of Climate
Change states that climate change is the greatest long-term threat to the reef, with
implications for nearly every part of the eco-
system. Its projections show that the sea and
air temperatures will increase, the sea level
will rise, the ocean will become more acidic,
intense storms and rainfalls will become
more frequent and ocean currents will
change. This will affect the beautiful marine
life which our fishing and tourism industries
rely on. In fact, the Great Barrier Reef’s
tourism and fishing industries bring $6.9
billion to the Australian economy annually,
and the reef’s existence supports more than
53,000 jobs. Talk about jobs! Yesterday we
heard from Senator Macdonald in this cham-
ber on a disallowance motion on a proclama-
tion of the Coral Sea conservation. He was
talking about jobs and the loss of jobs in
deckhands. What is he going to say in this
chamber when we end up with the loss of
53,000 jobs in this area as a result of voting
against this Carbon Pollution Reduction
Scheme Bill?

One species which is threatened by cli-
mate change is the green sea turtle. The Ma-
rine and Tropical Sciences Research Facility
state that climate change will skew the sex ratio towards females, which will lead to reduced nesting space and will modify their exposure to cyclones. James Cook University PhD student, Mariana Fuentes, who has been hired by the Marine and Tropical Science Research Facility, states:

Sea turtles are particularly vulnerable to climate change, because they have life history traits strongly tied to environmental variables and nest in coastal areas vulnerable to sea level rise and cyclonic activities.

Research was conducted on the largest green sea turtle population in the world, which nests in the northern Great Barrier Reef and the Torres Strait. According to the research of Ms Fuentes, the sex ratio of hatchlings produced by this population will skew towards females by 2070 and 38 per cent of available nesting areas across all rookeries may be inundated due to sea level rises. This is an example of just one species which is already endangered and will be greatly affected by climate change. It is important that we step up and vote for legislation which will be able to reduce the effects of climate change to save species like the green sea turtle, which is, as I have already mentioned, the largest population of this species in the world.

On a recent visit to the Reef and Rainforest Research Centre—and I pause to commend them for their involvement and efforts in the Cairns region—I was given the chance to hear and understand firsthand what steps can be taken to save our beloved reef. The Marine and Tropical Sciences Research Facility—MTSRF—has been implemented by the centre at a cost of $40 million as part of the Commonwealth Environment Research Facilities program. It has been established to understand the threats the reef is facing. Some of the threats I have been advised of are climate change, loss of biodiversity, a decline in water quality and unsustainable use. They also stress that we do not have the freedom of time and that we must act quickly. As we face climate change, I was advised that only corals which are healthy and resilient can absorb shocks and recover from stress without loss of biodiversity or complexity. Researchers from the University of Queensland, James Cook University and the Australian Institute of Marine Science, funded by the MTSRF, are investigating the genetic basis of a common coral species to see if they would survive if water temperatures were to increase.

Areas with tolerance would be able to survive if the temperature was to rise up to two degrees, but with the Intergovernmental Panel on Climate Change predicting a three-degree increase in the next 90 years we are at risk of losing the reef. The Climate change in the Great Barrier Reef: a vulnerability assessment report, which was put together in 2007 by the then Department of the Environment and Heritage, states that since the mid-18th century the concentration of greenhouse gases in the atmosphere has definitely increased because of human activity. This concentration results in the heat being trapped, thus causing temperatures to rise. Rising temperatures lead to rising sea levels and, according to the Australian Academy of
Science, sea levels are estimated to rise by 50 centimetres by 2100. This is science backed up just yesterday morning at the FASTS breakfast on the effects on the Great Barrier Reef. While half a metre does not sound very threatening on a large scale, it will have detrimental effects on our neighbours living in the Pacific islands.

I was privileged to have a delegation from three Pacific islands come to my electorate office: the Reverend Tafue Lusama from Tuvalu, Pelenise Alofa Pilitati from Kiribati and Marstella Jack from the Federated States of Micronesia. They brought to my attention the effects of climate change which they are feeling and seeing now. Rising sea levels are causing their islands to decrease in size and be swallowed up by ocean, and flooding is becoming all too familiar. Because of this, their water is being contaminated by salt water and their farming industry, which many of the islands rely on to survive, is being greatly affected.

The Australian Academy of Science also believes that rising sea levels will have a detrimental effect on our coastal lands, something which concerns me about the state of Queensland, as we are known for our golden beaches and coastline. According to the academy’s modelling, if sea waters rise by 100 centimetres then coastal beaches could retreat by 100 metres. This is a significant amount of beach to lose, and those who live on the coast would be greatly affected by this.

A report released on Saturday by the Minister for Climate Change, Senator the Hon. Penny Wong, outlines the infrastructure, services and industries at risk in coastal communities from climate change. The report, Climate change risks to Australia’s coasts, states that 157,000 to 247,600 existing residential buildings will be at risk from a sea level rise of 1.1 metres, and our airports and ports could be affected by cyclones and ocean acidification. This report is one of many telling us we need to act on climate change. As a senator from a state which boasts a magnificent coastline, I urge everyone to support the CPRS legislation.

The CPRS is the Rudd Labor government’s initiative to fight climate change today. Our commitment is to reduce carbon emissions by 25 per cent below 2000 levels by 2020 if the rest of the world agrees to stabilise greenhouse gases at 450 parts per million CO2 equivalent or lower by 2050. The CPRS has set the challenge of Australia reducing its carbon emissions by five to 15 per cent below 2000 levels. By implementing the emissions trading scheme, Australia will be able to adjust to become a more environmentally friendly country.

The government understands that this will not be an easy task, but it is something we need to do to ensure we do not lose our precious Great Barrier Reef, which is worth billions in tourism and employment and is home to many different species of marine life which would not be able to thrive without the reef. The Rudd Labor government has engaged in a number of consultation processes for the CPRS, and I was privileged to be included in the Senate Select Committee on Climate Policy. Ten hearings were held around the country and 188 witnesses presented their views on the CPRS. Witnesses came from all walks of life, including government departments, industrial associations, businesses, trade unions, community organisations, leading scientists and economists. There were also representatives from mining, industry, farming, energy supply, financial and commercial interests. More than 8,000 submissions were received from organisations and individuals.

The result of this committee was not unanimous, with coalition senators disagree-
ing with the CPRS. This decision is detrimental to our nation’s fight against climate change. The position of the government senators on this committee—Senator Doug Cameron, Senator David Feeney, Senator Louise Pratt and me—is that action must be taken as soon as possible. After years of inaction by the previous government, it is up to us to implement the CPRS to reduce Australia’s carbon emissions and therefore save the environment.

With many scientists here and abroad advocating the view that climate change is caused by human activity, I wonder why those opposite do not believe climate change is occurring. After all scientists were invited to present their views at these committee hearings, not one climate scientist with qualifications and experience disputed this view. If the scientists, those who study climate change for a living, believe that climate change is caused by human activity and that it is potentially damaging to the state of this planet then who are we to dispute this?

According to the Garnaut review, put together by Professor Ross Garnaut, economist and former adviser, if we sit here and do nothing then the expected rise in temperature would be damaging to our environment and to our economy. In our report handed down after the inquiry we, the government senators, found that inaction would cause temperatures to soar and that this, combined with a decline in rainfall, would greatly affect agricultural production. We would see the Great Barrier Reef destroyed by mid-century and our snowfields and beautiful beaches would be just a distant memory. This would put an end to our tourism industry and the many travellers flocking to Australia to dive in our reefs and relax on our golden beaches.

Along with the physical damage to our country, we as humans would be greatly affected by the effects of climate change. Soaring temperatures would affect those sensitive to heat, including our ageing population. Tropical diseases and pests would spread across the country and would be detrimental to our health. An article yesterday in the *Age* indicates that this year we saw the second warmest winter in Australia since records began, 1.33 degrees hotter than the average from 1961 to 1990. Beyond this nation—it is not just in Australia—monitoring by Britain’s Met Office and the Climatic Research Unit at the University of East Anglia found that around the world, on land and at sea, June, July and September were the third hottest in 160 years of records.

Consultation was an important process for the government, and once the green paper was released about 1,000 submissions were received. We also conducted a number of industry and non-government organisation roundtables to enable everyone to voice their opinions. The Garnaut review, which consulted extensively, was also established and Senator the Hon. Penny Wong, Minister for Climate Change, and other ministers held meetings with stakeholders. Many regional and city based forums were also held once both the green and white papers were released. For those who have been sceptical about the consultation process, there is your answer. The Rudd Labor government went through many avenues to allow as many people as possible to have their say on this very important piece of legislation, which is needed to cut our carbon emissions and therefore prevent irreversible damage to our environment.

In *Climate change in Australia: technical report 2007*, the CSIRO and the Bureau of Meteorology projected that Australia would also be subject to more hailstorms, intense cyclones and fire risk. This would cost the insurance industry millions of dollars. The Insurance Council of Australia stated in 2008
that 19 of the 20 largest property insurance losses since 1967 were weather related.

The Carbon Pollution Reduction Scheme is about cutting emissions as well as keeping people in jobs. According to CSIRO Sustainable Ecosystems senior science leader Dr Heinz Schandl, a greener economy would see a boom in employment. At a hearing of the Senate Standing Committee on Economics on Wednesday, 25 March 2009, Dr Schandl said that a greener economy would bring about 2.5 to 3.3 million jobs for Australians, with 230,000 to 340,000 high-impact environmental jobs in energy, transport, agriculture and construction sectors—and he is not alone. According to Treasury modelling, all business sectors will continue to grow while emissions are falling, employment will rise by 1.7 million jobs by 2020 and the average income is expected to rise by a minimum of $4,300 per person. Even more jobs are expected to be created, with a projection that the renewable energy sector will be 30 times larger than today. With Australia trying to become a greener economy, more jobs have already been or will be created.

A study conducted by the Climate Institute states that already $31 billion worth of greener projects, either established or in the works, have boosted jobs and are expected to bring about 2,500 permanent jobs, 15,000 construction jobs and another 8,600 jobs in support. All of these figures are on top of the large number of jobs already created by the Rudd government’s energy efficient programs, including the Energy Efficient Homes Program, which I saw firsthand at the CSR Bradford Gold insulation plant in Brendale near my electorate office in Queensland. Because of the expected demand for insulation, the plant decided to extend its operations to 24 hours, seven days a week, providing more jobs for the locals and up to 80 jobs in total.

As well as keeping people in jobs, according to Treasury modelling, the quicker we act the better the Australian economy will be. The cost of implementing the Carbon Pollution Reduction Scheme, according to the report Australia’s low pollution future: the economics of climate change mitigation, will cost the nation much less than inaction and letting irreversible damage to this country occur. As you can see, it is imperative that the Senate pass this important piece of legislation which is key to saving our environment, critical for job creation and retention and, from the information I have been presented, the right thing to do. I urge all fellow senators to vote for the Carbon Pollution Reduction Scheme so that we may reduce our carbon emissions into the atmosphere and begin our next era as an environmentally sustainable country and ensure our future generations do not pay for our mistakes.

Senator BIRMINGHAM (South Australia) (11.10 am)—I rise to make a contribution on this package of bills related to the government’s so-called Carbon Pollution Reduction Scheme, which I shall hopefully more appropriately refer to throughout the course of my remarks as an emissions trading scheme. I speak noting that there is some difficulty in addressing these issues today because, of course, negotiations between the government and the opposition about the details are still continuing and are some distance from being finalised. But I want to take this opportunity to outline my approach to these issues and what I hope will ultimately emerge from the government’s approach to them, from the discussions and negotiations and from the consideration by this chamber.

I want to start, however, by revisiting some of the comments I made in my 11 August speech on this same package of bills, the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. Back then I noted that I do not know whether climate
change is real. I do not know whether human impact on climate change is real. I am not a climate scientist. I have never pretended to be so. I also note that, so far as I am aware, nobody in this place or the other place pretends to be a climate scientist or qualified in such fields. I note that many come to this debate with opinions that are doubtful of the veracity of climate science. And, as I said back then, I hope that they are right, because if they are right then the future for the planet looks much rosier than it does for those who take a far dimmer view of what climate science and climate change could possibly mean.

I recognise and respect the opinions of all of those who come to this debate, from whatever diversity of views they come to them. I personally accept that the overwhelming opinion of scientific study and research around the world suggests that there is change. It suggests that human activity is having an impact on that change and that the impacts of such change could be mitigated by reducing emissions of greenhouse gases. Furthermore, I believe today, as I did when I made my first speech to this place, that, with the exponentially increasing global population of people around the world, all of whom quite rightly aspire to have ever-improved lifestyles, we must be aware that this growth of populace and growth of consumption with it will of course have some impact on the environment in which we live. I am reminded of Newton’s old law of motion: that for every action there is always an opposite and equal reaction. In my mind, continually emitting ever-increasing volumes of any one chemical compound into the atmosphere must ultimately have some impact, whatever that may be.

For these reasons I believe, as I said in my previous contributions on these bills, that we should give the planet the benefit of the doubt and opt for action ahead of inaction when it comes to climate change mitigation. It is, however, a case of making sure that we get that action right. I believe that my opinion on these matters is one that is shared by the vast majority of Australian people—people who I speak to in schools, at shopping centres, when doorknocking and at community functions—who made some of their views known at the last election. They think that climate change is an issue that should be addressed, but I know that they also believe it should be addressed responsibly and appropriately.

These are also opinions that are shared worldwide. While I acknowledge there are people—and they exist right around the world—who question the science around climate change, it is equally true to say that leaders of the world have discussed and supported action around climate change over many, many years. Some, of course, would say too many years. Indeed, Margaret Thatcher, a great leader and a great woman, spoke at the Second World Climate Conference on 6 November 1990. Margaret Thatcher said at that stage:

The danger of global warming is as yet unseen, but real enough for us to make changes and sacrifices, so that we do not live at the expense of future generations.

The classical definition of sustainability is encapsulated there in the words of now Baroness Thatcher. Her modern-day successor as leader of the Conservative Party, David Cameron, has equally taken a very strong line when it comes to climate change and the need for action. Just this year, indeed just last month, on 8 October, David Cameron said at the Conservative Party conference:

... to be British is to have an instinctive love of the countryside and the natural world. The dangers of climate change are stark and very real. If we don’t act now, and act quickly, we could face disaster.
To paraphrase David Cameron, to be Australian is also to have a love of country, but it is a love balanced by an understanding of the dangers and fragility of our country—for ours is a country that is, yes, full of fabulous wonders, profoundly rich in resources and yet also dogged by inhospitable elements. It is, I think, both this love of our country and the understanding of its fragility, made evident through a range of other environmental challenges we face, such as salinity, the scarcity of water, the effects of erosion and the threats to our biodiversity, that guide the Australian instinct to adopt at least a precautionary approach in responding to the threats potentially posed by climate change.

This balance of scientific opinion and the global acceptance of it will, I hope, ultimately lead to a global agreement to act. Global action is essential, for unilateral action by Australia will not make any notable difference. A fact that it is important to understand is that Australia contributes 1.4 per cent, it is estimated, of global greenhouse gas emissions. On a per capita basis our contribution is high but on an overall basis our contribution is quite low, and we could, as some like to say, shut Australia down tomorrow and it would be of no difference to the impact of climate change in the longer term if no other country took no other action. Global agreement is not easy and the pathway or processes towards it are messy, and we have seen that in recent weeks in the lead-up to Copenhagen.

Recognising there is a problem is always one thing but agreeing on how to respond to such a problem is proving to be somewhat more difficult altogether. It is clear that developed countries need to agree to reduce the extent of their emissions and that there are some positive signs. In the United States we have seen positive signs from the Obama administration, and just in the last 24 hours President Obama has once again made strong and encouraging statements on this issue from China. We see similar legislation—although I would say better than this legislation—before the US congress that hopes to address these issues. In the EU we see that a scheme similar to this has been in place for some period of time, albeit with varying degrees of success and many lessons that need to be learned in the implementation of an emissions trading scheme in Australia.

It is equally clear that developing countries need to contain their emissions as much as possible. The importance of India and China cannot be understated in this debate, as the two most populous countries on this earth and the two countries which are aspiring to the higher standards of living that I spoke of earlier. But, once again, China joined with President Obama in his comments in the last 24 hours around the need for strong global action, and that follows on from comments made by President Hu at the UN General Assembly just a few months ago.

The upcoming Copenhagen discussions are very important, critical, to such an agreement. Personally, I welcome the abandonment over the last week of the draft treaty that had been circulated—a treaty that I believe was clouding the issues, clouding the prime objectives of the conference and certainly exacerbating concerns, mistrust and mistruths worldwide. My hopes lie in an agreement being produced from Copenhagen nonetheless, but an agreement that produces a clear and simple heads of agreement between the developed and developing countries at Copenhagen to both reduce and contain emissions to ensure that they produce something that can provide or lead to clear targets for all countries within a quick period of time, enabling each country to take, as is appropriate for its circumstances, the unilateral action that is necessary to work within a defined multilateral framework.
Some say it is better to wait until after Copenhagen to discuss this legislation and for this parliament to make its decision. Personally, I would prefer that that were the case. It is sad that this government have sought to force upon the parliament very cynical timing in the consideration of their legislation relating to an ETS. Their desperation to create a trigger for an early election by, firstly, forcing a vote on this legislation back in August, just on four months from the Copenhagen summit, and, secondly, by bringing it back to this place for these last two sitting weeks of the year, exactly three months later, smacks of exactly what it is: rank political opportunism. Dealing with this in January or February would have provided for a far more preferable outcome. Hopefully, it would have provided for far more informed debate. But that is not a choice the government has given us.

We face the choice of either voting this down again, and risking that the government will ultimately get its way through a joint sitting enacting a flawed ETS that would be harmful to so many sectors of Australia, or attempting to fix this legislation to get the fundamentals of the scheme right, knowing that its real enactment in a practical sense will come with the setting of targets that will flow from Copenhagen in any agreement that is made there rather than from the simple passage of this legislation in this place. Anyone who understands the ETS framework and how it works should recognise that it will be the targets the government sets to reduce emissions that matter the most in the practical impact the ETS will have on Australia in the years to come. What we need to get right at this time in this place are the design principles and the framework within which those reductions can ultimately be achieved if global agreement can be reached.

Some question the commitment of the coalition to action on climate change—and, to be fair, some within our ranks have questioned whether we should be committed to action—but I am happy to let our record in this area be judged by our actions in this area. The Howard government very early in office established the Australian National Greenhouse Office. It was an action undertaken by one of my South Australian predecessors in the Senate, Robert Hill—a good friend and former boss—as the then environment minister. The Australian National Greenhouse Office went on to establish the Australian greenhouse challenge, which through much of the nineties was responsible for voluntary action in reducing emissions by thousands of large, small and medium businesses around Australia.

The Howard government introduced the first mandatory renewable energy target in Australia, a target that we committed to increase at the last election and a target and a legislative framework that this government used to introduce its policy, supported by the opposition, of increasing in just the last few months. The Howard government supported a range of clean energy initiatives, such as support for solar installations around the country. The solar industry is an area that was so well supported by the Howard government and that has been stuffed around so much by the policies of today’s Labor government.

The Howard government supported international action. It may not have ratified Kyoto—and that may have proven to be a political mistake if not possibly also a policy mistake—but it nonetheless supported very strong international action, brought together major emitting countries in the Asia-Pacific region and was particularly focused on the very important area of combating deforestation, a leading contributor to global emissions. And, yes, the Howard government was committed to developing an emissions trading scheme. On 10 December 2006, the then
Prime Minister announced the establishment of a joint government business task group to report on an ETS. On 31 May 2007, Prime Minister Howard received from the then head of the Department of the Prime Minister and Cabinet, Dr Peter Shergold, the Shergold report on emissions trading.

On 3 June 2007 at the Liberal Party Federal Council, the first federal council that I attended as a member of this place, Prime Minister Howard said:

I announce specifically that Australia will move towards a domestic emissions trading scheme, that’s a cap and trade system beginning no later than 2012.

That was a clear-cut commitment made by the then Prime Minister. He followed that up a month later on 17 July announcing the establishment of an implementation group within the Department of the Prime Minister and Cabinet that would be responsible for key design features and administrative arrangements for this crucial piece of national economic architecture. Then on 20 September 2007 the first piece of legislation important to the introduction of an emissions trading scheme was passed by this parliament. The National Greenhouse and Energy Reporting Act 2007 passed through this place on 20 September 2007—I note, without so much as a division being called.

A Liberal Party government, had we been re-elected, would have proceeded to implement an emissions trading scheme in line with Mr Howard’s commitments that he took to the election, but we would clearly have protected Australian jobs under such a scheme. Our scheme would have been one that minimised the impact on the Australian economy and on Australian families. It would have also minimised the risk of carbon leakage—the risk of shutting down industries in Australia and pushing their carbon emissions offshore to less protected countries.

That is why the opposition have launched into good faith negotiations with the government. We have done so to try to fix their scheme, to try to ensure that it better reflects what we hoped to achieve had we had the opportunity to be the ones to implement an emissions trading scheme in the life of this parliament. If accepted by the government, our amendments will prevent the close-down of important industries and will save thousands of jobs in trade-exposed sectors, such as aluminium and natural gas. Our proposals will also cushion the impact of power price increases on small businesses and consumers in particular, cutting them by at least half and ensuring that the churn of money through this ETS is minimised. We would ensure—and I welcome the fact that the government has flagged this—that agriculture is excluded and offsets like soil carbon are allowed. That it is a win for farmers and the potential offsets provide a greater win for the environment. We would recognise voluntary action and ensure that it is encouraged and facilitated within the scheme.

I hope that our sensible, sound amendments to fix this legislation are accepted—because, ultimately, I hope to be voting for this legislation. I hope the government will agree to change their plans—to save jobs, to reduce the economic impact and to provide for more mechanisms to reduce the level of carbon in the atmosphere—because I hope to ultimately be voting for action on climate change.

I recognise that a number of my colleagues have different views on this matter. I for one have always been proud of the right of Liberals to vote according to their conscience, unlike those opposite. I have always championed this right and I know that one day I may feel the need to exercise it myself.
I therefore respect the rights of my colleagues to vote according to their conscience and if, on this issue, we ultimately find ourselves voting on different sides of this chamber, I will respect their right to have done so. I hope the government recognises the importance of the changes we propose. I hope we see them implemented and I hope that that potentially leads to the passage of this legislation if the government insists on a premature vote. I remain optimistic of the future in this area.

I again return to the comments of David Cameron and note that he has said in the past that he wants to recapture climate change from the pessimists. He recognises that there are huge challenges and that the issues are complex, and he says:

But when I think about climate change and our response to it, I don’t think of doom and gloom, costs and sacrifice. I think of a cleaner, greener world for our children to enjoy and inherit. I think of the almost unlimited power of innovation, the new technologies, the new products and services, and the progress they can bring for our planet and all mankind. And I think of the exciting possibilities that may seem a distant dream today—changing the way we live to improve our quality of life. We’ve all got to get positive about climate change.

I hope that is what we see from the government through this process. (Time expired)

Senator BOYCE (Queensland) (11.30 am)—I rise to speak on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. Only recently, Prime Minister Rudd described everybody who did not agree wholeheartedly and with unquestioning enthusiasm for this Carbon Pollution Reduction Scheme, as heretics and deniers. He did not agree wholeheartedly and with unquestioning enthusiasm for this Carbon Pollution Reduction Scheme, as heretics and deniers. He was not saying that just those who question the science are deniers; he was talking about everybody who raised questions about the design of his CPRS or who were doubtful about how it would work.

That was then. Since then the government has compromised by conceding that agriculture will be permanently excluded. Until a day or so ago anybody who sought this permanent exclusion would have been labelled a dangerous heretic and denier by our Prime Minister. The coalition’s negotiations with the government are continuing to try to reach a far more acceptable and realistic outcome on this package of bills. Labelling those who have concerns as ‘heretics and deniers’ does nothing to achieve consensus. I can only wonder whether Prime Minister Rudd would include his Labor Party colleagues the Labor premiers of Queensland, New South Wales, Victoria and South Australia as heretics and deniers. They, with others, have commissioned work showing that an unamended CPRS would cost 126,000 jobs by 2020. Is his own Treasury department full of heretics and deniers because it has produced the conclusion that under an unamended CPRS coalmining output will be 35 per cent lower than it would otherwise have been?

I want to make it very clear today that I am committed to supporting a realistic and effective emissions trading scheme for Australia. The wisdom of the coalition’s earlier decision to reject this package of bills has been shown by the amendments that the government has already agreed, even if they are not in the legislation that is before us today. However, despite the agreed amendments—and I sincerely hope that there will be plenty more to protect job-creating businesses—the CPRS is a clumsy mechanism. But it is the only option on the table, and it should be passed, hopefully with a package of amendments that will not unfairly and unnecessarily put businesses and industries in Australia at an unfair disadvantage and destroy Australian jobs. It would have been preferable, in my view, simply to have taxed carbon emissions and to have compensated vulnerable sections of the community where necessary.
But the fact is that Labor’s clunky scheme is better than no scheme at all if we are to make some progress on climate change in the national interest and in the global interest.

I am convinced by the overwhelming scientific evidence that the damage that is being caused may well not be reversible if we do nothing—if we simply just wait and watch and warm. We must admit that it is time that we got past the short-termism of underpricing the damage that our use of resources in the world causes. In the past we behaved as if the air could clean itself, but increasing pollution and the hole in the ozone layer taught us we were wrong. We acted for decades as if water was free until we almost ran out of it. Well, energy production is not free either, in terms of its effects, and we must act now.

I would like to see the package of bills passed, and there is no reason why we cannot pass them ahead of the Copenhagen climate change conference next month if the government accepts fair, reasonable and timely amendments. Last weekend, the 21-nation APEC group meeting in Singapore decided to scrap their 200-page draft agreement that had been negotiated by the diplomats and instead use the Copenhagen conference to seek a framework agreement under which countries would agree to cut emissions contingent on others taking similar action. This is no insignificant group. As we know, it includes the US President and the Chinese President.

Subsequently, the Danish Prime Minister, who will chair the Copenhagen conference, has said that following the Singapore meeting there is little prospect of the Copenhagen meeting producing a formal agreement on reducing carbon emissions. This need not necessarily be the serious issue some consider it to be in terms of the timing of legislation through the Australian parliament. Last night there appeared to be renewed hope that the Copenhagen conference might achieve real progress, when the US and Chinese presidents agreed, according to media reports, to ‘aim for a comprehensive accord to take immediate operational effect’. Nothing meaningful is going to happen globally unless the US and China—the world’s biggest emitters of greenhouse gas—contribute to action on climate change. They need to agree to commit to a legally enforceable successor to the Kyoto protocol when it expires in 2012, but just what the specifics are of the US-China accord which has apparently been agreed remain to be seen.

But there is reason for hope and there is a need to act—to act responsibly!—and being derided as heretics and deniers is not going to weaken our resolve to push for responsible amendments. It is not leadership to indulge in a personal ego trip. It is not leadership to grandstand and to try to berate and blackmail the parliament into passing a bill that needs significant amendment.

Two days ago opinion polling by Essential Research showed Australians are concerned about climate change and they want it addressed. They want it done without any indecent rush because that is a recipe for mistakes and errors that could have a disastrous impact. The poll that was conducted between November 9 and 12 showed that 38 per cent agreed that Australia did not need to make decisions about the scheme until after Copenhagen. Thirty-three per cent thought the decision should be taken prior to the conference. A total of 29 per cent were unsure. This poll was taken before the Singapore APEC meeting which ruled out precipitate action. When the realisation of that is fed into the national psyche, I am sure the numbers of those believing that caution and care is far preferable to panic and grandstanding will only continue to grow.
The world has never been confronted with such a challenge, so it is important that we get the response right. The decision by APEC leaders in Singapore not to adopt the draft agreement is not a failure. It will not stop the momentum for global action. Similarly, if there is no definite decision in Copenhagen, it will not slow the global momentum. There is a world consensus shared by Australians that there has to be action, but essentially that consensus is that there is no need for the frantic rush that is being demanded by Prime Minister Rudd. With or without international agreement, there is much that can be done and should be done.

The International Atomic Energy Agency estimates that improved energy efficiency can contribute close to 60 per cent of the reduction in global emissions by 2030. The head of IAEA’s energy efficiency unit, Nigel Jollands, who was in Australia recently, has said:

With or without an international agreement on climate change, energy efficiency is going to need to be a major component of government policies. You can do it not just because of climate change but because it makes sense for the economy.

There have already been initiatives in Australia, including subsidies for home insulation and solar panels, although under the current Labor government these have been badly administered. The IAEA suggests revised building codes requiring lower levels of standby power for appliances and electrical equipment, lower emissions lighting, more efficient electric motors for industrial use, fuel-efficient tyres and mandatory fuel efficiency standards.

The Wentworth Group of Concerned Scientists in its October 2009 report Optimising carbon in the Australian landscape quote a CSIRO report commissioned by the Queensland government as saying:

... that the Australian landscape has the biophysical potential to store an additional 1,000 million tonnes of CO2e in soils and vegetation for each year of the next 40 years.

The group concludes that if we:

... were to capture just 15% of this ... capacity, it would offset the equivalent of 25% of Australia’s current annual greenhouse emissions for the next 40 years.

To further quote the Wentworth Group:

This represents a gross investment potential of terrestrial carbon in Australia of between $3.0 billion and $6.5 billion per annum.

It is good news for Australia. It lowers the ... cost of achieving Australia’s emissions reductions, and makes it possible for Australia and the world to adopt deeper emission cuts.

The Wentworth Group has thrown out a challenge to every Australian government, saying that:

If we plan wisely, terrestrial carbon presents an economic opportunity of unparalleled scale to address a range of other great environmental challenges confronting Australia—such as—repairing degraded landscapes, restoring river corridors, improving the condition of our agricultural soils, and conserving Australia’s biodiversity.

All of this requires commitment, hard work and intergovernmental cooperation.

Prime Minister Rudd and the government would do much more to protect Australia and make a meaningful contribution to the global cause by accepting this challenge rather than making their near-hysterical demands that this legislation be passed immediately in its flawed form. The opposition’s amendments to this package of bills flow from six fundamental principles that must be addressed. We believe that Australian emissions-intensive trade-exposed industries must be on a level playing field with their competitors abroad; that agriculture should be excluded and that there should be a mechanism for farmers to earn offset credits when they abate carbon in
the way suggested by the Wentworth Group; that Australian coal producers should reduce their fugitive emissions as technology allows but should not be unfairly penalised compared to their competitors; that the impact of electricity prices on business must be moderated—we cannot lose our small and medium enterprises because of the unfair competition they face; that assistance should be provided to coal fired electricity generators to ensure they remain financially viable and that the lights literally stay on; and that complementary abatement measures, such as voluntary action and energy efficiency in buildings, should be mandated.

The government has made the concession to permanently exclude agriculture, and I believe that all businesses—not just agribusiness—should be treated equally. The President of the National Farmers Federation, David Crombie, in a statement on October 28 made the valid point:

Of course, indirect costs will still go up. They are going ... up for every sector in the economy and be passed on to every household in the country. We are trying to minimise the cost but to say we can get out of all costs if there is a CPRS would be ingenuous. That’s just the reality.

And it is a refreshing grasp of reality. It puts into sharp perspective the complaints of those who demand that there be no CPRS at all because the cost of their energy will go up or because the cost of their fuel will go up. The fact is, as Mr Crombie freely acknowledges, there will be costs and they cannot all be avoided. Yes, there will be cost—that is the whole idea. Higher prices equal lower energy consumption, which equals lower carbon emissions. What we have to ensure is that those costs do not fall disproportionately on one particular sector. But to suggest that there should not be an emissions trading scheme because it will increase costs is, to my mind, an immoral proposition. We must do something to ameliorate climate change.

Last month, an important report, commissioned by the Queensland government and prepared by KPMG, the *Carbon outlook final report*, was released. The report concluded that the CPRS was expected to directly affect around 1,000 Queensland businesses, although the indirect or flow-on effects would be felt by all businesses. It noted that small and medium enterprises, which generally will not have to buy permits, will still feel the effect through the supply chain and from consumer pressures. The survey concluded that only 11 per cent of businesses had a full understanding of what the CPRS meant for them, while 45 per cent admitted to not fully understanding what the impacts would be and 23 per cent thought that there would be no impact on them. In general, business has a realistic outlook. I quote from the report:

While businesses were keen to understand climate change, the CPRS and opportunities for implementing clean technologies, it was clear that the focus of business is on the bottom line. The proposed CPRS is seen as a financial issue with the impact measured by small and medium business enterprises in terms of the additional cost to business rather than the impact on the environment.

The report continued:

While businesses generally acknowledge that the environment and being ‘green’ is important, it was almost universally cited as a secondary issue behind the financial well-being and on-going sustainability of the business. Hence, reducing emissions is important, only as long as it does not increase costs.

These businesses must be protected or we destroy the employment engine room of Australia, particularly in the current circumstances as we are beginning to recover from the problems of the global financial crisis.

Small and medium businesses operate on very thin margins. In some sectors, such as tourism, they make up around 80 per cent of businesses. The issue of financial stability is critically important to those SMEs.
Again I quote from the report:

With the average pre-CPRS EBITDA margin at 9.1 per cent (with a range of -18 per cent to 64.6 per cent) and one-third of the businesses operating on margins of less than five per cent, the potential value at risk for the proposed CPRS is significant for a large number of businesses operating on thin EBITDA margins.

These businesses are vulnerable to cost movements and they are very significant employers, especially in rural and regional areas. They must be given every consideration and every opportunity to be competitive.

The Chief Executive Officer of the Australian Industry Group, Heather Ridout, said only on Monday of this week that the decision to permanently exclude agriculture from the scheme would put more pressure on other sectors if we are to meet our emissions reduction targets. She said that the exclusion of agriculture meant that over the longer-term industries covered by the scheme would have to find and fund 20 per cent more abatement than would otherwise have been the case.

In her foreword to the report commissioned by AIG, Gearing up: business readiness for climate change, Ms Ridout said:

There are plenty of very encouraging signs that businesses have begun to take active steps to measure and manage their carbon footprints.

That report, dated July this year, also said: Businesses are not yet well informed about the Commonwealth Government’s proposed Carbon Pollution Reduction Scheme (CPRS).

Four months on, people are even less well informed. We have before us the same legislation that we had in August and yet we all know that this is not the legislation on which we will be voting. So, four months on, ‘well informed’ is not a term we could use; ‘ill informed’ is the situation that the government’s cynical manipulation has left us in.

When the final bill is settled and passed, there will need to be a huge information project so that Australians understand what the provisions are, what the processes are, what the reasons are and what the outcomes should be. The government has to make a firm public commitment that it will monitor the impact of the legislation when it is enacted and respond quickly and sympathetically when there are severe or unintended consequences on our businesses.

I would like to note, as did Senator Birmingham, the comments of one of the great conservative leaders of the world, former British Prime Minister Margaret Thatcher. Speaking at the second world climate conference in 1990, Mrs Thatcher said:

The danger of global warning is as yet unseen but real enough for us to make changes and sacrifices, so that we do not live at the expense of future generations.

Twenty years on that comment is as legitimate now as it was then. We must amend this legislation and we must pass it not only in the national interest but in the global interest.

**Senator Barnett** (Tasmania) (11.50 am)—I stand to speak on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. At this juncture I wish to comment on the process and to indicate that my position with respect to these bills has not changed since I shared that with the Senate on 11 August 2009. With respect to the bills before us, they are in exactly the same form as they were three months ago. We are standing here in this chamber debating a bill that we debated some three months ago and we are not aware of the amendments that are agreed or are proposed and will be agreed between the parties. We simply do not know. It may be days or it may be longer until we actually do know. So we are actually in a way speaking underwater and in the dark.

It is very troubling and difficult to be forced to try and make a sensible and meaningful contribution on such an important and
impactful piece of legislation—in fact, one of the most impactful pieces of legislation ever to come before the Australian parliament—without knowing exactly what the government has in mind. What we know is that this bill before us is flawed—that is what we know. Even the government now recognises that in its public statements with respect to the bill in its current form. They know that it needs to be amended and fixed. The opposition have, consistent with public statements by Mr Turnbull and others, put forward through Ian Macfarlane six fundamental principles and put forward some amendments for consideration.

What we also know is that up until very recently agriculture had not been excluded. What we know from past research is that, based on the current bill, farming communities around Australia would have been disadvantaged big time by the government’s proposed legislation. That is what we know. Based on research undertaken by Frontier Economics some months ago, a typical dairy farmer would face an extra cost of $8,000 to $10,000 per year. We know that the rural communities throughout Australia would be adversely affected and disadvantaged by the bill before us. We understand that the government has agreed to exclude agriculture, but there is much that we do not know.

The other thing that we know from the research to date on the bill before us is that small and micro businesses—whether they have under 100 employees, under 20 employees or under five employees—will be adversely impacted. The compensation provisions to take their interests into account have to date not been adequate and comprehensive. We also know that families will be affected, whether it be through their power prices or through the costs of goods and services. Remember that the legislation is effectively a tax on goods and services. It is to reflect the damage done by CO2 emissions and the effects of those emissions on our environment.

But the ETS and the legislation before us is poorly framed. It is flawed. It is too important to rush. Sadly, the government is rushing this legislation for political purposes. That is one thing that we know and that is on the record. The Rudd Labor government are doing this for purely political purposes rather than trying to get it right for the sake of Australia and for the sake of the globe. We must get this legislation right. It is too important for us not to. The Frontier Economics report was made available publicly some three months ago and is out there for all to see.

What we support—and certainly what I support—is a properly framed and carefully put together emissions trading scheme along with other measures to ensure that the consequences of and damage to our environment from our CO2 emissions are taken into account. I am certainly happy to put that on the record. I note that when the Frontier Economics report was delivered, that proposal was said to be—not just by the authors but by others—greener, cheaper and smarter. That is perhaps enough on the process.

I would like to say that it is pleasing that this parliament a short time ago supported the amendments to the renewable energy legislation to provide strong support for the renewable energy sector. We have a target of 20 per cent of renewable energy by 2020. That is something that I strongly support as a Tasmanian senator. Tasmania is the renewable energy state. That is well known. I am proud of it. Over 95 per cent of our power is renewable energy, whether that be hydro or wind. We also know that Hydro Tasmania is in fact the largest generator of renewable energy in Australia.

In my neck of the woods—I live in north-east Tasmania—we have the Mussel Road Bay wind farm development, a $350 million
wind farm development, ready to proceed. In fact, I am hoping that it will get under way in the very near future. It will deliver jobs, growth and development to north-east Tasmania and renewable energy to Tasmania and to the mainland via our Bass Strait cable. So there are some good things there in terms of renewable energy. That legislation has recently passed. That is part of the solution to the climate change issues before us.

But what the government should be is really serious about responding to climate change and reducing greenhouse gases. To do that, it should be considering the nuclear option. It is in Australia’s best interests to build on our strengths. To do that, Australia needs to be engaged in a constructive debate on the nuclear option. The take-up of nuclear power around the world is already happening and is inevitable. There is no country of Australia’s economic size or larger without nuclear power. We would stand alone among the 25 top economies in excluding its use for base load power supply in an era of climate change concern. In fact, I have held the view that nuclear power should be an option for many years and have more recently—more than a month ago—raised this matter with my leader and indeed in the party room. There is no good reason for nuclear power not to be considered an option for Australia.

Federal Labor’s reasons for opposing the nuclear option have been politically driven, with a campaign before the 2007 election in a dozen marginal coalition seats under the guise of ‘not in my backyard’. That was part of the campaign that they ran, which shows double standards. On the one hand, they are saying that greenhouse gas emissions are a real problem and that we must address them via their CPRS and the emissions trading scheme, but, on the other hand, they are saying no to the nuclear option. That is duplicity and double standards at their worst.

According to the World Nuclear Association’s Nuclear Power in the Today report of March 2009, there are now some 436 commercial nuclear reactors operating in 30 countries providing about 15 per cent of the electricity as continuous and reliable base load power. They say 56 countries operate a total of about 250 research reactors and 220 reactors power ships and submarines. Further, 16 countries depend on nuclear power for at least a quarter of their electricity. France gets around three quarters of its power from nuclear energy, while Belgium, Hungary, Lithuania, Slovakia, South Korea, Sweden, Switzerland, Slovenia and the Ukraine get one third or more. Japan, Germany and Finland get more than a quarter of their power from nuclear energy, while the USA gets almost one fifth.

Even the federal Minister for Resources and Energy, Martin Ferguson, has said ‘nuclear power globally is part of the climate change solution’. Surely, then, nuclear power should be part of our armoury to combat that change. That is my view: it should be part of that armoury.

**Senator Cormann**—Absolutely!

**Senator BARNETT**—Thank you, Senator Cormann, for your support on that view. Most Australians want the government to do the best job to reduce the growth in greenhouse gas emissions, noting that Australia has amongst the highest level of greenhouse gas emissions per person in the world. So how can we build on our strengths as a country and be part of the solution? Well, one of Australia’s great assets is uranium. Australia supplies 20 per cent of the world’s demand for nuclear power and has an estimated 40 per cent of the most easily accessible uranium. Surely it is hypocritical to, on the one hand, be exporting uranium for the purposes of nuclear power being developed in overseas countries—whether it be France, other
European countries, Japan, the US or elsewhere—and yet, on the other hand, be doing nothing at home in Australia, where we have a federal minister saying nuclear power is part of the solution to combating climate change, using his words. And yet they are doing nothing about it in Australia. I say it is hypocritical. It is two-faced. It is duplicitous. And it is time for the government to come clean, stand up, show they are serious about these issues and make the change—bring on the debate about nuclear power. It is madness in the extreme that federal Labor have refused to consider nuclear as one of the weapons to combat greenhouse gas emissions.

A recent report showed that Australia’s population is expected to almost double to 35 million by 2049, while at the same time we are proposing to reduce greenhouse gas emissions by an estimated 80 per cent. How is that going to happen? Dr Ziggy Switkowski has said that there is no country of a similar size to ours that is not using the nuclear option to combat the climate change problem around the world. On page 4 of today’s *Australian* he says that Australia should build 50 nuclear power stations by the middle of the century, doubling the size of the sector he outlined to John Howard three years ago. That is his view. Three years ago he recommended 25 nuclear power stations. He says that, instead of the 25 civil reactors he called for in his report to the former coalition government, to produce one-third of the electricity supply by 2050 Australia should build 50 nuclear plants, generating up to 90 per cent of baseload power. He goes on to say in a report—and I understand in his address that will be released today:

It gives us clean energy. It gives us baseload electricity. It will be the lowest-cost option for Australia from the 2020s.

We know that in the past the cost option has been prohibitive, or has been limiting, in terms of nuclear power—and that is understandable. But now we are moving into a carbon constrained world. Surely it should be considered seriously as an option. In terms of developments and efficiencies: yes, there was a 15-year time frame to get a nuclear power plant up and running, but now that has been brought back to closer to 10 years. So the first nuclear power plant could be commissioned within a decade. That is in the report. That is a major report.

What do the Australian people think about this? Interestingly, I did not realise until the *Age* produced a report on 13 October 2009, on the front page, headed ‘Australians warming to nuclear power: Opponents now in minority, poll finds’. The article states:

An Age/Nielson poll found 49 per cent of Australians believed nuclear should be on the nation’s list of potential power options, while 43 per cent were opposed …

This is amazing, because we have not even started the debate! Federal Labor have said, ‘No, it is not an option’, so there has been no debate about the merits of nuclear power. And yet you have half the population saying it should be considered as a serious option. Hello! Wake up Labor! Bring on the debate about nuclear power and the merit of it in Australia. The article went on:

… the Rudd Government … restated its total opposition to—using nuclear power—to help Australia meet its future carbon reduction targets.

Ziggy Switkowski, who currently chairs the Australian Nuclear Science and Technology Organisation, said at that time:

… Australia was the only developed nation that believed it could make deep cuts to carbon emissions without resorting to nuclear power. [We must] provide for the next generation of baseload electricity generation with clean energy. The only way to do that is with nuclear power.
Obviously, Mr Rudd and the Labor members and senators in this parliament think differently. But the Australian people are warming to it, with nearly half the population now saying yes, it should be considered seriously—and I am right with them. Let us bring on the debate so that we know the pros and the cons.

It is happening all around the world. Why not in Australia? There are some 450 new nuclear power plants planned or under construction globally, which will double the current number. The UK Labor government announced only last week that it would fast-track approvals for nuclear power plants at 10 sites, with the aim of a nuclear share of its total power demand increasing from 15 per cent to around 30 per cent by the end of the 2020s. Historically, nuclear power has been far more expensive—between 20 and 25 per cent more expensive—than coal. But of course that is now changing, and changing fast—as I just noted from Dr Switkowski’s comments. It is becoming close to equivalent in cost in the new carbon constrained world that we are heading into. One of the benefits of nuclear power is that it can produce a dependable baseload electricity supply—and, of course, the use of nuclear energy results in the generation of almost no greenhouse gas emissions after the plant construction is complete. So you can see it has huge benefits in that regard.

Of course, there is a public perception that uranium and nuclear power is dangerous and that its waste seeps into the community and causes cancer and other unintended consequences. That is a perception that has been held over many decades, but that is changing based on the facts and on what we know to be true. We have had major incidents such as the Three Mile Island disaster of 1979 and the Chernobyl disaster of 1986, but, interestingly, I have noted more recently that the National Secretary of the Australian Workers Union, Paul Howes, supports nuclear energy as an option—good on him—as indeed do Bob Carr and other Labor luminaries. Paul Howes has said:

People are worried about nuclear waste, but they are only now beginning to consider the environmental costs of coal. There are new generation reactors being developed which will largely eliminate radioactive waste.

The Howard government made it clear that it had not ruled out a nuclear future and in 2006 commissioned Dr Switkowski to lead a task force to prepare a study into the future feasibility of nuclear power generation in Australia. The report concluded that:

The challenge to contain and reduce greenhouse gas emissions would be considerably eased by investment in nuclear plants. … The greenhouse gas emission reductions from nuclear power could reach 8 to 17 per cent of national emissions in 2050.

By providing 15 per cent of the world’s electricity, nuclear is already making an important contribution to constraining global greenhouse gas emissions. The International Atomic Energy Agency estimates that nuclear power annually avoids more than two billion tonnes of CO2 emissions that would otherwise have been produced through burning fossil fuels. There is no mistaking that nuclear power has enormous capacity to replace greenhouse-gas-emitting power generators.

Do we in this country want to retain and improve our standard of living and quality of life in this carbon constrained future that we face? If we do, nuclear should be considered as part of that future. So I say to the Rudd Labor government and, indeed, to the public: let us bring on the debate about nuclear power. Let us consider the merits of it. It should be considered as a serious option. The people—nearly half the population of Australia—say so in a recent poll. Nuclear
Senator CORMANN (Western Australia) (12.09 pm)—The legislation before us today, the Carbon Pollution Reduction Scheme Bill 2009 [No. 2], is a complete fraud. The process the Senate has been asked to engage in today by the government is a complete farce. This legislation is a fraud perpetuated by the Prime Minister on the Australian people. The Prime Minister is taking advantage of people’s goodwill towards the environment. The Prime Minister wants people to believe that this legislation will help reduce global greenhouse gas emissions and that it is strong action on climate change when he knows very well that it is nothing of the sort.

The Prime Minister knows that this legislation will not help reduce global greenhouse gas emissions, yet he is happy to impose significant sacrifices on people across Australia without giving them a proper explanation of what he seeks to achieve in terms of actual reductions in global greenhouse gas emissions. This process today is a farce because we are being asked to debate legislation when we have not yet been told by the government the form this legislation will be in by the end of next week, when the government ultimately wants it passed. We are starting debate on legislation that everybody in the Senate other than the Labor Party agrees is deeply flawed and we know that the legislation that is ultimately going to be put to a vote if the government has its way is going to take a totally different shape.

So the government is not conducting this process in good faith. It is certainly not acting in good faith with the Senate. This emissions trading scheme legislation is not strong action on climate change. It will not help reduce global greenhouse gas emissions. In the absence of an appropriately comprehensive global agreement, this emissions trading scheme will push up the cost of everything. It will cost jobs. It will put pressure on the economy. It will put our energy security at risk. It will have a particularly bad impact on regional Australia. Yet it will do nothing to help reduce emissions. Why, I would ask, is that a good idea?

Let us reflect on what is being proposed. The government is proposing to impose a price on carbon which is supposed to change behaviours. An emissions trading scheme in Australia could be—could be—an effective way of helping to reduce emissions globally if it were part of an appropriately comprehensive global scheme. Indeed, when the Howard government announced an emissions trading scheme and even when the Rudd government first went through the process of developing one, those schemes were always based on the assumption that they would be part of an appropriately comprehensive global scheme. We now know that this is very far from being a reality moving forward. In fact, it is highly unlikely that this will be a reality moving forward. Surely, then, we need to reassess whether this really
is the best way that Australia can help reduce
global greenhouse gas emissions.

I have real concerns with the Prime Minis-
ter’s approach. He has the typical bureau-
crat’s approach. He is our chief bureaucrat
here in Canberra. He wants to tick the box.
‘Australian people, you are concerned about
the environment, you are concerned about
climate change; I have the solution for you:
this ETS’—tick, done, irrespective of
whether it is actually going to make a differ-
ence. This is going to make it worse. If we
are going to do something that is ineffective
and make people believe that we have fixed
the problem, we are going to end up in a
worse situation than the one we started with.

What is the actual problem? We are part of
a global trade environment. If we impose on
businesses in Australia costs that are not
faced by our competitors in other countries
around the world, this will have an impact on
our international trade competitiveness. If we
reduce emissions in Australia in a way that
will result in increased emissions in other
parts of the world, we will have done nothing
for the global environment. If we make over-
seas polluters more competitive than even
the most environmentally friendly equivalent
businesses in Australia, we will have done
nothing to help reduce global greenhouse gas
emissions. If emissions overseas increase by
more than we can reduce them in Australia
as a direct result of the way this ETS is struc-
tured, we will have done nothing to address
climate change and we will have done noth-
ing to help reduce global greenhouse gas
emissions—but we will have imposed sig-
nificant sacrifices on people right around
Australia, sacrifices which the Prime Minis-
ter to this day has not explained to the Aus-
tralian people. He has not explained the
benefit either.

I was Chair of the Senate Select Commit-
tee on Fuel and Energy, and we had a series
of departmental officials in front of us pro-
viding explanations about what the emissions
trading scheme would and would not do. I
asked a senior official of the Department of
Climate Change a very simple question:
what is the target in terms of a net reduction
in global emissions to flow from a proposed
Australian emissions trading scheme? The
official was not able to answer. Of course he
was not able to answer. Some say that is an
unfair question, that he could not possibly
know, because it depends on what happens in
other parts of the world. Exactly—it depends
on what happens in other parts of the world.

In the report of the fuel and energy com-
mittee we made this counterintuitive obser-
vation: if we are really serious about reduc-
ing global greenhouse gas emissions—if that
is the target, if that is our objective—it may
well be in the best interests of the world for
Australia to increase emissions in certain
areas if it helps to reduce emissions by more
in the world overall. I will explain. If we
want to expand our LNG industry in Austra-
lia, we will increase emissions. But, for
every tonne of additional emissions from
producing LNG in Australia, we will be able
to reduce emissions in China by 5½ to nine
to nine tonnes if that LNG displaces coal. We will be
able to reduce emissions by four tonnes if it
displaces coal in Japan. That is a net positive
effect for the world environment. Australia
should be having a debate about how we as a
nation can best contribute to a reduction in
global greenhouse gas emissions; we should
not be having a debate about an ETS as an
end in itself. The ETS was only ever seen as
a tool, an instrument, that could help us
achieve a particular objective. If the global
circumstances change, we have to be adult
and mature enough to say: ‘Okay let’s reas-
sess. Let’s remind ourselves what it is we are
actually trying to achieve. Then let’s see if
there are better ways we can achieve our ob-
jective.’
Much has been made of the argument that the coalition took an emissions trading scheme to the last election—and we did; there is absolutely no doubt about it. But since then a lot has changed. Firstly, we had the Garnaut review. We had the green paper, the Treasury modelling and the white paper. We had five Senate inquiries. We have a much better understanding now about what an emissions trading scheme can and cannot achieve—particularly in the absence of an appropriately comprehensive global agreement. The assumption was that the Australian ETS would be part of an appropriately comprehensive global scheme—which is much less likely now. Furthermore, the objectives for Copenhagen were set after the 2007 election. We had the Bali conference in December 2007—Senator Wong’s first foray onto the international stage. That is when they set the objectives for Copenhagen. We know that in Copenhagen developed nations from around the world were supposed to commit to emissions reduction targets. Even the Prime Minister is now conceding that that is not going to happen. So should we just press ahead no matter what it means in terms of reducing emissions around the world, no matter what it means in terms of jobs, the cost of living or energy security? That would just be completely irresponsible.

The government likes to simplify this debate into a debate between climate change believers and climate change sceptics. I think that is a completely simplistic way of handling the debate. The government had its own doubts a little while ago. Let us reflect on this. When Kevin Rudd was elected to government, first-up he said: ‘We’ve got to take urgent action. This is the highest moral challenge of this century. Those that don’t agree to take urgent action’—which is this ETS—‘are climate change deniers, climate change sceptics.’ He was into name-calling. But I remind the Senate that on 12 February this year it was the government—it was the Treasurer Wayne Swan—who commissioned a ‘new’ inquiry into the choice of emissions trading. It was to be chaired by Mr Craig Thomson MP, the chair of the House of Representatives Standing Committee on Economics. I remind the Senate of the terms of reference—this is in February, after the green paper, after Treasury modelling, after the white paper and after the draft legislation was put out there:

The Committee will inquire into the choice of emissions trading as the central policy to reduce Australia’s carbon pollution, taking into account the need to:

a) reduce carbon pollution at the lowest economic cost;
b) put in place long-term incentives for investment in clean energy and low-emission technology; and
c) contribute to a global solution to climate change.

What a sensible set of terms of reference. But do you know what happened? A week later, the inquiry was cancelled by the Rudd government. The reason it was cancelled would have been because there would have been a battle going on inside the Rudd cabinet between those who thought, ‘Hang on, let’s just see whether this is really the most sensible way to go’ and those who were blindly following ideology, who had committed themselves to an ETS as an end in itself, who had lost sight of what we were actually trying to achieve and who thought it would be a loss of face to question the choice of an ETS as the way forward at this late stage.

On 4 May, Minister Wong and the Prime Minister made an extraordinary announcement. They announced the delay of the implementation of an emissions trading scheme by 12 months. If anybody else had put that forward a little while earlier, they would have been accused of being climate change
deniers, climate change sceptics, and they would have been called all sorts of names.

I also draw to the attention of the Senate the secrecy with which the government has been handling all of this. Important information around the economic modelling conducted by Treasury has been kept secret. The Senate has used all of the powers and procedures available to it to force the government to release significant information related to the economic modelling into the CPRS. To this day the government has refused, on very weak grounds. Of course, we have the government-commissioned Morgan Stanley report, about the impact on electricity generators, which the government to this day is keeping secret. I remind the Senate that the Rudd government, in its economic modelling about the impact of the CPRS, incredibly, assumed that there would be a seamless transition from a high-carbon to a low-carbon electricity generating industry—which is not an appropriate assumption to make.

I also remind the Senate of the controversy in the lead-up to the last election, when Peter Garrett came out and said, 'Well, yes, Australia might go it alone. Australia might commit to targets even if China and India do not come on board.' Remember that? The Prime Minister had to essentially pull Peter Garrett back into line, and then of course Peter Garrett was subsequently demoted. I quote from the *Australian* on 30 October 2007:

Peter Garrett’s political credentials were in tatters last night after Kevin Rudd forced his environment spokesman to issue a humiliating clarification of Labor’s greenhouse gas policy.

At the core of that argument was, of course, that any Australian ETS needed to be part of a comprehensive global scheme in order to achieve its intended objectives, which are to help contribute to a reduction in global greenhouse gas emissions.

The Treasury modelling, which is to assess the impact on our economy, on jobs, et cetera, assumed that the US would have a scheme in place by 2010, that China and the richer developing countries would have a scheme in place by 2015, and that India would have a scheme in place by 2020. That is not going to happen. The Prime Minister knows it is not going to happen; everybody knows it is not going to happen. Isn’t it then in the national interest for us to reassess the most appropriate way forward? Of course it is.

I have argued publicly, and my views are well and truly on the record, that I do not think that we should be finalising this legislation before Copenhagen and before we know what the rest of the world is prepared to do in relation to emissions trading—in particular the US. The reason for that is that, if we go ahead with a scheme that is not in sync with the rest of the world, it is going to have bad impacts on our economy and there will not be any environmental benefits. The Copenhagen conference is three weeks away. The Prime Minister and Minister Wong have already delayed the implementation of the scheme by 12 months. They have delayed the reintroduction of this legislation into the Senate by three months, for their own political reasons. Why is it then not in the national interest for us to wait another three weeks to find out what comes out of Copenhagen so we can make a sensible decision, in the national interest, early in the new year about the best way forward in terms Australia maximising our contribution to the world in terms of reducing global greenhouse gas emissions and doing it in an economically responsible fashion?

If the government are serious about wanting to reduce global greenhouse gas emissions, there are a whole range of things that they could do that would have a net beneficial effect. Previous speakers have already
mentioned that if we were serious we would go down the nuclear path. The UK has just announced 10 more nuclear power stations. The President of China, when he spoke on climate change before the United Nations a few weeks ago, outlined a series of strategies: renewables, energy efficiency, more trees and nuclear. Countries around Europe that previously had been reluctant about nuclear are all going down the nuclear path, because they recognise that nuclear has to be part of the solution if we want to responsibly achieve dramatic reductions in greenhouse gas emissions in a way that does not compromise our economic prosperity and our energy security moving forward.

If the Prime Minister was serious about climate change and about reducing global greenhouse gas emissions, he would show some leadership towards the Labor state governments and the Labor opposition in Western Australia—who, to this day, have backward, old-fashioned policies in relation to uranium mining. Australia has got 40 per cent of the world’s known resources of uranium. One very effective strategy to help reduce global emissions would be for Australia to expand our uranium exports and essentially help supply nuclear power stations around the world that would displace coal-fired energy. Why is the Prime Minister not calling on state premiers who are resisting this? Why is the Prime Minister not picking up the phone to the leader of the opposition in Western Australia?

I am about to run out of time, but the short point that I want to make is that this legislation is a fraud. Prime Minister Rudd is performing a complete con on the Australian people. He is taking advantage of people’s goodwill towards the environment. He wants people to believe that this will be effective in helping to reduce emissions, when he knows that this is not true. This is going to be bad for the economy and bad for the environment. (Time expired)

Senator KROGER (Victoria) (12.30 pm)—It is challenging to rise and speak on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills at this time—timing arising from the government having brought on these bills in this chamber now while good faith negotiations are taking place between the Minister for Climate Change and Water, Senator Wong, and the Hon. Ian Macfarlane to consider significant concerns that the coalition parties have. We are concerned that this legislation does not provide adequate protection for the economic security of this country. In so doing, it does not protect jobs and provide economic certainty for all Australians.

Notwithstanding the timing of this second reading debate, I do rise to join this critically important discussion on an issue that has polarised the nation. The Prime Minister is intent on attending Copenhagen with an Australian policy. He seeks to position himself as a world leader on climate change. Such is the effrontery of the man, he believes that Australia, whilst ranked the 14th largest economy in the world and the 15th most competitive nation, according to the World Economic Forum, will be able to influence the direction of the United States, the EU, China and even India. What a joke that assumption is predicated upon. This is the prime minister who has so badly handled the policy of border security protection that he has seriously threatened Australia’s important relationship with Indonesia. In the last few weeks, we have witnessed unprecedented ineptitude in handling the flood of asylum seekers to Australia. We have been told that an agreement was made with President Yudhoyono when obviously discussions that took place were not as definitive as the Prime Minister inferred they were. The Prime Minister stood in the other place and said that no special
deals had been made when clearly special deals had been made. Such is the concern of the Indonesian government that the Indonesian President’s personal visit has been indefinitely postponed. Whilst the Australian people are still waiting for full disclosure, it is clear that there is now increasing tension between the two countries.

Sadly, this reminds me of the influence that Mr Rudd has had on our diminishing relationship with China. From the moment that Mr Rudd chose to lecture Chinese students in Beijing on human rights issues in China to the recall of the Australian ambassador for a meeting on 20 August, our relationship with China has been fraught. It is abundantly clear that Mr Rudd should focus on the daily challenges of Australians rather than walking the world stage continuously looking for photo opportunities, yet that is what he is seeking to do in Copenhagen in December through this bill.

The consideration of this bill should not be influenced by the Prime Minister’s determination to attend it with a finite commitment from Australia regardless of whatever any other country might agree to do. Notwithstanding my grave reservations about his motives, and while we are engaged in the second reading debate at this time, I join the debate to give voice to the many concerns that have been raised with me not only up here but by many of those back in Victoria. When I spoke against the Carbon Pollution Reduction Scheme Bill 2009 and cognate bills on 12 August, I did so because the proposal is a flawed scheme that has no regard for the protection of Australian businesses and industry. This bill, in its current form, is a scheme that would harm Australian exports, jobs and investment. Industry after industry has sought discussions with the coalition and asked us to negotiate amendments so that this bill can be improved. In its current form, the bill will simply destroy viable local business and, in effect, export business and the related emissions overseas.

Without an understanding of what other countries will do, to be the first country off the block not only is premature but smacks of not having one’s own country’s interests at heart. We have no real full appreciation of the fiscal impact of this scheme and the modelling that has been presented is limited at best. Despite the inherent weaknesses in what the government has sought to do here, I strongly support the negotiations that are taking place to ensure that this bill is finally presented here with Australia’s economic surety as a primary consideration. This is too critical to muck up. Our economy has contracted, as we know, during the last 12 months and, as we also know from experience and history, it is at such times that carbon emissions also contract due to lesser industrial activity, regardless of whether we have an ETS or not. An emissions trading scheme must take into account what is happening in other countries or the scheme will be doomed from day one and certainly will not be giving the considerations of all Australians the No. 1 priority they deserve.

The Liberal Party support the Copenhagen process. We also support the fact that we want to join in the collaborative discussions to achieve the best collective outcome. However, we do not support the design of this current scheme and the unnecessary rush to implement it. I have to say, the fact that we debated this in August and it is now back before the chamber smacks of questionable political expediency. There seems to be uppermost a political agenda on the table in this second reading debate. If we come back here after Copenhagen, we could have a more informed debate. Action on climate change is wanted by many. It is a message that many of us are hearing loud and clear. I am not opposed to emissions trading in general, as the government continually suggests so
many of us on this side of the chamber are meant to be. I simply do not believe that this is the only tool in the box that can be used to act on climate change. Carbon trading is not the only answer.

The Liberal Party believe in individualism not collectivism. We know, accept and appreciate that individuals have different opinions. When it comes to climate change there are indeed many viewpoints in this party, views which do not necessarily match the zealotry of the black and white approach of those on the other side of the chamber. We enjoy and are very lucky to be in a party that supports democratic principles, where we all have the capacity to share and express our individual views. It is something we all strongly support and it is one of the reasons that we joined the Liberal Party. I have great respect for the views expressed on this side of the chamber because it is those differing views that we applaud in the Liberal Party. Under the Howard government, the coalition provided stronger governance of this country through a diversity of views that led to the policy development at that time.

We need to take a step back from this overheated debate and talk honestly about what we can realistically achieve together. This is a position that more and more Australians agree with. We have read about the shift in perceptions in the newspapers. I am talking about those who share everyday concerns for their families, who still want to have a job and be employed so that they can support their families, who want to give their kids every opportunity in life and who want to provide for their education and health. We do not want to stymie the opportunities for all Australians. We have to make sure that we protect their interests in whatever is decided in this place. We have seen a shift in perceptions, as evidenced through the various Newspoll results.

Interestingly, the Senate Select Committee on Climate Policy came to a very similar conclusion. In their majority report, the committee urged the Rudd Labor government to go back to the drawing board. They said that Treasury should model the short-term costs of the scheme, the effect on jobs and in particular on regional Australia, and the comparative costs of a raft of vastly different ways of imposing a carbon price. This is a recommendation that I fully support.

Why do we need to be pushing this through right now? These questions have not been responded to by Minister Wong. Perhaps the answer is a simple one. Current estimates say that the CPRS will impose costs on electricity and other energy-intensive industries. This could easily lead to a 30 to 40 per cent increase in power bills and indirectly increase prices for most services and items purchased. Yet, from a political point of view, it is far less troublesome to impose what essentially will amount to a carbon tax for all consumers and introduce an ETS than another instrument. As politicians, we all know that any taxes are very unpopular. But it will not just be the big polluters that will have to pay the price for an ETS; it, of course, will be households—the consumers, the mums and dads.

The unrealistic assumptions about the world’s action on climate change and the Rudd Labor government’s approach to this have demonstrated that they have not done their homework when designing the CPRS. There has been very little modelling done on this. There has been no suggestion of how many jobs the scheme will destroy or how it will affect industries or regions, or even whether it is the most cost-effective option for Australia to reduce CO2 emissions. What will the cost be in the next 20 years in lost competitiveness and lost jobs? It hardly comes as a surprise that most businesses have absolutely no idea what is in the pipe-
line for them when the legislation is introduced. We are seeing that in the communications we are receiving from so many people. They are imploring us to seek clarification on this. As we know, the devil will be in the regulations. So we must ensure that the framework for this is the most comprehensive and thorough one possible. A KPMG poll showed that more than three in 10 businesses say they have no knowledge of the key elements of the government’s scheme. They have expressed concerns about the direct cost of the scheme on their businesses, how they will be able to absorb those costs and the way in which the scheme will impact on their ability to retain their workforce. The only interesting insight we have received from the Treasury modelling to date is one that the Rudd Labor government surely—

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Order! It being 12.45 pm, I call on matters of public interest.

Commonwealth Sex Discrimination Act

Senator McEwen (South Australia) (12.45 pm)—In 2009 we celebrate the 25th anniversary—the silver jubilee—of the federal Sex Discrimination Act. In acknowledgement of that milestone I would like to speak today about progress women have made in the ongoing quest for equality in the workplace and about the importance of some organisations that are working to help women achieve the elusive goal of true equality. Those organisations are the Working Women’s Centre of South Australia, which this year celebrates 30 years of existence, and the union movement, especially the Australian Services Union, of which I am, proudly, a member.

Looking back over the last three decades, a lot has changed for women in the workplace. There has been progress in a variety of areas such as women’s pay, labour force participation, the availability of flexible working conditions, access to quality child care, access to legal and financial rights and women’s access to education. Indicators over the years have shown that, slowly but surely, women are increasing their presence at all levels in the workplace; however, sometimes progress is actually one step forward and two steps backwards or is painfully slow.

Statistically speaking, women are participating in the workforce at higher rates than they were three decades ago. Statistics show that in 1979 just 35.5 per cent of the labour force was women. Today, that number has risen 10 per cent and this year, in 2009, women make up some 45.5 per cent of the labour force. In addition to the increasing numbers in workforce participation, women are steadily increasing their presence in professional and managerial positions. In 1981, statistics showed that only 1.9 per cent of females were employed in managerial or executive positions, compared to 7.4 per cent of males being employed in these areas. Statistics from 2006, however, show an increase of eight per cent, with 9.9 per cent of females employed in some kind of managerial role.

However, we are still playing catch-up to the men, as 16.1 per cent of males are now employed in managerial roles. Although the number of individual women serving on ASX 200 boards has increased since the 1981 census, the growth rate over the 25-year period to 2006 has been so marginal that without significant improvement women will remain substantially under-represented on boards of our major companies for decades. This is most definitely not due to a lack of talent or skills. The evidence shows that once women have been appointed to boards they are as influential as men, with almost half of the individual women holding ASX 200 board seats chairing at least one board committee. Half of Australia’s companies, how-
ever, have no women at all on their boards, and only six per cent of senior management is made up of women. Significantly, and disappointingly, only one in 14 of ASX 200 executives considered to be key management personnel are women.

I am pleased to note that the federal government has already lifted the number of female chief executive officers in the Australian public sector, with five female APS departmental secretaries, but we still have a long way to go. It is very disheartening to see that currently in local government fewer than 30 per cent of councillors and only seven per cent of council CEOs are women.

Women are, however, excelling in education. Across our society, more women than men are graduating from university. Statistics show that more young women are in education and training now than ever previously. Data from the Australian Bureau of Statistics shows that in 2004 the completion rates for male and female students in remote areas were 47 per cent and 63 per cent respectively. In comparison, the completion rates were considerably higher for male students—65 per cent—and female students—75 per cent—living in metropolitan areas. In 2000, women made up 59 per cent of those completing a bachelor’s degree and 51 per cent of those completing postgraduate studies. An Australian Council for Educational Research study indicates that of those completing award courses in engineering and surveying 15 per cent were women, while, in contrast, women made up 70 per cent of those completing award courses in arts, humanities and social sciences.

Women are increasingly doing well in education and moving towards achieving parity with men in participation in the workforce—although painfully slowly at the managerial levels. There is, however, still a long way to go when it comes to wage parity. Research shows that male graduates are commencing employment on a median salary of $45,000, while female graduates are starting work on roughly $3,000 per year less. On average, women earn 17 per cent less than men, and the average hourly gender pay gap was 13.1 per cent in May this year.

While women may be firmly established in the workforce, females do not have effective equal pay with males. While there is legislation across Australia meant to deliver equality—and some of it has been in place for nearly 40 years—women are still, on average, earning less than our male counterparts. That pay inequity continues to reduce women’s economic security, with figures showing that women earn 83 cents for every dollar that men earn and that in Australia men take home $162 more per week than women. Time and time again we see a link between male domination in the well-paid sectors of the workforce and low pay rates in the female dominated sectors. The 2006 ABS stats showed that the full-time wage gap had increased to 10 per cent. Not since 1978 has there been such a disparity between men’s and women’s pay for equal work.

The pay gap is costly not just to women and their families but also to business and our community. The compounding effect of pay inequality means that women are 2½ times more likely to live in poverty in their old age than men. By 2019, on average, women will have half the amount of superannuation that men have. The leave that women take throughout their working lives to look after the nation’s children has an effect on women’s income levels, appointment to new jobs, any likelihood of promotion and, of course, their levels of superannuation.

I am pleased to say that the government’s 2009-10 budget announcement to introduce paid parental leave to help families find a
better balance between paid work and caring responsibilities is a first step to addressing the inequality caused by the twin roles of carer and worker that most women now manage. It will also allow mothers to remain connected to the labour market and support men to share in raising and caring for children—a critical step to progressing equality between men and women.

Research by the National Centre for Social and Economic Modelling has found that over a 40-year period women will earn $1.5 million, yet men will earn over 1½ times more over the same period—$2.4 million. Poor economic outcomes in mid-life are only exacerbated in later life, with older women presently making up 60 per cent of those reliant on the age pension.

Fortunately, we have organisations dedicated to assisting women to achieve equality in the workplace. The South Australian Working Women’s Centre recently celebrated their 30th birthday and I was pleased to attend the celebrations. For three decades, South Australian women have had an organisation to which they can turn when they need information, support, advice or advocacy for work related issues. The centre is partly funded by both state and federal governments and has an essential role not only in supporting individual women at work but also as a tireless advocate for a better deal for all women at work, particularly for women in low-paid occupations whose skills are not recognised in wage and entitlement outcomes and women who may not be in a position to bargain with the assistance of unions or are in workplaces not represented by unions.

The Working Women’s Centre deserves every accolade it receives, and more importantly it deserves the ongoing financial support it has received from state and federal governments of all political persuasions. While many women have managed to achieve high office and good pay and have significant influence in the workforce, many have not. I am pleased to say that the federal government is another organisation committed to boosting and supporting women’s leadership in the public sector, in business and in the broader community, and it is implementing a range of measures to ensure more women manage to achieve high office, good pay and significant influence. As a reforming Labor government, we are determined to see some real changes incorporated into the workplace and to see advances made in closing the gender pay gap.

The new Fair Work Act will assist in that battle against ongoing inequality for women in the workplace. In the act, the government has widened the test used in the equal remuneration provisions to include the right to equal pay for work of comparable value, as well as equal value, reflecting the approach already taken in some states and territories. I was extremely pleased to learn that the first federal test case under the new act on pay equity will be in the area of social and community services. An agreement has been struck between the Australian Services Union and the government for the union to pursue a pay equity case for workers in the vital but undervalued and underpaid sector of community services.

The union movement has a proud history of pursuing better wage and entitlement outcomes for women workers. The first maternity leave and pay equity test cases were initiated, prosecuted and fought by unions. The new Australian Services Union pay equity case builds on a successful case prosecuted by the ASU in Queensland for social and community services workers in that state. As Ms Linda White, the Assistant National Secretary of the ASU, said about the landmark federal pay equity case:
The case will seek pay rises based on pay equity and work value to support retention of staff and address a chronic skills shortage in the sector by delivering substantial wage rises for the predominately female workforce - 87% of SACS workers are women.

I am sure we will all watch with much interest the progress of that important landmark case, and I offer my congratulations to all concerned.

As well as the paid parental leave measures in the budget, the federal government also announced other good news for women, including workforce participation requirements for single parents receiving the parenting payment that will provide parents with more flexible opportunities to gain skills and qualifications. We are investing $12.8 billion over the next four years in the availability of quality and affordable child care. The government is also providing $120.5 million to improve choice and access to maternity services for pregnant women and new mothers.

The government has also been making significant progress on the development of a national plan to reduce violence against women. As we know, women who are victims of domestic violence experience significant difficulties in continuing to work or continuing to participate meaningfully in the workforce, in education or in training. The government initiatives that I have outlined will improve gender equality across a wide range of indicators, not just in employment but also in women’s economic, health and safety outcomes.

As well as the increasing numbers of women in the workforce, there have also been a number of significant milestones over the past 30 years. Recently—in fact during the term of the Rudd Labor government—we have seen the Hon. Julia Gillard become Australia’s first ever female Deputy Prime Minister. We all welcome the appointment of Her Excellency Quentin Bryce as Australia’s first female Governor-General after a succession of 24 men. I also note the election of the Hon. Anna Bligh as the Premier of Queensland made her the first woman in Australian history to be directly elected to the position of state premier.

While we have made progress over the last three decades for women in the workplace, there are still major discrepancies between the genders and women are clearly nowhere near equal to men quite yet. In our own workplace there are 226 members and senators and 67 of them are women—that is, less than 30 per cent. As a nation we have much more to do to secure true equality for women in all workplaces. While we celebrate 25 years of the Sex Discrimination Act and 30 years of the South Australian Working Women’s Centre, let us hope it does not take another 25 or 30 years for us to achieve real equality for women at work.

Minister for Innovation, Industry, Science and Research

Senator ABETZ (Tasmania) (12.59 pm)—Innovation is the key to our future as a nation. That is why the stewardship of the Innovation, Industry, Science and Research portfolio is so vital to our individual futures and the future of Australia. On becoming Labor leader, Mr Rudd said his frontbench would serve at his pleasure and he would appoint them purely on merit, irrespective of faction. Like so many of Mr Rudd’s promises, the spin does not match the reality. The fact is Mr Rudd’s ministry was selected on factional lines. Sure, a formal vote may not have been held, but the result is identical to a factional ballot. The stark proof of this is shown by Senator Kim Carr being appointed to the cabinet and then to the sensitive Innovation, Industry, Science and Research portfolio. His performance to date—and I will be kind—has been unfortunate, clumsy and detrimental to the interests of his portfolio.
stakeholders, which ultimately, of course, includes our nation. The fact that Senator Carr is the senior minister to Dr Craig Emerson debunks any suggestion that factional power plays are not alive and well.

Minister Carr’s stewardship of his portfolio both in opposition and in government has been a failure. In opposition he made numerous promises either which he had no intention of keeping or on which he has simply been rolled by his more astute cabinet colleagues. When companies closed their operations, Senator Carr demanded that Howard government ministers go overseas and slam their fists on the boardroom tables. Yes, he actually did say that. He promised freedom to our scientists. He promised to streamline the highly successful Commercial Ready program to make it even better. He, along with the Prime Minister, said he wanted to be a minister of a country that still made things. An analysis of these promises exposes the sham and joke that the minister has become within the sector. When companies closed their doors or scaled down their operations while Senator Carr was in opposition, it was all the Liberals’ fault. Now, as minister, he has presided over one of the biggest declines in the manufacturing sector ever witnessed in this country. One assumes that Senator Carr slammed his fists on the boardroom tables. Yes, he actually did say that. He promised freedom to our scientists. He promised to streamline the highly successful Commercial Ready program to make it even better. He, along with the Prime Minister, said he wanted to be a minister of a country that still made things. An analysis of these promises exposes the sham and joke that the minister has become within the sector. When companies closed their doors or scaled down their operations while Senator Carr was in opposition, it was all the Liberals’ fault. Now, as minister, he has presided over one of the biggest declines in the manufacturing sector ever witnessed in this country. One assumes that Senator Carr slammed his fists on the boardroom tables. Yes, he actually did say that. He promised freedom to our scientists. He promised to streamline the highly successful Commercial Ready program to make it even better. He, along with the Prime Minister, said he wanted to be a minister of a country that still made things. An analysis of these promises exposes the sham and joke that the minister has become within the sector. When companies closed their doors or scaled down their operations while Senator Carr was in opposition, it was all the Liberals’ fault. Now, as minister, he has presided over one of the biggest declines in the manufacturing sector ever witnessed in this country.

In the science area, Senator Carr promised complete freedom to scientists, the right to speak without fear or favour. We needed scientists to speak out. Indeed, they would be encouraged to speak out. That is, of course, until one took a whack at the government. All of a sudden we needed appropriate restrictions. We needed protocols, and they had to be rushed into place. So, when the CSIRO’s Dr Spash had a peer reviewed article for publication that was critical of the government, he was denied permission. Not until the censor’s pen had done its bit would the full scientific gems and thoughts be allowed to circulate to us, the great unwashed. George Orwell would have been proud. I understand that Senator Carr’s ministerial title will soon become ‘Minister for Innovation, Industry, Science, Research and Truth’.

As an aside, Labor’s censorship now also extends to the fact that if a listener wants a copy of this speech I will not be allowed to mail it to them using my meagre postage entitlement under Labor’s new rules. Reason: I have criticised the government. However, if I gave a speech and misled this place by saying what a good job the government was doing I would be allowed to use my allowance to mail out the speech. The sinister control-freakishness of the Prime Minister now reaches from members of parliament to our scientific community. This culture of censor-
ship, vetting and ‘no criticism of government to be tolerated’ supposedly will help foster and grow innovation. I say to the government: this is the culture that fosters the Trabant of last century totalitarianism, not 21st-century thinking.

The next promise Senator Carr made was to streamline the highly successful Commercial Ready program, which helped transition our innovations from design bench or laboratory to the marketplace. The government’s very first budget saw the abolition of the Commercial Ready program in May 2008. Not satisfied with announcing its abolition on budget night, Labor and Senator Carr backdated the decision by some 14 days, putting a spiteful edge on a foolish decision. When asked, Labor’s finance minister, Mr Tanner, said that the Rudd government’s best decision in its first budget was the abolition of the Commercial Ready program. When quizzed, Senator Carr said the program was abolished because he was not in the business of giving money to millionaires. Yes, that is right: ‘not in the business of giving money to millionaires’. Senator Carr’s and Mr Tanner’s comments are on the public record for all to see.

So a prime mover of innovation in our country was axed—all $700-plus million of it. What for? To make room, no doubt, for the $2-plus billion of the pink batts program. Now, there is innovation for you! There is smart thinking! There is a long-term investment for our country—getting Irish backpackers to install imported US pink batts in the name of stimulating our economy. It would be quite hilarious if it were not so serious. This scrapping of the Commercial Ready program was a silly, short-sighted, ideologically motivated decision, and it was condemned by all with any knowledge of the innovation system.

This is what a former Labor science minister had to say about the abolition: ‘It is truly disappointing to see such an effective government initiative scrapped with seemingly little regard for Australia’s innovative future.’ So said Mr Chris Schatt, former Labor science minister. What about former Australian of the Year and Australian Living Treasure Sir Gustav Nossal? He described it as short-sighted. The CEO of Cochlear, Chris Roberts, described it as ‘the saddest and dumbest decision of the entire budget’. Alistair Murdock, CEO of Spirigene, said:

… terminologies about daggers to the heart of innovation within Australia has been used, and I really do believe that.

These are not a group of Liberal flunkies; these are people like former Labor ministers and national treasures, who actually understand the innovation space, roundly condemning Labor and their decision.

Why did they do that? You just cannot turn innovation off and on and pretend that no lasting damage has been caused. Innovation relies on security, certainty and trusting a government to keep its word. A stable investment environment is paramount to innovation success. Having promised to streamline the Commercial Ready program, Senator Carr abolished it. That is one interpretation of streamlining—he sure got rid of all the paperwork. But what it shows is that this government’s word is not its bond. Senator Carr clearly intended to abolish the scheme, because Labor crowed about it as their best decision, and Senator Carr said he would not give money to millionaires. I can say that I have not met one millionaire in my travels who would have been a beneficiary of this scheme.

This lack of integrity in public utterances is most regrettable. But, of course, it is part and parcel of what the minister did in the May estimates when he absented himself and
said that he had to attend a cabinet meeting. During the October estimates, when asked if he had actually attended a cabinet meeting he replied that he had, and then proceeded to give me an earful about how little I knew about cabinet, and that I should check my facts. The normal silly rant appeared quite effective, albeit on the face, but for one thing however: unfortunately for the hapless minister, the Leader of the Government had already stated in writing to me that there was no cabinet meeting on the day in question. Why would he mislead the Senate committee over such a small issue? Who knows—other than we know he misled. He either did so wilfully or ignorantly, but mislead he did.

What the sector can know from me and expect from a Turnbull government are clear answers, no excessive promises and an understanding of the sector. We support innovators and we want more success stories; would it not be good if more of our innovators actually did become millionaires? I say: bring it on.

In an attempt to overcome his difficulties, with much fanfare Senator Carr delivered a white paper on innovation which has politely been described as ‘very general’ and ‘open to many interpretations’. The simple fact is that there is no echo in the two Labor budget speeches of the point made by Labor before the election that innovation is and must be a central plank of economic policy. But this approach by Labor should not surprise, for it was in the late 1980s and early 1990s, when Labor was last in power, that we saw the destruction of core R&D and innovation capacity in basic areas of the economy.

Innovation is like knowledge: it is cumulative. That is, innovation builds on innovation. Innovation capability takes a long time to translate into socioeconomic benefits, so the impact of capability destroyed today can have long-term consequences well into the future. In the case that this critique sounds familiar, I would invite the minister to read Professor Cutler’s article in last month’s issue of Focus.

The Howard government had a proud record on R&D and innovation. Labor has tried to trash that record, and its own two years in office have left the sector shaking its collective head. We oversaw a substantial increase in business expenditure on research and development. Our last year in office, the 2007-08 financial year, saw expenditure top $14 billion, a 15 per cent increase over the previous year. The average increase over the previous five years was 17 per cent. Business expenditure on R&D exceeded one per cent of GDP for the first time ever in 2005-06. As is the wont with the coalition, there were no grand promises and no centrally controlled 10-year plans from the politburo paid for by borrowed money, just sound, sensible and practical policies to foster and encourage the private sector to do what it does best, and that is to innovate. I thank the Senate.

**Antiterrorism Legislation**

**Senator LUDLAM** (Western Australia) (1.14 pm)—I rise this afternoon to speak about Australia’s antiterrorism laws. Last night SBS aired a superb documentary entitled *The Trial* which examined Australia’s biggest terrorism trial so far. The documentary was aired across Australia, apart from in Victoria where appeals from the case that were discussed are currently underway. I do not propose to discuss details of that case except to pay tribute to the dedicated and very hardworking members of the legal profession who have spent, in some cases, literally years of their lives trying to uphold the democratic values and rights that have been eroded by the corrosive nature of the antiterror laws that were passed by this parliament.
Greg Barns, Rob Stary, Fiona Todd and Grace Morgan are among those people who have asked juries, media outlets and members of parliament to thoroughly examine the costs and the benefits of the antiterrorism laws as they stand today. They have asked, ‘How far are we prepared to go before decision making around threats and the perception of threats undermines the very foundations of our justice system?’ They have asked, ‘How far we are prepared to let authorities provide such frail bases for decisions around the classification of people and their detention?’ and, ‘Who should be overseeing this decision making?’ They have also asked us how much exactly we value our right to a fair trial and whether or not it is fair for paltry legal aid representation, volunteers, to be up against an army of silks, many QCs and the seemingly bottomless resources of government departments and law enforcement and surveillance agencies.

These issues were drawn out and discussed last night in the SBS documentary. One of the key points raised is that there is more at stake than just the fate of the accused. The senior British judge Lord Hoffmann said in the landmark Belmarsh ruling: The real threat to the life of the nation ... comes not from terrorism but from laws such as these. It calls into question the very existence of an ancient liberty of which this country has, until now, been very proud: freedom from arbitrary arrest and detention.

He continued in his ruling to say that:

Terrorist crime, serious as it is, does not threaten our institutions of government or the existence as a civil community. The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism, but from laws such as these. That is the true measure of what terrorism may achieve. It is for parliament to decide whether to give the terrorists such a victory.

The Australian parliament, in passing many of the antiterrorism laws, was set up to fail. Mistakes were made when laws that seriously curtailed human rights, civil rights and fair trials were hastily enacted following the horrific crimes of 11 September. Mistakes were inevitable when the government of the day would not allow the parliament to even debate each bill individually, even though the antiterrorism package constituted some of the most dramatic changes ever made to Australia’s security and legal environment. Mistakes were made and were inevitable when amendments were proposed and made available to the Senate less than 24 hours before the commencement of debate in this chamber. The parliament was stripped of the time necessary to ensure that the laws were adequate to prevent, deter and pursue terrorist networks while ensuring that any limits on our civil liberties were transparent and properly understood. I was working for Senator Siewert here in the week that those laws were rammed through this chamber and I can well remember the pressure cooker environment in which the Senate was deprived of its most basic accountability role. This is history and we are all living with the mistakes. The documentary last night showed only too clearly the mistakes of fantastically expensive court cases, with many of the matters thrown out of court, unworkable laws and huge structural asymmetries between prosecutors and defendants.

The government is moving impossibly slowly on the long overdue proposal to establish an independent reviewer of terrorism laws, a tentative first step to acknowledging that voting blindly with the Howard government to avoid being wedged over the fear of terrorism was a terrible mistake. All that is proposed is an office to assess whether or not the laws are effective and proportionate. It was first proposed when the major body of terror laws was being rammed through this
place at the end of 2005, and they drew partly on the British model, which was legislated for. The proposal was raised again in 2007 by Mr Petro Georgiou and in here by Senators Troeth and Trood in a private senator’s bill. The Senate inquiry that followed drew out very lively and important debate and expertise. The Greens participated fully in that process and made a number of contributions to strengthen the bill. Despite the government’s sulky absence at the time, a fruitful debate was also held when the bill was passed nearly a year ago by the Senate. Of course, the government used weight of numbers to bury the legislation in the House of Representatives and, to date, no such office yet exists.

The government did eventually deliver their own bill to establish what they quaintly call a ‘monitor’. The government sees this as one part-time reviewer, drawing two staffers from the Prime Minister’s office, with sketchy reporting responsibilities and a very ambiguous mandate. I think what we are being told is that the government views the reviewing of 30 new laws and more than 80 very complex amendments to the Criminal Code and Crimes Act as a part-time position supported by two staff members. However, the office does have the potential to play an essential accountability role, reviewing for the government and for the broader public whether the laws that are in place at the moment are necessary, proportional and effective at meeting their stated objectives.

I would like to know: how many more times will debate on establishing this office be delayed? The Australian Greens have had sensible amendments ready for several months. The bill has sat forlornly on the shelf. It sits on the Order of Business for debate tomorrow, but I do not think there is a person left in this building who believes that the Senate will actually get time to debate it before February at the very earliest. It will sit to one side and every word of the Howard era terror laws will stay on the statute books for that period. Instead, we will endure a fortnight of contrived debate over what kind of failed emissions trading scheme Australia should adopt.

When exactly will the government respond to the several thousand inputs received on the Attorney’s national security legislation discussion paper? When will we see a response to the year’s worth of patient advocacy by groups like AMCRAN, who continually remind us that we risk directly criminalising particular religious or ethnic communities in the application of not the letter but the spirit of these laws?

At the time of its release we did commend the Attorney for providing an opportunity for public comment on the nearly 450 pages of the national security legislation discussion paper, and we have encouraged and supported community engagement in that process. It was certainly a more honest attempt at engaging the community than we were given in 2005. But in substance the paper was, I think, a careful demonstration that the government intends to deepen rather than reverse key aspects of the Howard-Ruddock terror laws. The Greens did recognise the possibility of the Rudd government following in the same unthinking groove as its predecessor and so we spent a year consulting, drafting and then participating in the Senate inquiry into a bill to cut through the silence and delay that characterises this sometimes shallow debate. The proposals we put forward in the Anti-Terrorism Laws Reform Bill are those which we believe lack the merits of even being deserving of a review by the National Security Legislation Monitor.

The Greens joined others on the committee at the time in hoping that the expertise and debate generated by this inquiry would
feed into the government’s discussion paper process on the antiterrorism laws. The process was a valuable lesson for me in how productive and collaborative Senate committee work can be, with the Legal and Constitutional Affairs Legislation Committee putting a lot of work into engaging with the genuine issues which were raised.

I hope the government will note the high degree of agreement among the submitting parties in supporting the direction of the bill that we put forward and that legal experts and organisations making submissions to the Attorney’s discussion paper process have also commended the approaches taken in the Australian Greens bill. Normally, the recommendation of committees inquiring into private senators’ bills often conclude along the lines of, ‘This legislation should be locked in a box for ever and never seen again or sent to COAG, whichever will take the longer period of time.’ In this case, the committee did no such thing. It recommended that the bill and its accompanying submissions and transcripts should be referred to the Attorney for consideration as part of their process. I think that is at least a tacit acknowledgement of the value of the proposals we have made. That leaves the big question of whether or not the government will listen. I know of at least 1,500 submissions that were made outlining concerns with the approach taken by the government in its discussion paper or the fact that there is still no sign of the counterterrorism white paper which you would assume should underpin law reform proposals, rather than those things coming the other way around.

Another issue that must come under more public scrutiny—a direct issue that actually involves people as a result of these processes—is the enormous expenditure of public money on the prosecution of the cases against Dr Haneef, David Hicks, Mamdouh Habib, Jack Thomas and others such as those which occurred under Operation Halophyte. The amounts at stake are staggering—and we have been pursuing this over a period of months—when you add up what the Attorney General’s Department, the Department of Public Prosecutions, the QCs engaged, their travel, the AFP, the ASIO-spying and the other agencies too numerous to even name cost and compare that with the legal aid provided for the defence. We are talking about a 10 to one or a 20 to one ratio, not to mention the enormous administrative hoops that need to be jumped through by not just the people defending those who found themselves at the middle of these cases but also those defending the public interest.

As the inquiry into my Anti-Terrorism Reform Bill has flagged, there are some laws which are so extreme, repugnant, redundant or inappropriate that they should be abolished and not even subject to the dignity of review. These laws obviously include those that allowed the Haneef scandal to unfold, including things like the excessive ‘dead time’ provisions, undue surveillance and invasion of privacy. The laws relating to sedition offences and the ‘reckless possession of a thing’ are also amongst those that should be abolished. These laws need to be removed to allow the solid criminal laws and procedures, built up over more than 100 years in Australia, to continue doing the job they were doing before 2001 in prosecuting and penalising the kinds of violent crimes that characterise terrorist acts.

Our parliament and our community did not get an opportunity to hold a thorough and considered debate over the terrorism laws when they were first introduced; nor did we or they consent to the substantial reallocation of resources away from health care, environmental protection and education to carelessly defined security imperatives and the entrenchment of a massive internal surveillance effort. Now is the time for this thor-
ough and considered debate about methods for reducing the risk of terrorist violence while strengthening our democracy and upholding the values which these laws were supposed to defend. While I think some leaders and commentators deeply fear the accusation of being soft on terrorism, believing it to be corrosive of their public perception, their standing or perhaps their masculinity, the Greens believe that to maintain these laws in their current form is corrosive of democracy itself and the rule of law on which it is based. The benefit of hindsight and the passage of time have revealed some of the terror legislation as irrational, unusable and extreme. Terrorism is a horrendous crime. There is no need to discuss the importance of prosecuting these offences or whether or not to resource the people who do this important work. What is in dispute is how we fight these crimes and whether our current approach is working. We cannot afford to delay the reform of our antiterror laws a day longer.

Elder Abuse

Senator POLLEY (Tasmania) (1.27 pm)—It is a sad reality that the abuse of elderly Australians by those they trust continues to be a hidden problem. Abuse of our elderly is a social curse that affects thousands of Australians over the age of 65 each year. These figures fluctuate so heavily because the problem is alarmingly unreported. As a consequence, we continue to operate with only a notion of how truly horrifying and widespread this abuse has become. Elderly abuse, especially financial abuse, remains unreported for a number of reasons. Elderly Australians feel shame at the treatment they endure, they maintain a sense of loyalty towards their abusers as they are only too often their children or their carers, they fear retaliation and possibly being institutionalised, they fear being estranged from their children and from their grandchildren; and, sadly, many older Australians do not report abuse for the simple fact that they do not believe it is serious enough to warrant investigation, thereby downplaying their own abuse and their own importance. Unfortunately, there is not a lot of statistical data on the prevalence of elderly abuse that allows us as legislators to understand, define and respond to the issue. At present there are no databases throughout Australia that capture or analyse relevant data on elderly abuse.

A 2007 report by the House of Representatives Standing Committee on Legal and Constitutional Affairs suggested that between three per cent and seven per cent of elderly people will experience abuse by someone they trust. In 2003, professionals in the field estimated that approximately 80,000 cases of various forms of elder abuse, neglect, mistreatment or exploitation had occurred in Australia. However, it is widely believed that this only represents the tip of the iceberg and only one in five cases are reported. In Tasmania, the group Our Island Our Voices, which works on behalf of older Tasmanians to raise the issue of elder abuse, has indicated that up to 4,000 older Tasmanians are abused each year. The truly sad fact is that the person reporting the suspected abuse is almost never the victim themselves but a third party. This is all tied in with the feelings of shame and loyalty and the possible emotional blackmail being experienced by the victim.

Abuse can take many forms, especially when it comes to older Australians, who are often highly vulnerable as well as usually having a high degree of assets and savings. Abuse can be perpetrated by family members, non-family members in a position of trust or carers. Abuse can be physical, ranging from inappropriate restraint to severe beatings or sexual abuse. It can be emotional or psychological, such as the use of name calling, silent treatment or threats. Such ac-
tions can cause mental anguish, stress and fear amongst the victims. Abuse can also take the form of carer neglect. This can range from withholding food and water to intentionally failing to meet the care needs of the person.

But it is the rising prevalence of financial exploitation and abuse that is of particular alarm to me at present. Many people, when asked about elder abuse, think that it only applies to extreme cases of physical mistreatment and do not tend to think of financial abuse when considering the issue. Many people have admitted to having never even heard the term before, but most of them will say that they would certainly report abuse of this kind or abuse of any nature if they saw it occurring. But how are we meant to report something, let alone prevent something, that we cannot even define or identify?

A report handed down in Queensland earlier this year estimated that nearly $100 million was inappropriately acquired from older Australians in that state alone last year, and $14 million was the amount officially reported to have been swindled from elderly people in cases of financial abuse in 2007-08. If we extrapolate those figures across the nation we begin to understand the sheer magnitude of this social blight. It is of particular concern for me, coming from Tasmania, because we are set to have the oldest population by 2019 and no doubt will have a corresponding rate of elder abuse. Cases of financial abuse do not just cost the victim the amount that has been wrongfully acquired by the abuser. There are knock-on effects, such as legal costs, social costs and medical costs, much of which is paid for by the taxpayer. This is in addition to the cost to the victim’s dignity and sense of security and trust.

Financial abuse comprises largely adult children intentionally and inappropriately acquiring money or assets from elderly parents over whom they may have power of attorney—but it is not limited to those who do, I might add. They may also simply exercise a high degree of control and manipulation of elderly parents who place implicit trust in their children. Some common stories of financial abuse include adult children harassing elderly parents or relatives for money on pension day; transferring titles to property into their own names; placing caveats on family homes without the consent of their parents, or without them having a true understanding even if they are consulted; coercing their parents into using their property as a guarantee for a loan taken out by the child; making inappropriate withdrawals from the parent’s bank account or superannuation; and asking the parent to pay for an extension to be added to the child’s house on the understanding that the parent will move into that accommodation with their family and then moving the parent into an aged-care facility instead. It can take many forms, but beneath each and every example is an attempt by a person of trust to manipulate, coerce or cheat an elderly person for their own financial gain. It is most disheartening, almost heart wrenching, to know that the main perpetrators of such abuse are the person’s own family members. Those who should be the most loving and loyal, who should be protecting their elderly relative, are the very ones committing the offence.

Financial abuse is not based on wealth or the perception of the elderly person having a lot of money. Financial abuse can and does happen to everyday Australians. The family home or its value is often the motivation. Of particular note is the rise in the use of the so-called reverse mortgage. Many older Australians are quite legitimately tapping into the equity in their homes so that they can enjoy their retirements and ‘spend the kids’ inheritance’, as has become the expression of late. However, there are a rising number of cases
of kids spending the kids’ inheritance long before it is theirs to inherit, through the use of reverse mortgages. It is not hard to imagine how easy it could be for an adult child to persuade an older, vulnerable parent to take out a reverse mortgage on their property and to sign the proceeds over to the child. Often, this is done without the elderly parent having any concept of what a reverse mortgage is, let alone how this will affect them financially.

Many financial institutions state that the applicant of a reverse mortgage must seek financial or legal advice prior to using this service. However, rather than ensuring that this has occurred, many institutions simply ask the applicant to tick a box to say it has been done. Of course, quite often it has not been done and the applicant has little understanding of the consequences, because they were simply given precompleted paperwork to sign by their grown child. Surely, if we were serious about limiting the opportunities to exploit our older Australians, we would initiate a process that requires a financial adviser or solicitor to sign a form confirming that advice has been given before any such reverse mortgage could be offered.

It makes sense; however, we are simply not doing it. We do not do it because the entire concept of elder abuse seems too difficult and too abstract to want to even begin to tackle the issue. We live in a society that has tried to encourage our elderly to become more self-sufficient, to plan for retirement and to have their own insurance for the possibilities of later life. The downside of this is that we have made many elderly people somewhat disconnected from the oversight that government and certain services can provide. This means we must find new and better ways to detect what may be occurring and to deter potential abuse through a high level of community awareness.

There are a number of effective measures that can be put in place to limit the risk and protect the elderly. The first and most important part of a response to the financial abuse of elders, or any abuse of elders, would be to instigate an educational campaign, particularly one aimed at professionals who deal with the elderly on a regular basis. This would allow us to build an awareness of the issue, and the facts and science of abuse, that would allow people to identify when it is occurring. An educational campaign would work as a foundation upon which we can demonstrate that we value our elderly and that we are willing to provide the services and resources necessary to ensure their welfare and protection.

A central contact point for reporting elder abuse could be established, along with national protocols for any service dealing with elderly Australians. Access to legal assistance for elderly people suffering abuse could also be made available. Mandatory reporting could be extended to include all financial institutions, financial advisers and solicitors so that no-one can pretend to be ignorant to what is happening or to simply push it aside as a family matter. Compulsory annual reporting could become a requirement of those exercising power of attorney over the elderly, thus instilling accountability firmly into this arrangement. Accommodation specifically for older women escaping abuse could be catered for. Training could be specifically provided to all community and aged care workers to identify, respond to and report abuse. More money could be directed towards research into the extent of elderly abuse and towards prevention. We could acknowledge the stress that a caring role can place upon a person and provide appropriate respite opportunities. This alleviates some of the burden on carers that could potentially manifest itself in abusive behaviour. Finally, we could all work to personally recognise the
fact that no-one, regardless of age, should be subjected to any form of abuse, neglect or mistreatment. Once we recognise this, we can live its truth.

We would not condone abuse it towards our young children. Why would we choose to condone it towards our elderly? Turning a blind eye and pretending that it is not really abuse is tantamount to condoning it. We must strive harder to understand the problem and identify its complexities so that we never have the opportunity to say that we do not see it happening. Information and understanding truly are our greatest weapons against this form of abuse, and compassion and human decency allow us a licence to use these weapons. Therefore, we must all be armed.

I have limited time and I cannot even begin to address the impact on our court system of the ever-increasing number of family disputes that are taken into our courts across the nation over the financial abuse of our elderly and other family disputes. I will be writing to the Minister for Health and Ageing, the Minister for Ageing and the Attorney General in the very near future imploring them to consider some, if not all, of the proposed measures I have outlined today. I will highlight to them the very simple measures that we as legislators can take to tackle this issue in a proactive way and together we can begin a dialogue to bring elder abuse firmly onto the social and political agenda.

We must remember that the losses to our elderly are not just financial losses. It is not just the physical abuse that we have to deal with; it is the impact on our society, it is the way we value human life and the way we value elderly Australians. After all, these are our grandmothers, grandfathers, mothers and fathers. They have been and will continue always to be the backbone of this country.

I would like to finish by reminding everyone out there who may be experiencing elder abuse, or those who know of someone who may be suffering abuse, there is help out there. I would encourage people with concerns to contact the elder abuse hotline on 1300651192 and begin the process of help and healing for the victims of elder abuse.

Community Television
Economy

Senator TROETH (Victoria) (1.42 pm)—I rise today to address two issues. One is the situation of Channel 31 in Melbourne and the other is the ongoing destruction being caused to our economy by the Rudd Labor government. Firstly, I would like to commend the very hard work done by the community television sector and congratulate them on securing from the government $2.9 million and part of the digital spectrum, Channel A. This funding will allow for community TV to make the switch from analog to digital transmission and secure its funding base. There are still questions on whether there is sufficient funding to cover all five capital cities but we welcome this move nonetheless.

I have spoken in this place before about the incredibly important role community television plays in the industry. Channel 31, the community television station in Melbourne, was kind enough to invite me to their station to look at the work they do. It is impressive that so much local content is able to be broadcast on such tight budgets. It is undoubtedly one of the Australia’s premier incubators of local television talent, both on and off screen. It is the birthplace of talent such as Rove, Hamish and Andy, Peter Helliar and Corinne Grant, amongst others. It has more local content than any other network and generates over 100 jobs that otherwise would not exist.
The staff provide a strong positive vibe that allows the station to bring together important and marginalised members of the community who can express themselves in positive and creative ways. It is also completely self-funding, unlike the ABC which has been dominating the digital TV space, and yet the local content and return on investment comparisons are very favourable for stations like Channel 31. While I am sure the community TV sector is happy to have received this funding, I cannot let Senator Conroy or the government off the hook. It took far too long for the government to make this decision. And, for all the admiration that those in the arts and creative community show for the Labor Party, it has unfortunately turned its back on a section of the creative community that is making a real difference and providing some real benefits to the community. The coalition proposed the granting of spectrum and transitional funding months before the government acted, and in the meantime immensely important funding was lost due the drift to digital TV that has been occurring. The minister should know better.

There is another matter that I would like to raise. It is a matter that I and members of the coalition consider to be extremely serious. Australia’s economy now and into the future is being recklessly damaged by the mismanagement of Mr Rudd and the Labor Party. Under the previous, coalition government Australia enjoyed what most would consider to be a golden economic age, with low inflation; record low unemployment; record low interest rates; the elimination of net government debt; sustained economic growth; consistent budget surpluses, including a final surplus in our last year in office of more than two per cent of GDP; low levels of personal taxation; and investment in the Future Fund and the Higher Education Endowment Fund.

This was the result of careful and disciplined economic management over the course of a decade, starting with the very first budget the Howard government delivered. After 13 years of Labor neglect and mismanagement, Treasurer Peter Costello restored fiscal rigour to the budget, and made surpluses the norm instead of the exception. That is quite an achievement in itself given that prior to the Howard government there had only been a handful of budget surpluses since the Second World War.

The budget surpluses changed the culture and the community’s expectation of government’s role and abilities. Throughout that decade of government Australia weathered the Asian financial crisis, the United States recession of 2000, the economic disruption caused by September 11, 2001, and a number of oil price shocks. Tough but necessary decisions were needed and made to ensure Australia survived these challenges. And, unlike the current government, when the Howard government made tough decisions they really were tough decisions—certainly not concocted like the crisis apparently being built up by the present Prime Minister.

It seems that the Prime Minister today only accepts the so-called tough decisions when they are popular, otherwise it is his staff that make them and he distances himself from the announcements. I guess when you are off giving Cate Blanchett gifts, mangling the English language and spending all your time at international conference cocktail parties it gets tough to fit real governing into the program! No amount of spin or rewriting of history will change the indisputable fact that the Labor record since November 2007 has been one of failure and mismanagement.

This government lacks the discipline of the former government and lacks even the reformist credentials of the Hawke-Keating governments. This government has done
nothing to restructure the economy for the 21st century. And this government’s one defining characteristic is recklessness. Some people say that the Prime Minister is being decisive when he makes these snap decisions. Sometimes that may be true, but on every major spending decision that this government has taken it has preferred to shoot from the hip rather than take a measured and responsible approach.

This government’s favourite, if inaccurate, saying is that the Liberal Party are climate change deniers. Well, Kevin Rudd, the Prime Minister, is an economics denier. He denies that his polices will cause inflation or interest rate rises, and yet they do. He claims his budgets will return to surplus, and yet they do not. He claims that he is an economic conservative. Kevin Rudd is about as economically conservative as Jefferson Davis was friendly to the slaves!

Let us look at the record. From a position of budget surplus equalling two per cent of GDP when he came into office, the Prime Minister has taken us to position of a deficit of five per cent of GDP—approximately a $60 billion turnaround in less than 12 months. Government debt has gone from being eliminated and having savings of $45 billion, to being $315 billion in the red. Unemployment is up, just like in the old days under Labor. Interest rates are up. Just lately, ours was the first industrialised economy to raise interests for two consecutive months, with probably a third rate rise in December.

It took the Howard government 10 years of disciplined economic management to eliminate Paul Keating’s $96 billion of debt. So Kevin Rudd, the present Prime Minister, is by some measures three times worse than Mr Keating—and I am sure some members of the listening public will shudder to think what that will mean in the future. No doubt, some older members of caucus would agree with that. So how long will it take to pay that off, especially considering that this government’s record on financial management is a joke? Mr Tanner, finance minister, likes to giv long lectures about fiscal rectitude and convey the sense of moral superiority, but the entire government’s record makes a liar out of him. There is $5 billion in additional interest payments on government debt, even though projections are lower than originally forecast, and a $1.5 billion blow-out in the Building the Education Revolution school hall program. Let’s face it: it does get expensive when you knock down perfectly good classrooms to replace them with exactly the same number of classrooms even though the school does not want them! That is what I call command economics at it best!

**Senator Mason**—Senator Carr knows all about that.

**Senator TROETH**—I agree, Senator Mason. There has been $500 million in solar panel cost blow-outs; $1.4 billion in Medicare and another $1.8 billion in pharmaceutical expense blow-outs, not to mention the GroceryWatch debacle, the 2020 summit, ridiculous levels of overseas travel, and of course, the big daddy of all cost blow-outs, the National Broadband Network. This was originally planned to be approximately $5 billion of government investment, give or take a little because the Prime Minister also likes to round up these massive sums. But the government decided on a whim, having botched the tender process, to fund a $43 billion infrastructure spend without any consideration, any rigour or even any back-of-the-envelope scribbling at all. Regardless of the merits of the policy of fibre-to-the-home, it is dangerous, reckless, and arrogant to commit so much taxpayers’ money without due diligence.

Telecommunications is a highly complex, quickly-evolving sector of the economy that
is crucial to our future prosperity. If you are going to make a massive investment of taxpayers’ funds to drastically alter the landscape of the nation and the sector, there needs to be economic modelling, business plans, analysis of demand, analysis of future innovation and a raft of other investigations to, as best as possible, safeguard the public’s money. Sadly, this is all appears to be too much hard work. This government prefers to fly by the seat of its pants and claim that even if everyone is attacking a proposal then it must have achieved a compromise. It would be very good sense for them realise that sometimes when everyone attacks you it just means you are wrong.

Bushfires

Senator WILLIAMS (New South Wales) (1.53 pm)—I rise to talk about the summer approaching and the risk of bushfires. I would like to commend my colleague Senator Troeth for mentioning the waste of money: the $500 million blow-out on the photovoltaic budget and the $1 billion on the batts in the ceilings. Yesterday we argued about how there is not enough money to support the tertiary education of many after they have a gap year. So it is quite ironic that there is waste here, there and everywhere, but there is not enough money when it comes to sending young people to tertiary education and providing them essential services.

I just want to say a few words about the upcoming fire season. Three things are required for a severe, savage fire: heat, wind and fuel. I refer to fuel because we cannot control heat, despite the fact that Mr Rudd, with his CPRS legislation, says he will. The fact is he will not. And we cannot control the wind. The levels of fuel on the ground we can control. Once you get more than 50 tonnes per hectare of grass, twigs and leaves—which the firemen call fuel—and combine that with hot days of 40, 42 or 44 degrees and a strong wind, you have the environment for tragedy.

When Bob Carr came to government in New South Wales in 1995 he said it was going to be the greenest government the state had ever seen. What did he do? He went out and made all these new national parks. The reason he did it was the pressure put on him by the Greens. He needed the Greens’ support in the Legislative Council. So this was about the Greens putting their weight on the Carr government of New South Wales. He created all these national parks. What is the big thing to note here? The fuel levels in those national parks. Hazard reduction burning is virtually non-existent. The big thing they do not do is to allow sheep and cattle graze in national parks—through managed holistic grazing—to reduce those fuel levels.

What do we see when those three factors come together? The extreme bushfires. It happened to Canberra many years ago. The old-timers warned that if the fuel levels were not reduced in those parks and on those hills then Canberra would be under threat. Exactly what they said came true. My concern as we approach summer—and we have already seen the hot weather in Adelaide and other parts of South Australia, and it is now coming east—is that the severe fires will soon be on. The cost is enormous. The loss is enormous. We can look back on Black Saturday last year.

What are we doing to reduce those fuel levels? Toorale Station at Bourke is 90,000 hectares or 225,000 acres. It is a big stretch of land. Minister Wong has now bought that in an effort to have a little bit of water go down the Murray. It is now a national park. So how are they managing Toorale Station? I bet there is no grazing being carried out to reduce the fuel levels. It is only a matter of time until lightning strikes and it goes up, burning from one end to the other, killing the
animals and destroying the trees—and they call it conservation. This is the Labor way of conservation—with pressure put on them by the Greens, who are the ones who pushed it in the first place. This is their conservation: to allow the fuel levels to build up. The next thing will be that we will get a lightning strike, and the fire will be off and going. As the fire goes through, totally out of control because of those fuel levels, what will we see? We will see the destruction of our environment.

This is a pet hate of mine. We are destroying our environment by locking up land and leaving it. We have had drought for years. We have starving stock out there. But, no, you cannot graze them in a national park. That will just feed the stock and keep them alive, reduce the fuel levels and remove a huge risk of severe bushfire. But, no, you are not allowed to do that because a steer walking through the national park might tread on a spotted frog or something. Instead we will just incinerate the frog when it all burns up. We need to see some common sense brought to this place about national parks, about protecting our environment and about protecting the animals that live in those places. While ever you allow those fuel levels to continue to build up, the hot days will come, the wind will be there, the lightning will strike and you will have more trouble than you can handle.

This is what has been happening for years. Those who claim to care about the environment—mainly the Greens, who have influence on the Labor Party on these national parks—and who put their hands on their hearts and say, ‘We are concerned about the environment,’ are the very cause of these fires. They are the very cause of the fuel build-ups, the lack of grazing and the lack of hazard reduction burning. The severe bushfires will once again hit this summer and will continue to do so until some proper management of our national parks is introduced. However, we will not hold our breath for that, because the governments, especially the New South Wales government, will not allow the grazing of national parks. They will simply allow the fuel levels to build up, allow the fires and then say, ‘We’ll have an inquiry into this and see what we can do to prevent it in the future.’ Nothing will change. The same things will go on as always. The parks will burn. The animals will be cooked, sizzled and killed. The trees will be burnt out in the hot fire and their crowns will be destroyed. Once again the government will say, ‘That’s a tragedy.’ Of course it is a tragedy, because nothing is ever done about it. There is no management. The point I make is that you cannot simply lock up country and leave it. If you do, fire will destroy it and everything that lives in it. When will some common sense come to this place about managing our environment? It will never come so long as the Greens have the influence on the Labor Party that they do.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator FIERAVANTI-WELLS (2.00 pm)—My question is—surprise!—to the Minister for Immigration and Citizenship, Senator Evans. I refer to the special deal offered by the Rudd Labor government to bribe asylum seekers off the Oceanic Viking. Will this same special deal now be extended to all those other asylum seekers who have been assessed as refugees by the UNHCR and who have been waiting for years in the queue?

Senator CHRIS EVANS—While it was not unexpected that Senator Fieravanti-Wells would ask me a question, I am a bit surprised it is the same one she asked on Monday and Tuesday—
Senator Fierravanti-Wells—That is because you did not answer it on Monday or Tuesday.

Senator Chris Evans—and therefore I will give her the same answer. The answer is that there is no special deal. What there is is an arrangement between us and the Indonesian government, which was codified and presented to those on board, as to what would happen to those on board under those arrangements between the two governments for their processing. We rejected the demand of those on board the Oceanic Viking that they be taken to Australia. We rejected that. They sought to have themselves taken to Christmas Island. We rejected that.

There are only two special deals that I have heard of. One was proposed by the opposition spokesperson, Sharman Stone, who suggested that they ought to get special treatment and they ought to be processed on the boat. She was quoted as saying that there comes a point in time when you can very humanely bring the UN’s refugee agency, the UNHCR, on board. For heaven’s sake—let them assess on board whether the people are legitimate or not! So the only special deal proposed is that proposed by the opposition. We insisted that they come ashore before they were processed. The other special deal was that offered by the Liberal Premier of Western Australia, who suggested that they be brought straight to Australia. So the only ones calling for a special deal are in fact the opposition. We negotiated with the Indonesian government the arrangements that would apply when those on board disembarked in Indonesia. We insisted on them disembarking there. We are hopeful that they will. Once they disembark there they will have the normal UNHCR assessment processes apply to them in the timeframes agreed between us and the Indonesian government.

Senator Fierravanti-Wells—Mr President, I ask a supplementary question. For the third time this week, Minister, you did not answer my question, but I will try another tack. I refer to a report in the Australian of 17 November 2009, which stated:

The Oceanic Viking Sri Lankans are being quarantined from other detainees in the Australian-funded detention centre in Tanjung Pinang, with authorities conscious that the special deal is causing resentment—amongst other asylum seekers. Is the government aware that there has been so much concern about the special deal given to those on the Oceanic Viking that it is not only causing angst amongst those who have been waiting in the detention centre but also threatening the safety of the queuejumpers themselves?

Senator Chris Evans—The first thing I always advise senators to do is to be careful quoting press reports. They are not always 100 per cent accurate.

Opposition senators interjecting—

Senator Chris Evans—I understand that the 22 taken off the Oceanic Viking have been housed in a separate section of the detention centre to the other detainees. That is a decision of the Indonesian government. These people have been detained by them in an Indonesian facility under Indonesian law. I make the point in passing that we do the same thing when we disembark a group at Christmas Island. We actually keep them separate while the interview processes occur, and I remind you that the Howard government, when in power, did exactly the same thing; it processed groups off boats separately. So it is common practice (Time expired)

Senator Fierravanti-Wells—I am aware of that, but, Mr President, I ask a further supplementary question. Won’t the special deal given to the queuejumpers who
have held the *Oceanic Viking* to ransom simply further encourage people smugglers and make their promises of assured permanent residency in Australia even more attractive? How many more boats, failed solutions and special deals will it take before Labor decides to roll up the red carpet?

**Senator CHRIS EVANS**—Making emotive and loaded statements is no replacement for policy and dealing with complex problems. All this talk about queuejumpers and laying out the red carpet is a nonsense. What the asylum seekers now on the *Oceanic Viking* sought to do was to be brought to Australia. They asked to be brought to Australia. We said ‘No, they would be taken to Indonesia and they would be disembarked in Indonesia and treated according to international law and be assessed by the UNHCR.’ I assume the opposition is not suggesting now that we should have brought them direct to Christmas Island, although their spokesperson has suggested special treatment. The alternatives were to bring them to Australia or take them to Indonesia. If your criticism is that we should have brought them to Australia, say so. But I suspect you would support the decision that we took to take them to Indonesia.

**Climate Change**

**Senator LUNDY** (2.06 pm)—My question is to Senator Wong, the Minister for Climate Change and Water. Can the minister inform the Senate on developments in clean energy in Australia and what opportunities there are for jobs and economic growth in tackling climate change?

**Senator WONG**—I thank Senator Lundy for the question and for her interest particularly in the employment benefits of tackling climate change. There have been some positive developments in building a clean energy future for Australia today. Today, the Prime Minister, along with Premier Rees and I, launched the Capital Wind Farm in Bungendore, a wind farm by Infigen Energy that will boost the nation’s wind power capacity by more than 10 per cent. The wind farm comprises 67 wind turbines capable of supplying electricity to around 60,000 homes and is almost five times the size of any other wind farm in New South Wales. It is a project that provided employment opportunities for over 120 people during the construction phase and that will provide ongoing employment in the local community.

Renewable energy is a critical component of the Rudd government’s commitment to take concrete and practical steps to tackle the threat of climate change. As the government’s renewable energy target continues to progress, we know that, by 2020, 20 per cent of Australia’s electricity will come from renewable sources. That means that in 10 years time the amount of electricity coming from sources like wind, wave, solar and geothermal energy will be about equal to Australia’s current household electricity use.

We also know that we need a price on carbon that sends the signal that we need to drive investment in further clean energy investment. That is why we need the Carbon Pollution Reduction Scheme. There are around 50 wind farms currently in operation around the nation and that will only expand under this government’s policies. That is something of which those on this side of the chamber are proud. *(Time expired)*

**Senator LUNDY**—Mr President, I ask a supplementary question. What further opportunities are available to Australia by tackling climate change?

**Senator WONG**—According to the Climate Institute, there is already around $31 billion worth of clean energy products either underway or planned in response to the government’s policies to promote renewable energy and to reduce emissions. These are
projects estimated to create around 26,000 new jobs.

Opposition senators interjecting—

Senator WONG—I hope those National Party senators who are interjecting again are listening—

Senator Boswell interjecting—

The PRESIDENT—Order! Senator Boswell.

Senator WONG—because many of these jobs will be in regional Australia. We also have the opportunity to enable Australian business to make money by investments overseas. Those opposite might not like to hear it, but this is where the rest of the world is going. We know that China alone will be investing hundreds of billions of dollars in clean energy over the next decade. The investment around the world in low carbon growth now and in the years ahead presents enormous opportunities to Australian businesses—if those opposite can get out of the way. (Time expired)

Senator Boswell interjecting—

The PRESIDENT—Senator Boswell, there is a time after question time for debating if you wish to participate.

Senator LUNDY—Mr President, I ask a further supplementary question. Given these opportunities and the International Energy Agency warning that each year of delay in before moving to a more sustainable emissions path will add around $500 billion to the global investment cost of delivering the required energy revolution, can the minister inform the Senate of global action on climate change?

Senator WONG—This government will continue to push hard for the most ambitious outcome possible from Copenhagen. As we have said, that needs to be an agreement for action. We welcome the comments overnight of President Obama that any deal at Copenhagen must have immediate operational effect. I am interested to know whether those on the other side, who always reference the United States in this debate, will now come in behind President Obama’s own call to action at Copenhagen. They will not, because what we know is that there are some people in the Liberal Party and the National Party—

Opposition senators interjecting—

The PRESIDENT—Senator Wong, resume your seat. The time for debate is post question time. There should be no interjections across the chamber.

Senator WONG—What has been on display over many months now is that there are some on that side of the chamber who will do anything and say anything to avoid taking action on climate change. That is the reality. They will do and say anything to avoid taking action on climate change. We know that from their history. We know that from what they are doing and saying now. (Time expired)

Asylum Seekers

Senator SCULLION (2.12 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. How many refugees currently in Indonesia will be offered resettlement in 2009-10?

Senator CHRIS EVANS—It is a good question, because it goes to the heart of the reasons why we have reinvigorated the Bali process. We have a regional issue with unlawful movement among nations. Nations like Indonesia are saying that, as part of their commitment to action in the region, there ought to be a sharing of the burden of those persons moving through the region who are found to be refugees. That is why the previous government, the Howard government, sought to resettle people out of Indonesia, although in fairly small numbers. Of the 1,300 resettled in the last seven or eight
years, 450 were resettled in Australia and the others in other resettlement countries.

Last year, I began negotiations with the Indonesians about how we should deal with the protracted caseloads that they had inside Indonesia. They have people there who have been assessed as refugees and who have not been referred for resettlement. As part of the Bali process, we have been discussing with the other governments involved how we should tackle these problems of people who are found to be refugees, people moving unlawfully and people-trafficking. There has been an increased commitment to resettle people out of Indonesia. We have made it clear that we and other resettlement countries will look to take more than we have in the past to assist them and share the burden of dealing with these problems around the region. They have committed to anti-people-smuggling measures. They have committed to the Bali process.

Senator Scullion—Mr President, I rise on a point of order on relevance. As you would know, Mr President, my question was specifically regarding how many refugees will be offered resettlement in 2009-10. Since we have some 13 seconds left, I wonder whether it would be possible to bring the minister to order.

The PRESIDENT—Senator Evans, I draw your attention—Honourable senators interjecting—The PRESIDENT—Order! When there is silence, we will proceed. I call Senator Ludwig.

Senator Ludwig—Mr President, on the point of order: the minister has been—and if the opposition had been listening carefully then they would realise this—answering the question, precisely the exact question. The minister had gone through how the Bali process had been reinvigorated, how there had been a national commitment to sharing the burden and, in addition to that, the precise issues surrounding how you then work through this matter. The minister has been dealing with that in a directly relevant way. It is a shame that you then seek to use the opportunity to raise it as a political message. What the minister has been doing is providing an exact answer to your question.

The PRESIDENT—Order! Senator Evans, I draw your attention to the question, and I remind you that there are 13 seconds remaining to answer the question.

Senator CHRIS EVANS—As I was saying, there is a commitment by Australia and other nations to share the burden and to assist the Indonesians with resettlement out of Indonesia. It is a process that the former government was committed to, but we have looked to engage more actively—(Time expired)

Senator SCULLION—I am sure that if the minister does not know the number, under the conventions in this place we would be quite happy for him to take it on notice. Mr President, I ask a supplementary question. Will the queuejumpers from the Oceania Viking take the places of other genuine refugees, who otherwise would have been offered resettlement in Australia but who have not been given the Rudd government’s special deal?

Senator CHRIS EVANS—Despite attempts to create hysteria around these issues, with the use of loaded and emotive language, the situation—Senator Abetz—Just answer the question!

Senator CHRIS EVANS—Senator Abetz, will you just pipe down for a second; and I will.

Opposition senators interjecting—The PRESIDENT—Order! Senator Evans, continue.
**Senator CHRIS EVANS**—Thank you, Mr President. Interjections about ‘queue-jumpers’ et cetera do not actually assist with the process. What we have indicated in the agreement between us and the Indonesian government, which was put in writing and shown to those on the *Oceanic Viking*, is that, if found to be genuine refugees, they would be offered resettlement in resettlement countries. There was an understanding that they would be resettled and they would go to resettlement countries. The UNHCR will engage with those who disembark, assess their asylum claims and, if they are found to be refugees, refer them to resettlement countries, like Australia, who will make decisions about looking to resettle them. *(Time expired)*

**Senator SCULLION**—Mr President, I ask a further supplementary question. Does the Rudd government’s special deal, which rewards people-smugglers and asylum seekers who hold Australian authorities to ransom, directly threaten the UNHCR processes and the UN refugee convention?

**Senator Abetz**—Yes. It is a one-word answer.

**Senator CHRIS EVANS**—If you want a one-word answer: no.

**Senator Abetz**—What a dodo!

*Honourable senators interjecting*

**The PRESIDENT**—Order! Debating across the chamber is disorderly. When there is silence we will proceed. I am waiting to call another senator for a question.

**Asylum Seekers**

**Senator HANSON-YOUNG** (2.18 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Given the boat currently holding 255 Sri Lankans in Merak were intercepted by Indonesia at Australia’s request, and we now hear that, without any assessment of these people’s claims by the UNHCR, Indonesia is looking to deport these people back to Sri Lanka, what assurances, if any, did the Australian government delegation seek or receive during the visit to Sri Lanka last week that asylum seekers sent back to Sri Lanka would be kept safe and not subject to any form of persecution from the government of Sri Lanka?

**Senator CHRIS EVANS**—It is true that we cooperated with Indonesia and encouraged them to intercept the vessel that is now docked at Merak. And, as I understand it, the 250 or so people who are on board are still refusing to disembark. But that is a matter that is in the hands of the Indonesian authorities. There are no Australian authorities involved in that process. I understand that the IOM has been involved, but that involvement may have ceased. There has been, as I understand it, some trouble on the boat, and some disagreement. I think that actually reached some level of violence the other day, but they have been there for a long time. The Indonesian government’s position, as I understand it, is that they will be processed once they disembark the vessel. That is obviously in their hands. I do not have any particular assurances as to how those people will be treated, because we have not been engaged actively in the handling of those persons on that boat in Merak.

What I can say to you, though, is that the press reports about them threatening to deport these people without proper refugee assessment beforehand are just that—claims in the press. I would point out to you that, to my knowledge, the Indonesians have not in the past sought to deport people before they have had asylum claims considered. All I can tell you is that the experience we have had with the Indonesians is that they have made safe places available for people inside Indonesia, they have allowed UNHCR and IOM access to those persons and they have allowed people who are seeking asylum to
lodge claims with the UNHCR. So, while I have seen the press reports, as you have, I have no basis for— (Time expired)

Senator HANSON-YOUNG—Mr President, I ask a supplementary question. I thank the minister for his answer. Given that the people onboard the Oceanic Viking will now be detained in Indonesian detention centres, how can Australia knowingly now allow children to be locked behind bars? Does the government believe that this is appropriate?

Senator CHRI$$EVANS—To be frank, Senator, you have just made another leap with, as I understand it, no basis for those claims. Do you know that children in Merak are about to be detained in detention centres? Because I certainly do not.

Senator Hanson-Young—On a point of order, Mr President: I referenced the Oceanic Viking.

Senator CHRI$$EVANS—Mr President, I would like you to take on notice some consideration of supplementaries that refer to different subjects. That is why I got confused. If the question is about the Oceanic Viking, the Indonesian authorities have stated publicly that they will be making accommodation arrangements for women and children in accordance with their normal policy which seeks to provide appropriate accommodation for them. At the moment, the small number of women and children on the vessel have not disembarked, but we have advised the Indonesians of our views on those matters. We have always advocated that children should not be held in detention centres. Clearly, this is a matter for the Indonesian government— (Time expired)

Senator HANSON-YOUNG—Mr President, I ask a further supplementary question. The reports from the Indonesian government themselves suggest that they would not be accommodating refugees or asylum seekers who disembarked from the Oceanic Viking in any detention facilities other than the detention centres. Therefore, does the Australian government believe it is appropriate that children be detained in this manner?

Senator CHRI$$EVANS—My advice is that women and children, when they disembark the Oceanic Viking, will be accommodated in appropriate accommodation. That is our understanding. I would envisage that to be a separate facility from the Tanjung Pinang detention centre, but this is obviously a matter for the Indonesian government. Our view is that they would be best housed elsewhere, and it is my understanding that the Indonesian government will make appropriate accommodation arrangements.

Indonesian President’s State Visit

Senator HUMPHRIES (2.25 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. I refer to the recent cancellation of President Yudhoyono’s state visit to Australia. Can the minister confirm that the President’s program included an official welcome, a special cabinet meeting, an official lunch and an address to this parliament? Will the minister please table a copy of the program prepared by the Prime Minister’s department for the state visit?

Senator CHRI$$EVANS—I assume this means that the senator is concerned that he might miss out on his lunch! I cannot confirm the particular arrangements you have asked about, Senator, but I would take the view that normally, when a visiting head of state comes to Australia, such arrangements are put in place. I gather that the opposition spokesperson, Ms Julie Bishop, had been briefed and then was out there talking about those arrangements. I am not sure whether she was briefed confidentially or not, but anyway that is for her.

I make clear that both the Australian and the Indonesian governments have indicated that the President’s visit to Australia has been
accepted, but that due to domestic matters and scheduling matters the President will probably take up that invitation next year. According to the Sydney Morning Herald, the President’s spokesman, Dino Patti Djalal, ‘said suggestions the timing of the visit related to the stand-off involving the Sri Lankans were rubbish’. The spokesman also said:

The President has a lot on the domestic agenda. He’s just spent six days in Malaysia and at APEC. He wants to go to Australia when it can be a fully-focused visit.

So my understanding is that the President will visit in the new year. Those arrangements will obviously be finalised and the details announced in due course. I am sure that at that time those sorts of official engagements will occur.

Senator Humphries—Mr President, on a point of order: my question was about the details of this proposed state visit, not about the next state visit that the President is going to make. Could I please have the details that were arranged for this state visit by President Yudhoyono?

Senator CHIRS EVANS—That is the first thing I said, Senator, in response to your question. I am not aware of those details, but I assume that, under normal practice, that sort of thing would occur.

Senator Abetz—Will you take it on notice then?

Senator CHIRS EVANS—No, I will not. I will see what information is available, Senator, but I was quite upfront with you—those are the sorts of arrangements that are normally made.

Senator HUMPHRIES—Mr President, I ask a supplementary question. Can the minister then confirm that several ministers in this government were contacted by the Ceremonial and Hospitality Branch of PM&C to attend functions arranged for President Yudhoyono on this visit? Indeed, was the minister himself or his office contacted with regard to any functions, including the special cabinet meeting that is reported as having been planned and the address to parliament?

Senator CHIRS EVANS—As I indicated, I am sure that the normal arrangements were being put in place for any planned visit. As I say, those are just normal processes, but it has been made clear that that visit has been delayed. I am not aware of approaches to my office regarding the timing of the visit, but they may well have occurred. I was not aware of any particular invitations. It may be that I was not invited, and that is not uncommon—I tend not to be on the top of the A-list for these social events. If the invitations were made to my office, we would have scheduled those things in, but the key answer is that I am sure normal arrangements were being put in place. The visit has been delayed at the request of the Indonesian President, and I am sure that new arrangements will be put in place when he visits.

Senator HUMPHRIES—The President’s visit made a big impression on you, Minister! Mr President, I ask a further supplementary question. Does the cancellation of this state visit demonstrate the damage to our diplomatic relations with Indonesia caused by the Rudd government’s weakness and incompetent handling of the Oceanic Viking issue?

Senator Abetz—Once again: a one-word answer.

Senator CHIRS EVANS—Senator Abetz keeps asking me to give a one-word answer, so the answer is no. I generally try to be more helpful than that to senators. Clearly the relationship between Australia and Indonesia remains very strong. There is constant contact between the President, SBY, and the Prime Minister. I was speaking to Mr Smith this morning, who has again had contact with
his Indonesian counterpart. He speaks to him frequently. He met him recently, I think, at the APEC meeting. There are very strong relations. I have not yet had the chance to meet the new immigration minister in Indonesia but I hope to do so soon. He is a new minister. There are very strong government-to-government relations. They have not been damaged by this event, and I am sure we will continue to enjoy very positive and strong relations with this very important neighbour.

**Climate Change**

**Senator CAROL BROWN** (2.30 pm)—My question is to Minister Ludwig, the Minister representing the Minister for Health and Ageing. Is the minister aware of the predicted impacts climate change will have on Australia’s health system?

**Senator LUDWIG**—I thank Senator Carol Brown for her question. The Rudd government recognises that climate change poses serious consequences for the nation’s health system and that urgent action must be taken to tackle this issue. This week the Director-General of WHO, Dr Margaret Chan, informed the health minister that the health impacts of climate change globally are key priorities for the agency. Recent reports prepared for the UN Intergovernmental Panel on Climate Change and the Australian Department of Health and Ageing outline a frightening list of potential health risks.

More frequent and intense weather events, including drought, heatwaves, floods and bushfires, are likely to lead to an increase in deaths and morbidity, particularly for dependent, older Australians. In addition to that, you have the increased incidence of extreme natural disasters such as drought, which could also lead to an increase in mental health problems in regional and remote areas. Rates of infectious and vector-borne diseases, such as Ross River virus and dengue fever, and food- and water-borne diseases will also increase as changing weather conditions provide new environments for vectors and hosts. New populations may be put at risk for these diseases due to geographic changes. Ultimately stresses will be placed on our health system caused by internal migration and social disruption. Water scarcity is likely to go up, and availability of fresh fruit and vegetables may decrease. If we want to alleviate the impacts of climate change on the health of all Australians, the time to take action is now. The government is working actively and constructively with the opposition’s spokesperson on this. *(Time expired)*

**Senator CAROL BROWN** (2.32 pm)—Mr President, I ask a supplementary question. Can the minister explain to the Senate how the effects of climate change will have a worse impact on the health of some regions, socioeconomic groups and demographic groups than others?

**Senator LUDWIG**—I thank Senator Carol Brown for her supplementary question. The World Health Organisation has previously indicated that changes in climate conditions can have three kinds of health impacts: (1) direct impacts, such as heatwaves; (2) health consequences, such as changes to ecosystems and biological processes; and (3) health consequences that occur when populations are disrupted or displaced. Health impacts due to climate change will affect some regions, socioeconomic groups and demographic groups more than others. For example—

**Opposition senators interjecting**—

**Senator LUDWIG**—It is a shame those on the other side do not take this seriously. You have older people, who are more susceptible to extremes of temperature, and many rural and remote communities have less capacity than larger settlements to deal with the health impacts of climate change.
Any geographic extensions of mosquito-borne infections—(Time expired)

Senator CAROL BROWN (2.34 pm)—I thank the minister for his answer. Mr President, I ask a further supplementary question. Can the minister inform the Senate how the Australian government is responding to the health challenges and risks associated with climate change, as described by the World Health Organisation, the Australian Medical Association and Doctors of the Environment?

Senator LUDWIG—I thank Senator Carol Brown for her second supplementary question. The government is currently gathering information to better understand the diversity of these health risks, who will be most vulnerable, and the actions governments, individuals and communities can take to mitigate and reduce these risks. The Department of Health and Ageing is working with the health sector to adapt to the challenges posed by climate change. The Australian government cosponsored a major resolution on climate change and health at the World Health Assembly in May 2008. In January this year, the Minister for Climate Change and Water released the government’s national adaptation research plan for human health and climate change. The National Health and Medical Research Council is administering $6 million to support research addressing the health challenges of global climate change. These strategies are among many others—(Time expired)

Asylum Seekers

Senator KROGER (2.36 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Given that there have been four unauthorised boat arrivals in four days, carrying 137 people including crew, will the minister outline the government’s plans to accommodate this influx of unlawful immigrants, keeping in mind that the existing facilities on Christmas Island are operating either at or near full capacity?

Senator CHRIS EVANS—I thank Senator Kroger for her question. Senator Kroger, in accordance with—

Senator Ian Macdonald—Talk to the President; you’ve been here too long.

Senator CHRIS EVANS—Some would say that you have been here too long, Senator Macdonald.

The PRESIDENT—Order! Senator Evans, direct your comments through the chair.

Opposition senators interjecting—

Senator CHRIS EVANS—I will try to get the answer out over the interjections. Senator Kroger and the Senate would be aware that the Rudd Labor government has retained the excision of offshore islands, offshore processing at Christmas Island and mandatory detention of irregular maritime arrivals. Therefore, those persons who have arrived unlawfully in the last few days will be taken to Christmas Island where they will be mandatorily detained.

They will be detained in the detention facilities that the Howard government built in anticipation of this problem, they will be given the normal health, identity and security checks, and they will have any claims for asylum considered. We will be able to accommodate the most recent arrivals in the detention centre on Christmas Island. As I have advised the Senate before, we have also been increasing the capacity on Christmas Island in recent times, and there are plans for further capacity to be built in order to ensure that we have the capability of processing unauthorised arrivals on Christmas Island. They will be taken to Christmas Island, they will be detained, they will go through the normal health, identity and security checks, and they will have any claims for asylum assessed. If they are found to be genuine
refugees, they will be resettled. If they are found not to be genuine refugees, they will be returned to their country of origin.

Senator KROGER—Mr President, I ask a supplementary question. Thank you for that answer, Minister. Given the staggering increase in numbers, is the government considering a tent city expansion of the Christmas Island detention centre as a temporary measure, or is consideration being given to accommodating the overflow on the mainland of Australia?

Senator CHRIS EVANS—As I made clear, we are increasing the capacity on Christmas Island as a response to the increased number of arrivals. We have a range of contingency measures available, including additional accommodation in buildings other than those that have been traditionally used for detention. If absolutely required we have tents available, as used under the previous government. But, as you would be aware, we also have organised for transportable buildings—better known in Western Australia as dongas—to be transported from the Northern Territory to Christmas Island to provide additional capacity. Those will be coming online in the next month or so. So we are providing additional capacity to ensure that we can meet what we need to do on Christmas Island.

Senator KROGER—Mr President, I have a further supplementary question. Given that a boat per day is being apprehended as a result of the Prime Minister’s special deals for those on the Oceanic Viking, will the minister be more specific and clearly outline the government’s time frame for managing and accommodating the increasing number of unauthorised arrivals?

Senator CHRIS EVANS—I thought I had answered that question. Can I just say that we have a range of contingencies on the island to deal with increased numbers, some of which we have already brought online. We also have a range of other contingencies that we can use. Obviously the numbers vary. Some people are returned. I think we have had 119 or so people returned to their country of origin when they were found not to be refugees. Six men were returned to Sri Lanka on the weekend, so they are no longer accommodated on Christmas Island. We also have people resettled—people found to be refugees who come off the island. I would make clear to you that it is our intention to accommodate people on Christmas Island. I have made it clear for months that we have the Northern Immigration Detention Centre in Darwin if required, but we have the capacity and increased capacity on Christmas Island to deal with the current numbers. That is our first preference. We think that these recent arrivals will be accommodated there. (Time expired)

Joint Replacements

Senator XENOPHON (2.41 pm)—My question is to Senator Ludwig, representing the Minister for Health and Ageing, and it relates to artificial joint replacement. In the Australian newspaper on 25 August this year, the Minister for Health and Ageing is reported to have said:

… 99 per cent of patients are provided joints that are less dependable and often more expensive than the most reliable one …

I ask the minister: is it accurate that in Australia the best prosthesis is used in only one per cent of artificial joint replacements?

Senator LUDWIG—I thank Senator Xenophon for his question on joint replacements. What I can add to that is that the government does need to start a conversation in the community about the sustainable use of health funding and the need to control the growth of health expenditure. It will be a critical part of future health reform, and we do not want to use our scarce health dollars
without ensuring that we are using them effectively. We will not be able to improve the health system for the future unless we start to have that conversation.

In terms of joint replacements, the government does not advocate the removal of doctors’ clinical freedom to choose appropriate prostheses for their patients. I think that is critical. It is an important issue for Australians to ensure the quality of the prosthesis that they may be obtaining, and we are confident that doctors, especially orthopaedic surgeons, always use best practice data to improve outcomes for their patients. However, all doctors have a responsibility to use data that is available to guide their clinical choice.

In addition, the National Joint Replacement Registry collects data on all joint replacements undertaken across Australia, and currently 100 per cent of orthopaedic surgeons submit data to the NJRR. The Commonwealth prosthesis list includes about 360 hip and femoral stem components used in primary and revision total hip replacements for which private health insurers must pay benefits. The NJRR report indicated that this stem is used in only about one per cent of hip replacement surgeries.

Senator XENOPHON—Mr President, I ask a supplementary question. The National Joint Replacement Registry was established in 1998 and earlier this year a levy was introduced to support its work. Does this registry record how many of the new joint replacements approved in the last four years have performed better in relation to rates of revision than the products previously available? If so, how many joints were approved and what proportion performed better?

Senator LUDWIG—I will add what I can to that, and any part I do not quite cover in this response I will have to take on notice for the Minister for Health and Ageing to add to. Information I have is that the NJRR data indicates that the reliability of prostheses varies and, according to the NJRR 2008 annual report, there is wide-ranging variation in revision rates for hip femoral stems. According to the NJRR’s 2008 annual report, the hip femoral stem with the lowest revision rate has over 1,000 observed component years. However, the NJRR report indicates that this stem is only used in about one per cent of hip replacement surgeries. According to the NJRR report, the next lowest revision rate for a femoral stem is three to four times higher. What the report also tells us is that these femoral stems can cost somewhere in the order of $2,100 on the prostheses list, while others can be up to $7,000. This does not mean that other prostheses— (Time expired)

Senator XENOPHON—Mr President, I ask a further supplementary question. Can the minister inform the Senate how many of these new joint replacements underwent at least two years of clinical trialling prior to being approved for use in Australia?

Senator LUDWIG—in respect of clinical trials of particular prostheses, it is important to look at the data which has been provided by the NJRR. It does not mean that prostheses which are used are wrong or not suitable for particular patients. There may be clinical reasons for using other devices, but it is not clear why the best-performing stem is used so infrequently. What I can add is that about 30 per cent of patients are provided with prostheses which are markedly less dependable than the most reliable ones identified by the NJRR, many of which are more expensive than the most reliable one. In relation to that part of the question about whether or not there have been trials, I will seek the advice of the Minister for Health and Ageing and see if we can provide further particulars.
Asylum Seekers

Senator RYAN (2.46 pm)—My question is to Senator Evans, the Minister representing the Prime Minister. I refer to the Prime Minister’s claim that he was unaware of the special deal given to the asylum seekers on the Oceanic Viking, despite the fact that members of his personal staff were present at the cabinet subcommittee meeting at which the special deal was authorised. Were the Prime Minister’s staff participating in that meeting on behalf of the Prime Minister or were they present in their own right as members of his staff?

Senator CHRIS EVANS—I will deal with the premise of the question first. There is no special deal involved in this matter. There was a negotiation between the government of Australia and the government of Indonesia.

Opposition senators interjecting—

Senator CHRIS EVANS—If you actually listen, you will follow it. There was agreement between the Australian government and the Indonesian government on how those who disembarked from the Oceanic Viking would be handled. That arrangement was codified, it was shown to those on board the vessel and, as you know, it was made publicly available, with the Prime Minister tabling it in the parliament.

With reference to the specific question, the management of these events has been with the border protection committee of cabinet, which is chaired by me. There have been meetings of that committee and there have been meetings involving the lead ministers and staff in managing these matters. The meetings have obviously been frequent and that group was responsible for finalising the details of the arrangements to be put in place. There were, at various times, staff from the Prime Minister’s office at meetings of the border protection committee and with ministers as we finalised those details, but principally the lead was provided by me and my department on immigration processes and by the Minister for Foreign Affairs, Mr Smith, in relation to negotiations with the Indonesian government about arrangements in Indonesia. So we have processed the Australian government’s response in that way and that is continuing at the moment. (Time expired)

Senator RYAN—Mr President, I ask a supplementary question. I refer to the Code of Conduct for Ministerial Staff and, in particular, section 12, which states that ministerial staff must:

Recognise that executive decisions are the preserve of Ministers and public servants and not ministerial staff acting in their own right.

Will the minister explain to the Senate the exact role and level of involvement of the Prime Minister’s staff at the cabinet committee meeting and in subsequent developments?

Senator CHRIS EVANS—I am not sure what any of this has to do with the Code of Conduct for Ministerial Staff.

Senator Abetz—He just quoted it.

Senator CHRIS EVANS—I know he quoted it, Senator Abetz. If you want to ask a question, get up, but in the meantime I would like to answer the question.

Opposition senators interjecting—

The PRESIDENT—Continue to answer the question. Ignore the interjections.

Senator CHRIS EVANS—I do not understand the relevance of the reference to the Code of Conduct for Ministerial Staff. I reiterate what I just told him, which is that the border protection committee had responsibility for these matters and that the senior ministers involved have been managing the issues. Mr Smith, Mr O’Connor, the Minister for Home Affairs, and I have been the lead ministers because we have had an active in-
terest in the matter—the relationship with the Indonesian government, the immigration processes and, for Mr O’Connor, the Oceanic Viking, because it is part of the customs and border protection portfolio. The responsibility inside government lies with the border protection committee which I chair. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Wait a moment, Senator Ryan. You are entitled to be heard in silence.

Senator RYAN—Mr President, I ask a further supplementary question. I note, in the preface to this question, that it was the Prime Minister himself who corrected the record about the involvement of staff in this process. Given that our micromanaging Prime Minister apparently does not know what his personal staff are doing on an issue of such national significance, can the minister tell the Senate what obligations ministerial staff have to bring their own activities to the attention of their ministers? In particular, has any member of the Prime Minister’s staff being counselled in relation to their failure to tell the Prime Minister about their involvement in developing this special deal as other members of his staff and, indeed, members on that side of the House, have been counselled in the past?

Senator CHRIS EVANS—I think the senator has got a bit confused. What I have made clear is that responsibility for these matters lies with the ministers who serve on the Border Protection Committee and the relevant ministers. I made it clear to him that the ministers take responsibility through the Border Protection Committee. Mr Smith, Mr O’Connor and I are the ones directly involved. The decisions and the authorisations have been taken by us, not by staff. The responsibility of staff does not come into it. We have taken responsibility for those decisions through the Border Protection Committee of cabinet and through meetings of the ministers on a day-to-day basis dealing with the issues of old. We take responsibility for and have authorised the actions of the Australian government in relation to these matters.

Defence

Senator HUTCHINS (2.52 pm)—My question is to Senator Faulkner, Minister for Defence. Is the minister aware of media reports that the government is not going to proceed with defence base consolidation? Can the minister outline issues raised in the defence budget audit report, otherwise known as the Pappas report, and the approach the government is going to take in this important process?

Senator FAULKNER—I thank Senator Hutchins for his question. Yesterday, I did release the Pappas report, which is now on the defence website. I acknowledge that the report was the subject of an FOI request, but I did think it was important to release the report in the interests of transparency and accountability. I commend the report to senators. It is a comprehensive analysis of defence expenditure and possible reforms and savings. The report has informed the Defence Strategic Reform Program to save $20 billion over the next decade. Mr Pappas now chairs the Defence Strategic Reform Advisory Board, which will oversee the implementation of the reform program.

Governments of both political persuasions have in the past examined the possibility of consolidating the defence estate. This is not new. On 11 August 2007, in a doorstop interview, the then defence minister and later Leader of the Opposition, Brendan Nelson, stated:

What we’re—

the Howard government—

trying to do is to rationalise the number of bases we’ve got. We want larger bases; we want to
make sure they’re close to the employment and job opportunities for families and partners.

Defence property consolidation has to get the balance right—the right balance in all issues involved: strategic and economic and the social impact on service families and communities. I do hope that both sides of the chamber acknowledge the critical importance of getting those balances correct.

Senator HUTCHINS—Mr President, I ask a supplementary question. Can the minister inform the Senate—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Hutchins, continue.

Senator HUTCHINS—I will start again, Mr President.

The PRESIDENT—No, just continue, Senator Hutchins. You have 45 seconds remaining to ask a supplementary question.

Senator HUTCHINS—Can the minister inform the Senate what recent efforts have been taken to rationalise the defence estate as, for example, outlined in the 1997 Defence Efficiency Review and the 2003 force disposition review? What consolidation has been undertaken by the previous government and the current government?

Senator FAULKNER—Between 1996 and 2007, the previous government sold some 290 properties. They earmarked for disposal or sale facilities such as RAN ammunition depot, Somerton; North Head Barracks; Jezzine Barracks, Townsville; Kelvin Grove training facility; and Torrens training depot—plus a raft of other properties. The closure of RAAF Glenbrook was a decision of the previous government and it will be closed next year. The Rudd government has disposed of a further 12 properties since 2007, and I can say that four properties are expected to be listed on the market early next year. The Pappas report has recommended further savings through the ‘super base’ model, and the government understands that there are wider strategic and social ramifications to be considered. (Time expired)

Senator HUTCHINS—Mr President, I ask a second supplementary question, and I would like the minister to continue answering my first if he would not mind. My second supplementary question is this: can the minister inform the Senate how defence will proceed with a broader approach to proposed defence base consolidation?

Opposition senators interjecting—

The PRESIDENT—Order! Continue, Senator Hutchins.

Senator HUTCHINS—I am trying to, Mr President. Can the minister give a guarantee to the Senate that the community’s views will be taken into account in this review?

Senator Ferguson—Mr President, I raise a point of order. Senator Hutchins is obviously unwell, and I am wondering whether or not you should give him the opportunity to leave the room to check his health.

The PRESIDENT—That is not a point of order.

Senator HUTCHINS—I am all right.

Senator Colbeck—What an amazing recovery!

Senator Mason—It’s a miracle.

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

Senator FAULKNER—I would say to the Senate that this is an important issue. The Pappas report has recommended further savings through the super base model, but the government understands that there are wider strategic and social ramifications to be considered. The defence audit focused mainly on financial savings and it did not fully examine these broader issues. In my view, it would be
irresponsible for the government to agree to base rationalisation without a more comprehensive examination of both national strategic requirements and community considerations. I can say that the government has not made any decisions on base consolidation and has not accepted the recommendations of the Pappas report on that issue. **(Time expired)**

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

**MR MIKE KAISER**

Return to Order

**Senator MINCHIN** (South Australia) (3.01 pm)—I seek leave to ask Senator Ludwig a question.

Leave granted.

**Senator MINCHIN**—I ask Senator Ludwig, representing the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, if he could inform the Senate when the government intends to comply with the Senate’s order for the production of a document setting out the circumstances surrounding the appointment of Mr Mike Kaiser as an executive of NBN Co., a production which was due by 10 am today.

**Senator LUDWIG** (Queensland—Special Minister of State and Cabinet Secretary) (3.02 pm)—I am advised that this request is being finalised and that the government will comply with the Senate order this afternoon.

**QUESTIONS WITHOUT NOTICE:**

**ADDITIONAL ANSWERS**

**Defence**

**Senator FAULKNER** (New South Wales—Minister for Defence) (3.02 pm)—I want to give some additional information to Senator Hutchins, who did ask me in the supplementary question, which appeared to amuse some in the chamber, whether the minister could give a guarantee to the Senate that community views on the issue that I was canvassing be taken into account. I did not want to leave that issue hanging, so I will provide a little further information for full and total clarity on this issue.

I did mention that the government had not made any decisions on base consolidation and had not accepted the recommendations of the Pappas report on this issue. I should add that a comprehensive departmental review, including a strategic assessment of defence’s basing requirements and a detailed financial analysis of long-term costs and efficiency gains of different basing mixes, will develop options for changes to the defence estate over a 25- to 30-year period. That will take 12 to 18 months. An independent commission will then be appointed to consider Defence’s recommendations, and I can guarantee that substantial public consultation will be undertaken by the commission before reporting back to government.

I would say to all senators that consultation and full transparency are critical in this process. These decisions, if they are made, do affect communities but they also of course affect, as you would be aware, Mr President, our strategic outlook. I do commend this approach to senators on all sides of the chamber. These are necessarily difficult decisions and they should never be taken lightly.

**Green Building Council of Australia**

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (3.04 pm)—I wish to provide additional information concerning a question that Senator Bob Brown asked of me yesterday involving the Minister for Agriculture, Fisheries and Forestry. I seek leave to incorporate the answer in *Hansard* for Senator Brown’s benefit.

Leave granted.
The answer read as follows—

The Primary Industries Ministerial Council did not call on the Green Building Council of Australia to lower its standard. The Primary Industries Ministerial Council called on the Green Building Council to accredit the internationally recognised forest certification scheme, the Australian Forest Certification Scheme.

I have not had talks on this matter with the Minister for Agriculture, Fisheries and Forestry.

The minister has not had discussions about lowering or corrupting the standards set by the Green Building Council of Australia. The minister for Agriculture, Fisheries and Forestry discussed the issue of the Green Building Council of Australia’s recognition of forest certification schemes operational in Australia at the Primary Industries Ministerial Council (PIMC) 16th meeting on 6 November 2009 in Perth. The PIMC meeting communiqué states—

“Forest Certification — Wood Product Market Access
Council supported Victoria’s policy principle that government procurement policies, guides and tools, and recognition of third party forest certification, should align with and be consistent with each government’s sustainable forest management policies. It also agreed that governments should not adopt, endorse or fund policies or guides that are inconsistent with their own sustainable forest management policies. It called on the Green Building Council of Australia to accredit the Australian Forest Certification Scheme as a Forest Management Scheme for Green Star Certification.”

QUESTION TIME

Senator ABETZ (Tasmania—Deputy Leader of the Opposition in the Senate) (3.05 pm)—Mr Deputy President, I have a question to raise with you. It is a matter of regret that the President has left the chair because I was hoping to raise this matter with him. There is no doubt that Senator Hutchins was unusually slow—some would say unnaturally slow—in asking his questions, which were—

Senator Feeney—Lies, lies.

The DEPUTY PRESIDENT—Senator Feeney, I ask you to withdraw.

Senator Feeney—I withdraw.

Senator ABETZ—I think in any observer’s mind, simply designed to wind down the clock and deny the opposition a further question. If order within the Senate is to be maintained, those sorts of tactics do need to be dealt with and dealt with very expeditiously by the chair. I therefore simply draw that to your attention and seek that the President come back with a ruling as to that sort of behaviour.

Senator FAULKNER (New South Wales—Minister for Defence) (3.06 pm)—Mr Deputy President, I listened carefully to Senator Abetz’s question. I think you, Mr Deputy President, Senator Abetz and other senators in the chamber would be aware that I rarely receive, and never ask for, questions from government senators to me during question time. I think the record stands very clear on this. In this case, Senator Hutchins, I know, had a close interest in this particular matter.

From my own perspective, I have to say that I wanted to add to my answer after question time because I did not have an opportunity to provide all the information that I think it was necessary to provide due to the time available and interruptions and the like. Normally I would not worry, but when a senator is asked in a question to provide a guarantee and does not have time to provide the guarantee, there is always a risk that these things might be misinterpreted.

However, in speaking to Senator Abetz’s point, I am making absolutely clear that there was no request from me that this issue be slowed. I have no interest at all in curtailing question time. In fact, I do know that senators and Procedure Committee members are looking at the issue of how we might be able
to curtail supplementaries by Senate processes—perhaps by sessional orders and perhaps even by standing orders. I know that is a matter that is currently being considered by senators around the chamber. If there is an insinuation—and I am not suggesting that there was—that there was any request from me or a member of the executive, I can assure you, Senator Abetz, that it would be wrong. If you want to ask me any number of questions, please feel free.

Senator MINCHIN (South Australia) (3.08 pm)—I am sure Senator Abetz was by no means insinuating any inference against Senator Faulkner whatsoever. I am sure Senator Faulkner did not take it that way and certainly Senator Abetz did not mean it that way. But I think it was obvious to all on this side that Senator Hutchins was speaking in an extraordinarily slow and delayed fashion, which is not the normal way that he asks a question. I do think that, if this place is to operate effectively, we have to operate on normal procedures and people must ask their questions normally, not prolong them in such a fashion as to ensure that the opposition is denied a question. I do not think that goes to the good running of the Senate and I would ask the government to consider that matter in the future conduct of question time.

The DEPUTY PRESIDENT—I will discuss the issue with the President. I think those who are watching or listening to the broadcast will make their own judgments as to what took place. I do not believe that there was any breach of standing orders because we already have time limits on the asking of questions, and how senators choose to speak is not something that is covered in standing orders. I think it is a matter we will reflect on and I will certainly discuss it with the President.

Senator ABETZ (Tasmania) (3.09 pm)—There was no aspersion at all, in relation to my point, on Senator Faulkner, but might I say there absolutely was on Senator Hutchins. His is the behaviour that we on this side are complaining about.

Senator FAULKNER (New South Wales—Minister for Defence) (3.10 pm)—On that point, it is not appropriate for you to cast aspersions on Senator Hutchins, as you know, Senator Abetz. You may be critical of Senator Hutchins or any other senator in the chamber, but it is actually out of order to cast aspersions in that way on a senator.

The DEPUTY PRESIDENT—Order! There is no point of order. I would like to move on.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Asylum Seekers

Senator FIERRAVANTI-WELLS (New South Wales) (3.10 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked today, relating to asylum seekers.

I commence my comments by looking at today’s article in the Australian. I do not normally quote Paul Kelly, but if Paul Kelly is saying that ‘Rudd is treating us like mugs’, maybe it is time that the Prime Minister really did take note. Mr Kelly says:

There is an emerging credibility gap in the Rudd government’s navigation of contentious policy issues, a compulsion that denies the obvious and rests on the apparent assumption that Australians are mugs.

Does the Prime Minister think that the Australian public cannot see through all of this spin? I will quote another section from Mr Kelly’s article:

He seems to think almost any line can be spun and will be believed, even when it is nonsense.

Of course, it is sheer nonsense when this government says that a deal which looks like
a special deal, sounds like a special deal and is precisely a special deal, is actually not a special deal. Are you taking the Australian public for fools? You are really taking them for a ride. Admit that this is a special deal.

In my many years of involvement in immigration matters, I have to say that I have never seen anything quite like this. The Minister for Immigration and Citizenship is not here, and it is interesting that the minister has not been present in any of the motions to take note or answers or any of the MPIs that we have had in relation to this very important border protection issue. He has not been here to answer to this Senate and to the Australian public for his conduct. One only has to look at the department of immigration’s figures to see that in 2007-08 89 refugees processed by the UNHCR in Indonesia were resettled in Australia. In 2008-09, 35 were resettled—hardly large numbers. Indeed, the minister recently told us at the FECCA conference that around 1,300 people had been resettled to third countries from Indonesia since 2001, with Australia taking about a third of those refugees. So in about eight years we have taken about 430 people from Indonesia and resettled them here.

Those people have been sitting in Indonesia for years and years. The processes that they have gone through have been slow and painstaking, but the people on the Oceanic Viking were given a codified letter, as the minister tells us. The codified letter, the bribe that they were offered because the Prime Minister was so desperate for them to get off this ship, is nowhere near what any other person who has been sitting in Indonesia will ever be offered. Indeed, how can the government possibly still persist in treating the Australian public with utter contempt by denying that this was a special deal to bribe the asylum seekers off that boat?

Then we have this situation where the Prime Minister now says, ‘Of course, I didn’t know anything about this.’ For goodness sake, this is a Prime Minister—and I am not going to criticise workaholics—who is really into the detail. Do not tell me that he did not know! Now he says that it was his staff who negotiated. It was interesting to hear the minister’s answer—or non-answer!—to Senator Ryan in relation to this very question, because the minister failed to answer the question about the Prime Minister’s staff’s involvement in this deal. That is the answer that the Australian public need to know.

Senator FEENEY (Victoria) (3.15 pm)—This afternoon I rise to take note of the same answers to questions as the previous speaker. As has been pointed out time and time again, this is a debate that the Liberal Party returns to in the Senate because there are so many other important debates where it is completely unable to make a contribution. When one looks at issues like the NBN, the economy, the stimulus package, the global financial crisis and action on climate change, we can see that the Liberal Party has completely vacated the field. So, notwithstanding the fact that these are the debates that are dominating public life and our newspapers and televisions, they remain debates that the Liberal Party shies away from in the Senate—and for good reason: it has no policy and its viewpoint has no traction with the Australian people.

The interesting thing about the debate on border protection is that, while the Liberal Party finds itself agreeing on using the language of hysteria and on signalling to the Australian public messages of xenophobia and a fear of immigrants, it nonetheless remains consistent: the Liberal Party has no policy to offer in this sphere either. No-one on that side of politics has yet suggested that TPVs should be restored and no-one on that side of politics can deny that the changes
made by this government to our immigration regime were supported and voted for by them; but the latest fear-mongering goes to this proposition about special deals, and in particular the proposition that we have been ransomed. To use the emotive language, the vessel was held to ransom, the government engaged in bribery to get these people off the vessel and these people are queuejumpers. This is the language of emotion and fear but it does not cut the mustard when one looks for facts.

The fact of the matter is that there is no special deal. The fact of the matter is that Australia has done the proper thing and responded to a request from an ally—a friend, a neighbour and an ally—to rescue a vessel in distress, which was in international waters and in the Indonesian zone for rescue. After accomplishing that deed—which no-one on the other side says we should not have done—those people were taken back to an Indonesian port. The government, when we found the occupants of this vessel making demands upon us, were patient. We did not give in. We did not relent in the face of those demands. We were patient, and we reached an accommodation—not with the occupants of that vessel but with the Indonesian government.

When it comes to special deals with the Indonesian government the opposition are experts. They have a long and proud history of it. I would like to quote Alexander Downer, who appeared on an ABC’s Radio National program on the 13th of this month. He said, in his relaxed, calm, post-retirement timbre of voice:

The other thing we did, which we did more sotto voce, was to tow the boats. I must say this is not something that has generated much publicity recently in Australia. We used to get the Navy not to guide the boats into the Australian shoreline. What we did was we got the Navy to tow the boats back to the Indonesian territorial waters, left the boats with enough fuel, food and so on to get to a port in Indonesia, guided them where to go, and then left them. Obviously monitored them to make sure the boat was safe but disappeared over the horizon. And this worked very effectively. But we did this without any publicity. We didn’t run around boasting that we were doing this because we knew the Indonesians accepted these people back through gritted teeth.

Those opposite have a long and ignoble tradition in dealing with immigration in this country. But the critical points remain. We have not reached a secret or special deal with these people; rather, we have reached an agreement with the Indonesians about how they are to be processed—in a manner that is consistent with Australian custom and practice and consistent with our treaty obligations. These people are going to receive post-settlement terms which are completely mundane and completely typical of the services that other refugees receive. Notwithstanding the hysterical language of those opposite, they did vote for these changes. (Time expired)

Senator KROGER (Victoria) (3.21 pm)—I also rise to take note of answers given by Senator Evans, but firstly I would be negligent if I did not respond to a couple of the comments that have just been made by Senator Feeney on the other side. I would firstly like to point out to Senator Feeney that our history of appropriate, humane and definitive border protection has seen this country governed well. Under the former Howard government we did not have a collapse of public policy and we actually looked after those who sought to come to this country through proper, lawful immigration processes.

Senator Feeney has said in this chamber that the government has an approach of process and order for border protection. All I can say to Senator Feeney in response to that is, ‘Heaven help us if this is process and or-
der when we watch the news every night and see people on boats who cannot get off, who are seeking a life elsewhere! What a terrible reflection on this government and its public policy.

The immigration detention centre on Christmas Island is a place that was described by those on the other side of this chamber as a white elephant. Can I suggest that it is better described these days as an overcrowded Noah’s Ark. It is not people trying to get on Christmas Island two by two but rather more boats that are arriving and seeking refuge. The detention centre on Christmas Island was designed and purpose-built to accommodate 800 people, but it is now overflowing with over 1,000 people. We heard from Senator Evans earlier on in question time about how they are making arrangements—which he was not too clear-cut about—as to how they are to accommodate further arrivals. Given that in the last four days we have seen four boats—not just one but four boats—arrive, Senator Evans had better hurry up a bit and make provisions because, as we all know, the extension that they are planning for Christmas Island has not even seen the first sod turned. I would ask Senator Evans to be a little more expedient and look at the actual policy to determine whether or not their process is working, because I would suggest that it is not.

What I find absolutely gobsmacking is that the government think that the Australian public are so gullible as to wear this hogwash that they are hearing. Given the number of displaced people seeking asylum in Australia since the changed policy, where are future refugees to be housed? We have just had a concession from the senator that they will actually consider the northern detention centre in Darwin. If this is the case and this is the future policy intent of this government, then I suggest that it is yet another open invitation to people-smugglers—who, let us face it, make a very good dollar. Selling places on these boats is a financially rewarding business for people-smugglers. All this is doing is rolling out another red carpet to them so that they can say to those who are in stricken circumstances that there is an opportunity for them to reach the mainland of Australia. We have heard that there were special deals done for those on the Oceanic Viking. The government must swallow their pride on this one, relook at the policy that they have advertised far and wide, and consider a humane approach. *(Time expired)*

**Senator McEWEN** (South Australia) (3.26 pm)—This is the third day in a row that we have had the opposition using question time and taking note of answers debates to demonise people who are asylum seekers and who may or may not be found to be refugees. It is extremely disappointing that instead of using the opportunity that they have to question ministers of the government about issues of genuine importance to Australians—for example, health, education or even, God forbid, climate change—they continue on their unsavoury path of whipping up fear and loathing by again using the emotive and loaded terminology that we just heard. Senator Kroger used words like ‘queue-jumper’, ‘rolling out the red carpet treatment’, ‘special deals’, ‘bribes’, ‘ransom’ and ‘being held to hostage’. We have had weeks of this. Instead of constructively engaging in the debate about how Australia and indeed the rest of the world can respond to the global problem of 42 million displaced persons and 15.2 million refugees, the opposition attempt to use the tragedy of global movement of people and those people who prey upon them, people-smugglers, to disguise their own lack of any semblance of compassionate and coherent policy in this area and lack of agreement within their caucus on important matters that the Senate should be debating—for example, climate
change. Instead of constructive debate and alternative, sensible proposals about the global problem of displaced persons, we continue to get hysteria, fearmongering and a failure to acknowledge the many facts around this issue.

Here are some of those facts. People movement in our region is not a new phenomenon. There have probably, arguably, always been boat arrivals in Australia from our near neighbours. We know that there have always been surges in boat arrivals, since at least the 1970s, when we first had boat arrivals from Vietnam. Subsequently there have been boat arrivals from China, Cambodia, Iraq and Iran. What are the characteristics of those countries that would have led to a surge in people attempting to flee those countries by boat and seek safe haven? All of those countries at the time were characterised by conflicts, persecution of certain groups of people and increased insecurity for the inhabitants of those countries. They are the classic factors that see people in many countries attempt to find safe haven and a secure future in an alternative country. They are what we call the push factors. Just as in the past, today it is the push factors that cause people to take the fraught step of fleeing their own country and sometimes engaging a people-smuggler to help them find safe haven. The current surge of boat people, as we know, is from both Sri Lanka and Afghanistan—both extremely troubled countries with large numbers of displaced persons.

The fact is that there always have been persons seeking asylum in other countries and there always will be. The important thing for a country to do—countries like Australia, which, I acknowledge, is a target for people seeking asylum—is to treat those people compassionately and, as the Prime Minister has said, in a way that is tough but humane. That is exactly what we have been doing in this situation not just with the Oceanic Viking but with all the other boat arrivals we have seen attempt to come to Australia in recent times. The coalition’s only response is to demonise those persons and make a half-hearted attempt to bring back the dreaded temporary protection visas, which were a mechanism of the former Howard government and which, as anybody who has dealt with refugee groups knows, were a complete failure.

Senator SCULLION (Northern Territory) (3.31 pm)—What a relief that we have had sufficient from the other side on this. Apparently we are demonising asylum seekers. We are somehow offending asylum seekers with those dreadful words ‘special deal’ and those dreadful words ‘queuejumpers’. I can just see them cringing in the queues! That was probably one of the weakest contributions I have seen from those on the other side. I have seen some pretty feeble presentations in this place but today’s has to be an absolutely Olympic stand-out. We on this side, on the other hand, are representing the Australian people. It is quite clear there are two questions in this regard. The first one is: have 78 asylum seekers from the Oceanic Viking received some special deal or special treatment?

Senator McEwen—No.

Senator SCULLION—The second question is: how will this affect the pull factors that have been created by the Rudd government’s policies? Those are the two fundamental questions that the people of Australia are looking at. Of course, there has been a complete denial from the other side regarding the special treatment. But I note that on 16 November a letter was sent out, with the signature of the Secretary of the Department of Immigration and Citizenship, containing a number of dot points that were obviously intended to ensure that this was absolutely
consistent. Dot point 5 is interesting. It states:
The group is being treated in a manner consistent with that afforded to any other asylum seeker or refugee in Indonesia.
Well, the only part of that that is accurate is that they will be assessed under exactly the same processes. So their assessment processes—the circumstances in the countries they came from and whether they were being persecuted—are of course exactly the same. I think it would be absolutely obvious, certainly to every Australian, that there is a differential between every other refugee in the world at the moment and those who were offered a special deal. In fact, the special deal was set out in a Department of Immigration and Citizenship letter. It says, ‘Here is a special deal,’ and it is titled ‘Message to the 78 passengers on the Oceanic Viking’. Well, I will tell you what: nobody else in Indonesia got one of those! And of course the special deal you get is identified in this letter. It spells it out. Here is the special deal, and no-one else gets this apart from 78 of you. All 78 will get: a daily visit from an Australian immigration officer—no-one else will; assistance from Australian officials to register with the UNHCR—no-one else will; and 12 weeks from registration to resettlement—no-one else will.

It is interesting to look at what people quite close to the issue are saying. In an article in the Sydney Morning Herald, Ben Doherty—and there were sources within the detention facility, and it has also been widely reported in the press in Indonesia—stated:
The 22 Sri Lankan asylum seekers who left the Australian customs vessel Oceanic Viking and are being held in Indonesian detention are being kept separate from other detainees out of fear they will be targeted because they are receiving—a special deal! Everybody else in the world knows it is a special deal. ‘Denial’ is not a river in North Africa. The people opposite need to start getting with the program and start getting onto the truth, because they have been exposed. There is absolutely no doubt about it that these individuals have had special treatment in this special offer.

How will this affect the pull factors? You can imagine now that they are saying: ‘We need to do the brochure up every week. We just sent a boatload over. Tragedy happened—the boat sinks or is in a lot of trouble. It is rescued by the Australian authorities. Maybe this is a dud and they will not be happy with our product.’ But, no, there is a guarantee, mate, from Mr Rudd; it is a guarantee that says, ‘To all 78 persons who have slipped out of the people-smugglers cooperative arrangements shown in the brochure, we will guarantee you something that you cannot get anywhere else.’ They must be delighted, because once again the Australian Prime Minister has sent a message to those people who are responsible for the transportation of those people who most need a bit of sympathy and most need a bit of compassion—

Senator Fisher—Come on down!

Senator SCULLION—Yes, come on down. Do you know what he said to the people-smugglers once again? ‘You are going to be the people who make the choice about who comes to this country and the circumstances under which they come.’ And if you do not have 15 thousand bucks for every man, woman and child in your family or whoever you want to bring then you are not going to come to this country. I can tell you that those opposite—who are sitting in a denial phase behind this pathetic policy and behind this pathetic statement about their not having got a decent deal—have not conned me, have not conned this place and have not conned the citizens of Australia.

Question agreed to.
NOTICES

Presentation

Senators Xenophon, Bob Brown and Joyce to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to provide for the accurate labelling of palm oil in food, and for related purposes. Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2009.

Senator Humphries to move on the next day of sitting:

That the Senate—

(a) recognises the service of those Australians who were employed as field constabulary officers (Kiaps) in the Royal Papua and New Guinea Constabulary between 1949 and 1974;

(b) acknowledges the hazardous and difficult conditions that were experienced by the members serving with the Royal Papua and New Guinea Constabulary;

(c) notes that former members of the regular constabulary of the Royal Papua and New Guinea Constabulary may be entitled to long service and good conduct medals, such as the National Medal, subject to meeting eligibility criteria;

(d) supports moves to allow former members of the field constabulary to count their service towards the National Medal;

(e) notes that qualifying service to meet the eligibility criteria for the National Medal must include at least one day of service on or after the medal’s creation on 14 February 1975;

(f) expresses concern that many former Kiaps may not meet the eligibility criteria for the National Medal, as eligible Kiap service ceased on 30 November 1973;

(g) recognises that the Trust Territory of New Guinea, under the terms of the Papua New Guinea Act 1949 and the Trusteeship Agreement for the Territory of New Guinea, held sovereignty unto itself and as such, was at law an international country (and foreign to Australia);

(h) recognises that the Governor-General’s assent of the Papua New Guinea Act 1949 and the signing of the Trusteeship Agreement for New Guinea by the Australian Government, prescribed service activity whereby the service was carried out by members of the Australian Police Force and the service was undertaken as part of an international operation; and

(i) calls on the Australian Government to change the eligibility criteria applying to the Police Overseas Service Medal so as not to prevent the award of the medal to those:

(i) Australian public servants who were employed through the Australian Government and served in the Australian administered United Nations Trust Territory of New Guinea between 1949 and 1974, and

(ii) individuals serving in Papua New Guinea as sworn and armed Commissioned Officers of the Royal Papua and New Guinea Constabulary (at the time an Australian External Territorial Police Force).

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

That the Senate—

(a) notes that the 20th anniversary of the signing of the Convention on the Rights of the Child (the convention), which was adopted by the United Nations General Assembly in 1989, will be celebrated worldwide on 20 November 2009;

(b) applauds the significant improvements in the status of children globally that have been achieved over these 20 years, including:

(i) the decrease in child mortality rates such that the number of children dying before their 5th birthday is now the lowest in recorded history,

(ii) the increased awareness of, and improved protections for, children in conflict situations, and
(iii) the strengthened drive for, and provision of universal education for, both boys and girls; and

(c) recognises the continued importance of the convention and its aims, as well as their complementarity to the Millennium Development Goals, in particular those goals to:

(i) eradicate extreme poverty and hunger,
(ii) achieve universal primary education,
(iii) promote gender equality and empower women, and
(iv) reduce child mortality.

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

That the Senate—

(a) notes that:

(i) according to Human Rights Watch, three Iranian men have been sentenced to death, under charges of ‘male homosexual conduct’ allegedly committed when they were under the age of 18,

(ii) Iran leads the world in executing juvenile offenders, with at least seven in 2008, and at least three so far in 2009, and

(iii) in February 2009, the United Nations General Assembly called on Iran, as signatories to both the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights that prohibits the imposition of the death penalty for crimes committed before the age of 18, immediately to suspend executions of all persons for offences committed by children under 18; and

(b) calls on the Australian Government to add its voice to international calls for Iran immediately to abolish the death penalty of persons who were under age 18 at the time of their offence and halt all executions of those sentenced to death.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Senate disallowed the massive reduction in MBS cataract surgery rebates pursued by the Rudd Labor Government, with the objective to have the MBS rebates for cataract surgery maintained at the ‘2008 Regulations’ level,

(ii) the Minister for Health and Ageing justified the massive 50 per cent cut to Medicare rebates for cataract surgery by arguing that the procedure was now ‘quicker and easier’ to perform and now took only about 15 minutes instead of the 45 minutes when the procedure was first introduced,

(iii) the Minister for Health and Ageing never provided any Australian data to substantiate those assertions, while an AMA survey of 334 ophthalmologists indicated that about 70 per cent of ophthalmologists took between 25 and 40 minutes to perform cataract surgery,

(iv) that it is further understood that the procedure band for cataract surgery has not been altered on the National Procedure Banding List, indicating no significant cost/time changes have occurred, and further

(v) the Minister for Health and Ageing has so far failed to acknowledge that MBS rebates for cataract surgery:

(A) have been reduced twice before since they were first introduced, by 30 per cent in 1987 and by 10 per cent in 1996, and

(b) have been indexed by about 2 per cent per annum since 1996, below CPI and below AWE, to take account of productivity improvements;

(vi) the Minister for Health and Ageing or her department appear to have made some belated efforts to collect data to identify the average length of time taken to perform cataract surgery; and

(b) orders that there be laid on the table by 12 pm on Friday, 20 November 2009:
(i) any information the Minister for Health and Ageing, her office or the department has received, compiled or commissioned on cataract surgery times in Australia since the Senate successfully disallowed the reduced rebates for cataract surgery on 28 October 2009, and

(ii) any information held by the Government in relation to procedure bands for cataract surgery on the National Procedure Banding List since its inception, including the cataract surgery related procedure band information on the most recently updated National Procedure Banding List.

Senator Ludwig to move on the next day of sitting:

That, on Thursday, 19 November 2009:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to adjournment;

(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;

(c) the routine of business from 12.45 pm till not later than 2 pm shall be government business only, and from not later than 4.45 pm shall be the government business order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills—second reading speeches only;

(d) the routine of business from 3.30 pm till not later than 4.30 pm shall be valedictory statements;

(e) divisions may take place after 4.30 pm;

(f) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister; and

(g) if the Senate is sitting at midnight, the sitting of the Senate be suspended till 9.30 am on Friday, 20 November 2009.

Senator Ludwig to move on the next day of sitting:

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

Appropriation (Water Entitlements and Home Insulation) Bill 2009-2010
Appropriation (Water Entitlements) Bill 2009-2010.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR PASSAGE IN THE 2009 SPRING SITTINGS

APPROPRIATION (WATER ENTITLEMENTS AND HOME INSULATION) BILL 2009-2010
APPROPRIATION (WATER ENTITLEMENTS) BILL 2009-2010

Purpose of the Bills
To allow urgent payments for the installation of home insulation and for water entitlements for the environment in the Murray-Darling Basin.

The opportunity to install ceiling insulation in homes has been widely embraced by the Australian community. The take-up rate has been substantial and is currently running well above demand. More than 500,000 Australian households have already installed ceiling insulation putting them on the path to reductions in their heating and cooling costs of up to 40 per cent. Further appropriations are required to enable payments to meet the current offers and demand in the Home Insulation program. Existing appropriations are expected to be exhausted in January 2009.

A 2008-09 tender process to purchase water entitlements in the Murray-Darling Basin has been highly successful, with many more conforming offers than can be purchased within the current allocated budget in 2009-10. The acquisition of these water entitlements will greatly enhance the environmental water capacity within the Murray-Darling Basin and will ensure maximum benefit is derived from state agreements with the Commonwealth. Further appropriations are required to
enable payments to meet the increase in demand. Existing appropriations are expected to be exhausted in December 2009. The additional appropriation required for the two programs exceeds what is currently available to the department and from the Advance to the Finance Minister. The 2009-2010 Additional Appropriations Bills are not expected to be agreed to by Parliament until the end of the 2010 Autumn Sittings. Consequently, a set of supplementary bills is required to ensure that the payments to the Australian community for home insulation installations and for environmental water entitlements are undertaken in a timely and efficient manner.

Reasons for Urgency
If timely passage were not granted to the supplementary appropriation Bills, payments for home insulation installations will have to cease from February 2010 and for water entitlements from January 2010.

Postponement
The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Community Affairs Legislation Committee, postponed till 19 November 2009.

COMMITTEES

Agricultural and Related Industries Committee

Meeting
Senator PARRY (Tasmania) (3.37 pm)—At the request of Senator Heffernan, I move:

That the Select Committee on Agricultural and Related Industries be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 18 November 2009, from 4 pm, to take evidence for the committee’s inquiry into food production in Australia.

Question agreed to.

Environment, Communications and the Arts References Committee

Extension of Time

Senator PARRY (Tasmania) (3.37 pm)—At the request of Senator Birmingham, I move:

That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on sustainable management by the Commonwealth of water resources be extended to 3 February 2010.

Question agreed to.

Environment, Communications and the Arts References Committee

Meeting

Senator PARRY (Tasmania) (3.37 pm)—At the request of Senator Birmingham, I move:

That the Environment, Communications and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 November 2009, from 12.45 pm to 2 pm, to take evidence for the committee’s inquiry into the impact of mining operations on the Murray-Darling Basin.

Question agreed to.

Environment, Communications and the Arts References Committee

Reference: Variation

Senator PARRY (Tasmania) (3.38 pm)—At the request of Senator Birmingham, I move:

That the order of the Senate of 29 October 2009 referring a matter to the Environment, Communications and the Arts References Committee on Australia Post’s treatment of injured and ill workers, be varied as follows:

Omit paragraph (a), substitute:

“(a) allegations that injured staff have been forced back to work in inappropriate duties before they have recovered from workplace injuries;”.

Question agreed to.
FORESTS
Order

Senator MILNE (Tasmania) (3.39 pm)—I move:

(1) That the Senate:
   (a) recalls that the:
       (i) return to order motion moved on 16 September 2009 seeking a map of Australian forest cover (using the Kyoto definition of forest) for each year since 1990, at the highest available resolution, in any widely used GIS format, to be tabled by 26 October 2009, was supported, and
       (ii) Government tabled a response which said ‘The Government is pursing this matter however we are currently unable to satisfy the time-line for the production of these documents owing to the inter-departmental consultations that the order has required’; and
   (b) notes that:
       (i) 9 weeks have now passed since the motion was supported, and
       (ii) scrutiny, of the forest cover maps is essential for consideration of the Carbon Pollution Reduction Scheme bills.

(2) That there be laid on the table, no later than 4 pm on 19 November 2009, a map of Australian forest cover (using the Kyoto definition of forest) for each year since 1990, at the highest available resolution, in any widely used GIS format.

Question agreed to.

OIL

Senator MILNE (Tasmania) (3.40 pm)—I move:

That the Senate:

(a) notes that:
   (i) neither the former Howard Government nor the Rudd Government has implemented the first recommendation of the 2007 Standing Committee on Rural and Regional Affairs and Transport Committee report, Australia’s future oil supply and alternative transport fuels, namely, that Geoscience Australia, the Australian Bureau of Agricultural and Resource Economics and the Department of the Treasury reassess both the official estimates of future oil supply and the ‘early peak’ arguments and report to the Government on the probabilities and risks involved, comparing early mitigation scenarios with business as usual,
   (ii) of the nine recommendations of that report, only recommendation 6 relating to incentives for fuel efficient vehicles have even been considered let alone addressed,
   (iii) in the week beginning 8 November 2009, the International Energy Agency (IEA) issued its annual ‘World Energy Outlook’, predicting that global oil demand is forecast to rise from 85 million barrels per day in 2008 to 105 million barrels per day in 2030, and
   (iv) a whistleblower at the IEA has claimed ‘it has been deliberately underplaying a looming shortage for fear of triggering panic buying’ and that a ‘senior official claims the US has played an influential role in encouraging the watchdog to underplay the rate of decline from existing oil fields while overplaying the chances of finding new reserves’; and

(b) calls on the Government immediately to develop a national plan to respond to the challenge of peak oil and Australia’s dependence on imported foreign oil.

Question put.
The Senate divided. [3.44 pm]

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

Ayes............. 6
Noses............. 31
Majority........ 25
I move:

(a) notes:

(i) statements from the Minister for Innovation, Industry, Science and Research (Senator Carr) in support of freedom of expression for scientists,

(ii) the Minister’s stated support for the publication of peer-reviewed research, even if it has negative implications for government policy, and

(iii) Dr Megan Clarke’s statement that the Commonwealth Scientific and Industrial Research Organisation (CSIRO) will work with Dr Clive Spash to ensure that his paper analysing the efficacy of emissions trading systems meets CSIRO internal review standards and the guidelines of the Public Research Agency Charter between the CSIRO and the Federal Government; and

(b) calls on the Minister to:

(i) immediately give effect to his support for the publication of peer-reviewed research by acknowledging that the internal review standards of the CSIRO and guidelines of the charter are being applied to effect censorship, and

(ii) table Dr Spash’s uncensored research paper in the Senate.

Question agreed to.

WORLD TOILET DAY

Senator SIEWERT (Western Australia) (3.47 pm)—I seek leave to amend general business notice of motion No. 626 standing in my name for today relating to World Toilet Day.

Leave granted.

Senator SIEWERT—I move the motion as amended:

That the Senate—

(a) notes:

(i) that Thursday, 19 November 2009, is World Toilet Day – a day to celebrate the importance of sanitation and raise awareness for the world’s population who do not have access to toilets and proper sanitation,

(ii) that 2.5 billion people worldwide are without access to proper sanitation, risking their health, stripping their dignity and killing 1.8 million people (mostly children) a year,

(iii) a lack of proper sanitation is the world’s biggest cause of malnutrition and infection, causing diseases such as diarrhoea, cholera, typhoid and worm infections that kill 5 000 children each day,

(iv) that clean toilets contribute to poverty eradication by protecting one’s health and ability to work,

(v) that safe collection and treatment of human waste and other various waste-
waters protects drinking water sources and eco-systems, creating clean and healthy living environments, particularly in urban areas,

(vi) the Millennium Development Goals (supported by all parties in the Australian Parliament) cannot be reached unless sanitation conditions are rapidly improved, and

(vii) the upcoming Global Framework for Action on Water and Sanitation meeting in Washington in April 2010 is an opportunity for global support of the sanitation policy leadership of the United Kingdom, Dutch and Australian Governments; and

(b) calls on the Government to:

(i) invest via its aid program in programs and projects aimed at improving sanitation levels, increasing the number of public toilets and improving their cleanliness and accessibility,

(ii) ensure that the Australian Government plays a constructive, proactive role at the Global Framework for Action on Water and Sanitation meeting in Washington in April 2010, and

(iii) report the proportion of development aid spent on sanitation.

Question agreed to.

ASYLUM SEEKERS

Senator HANSON-YOUNG (South Australia) (3.48 pm)—I seek leave to amend general business notice of motion No. 630 standing in my name for today relating to an audit of funds spent in Indonesia for asylum seeker management and people-smuggling.

Leave granted.

Senator HANSON-YOUNG—I move the motion as amended:

That the Senate calls on the Australian Government to conduct an audit of where and how much Australian funds are being used to support Indonesia and any other countries in the region in asylum seeker management and people-smuggling efforts, and subsequent compliance with international human rights standards, with particular reference to, but not limited to:

(a) detention facilities and conditions;

(b) operational equipment and training; and

(c) the interception of suspected illegal entry vessels.

Question agreed to.

AUSTRALIAN TECHNICAL COLLEGE NORTHERN TASMANIA

Senator BARNETT (Tasmania) (3.48 pm)—I, and on behalf of Senators Colbeck and Parry, move general business notice of motion No. 625:

That the Senate—

(a) notes:

(i) the Australian Technical College Northern Tasmania (ATCNT) has been a highly successful model of education for students who wish to learn a trade and complete their Tasmanian Certificate of Education,

(ii) the ATCNT, with campuses in Launceston and Burnie, is currently set to close on 31 December 2009 with the loss of 35 staff jobs and the displacement of more than 270 students,

(iii) the options being offered to students for 2010 by the Tasmanian Government are in no way comparable to current courses offered by the ATCNT and further place at risk the education and employment prospects of students,

(iv) the Federal Government has invested more than $26 million for the establishment and operation of the ATCNT, including $14 million on the building of the Launceston and Burnie facilities,

(v) the outstanding performance of the ATCNT in its first 3 years of operation including, winning more than 40 awards for students and staff, as well as the 2007 Tasmanian and Australian School Based Apprentice of the Year and being named the 2009 Registered
Training Organisation of the Year for Tasmania, and
(vi) the ATCNT has achieved a retention rate of 95 per cent between Year 11 and Year 12 and a 94 per cent success rate for completing students in securing full-time employment; and

(b) calls on the Government to support the ongoing operation of the Australian Technical College Northern Tasmania.

Senator MILNE (Tasmania) (3.49 pm)—
I seek leave to move an amendment to general business notice of motion No. 625.

Leave granted.

Senator MILNE—I move:
At the end of the motion, add “within the public education system”.

Question put:
That the amendment (Senator Milne’s) be agreed to.

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

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

NOES
Adams, J. Barnett, G.
Brown, C.L. Colbeck, R.
Cormann, M.H.P. Crossin, P.M.
Feeney, D. Ferguson, A.B.
Fielding, S. Fisher, M.J.
Furner, M.L. Hurley, A.
Hutchins, S.P. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. * Moore, C.
Nash, F. Parry, S.
Polley, H. Stephens, U.

Stere, G. Williams, J.R.
Wortley, D.

* denotes teller

Question negatived.

Original question agreed to.

Senator MILNE (Tasmania) (3.56 pm)—
I seek leave to make a short statement relating to Senator Barnett’s motion which has just been passed.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator MILNE—The Australian Greens did not support the Howard government’s establishment of these colleges because we believed at the time that it was a politically motivated decision, that the colleges would duplicate services already provided by existing institutions—the TAFE colleges in particular—and that the establishment of the colleges was part of the attack on the union movement. However, these colleges have been established. They are very well funded in comparison with similar colleges offering similar services and that disproportionate funding is inequitable.

Having said that, the Bartlett Labor government in Tasmania has made a complete and utter mess of the transitional arrangements to this new system of the academy and polytechnics and so on. There is no clear transitional arrangement for the 270 students and 35 staff in the Australian Technical College Northern Tasmania with its two campuses that we are discussing here today. There are no satisfactory transitional arrangements. There is no guarantee on staffing. We do note that the Bartlett government has now said that it will do everything it can to make sure that the colleges do not fail, and I am glad to hear that that is the case. So we are supporting this on the basis that those students and staff have proper transitional arrangements and that equivalent certifica-
tion can be achieved as this process is worked through.

Senator BARNETT (Tasmania) (3.58 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BARNETT—This is a very important motion, and I appreciate that the Senate has supported it and I appreciate the views of Senator Milne as have been expressed on the record. I am not clear whether the government have made their position clear, and perhaps they could make it clear. I was of the view that the government were not supportive of the motion, but they have not made their position clear to me and I do not want to misrepresent their position one way or the other. I think it would be useful to have on the record whether they support the motion or not.

This is a very important matter for northern Tasmania and north-west Tasmania. I was very hopeful that the Labor senators, particularly from Tasmania, would support this motion for the sake of the future of the Australian Technical College Northern Tasmania. It is a very important matter for northern Tasmania and it is very important to get that on the record. It would be useful to have that clarified by government senators so that we have on the record whether they supported the motion or not.

The DEPUTY PRESIDENT—Senator Barnett, the motion has been put and carried. It is entirely up to the government whether or not they want to state their position, but the motion has been put and it has been carried.

COMMITTEES

Environment, Communications and the Arts References Committee

Extension of Time

Senator PARRY (Tasmania) (4.00 pm)—At the request of Senator Birmingham, I move:

That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the impact of mining operations on the Murray-Darling Basin be extended to 26 November 2009.

Question agreed to.

NOTICES
Withdrawal

Senator FISHER (South Australia) (4.00 pm)—Mr Deputy President, I withdraw general business notice of motion No. 620 standing in my name.

FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) LEGISLATION

Order

Senator FISHER (South Australia) (4.00 pm)—I move:

(1) That there be laid on the table by the Minister representing the Minister for Education, Employment and Workplace Relations, no later than 3 pm on Thursday, 19 November 2009, copies of any bilateral intergovernmental agreement entered into, or final text agreed, between the Commonwealth Government and any referring state government or any territory government, in relation to the Fair Work Amendment (State Referrals and Other Measures) Bill 2009.

(2) That a copy of the final text of each such agreement proposed to be entered into between the Commonwealth Government and any referring state government or any territory government on or after 3 pm on Thursday, 19 November 2009, be laid on
the table within 24 hours of the final text being agreed.

(3) That a copy of each such signed agreement entered into between the Commonwealth Government and any referring state government or any territory government on or after 3 pm on Thursday, 19 November 2009, be laid on the table within 24 hours of the agreement being signed.

Question agreed to.

MATTERS OF URGENCY

Dialysis Services

The DEPUTY PRESIDENT—I inform the Senate that the President has received the following letter, dated 18 November 2009, from Senator Siewert:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move:

“That, in the opinion of the Senate, the following is a matter of urgency:
The need for the Federal Government to respond as soon as possible to address the lack of adequate access to dialysis services in central Australia, the denial of access to services of patients in urgent need, and the commitment of the Government to play a leading role in ‘closing the gap’ on Aboriginal health outcomes.

(Rachel Siewert)
Senator for Western Australia

Is the proposal supported?

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 SIEWERT (Western Australia) (4.03 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Federal Government to respond as soon as possible to address the lack of adequate access to dialysis services in central Australia, the denial of access to services of patients in urgent need, and the commitment of the Government to play a leading role in ‘closing the gap’ on Aboriginal health outcomes.

The Australian Greens believe the need for dialysis services in Alice Springs is a matter of extreme urgency and warrants debate here today. We are currently facing a crisis in Central Australia regarding the provision of healthcare services and support for Aboriginal patients requiring renal dialysis. The Northern Territory government has recently announced that, effectively, it is closing its borders to new interstate dialysis patients from the border regions of South Australia and Western Australia, my home state. New patients seeking these services are being turned away because of a serious shortfall in dialysis places, sometimes called ‘beds’ or ‘seats’ in Alice Springs. The Alice Springs renal dialysis unit, the RDU, with 26 dialysis stations, is currently the largest in the Southern Hemisphere, but it is currently 20 per cent over capacity. A new $16.7 million, 12-station renal unit is under construction and is due to open in April 2010—although the latest news is that this date may have been pushed out to June this year or even beyond.

This unit has been designed to be more user-friendly to the large and growing number of Aboriginal patients requiring dialysis, and their families. When it comes on line, which may not be for six months or longer, it should deal with the current unmet need and give us a bit of breathing space. But we know that the level of kidney failure and the need for acute health services in the Aboriginal population continue to grow at an alarming rate. This means we need to think about planning and building the next one, two, three or more renal dialysis units in Central Australia. We need a comprehensive strategy
to plan for the future, based on an analysis of the location and scale of this growing demand. We need a better understanding of the factors that lead to higher rates of end-stage kidney failure among Aboriginal Australians and an investment of significant resources into prevention and early intervention. We need to reduce the growing burden of chronic disease on our healthcare system.

This is not a sudden crisis. We have known about and been alarmed about the growing rate of kidney disease in Central Australia for some time. The establishment of the renal dialysis unit in Alice Springs and the current construction of the new unit on Gap Road show that effort is being made to meet this growing demand—and of course we commend this investment—but, unfortunately, too much of this effort has been a struggle to catch up with unmet demand rather than a planned response to the projected need. The Commonwealth government has been aware of the problem of meeting growing demand for renal kidney dialysis for some time. In the 2006-07 annual report of the Department of Health and Ageing, Australia's Chief Medical Officer at the time, Professor John Horvath, had this to say:

Another area that has been a challenge is the delivery of renal dialysis services to many patient groups, especially in Central Australia. Patient numbers threaten to overwhelm the capacity of the staff and facilities to deliver services, and there is a need to have these services much closer to the communities. In September 2006, I convened a meeting of all interested clinicians in Central Australia and we had a highly productive roundtable in Alice Springs. As a result, there has been a lot of progress and the Department is working with the Northern Territory, South Australian and Western Australian health departments to expand and improve current models of service delivery and care for renal patients.

While it is true that we now have a new medical officer, Professor Jim Bishop, I note that Professor Horvath very clearly said that the department was working with the health departments of the Northern Territory, Western Australia and South Australia to undertake this expansion and improvement. I am hoping that during the debate today government senators will be able to give us an update on what efforts are being made and the progress in these efforts.

I note that, when we discussed these issues earlier this week, I was told by various people from the government that this is a state problem—and it needs to be resolved by the state and the Northern Territory—rather than a Commonwealth issue. I have been told that it is not the responsibility of the Commonwealth to try to find an outcome to this problem. I note that this appears to be at odds with the comments in the 2006-07 annual report, which also highlights the fact that the Commonwealth has taken a keen interest. I will note that the Commonwealth contributes resources to fund various aspects of renal disease treatments and dialysis.

It also appears to be at odds with the commitment made by the Rudd government to close the gap on Aboriginal health, disadvantage and life expectancy. It also appears to be at odds with the Prime Minister's statements in the lead-up to the last election that if the states and territories could not sort their problems with hospitals and health care, then he would step in and take over. It also appears to be at odds with the intent of the current consultation process with Aboriginal communities, which has been unfortunately described to me by some in the Northern Territory as a sort of 'speed dating'. When communities were asked about their problems, concerns and priority needs, chronic health problems and access to dialysis for their elders come top of the list. I would ask the Senate to consider these points while I am giving some background to this issue and telling some stories for the Northern Terri-
tory so that this becomes real to people—the real impact on real people.

I would dearly love an explanation from the federal government about why they do not think this is also their responsibility. This is a responsibility for the federal government, the state governments of Western Australia and South Australia and the Northern Territory government. They could also perhaps explain what the purpose is of closing the gap. Is it to ensure that people do get access to quality healthcare services? For people living in the western desert communities near the WA and Northern Territory border, and for those in communities in the APY Lands near the South Australia-NT border, Alice Springs is very much their regional centre and it has been for a long time. The lines imposed on the map do not reflect the cultural make-up of the region. In many instances they share languages and culture and have close cultural ties. Kiwirrkurra is located just inside the Northern Territory border. It is 2,400 kilometres from Perth—the city in which I live—and there is no road direct from there to Perth.

If you were going to re-do the map, it is highly likely that there would be a circle around Central Australia. The current lines on the map for Central Australia are arbitrary lines, and people in Central Australia and certainly in the western areas of Western Australia do not see Perth as their centre. Nor in South Australia do they see Adelaide as their centre. It does not make sense to be denying people who are chronically ill access to urgently needed medical services on the basis of state lines. If I am taken ill or collapse in the street here in Canberra, I would not expect to be refused service and told to go home to Perth to get those services, yet that is essentially what we are telling Aboriginal Australians.

I would like to tell Patrick Tjungurrayi’s story. He is a renowned member of the Papunya Tula group of artists. Last year, Patrick won Australia’s richest Aboriginal art prize: the $50,000 WA Indigenous art award. Nine years ago, in the year 2000, Patrick and his fellow artists from the western desert region held an auction at a New South Wales gallery which raised $1 million to set up services, including the Kintore dialysis centre and the dialysis training house in Alice Springs, known as ‘the purple house’. I know that a number of my fellow senators in this chamber have visited the purple house on numerous occasions. The Kiwirrkurra painting that was painted by Patrick and others from his home town was bought by Kerry Stokes for $340,000, helping to pay for the Kintore dialysis unit.

Now, nine years later, at the age of 70, Patrick finds himself in urgent need of renal services. He has been denied access to services in Alice Springs. He was initially told to go to Kalgoorlie—again in my home state of Western Australia—to which there is no direct route, but that service was full, so he was then told he would have to go to Perth. Kiwirrkurra is 40 kilometres from the Northern Territory border, 150 kilometres or so from Kintore and 550 kilometres from Alice Springs. It is 2,400 kilometres, as the crow flies, from Perth. There are no road or air links between Kiwirrkurra and Perth—or, in fact, Kalgoorlie. To get to either place he must travel through—you got it!—Alice Springs. Alice Springs is Patrick’s regional centre. He speaks the languages spoken by many of his community who are already in Alice Springs.

Patrick will not go to Perth, because it is a strange place where he knows his family will not be able to visit him. He will probably need to remain on regular dialysis for the rest of his life, meaning that it could effectively be, unfortunately, his permanent home. He
fears he will be going away to die alone—far from his land, his family and his community. Because the NT government are now denying ‘outsiders’ access to all renal services, Patrick is unable to access the dialysis unit in Kintore that he helped to fund. The ban was meant to be just about the shortage of dialysis machines, but the NT are now also apparently stopping any access to renal services, including renal check-ups, discussion of treatment options, health management plans and access to simple preparatory operations, like getting a fistula fitted. Patrick had a doctor’s check-up at Kiwirrkurra and was referred to the nephrologist—the kidney doctor—in Alice Springs to have an assessment done, discuss treatment options and get a fistula fitted. That was when the problems started and he was told to go to Kalgoorlie or Perth. Patrick needs access to a renal doctor and a management plan now.

I should have said at the outset that I have permission to tell Patrick’s story. Patrick’s GFR—his test for kidney function—is currently 14. At a reading of 60, you get a management plan. At 30, you fit a fistula and you develop a plan for dialysis. At 15, you should go on dialysis. Before Patrick can access the renal facility near to his home at Kintore, he needs to have a simple operation to fit the fistula and then to undergo his first dialysis in hospital and to stabilise his condition. He can only use the facilities, for which I again note he helped pay, at Kintore or the Purple House in Alice Springs under joint management—that is, under the supervision of the nephrologist from Alice Springs Hospital and a renal nurse. The doctor would have to be satisfied his condition was stable enough and that he was healthy enough to be far away from hospital.

It is possible that there might be other options for treating Patrick. For instance, he might be able to use peritoneal dialysis, which is a tube into the stomach, rather than haemodialysis. Peritoneal dialysis is cheaper and easier and does not require the use of a big dialysis machine. Patients can plug into a smaller box overnight. Peritoneal dialysis as a treatment option is underused in Central Australia. I would ask the question: why? The point here is that we do not know if Patrick would be able to use that sort of treatment because he has not been able to access Alice Springs and he has been denied access to the experts in Alice Springs.

I would like to read a letter that I have received from Papunya Tula about this issue of dialysis. It says:

On behalf of Patrick Tjungurrayi and the Papunya Tula Artists I would like to send you a short message of thanks for helping us highlight the situation surrounding Patrick, and several other renal failure sufferers in central Australia, to the parliament and the general public.

It really seems terribly unjust that someone’s life can be dealt with in such a manner when we all know that Patrick would not consider for a minute a move to Kalgoorlie or, worse, to Perth to receive treatment. In other words his fate would be sealed and he would be resigned to a premature death in Kiwirrkura. Patrick is one of the most successful and well known Papunya Tula artists and last year won one of Australia’s most prestigious art awards—the Western Australian Indigenous Art Award. He is a senior Pintupi custodian and a vitally important cultural figure within the Western Desert community.

I have worked at Papunya Tula artists, of which Patrick is a shareholder, for the last fifteen years. In this time I have known no fewer than twelve people who have died as a result of end stage renal failure. Many of these people were senior members of the Kintore and Kiwirrkura community’s and important Australian artists. It was this situation that initially led us to privately fund our own dialysis facilities in Kintore through a fund raising event in Sydney nine years ago that raised over a million dollars. The unit is a shining model of success and is currently an essential component of the dialysis programme for people from the Kintore area by allowing them to continue
receiving treatment while on respite visits to their homeland. The tragic irony of this situation is that Patrick was one of the main contributors to the initial fund raiser by overseeing the collaborative painting done by the Kiwirrkura men that went on to raise $300,000.00 and now he is unable to access the facilities resulting from his effort.

I know you are probably aware of the above information, but again, thanks very much for your concern it’s very much appreciated.

(Time expired)

Senator CROSSIN (Northern Territory) (4.18 pm)—I rise to provide a contribution on the matter of urgency that has been moved by the Greens today on dialysis services. I just say at the outset that it is a very important issue. It is a very significant issue and it affects not only Indigenous people in the Northern Territory but mainly Indigenous people in South Australia and Western Australia. However, if you look at the history of provision of access to renal dialysis services in the Northern Territory, there are some elements of Senator Siewert’s contribution that do not give us the complete facts as to why it was necessary for the people of Kintore, through the Papunya Tula artists, to go to Sydney to raise that money for their renal dialysis unit. I think it would be interesting to record in Hansard why there was a need for those people to do that and the fact that the driving force behind it was Peter Toyne, who started that project when he was a member of the opposition in the Labor Party in the Northern Territory. He went on to become the first Minister for Health in the Northern Territory government and continued to work on that project with a lot of support from the Northern Territory government at the time.

There is no doubt that tackling Indigenous health outcomes is a major challenge and has been a major challenge for all political parties right through time. It still continues to be a challenge and this Commonwealth government, the Rudd government, is absolutely committed to closing the gap on Aboriginal health outcomes—so much so that when this Prime Minister had a chance to reshuffle his cabinet in the last year he created the position of Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery. That position is held by Warren Snowdon who, as a minister in this government, has specific responsibility for Indigenous health. I think that, if that does not show you how much this government has elevated the importance of health improvements and health outcomes, you would be silly to think that it is not high on the agenda of what we are doing as a government.

We have committed a historic $1.6 billion investment in Indigenous health, agreed to through COAG, where all the governments except Tasmania agreed to contribute to the National Partnership Agreement on Closing the Gap on Indigenous Health Outcomes. That is a significant and major investment that will work towards closing the gap in life expectancy within a generation. That is the target and that is what we aim to do. The gap in life expectancy between Indigenous and non-Indigenous Australians is estimated by the Australian Bureau of Statistics to be between nine and 11.5 years.

I have heard people such as Minister Snowdon say that this is a challenge and that it is not easy. There is an admission by us, as a government, that this is going to be an ongoing major focus of work and a major challenge. Last week, with AMSANT’s AGM in the Northern Territory, a number of initiatives were launched by Mr Snowdon and Minister Kon Vatskalis, the Northern Territory Minister for Health, to try and work with Aboriginal community controlled organisations and Aboriginal organisations dedicated to closing this gap and working together. It is an ongoing challenge and it is
not easy, but it is something that we have elevated to a cause of national significance.

Chronic disease is the single largest contributor to the current life expectancy gap between Indigenous and non-Indigenous Australians. That is why many of the commitments the government have outlined are an important part of our $105.5 million Indigenous chronic disease package, which was announced on 29 November last year. This four-year package will help our health system and Aboriginal and Torres Strait Islander people to better prevent, detect and manage chronic disease in their communities. It will tackle chronic disease risk factors, improve access to follow-up care and increase the capacity of the primary care workforce with the aim of delivering effective health care to Indigenous Australians.

If I could turn to the matter of the detail before the Senate today—that is, the provision of and access to dialysis services, particularly in Central Australia. Dialysis services are actually administered by state and territory governments. It is not a matter of buck-passing; it is a matter of fact. The Commonwealth does not organise or deliver dialysis services. At the moment, demand for dialysis services in Central Australia exceeds the available resources. It is treating patients not only from the Northern Territory but also from communities just over the border in South Australia and Western Australia. So it is not true to say that people who come to the Alice Springs services at this point in time are not residents of the Northern Territory. They are not; they are from that catchment area.

The Northern Territory government have implemented protocols to refer new patients, not existing patients, presenting for treatment in Alice Springs who are not residents of the Northern Territory to their state of residence for treatment. That is simply because the facilities and the services are stretched beyond capacity. It has to be made clear that these protocols apply only to new patients who live outside the Northern Territory. The Northern Territory health system is continuing to support up to 30 current South Australian and Western Australian patients in Alice Springs. The Department of Health and Families has advised that this decision was necessary due to delays in establishing the Northern Territory government’s new 12-port renal facility in Alice Springs, which will provide access to increased patient numbers but will not come on line until the middle of next year.

To assist with the current situation in Alice Springs, Minister Snowdon announced, as recently as early November, that the Commonwealth will make a two-port relocatable dialysis facility temporarily available to the Northern Territory government. So the Commonwealth has acted immediately and has provided a two-port relocatable, temporary facility as quickly as it possibly could. This flexible arrangement is intended to ease the pressure on existing facilities until the new 12-port renal facility is operational in Alice Springs.

The Northern Territory government have also begun to address the issue of patients being turned away. They recently led the way to establish a tri-state agreement with South Australia and Western Australia to develop a plan for the management of renal patients from cross-border regions. In fact, my understanding is that Minister Kon Vatskalis is convening a summit with Western Australian and South Australian health department officials in early December. So the discussions will be continued the week after next.

It is not true to say that the Northern Territory government have sat on their hands and done nothing about this, nor is it true to say that the Commonwealth government have done nothing about this. As soon as this
problem became a matter of significance, as soon as the Northern Territory health department was made aware that demand from Western Australian and South Australian patients in Alice Springs was going to result in a substantial increase in and drain on Northern Territory health department dollars. Action was taken immediately. A two-port renal temporary facility was made available by the Commonwealth and Kon Vatskalis has moved to get discussions with South Australia and Western Australia health officials happening within a three-week time frame. I think that that is an acceptance that there is a problem here. People are trying to act as quickly as possible to get on top of the problem. The summit will focus on concrete proposals to boost dialysis capacity in Central Australia. The Commonwealth are encouraging the three state and territory governments to come to a speedy resolution of these issues.

We understand that access to renal dialysis services in Central Australia is a major issue. It always has been, not just for this government but also for the previous government. That is why at the election we committed $3.5 million to provide extra renal dialysis services in the Northern Territory. With this funding, we will ensure mobile dialysis services are piloted in Central Australia in the first quarter of next year to help improve access for people in remote communities without the need to travel to major centres for treatment. Let us remember that these mobile services mean that, if people are going to treat themselves at home, they have to learn how to use these machines and how to sterilise these machines, and that takes a long period of time. I know that for the people of Arnhem Land it can take them up to eight and 10 months to learn how to self-dialysise. It is not a solution that can happen overnight. We will have renal-ready rooms co-located at community services in places like Maningrida, Lake Nash and Barunga. (Time expired)

Senator SCULLION (Northern Territory) (4.28 pm)—I note from the previous speaker the attempt to show that the federal government and, particularly, the Northern Territory government and Minister Kon Vatskalis are really making an effort in this area. But, unfortunately, the fact of the matter, which is apparent for all to see, is that this is just another chronic failure by the Northern Territory Labor government and by the Rudd Labor government, under the leadership of the member for Lingiari, Warren Snowdon—ironically, the Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery.

A report from the Australian Medical Association released last week shows that end-stage renal dialysis is the most common chronic condition amongst Indigenous men checking into hospitals in Queensland, Western Australia, the Northern Territory and South Australia. It also found high levels of psychological stress amongst Indigenous people, with males being twice as likely to be hospitalised as females and twice as likely to be hospitalised as non-Indigenous males.

This relates to a huge range of factors, including illness, disability, deaths, unemployment, alcohol abuse, trouble with the law and, tragically, the old favourite overcrowded housing—and of course we look back at the complete mismanagement of the SIHIP program, which has made a very negative contribution to the health of our first Australians. The AMA said:

However, the AMA still awaits a real and active commitment on the part of governments—that is, the Northern Territory Labor government and the Rudd Labor government—to establish genuine, long-term health partnerships with Indigenous people.
After seeing the federal minister for Indigenous health, Warren Snowdon, publicly making a fanfare about the release of this report, I can understand why they would be frustrated about that and why they have said so. The report talked about two things. Senator Crossin amplified, ‘We will release a two-port facility.’ It is actually a mobile facility—and of course that is welcome—which is being set up in Alice Springs. That will no doubt relieve some of the concerns in Alice Springs.

Of course, Kon Vatskalis’s contribution is a summit with concrete proposals. Gee, that makes me feel better already. We need real dialysis units. That is the answer to this problem. We do not need more talkfests. I certainly support what Stephanie Bell says about restructuring governance arrangements and more respect for Indigenous health organisations. I think we should go down that path. But I find these had fairly empty reactions. I say that because of this quote from the Alice Springs Hospital general manager, Vicki Taylor, who said: ‘We have 197 dialysis patients on the books but only the capacity to treat 167.’ Well, I am not sure how you are at maths, Mr Snowdon—I am no rocket scientist at it—but that works out to be about 30 short. So sneaking in a two-bed contribution there is not going to make a single bit of difference. It flies in the face of compassion, of doing the decent thing for our first Australians, to announce that all these things are happening, to say, ‘We recognise all of these are problems and have all these recommendations,’ when the only thing you are going to do is to have a bit of a chat and provide a two-bed relief. That simply is not good enough for our first Australians living in the centre of the Northern Territory.

They have announced a ban and I can understand completely why that would be the case. As Senator Crossin indicated, they are being stretched beyond their capacity because nobody planned. Labor failed to plan; that is why we have this situation. It is not as if February came round and—bang—they had 30 extra people. People know the process—and thank you, Senator Siewert, for explaining how you slowly go through this process. It is tragic, but it is a process that is well understood. We will know, by someone’s medical circumstances, that they are going to need treatment X number of times; that they are going to need a dialysis unit. Once again, we have policy underpinned by a complete and utter failure to understand the challenges—and if they accept that that is wrong then they are in even more trouble—and actually come up with a concrete answer.

I understand that the problem is now so bad that both the Western Australian and South Australian health ministers have agreed to this emergency meeting. It appears the only time you have an emergency meeting is when you get a lot of bad press. They knew about the issue before the bad press but they had to wait until the bad press came round to suddenly have an emergency. Once again the emergency is a political emergency, which seems to be the only time we have any action from the other side.

We have had much press saying that people would rather die in their homelands than travel thousands of kilometres to receive treatment. I would like to couch it a different way: people would like to live on their homelands. I will share with you a very short anecdote. To protect traditional values I will not say the man’s name, but the place is Gu-meragi, and many people from the Northern Territory, particularly from Cobourg Peninsula, will remember the old man that was there. I visited him in hospital. At Darwin Hospital they had told him he had four weeks to live, and he desperately wanted to go home. So I made some arrangements. We threw a genset in the back because he needed
to have 240-volt power at home to run the equipment. He lived for another year. People do not go back to their homelands to die; they go back to their homelands because on their homelands, on their country, if they have the right equipment they will live—they will live much longer. The rhetoric in the press is that this is a highly emotive issue and people would rather die on their homelands than travel. But they would rather live on their homelands. They would rather get the right treatment where they are.

The staff at Alice Springs Hospital are not bad people; they are wonderful people. You wonder how they feel about saying to people: ‘Sorry. I know you well, but you are going to have to go nearly 2,000 kilometres from your homeland to receive treatment—away from your family, away from the support units—and you will die.’ Aboriginal people will die away from country when they are that old and they are that sick. It is just a fact. It is a fact that has not been recognised. And coming out with a report that glibly talks about all the problems and in effect does nothing should be condemned. This is a very, very important matter and I do not believe it has been dealt with in a way that significantly recognises the problem.

There are a number of other matters in the health area where, between them, this government and the Northern Territory government have fallen incredibly short. I quote from the *Sydney Morning Herald* on Monday, 16 November, which said:

Trachoma is a disease that starts as conjunctivitis but gradually, with repeated infection, turns the eyelashes inwards so that they scrape the cornea, scarring it, rendering it opaque, causing blindness. It is actually easily treated with antibiotics. Some of the best work that has been done in this area is in the country I was brought up in, Malawi in Africa. You just treat everybody with antibiotics and it gets fixed. Because it causes blindness it is a horrific thing. Do you know that 25 per cent of children between five and 15 years old have trachoma? Do you know where they live? They live in Katherine, a three-hour drive from Darwin, the capital city of the Northern Territory. I do not even know what to say about that. This government has been in for two years and the Northern Territory government has been in forever—that is what I think—and when you see facts like that you ask: ‘Why can’t you do something about it?’ If we can deal with it in Nepal, if we can deal with it in central Africa, why can’t we deal with that in Katherine?

**Senator Chris Evans**—Where were you for the last 11 years?

**Senator SCULLION**—I will take the interjection. Where was I? I can tell you that right now we tragically do not have hold of the wheel on this boat that is spinning out of control, whether you are talking about boat people or the health of Indigenous Australians. Minister, you have failed. It is on your watch and you have failed. Children are going to go blind 300 kilometres from Darwin.

**Senator Chris Evans**—They have been for the last 11 years when you were in government.

**Senator SCULLION**—This is no laughing matter, Minister, and you should not interject on such an important matter to Territorians and such an important matter to Australians.

**Senator Chris Evans**—Don’t pretend it just happened, mate; it has been going on for years. Where were you for the last 11 years?

**Senator SCULLION**—I can tell you where I was. I was the one who went out to Gumeragi. I have lived amongst these people. I have seen it getting better, but lately it has been getting a lot worse. It is getting a lot worse on your watch and on the watch of the tragic Mr Vatskalis from the Northern Terri-
So I am happy to take your interjections, but I am also happy to put on the record exactly who is failing in this regard.

**Senator MOORE (Queensland) (4.38 pm)**—I was really pleased when I saw this matter of public importance on dialysis services for discussion this afternoon because I knew that the people who were going to be involved in this debate shared a common cause and a common interest. I am disappointed with the last speaker, Senator Scullion, who does share this interest. I have worked with him many times in these areas and I understand the deep commitment he has to the people of the Northern Territory, particularly the Indigenous people. When you have a look at the speakers list for this afternoon, the senators it includes share a lot of experience working on a number of senate committees and have had the privilege to visit the areas to which this motion refers—that is, the central and western part of the Northern Territory—and there is a common goodwill. It is important that we have the ability to discuss the issues.

The media has been covering the recent process in the Northern Territory around Alice Springs, but it is not new. I included a similar, but perhaps a little less passionate, discussion about trachoma and the issues around kidney dialysis in a speech I made about 2½ years ago in this chamber. Perhaps it did not have the same degree of emotion, but it did look at what was happening in Aboriginal communities, the issue of renal dialysis and the real need for governments at all levels—state, federal and local—to work together effectively with the local communities to come up with the necessary local responses.

One of the things that a number of us did share was the opportunity to visit what Senator Siewert referred to as the Purple House. I forget the address but everyone knows the house—and Senator Evans has been there as well—because you have such a sense of welcome and achievement when you are able to go there and visit with Sarah, who I am very proud to say is a Queenslander. She is on loan to the Northern Territory for a while; nonetheless, she is a Queensland nurse who is working there on a most inspirational project to do specifically with the issues of renal failure and the necessary care for people in that area.

I think we made that visit 18 months ago and we were talking about these same issues. We acknowledge that within the Aboriginal community, particularly in this part of the world but also, as we heard from Senator Crossin, across many parts of Australia, there is a horrific degree of illness around renal failure. That is on record and that has been processed through many years. I am not saying it is a good thing that we have known about this for a long time, but it is the reality. It is a reality that the issues around lifestyle, life circumstances, lack of treatment and lack of professional advice in those areas because of workforce shortages have all combined to mean that way too many men and women suffer from severe renal failure. Anyone who walks through any of the dialysis areas in any of our hospitals can talk with people who will tell you immediately what impact being linked to machines, being unable to move freely and being unable to react effectively with their families has on their lives. Tragically, there is too high an incidence of this condition in the Aboriginal communities about which we are speaking.

Certainly the focus of this discussion and the focus of a lot of the treatment has been Alice Springs. Years ago they were acknowledging that there needed to be a rapid increase in services being provided there, not only because of the people who currently live in the Northern Territory but also because Alice Springs is the centre for a whole
range of regions around that part of Australia. All you have got to do is look at the map to see that it is the focus of transit routes from a whole range of areas that happen to be in Western Australia and in South Australia. Even some parts of western Queensland relate more effectively and more traditionally to Alice Springs as their centre. It is quicker, it is easier and there are distinct cultural links. So the focus has been on people needing to seek services in Alice Springs. That automatically means that there has got to be cooperation between the various state governments. I cannot say that it would be a good thing to draw the maps differently—a number of people would have objections to that—but when it comes to medical services, education and a whole range of other things this government has been saying that we need to have cooperation between the various states to acknowledge commitment, to acknowledge responsibility and to put together a plan to which they are committed and from which they can work into the future to provide effective services.

Clearly that must be a priority in what is happening in Alice Springs, and that has been the reaction of our government through the Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery, Warren Snowdon, who probably knows this better than anybody in this chamber, because he lives there and knows the Alice Springs community. Minister Snowdon and the governments of the Northern Territory, South Australia and Western Australia acknowledge that they have to work together on this issue and that there is an immediate crisis. We are waiting for some new facilities to be built in Alice Springs, and it would have been better if they had been built more quickly, but in the short time before these new facilities can be brought on line—putting together these beds, the machinery and, most importantly, the personnel who can effectively work these machines is complex and we have heard that you can often have the infrastructure but you do not have the trained professionals, particularly the dedicated nurses who have the skills to work with the people—we have to share resources. Of course, the first decision was that the first clients that need to be serviced are those who are currently receiving the service because, as we know and as Senator Siewert pointed out, once you start on the dialysis program you cannot withdraw. So the current patients need to have the immediate priority. They need to have their times secure and they need to have their work plans and their life plans linked to the process.

Over the last couple of months, in terms of the medical planning process, it has been determined that, as a short-term measure—I know it may not seem short for the people who are involved—new patients who are not residents of the Northern Territory will be referred to their own home states. That is not such a difficult thing to understand. It actually looks at people taking responsibility. The states acknowledge that it is urgent. They are going to get together in the next couple of weeks to ensure that they work effectively on what is going to happen and continue this carry-on process until enough services are available in the Northern Territory. They will take into account the kinds of tragic personal circumstances to which Senator Siewert referred.

Those circumstances will be taken into account. The people who work in this field know the area. They are in pain as much as many of their patients because they do not want to deny service. They want to acknowledge the personal circumstances of each of the patients, to work with them and ensure that they come up with a result that is personal and effective and causes the least disruption—that is going to be difficult.
In terms of what this government has done, we immediately acknowledged when we came into government the absolute need in this area. And in terms of delivery of primary care in a whole range of areas in chronic disease management we acknowledged, particularly in this part of the world, the chronic need for kidney support. There have been large amounts of money given—Senator Crossin has gone through it—including $5.3 million, which was immediately committed to the Northern Territory government to look specifically at the area of dialysis and support. That money is being spent but it takes time to build the permanent portals.

Nonetheless, other services are being trialled. This is a difficult area, because it is not easy to find the best way. There are special circumstances around letting people have home dialysis—particularly the need for effective water and sanitary services, and knowledge and support locally in the community. That is in train, and more of those services are going to take place, particularly in areas such as Maningrida, Lake Nash and Burunga. We are going to have renal ready rooms that will be collocated with the community health centres. It is really important that people can have their service at their own community and not have to travel as much. We are also looking at the drop-in-care dialysis facilities in Alice Springs and Darwin. Once again, they will be making people feel welcome, making people feel secure and letting them access the services locally.

We all know—and I make this statement unashamedly on behalf of all the senators who are taking part in this debate—that there is a need. We are all committed to finding the best way of responding to this need. This government is part of that response. We need to work effectively with the state governments who have primary responsibility in this area. But it is no good just standing here and throwing grenades across the chamber when the important thing is to find out what must be done and how we can work together. And we must look to the future because if we look back at the past we will be talking about who did what since 1935 and people will not be around long enough to talk about what their futures will be. There is a crisis at the moment in looking after the patients. There is a process in train. We must make sure it works.

Senator ADAMS (Western Australia) (4.48 pm)—I wish to continue on from my colleague the chair of the Senate Standing Committee on Community Affairs. We have, for the past four years, travelled extensively through the Central Desert region, holding inquiries, whether they be into petrol sniffing or, with the other committee, into regional and remote Indigenous communities.

This motion today is very important in highlighting the problems that are there. The blame game, as has been mentioned, should not be considered because this is about health and people—especially underprivileged people who live in that area where it is impossible to have health services at their doorstep. Patients who have renal disease are very close to their families. Cultural issues come into it but unfortunately, because of the nature of this chronic disease, patients often have to move. And it is not as if they can go home every weekend; that is just not possible. So it is a very difficult thing.

Coming from Western Australia I would like to put forward what the Barnett government is doing in recognising this problem. It has been said that health ministers were going to meet to discuss this, but I have just had word that the Western Australia Country Health Service and health officials from the Northern Territory and South Australia have already met to discuss the shortage of dialy-
sias throughout the central desert region. It should be noted, too, that the Western Australia Country Health Service pays for all the Western Australian patients who receive dialysis interstate—and that includes those who are currently attending dialysis in Alice Springs.

The Western Australia Country Health Service is working on a broader renal plan to expand the number of dialysis chairs in Kalgoorlie because Kalgoorlie is adjacent to the South Australian and Northern Territory borders and often that is the closest place for patients to come to have their dialysis. They are also working with South Australia, who are looking at expanding the number of dialysis chairs, but I have been told that these will probably be located in Adelaide, as services are available at teaching hospitals there. These patients are very sick and when they have to go onto dialysis it is the only option for them, therefore admission to a teaching hospital to start with is very important.

Another meeting of health officials from three states will be held early next month to formulate a plan to expand the services. Also, the Western Australia Joint Planning Forum on Aboriginal Health, which includes representatives from WA Country Health Service, Aboriginal Medical Services, and Divisions of General Practice, meets in Kalgoorlie and is currently looking at the expansion of the Kalgoorlie dialysis unit. The Kimberley dialysis service is also being expanded, with another four dialysis chairs going to Derby. Kununurra are receiving four chairs, and eventually that will be built up to 10 chairs.

Once again, these Western Australian services are utilised by patients coming across the border. So we really do have to work together very closely. The fact that these three health departments are working together is very promising. As we moved around, we did go and visit the Derby Aboriginal Health Service and look at the treatment they were giving their patients. I am delighted that they are going to get another four chairs, because they certainly need it. With the Alice Springs situation, it has been mentioned that perhaps a night shift, if they can get the appropriate staff to run it, would help so that patients can go onto night dialysis. That would be supported by the three states. To go further, we should be working towards peritoneal dialysis and haemodialysis being made available in the regions to reduce load on the facilities in Alice Springs. But, as my colleagues have mentioned, patients and their carers have to be trained in the usage, because they are quite complex. Once again, if you have not got good, clean water and electricity available, of course that is not an option. Another community we visited was Hermannsburg. They have patients who have to travel 170 kilometres into Alice Springs to have their dialysis. The federal government is looking at putting two chairs into Hermannsburg, but they are getting increasingly worried about when their chairs are going to get there. We will have to keep an eye out to see whether that is going to happen.

Mention has been made of the ‘purple house’ in Alice Springs. As a committee we visited that house and saw patients being dialysed. We met with Sarah Brown and her committee who run it. Senator Moore has described Sarah Brown as fascinating. She comes from Queensland. I have never met such a dedicated person. As far as the work she is doing, she has volunteers there to help with the patients, and they run a child-care area to keep their patients and families happy when they have to move to be near their relatives. As I have said, this is a very difficult situation. When you are having dialysis you cannot just up and go home. It just does not work that way. But with the ‘purple house’
and through the arts centre they have raised money to have two chairs at Kintore. So it means that anyone from that community can travel home for weekends and have a holiday. That is really a fantastic service. I am very impressed about the work that is being done with Sarah heading it up. I was invited to go to the centre for rural and remote nurses association conference at Broken Hill last year. Sarah was speaking about the ‘purple house’ at that conference. It was great to catch up with her again and see how much improvement had been made.

The Senate Community Affairs References Committee does a terrific job in working with Indigenous communities. We have certainly been highlighting the fact that dialysis is so important. I am certainly very keen to encourage the Western Australian Country Health Service in all their deliberations and efforts to expand the numbers of those chairs even further. The work that is being done between the three states is very important because a number of the Indigenous communities do not really recognise state borders—and neither should they. For this gentleman that Senator Siewert was speaking about, with the work he has done with the arts, his community is just inside the Western Australian border. It is only 140 kilometres to go to Alice Springs but Kalgoorlie is about 1,800 kilometres away and Perth is probably about 2,000 kilometres away. It is a very difficult situation. He is a new patient. He cannot get to Alice Springs. He can go to Perth. Probably that would be a start. Then he would possibly be able to be relocated back into his community or Alice Springs.

Senator SIEWERT (Western Australia) (4.57 pm)—Because a man lives 40 kilometres to the wrong side of the border, he has been denied access to dialysis. That is an unacceptable situation in this country. He has been denied access at his nearest centre in the Northern Territory. He would have to fly 2,400 kilometres. He does not see that as a solution. He sees that he would in fact pass away in land that is not in his country. In other words, he is offered no solution to his health problems. That is an unacceptable situation in 2009, in what we call the lucky country. Governments across Australia are committed to closing the gap—the federal government, the Territory government and the state governments involved—and yet here we have patients that have no access to dialysis. As I said, that is unacceptable.

Yes, Senator Adams mentioned the meeting of health ministers that was held last week. One would think they would have discussed access to short-term dialysis to fix this problem while the beds come on in the longer term, but apparently they did not. I heard that from Dr Kim Hames, who is the Minister for Health in Western Australia, on the radio last night. They discussed the longer term provision of dialysis units in Western Australia, South Australia and the NT, I understand. But they did not discuss this short-term crisis. I find that, quite frankly, unbelievable.

I must admit that two weeks ago when I heard the announcement from Minister Snowdon that a temporary unit of two new beds was going to be housed in Alice Springs I thought: ‘Fantastic. That was one of the shortest campaigns we have had to run. We have dealt with this issue of the ban in the Northern Territory because two more beds have been provided and that will get us over the hump until the new beds in Alice Springs have come online.’ But I was sadly mistaken. What Senator Crossin did not articulate in her speech was that the Northern Territory government has not lifted the ban on interstate patients. So the government can crow all that it likes about the fact that it has provided two new beds; it has met some of the unmet need in the Northern Territory, but not
for Western Australia and not for South Australia. As of this morning Patrick has still be refused access to renal services in Alice Springs. I will reiterate: that is unacceptable in 2009.

Are we going to stand by and watch patients be denied access to dialysis? No, we should not. If we are genuinely committed to closing the gap, no, we should not. The Commonwealth, as Senator Crossin articulated, has put $1.6 billion into Indigenous health and yet we cannot provide dialysis for patients in Central Australia. That is unacceptable.

What could be done in the short term, as Senator Adams commented, is nocturnal dialysis. This of course is not a long-term option but for the short term isn’t it better than nothing? Isn’t it better than people dying on country without access to the vital services they need to save their lives. Of course it is an option. The Commonwealth has pumped millions and millions and millions of dollars into the Northern Territory intervention to deal with the emergency. Is this not an emergency? Here we are getting caught up, yet again, in arguments between what is a federal, state or territory responsibility. When are we going to get over it? It is not good enough that people will die without this treatment. They have been told to fly over 2,000 kilometres away from their homes and away from their families. It is another form of denial of services. People are being sent to Adelaide. We were just told that the South Australian government is looking at providing more beds in Adelaide. If you live on the APY lands you are being sent to Adelaide. Again: away from your home, away from your family, away from your culture and away from your land. That is not acceptable either. That does not go towards closing the gap.

We believe that the Commonwealth has a fundamental responsibility to show some leadership here. If the states and territories appear incapable of solving this shortfall the Commonwealth needs to show leadership. They have shown leadership before—(Time expired)

Question agreed to.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator PARRY (Tasmania) (5.03 pm)—On behalf of Senator Coonan, I present the 13th report of 2009 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 14 of 2009, dated 18 November 2009.

Ordered that the report be printed.

Senator PARRY—I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Education, Employment and Workplace Relations Legislation Committee

Documents

Senator MARSHALL (Victoria) (5.03 pm)—As chair of the Education, Employment and Workplace Relations Legislation Committee I present the Hansard record of proceedings and documents presented to the committee relating to the committee’s inquiry into the provisions of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009.

MINISTERIAL STATEMENTS

Landmines

Senator WONG (South Australia—Minister for Climate Change and Water) (5.04 pm)—On behalf of the Minister for Foreign Affairs, Mr Stephen Smith, I table a ministerial statement on landmines.
DOCUMENTS
Commonwealth Ombudsman

The ACTING DEPUTY PRESIDENT (Senator Carol Brown) (5.04 pm)—I present the report of the Commonwealth Ombudsman for 2008-09 on activities in monitoring controlled operations conducted by the Australian Crime Commission, Australian Federal Police and the Australian Commission for Law Enforcement Integrity.

BUDGET
Portfolio Supplementary Estimates Statements

Senator WONG (South Australia—Minister for Climate Change and Water) (5.05 pm)—I table particulars of proposed expenditure in relation to water entitlements and home insulation in respect of the year ending on 30 June 2010, and particulars of certain proposed expenditure in relation to water entitlements in respect of the year ending on 30 June 2010.

I also table the portfolio supplementary estimates statements 2009-10 for the Environment, Water, Heritage and the Arts portfolio relating to the documents I have just tabled.

GEOSCIENCE AUSTRALIA
AUDITS OF GENERAL PURPOSE ACCOUNTS OF AGED-CARE PROVIDERS

HEALTH INSURANCE AMENDMENT (REVIVAL OF TABLE ITEMS) LEGISLATION

Returns to Order

Senator WONG (South Australia—Minister for Climate Change and Water) (5.05 pm)—I table statements relating to two orders for the production of documents concerning the Health Insurance Amendment (Revival of Table Items) Bill 2009.

Senator CORMANN (Western Australia) (5.06 pm)—by leave—I move:

That the Senate take note of the document:

Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal advice—Statement by the Minister for Health and Ageing (Ms Roxon) responding to the resolution of the Senate of 17 November 2009, dated 18 November 2009 and attachment.

I would like the Senate to take note of the response by Minister Roxon to the order of the Senate relating to legal advice on the Health Insurance Amendment (Revival of Table Items) Bill 2009.

The statement that the minister has just tabled is extraordinary. I remind the Senate that the Senate passed the Health Insurance Amendment (Revival of Table Items) Bill 2009 on 28 October 2009. The next day, the minister, in the House of Representatives, claimed that she had legal advice that that particular bill was unconstitutional—even though we had obtained as an opposition, working with Senators Fielding and Xenophon, advice from the Clerk of the Senate that there was no constitutional barrier to the Senate introducing and passing this particular bill.

The Minister for Health and Ageing, during a debate on Thursday 29 October on a suspension motion aimed at bringing on debate on this bill in the House of Representatives, said:

... 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...

Further, the minister said ‘we are happy to provide that legal advice’. What we have seen here today is the Minister for Health...
and Ageing still refusing to provide a copy of that legal advice. We have been chasing the Minister for Health and Ageing for a copy of that legal advice ever since she made that statement on 29 October in the House of Representatives. She has been ducking and weaving and avoiding fulfilling the commitment that she made to the House of Representatives on 29 October.

After we put the question, ‘Can we get a copy of that legal advice, as you have promised?’ to the Minister for Health and Ageing, she initially essentially ignored us and then provided us with a copy of departmental advice that had been put together long after the minister had made her statement about legal advice and even after we had submitted our request to get a copy of it.

This whole debate has become an absolute farce; an absolute mess. We have a Minister for Health and Ageing who thinks that she is a minister in a dictatorship and not a minister in a parliamentary democracy. The minister does not like the fact that the Senate has made a decision that is contrary to what she wants to do in relation to cataract surgery rebates through Medicare. This Senate voted to disallow the 50 per cent reduction in Medicare rebates for cataract surgery and passed a bill that, had it been passed in the House of Representatives, would have ensured that those particular items reverted back to the previously applicable rebates. Because this is not consistent with what the government want, all of a sudden they had to come out and say, ‘This is unconstitutional.’ When they had no arguments left, they came up with the suggestion that it is unconstitutional.

I sought advice from the Clerk of the Senate in relation to the various claims made by the government. Let me quote a few of the responses. I have previously discussed with the government that I will seek leave to table the complete pieces of advice from the clerk. In relation to the private member’s bill that was passed by the Senate the Clerk said:

In effect the bill applies the general rule of revival contained in the Legislative Instruments Act to particular parts of the regulations in question.

… … … …

There is no barrier to the Senate introducing legislation to have the stated effect.

I received further advice on 6 November in which he makes it very clear. This was after we had received the departmental advice outlining the reasons as to why, in the department’s view, this legislation passed by the Senate was unconstitutional. I will summarise the advice. In effect, this is what it says: the bill passed by the Senate does not appropriate money, not even indirectly, and similar legislation has been initiated in the Senate before, by the government no less. Similar legislation has been introduced and passed in the Senate first by the government. If Minister Roxon’s argument were to stand, virtually no legislation could be initiated in the Senate; and that of course is completely ridiculous.

The Clerk of the Senate made a whole series of other very important observations. I will read a few of them into Hansard. He said:

The bill concerned does not appropriate any money. It does not even indirectly do so. It provides that the disallowance of any item in the general medical services table has the effect of reviving the corresponding item in the previous table. Such a provision does not appropriate any money. It may indirectly have the effect of leading to increased expenditure; it may equally have the effect of decreasing expenditure. If such a provision were to be regarded as appropriating money within the meaning of section 53, there would be virtually no bill that could be introduced in the Senate, because virtually every bill has the potential to increase expenditure somewhere. Further down, he said:
The purpose of the bill is to remedy a weakness in the disallowance power in respect of items in the table, to ensure that the general rule of revival of repealed provisions upon the disallowance of the repealing provisions applies also to items in the table.

He then said the following:

Finally, as I pointed out in an earlier note, the bill which originally amended the relevant legislation in 1982 to provide that the disallowance of a repealing provision would revive the repealed provision could equally be regarded as leading to increased expenditure because there are many provisions that could be disallowed where the disallowance would have the effect of indirectly increasing expenditure. That bill, however, was initiated in the Senate by the then government. Minister Roxon is refusing to table her legal advice. What has she got to hide? Instead, she got her department to quickly cobble together a piece of departmental advice after we submitted the request for a copy of the legal advice which she promised in the House of Representatives that she would table.

This morning—they are very proactive now—the office of the Minister for Health and Ageing sent us a copy of a further piece of departmental advice to government. So now advice to government is being proactively volunteered to the opposition. I urge the government to take note of this. In that further piece of advice to government, it is claimed that the amendments to the Health Insurance Amendment (Compliance) Bill 2009 that had been flagged by the opposition would equally be unconstitutional. I have a further piece of advice from the clerk in relation to this that I will also table. I quote:

It is absurd to claim that a bill or an amendment that would make provision for any disallowance of any item in the table at any time should be construed as if it applies only to a part disallowance of a particular set of items.

In any event, I reiterate that, due to the character of section 53 of the Constitution, this is not a matter on which legal advice and departmental advice to a minister can be promulgated without regard to dealings between the two Houses, in effect between the Senate and the government. Your proposed amendment is clearly in accordance with the precedents of the Senate, as required by past resolutions of the Senate.

Senator Wong—I rise on a point of order. I invite the good senator to recognise that he is well beyond the time frame. I invite Senator Cormann to as a matter of courtesy perhaps comply with what he said that he would do in terms of the amount of time that he would take with this. I also indicate to him that he has asked the government if we would give him leave to table the letters that he is now reading into Hansard. We have indicated yes.

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Wong, Senator Cormann is entitled to speak for 10 minutes.

Senator CORMANN—Thank you, Madam Acting Deputy President. I will table a copy of the Clerk’s advice of 18 November. I will also table a further piece of advice from the Clerk of 18 November in relation to the specific documents that have been tabled by the government just now. I will read into Hansard the very salient points here, because the government has claimed that it should not release this legal advice because it could prejudice the position of the Commonwealth in future legal proceedings. This is what the Clerk of the Senate has to say about this:

This claim in relation to the advice concerned, however, is clearly misconceived. As I have repeatedly pointed out (and this point has not been disputed, and cannot be disputed), section 53 of the Constitution is non-justiciable. Therefore there cannot be any legal proceedings which might be prejudiced by disclosure of advice to the government on its interpretation of section 53.

CHAMBER
This letter and the letter that was tabled by the Attorney-General add nothing to the question of the constitutionality of either our bill or the amendments to the health insurance compliance bill that have been circulated. I quote:

The quotations of authorities in the letter—that is, from the Attorney-General—are irrelevant to the question at issue. The question is: is the bill a bill appropriating money within the meaning of section 53 of the Constitution? The Attorney-General’s letter does not deal with that question. The bill clearly does not appropriate any money. The suggestion that it does is based on the kind of distorted interpretation of section 53 dismissed by the High Court in the case to which I have referred. The letter therefore is of no value in this matter.

We have here a situation where a minister has clearly made a bad call. You have a minister who is trying to hurt mostly elderly patients, forcing additional expenses on elderly patients who have paid for their private health insurance for decades. They have put additional resources into the health system for decades, and at the time when they need access to timely and affordable quality health care this cold-hearted government comes and tells them, ‘We don’t want you to have that.’ *(Time expired)*

**Senator Wong** (South Australia—Minister for Climate Change and Water) *(5.17 pm)—*On the motion moved by Senator Cormann, can I say first it is disappointing that Senator Cormann was extended the courtesy by the government of being given leave to move this motion on the basis he would speak for five minutes and then spoke for 10 minutes and read out letters that the government indicated we would give him leave to table. It is hardly a useful time in the Senate. I understand he wants to make a political point, which he has done.

I will respond briefly to some of the issues raised. Obviously the Constitution does require that proposed laws, such as the bill passed by the Senate, appropriating revenue or moneys must originate in the House, not in the Senate. I refer to the response to the order for production of documents which has been tabled by the relevant minister, Ms Roxon, and, together with that, the minute of advice from the Attorney-General. I am advised that on any reading of section 53 of the Constitution its effect is clear: a bill appropriating money cannot originate in the Senate. The government is advised, or I am advised, that there is no doubt that the Health Insurance Amendment (Revival of Table Items) Bill is a bill appropriating money. The effect of the bill is to increase the amount under a standing appropriation. Under the Constitution, the House of Representatives is the only place where such a bill can originate. The Constitution also requires that such bills not be passed unless the purpose of the appropriation has been recommended by message of the Governor-General. Those requirements have not been met in relation to this bill.

The Minister for Health and Ageing, Ms Roxon, provided a copy of a minute to Senator Cormann on the substance of this advice on 5 November 2009. Senator Cormann was also advised at that time that, in accordance with established practice in relation to the legal advice provided to the government, the minister did not propose to release the actual legal advice which the government had received. I would note that this practice has been observed by governments prior to this government taking office. We have, however, provided a copy of a letter from the Attorney to the Leader of the House which provides a more detailed analysis of the operation of sections 53 and 56 of the Constitution.

**Senator Cormann** (Western Australia) *(5.19 pm)—*by leave—I table those four pieces of correspondence.
Senator FIELDING (Victoria—Leader of the Family First Party) (5.20 pm)—I also want to speak on the motion to take note of the documents tabled by Senator Wong. This is a serious issue for the Senate and every senator should be concerned about this issue, because this is not a matter of whether you agree or disagree with the health insurance amendment or the rebate. You can actually put that to one side at the moment. This is to do with whether this Senate remains a chamber that can raise a bill. If we allow the Minister for Health and Ageing to get away with what she has put forward in the lower house, it turns this Senate into nothing more than an appendage of the lower house.

It is a disgrace that any senator in this chamber could accept what the minister has put forward as a reason why the bill that was passed in this chamber should not be considered by the lower house. If you are a senator with any guts, you should stand up to the minister. You should stand up to Minister Roxon on this issue. Forget about whether you agree or disagree on the actual item itself. It is a joke to think that any senator would not stand here and say Minister Roxon has got it wrong. I would like to see the legal advice that challenges what the Clerk of the Senate has given us.

Tomorrow we will stand here and say that Harry Evans has done a great job. He has had the decency to put forward advice to senators saying that what we passed in this chamber does actually fall well within the Constitution. For not one senator from the Labor Party to stand here and defend the Senate is a disgrace. You will not even table the legal advice. You will not even table it to challenge what the Senate can do. What Minister Roxon has put forward, saying that the bill that we passed in this chamber does not meet the Constitution and therefore cannot be debated in the lower house, is an absolute joke. We are senators from Australia. We are not an appendage of the lower house.

The bill that has been passed in this chamber falls within the Constitution, and for the lower house not to even debate it because of some legal advice that we cannot see that says that it is not constitutional is rubbish and a joke. If you are not prepared to table that advice then every senator in this chamber—whether you are Labor, Liberal, Family First, Greens or an Independent—should stand up for the Senate. You should be here today defending the Senate and its ability to pass bills when that falls within the Constitution.

I am very disappointed. I call on Labor to get their minister to table the legal advice that they have got so that we can have this out once and for all. I do not know what else we can do with this—whether we can get the President to rule on it. It is outrageous to think the Senate has been challenged here. This is not to do at all with the issue of Medicare rebates. This is to do with the Senate’s ability to pass a bill. Why in the hell should we accept the lower house not even looking at it because of some legal advice they will not even table? I think we should get this chamber to have another look at the reasons behind this, because this is outrageous.

The reason the government opposed the motion for the suspension of standing orders so that the bill could be debated in this House was that the government had received advice that the bill was inconsistent with sections 53 and 56 of the Constitution. That is the claim the lower house have made. But the Clerk of the Senate, who I think has got some experience and understanding of the issue, says that it is actually constitutionally okay. We should be defending the right of the Senate to put forward bills within the Constitution. For the Senate not to ask the minister...
to explain and provide that advice is outrageous. For Labor senators to roll over and say that we should be an appendage of the lower house is a disgrace.

Senator XENOPHON (South Australia) (5.24 pm)—I share the concerns of Senator Fielding. We are not an appendage of the lower house. I think that the advice of the Clerk of the Senate was very robust in relation to this, in relation to section 53. I would back the advice of the Clerk in relation to this. I think that it is very unfortunate that the government has not gone down this particular path, that it has not seen fit to release this advice. I too share the very deep concerns of Senator Fielding and the opposition in relation to this, because this sets a very poor precedent. It is something that I do not think will facilitate the workings between the two houses in relation to contentious pieces of legislation. I strongly support the concerns that have been expressed in relation to the government’s inability to assist with providing legal advice in this matter.

Question agreed to.

Senator CORMANN (Western Australia) (5.26 pm)—I seek leave to table a further piece of legal advice on the same issue— the constitutionality of the Health Insurance Amendment (Revival of Table Items) Bill 2009—which has been prepared for the Australian Medical Association, who has asked for this advice. This was provided to me with the express purpose of me being able to make this public. On that basis, I seek leave to table this legal advice on the same question.

Leave granted.

Senator PARRY (Tasmania) (5.27 pm)—by leave—I move:

That the Senate take note of the documents:

Environment—Geoscience Australia—Carbon dioxide storage sites—Statement responding to the resolution of the Senate of 17 November 2009.

Health—Aged care providers—General Purpose Accounts—Statement by the Minister for Ageing (Ms Elliot) Responding to the resolution of the Senate of 17 November 2009.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NOTICES

Presentation

Senator PARRY (Tasmania) (5.27 pm)—by leave—At the request of Senator Fierravanti-Wells, I give notice that, on the next day of sitting, she will move:

That the Senate—

(a) notes the continued presence of pull factors as part of the problem Australia faces on the issue of illegal immigration;

(b) notes and condemns the Government’s handling of the recent situation aboard the Oceanic Viking;

(c) notes the special deal that was offered to those asylum seekers aboard the Oceanic Viking was an inducement to disembark the ship; and

(d) notes that the Rudd Labor Government has yet to come up with an effective solution to this situation.

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

Consideration of House of Representatives Message

Message received from the House of Representatives returning the bill and acquainting the Senate that the House has agreed to amendments (1) and (2) made by the Senate and disagreed to amendments (3) to (9), and requesting the reconsideration of those amendments disagreed to.
Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

ASIAN DEVELOPMENT BANK (ADDITIONAL SUBSCRIPTION) BILL 2009

LONG SERVICE LEAVE LEGISLATION AMENDMENT (TELSTRA) BILL 2009

STATUTE STOCKTAKE (REGULATORY AND OTHER LAWS) BILL 2009

NATIONAL CONSUMER CREDIT PROTECTION (FEES) BILL 2009

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT BILL 2009

TAX AGENT SERVICES (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES

Economics References Committee

Report

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (5.30 pm)—On behalf of the Chair of the Senate Economics References Committee, Senator Eggleston, I present the final report of the committee on the GROCERYchoice website, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator JOYCE—by leave—I move:

That the Senate take note of the report.

When the Labor government came to power, one of their cries to the electorate—and probably a worthy cry—was that they were going to ease the squeeze on working families and be part of a mechanism to reduce the amount of money working families were then expending on groceries. In Australia we live in a nation that has the highest food inflation in the Western world, which is not something to be proud of; it is actually disgusting considering that we are one of the food baskets of the Western world. Through this process, the government believe that through an element of transparency consumers could become more discerning about where they could purchase their groceries from, and as such a GROCERYchoice website was suggested.

That is where the story comes unstuck, because like everything Labor touches it went to mud. It was an absolute fiasco. The GROCERYchoice website was, from go to whoa, a great metaphor for how the Australian Labor Party work. It is one of the reasons that we have to be so suspicious and circumspect about their grand visions in other areas, especially the proposed emissions trading scheme. The GROCERYchoice website, to give you just a few of the areas, brought in an issue where you could find out the price of groceries all right, but the price of groceries could be up to almost two months old—hardly worthwhile. It was ridiculed because it was open to ridicule. It was one of the most ridiculous concepts that ever had breath put into it. What became very peculiar was that, when the Labor Party were given the capacity to turn this into something that might actually have worked, they ran a thousand miles from it. They acceded to the lobbying that came to them from the major retailers and basically rolled over, and we scrapped the whole idea.

In the initial website we had the ridiculous issue of the regions, and I just want to give you some idea of the regions that they had. If you were looking for groceries, in the one region you could find Dalby and Charle-
ville—or Kulpi, I imagine. I do not quite know how that worked when people wanted to go shopping. They could find the best deal, but the deal might be hundreds of kilometres away. Cairns was in the same region as Mount Isa. Another thing to note is how much this debacle cost. Of a possible appropriation of $12.8 million, the government appropriated in this farce $7.693 million.

Senator Barnett—With a $700,000 contingent liability.

Senator Joyce—A $700,000 contingent liability. That money is now blown. That money could have gone to so many other, better causes: treatments for cancer, work on roads or a whole range of things. But that is the sort of cost that you now associate with the Labor Party. That is the completely inept sense of management that is so ably personified by GROCERYchoice. If you want to know how the Labor Party works, it is like this: splendid, soaring rhetoric, marvellous statements and a sense of an overwhelming desire to bring betterment. Then, when it comes to the point where the rubber hits the road, you get such things as GROCERYchoice.

I have no doubt that Senator Guy Barnett, who will be following up, will go through some of the intricacies, especially the queries in regard to Retail*Facts and exactly what happened there and how there remain serious queries on the actual process that the government has gone through in coming up with this fiasco. We did not ever really get choice. Australia still has to suffer the sins of having the highest food inflation in the Western world. The Labor party have sneaked away from one of their major election commitments, and this is what we are going to see now: a plethora of election commitments the Labor Party leave behind.

What are they going to do to 'ease the squeeze', to use their rhetoric, on working families? This seems to go hand in glove with their other statements. We see that the ACCC, under their guidance and instruction, has been completely and utterly destitute in pursuing the law in such things as section 46(1AA) of the Trade Practices Act, the Birdsville amendment. It is almost as if the ACCC are under instructions to do nothing. Where they do get involved, what we see is such things as GROCERYchoice. When is the Labor Party going to be part and parcel of the instructions to the ACCC to actually go in there and protect competition and bring about an outcome? When is the Labor Party going to be able to ask the ACCC to enforce the laws of this nation? When does that happen?

In 2007, with the introduction of section 46(1AA), we had the capacity to outlaw predatory pricing. As of this moment that we stand here there has not been one case that has gone to court. I think it was back in June that I asked the responsible minister in this chamber to tell me how many cases had been pursued under section 46(1AA). Since that time, what answer have I had? We are now in November and they have never even got back to my office. They have never responded. It goes to show you the sort of diligence about detail that is in the Labor Party: we asked a question on notice, they took it on notice and we got no response. This is the process that they follow in the Senate. It is a form of contempt. They do not want to get to the bottom of issues—and this is the party that we are going to make responsible for the emissions trading scheme, the CPRS.

Is the CPRS going to be a more dramatic and dynamic form of the GROCERYchoice debacle? How could we possibly, as a recommendation of their capacity, capability and diligence, give them the responsibility to divide such things as an emissions trading scheme when with GROCERYchoice, which was an absolute free kick in front of the
post—Choice actually came out and was willing to take it on and go forward with it—they dropped the ball even when it was handed to them. They dropped it bang in front of the post. This is what the voting public has to recognise: the Labor rhetoric and the Labor delivery are vastly different animals. If you become part and parcel to it or if you sign up to say that you think that they are the mechanism of diligence, that they are the mechanism of capability, that they have the capacity to actually bring about an outcome—when you are thinking about that, thought about GROCERYchoice.

Where does GROCERYchoice leave the independents now? Where does it leave the consumer? The consumer is sitting back, still waiting. The Labor Party’s soaring rhetoric has passed and what has the consumer been left with? The consumer in Australia has been left with the highest food inflation in the Western world and a government without any capacity, any desire or any motivation to do anything about it. When we look at the farming sector, are the farmers getting a better deal? No, the farmers are not getting a better deal. The farmers are still being screwed down to the bare minimum in dairy prices. Shops are basically being overtaken by imported products. Australian products are being moved off the shelves, farmers are being screwed down, consumers are being done over—and where are the Labor Party on this?

What have the Labor Party done about all of this? They used soaring rhetoric to get themselves elected and then we had the absolute debacle which was GROCERYchoice. It is the greatest metaphor for what this party are, but we are about to see the next stage of it. The next stage of this metaphor, of the debacle of Labor Party management, will be the emissions trading scheme, the Carbon Pollution Reduction Scheme—whatever you want to call it. That is chapter No. 2, and chapter No. 2 will be the same. It will just come in pictures and have about 5,000 times the extent of what we had with GROCERYchoice and infinitely more effect. I look forward to using this to drive a nail through everything that the Labor Party do from this point forward. (Time expired)

Senator BARNETT (Tasmania) (5.40 pm)—I would also like to take note of the report on the GROCERYchoice website, and from its beginning to its conclusion it was an $8.4 million shocking waste of taxpayers’ money. It was an absolute disgrace—

Senator Bushby—It was obvious from day one.

Senator BARNETT—It was certainly obvious from day one. Senator Bushby, that this government had not got their hands on the tiller where they should have been. The GROCERYchoice initiative was characterised throughout by waste and mismanagement. The GROCERYchoice website was designed to fulfil a hollow election promise to put downward pressure on grocery prices, yet Labor knew full well that that would never be achieved. Despite that, they went ahead and established the GROCERYchoice website. Now this report confirms that it was an absolute debacle, a litany of waste and mismanagement throughout the process from go to whoa. They knew that they could not achieve their ends, despite the fact that they had made that hollow promise before the election. They should have said after the election: ‘We misled the public. We apologise for that. We will not ahead with wasting taxpayers’ money to set up a GROCERYchoice website.’

The ACCC website was poorly designed. They collected data in 61 regions—can you imagine—across Australia. Some of them covered tens of thousands of square kilometres and bore no resemblance to real-world consumer shopping patterns. The difficulties
in making like-for-like comparisons across fresh produce and different private-label products also undermined the website’s effectiveness. In Tasmania, for example, there were three regions. They were comparing on this website supermarkets in north-east Tasmania in Launceston, St Helens, which is two hours away, and Scottsdale, an hour away. How absurd is that? There is no reality to it.

Senator Boswell interjecting—

Senator Barnett—Indeed, Senator Boswell is right; there were even more absurd examples in Queensland.

The website also raised questions about the legitimacy of the tender process run by the ACCC, and I will come to that shortly. It was a shocking waste of taxpayers’ money, clearly demonstrating the government’s apparent disregard for obtaining value for money. Public funds should not have been spent in the way that they were, as GROCERYchoice has provided little information of use to consumers. That was confirmed by the number of hits on the website. They started off at over three million hits in August 2008, and how many were there by April 2009? There were 61,000 and the number was going down. How absurd! You could see that the consumers were talking with their feet and they had no interest in accessing the information on this fiasco of a website. The total cost to date of this failed experiment is directly $7.7 million with an estimated contingent liability of $700,000—although this may vary, depending on the deliberation over the government’s unilateral termination of the Choice contract.

We do not know and I do not know whether Choice will be taking the matter further in litigation against the government as a result of that unilateral termination. The status of any possible further litigation by Choice or, indeed, other contractors—and there were many contractors—remains unclear. So the government have clearly never learned their lessons from the failed Fuelwatch experiment. They should have learned their lessons but they have not. Recommendation 8 of the report is set out on page xi—there are eight recommendations—and I hope the government listens, reads and learns from this shocking experiment. We have recommended in this report that the government learn from this episode of waste and mismanagement and ensure that such inappropriate and careless spending does not occur again in the future, noting that now more than ever value for money for the taxpayer should be a priority. Are you aware of those costs? It is in the report: $73,000 worth of taxpayers’ money was spent on legal costs for a range of different purposes. The profligate spending of this government has got totally out of hand.

I would like to refer to some of the other recommendations, including the shocking waste of money with respect to the appointment of the data collection company. There was a $2.7 million differential between two companies that put in a tender, and the ACCC took the tender of the company which made the higher bid. It appears that at least $2.7 million could have been saved if the government had been more flexible and kept its eye on the ball. They had a launch date for the website which was arbitrary politically motivated. They set the date but if they had been willing to be a bit more flexible they could have saved up to $2.7 million. Come on. Will the government learn the lesson?

The report takes the ACCC to task, and it should be noted that we have recommended an Auditor-General’s investigation into the tender process undertaken by the ACCC on the data collection contract for the GROCERYchoice website. Let us make sure the Auditor-General gets to the bottom of
whether the $2.7 million differential could categorically have been saved. The committee thinks there is merit in an inquiry. The ACCC should take more care in the future to monitor and assess the performance of contractors that undertake data collection on its behalf. The documents allowed for audits and in-field checks to take place but they did not occur.

The minister at the conclusion was the Hon. Dr Craig Emerson MP and the committee recommended that he and the government generally reveal their plans for an industry operated grocery price data website. The committee also recommended that the government note the unfair manner in which its contractual arrangements with Choice were prematurely terminated by Minister Emerson without affording Choice a right of reply and ensure that such unprofessional and discourteous conduct does not occur again. I am sure Choice would support that recommendation.

We made some reflections on the inappropriate conduct with independent retailers, and I notice Ken Hendrick from the National Association of Retail Grocers of Australia is in the gallery today. The committee recommends that both the government and the ACCC note that the operation of the GROCERYchoice website was ‘prejudicial and unfair to independent retailers’.

Additionally and specifically the committee recommends that the ACCC apologise to the Tasmanian Independent Retailers for unfairly comparing independent retailers to major chain supermarkets in its price surveys for the GROCERYchoice website, thereby disadvantaging smaller operators and contributing to undeserved negative press in the Mercury on 7 August 2008.

More details are set out in the report. I do not have time now. But the committee recommended that the ACCC also investigate any potential breach of the Trade Practices Act in relation to the role played by the Australian National Retail Association in negotiations with Choice on the GROCERYchoice website. Further details are set out in the report.

At this juncture I want to say a big thank you to the Senate Economics References Committee secretariat, particularly John Hawkins and Meg Banfield. You have done a sterling job in the time available and pulled together a report. I want to thank the other members of the secretariat and also the chairman of the committee, Senator Alan Eggleston. I know Senator David Bushby and Senator Joyce have strong views in support of this report, as does Senator Mary Jo Fisher with her personal interest. We had hearings in Melbourne, we had them in Canberra—in fact, we had two in Canberra—and we have been very thorough in those investigations. The budget allocation to the ACCC for the GROCERYchoice website was $12.86 million over a four-year period, and that is how much money they were prepared to waste on such a fiasco and such a shocking experiment. Fortunately or unfortunately, they have only wasted about $8.4 million to date, it would appear.

The website was launched on 6 August 2008 and in less than a year it was terminated. The question is this: will the government learn from this experiment in waste and mismanagement? It has not learned from the Fuelwatch experiment. Will it learn from this? This report is comprehensive. It has made recommendations. We are asking the government to read them, respond to them and learn so that the waste and mismanagement can be expunged from the Australian Labor government’s processes. (Time expired)

Senator FIELDING (Victoria—Leader of the Family First Party) (5.50 pm)—GroceryWatch, which was renamed GROCERYchoice, was a dog from day 1. It was government spin trying to make it look like
they were doing something in tackling the overconcentrated grocery market that we have. It was just a front to not deal with the real issues of competition in the grocery sector in Australia. To be absolutely frank with you, it was an $8 million farce and an embarrassment to the government. Quite clearly, when they changed ministers they realised they were in trouble with this issue. From memory, they made the announcement on a Friday night. I do not think Choice was even aware of it. It was a debacle creating it; it was a debacle even getting rid of it. Quite clearly the government was trying to have a front so they could say they were doing something. But they did not address the real issues and the competition in the grocery market at all and still have not.

That was GroceryWatch. I would have thought you would have learnt from Fuelwatch. You had GroceryWatch, what is the next one—Boatwatch? Watching the boats come in—is that the next one you are going to have? What a farce; what a front. Seriously, you folks have to get beyond believing the spin yourselves and start to realise the Australian people want genuine reform that actually brings better competition—more competition, not less. In the grocery area, we still have overconcentration of the market and GroceryWatch was never going to deliver the goods, just like Fuelwatch did not. Let us hope you do not get caught up in something called Boatwatch—that would be an absolute farce.

Senator XENOPHON (South Australia) (5.53 pm)—I will be brief. I was a part of this inquiry as a member of the committee. I will not cover the ground that some of my colleagues have raised but I think it is important that the Auditor-General does look at the tender process. I was concerned that Informed Sources, who have a track record of providing robust and independent advice and monitoring of prices to both the former government and this government, were not adequately considered for the tender even though their tender process was some $2½ million dollars cheaper than the Retail*Facts tender.

I think there was a real issue there and the answers given by the ACCC pointed to a real concern about the tender process. I accept that the ACCC officials did their best to answer those questions, but they conceded that there was no problem with Informed Sources. They had a perfect track record in dealing with these sorts of issues and they had the capacity to deal with them. They were never let down previously by Informed Sources and yet for some reason they felt that they could not do it or could not train people up in time. That really concerned me. Also, the issue of a potential conflict of interest for Retail*Facts is very concerning. I think it is important that the Auditor-General does look at this in the context of whether we can improve tender processes and ensure a greater degree of transparency.

I thought GROCERYchoice was an idea worth having and giving a go. I think the government’s intentions were not bad in having greater price transparency, but I think it is fair to say that the Choice organisation was torpedoed by a lack of cooperation by Woolworths and Coles and that that indicates a very unhealthy level of market concentration in this country by the big two supermarket chains. That is something that we need to address both in terms of geographic price discrimination and other reforms.

Ultimately, we will need to look very closely at the issue of divestiture of the retail concentration that Coles and Woolworths have in this country, because it is at an unprecedented level of concentration in the marketplace. No other country in the OECD—I think no other country in the world apart from a completely controlled
economy, such as North Korea's—would have that level of concentration in the marketplace. They are the sorts of things that need to be addressed. The fact that GROCERYchoice was needed in the first place points to that concentration. That it did not work, again, points to the level of power of Coles and Woolworths and it also points to some fundamental mistakes that were made in the process. That is why I think we should learn from what happened here. It will be for the benefit of taxpayers and ultimately for consumers if we can have a great degree of price transparency in the grocery market.

Senator BOSWELL (Queensland) (5.56 pm)—I have just received this document and I want to make a few remarks. GroceryWatch and Fuelwatch were cases of rhetoric out-reaching performance. They were cases of Labor Party polling, no doubt, that showed that people were concerned with grocery and petrol prices. They said: 'There is the polling. That is what our focus groups are saying—what are we going to do? Will someone come up with an idea around the cabinet table? Any idea will do, we have to do something, we made a promise, we made a commitment—what do we do?’ I do not know who came up with this but he should have got the prize for the most incompetent minister. He should have been sacked on the spot for coming up with such a ridiculous concept as GroceryWatch.

I have spent 15 years of my life as a manufacturer's agent. I used to call on these retail stores and I understand, probably to a greater extent than most people in the Senate, the pressures of prices. I have understood them for a long while. The only way to make the best prices available is competition. You cannot put some system in such as GroceryWatch that will tell people what prices are available and what the best prices are. Those prices could fluctuate four or five times a week. They could change on a daily basis. Both Woolworths and Coles—and I could imagine Ken Hendrick in the gallery—would have people running around different stores monitoring each other's prices. If the prices go up or down they are monitored and adjusted, and that is competition.

The independents are in there now with a bigger share of the market. Aldi now has a share of the market and the prices are going to be adjusted by competition. But this was an $8 million dollar gimmick. The Labor government had come up with something. They had to do something to show that they had the answers. They never had the answers. They didn't even have the question right. Their polling showed them that they had to do something—'Let's just spend $8 million and we can say we tried; we'll have to say something to the battling families, to try and appease them somehow.' What a ridiculous way to spend $8 million.

But there was not only that. There was Fuelwatch. That came to a similarly disastrous end. What it showed me was that there is a lack of business acumen in the Labor Party. When you look around, you can understand that. Every Labor Party person in here, bar one—I think it is the senator from South Australia—has worked their way up through the Labor Party. They have started as union reps, they have gone through university and then they have been selected by the Labor Party to finish their degrees. Then it is a case of, ‘If you want to come in, we'll find you an office somewhere, we'll find you a place to start’—and by the time they get to the pointy end, where they have sorted the sheep out from the goats, they give those people some sort of a leg-up into government. That is how it happens in the Labor Party.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! Senator Boswell,
the time for this debate has expired. Do you wish to seek leave to continue your remarks?

Senator BOSWELL—I do. But I would not have thought I had been speaking for 10 minutes.

The DEPUTY PRESIDENT—The total time for the debate has expired. You may seek leave to continue your remarks.

Senator BOSWELL—Thank you. I thought I had 10 minutes, but I thought that five minutes went even faster. But let me continue—

The DEPUTY PRESIDENT—No, Senator Boswell. You do not understand: the total time for the debate has expired, but you may seek leave to continue your remarks at another time.

Senator BOSWELL—I do understand, but I thought you might be a bit lenient! I seek leave to continue my remarks.

Leave granted; debate adjourned.

NOTICES
Presentation

Senator Xenophon to move on the next day of sitting:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by 18 March 2010:

(a) the appropriateness of exemptions from the requirements of taxation law for the Church of Scientology and associated entities in the context of their activities;

(b) occupational health and safety practices of the Church of Scientology and associated entities in relation to its employees, volunteers and followers;

(c) the adequacy of consumer protection laws in relation to the fundraising practices of the Church of Scientology and associated entities, and its charging for services; and

(d) any related matters.

CARBON POLLUTION REDUCTION SCHEME BILL 2009 [No. 2]
CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]
AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009 [No. 2]
CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2009 [No. 2]
CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2009 [No. 2]
CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2009 [No. 2]
CARBON POLLUTIION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2009 [No. 2]
CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]
EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]
CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]
CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD ASSISTANCE) BILL 2009 [No. 2]

Second Reading

Debate resumed.

Senator KROGER (Victoria) (6.02 pm)—I will resume the remarks I was making earlier in the day. The Treasury model provided by the government is very limited, and in response the coalition, together with Independent Senator Nick Xenophon, com-
missioned independent economic research from the respected consultants Frontier Economics. What that modelling clearly demonstrated was that appropriate amendments to the mooted ETS could deliver an unconditional 10 per cent reduction in Australia’s year 2000 greenhouse gas emissions by 2020. This compares to the government’s own target of a five per cent unconditional target.

Importantly for households, the mums and dads, who are now beginning to understand that all of this is going to have an impact on them, the electricity generation sector could be dealt with in a less punitive manner. In short, household power bills need only rise by about five per cent in the short term rather than the staggering 25 per cent hike under the framework currently proposed. This equates to a possible increase of $44 per year compared to a price rise of $280 per year. The Frontier Economics report also provided insight into ways in which our key export industries could be protected in the global economy, minimising the damage of the imposition of the CPRS. There were significant and numerous recommendations from the report that have assisted the coalition in putting together amendments that we hope the government is seriously considering.

I would like to acknowledge the work that the Hon. Ian McFarlane is undertaking with Minister Wong in endeavouring to come back to this place and the other place with some significant amendments. Of these amendments, there are some key changes we are advocating that would dramatically reduce the harm that the CPRS would cause in its current form. It is critical that we provide a level playing field for Australian industries that are in emissions-intensive trade-exposed areas. There is no global upside in imposing costs on our industries if, in effect, that means that the activities of those industries and their emissions will merely go offshore.

Whilst agriculture was not immediately included in the scheme, it was to be considered for inclusion in 2015. That has been a cause of great concern to farmers. I find it interesting that the government have already leaked this week that they will exclude agricultural emissions from any CPRS framework. Whilst I am delighted for rural and regional Australia, it strikes me as passing strange that this would be leaked during what seems to be good-faith negotiations. Notwithstanding that, it is encouraging to note that farmers will be able to earn offset credits.

As a Victorian, I am particularly mindful of the consequences for the coal industry, particularly brown coal. The amendments seek to ensure that Australian coal producers are not unfairly penalised. The consequences for areas such as the Latrobe Valley could be catastrophic. We must endeavour to take a balanced and cautious approach. Australia has been blessed with reasonably priced energy resources, which has provided a foundation for the continuing strength and growth of the resource sector and the Australian economy. The importance of these sectors must be recognised and secured accordingly.

As a vocal advocate for small business I know firsthand what will happen with a dramatic rise in energy prices. Many small businesses operate modestly around the margins. Many are family operations that provide a livelihood for their families and dependants. In Victoria alone there are approximately 482,883 small businesses, representing 25 per cent of the national total, or 96 per cent of all businesses in Victoria. They must be protected. Coal fired electricity generators are a big part of this, and we must ensure that they remain financially viable.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! I am sorry, Senator Kroger, but the conversation in the cham-
number is extremely audible. The speaker deserves to be heard in silence.

Senator Kroger—Thank you, Madam Acting Deputy President. It is good to see a woman in charge! Climate change is a complex issue, with diverging views expressed not only by those in this place but also by the experts. It is important in a democracy that we respect people’s rights to hold divergent views, and that holds for this place as well. I hope that the negotiations continue to be given a priority by this government so that we have an opportunity to provide some needed surety to industry, businesses and families.

Senator Bernardi (South Australia) (6.07 pm)—Madam Acting Deputy President, I ask you just for a moment to suspend any semblance of critical thought and accept without question the cataclysmic, alarmist version of anthropogenic global warming advanced by the likes of the Minister for Climate Change and Water, Senator Wong, Tim Flannery and Al Gore, and as you lie awake at night, worried by the mere thought of oceanfront land in Wagga Wagga, you realise that something needs to be done before it is too late. The alarmists have insisted that Australia needs to act now and introduce an emissions trading scheme because climate change is the ‘greatest moral issue of our time’ and, as an acquiescent disciple of this new religion, to save the planet you concoct a scheme that will tax every business and every family in the country. Sure, it will raise the cost of food, electricity, construction and transport, but that is the price you are prepared for others to pay. You condemn any opponents of your plan as sceptics and heretics while trying to convince the community that it will not hurt them too much. In fact, so desperate are you to facilitate the introduction of your multibillion dollar wealth redistribution system that you promise to compensate some of those affected by more than it is actually going to cost them. Surely everyone can see the sense in taking from the wealthy and giving to those who pollute just as much but are not as well off. Just think of it as spreading the great socialist love to save the planet.

Despite the rejection of your scheme by farmers and environmentalists, businesses and families, you plough on regardless. What does it matter that hundreds of thousands of jobs are going to be lost and industries closed if it means that we have less carbon dioxide in the world? Desperately looking for support, you enlist those notorious polluters in the investment banking, legal and financial markets to support your cause, conveniently forgetting that only months ago you were blaming their excessive culture of greed for the failure of the world financial system. Ignore, too, the billions of dollars they stand to make from the creation and administration of an unwieldy bureaucracy and the carbon trading scheme you propose. Surely the opportunity to profit would not be the reason that they endorse the scheme, would it?

Such is the urgency of the matter at hand that you insist the parliament pass your legislation immediately, even though your new scheme will not actually commence for a couple of years. Worse still, you admit to yourself and the public that your scheme will not make any difference to the climate unless the rest of the world does something similar. Of course, the rest of the world will not be making up their minds for a while yet, as they have ditched any prospect of reaching a global agreement. But, undeterred, you make the decisive and tough decision to act now, even though you know you are damaging the economic future of your own country.

Let us get back to reality. Actually, that was reality. Under any critical analysis, the above scenario would be considered the
height of political madness, yet that is exactly what the advocates of Labor’s dishonestly named Carbon Pollution Reduction Scheme want to do, and they want to do it without being honest with the Australian people about their inefficient and ineffective scheme. Madam Acting Deputy President, if you walk down the street and ask the average Australian about an ETS or a CPRS, the chances are that they will not know anything about it and they will not be able to explain it to you. In seeking to explain this flawed scheme, I would like to use a few lyrics from a song—not the same song that our esteemed Prime Minister used but another one. It is called *Every Breath You Take* by The Police:

> Every breath you take
> Every move you make
> Every bond you break
> Every step you take
> I’ll be watching you

They are some of the words of that song and they neatly encapsulate what these Carbon Pollution Reduction Scheme bills will do. They impact on everything that you do, everything you consume, everything you use and everything you build. These bills and this government regard every breath you take as pollution. That is right: every time you breathe out, the government considers that you are polluting the environment and adding to global warming.

Some quick back-of-the-envelope calculations suggest that all of us contribute about 500 kilograms of this newly declared evil gas every year simply by breathing. So, if you want to reduce carbon dioxide emissions, surely the answer is to simply breathe less. There is a solution with a catchphrase: we can all go green by turning blue. Perhaps we could start with some of those celebrity climate change alarmists. If they preached less and stopped trying to scare the children out of their innocence, perhaps our carbon dioxide emissions would drop significantly. It would certainly be a good start. We could encourage all Australians to take one breath less every minute and the entire carbon dioxide global warming alarmism would disappear in a puff of colourless, odourless, non-toxic exhaled gas that the alarmists dishonestly call a pollutant.

Then we could make this government’s dishonest tax on hot air, the CPRS, disappear too. Indeed, I state that that is my ultimate intention—to defeat this imprudent overreaction to natural climate change by a government which is more keen on control than on actual results. Control is what these bills are about, because these bills also engage Orwell’s feared Big Brother in the form of what the bills describe as the ‘Authority’. The authority themselves or their appointed agents can walk into any business and make demands of it and, in doing so, overturn some important legal precedents which are dismissed under this legislation. There is no right to remain silent under this bill, there is no protection from self-incrimination and there is no presumption of innocence, because the burden of proof resides with the accused rather than the accuser. That is right: the authority can make accusations without evidence and somehow you have to prove that you are innocent rather than their having to prove that you are guilty. These bills also put the government at the very heart of every aspect of our economy. Every development, every construction, every industry will have to make the trip to Canberra begging for indulgence and permission from the all-powerful minister and her minions controlling the authority squad. It is a return to the bad old days of patronage, largesse and the rorts and rackets that can be best described as Labor mates gaining access once again.

As I mentioned before, most Australians really do not understand this new tax on their breath and their life. But those who do un-
understand the emissions trading scheme and will be bearing the cost of it—rather than profiting from it—do not want anything to do with it. I am talking about the mums and dads, the small business operators and the regular people that this government have forgotten in their pandering to special interest groups and leftist elites. In fact, the whole global warming phenomenon has faded in public consciousness since Al Gore’s mockumentary was exposed as being full of false fears. It seems the public is slowly waking up. A Lowy Institute poll from October found that climate change now ranks seventh out of ten policy priorities for the Australian public. In 2007 it was the top priority. There are clearly many more important issues for the government to be focusing on and spending their money on instead of on this ill-conceived CPRS.

Speaking of money, after years of claiming that the science is settled, the anthropogenic global-warming rent seekers continue to demand taxpayer handouts for further research. One could say they are caught in a catch 22 of deceit. They need to tell more falsehoods to get more money to generate even more nonsense—and nonsense it is. The research on which much of this alarmism is built has been exposed as a fraud. The IPCC hockey stick graph was a fraud. The tree ring data was a fraud. I could go on and on and on. One could describe it as the Sara Lee cheesecake effect, ‘layer upon layer upon layer’ of alarmism and deceit, giving rise to the new religion of climate change. You may think I am being unfair, but that is not me calling it a religion; it is Justice Michael Burton of the UK, who has held that belief in climate change is a religion and not a valid scientific belief.

What is amazing about this commitment to the CPRS and the new religion of climate change is that Australia acting alone will actually make no difference to the climate. Australia is responsible for only 1.4 per cent of the world’s man-made carbon dioxide emissions. In comparison, every few months China increases its carbon dioxide emissions by more than Australia’s total annual emissions. So an Australian CPRS, especially one enacted in isolation, will not make one bit of difference to climate change. Given that there is going to be no legally binding agreement—and only a ‘political commitment’ reached—in Copenhagen, it is even more important that Australia not go it alone by passing this legislation. Just today, the Canadian environment minister said that they will not be enacting any emissions trading scheme in their country in the absence of an international agreement. Hooray for Canada protecting their national interest! It is about time the Australian government did the same.

For months the meeting at Copenhagen was heralded as the defining moment, when an international agreement would be reached. In fact, the UK’s alarmist Labour Prime Minister Gordon Brown said that, if an agreement were not reached in Copenhagen, it would be too late. But somehow things have changed and that defining moment and that ‘too late’ claim have been pushed back and suddenly disappeared. Who knows when or if an international agreement will ever be reached? If it takes a form similar to the failed Copenhagen treaty, we are right to be very, very concerned. I started a petition about this on my website, and in just a few days I had 4,818 Australians registering their dismay at the Copenhagen treaty and our commitment to signing up to it.

Amazingly, Kevin Rudd, the enforcer and sergeant-at-arms of the Copenhagen conference, confessed he had not even read the Copenhagen treaty; yet he was prepared to sign up to assigning some of Australia’s sovereignty and billions of taxpayer dollars to the United Nations—an unelected and unaccountable body. What sort of leader commits
to something that he cannot even be bothered to read and consider? It is the same leader who brings this pointless and hopeless CPRS into this parliament. By committing ourselves to this flawed policy now, Australia is condemning itself to the certainty of higher prices, job losses, damaged industry and a decaying economy, while indulging the gargantuan ego of an increasingly erratic and volatile Prime Minister.

The result will be there for all of us to see. It is going to be seen in higher prices for everything we buy. A carbon pollution reduction scheme requires businesses to pay for carbon emissions. That means their costs have increased. Gee, how are they going to pay these costs? Well, businesses will be forced to increase their prices. Who pays for these increased prices? Australian consumers. Everything we purchase and use will be affected. The estimated grocery price increase is up to seven per cent. Australian families are already struggling under increasing bills. Electricity companies and consumers will be hit hard by the price rise in electricity. The government have even asked Morgan Stanley to examine the effect of an ETS on electricity. But they will not release the document, despite requests from the opposition, because they know what it discloses. If the report were favourable, mark my words, it would have been released straightaway. But it has not been. Fortunately, thanks to some prudent press, we are reading that, within weeks of the CPRS being enacted, we should expect some Latrobe Valley power generators to be placed in administration. If the government are prepared to say that will not happen, let them offer a guarantee.

We are going to lose tens of thousands of jobs in this country, because other countries will not be enacting the CPRS or an equivalent scheme. We will see industry disappear offshore, because, if Australia goes it alone, it is bad for business and not in Australia’s economic interests. We have report commissioned by the Minerals Council, which found that the CPRS would cost 23,000 mining jobs by 2020—the very jobs and industry sector that this government is pinning its hopes on to get it out of the mire of debt it has already created. In my state of South Australia, a CPRS would devastate small towns like Whyalla and Port Pirie. You might expect the largest industry in Port Pirie, for example, to have to close down, resulting in 2,000 job losses—30 per cent of the Port Pirie workforce—thanks to a CPRS.

This legislation is bad for families. As I mentioned earlier, the prospects of higher prices and unemployment will have a devastating effect on Australian families—and no one will be immune to it. It will be there taking your money every time you iron, every time you cook and every time you seek to cool your home. But to the people of Australia I say: it is not all bad news, because some people will actually profit at your expense. Some people will be making money out of this, and Penny and Kevin think you should be happy for them.

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! Senator Bernardi, you should refer to the Prime Minister by his correct title.

Senator BERNARDI—Senator Wong and the Prime Minister think you should be happy for them, because the CPRS has a very real prospect of making a lot of money for the lawyers, the consultants and the merchant bankers. They are going to have to advise the businesses, the companies, the executives et cetera, and interpret the confusing and complex laws surrounding this scheme. If a majority of Australians have no idea what a CPRS is, or does, or how it works, or how it is not going to affect the climate, then they are certainly going to need a bevy of lawyers to explain it to them. Investment
bankers will make billions upon billions of dollars, at taxpayers’ expense, by manipulat-
ing the market for carbon permits. Do not take my word for it. The billionaire, leftist, green advocate, George Soros, said at a Lon-
don School of Economics seminar:

The system can be gamed; that’s why financial types like me like it—because there are financial opportunities.

This CPRS runs against every principle that I hold dear and that inspired me to get in-
volved in politics: support for smaller gov-
ernment, lower taxes, support for families, encouragement of free enterprise, an orderly society and reward for effort. These are the very principles upon which my party was built and to which I fully subscribe. The Rudd government’s CPRS violates all of these principles, and no-one who is strongly committed to these key values can seriously consider supporting this Labor government scheme. I am amazed that anyone can seri-
ously actually support this scheme. The CPRS will change the way our country oper-
ates. It will affect every single one of us—
and for what? For no environmental benefit whatsoever. That is the crux of all of this. Why would we put ourselves through this pain when it will not make any meaningful difference to the climate? A CPRS simply offers no meaningful benefits but will im-
pose very real, huge costs.

Of course, we all want to work towards conser-
ving our natural resources and our natural environment. We want to have a sus-
tainable way of life and a sustainable ap-
proach to our land, and there are many ways in which we can successfully do that. But the CPRS simply is not one of them. Let me re-
iterate: the CPRS will impose higher costs on everyone for everything. It will cost Aus-
tralian jobs and damage Australian industry and the economy, and it will not achieve its aim of reducing carbon emissions. It will not make a jot of difference to the climate. So why are we doing it? This is not in the best interests of Australians or Australia. I will not compromise on my commitment to the core Liberal Party philosophies to which I subscribe. I will stand against big gov-
ernment, I will continue to advocate for lower taxation, I will fight for the interests of fami-
lies and I will foster free enterprise. Accord-
ingly, I will vote against this despicable Car-
bon Pollution Reduction Scheme.

Senator FIFIELD (Victoria) (6.26 pm)—
If the government persists with this flawed ETS legislation next week—the Carbon Pol-
lution Reduction Scheme Bill 2009 [No. 2] and related bills—it will provide the Aus-
tralian people with an occasion to see a funda-
mental difference between this side of poli-
tics and the Australian Labor Party. The vote we will see next week on the government’s proposed emissions trading scheme will un-
derline the key differences between the coal-
ilion and Labor in a way that few votes do. On one side we have the coalition: standing up for jobs in a challenging economic cli-
mate and placing practical environmental action and measured policy responses above political symbolism. On the other side we have the Labor Party: prepared to sacrifice jobs in an act of political expediency, ignor-
ing sensible suggestions and rushing through an economy-damaging bill in an expression of legislative vanity.

Before I comment specifically on the gov-
ernment’s legislation, I would like to make some observations about the way this debate has been conducted. The debate on climate change, climate science, conclusions drawn and proposed policy responses represent one of the more extraordinary chapters I have witnessed in recent political history. The Australian manifestation of this debate has been marked by politics even more than most of the policy debates in this place. The failure of the previous government to sign Kyoto was, as we recall, used to good politi-
cal effect by Labor—not to achieve an environmental outcome, because Australia was already achieving its targets, but as a symbol to portray the previous government as tired. The Labor Party is now seeking to use its own ETS as the new marker of environmental virtue. The purpose of Labor’s ETS is political. The purpose is to be seen to be doing something; the policy merits are secondary. Thus the legislating of an ETS by Labor has become an end in itself.

It would not have escaped many that some climate campaigners have introduced an almost theological tone to this debate. Some have sought to couch the issues in moral terms. Those who disagree are labelled ‘deniers’. Those who agree are called ‘believers’. ‘Sceptic’ and ‘scepticism’ have become terms of derision. To even defend the right to scepticism can see one branded as a sceptic. Scepticism was once seen as a scientific virtue at the very heart of scientific inquiry and robust policy debate. Someone I never thought I would quote in this chamber, expatriate Australian broadcaster, author and raconteur, Clive James, pointed out last month in a BBC essay entitled ‘In defence of scepticism’ that healthy questioning has not always had a bad name. Clive James said:

Sceptics, say the believers, don’t care about the future of the human race. But being sceptical has always been one of the best ways of caring about the future of the human race. For example, it was from scepticism that modern medicine emerged, questioning the common belief that diseases were caused by magic, or could be cured by it.

Sadly, some have sought to demonise those who pose legitimate questions and to caricature their views in the most tasteless and erroneous ways. In his essay, Clive James also says:

It’s a nasty word to be called, denialist, because it calls up the spectacle of a fanatic denying the Holocaust. In my homeland, Australia, there are some prominent intellectuals who are quite ready to say that any sceptic about man-made global warming is doing even worse than denying the Holocaust because this time the whole of the human race stands to be obliterated.

Enter stage left and right on cue, on Monday of this week, the Greens candidate for Higgins, Dr Clive Hamilton. In an article on crikey.com.au, he likened those who hold doubts about climate science to Holocaust deniers. Dr Hamilton deliberately and methodically assessed the relative moral standing of Holocaust deniers and what he calls ‘climate deniers’. This is the disgusting notion that Dr Hamilton advances:

... climate deniers deserve greater moral censure than Holocaust deniers because their activities are more dangerous.

Dr Hamilton actually argues that climate sceptics are more dangerous and more morally repugnant than Holocaust deniers. This is as wrongheaded as it is disgusting. It is belittling of Holocaust victims, survivors and their families. It is offensive and Dr Hamilton should apologise. Dr Hamilton is indeed an extreme example of the intellectual bullying of, and hysterical personal attacks on, those who have legitimate questions about climate science and policy.

I make these observations not to declare a definitive view on climate science but merely to highlight the unhealthy political discourse that has developed in relation to these issues. Good ideas and good policy have nothing to fear from open debate.

What do we know about the government’s proposed scheme? We know it will increase prices. The government has admitted as much. We know it is equivalent to a substantial increase in taxes—some estimates are that it is the equivalent of a 2.5 per cent increase in the GST. We know that, even despite the massive tax increase, this will not be a revenue neutral exercise. We know it will cost jobs and we know that, on its own,
it will do nothing to reduce global temperatures.

The coalition, as the chamber knows, is currently engaged in negotiations with the government and we will have to wait and see what results come from those, but the coalition has been active. We have offered the government constructive suggestions. The coalition has even gone so far as to commission economic modelling to demonstrate its case—and full credit to Senator Xenophon for his contribution to the exercise. What that research showed is what the coalition has feared all along, that the government’s ETS is flawed, will hurt the Australian economy and sacrifice Australian jobs. At the same time, the Frontier Economics research shows that the government’s flawed ETS does not even offer the best carbon abatement.

Clearly the government is rushing this legislation according to its political timetable. There has always been wisdom in waiting until after the Copenhagen summit before considering this legislation. That has always been the view of the opposition. That approach would give Australia the time to consider what the rest of the world is intending to do, as is appropriate for a small nation.

This became even clearer after the APEC leaders summit last week. World leaders decided that pushing for a treaty with binding targets was too hard an ask for the Copenhagen summit. Instead, representatives at Copenhagen will now be asked to sign an eight-or nine-page memorandum to signify their commitment to action. It will be nothing more than a glorified press release. The government’s whole rationale for passing the ETS legislation before Copenhagen has been shot, so the argument now is that we desperately need the ETS legislated in Australia to encourage world leaders to sign a press release.

There is no prize for being the nation which proposes the most aggressive and taxing scheme. Imposing harsher restrictions on Australian businesses, harsher than the rest of the world, will only harm Australian jobs and do little to reduce global emissions. Australian ETS legislation does not need to be passed before the summit and Australia should not be locked into a scheme which may well be out of step with the rest of the world.

Australia should also wait to see the actions of the United States. The Waxman-Markey bill, currently working its way through the US congress, shows every sign of being more supportive of US industries than the Rudd government’s legislation is of Australian industries. Other major emitters, such as China and India, may well be unwilling to take any substantive action.

Worse still, the government are confused in their objectives. Their stated objective is to pass an ETS. Their stated objective is to take steps to reduce carbon emissions in the most efficient way. This legislation will not do that. As I have said already, the ETS should not be seen as an end in itself. It is simply a tool to achieve an outcome. If we decide that a particular mechanism or model is not the most efficient tool to achieve an outcome, then we would be unwise to pursue it.

Deferring the scheme would give the government a chance to look afresh and, let us face it, having no scheme would be better than the government’s current proposal. After all, the government have already admitted that their scheme will cost jobs. They happily followed the coalition’s advice to delay its implementation by a year. In doing so, they noted the current financial situation—a tacit admission that introducing a complex new regulatory burden on Australian businesses
during an economic downturn would destroy jobs.

Frontier Economic points out that 68,000 Australians will not be employed in rural and regional Australia if the government persists with its design. This new tax on Australian industry amounts to more than $12 billion per year, according to the government’s own predictions. Let us think about the efficiency of a scheme that collects more than $12 billion a year only to return it to different sectors in the economy, resulting in enormous inefficiencies and massive churn of taxpayers’ money. A huge administration will be needed to oversee this process. Permits sold and revenue collected will be distributed to favoured industries. We have already seen an unprecedented lobbying campaign from industry to gain free permits and compensation. I pity those industries not able to afford a lobbyist or bereft of the political contacts of savvier industries.

The federal government will be picking winners on an unprecedented scale. Access to the scheme, a decision made by a politician in Canberra, could result in substantial economic benefits. Failure to secure free permits or subsidies could mean financial ruin. Do we really need a minister in the federal government with such sway over the success or failure of businesses? This feature of the ETS could usher in an unprecedented era of government intervention in the economy. Decisions by government ministers will have immense and far-reaching consequences for business. The ability to lobby governments could become more important than designing, marketing and distributing goods and services. Arbitrary decisions made to bestow assistance or free permits on favoured businesses or industries will interfere with the allocation of resources in the economy. We know from past, painful experience that governments have a terrible track record when it comes to picking winners. Why grant a minister in the government this unprecedented arbitrary power to determine success or failure?

A case in point is the power industry in my state of Victoria. As Robert Gottliebsen said in the Business Spectator recently:

The current legislation would have an $8 billion adverse impact on four Latrobe Valley power generators which is offset by $2 billion in current credits—a net enterprise value reduction of $6 billion. Within a week of the current proposed legislation being passed, the boards of each of the companies that own the Latrobe generators will meet with their auditors on whether the companies’ debt covenants have been broken. Almost certainly a majority, if not all of the boards, will decide to appoint official administrators. That is terrifying. The government’s own Morgan Stanley report, which could shed more light on such outcomes, remains suppressed. The government claim that the business community needs certainty and that the coalition’s reluctance to support their bill is depriving business of that certainty. But as one business chief put it, ‘The business community does not want the certainty of a bullet.’ It is certain this scheme will cost jobs. What remains uncertain is the action of the rest of the world. It is unclear how willing large emitters like India and China will be to cut emissions. If it emerges they are not, our ETS will at best have no impact on global climate or at worst actually increase CO2 emissions.

Energy-intensive Australian businesses that typically emit far less CO2 during production than their overseas competitors will be burdened with a new tax that their international competitors will not face. This could force them to close or shift production offshore to countries with zero or fewer restrictions on emissions. This would result in higher emissions and fewer Australian jobs. Before the government lump blame onto the coalition for creating uncertainty, they would
do well to look in their own backyard. According to Professor Warwick McKibbin, the long-term carbon price is uncertain because of the design of the government’s scheme. In Europe we have seen a chronically unstable carbon price, which has robbed business of certainty and frightened investment away. Imagine the consequences of that uncertainty on an economy as resource intensive as Australia’s. It would be crazy to invest in a new mine or a new power plant under the government’s current scheme. Investments in countries with similar resource endowments but without complex emissions trading schemes suddenly look far more attractive.

The government risks overseeing a substantial flight of capital and jobs out of Australia and into countries with far less demanding environmental policies. This could decimate jobs in rural and regional Australia and seriously threaten Australia’s recovery from the effects of the downturn. It is naive in the extreme to think that severe action on the part of Australia will result in other nations stampeding to follow our lead. It is self-indulgent, even for Mr Rudd, to subjugate Australia’s best interests to satisfy his vanity. We are one of only five nations on track to meet their Kyoto targets. The vast majority of Kyoto signatories are nowhere near their commitments to cut emissions. Prior to the announcement from APEC leaders, it was just a risk that the Copenhagen meeting would result in no real emissions targets, but now it is a certainty. On Mr Rudd’s timetable, we may well look very foolish indeed.

Let us be clear: this ETS would represent a massive change to the Australian economy. We need to think the consequences through very carefully. For instance, an ETS creates new property out of nothing. It creates permits—a form of financial alchemy. Once created, this property in a legal sense will have value. Should the world reach the conclusion down the track that emissions are under control and an ETS is no longer required, there would be no way governments would ever be able to abolish this scheme. No government could afford to buy out the permit holders.

Make no mistake: once an ETS is in place, it can never ever be repealed or abolished. I pose the question: why would we introduce a scheme that can never be abandoned at a time when we have next to no idea about what the rest of the world is going to do? The government need to slow down, sit down and reassess. We know this scheme will cost jobs. We know that action from Australia is useless unless it is part of a coordinated global strategy. Yet, the government persist. Now that Copenhagen no longer looms as an artificial deadline, the government need to stop. They need to rethink. We have the time. The government should reassess their approach. The legislation should be opposed.

Senator LUNDDY (Australian Capital Territory) (6.45 pm)—Climate change is a global problem caused by carbon pollution. The Carbon Pollution Reduction Scheme will build a low-pollution economy for the future of Australia. Under the scheme, Australia’s biggest polluters will pay for the pollution they generate and there will be a limit placed on the number of Australian carbon pollution permits issued each year. The sale of permits will raise $11.5 billion for the Australian government in 2010-11, and every cent will be used to help households and businesses adjust to the scheme. The scheme will result in changes to a wide range of prices, but the overall increase in the cost of living will be modest.

The Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills give effect to Australia’s obligations under the United Nations Framework Convention on Climate Change and the Kyoto protocol. For too long we have poured greenhouse pollution into
the atmosphere and we are continuing to do so at an alarming rate. The science tells us that this pollution is causing climate change. We are already starting to feel the effects of this pollution, and projections show that if we do not act it will only get worse, with changing temperatures and rainfall patterns, more droughts, floods and water shortages, rising sea levels and extreme weather. Australia, already the driest inhabited continent on earth, is particularly vulnerable to climate change. The longer we wait to act on climate change, the more it will cost and the worse the effects will be.

Around 340,000 people live in the ACT, and this of course is the home of Canberra, the nation’s capital. It is located in the south-east region of New South Wales and is part of the Murray-Darling Basin. I would like to work through the following examples of the potential impacts and costs to the ACT’s industries, infrastructure, environment and people. The ACT is likely to experience rising temperatures and increases in extreme weather events like high-intensity rainfall, flood, drought and bushfire risk. There is a likelihood of more weather related natural disasters. By 2070 the annual average number of days over 35 degrees Celsius in the ACT could grow from the current five to up to 25 days.

Water supply in the ACT is threatened by reduced rainfall and run-off, increased evaporation and the increased occurrence of drought associated with climate change. Inflows into catchment areas decreased by 63 per cent during the 2001 to 2008 period. By 2030, a five per cent increase in water demand is projected, but with a 20 per cent decrease in run-off into ACT dams. Increasing water storage capacity will necessitate increases in the price of water for domestic and industrial uses. The ACT’s electricity and water provider, ACTEW, is enlarging the local Cotter Dam to provide an additional 78 gigalitres of water, at significant cost. The enlarged Cotter Dam and increased water extraction from the Murrumbidgee River will provide better water security under the reduced rainfall conditions predicted as a result of climate change.

Increased temperatures and increased evaporation due to climate change will also increase the risk of bushfires. By 2020, the number of days with very high or extreme fire danger could increase from 23 days to between 26 and 29 days, but by 2050 may increase by up to 50 per cent. The Canberra bushfires of 2003 make this a very real and serious projection for the people of Canberra, and I think that the recent Victorian bushfires serve as a reminder to us all of the human tragedy associated with such events.

Drought is likely to become more frequent and persistent as a result of climate change and it has the potential to disrupt electricity generation capacity and affect the reliability of electricity suppliers. An increase in average and peak temperatures, particularly in the summer months, will increase energy demand as people switch on fans and coolers and commercial buildings rev up their air-conditioning services.

As the number of very hot days—as I mentioned earlier, above 35 degrees Celsius—increases, it could more than double the number of illnesses and heat related deaths in the ACT, with the elderly particularly vulnerable. Currently, 14 people aged 65 and over die annually in the ACT from heat related deaths. This could jump to between 37 and 41 per year, using that average temperature increase as a guide, and to between 62 and 92 by 2050. Warmer conditions may also spread vector borne, waterborne and food borne disease further south, and these health issues could increase pressure on medical and hospital services.

Debate interrupted.
DOCUMENTS

Consideration

The following government document tabled earlier today was considered:

Tourism Australia—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Consideration

The following orders of the day relating to government documents were considered:

Rural Industries Research and Development Corporation (RIRDC)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Australian Fisheries Management Authority—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Torres Strait Protected Zone Joint Authority—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.


General business orders of the day nos 29 to 50, 52 to 55, 58 to 62, 64 to 79, 81 to 84, 86, 88, 89, 91, 92 and 94 relating to government documents were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Coral Sea Conservation Zone

Senator McLucas (Queensland) (6.53 pm)—Yesterday in this chamber the Senate made an important decision about the future of the Coral Sea. It was the intention of those sitting opposite that the Senate would in fact not vote on this important regulation because of the way the disallowance was being taken through. The reality is that I did not get an opportunity to speak because of that, and I take this opportunity now to put down in Hansard some commitments the government has made to Senator Xenophon in his discussions with Minister Garrett’s office.
Senator Xenophon raised questions about consultation. There has been extensive consultation since the East Marine Bioregional Profile was released in May 2009. The aim of this stage of the consultation has been to confirm the accuracy of the information in the profile and to identify, and where possible fill, any information gaps. Since January 2009, DEWHA has held over 120 meetings with individuals or groups. This included three regional assessment workshops in Cairns, Brisbane and Sydney in mid-2009. About 700 profiles have been provided to interested stakeholder groups and several thousand profile summaries have been distributed. The department has appointed a dedicated east marine region liaison officer, based in Brisbane, who is focused on consultation.

In October 2009, Minister Garrett agreed to a six-month extension to the planning process in the east marine region. This extension will enable an extended period for developing the draft East Marine Bioregional Plan. The next stage is that late in 2009 DEWHA will release the areas of further assessment for the east marine region. These will identify broad areas of interest in which marine protected areas may be identified. The aim of this stage is to collect finer scale information about stakeholders’ uses, values and interests in these areas. Approximately 40 information sessions are planned across the region with the commercial fishing sector; recreational fishing sector; conservation NGOs; Indigenous, tourism, shipping, ports, oil and gas sectors; as well as the Commonwealth government, state government and Norfolk Island government.

In mid-2010, the government will release a draft East Marine Bioregional Plan, which will include a draft proposal for a Commonwealth marine reserves network. Under the EPBC Act, DEWHA must conduct a period of statutory consultation of at least 60 days following the release of the draft plan and prior to any permanent protection measures being put in place. Meetings with stakeholder groups in regional centres are planned to coincide with the release of the draft plan. In addition, public information sessions will be held. Once the government has finalised the East Marine Bioregional Plan, it will establish any Commonwealth marine reserves. These are scheduled to be completed by the end of 2012. Under the EPBC Act, DEWHA must conduct another period of statutory consultation of at least 60 days at this point also.

The other issue that was raised is the question of permittee’s staff. In the interests of allaying concerns about the Coral Sea conservation zone the government will remove condition 4 of the conditions of permit for commercial tourism operations, which says:
The Permittee’s staff must not include any person who has been convicted of an offence against the Act or the Regulations within five years of the date of conviction.
The condition is understood to apply to very few people in any case but, if this will allay the Senate’s concern, the government is willing to remove it.

Condition 19 of the conditions of permit for commercial tourism operations requires the permittee to notify the department as soon as possible in the event of a person being injured or going missing in a conservation zone. This condition is obviously to be interpreted reasonably. Let there be no doubt that the protection of human life and safety should come first and that informing rescue authorities is the highest priority. Finally, on the question of SCUBA qualifications: to clarify condition 21 of the conditions of permit for commercial tourism operations, people undertaking snorkelling activities do not require a SCUBA diving qualification.
Can I put on the record the fact that the government is committed to both protecting the biological diversity in the oceans that we manage and addressing the issues of ecologically sustainable use of ocean resources. Let me make this perfectly clear, particularly to the senators sitting opposite: the Coral Sea has been declared a conservation zone. It is not a heritage park. The Australian government has not declared the Coral Sea a heritage park and is not considering the proposal by the Pew Charitable Trust to establish a Coral Sea heritage park. As the east marine bioregional profile recognises, the Coral Sea is internationally significant for its unique biodiversity and important heritage values and must be protected for future generations.

Senator Ian Macdonald—It’s been used for 100 years.

Senator McLUCAS—Recognising the unique characteristics of this, yes, near-pristine area, the conservation zone has been established to provide interim protection while a detailed assessment of the area is being undertaken. The conservation zone is not intended to stop any existing activities in that region. The conservation zone will be revoked with the establishment of the East Marine Region network of representative marine protected areas.

I make it very clear to this Senate, and to Senator Macdonald and Senator Boswell and the people that he talks to in my city of Cairns—because he cannot get any traction in his own town—that this is about making sure that the current uses of the Coral Sea are being maintained.

Senator Ian Macdonald interjecting—

Senator McLUCAS—I enjoyed walking up and laying my wreath in Townsville with you the other day.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Senator McLucas and Senator Macdonald, you will cease the interjections. Senator McLucas, you will address your comments through the chair.

Senator McLUCAS—Let’s go to the impact of the Coral Sea Conservation Zone on activities in the area. Recreational and commercial fishing are unaffected by the Coral Sea Conservation Zone. They will continue to be managed under the relevant existing Commonwealth and Queensland regulations. Commercial tourist operations, including charter fishing, require a permit. These are issued by the environment department free of charge and—this is important—they are transferable. There has been misinformation spread in Cairns, particularly amongst the fishing sector, to say that they are not; but they are transferable.

Can I also say that in Senator Boswell’s press release of 19 August, he intentionally misled anyone who read it. He said that his disallowance motion ‘will stop the Coral Sea heritage park from going ahead’. As we know, that is plainly misleading and incorrect. All along Senator Boswell has attempted to conflate the government’s Coral Sea Conservation Zone, in which fishing can continue, with the Pew Charitable Trusts’ Coral Sea heritage park, which does propose an end to fishing. As I have said, we are not contemplating adopting Pew’s proposal. The facts are that the Coral Sea heritage park is a proposal from a coalition of non-government organisations. It was not given effect at all by the declaration of the Coral Sea Conservation Zone.

Now that the motion has been defeated the assessment will continue under the east marine bioregion process. The coalition has attempted to argue that the Coral Sea Conservation Zone is universally opposed by fishing interests. This is far from correct. On 19 May the Queensland Seafood Industry Association, the peak industry body in Queensland, issued a media release welcom-
ing the announcement of the Coral Sea Conservation Zone, noting that it is committed to playing an active role with the Australian government to protect the marine environment in the region. The government appreciates the constructive role that QSIA is playing. (Time expired)

Urban Planning

Senator Ryan (Victoria) (7.03 pm)—Tonight I raise an issue that is of particular importance in this country. It is of importance generally and it is of importance because of a speech the Prime Minister made recently, where he talked about Australia’s population increasing to 35 million. It is of particular importance to people of my generation and younger who seek to buy or build their first home. What I aim to do tonight is to mount a defence of the Australian suburb, suburbia in general, and the aspiration to buy or build your own home on your own block of land as you see fit in an affordable way—because it seems to have become particularly unfashionable. People talk of urban sprawl. Issues such as environmental concerns, costs to government and the provision of social and economic infrastructure are raised and we now hear of climate change and the so-called obesity epidemic, all of which require us to restrict the growth of our suburbs and to control the way people choose to buy or build their own homes.

The advocates of constraining the continued development of our suburbs are varied but they fail to appreciate that this is an aspiration for many Australians. Decades of record levels of home ownership in Australia attest to this, as do the hundreds of thousands of people from around the world who are attracted to Australia—one of the main reasons being the lifestyle in our cities and in our suburbs.

Robert Menzies realised it was a core Australian aspiration when he said in 1942:

The material home represents the concrete expression of the habits of frugality and saving ... one of the best instincts in us is that which induces us to have one little piece of earth with a house and a garden which is ours; to which we can withdraw, in which we can be among our friends, into which no stranger may come against our will.

The Australian pattern of homeownership based on our suburbs and on new suburban development is something we should be proud of. It has been affordable. It has given millions of people the opportunity to build a secure financial base for themselves and their families and, even more importantly, lead the lifestyle they choose.

To allow the generation that has benefited from past investment in our suburbs and their own lifestyles to deny the same opportunities to future Australians is profoundly wrong, especially when the justification is based on nothing more than a utopian dream to create a perfect society. It is being driven by a desire to constrain the choices of our fellow Australians. In this the 150th anniversary of the publication of John Stuart Mill’s famous essay On Liberty it is a sign of the times, sadly, that the modern utopians and authoritarians seeks to use the language of choice and the market to constrain the choices of others. The principle that actions should only be limited if they harm others has been used perniciously in this debate.

Just as the discussion of the so-called externality of congestion is used to justify a congestion tax and to charge people to move around our own cities and infringe a most basic freedom—that of movement—we hear of the externalities of transport costs, infrastructure costs, and indeed now even health and environmental costs, being used to justify denying the opportunities that some have had to others: the opportunity to choose and own an affordable home in an Australian suburb. The modern utopian society for some
is apparently one where we all live in high-density, small-geographic-footprint buildings crowded on top of one another. But just like other utopian dreams it is based on some people denying others the choices they themselves enjoy.

I do not deny that we need to dramatically improve our planning processes and, indeed, our outcomes. It was ironic that the Prime Minister made this speech recently, when it was over the last 10 years of Labor state governments in most of our states, and indeed in my home state of Victoria, that the wheels fell off, almost literally, when it comes to transport. The problem is not with low-density cities; it is with our failure to plan for them. We have had a home affordability issue in this country, but it is one that has been created by government policy, and it has been primarily government policy at the state level. Artificial constraints on the release of land over decades, combined with substantial population growth, have driven up the price of the largest component of a new home: the land value. This has been compounded by state government levied charges forcing the price even higher.

And what has been the justification of this? Well, it started out being infrastructure provision. But this is a fallacy. Over the last decade our state governments have benefited from record, unprecedented revenues—particularly from taxes derived from land, and particularly from taxes derived from residential land. The stamp duty on a median-priced Melbourne home is now over $20,000. Like many, I was raised in suburbs that were established before my parents bought their first home. I bought my first home in an established suburb. It has good infrastructure—good roads, public transport in various forms, schools and the like. Just as these suburbs have been the beneficiaries of past investment by government and past taxes that people have paid—and groups like the board of works, the tramways board and railways Victoria in my home state—the record levels of stamp duty paid today should be funding the required development in our new suburbs. But this has not been undertaken. There has not been a new train line built in Melbourne since the 1930s. Over the last 10 years, despite record patronage growth and record population growth, and recovering from the disastrous Cain and Kirner administrations, my home city of Melbourne has not seen a new publicly funded freeway or any substantial investment in public transport.

When we look at the lack of infrastructure in our new suburbs, the failure rests solely with our state governments over the past decade. Dr Bob Birrell has outlined that my own home city of Melbourne has ‘literally boundless plains to share’ for development for people to build homes, but it appears that government does not want to share them. Our state governments are drawing artificial lines around our cities, making housing more expensive than it needs to be. When we consider the housing affordability challenge, it is obtuse and ignorant not to look at this as the first and most important source of the problem. We should be striving for cheap housing. Very few countries in the world have the capacity to provide it that Australia does, as we did for many decades until very recently.

The problem is that the current debate is dominated by people trying to solve various social problems that they choose to prioritise at the expense of the choices their fellow Australians want to make. They condemn the suburbs as car dominated, again claiming that the cheap, private transport that the car made available to millions is more of a problem when the reality is that it revolutionised the lives of those who previously did not have the freedom to travel and move around as they saw fit. A truly modern planning arrangement would allow this choice. It would
allow people to choose the inner suburbs. It would allow people to choose the outer suburbs. It would allow people to prioritise the lifestyle they saw fit for themselves and their families. I live in the inner suburbs. My friends live in the outer suburbs. It reflects our own personal priorities. We should not have artificially constrained cities dominated by high- and medium-density housing purely because of government decisions. Unless something is done to address this, with the population growth that is forecast for this country and the policies of governments primarily at the state level at the moment, that is what we will see; and that does not reflect the aspirations or the wishes of most Australians.

Australian Defence Force

Senator FIELDING (Victoria—Leader of the Family First Party) (7.11 pm)—Last week on Remembrance Day we stood for a minute’s silence to remember those Australians who died fighting to protect the values and freedoms which we so dearly cherish. The soldiers we remembered were brave individuals who each made the biggest sacrifice one can ever make: the sacrifice of their own lives for the sake of their country. Each day, thousands of Australian men and women put themselves in harm’s way and put their lives at risk to keep us safe and secure. It is just another reason why service in the ADF is unique because when you sign up to the ADF, you give the state or the nation the authority to send you overseas into lethal situations where the outcome in extreme cases can be certain death. A soldier does not have the right to refuse a dangerous order that will put them in harm’s way. They must follow through with their orders, even when they know that this may mean they will never see their family or friends again. It is an incredible situation to put yourself in and it takes incredible people to do this. And, therefore, given these circumstances and the uniqueness of this, we as a society have an obligation to provide the members of the ADF with special benefits above and beyond what would ordinarily be provided to others. However, now it seems that we are doing the exact opposite of this; and nowhere is this more evident than in the case of the military superannuation pension schemes.

The Rudd government likes to say the right things and acknowledge that service in the ADF is unique, but, quite frankly, for a long time both sides of parliament have paid lip-service to many veterans’ issues. Only recently we had the Matthews review, which looked at the pension indexation arrangements in the Australian government civilian and military superannuation schemes. There was much hope that this report would correct the failings of previous governments and recommend a more appropriate indexation arrangement for the following military superannuation pensions: the Defence Force Retirement Benefit Scheme, DFRB; the Defence Force Retirement and Death Benefit Scheme, DFRDB; and the Military Superannuation Benefits Scheme, MSBS. After all, this report was delivered to the Rudd government back in December 2008, and it was only tabled in parliament in September 2009. So there was much expectation that the government was working its way through the issues during this time.
At the moment the current indexation arrangements are hopelessly inadequate and condemn our military pensioners to fall further behind rising community income standards. The defence force and superannuation pensions are only indexed to CPI, which, as anyone can tell you, is not an accurate measure of the increases in cost-of-living expenses. This was even accepted by the Australian Bureau of Statistics, which said:

The CPI is not a purchasing power or cost-of-living measure.

CPI is just a measure of changes in the price of a basket of goods and services and should not be used as the only measure to index the military pensions of our former servicemen and servicewomen. This is an outdated way to index pension payments and must be fixed immediately because at the moment the true value of those military pensions is falling compared to rising incomes of the general population.

Even the government has admitted that CPI is not an appropriate measure for indexing the pension and has reformed other government pensions which were previously indexed to the CPI. This includes the age pension, the wife pension, the disability support pension, the widow’s pension parenting payment, the carer payment, the services pension, the partner service pension, the income support pension and the war widow’s pension. In the 2008 budget the government recognised that many seniors were concerned that their cost of living may rise faster than the consumer price index and to address this concern the government announced:

… the Government will guarantee that the Age Pension will increase in line with the higher of the consumer price index, increases in male total average weekly earnings or the living cost index for age pensioner households. These arrangements will ensure that the Age Pension keeps pace with increases in prices and improvements in community living standards.

Why them and not our veterans?

Again, other parts of the community received greater attention than those who have willingly put themselves in harm’s way at the direction of successive Australian governments. These pension payments are now all linked to the average wage so that they do not slip below a certain percentage of any increase in the average wage. This method of indexation makes a lot more sense and it is ridiculous that the government is refusing to budge and do the same thing when it comes to military pensions.

The current indexation arrangements have meant that military superannuation pensions are 35 per cent lower than they would have been if they were linked to a wage based indexation, such as the male total average weekly earnings, 20 years ago. Thirty-five per cent works out to be an enormous amount of money and it would make a real difference to veterans. By not changing it, not only does it seriously erode the standard of living for people relying on these payments but it also sends a terrible message that this is the way the government treats those people who have given their all for Australia.

We are talking here about an issue of basic equity. It is about giving a fair go to those Australians who have put their lives on the line. Why should politicians have their superannuation payments indexed more generously than our veterans? Why should federal court judges have their pension payments indexed to the increases in judicial salaries but military personnel have their payments linked only to CPI? Why does the government believe veterans should be worse off compared to others! How does this possibly make any sense?

Clearly the sensible thing is for military superannuation pensions to keep pace with community income standards, so why is the
government being so stubborn on this issue? This issue of proper indexation for military superannuation pensions has already been dealt with by numerous Senate inquiries and yet we still see no change whatsoever on this front.

Even as recently as last year the Senate Standing Committee on Community Affairs concluded:

Commonwealth and Defence superannuation pensions should immediately be brought in line with other government pensions by indexing these to both CPI and Male Total Average Weekly Earnings.

What we do not want to see is another report or inquiry on this issue. Instead we want to see concrete action taken by the government to fix this disparity once and for all.

Back in 2007, the Labor Party promised to fix this issue if it were elected to government. The Labor Party, in a letter to the Defence Force Welfare Association, said the following:

Labor believes that defence superannuation is a vital factor in the nation’s ability to recruit and retain talented and capable people for the Australian Defence Force. It is also a key entitlement for ex-service personnel.

... ... ...

there is clearly much more to be done to address a range of longstanding issues in defence’s superannuation.

Issues of great concern to the defence and ex-service community include indexation ...

It is now two years on and the thousands of people who depend upon their military superannuation pensions are still waiting. I know well that organisations such as the RSL, the Defence Force Welfare Association and the Australian Peacekeeper and Peacemaker Veterans’ Association have been batting hard on this issue and struggling to get their voices heard.

That is hardly the end of it. Veterans still have the same issue with the DFRDB scheme and those who want to commute their super to get a lump sum are having it calculated based on life tables from 1962 which results in a lower residual fortnightly payment than would be the case if up-to-date life tables were used. In fact, it gets even worse than that. DFRDB pension recipients who choose not to commute their lump sum have only that part of their pension that would have been paid if they had commuted indexed—that is, partial indexation. The government is robbing its ex-service people by deducting more than they need to and then claiming that they cannot afford to do anything because they do not have the money.

The government needs to stop its penny pinching and give proper reward to the thousands of Australians who have served this country so loyally. Some people might think I am biased on this issue because I have a son who is currently serving in the Army, so I want to declare and make it perfectly clear that I certainly do have a personal interest in this debate. But my special interest is not as a father of a soldier; it is as an Australian citizen who actually gives a stuff about their fellow Australians giving tirelessly of themselves above and beyond the call of duty to protect me and my family.

I hate seeing something in our system which I think is so blatantly wrong, and this issue relating to the indexation of the military superannuation pension is one of those issues, especially when Labor has basically said they will do something about it. Let’s put aside party politics and penny pinching and give our defence personnel the outcome they truly deserve.
Coral Sea Conservation Zone

Senator IAN MACDONALD (Queensland) (7.20 pm)—I have been encouraged to speak on the adjournment debate tonight on some comments made by my Queensland Senate colleague Senator Jan McLucas, who represents the Labor Party and who sometimes is in Cairns. Senator McLucas made some disparaging comments about my representation of a part of Australia for which I have a great love and have been in for most of my life and for which I hold the shadow ministerial portfolio in the coalition opposition.

I do what I can for Northern Australia and North Queensland as a Queensland senator. I am finding increasingly that I have to do work in Cairns, because neither Senator McLucas nor Mr Jim Turnour bother themselves too much with the real issues in Cairns. In Cairns we have 17.5 per cent adult male unemployment, the highest in the nation. We have across the board 12 or 13 per cent unemployment—again, I regret to say, the highest in the nation. And what do you hear from either Senator McLucas or Mr Turnour about that? When the Labor government destroys the fishing-ship-building industry in Cairns, there was not a murmur from either of these two alleged great advocates for the Cairns region—not a murmur. The Labor government has moved the ship-building industry in Far North Queensland—which has been there for 30, 40, 50 or 60 years—down to the electorate of, I think, Nicola Roxon in the Melbourne area. What have these members representing the north done? There has not been a squeak from them. And Senator McLucas has the hide to come in and disparage the work that I try to do to help the people of Cairns.

I want to raise another issue. Yesterday Senator Xenophon voted with the Labor Party to defeat a disallowance motion that Senator Boswell and I had moved to try and help the people of Far North Queensland by overturning this decision by Mr Garrett to create a conservation zone without any consultation. We had a lot of concerns about the regulatory impact on the area. Senator Scullion did not get a chance to speak yesterday because the Labor Party and the Greens guillotined the debate and then made sure that we had two 10-minute votes during the limited time left. That meant that Senator Scullion could not get up and go through chapter and verse the regulations that he had concerns about—and he knows quite a bit about them—and that we were trying to convince Senator Xenophon needed addressing.

But Senator Xenophon voted with the government and then sat down. As an afterthought, he got up again and said, ‘Oh, I forgot to say that I’ve done this because the government has given me undertakings to get up tomorrow in the Senate and make a statement addressing all of the issues that Senator Scullion, Senator Boswell and Senator Macdonald have raised with me about this particular conservation zone.’ So I have waited all day for the ministerial statement; I have waited all day for the relevant minister to come in and complete his undertaking to Senator Xenophon and I assume—because Senator Xenophon mentioned it—to the Senate. I have waited and waited. And right at the death of the day, on the adjournment debate, we had a backbencher come in here and give some comments.

Unfortunately, because I as the mover of the motion was not even given the courtesy of being told that this matter would be mentioned, I was not down here to listen. I was working away in my office, heard Senator McLucas start and thought that I had better rush down, so I missed in my passage down here some of the things that she said. But I did hear her say a few things. One of our concerns was that there had been no consul-
tation before the conservation zone was proclaimed. As I say, I was rushing down, so perhaps I did not hear a lot of it. But what I heard was mention of the consultation that has happened since the proclamation and—worse than that—the consultation that is going to happen next year in 2010. Our concern was that the proclamation of the conservation zone occurred without consultation. Mr Garrett woke up one morning, slapped on this proclamation and did not bother to consult anyone in Cairns. Perhaps Senator McLucas did give details of that as I was walking down here. But the consultations that I heard her mention—the consultations that she was rabbiting on about—were all post the proclamation.

What will the government do when Senator Xenophon in six months time finds out that, hang on, things are not quite as he was told they would be? He could go back and say, ‘Yes, but I have a comment in the chamber—in the parliament—from the government that this is what they are going to do.’ They will come back and say, ‘Where is this commitment from the government?’ No minister, no parliamentary secretary nor anyone in the executive of the government has given this undertaking; a backbencher has. When Senator Xenophon says to the government, ‘You promised me this,’ they will say: ‘I’m not sure that we did. Perhaps a backbench senator on an adjournment might have made some comments, but that does not bind the government. That is not a minister or a parliamentary secretary giving an undertaking.’

Perhaps Senator Xenophon has a watertight written undertaken from the minister. If that is the case, let us hope that Senator Xenophon and the Labor Party have a nice little relationship. The rest of us in the Senate who had a very high degree of interest in this whole process would have also appreciated some particular comments and some particular involvement in an issue that was determined yesterday on Senator Xenophon’s vote because he had been given certain—to us, secret—undertakings of what the government would and would not do.

If Senator Scullion had been aware of this debate tonight, he would have been here and would have been able to go through the things chapter and verse. It is not an area that I have put a lot of time into, but just opening up the regulations that apparently apply—and we are a bit confused about what applies and what does not—there is a regulation there that says that a person commits an offence if a person takes a fish in a Commonwealth reserve, the conservation zone, in contravention of a determination made by the director under subregulation 3. And subregulation 3 says that the director may determine in writing a whole host of things. So the director can sit in his office one day, pull out a bit of paper and write down that you cannot use scuba gear when fishing in the Coral Sea. He has put it in writing, so you cannot do it—that’s the law! This is what this government was doing yesterday.

I know that the Labor Party cannot manage the government. We have a debt of $315 billion and no indication of how it is going to be paid off. We have a Labor Party that cannot even control this chamber—cannot even get their business through this chamber. We have a Labor Party that do not know what they are doing with the emissions trading bill; a Labor Party that want us to debate a bill this week, which they are going to change before we vote on it—but they will not tell us what the changes are! They are completely hopeless. What was it that Senator Fielding said? That they couldn’t put a hole in a wet paper bag? I am sorry, I don’t think I got that right—but you know what I mean, Senator Fielding! The Labor Party simply cannot manage the economy. They cannot manage this chamber. They cannot manage important debates like the ETS. And
you can be assured they will be unable to
manage the conservation zone in the Coral
Sea and the bioregional planning that the
Howard government initiated. (*Time expired*)

Senate adjourned at 7.31 pm

DOCUMENTS

Tabling

The following documents were tabled by
the Clerk:

[Legislative instruments are identified by a
Federal Register of Legislative Instruments
(FRLI) number]

Australian Research Council Act—
Approval of Proposals—Determinations
Nos—
70—Discovery Indigenous Researchers
Development commencing in 2010.
71—Discovery Projects commencing in
2010.
72—Linkage Projects Round 1 com-
mencing in January 2010.

Corporations Act—Auditing Standards—
ASA 501—Audit Evidence—Specific
Considerations for Inventory and Seg-
ment Information [F2009L04085]*.
ASA 510—Initial Audit Engagements—
Opening Balances [F2009L04089]*.
ASA 705—Modifications to the Opin-
ion in the Independent Auditor’s Report
[F2009L04101]*.
ASA 706—Emphasis of Matter Para-
graphs and Other Matter Paragraphs in
the Independent Auditor’s Report
[F2009L04102]*.

Great Barrier Reef Marine Park Act—
Select Legislative Instrument 2009 No.
304—Great Barrier Marine Park Amend-
ment Regulations 2009 (No. 1)
[F2009L04191]*.

Migration Act—Migration Regulations—
Instrument IMMI 09/131—Health waiver
—participating states and territories
[F2009L04254]*.

National Transport Commission Act—
Select Legislative Instrument 2009 No.
309—National Transport Commission
(Model Amendments Regulations: Aus-
tralian Road Rules – Package No. 8) Regu-
lations 2009 [F2009L04189]*.

Parliamentary Entitlements Act—
Parliamentary Entitlements Regulations—
Advice of decision to pay assistance under

* Explanatory statement tabled with legisla-
tive instrument.

Tabling

The following government documents
were tabled:

*Migration Act 1958—Section 486O—
Assessment of detention arrangements—
Personal identifiers 568/09 to 573/09—
Commonwealth Ombudsman’s reports.

Government response to Ombudsman’s
reports.

Royal Australian Air Force Veterans’ Resi-

Tourism Australia—Report for 2008-09.

Treaty—*Multilateral—Explanatory state-
ment 10 of 2009—Amendment to the
Convention Establishing a Customs Coop-
eration Council adopted at Brussels in
1952.

Tabling

The following document was tabled pur-
suant to the order of the Senate of
17 November 2009:

Communications—NBN Co—
Appointment—Statement by the Minister
for Broadband, Communications and the
Digital Economy responding to the resolu-
tion of the Senate of 17 November 2009.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Environment, Heritage and the Arts: Statutory Reviews
(Question No. 1526)

Senator Minchin asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 18 May 2009:

With reference to all legislation administered within your portfolio:

(1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

(2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

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

(1) The following statutory reviews are due to commence and/or conclude in 2009:

   - Subsection 65(2) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides that the Minister must cause a review of the operation of a bilateral agreement to be carried out at least once every 5 years while the agreement remains in effect. The bilateral agreements for which reviews are due to commence and/or conclude in 2009 are:


   - Subsection 279(2) of the EPBC Act provides that a Recovery Plan or a Threat Abatement Plan that has been made or adopted under Subdivision A of Division 5 of the EPBC Act must be reviewed by the Minister at intervals of not longer than 5 years. A table is included at Attachment A which sets out the Recovery Plans and Threat Abatement Plans for which a review is to commence and/or conclude in 2009.

   - Subsection 294(2) of the EPBC Act provides that a Wildlife Conservation Plan that has been made or adopted under section 285 must be reviewed by the Minister at intervals of not longer than 5 years. The Wildlife Conservation Plans for which a review is to commence and/or conclude in 2009 are:

   - Wildlife Conservation Plan on Migratory Shorebirds (2006 – 2011) – The review process for this Plan has commenced and it is expected to be completed by February 2011.

   - Subsection 324ZC(1) of the EPBC Act provides that at least once in every 5 year period after the National Heritage List is established, the Minister must ensure that a review of the National Heritage List is carried out and a report of that review is tabled in each House of the Parliament. This review was completed in January 2009.

   - Subsection 341ZC(1) of the EPBC Act provides that at least once in every 5 year period after the Commonwealth Heritage List is established, the Minister must ensure that a review of the Commonwealth Heritage List is carried out and a report of that review is tabled in each House of the Parliament. This review was completed in January 2009.

   - Subsection 522A(1) of the EPBC Act provides that the Minister must cause independent reviews to be undertaken by a person or body of the operation of the Act and the extent to which the objects of the Act have been achieved. Subsection 522A(2) provides that the first review must be undertaken within 10 years of the commencement of the Act.
- An independent statutory review of the EPBC Act is being conducted by Dr Allan Hawke, with support from a panel of experts. The review was announced by the Minister for the Environment, Heritage and the Arts on 31 October 2008 and is required under its term of reference to be completed by 31 October 2009.

(2) The following statutory reviews are due to commence and/or conclude in 2010:

Subsection 65(2) of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) provides that the Minister must cause a review of the operation of a bilateral agreement to be carried out at least once every 5 years while the agreement remains in effect. The bilateral agreements for which reviews are due to commence and/or conclude in 2010 are:

- Sydney Harbour Federation Trust Heritage Strategy (May 2006) – it is anticipated that this review will commence in May 2010 and is expected to be complete in December 2010;
- Tasmania Assessment Bilateral Agreement (12 December 2005) – it is anticipated that this review will be conducted between February – November 2010 with the review to be completed before 12 December 2010;
- New South Wales Agreement relating to the Sydney Opera House (22 December 2005) – it is anticipated that this review will be conducted between February – November 2010 with the review to be completed before 22 December 2010.

Subsection 279(2) of the EPBC Act provides that a Recovery Plan or a Threat Abatement Plan that has been made or adopted under Subdivision A of Division 5 of the EPBC Act must be reviewed by the Minister at intervals of not longer than 5 years. A table is included at Attachment A which sets out the Recovery Plans and Threat Abatement Plans for which a review is to commence and/or conclude in 2010.

Subsection 72(1) of the Fuel Quality Standards Act 2000 (the FQS Act) provides that the Minister must cause an independent review of the operation of the Act to be undertaken as soon as possible after the second anniversary of the commencement of Part 2 of the Act and afterwards at intervals of not longer than 5 years. - The second review of the FQS Act is anticipated to commence by 1 July 2010 and is expected to be concluded by December 2010.

Subsection 76(1) of the Water Efficiency Labelling and Standards Act 2005 (WELS Act) provides that the Commonwealth Minister must cause an independent review of the operation of the WELS Scheme to be undertaken as soon as possible after the fifth anniversary of the commencement of this section (section 76 commenced on 18 March 2005).

A review of the operation of the WELS Scheme is due to commence in 2010.

Attachment A

Recovery Plans and Threat Abatement Plans for which a review is to commence and/or conclude in 2009 or 2010

<table>
<thead>
<tr>
<th>Name of Plan</th>
<th>Timetable for the commencement and/or conclusion of the review</th>
</tr>
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<tbody>
<tr>
<td>Recovery Plan for Australia’s Threatened Whales – Humpback, Southern Right, Blue, Fin and Sei Whales</td>
<td>This Review is expected to commence and conclude in 2010</td>
</tr>
<tr>
<td>Recovery Plan for 10 Species of Seabirds</td>
<td>The Review of this Recovery Plan has commenced and is expected to be completed by 2010</td>
</tr>
<tr>
<td>Acacia pubescens (Vent.) R. Br. Fabaceae (Mimosoideae) (Downy Wattle) Recovery Plan</td>
<td>The review of this Recovery Plan has commenced and is expected to be concluded in</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Name of Plan</th>
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<tbody>
<tr>
<td>Amytornis textilis modestus (Thick-billed Grasswren) Recovery Plan</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Bertya sp. A Cobar-Coolabah (Cunningham &amp; Milthorpe s.n., 2/8/73) Recovery Plan</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Salt Pipewort (Eriocaulon carsonii) Recovery Plan</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for Corchorus cunninghamii</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for Stream Frogs of South-East Queensland 2001-2005</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Revised Recovery Plan for the Carpentarian Rock-Rat Zyzomys palatalis</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Boronia granitica (Granite Boronia) Recovery Plan</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for the Elaeocarpus sp. Rocky Creek (syn E. sp. 2 ‘Minyon’)</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for the Tallong Midge Orchid (Genoplesium plumosum)</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for the East Lynne Midge Orchid (Genoplesium vernale)</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Grevillea obtusiflora subsp. obtusiflora and subsp. fecunda Recovery Plan</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery plan for Litoria castanea (Yellow-spotted Bell Frog) and Litoria piperata (Peppered Tree Frog)</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for the Southern Corroboree Frog (Pseudophryne corroboree)</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Pterostylis gibbosa, Illawarra Greenhood Orchid Recovery Plan</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Recovery Plan for Zieria formosa, Zieria buxifugum &amp; Zieria parriasiae</td>
<td>August 2010 The review of this Recovery Plan has commenced and is expected to be concluded in August 2010</td>
</tr>
<tr>
<td>Recovery Plan for Alectryon ramiﬂorus 2002-2006</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
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### QUESTIONS ON NOTICE

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<thead>
<tr>
<th>Name of Plan</th>
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<tbody>
<tr>
<td>Recovery Plan for the Golden-shouldered Parrot (Psephotus chrysopterygius) 2003-2007</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Blunt Wattle (Acacia aprica) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Giant Andersonia (Andersonia axilliflora) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Hinged Dragon Orchid (Caladenia drakeoides) Interim Recovery Plan</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Gingin Wax (Chamelaucium sp.gin) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Boscabel Conostylis (Conostylis setigera subsp. Dasys) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Abba Bell (Darwinia sp. Williamson) Interim Recovery Plan No. 139, 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Pinnate-leaved Eremophila (Eremophila pinnatifida) Interim Recovery Plan</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Whorled Eremophila (Eremophila verticillata) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Varnish Bush (Eremophila viscida) Interim Recovery Plan</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Gypsum Goodenia (Goodenia integerrima) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Split leaved Grevillea (Grevillea althoferorum) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Ironstone Grevillea (Grevillea elongata) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Spreading Grevillea (Grevillea humifusa) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>McCutcheon’s Grevillea (Grevillea maccutcheonii) Interim Recovery Plan 2003-2008</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Western Prickly Honeysuckle (Lambertia echnata subsp. occidentalis) Interim Recovery Plan</td>
<td>May 2010 - The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
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<tr>
<td>Name of Plan</td>
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<tr>
<td>Round-Leaved Honeysuckle (Lambertia orbifolia subsp. orbifolia ms)</td>
<td>May 2010</td>
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<tr>
<td>Interim Recovery Plan 2002-2007</td>
<td>The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Wing-fruited Lasiopetalum (Lasiopetalum pterocarpum ms)</td>
<td>May 2010</td>
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<tr>
<td>Interim Recovery Plan 2003-2008</td>
<td>The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Small-flowered snottygobble (Persoonia micranthera)</td>
<td>May 2010</td>
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<tr>
<td>Interim Recovery Plan 2003-2008</td>
<td>The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
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<tr>
<td>Underground Orchid (Rhizanthella gardneri) Interim Recovery Plan 2003-2008</td>
<td>May 2010</td>
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<tr>
<td>Trigwell’s Rulingia (Rulingia sp. Trigwell Bridge) Interim Recovery Plan 2003</td>
<td>May 2010</td>
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<tr>
<td>Wongan Hills Triggerplant (Stylidium coroniforme) Interim Recovery Plan 2003</td>
<td>May 2010</td>
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<tr>
<td>Quartz-loving Synaphea (Synaphea quartzitica) Interim Recovery Plan 2003-2008</td>
<td>May 2010</td>
</tr>
<tr>
<td>Green Hill Thomasia (Thomasia sp. Green Hill) Interim Recovery Plan 2003-2008</td>
<td>May 2010</td>
</tr>
<tr>
<td>National recovery plan for Narrow-petalled Featherflower (Verticordia plummosa var. pleiobotrya)</td>
<td>May 2010</td>
</tr>
<tr>
<td>National Recovery Plan for Abbott’s Booby papasula abbotti</td>
<td>May 2010</td>
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<tr>
<td>National Recovery Plan for Tectaria deveixa</td>
<td>May 2010</td>
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<tr>
<td>National Recovery Plan for Christmas Island Frigatebird</td>
<td>May 2010</td>
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<tr>
<td>National Recovery Plan for Christmas Island Goshawk</td>
<td>May 2010</td>
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<tr>
<td>National Recovery Plan for Christmas Island Hawk-owl</td>
<td>May 2010</td>
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<tr>
<td>National Recovery Plan for Christmas Island Shrew</td>
<td>May 2010</td>
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<tr>
<td>National Recovery Plan for Christmas Island Pipistelle</td>
<td>May 2010</td>
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</tbody>
</table>

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<tr>
<th>Name of Plan</th>
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</tr>
</thead>
<tbody>
<tr>
<td>National Recovery Plan for Christmas Island Spleenwort</td>
<td>May 2010 The review of this Recovery Plan has commenced and is expected to be concluded in May 2010</td>
</tr>
<tr>
<td>Gentiana baueerleni (a subalpine herb) Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Muehlenbeckia tuqueranong (Tuqueranong Lignum) Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
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<tr>
<td>Eastern Suburbs Banksia Scrub Endangered Ecological Community Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Caladenia arenaria Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Eidothea hardeniana Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Grevillea bealeana Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Grevillea caleyi Conservation Research Statement and Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Eastern (Freshwater) Cod (Macculoughella ikei) Draft Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Rapanea sp. A Richmond River (J.H Maiden &amp; J.L Boorman NSW 26751) Recovery Plan for the Golden Bandicoot (Isoodon auratus) and Golden-backed Tree-rat (Mesembriomyx macrurus) 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>One-headed Smokebush (Conospermum densiflorum subsp. unicephalatum) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Three Springs Daviesia (Daviesia bursarioide) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Morseby Range Drummondita (Drummondita ericoeids) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Paynes Find Mallee (Eucalyptus crucis subsp. Praecipitua) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Dandaragan Mallee (Eucalyptus dolorosa) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Spiral Flag (Patersonia spirafolia) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Hughan’s Featherflower (Verticordia hughanii) Interim Recovery Plan 2004-2009</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Granite Feather flower (Verticordia staminosa subsp. Cylindracea var. cylindracea) Interim Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Lepidioin ginninderrense (Ginninderra Peppercress) Recovery plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Daphnandra sp C (Illawarra) Recovery Plan</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Recovery Plan for Irenepharsus trypherus (II-</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
<tr>
<td>Name of Plan</td>
<td>Timetable for the commencement and/or conclusion of the review</td>
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<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Iawarra Irene) Recovery plan for Zieria granulata</td>
<td>to commence in March 2010</td>
</tr>
<tr>
<td>National recovery plan for the Partridge Pigeon (eastern) (Geophaps smithii smithii) Crested Shrike-tit (northern) (Fancunculus frontatus whitei) Masked Owl (northern) (Tyto novaehollandiae kimberli) and the Masked Owl (Tiwi Islands) (Tyto novaehollandiae melvillensis) National recovery plan for the Northern Hopping-mouse (Notomys aquilo), Carpentarian Antechinus (Pseudantechinus mimiculus), Carpentarian Dunnart (Sminthopsis butleri)</td>
<td>The review of this Recovery Plan is expected to commence in March 2010</td>
</tr>
</tbody>
</table>

**Infrastructure, Transport, Regional Development and Local Government: Hospitality**

*(Question No. 1796)*

Senator Abetz asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 16 June 2009:

1. (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

2. For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

1. (a) $200,075. (b) The department does not record this level of detail in its Financial Management Information System.

2. (a) $1,709. (b) The department does not record this level of detail in its Financial Management Information System.

**Jobs Fund Scheme**

*(Question No. 2110)*

Senator Bob Brown asked the Minister representing the Prime Minister, upon notice, on 21 August 2009:

With reference to a meeting on Wednesday 29 April 2009 with Senator Bob Brown, the Prime Minister offered to involve and credit the Australian Greens (the Greens) in the Government’s future announcements and promotions in relation to the projects under the Jobs Fund scheme which were part of the package negotiated by the Greens in the economic stimulus package:

1. Which of the projects announcements or promotions to date: (a) have been funded wholly or in part; and (b) have not been funded, through the economic stimulus package negotiated by the Greens, for example, $360 million of the $650 million fund.

2. Of the announced projects to date, how many of those which received funding through the negotiations have involved the Greens in the announcement or credited the Greens with negotiating this funding.
\textbf{Senator Chris Evans}—The Prime Minister has provided the following answer to the honourable senator’s question, as at 30 September 2009:

(1) The $650 million Jobs Fund comprises the following streams:

- $300 million for the Local Jobs stream, as negotiated with the Australian Greens, which includes $60 million identified for heritage-related projects and $40 million for the construction of bike paths;
- $200 million for the Get Communities Working stream, as negotiated with Family First Senator for Victoria, Senator Steve Fielding; and
- $150 million for the Infrastructure Employment Projects stream, allocated by the Australian Government outside of negotiations with the Australian Greens and Senator Fielding.

(a) The Government has announced 97 projects funded under the Local Jobs stream of the Jobs Fund, as negotiated by the Australian Greens, including:

- Thirty-three projects at a cost of $12.7 million funded through the heritage component of the Local Jobs stream, announced between 29 April 2009 and 1 July 2009; and
- Sixty-four projects at a cost of $50 million funded through the general Local Jobs stream (i.e. projects other than heritage-related projects or construction of bike paths), announced on 3 September 2009.

(b) The Government has announced 145 projects funded under the Get Communities Working stream of the Jobs Fund, as negotiated with Senator Fielding, including:

- Funding for 37 charitable organisations at a cost of $11 million, announced on 27 August 2009; and
- One-hundred and eight projects at a cost of $82 million, announced on 3 September 2009.

No projects have been announced from the Infrastructure Employment Projects stream.

(2) As at 30 September 2009, the Australian Greens had been acknowledged in all announcements relating to the Local Jobs stream of the Jobs Fund, including:

- the Prime Minister’s announcement on 2 September 2009 of six Jobs Fund Projects in Western Australia, where he was joined by the Minister for Employment Participation, Senator the Hon Mark Arbib, and Australian Greens Senator for Western Australia, Senator Rachel Siewert, and in the associated media release issued on 2 September 2009;
- Senator Arbib’s announcement on 3 September 2009 of 172 Jobs Fund projects (including 64 projects funded through the Local Jobs stream) where he was joined by the Australian Greens Senator for South Australia, Senator Sarah Hanson-Young, and in the associated media release issued on 3 September 2009; and
- The announcements by the Minister for Environment, Heritage and the Arts, the Hon Peter Garrett AM MP, of projects funded through the heritage component of the Local Jobs stream through media releases issued between 29 April 2009 and 1 July 2009. Those media releases included:
  - Jobs Fund boost for our first National Heritage listed place, 29 April 2009;
  - $2 million helps conserve and restore Old Government House, 7 May 2009;
  - $2.5 million funding protects Tasmanian convict sites, 22 May 2009;
  - Funding conserves home of Australia’s WWII Prime Minister, 22 May 2009;
  - $1.8 million for Fraser Island, 29 May 2009;
  - More than $260,000 to conserve historic Canberra churches, 5 June 2009;
$1.3 million for Greater Blue Mountains conservation project on World Environment Day, 5 June 2009;
$700,000 Funding for Uluru-Kata Tjuta and Kakadu National Parks, 5 June 2009;
$350,000 for Ballarat Town Hall conservation works, 9 June 2009;
$112,000 for Everglades House and Garden upgrade, 19 June 2009;
$76,500 to conserve Tennant Creek’s historic military hospital, 19 June 2009;
More than $116,000 for Hartley Street School, Alice Springs, 19 June 2009;
$273,000 to conserve Queensland’s historic Wolston House, 19 June 2009;
$110,000 to improve access to Patrick Taylor regional park, 19 June 2009;
$32,500 for Audit House Heritage Gardens in Darwin, 19 June 2009;
$250,000 to conserve Tasmania’s historic Franklin House and Penghana Mansion, 19 June 2009;
$75,000 to conserve the Tuggeranong Schoolhouse, 19 June 2009;
$360,000 funding restores historic Wilcannia Post Office, 19 June 2009;
$84,000 for historic Dubbo Squatters’ home, 19 June 2009;
$350,000 for South Australian heritage projects, 19 June 2009;
$400,000 helps restore Burra’s historic places, 19 June 2009;
$228,000 for Mulberry Hill renovation project, 19 June 2009; and
$148,000 for Woodbridge conservation work, 1 July 2009.

Minister for Foreign Affairs: Overseas Travel
(Question No. 2264)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 September 2009:

1. For what purpose did the Minister attend the Non-Aligned Movement Summit (the summit) in Egypt on 15 July and 16 July 2009.

2. How many staff and officials attended the summit with the Minister.

3. How many staff and officials travelled with the Minister to (a) Malta; and (b) Hungary.

4. Which hotels did the Minister, and any staff or officials accompanying the Minister, stay at in the following countries: (a) Egypt; (b) Malta; and (c) Hungary.

5. What was the total cost to the Government for the attendance of all staff and officials accompanying the Minister.

6. What was the total cost to the Government of the trip, including the Minister’s travel to Malta and Hungary.

7. What are the names, titles and nationalities of the people with whom the Minister met while on this trip, including: (a) the dates of the meetings; (b) the locations; and (c) what was discussed.

8. Was Australia’s bid for a temporary seat at the United Nations Security Council discussed at any meetings; if so, what were: (a) the names of the attendees; and (b) the dates and locations of these meetings.

9. Did the Minister meet any representatives from the People’s Republic of China at the summit; if so, what were: (a) the names of the representatives; and (b) the date and location of these meetings.

10. Did the Minister request anything from Chinese officials regarding Mr Stern Hu; if so, what.
(11) Were any undertakings given by any Chinese officials regarding Mr Hu; if so, what were they.

(12) Are all of Australia’s rights under the Agreement on Consular Relations between Australia and the People’s Republic of China (effective from 15 September 2000) being respected; if not: (a) which rights are not being respected; and (b) has the Government raised this with China.

**Senator Faulkner**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

Notes:
In relation to those parts of the question that request information on the cost of my overseas travel and that of my personal staff, please refer to the report *Parliamentarians’ travel costs paid for by the Department of Finance and Deregulation* (DoFD), which is tabled biannually giving details of dates, purpose of travel, countries of destination and costs of visits. The response to questions (5) and (6) covers those costs incurred by the Foreign Affairs and Trade portfolio.

(1) I attended the Non-Aligned Movement Summit in order to meet with a range of my Foreign Ministerial counterparts to discuss Australia’s multilateral and foreign policy priorities and important global challenges, such as disarmament, food security, the global recession and climate change. The Non-Aligned Movement includes almost two-thirds of the members of the United Nations and over half of the world’s population. Its Summit is the largest regular gathering of world leaders outside of the United Nations General Assembly.

(2) Six staff and officials attended the NAM Leaders summit with me. Although they did not attend the summit, another thirteen staff and officials were in Sharm El-Sheikh to provide support for my attendance at the summit. Of the thirteen, seven were from the Australian Embassy in Cairo, including five locally-engaged staff.

(3) (a) Two staff members from the Office of the Minister for Foreign Affairs travelled with me to Malta.
(b) Two staff members from the Office of the Minister for Foreign Affairs travelled with me to Hungary.

(4) (a) While in Sharm El-Sheikh I stayed at the Grand Rotana Resort and Spa. Accompanying staff and officials stayed in the Grand Rotana Resort and Spa, and the Coral Beach Rotana Resort.
(b) While in Malta, the accompanying staff and I stayed at the High Commissioner’s residence.
(c) No hotel accommodation was required in Budapest as I transited only.

(5) The total cost to the portfolio associated with the attendance of all staff and officials at this summit was $117,765.00.

(6) The total cost to the portfolio associated with the trip, including my travel to Malta and Hungary, was $120,017.39.

(7) While on this trip I met formally or informally with the following people to discuss issues of mutual interest.

**Malta (13 July 2009):**
1. Tonio Borg, Deputy Prime Minister and Foreign Minister, Malta

**Malta (14 July 2009):**
2. George Abela, President, Malta
3. Lawrence Gonzi, Prime Minister, Malta
4. Michael Frendo, MP, Malta

**Hungary (14 July 2009):**
5. Peter Balazs, Minister of Foreign Affairs, Hungary

QUESTIONS ON NOTICE
Cairo (14 July 2009):
6. Jean Ping, Chair, African Union, Gabon
Sharm El-Sheikh (15 July 2009):
7. Carlos Morales Troncoso, Foreign Minister, Dominican Republic
8. Ahmed Aboul Gheit, Foreign Minister, Egypt
9. Bernard Membe, Minister for Foreign Affairs and International Cooperation, Tanzania
10. Francisco Santos, Vice President, Colombia
11. Assuncao Afonso Dos Anjos, Foreign Minister, Angola
12. Soubanh Srithirath, Minister to the President, Laos
13. Amre Moussa, Secretary-General, League of Arab States
14. Anwar Gargash, Minister of State for Foreign Affairs, United Arab Emirates
15. Sam Kahamba Kutsea, Foreign Minister, Uganda
16. Osman Saleh Mohammed, Foreign Minister, Eritrea
17. Leonel Fernandes Reyna, President, Dominican Republic
18. Augustin Nsanze, Foreign Minister, Burundi
19. Sujata Koirala, Foreign Minister, Nepal
20. Ahmed Shaheed, Minister of Foreign Affairs, Maldives
21. Arvin Boolell, Minister of Foreign Affairs, Regional Integration and International Trade, Mauritius
22. Zacarias Albano da Costa, Minister of Foreign Affairs, East Timor
23. Peter David, Minister for Foreign Affairs and Tourism, Grenada
24. Carolyn Rodrigues-Birkett, Minister for Foreign Affairs, Foreign Trade and International Cooperation, Guyana
25. Robert Aisi, Permanent Representative to the UN, PNG
26. Christopher Hackett, Permanent Representative to the UN, Barbados
27. Raymond Wolfe, Permanent Representative to the UN, Jamaica
28. Marina Valere, Permanent Representative to the UN, Trinidad and Tobago
29. Donatus St Aimee, Permanent Representative to the UN, St Lucia
30. John Ashe, Permanent Representative to the UN, Antigua and Barbuda
31. Yousef bin Alawi, Minister of State for Foreign Affairs, Oman
32. George Yeo, Foreign Minister, Singapore
33. Riyad al-Malki, Foreign Minister, Palestinian Authority
34. Rohitha Bogollagama, Foreign Minister, Sri Lanka
35. Alberto Romulo, Foreign Secretary, Philippines
36. Ato Seyoum Mesfin, Foreign Minister, Ethiopia
37. Lyn Pascoe, Undersecretary for Political Affairs, United Nations
38. Kasit Piromya, Foreign Minister, Thailand
39. Dato' Sri Najib Razak, Prime Minister, Malaysia
40. Rangin Dadfar Spanta, Foreign Minister, Afghanistan
41. Somanahalli Krishna, Foreign Minister, India

QUESTIONS ON NOTICE
42. Nur Hassan Wirajuda, Foreign Minister, Indonesia
43. Datuk Anifah Aman, Foreign Minister, Malaysia
44. Bernard Kamillius Membe, Foreign Minister, Tanzania
45. Vuk Draskovic, Minister for Foreign Affairs, Serbia
46. Tibor Toth, Executive Secretary, Comprehensive Test Ban Treaty Organisation
47. Markos Kyprianou, Minister of Foreign Affairs, Cyprus
48. Sujata Koirala, Minister for Foreign Affairs, Nepal
49. Paul Toungui, Minister of Foreign Affairs, Cooperation, Francophonie and Regional Integration, Gabon
50. U Nyan Win, Minister for Foreign Affairs, Burma
51. Ban Ki-moon, Secretary-General, United Nations
52. Shah Mahmood Qureshi, Minister for Foreign Affairs, Pakistan
53. Samuel Santos López, Minister for Foreign Affairs, Nicaragua
54. Rosemary Museminali, Minister of Foreign Affairs, Rwanda
55. Benita Ferrero-Waldner Commissioner, External Relations and European Neighborhood Policy, European Union (Austrian)
56. Oldemiro Baloi, Minister for Foreign Affairs and Cooperation, Mozambique
57. Dipu Moni, Minister for Foreign Affairs, Bangladesh
58. Frank Belfrage, State Secretary for Foreign Affairs, Sweden
59. Mahmoud Abbas, President, Palestinian Authority
60. Henry Ayissi, Minister of External Relations, Cameroon
61. Fawzi Salloukh, Minister for Foreign and Emigrants' Affairs, Lebanon
62. Sheikh Sabah, Emir, Kuwait
63. Matti Vanhanen, Prime Minister, Finland
64. Hamid Karzai, President, Afghanistan
65. Mammoohan Singh, Prime Minister, India
66. Ahmed Ben Said Jaffar, Minister for Foreign Affairs and Cooperation, Comoros
67. Mahinda Rajapaksa, President, Sri Lanka
68. Patrick Pillay, Minister of Foreign Affairs, Seychelles
69. King Mswati III of Swaziland
70. Gloria Arroyo, President, Philippines
71. Hosni Mubarak, President of Egypt and Chair of the NAM

Sharm El-Sheikh (16 July 2009):

72. Alexis Thambwe Mwamba, Minister for Foreign Affairs, Democratic Republic of Congo
73. Gambi Antoine, Minister for Foreign Affairs, Central African Republic
74. Abbas el Fassi, Prime Minister, Morocco
75. Alrich Nicolas, Minister for Foreign Affairs and Worship, Haiti
76. Alhaji Mumuni, Minister of Foreign Affairs and Regional Integration, Ghana
77. Fayssel Mekdad, Vice-Minister of Foreign Affairs, Syria
78. He Yafei, Vice Minister, China

QUESTIONS ON NOTICE
79. Mohlabi Tsekoa, Minister of Foreign Affairs and International Relations, Lesotho
80. Manouchehr Mottaki, Minister for Foreign Affairs, Iran
81. Kabinga Pande, Minister of Foreign Affairs, Zambia
82. Abu Bakr Al-Qirbi, Minister of Foreign Affairs, Yemen
83. Tariq al Hashimi, Vice President, Iraq
84. George Kunda, Vice President, Zambia
85. Zelho Komsic, Chairman of the Presidency, Bosnia Herzegovina
(8) During my visit, I discussed Australia’s United Nations Security Council bid directly or indirectly in the context of Australia’s commitment to the multilateral system.
(9) Yes. I met Mr He Yafei (Chinese Vice Minister for Foreign Affairs) on 16 July in Sharm el Sheikh, in the margins of the Non-Aligned Movement Summit.
(10) Yes. I raised the Stern Hu consular case with Mr He. I asked for more information on the circumstances surrounding the case and said that the matter needed to be handled expeditiously.
(11) Vice Minister He Yafei provided me with additional information. Mr He said that the investigation was continuing on allegations that included allegations of receiving bribes and improperly obtaining commercial secrets. Mr He said that when it was brought to a conclusion a decision would be made to charge Mr Hu. When Mr Hu was charged, the precise details would be there for all to see. Mr He made it clear that the Chinese regarded this as an individual criminal matter, and were not treating it as a more general matter. They wanted the matter to be treated in the context of Chinese law and procedures.
(12) Yes.

Treasury: Legal Advice
(Question Nos 2325, 2344, 2350 and 2352)

Senator Barnett asked the Minister representing the Treasurer, upon notice, on 17 September 2009:
(1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.
(2) How much was spent on: (a) internal; and (b) external, legal advice.
(3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

Australian Bureau of Statistics
(1) $491,692.17
(2) (a) internal: $0.00, (b) external: $491,692.17
(3) Under the Legal Services Directions, the Australian Bureau of Statistics (ABS) is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

To require the ABS to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in the year would be unreasonable, having regard to the extent of their legal service expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.
Australian Competition and Consumer Commission
(1) Total spent on external legal services including litigation and advisory work: $20,969,030 (GST exclusive).
(2) The ACCC does not operate internal charging arrangements for internal legal services and as such does not differentiate the cost of internal legal advice from other internal legal unit activities such as case management and FOI activities. The amount of $20,969,030 is for external legal services only.
(3) External legal services were varied in nature, from litigation work to advisory work, as was the duration and cost of the work involved. The ACCC purchased the majority of its legal services through the ACCC legal panel, namely the Australian Government Solicitor, Corrs Chambers Westgarth, DLA Phillips Fox and Thomson Playford Cutlers.

Australian Office of Financial Management
(1) $21,345.50
(2) Internal - 0; external $21,345.50
(3) The nature of the legal advice obtained was in regard to the operation of legislation administered by the AOFM and operational matters. The procurement method was direct sourcing and the advice was provided by the Australian Government Solicitors and Mallesons Stephen Jaques.

Australian Prudential Regulation Authority
The Australian Prudential Regulation Authority (APRA) believes to answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

Australian Securities and Investment Commission
(1) $70,803,026
(2) (a) $43,280,443. (b) $27,522,583
(3) To answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally. To require agencies to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

Australian Taxation Office
(1) $74,630,324 (exclusive of GST). This covers provision of advice, litigation and related services and disbursements.
(2) (a) $28,841,317 (exclusive of GST). This amount is made up of salaries and overhead costs (including administrative support and accommodations costs) of the ATO Legal Services Branch.(b) $45,789,007 (exclusive of GST). This amount is made up of solicitors and counsel fees and disbursements.
(3) There are 3 separate panels of external legal service providers offering the following types of legal services to the ATO respectively: tax technical, debt recovery and commercial and general law. The panels were established through open tender processes. The amounts paid to each firm under each separate panel arrangement are set out below.
<table>
<thead>
<tr>
<th>Name</th>
<th>Amount (GST Exclusive)</th>
<th>Nature</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson McDonald</td>
<td>71,820</td>
<td>Tax Technical</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Maddocks (NSW)</td>
<td>333,531</td>
<td>Tax Technical</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Maddocks (VIC)</td>
<td>242,460</td>
<td>Tax Technical</td>
<td>July 2008 – June 2009</td>
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<tr>
<td>McInnes Wilson</td>
<td>100,055</td>
<td>Tax Technical</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Australian Government Solicitor</td>
<td>2,224,051</td>
<td>Debt</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Argyle</td>
<td>92,865</td>
<td>Debt</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Church &amp; Grace</td>
<td>162,724</td>
<td>Debt</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Finlaysons</td>
<td>5,872</td>
<td>Debt</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Miller Harris</td>
<td>9,743</td>
<td>Debt</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Wisewoulds</td>
<td>91,479</td>
<td>Debt</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Blake Dawson</td>
<td>656,559</td>
<td>Commercial &amp; General Law</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Clayton Utz</td>
<td>2,358,826</td>
<td>Commercial &amp; General Law</td>
<td>July 2008 – June 2009</td>
</tr>
<tr>
<td>Total Panels</td>
<td>21,783,294</td>
<td></td>
<td></td>
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<tr>
<td>Counsel fees</td>
<td>12,725,702</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other disbursements, accruals, refunds and volume discounts</td>
<td>11,280,011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>45,789,007</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Corporations and Markets Advisory Committee**

1. Nil
2. (a) Nil. (b) Nil
3. Not applicable

**Inspector-General of Taxation**

1. Nil
2. (a) Nil. (b) Nil
3. Not applicable

**National Competition Council**

1. The National Competition Council spent $542,547 for legal advice for the 2008-09 financial year.
2. (a) Nil expense on internal legal advice. (b) $542,547 expended on external legal advice
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Nature of advice</th>
<th>Duration</th>
<th>Cost</th>
<th>Method of Procurement</th>
<th>Provider of Legal Advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of legal opinion</td>
<td>29 Jul – 13 Aug 08</td>
<td>$15,805</td>
<td>Legal Panel</td>
<td>Australian Government Solicitor</td>
</tr>
<tr>
<td>Provision of legal opinion</td>
<td>12-27 March 09</td>
<td>$5,038</td>
<td>Legal Panel</td>
<td>Australian Government Solicitor</td>
</tr>
<tr>
<td>Issues relating to legal costs awarded</td>
<td>7 Jul – 11 Nov 08</td>
<td>$822</td>
<td>Legal Panel</td>
<td>Australian Government Solicitor</td>
</tr>
<tr>
<td>Solicitors in various proceedings relating to Pilbara Railways</td>
<td>26 Jun 08 – 29 Jun 09</td>
<td>$520,882</td>
<td>Legal Panel</td>
<td>Clayton Utz</td>
</tr>
</tbody>
</table>

**Productivity Commission**

1. $24,996.
2. (a) Nil. (b) $24,996.
3. —

<table>
<thead>
<tr>
<th>Nature</th>
<th>Duration</th>
<th>Cost</th>
<th>Method of procurement</th>
<th>Name of lawyers or law firm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advice on mutual recognition schemes</td>
<td>Advice obtained in 2008-09</td>
<td>$16,841</td>
<td>Direct sourcing</td>
<td>Australian Government Solicitor</td>
</tr>
<tr>
<td>Advice on mutual recognition schemes</td>
<td>Advice obtained in 2008-09 in the context of preparing a research report on Review of Mutual Recognition Schemes</td>
<td>$6,967</td>
<td>Direct sourcing through New Zealand Ministry of Economic Development</td>
<td>New Zealand Crown Law Office</td>
</tr>
<tr>
<td>Advice on parallel importation of books</td>
<td>Advice obtained in 2008-09 in the context of preparing the research report on Restrictions on the Parallel Importation of Books</td>
<td>$1,188</td>
<td>Direct sourcing</td>
<td>Attorney-General’s Department - Office of International Law</td>
</tr>
</tbody>
</table>

**Royal Australian Mint**

1. $332,113.54
2. (a) Nil. (b) $332,113.54
3. DLA Phillips Fox: To provide advice on Contracts and Procurement, contact term is from 25/6/2007 to 24/6/2011. This procurement was an open tender process.
   Cost: $205,448.01
   Attorney-General’s Department: To provide currency determinations for Numismatic Products, contract term is on going as they are the sole provider.
   Cost: $32,629.83
   Australian Government Solicitor: Provide advice on Contracts and Procurement, contract term is from 1/3/2006 to 1/3/2011 and is a Deed of Standing Offer.
   Cost: $94,035.70
The Treasury

Under the Legal Services Directions, Treasury is required to make a report on its legal services expenditure publicly available by 30 October 2009. This information will be published in Treasury’s 2008-09 Annual Report. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

To require Treasury to review all of legal services expenditure incurred in 2008-09 in order to isolate expenditure on legal advice would be unreasonable, having regard to the extent of legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

Details of contracts over the value of $10,000 that Treasury entered into in the 2008-09 financial year, including those in relation to the provision of legal services, can be obtained from the Austender website (www.tenders.gov.au).

Health and Ageing: Legal Advice

(Question Nos 2330, 2349, 2353 and 2355)

Senator Barnett asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 September 2009:

(1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.

(2) How much was spent on:
   (a) internal; and
   (b) external, legal advice.

(3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice?

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

Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

To require agencies to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

The Department can provide the following answers in relation to the overall legal services expenditure which includes legal advice work, litigation, contract drafting and other legal services as required for its divisions and portfolio agencies.

(1) The total expenditure for legal services for the Department and its portfolio agencies for the 2008-09 financial year was $13,832,359.02.

(2) The expenditure for legal services provided by the Department’s Legal services Branch and the expenditure for legal services provided by external law firms are as follows:
   (a) Legal expenditure for internal legal services - $6,542,501.93.
   (b) Legal expenditure for external legal services - $7,289,857.09.

(3) In relation to the method of procurement for external legal services the Department of Health and Ageing tendered for the provision of legal services in 2005. As a result of this tender the Depart-
ment appointed a panel of external law firms under a Deed of Standing Offer in December 2005. This panel arrangement is still in place.

The law firms currently appointed to the panel are:
Australian Government Solicitors
Clayton Utz
DLA Phillips Fox
Mallesons Stephen Jaques
Minter Ellison

Families, Housing, Community Services and Indigenous Affairs: Legal Advice
(Question No. 2331)

Senator Barnett asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 17 September 2009:

(1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.

(2) How much was spent on: (a) internal; and (b) external, legal advice.

(3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) and (2)(a) and (b) For agencies in this portfolio other than those listed below, to answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally. The Department of Families, Housing, Community Services and Indigenous Affairs has published the attached table of legal services expenditure in their 2008-2009 Annual Report which was tabled on Tuesday 20 October 2009.

(3) To require agencies to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

The Department has a current Deed of Standing Offer in place with a legal panel which commenced in July 2007 and is due to expire on 30 June 2010. The current panel members are the Australian Government Solicitor, Blake Dawson, Clayton Utz and Minter Ellison. The Social Security Appeals Tribunal utilises the Department’s panel. Other law firms not on the panel may be used for specialised matters. The following agencies have provided the following answers:

Aboriginal Hostels Limited (AHL) - AHL does not have a panel arrangement and the majority of the work is outsourced to the Australian Government Solicitor. AHL engage Minter Ellison where Australian Government Solicitor is not available.

Indigenous Business Australia (IBA) – IBA does not have a panel arrangement in place and the majority of the work is outsourced to the Australian Government Solicitor and Mallesons Stephen Jaques. IBA engage either firm as required.

Indigenous Land Corporation (ILC) – ILC does not have a panel arrangement in place. The ILC uses a number of legal firms, depending upon the matter and the area of expertise. During the
2008-09 financial year, the majority of legal work was performed by Corrs Chambers, DLA Philips Fox and Baker and McKenzie.

Annual Report 2008 - 2009 Legal Services Expenditure

<table>
<thead>
<tr>
<th></th>
<th>Aboriginal Hostels Limited</th>
<th>Indigenous Business Australia</th>
<th>Indigenous Land Corporation</th>
<th>SSAT</th>
<th>FaHCSIA</th>
<th>Portfolio</th>
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<tbody>
<tr>
<td><strong>Internal Legal Services Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries</td>
<td>-</td>
<td>$128,000</td>
<td>$453,335</td>
<td>$125,010</td>
<td>$6,533,848</td>
<td>$7,240,193</td>
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<tr>
<td>Overheads (includes administrative support and accommodation costs)</td>
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<td>$14,000</td>
<td>$108,893</td>
<td>$26,438</td>
<td>$2,757,743</td>
<td>$2,907,074</td>
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<tr>
<td>Total internal legal services expenditure (GST inclusive)</td>
<td>Nil</td>
<td>$142,000</td>
<td>$562,228</td>
<td>$151,448</td>
<td>$9,291,591</td>
<td>$10,147,267</td>
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<td><strong>External Legal Services Expenditure</strong></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Legal fees</td>
<td>$115,336</td>
<td>$2,042,453</td>
<td>$1,553,070</td>
<td>$26,364</td>
<td>$3,084,338</td>
<td>$6,821,561</td>
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<tr>
<td>Other disbursements on external legal services</td>
<td>-</td>
<td>$374,131</td>
<td>-</td>
<td>-</td>
<td>$58,319</td>
<td>$432,450</td>
</tr>
<tr>
<td>Total external legal services expenditure (GST inclusive)</td>
<td>$115,336</td>
<td>$2,416,584</td>
<td>$1,553,070</td>
<td>$26,364</td>
<td>$3,142,657</td>
<td>$7,254,011</td>
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<tr>
<td>Combined Total</td>
<td>$115,336</td>
<td>$2,558,584</td>
<td>$2,115,298</td>
<td>$177,812</td>
<td>$12,434,248</td>
<td>$17,401,278</td>
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<tr>
<td><strong>Briefs to Counsel</strong></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Number of male counsel briefed</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>3</td>
<td>5</td>
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<td>Value of briefs to male counsel</td>
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<td>$11,385</td>
<td>$59,789</td>
<td>-</td>
<td>$78,358</td>
<td>$149,532</td>
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<tr>
<td>Number of female counsel briefed</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Value of briefs to female counsel</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$22,656</td>
<td>$22,656</td>
</tr>
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</table>

Infrastructure, Transport, Regional Development and Local Government: Legal Advice

(Question No. 2333)

Senator Barnett asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 17 September 2009:

1. How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year?
2. How much was spent on: (a) internal; and (b) external, legal advice?
3. What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice?

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:
(1) The Department of Infrastructure, Transport, Regional Development and Local Government spent a total of $5,507,345 on legal services for the 2008-09 financial year.

The Civil Aviation Safety Authority spent a total of $1,829,507 on legal services for the 2008-09 financial year.

The Australian Maritime Safety Authority spent a total of $650,899 on legal services for the 2008-09 financial year.

AirServices Australia spent a total of $4,833,398 on legal services for the 2008-09 financial year.

(2) The Department of Infrastructure, Transport, Regional Development and Local Government spent (a) $1,409,527 on internal legal services and (b) $4,097,818 on external legal services for the 2008-09 financial year.

The Civil Aviation Safety Authority spent (a) $1,644,642 on internal legal services and (b) $184,865 on external legal services for the 2008-09 financial year.

The Australian Maritime Safety Authority spent (a) $405,549 on internal legal services and (b) $245,350 on external legal services for the 2008-09 financial year.

AirServices Australia spent (a) $1,914,000 on internal legal services and (b) $2,919,398 on external legal services for the 2008-09 financial year.

(3) For the Department and agencies in this portfolio, to answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

Agriculture, Fisheries and Forestry: Legal Advice

(Question No. 2340)

Senator Barnett asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 September 2009:

(1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.

(2) How much was spent on: (a) internal; and (b) external, legal advice.

(3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Department of Agriculture, Fisheries and Forestry and relevant portfolio agencies have reported expenditure on legal services for 2008-09 on their respective websites. The department reported expenditure on legal services of $4,317,873. A high level breakdown of this expenditure and details of the suppliers used are available at www.daff.gov.au.

(2) and (3) For the department and agencies in the portfolio, to answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

To require agencies to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their
legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

**Resources and Energy, and Tourism: Legal Advice**

**Question Nos 2341 and 2342**

Senator Barnett asked the Minister for Resources and Energy and Minister for Tourism, upon notice, on 17 September 2009:

(1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.

(2) How much was spent on: (a) internal; and (b) external, legal advice.

(3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Carr—The Minister for Resources and Energy and Minister for Tourism has provided the following answer to the honourable senator’s question:

(1) Records of legal expenditure for the 2008-09 financial year do not distinguish legal ‘advice’ from other legal services. To review all legal expenditure for 2008-09 in order to isolate expenditure on legal advice would be an unreasonable allocation of resources.

Total legal expenditure (including both legal advice and other legal services) for the department and relevant agencies for the 2008-09 financial year was:

- Department of Resources, Energy and Tourism: $3,769,390.
- Geoscience Australia: $352,253.
- Tourism Australia: $671,818.84.

(2) As noted in response to question 1 (above), records of legal expenditure for the 2008-09 financial year do not distinguish legal ‘advice’ from other legal services. Total legal expenditure (including both legal advice and other legal services) for the 2008-09 financial year comprised of:

- **Department of Resources, Energy and Tourism**
  - Internal: $521,237
  - External: $3,248,153

- **Geoscience Australia**
  - Internal: nil
  - External: $352,253

- **National Offshore Petroleum Safety Authority (NOPSA)**
  - Internal: nil
  - External: $655,717

- **Tourism Australia**
  - Internal: $217,479.11
  - External: $454,339.73

(3) As noted in response to question 1 (above), records of legal expenditure for the 2008-09 financial year do not distinguish legal ‘advice’ from other legal services. To review all legal expenditure for 2008-09 in order to identify the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided all legal services would be an unreasonable allocation of resources.
During the relevant period, the Department of Resources, Energy and Tourism accessed external legal services through a panel previously established by the Department of Innovation, Industry, Science and Research. The department is therefore not aware of the nature, duration, cost and method of procurement of the establishment of that panel. The law firms on the panel who provided legal advice were AGS, Minter Ellison, Clayton Utz, DLA Phillips Fox and Mallesons Stephen Jaques.

**Housing and Status of Women: Legal Advice**
(Question Nos 2346 and 2347)

Senator Barnett asked the Minister representing the Minister representing the Minister for Housing and the Minister for the Status of Women, upon notice, on 17 September 2009:

1. How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.
2. How much was spent on: (a) internal; and (b) external, legal advice.
3. What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Wong—The Minister for Housing and the Minister for the Status of Women has provided the following answer to the honourable senator’s question:

Please refer to Senator Evans’ response to Question No. 2331 on behalf of the Minister for Families, Housing, Community Services and Indigenous Affairs.

**People-Smuggling**
(Question No. 2358)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 September 2009:

What is the estimated cost of the Ambassador for People Smuggling Issues.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

The Ambassador for People Smuggling Issues is an SES Band 2 employee of the department with an annual salary of $182 896, plus superannuation and Executive Vehicle Scheme entitlements and access to performance pay.

**Liquefied Petroleum Gas Vehicle Scheme**
(Question No. 2360)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 25 September 2009:

With reference to the LPG [Liquefied Petroleum Gas] Vehicle Scheme and the conversion of a new or used, petrol or diesel motor vehicle to LPG and for each month from July to September 2009, what was the total: (a) number of conversions; (b) cost of these conversions; (c) number of new car conversions; (d) number of used car conversions; (e) number of conversions by state and territory; (f) cost of these conversions by state and territory; (g) number of new car conversions by state and territory; and (h) number of used car conversions by state and territory.
**Senator Carr**—The answer to the honourable senator’s question is as follows:

Please note that the data has been provided by Centrelink.

(a) The number of conversions for which a payment has been made under the LPG Vehicle Scheme (total number of eligible program customers) was 8,196 for July, 3,731 for August and 3,478 for September.

(b) The cost of conversions (all payments to eligible program customers) was $16,142,250 for July, $6,798,250 for August and $6,164,250 for September.

(c) The total number of payments for new vehicles fitted with LPG prior to first registration* (new car conversions) was 45 for July, 50 for August and 34 for September.

*Prior to 1 July 2009, all reporting on new vehicles referred to vehicles fitted with LPG at time of manufacture. From 1 July 2009 the definition of new vehicle was changed to vehicles fitted with LPG prior to first registration. This includes new vehicles fitted with LPG at time of manufacture.

(d) The total number of payments for the conversion of a registered vehicle to LPG (used car conversions) was 8,151 for July, 3,681 for August and 3,444 for September.

(e) The number of conversions (total number of eligible program customers) by State and Territory for July, August and September 2009 is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Jul-09</th>
<th>Aug-09</th>
<th>Sep-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT</td>
<td>7</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>NSW/ACT</td>
<td>1260</td>
<td>538</td>
<td>667</td>
</tr>
<tr>
<td>VIC</td>
<td>3899</td>
<td>2278</td>
<td>1921</td>
</tr>
<tr>
<td>QLD</td>
<td>518</td>
<td>216</td>
<td>259</td>
</tr>
<tr>
<td>SA</td>
<td>1056</td>
<td>354</td>
<td>417</td>
</tr>
<tr>
<td>WA</td>
<td>1306</td>
<td>295</td>
<td>156</td>
</tr>
<tr>
<td>TAS</td>
<td>79</td>
<td>19</td>
<td>18</td>
</tr>
<tr>
<td>Undefined*</td>
<td>71</td>
<td>26</td>
<td>39</td>
</tr>
<tr>
<td>Total</td>
<td>8196</td>
<td>3731</td>
<td>3478</td>
</tr>
</tbody>
</table>

(f) The cost of conversions (total payments to eligible program customers) by State and Territory for July, August and September 2009 is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Jul-09</th>
<th>Aug-09</th>
<th>Sep-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT</td>
<td>$13,750</td>
<td>$9,250</td>
<td>$1,750</td>
</tr>
<tr>
<td>NSW/ACT</td>
<td>$2,475,000</td>
<td>$971,750</td>
<td>$1,179,000</td>
</tr>
<tr>
<td>VIC</td>
<td>$7,661,000</td>
<td>$4,133,750</td>
<td>$3,401,500</td>
</tr>
<tr>
<td>QLD</td>
<td>$1,018,500</td>
<td>$392,000</td>
<td>$456,750</td>
</tr>
<tr>
<td>SA</td>
<td>$2,070,750</td>
<td>$636,000</td>
<td>$736,500</td>
</tr>
<tr>
<td>WA</td>
<td>$2,606,750</td>
<td>$573,000</td>
<td>$287,500</td>
</tr>
<tr>
<td>TAS</td>
<td>$157,000</td>
<td>$35,500</td>
<td>$32,500</td>
</tr>
<tr>
<td>Undefined*</td>
<td>$139,500</td>
<td>$47,000</td>
<td>$68,750</td>
</tr>
<tr>
<td>Total</td>
<td>$16,142,250</td>
<td>$6,798,250</td>
<td>$6,164,250</td>
</tr>
</tbody>
</table>

(g) The total number of payments for new vehicles fitted with LPG prior to first registration (new car conversions) by State and Territory for July, August and September 2009 are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Jul-09</th>
<th>Aug-09</th>
<th>Sep-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NSW/ACT</td>
<td>4</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>VIC</td>
<td>27</td>
<td>37</td>
<td>22</td>
</tr>
<tr>
<td>QLD</td>
<td>4</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>SA</td>
<td>6</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>WA</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>
The total number of payments for the conversion of a registered vehicle to LPG (used car conversions) by State and Territory for July, August and September 2009 are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Jul-09</th>
<th>Aug-09</th>
<th>Sep-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT</td>
<td>7</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>NSW/ACT</td>
<td>1,256</td>
<td>532</td>
<td>664</td>
</tr>
<tr>
<td>VIC</td>
<td>3,872</td>
<td>2,241</td>
<td>1,899</td>
</tr>
<tr>
<td>QLD</td>
<td>514</td>
<td>214</td>
<td>255</td>
</tr>
<tr>
<td>SA</td>
<td>1,050</td>
<td>351</td>
<td>415</td>
</tr>
<tr>
<td>WA</td>
<td>1,304</td>
<td>293</td>
<td>154</td>
</tr>
<tr>
<td>TAS</td>
<td>79</td>
<td>19</td>
<td>18</td>
</tr>
<tr>
<td>Undefined*</td>
<td>69</td>
<td>26</td>
<td>38</td>
</tr>
<tr>
<td>Total</td>
<td>8,151</td>
<td>3,681</td>
<td>3,444</td>
</tr>
</tbody>
</table>

* data extraction error, postcode not identified

Environment
(Question No. 2361)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 25 September 2009:

1. Are departments or statutory authorities of the Queensland Government exempt from laws governing land clearing in that state?

2. If a listed ecological community or known habitat of a vulnerable or endangered species is cleared by a Queensland government agency, what action is available to the Federal Government to protect that habitat?

3. Is the Minister aware of community concerns about the proposed clearing of 1,400 trees in known koala habitat on the Cathedral Drive section of the New England Highway, north of Toowoomba in Queensland?

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

1. Departments or statutory authorities of the Queensland Government are not exempt from Commonwealth laws administered by my portfolio that may apply to land clearing. This question would have to be directed to the Queensland Government in respect of State laws.

2. Queensland government agencies are subject to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Activities likely to have a significant impact on matters of national environmental significance, including nationally-listed threatened species and ecological communities, must be approved by the Minister under this legislation.

3. Yes. The Minister’s department has advised that field surveys have not identified any matters of national environmental significance along this section of the New England Highway that will be affected by the proposed clearing. The EPBC Act therefore does not apply to this action. The koala is not listed under the EPBC Act.
**Australia Tibet Council**  
(Question No. 2362)

Senator Bob Brown asked the Minister representing the Minister for Education, upon notice, on 25 September 2009:

With reference to the answer to question on notice no. 2105 (Senate Hansard, 16 September 2009, p. 102):

(a) were the Chinese security officials armed; and  
(b) were the private security guards, employed by the Chinese Consulate-General, armed.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

(a) No  
(b) No

**Queensland Lungfish**  
(Question No. 2369)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 6 October 2009:

Does the Environment Protection and Biodiversity Conservation Act 1999 require there to be a Queensland lungfish recovery plan; if so: (a) where is this plan; (b) can a copy of the plan be provided; and (c) if there is no plan, why.

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

The Minister has decided under the Environment Protection and Biodiversity Conservation Act 1999 to have a recovery plan for the Queensland lungfish.

(a) A plan is currently under development.  
(b) Once a final draft of the plan has been completed, it will be placed on public exhibition for a period of three months. It is anticipated this will occur by early 2010.  
(c) A plan is in development.

**Pulp and Paper Manufacturing Industry**  
(Question No. 2370)

Senator Bob Brown asked the Minister for Innovation, Industry, Science and Research, upon notice, on 6 October 2009:

Since 12 August 2009: (a) how much money has been expended on the Pulp and Paper Industry Strategy Group; and (b) of that amount, how much was spent on: (i) salaries and allowances for each executive (please identify), (ii) allowances for each of the group’s members (please identify), (iii) salaries and allowances of each staff member (please identify), and (iv) other costs.

Senator Carr—The answer to the honourable senator’s question is as follows:

Since 12 August 2009 until 6 October 2009 (all figures GST exclusive) –

(a) $143,154.  
(b) (i). $2,856, consisting of $1,194 (sitting fees for Co-Deputy Chair) and $1,662 (airfares and ground transport costs for Co-Deputy Chair).  
(ii). $331 (airfares and ground transport costs for one member).
(iii) $56,389: consisting of $49,813 (IISR actual staffing costs for two EL2, one EL1, two APS 6), and $6,576 (IISR staff travel, including airfares and ground transport costs).

(iv) $83,578 (includes expert consultancy costs, IT and telecommunications costs, office supplies and other operating costs).

Sri Lanka: Landmines
(Question No. 2371)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 16 October 2009:

With reference to Australia’s aid to Sri Lanka mentioned in the Government’s ministerial statement on Sri Lanka tabled on 14 September 2009 (Senate Journals, p. 2466):

(1) Which non-government organisations received the $1 million in funding for de-mining.

(2) (a) Will the additional $1 million provided by Australia to the International Organization for Migration be spent on de-mining directly or will it subcontract these operations; and (b) if the operations are subcontracted, which organisations will be carrying out the de-mining.

(3) How can the Government be sure that the money it is providing for de-mining will be used for land to resettle people in the internally-displaced person camps and not for land to be sold by the Sri Lankan Government for development.

Senator Faulkner—The Minister for Foreign Affairs has been provided the following answer to the honourable senator’s question:

(1) In June 2009 Australia provided $1 million to The Mine Action Group (MAG) UK and $300,000 to the Swiss Foundation for Mine Action (FSD) to support the early commencement of demining activities. MAG and FSD are two of six de-mining agencies which have been operating in Sri Lanka since 2002.

(2) (a) The $1 million provided to the IOM was used to procure 220 Australian-made metal detectors and protective equipment for demining personnel.

(b) The equipment is being used by the Sri Lankan Government’s Humanitarian Demining Unit (HDU) in the Ministry of Nation Building and Estate Infrastructure Development (MNBEID).

(3) The Government of Sri Lanka has provided written confirmation that the equipment will be used for humanitarian demining purposes to prepare land for returnees from the north.

A recent monitoring mission by AusAID staff from the High Commission in Colombo to observe the Humanitarian Demining Unit’s demining activities noted that efforts have been focused on the Giant Tank area of Mannar, in north-west Sri Lanka, which is a priority area for the resettlement of IDPs. On 22 October, the Government facilitated the release and return of some IDPs previously held in Menik Farm to their region of origin around Mannar. This included releases to land cleared around the Giant Tank area.

Forest Industries Development Fund
(Question No. 2376)

Senator Bob Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 21 October 2009:

With reference to the $9 million in funding for the Forest Industries Development Fund:

(1) What evidence of financial hardship did businesses have to demonstrate to be eligible for a grant.

(2) In past industry assistance programs of this kind, did the department follow-up grant recipients to ensure the money was spent as intended.
QUESTIONS ON NOTICE

(3) (a) How many grant recipients in past industry assistance programs have since closed shop; and (b) does the department know how long after receiving a grant that each failed.

(4) Does the department have plans to track the business progress of the grant recipients in this program to ensure funding is being well targeted.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) None. Financial hardship is not one of the criteria for the program.

(2) Yes. Under the Tasmanian Community Forest Agreement Industry Development Program (TCFA IDP) grants were paid on a reimbursement basis which means that the money was paid once agreed milestones were met. Before payments were made, grantees also needed to submit milestone reports and proof of expenditure documentation. Each grantee was also required to submit a final report and an independent auditor’s report verifying expenditure to enable the final grant payment to be paid. Departmental officers undertook inspections of the majority of projects during the duration of the program.

(3) (a) The TCFA IDP funded 82 different companies to undertake 97 separate projects. Only one of these assistance recipients has ceased business. (b) Three months after this company received TCFA IDP funding.

(4) Yes. Grants are paid on a reimbursement basis which means that the money is paid once agreed milestones are met. The Department of Agriculture, Fisheries and Forestry will also monitor the program in accordance with its standard grant management procedures, including the requirement of grantees to provide milestone reports, a final report and an independent auditor’s report.

ForestWorks Ltd

(Question No. 2389)

Senator Milne asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 29 October 2009:

With reference to the industry body, ForestWorks Ltd:

(1) (a) How much Commonwealth funding did ForestWorks Ltd. receive in each of the following financial years: (i) 2007-08, (ii) 2008-09, and (iii) 2009-10; (b) under what programs was this funding provided; and (c) what conditions, if any, were placed on this funding.

(2) How much is the department paying to sponsor the Forest Futures Conference to be held in Canberra on 24 November and 25 November 2009?

(3) As a recipient of Commonwealth funding, is it a requirement that ForestWorks Ltd list such funding in its annual report.

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) In relation to Commonwealth funding provided to ForestWorks Ltd, $606 058 was provided under the Tasmanian Community Forests Agreement in 2007-08 and 2008-2009 and $151 515 has been provided this financial year; under the Workforce Innovation Program $54 545 was provided in 2007-08 and $26 710 in 2008-09; and under the Industry Training and Advisory Program $85 000 was provided in 2007-08. Funding was conditional on ForestWorks Ltd meeting their obligations under the Funding Agreement with the Commonwealth of Australia for these projects.

In addition, ForestWorks Ltd received $1500 in 2008-09 and $4000 in 2009-10 under the Australian Apprenticeships Incentives Program. These payments relate to standard commencement and a standard completion payment under the program. The standard commencement incentive payment is made in respect of eligible Australian Apprentices at the Certificate 3 or 4 levels and selected
Diploma and Advanced Diploma levels at the three month mark of an Australian Apprenticeship, subject to the employer meeting all other eligibility criteria. The standard completion incentive payment is made in respect of eligible Australian Apprentices at the Certificate 3 or 4 levels and selected Diploma and Advanced Diploma levels at the successful completion of the Australian Apprenticeship.

(2) The “Forest Futures” conference to be held on 24-25 November 2009 is an activity of ForestWorks Industry Skills Centre (ISC). The Department is not paying a specific amount to sponsor that event. The inclusion of the Departments logo on the conference brochure is done so in accordance with the Industry Skills Council Funding Agreement (2008-2011) requirement to “…acknowledge the financial and other support received from the Commonwealth…” and is in reference to the fact that ForestWorks ISC is a commonwealth funded ISC.

One of the Key Performance Indicators (KPI) under the 2008-2011 Funding Agreement with ForestWorks ISC is “To actively engage and communicate with a wide range of stakeholders”. One of the activities listed under the KPI is an “annual conference”.

Most ISCs have an annual or biannual conference, and the format and target audience differs across ISCs to reflect each ISCs respective industries and stakeholder groups.

(3) The Annual Report of ForestWorks Ltd is available on the ForestWorks website. Although ForestWorks Ltd has had several projects funded by the Commonwealth, beyond the project-specific financial accountabilities, there is no requirement from the government to publicly disclose its finances.

ForestWorks ISC had only been in existence for two and a half months prior to June 30 2008. An annual report for the funding period was provided to the Department late in 2008. The Annual Report for the 12 months to 30 June 2009 is expected on 15 November 2009. The ISC funding agreement requires the ISC to make copies of the Annual Report freely available from the website with the following exclusion:

You may exclude financial, staff in-confidence and confidential board information from the Reports You make available on the website. (Schedule One L6).