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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]
Minister for Veterans’ Affairs  
Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women  
Hon. Tanya Plibersek MP
Minister for Home Affairs  
Hon. Brendan O’Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery  
Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs  
Hon. Dr Craig Emerson MP
Assistant Treasurer  
Senator Hon. Nick Sherry
Minister for Ageing  
Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport  
Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change  
Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery  
Senator Hon. Mark Arbib
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government  
Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water  
Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia  
Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction  
Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance  
Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs  
Hon. Duncan Kerr SC, MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade  
Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector  
Senator Hon. Ursula Stephens
Parliamentary Secretary for Multicultural Affairs and Settlement Services  
Hon. Laurie Ferguson MP
Parliamentary Secretary for Employment  
Hon. Jason Clare MP
Parliamentary Secretary for Health  
Hon. Mark Butler MP
Parliamentary Secretary for Innovation and Industry  
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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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],
Carbon Pollution Reduction Scheme (Cprs Fuel Credits) (Consequential Amendments) Bill 2009 [No. 2],
Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2],
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Thursday, 19 November 2009

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

NOTICES

Presentation

Senator Cormann to move on the next day of sitting:
That the Senate—
(a) Notes that:

1) the Minister for Health and Ageing told the House of Representatives on 29 October 2009, that the Government had legal advice that the Health Insurance Amendment (Revival of Table Items) Bill 2009 was unconstitutional, that it should not have been introduced in the Senate and had not been appropriately passed,

2) the Minister also told the House of Representatives that the Government was “happy to provide that legal advice” (9.59am, 29/10/2009),

3) on 17 November the Senate ordered “that there be laid on the table by the Minister representing the Minister for Health and Ageing in the Senate, by no later than 5pm on 17 November 2009, a copy of the legal advice referred to by the Minister on 29 October 2009, indicating that the Health Insurance Amendment (Revival of Table Items) Bill 2009 was unconstitutional” under section 53 of the Constitution,

4) in response, on 18 November the Minister for Health and Ageing tabled a letter stating that the legal advice would not be provided to the Senate on the grounds that it could “prejudice the Commonwealth’s position in the event of future legal proceedings”, and

5) advice from the Clerk of the Senate makes it clear that section 53 of the Constitution is non-justiciable and “[t]herefore there cannot be any legal proceedings which might be prejudiced by disclosure of advice to the government on its interpretation of section 53”.

(b) Considers that release of a copy of the legal advice referred to by the Minister on 29 October 2009 is in the public interest.

(c) Orders that there be laid on the table by the Minister representing the Minister for Health and Ageing in the Senate, by no later than 12pm on 24 November 2009, a copy of the legal advice referred to by the Minister on 29 October 2009, indicating that the Health Insurance Amendment (Revival of Table Items) Bill 2009 was unconstitutional.

Senator Mason to move on the next day of sitting:
That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Financial Services on financial products and services in Australia be extended to 24 November 2009.

Senators Siewert and Macdonald to move on the next day of sitting:
That the Senate—
(a) Notes that:

1) notes the significant disease threat posed by the introduced species Phytophthora cinnamomi to ecological communities across Australia;

(b) expresses disappointment with the lack of effective action at the national level to address the scale of this threat; and

(c) calls on the Commonwealth Government to:

(i) develop an effective national threat abatement plan including specific, measurable, achievable, relevant, time-bound goals, objectives and actions, and

(ii) negotiate on the basis of this plan with state and territory agencies and land managers to leverage the resources, commitments and expertise needed to deliver its outcomes.
Senator Bob Brown to move on the next day of sitting:

That the Senate deplores the use of overseas tax havens.

Senator Fisher to move on the next day of sitting:

That the time for the presentation of the report of the Select Committee on the National Broadband Network be extended to 25 November 2009.

Senator Fisher to move on the next day of sitting:

That the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Monday, 23 November 2009, from 3.30 pm.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) Commonwealth Scientific and Industrial Research Organisation scientists have warned that Australia will experience more high fire danger days as a result of climate change,

(ii) three Australian states are on high fire danger alert and record high temperatures are being recorded for November 2009 in several Australian cities and towns including Adelaide,

(iii) a government report in 2005 said that no single state or territory is likely to have the human and material resources required to resolve a catastrophic event, and

(iv) Emergency Management Australia, the national coordination unit for operational responses to disasters:

(A) was not called in on Black Saturday in Victoria, and

(b) did not ask the Department of Defence or Defence Imaging to track the Victorian fires because no request to do so was made from Victoria; and

(b) calls on the Government immediately to:

(i) develop and implement a nation disaster response plan,

(ii) appoint the operational fire chiefs from each state and territory to Emergency Management Australia,

(iii) reverse the onus so that the Commonwealth has the power to oversee a national disaster and to intervene without having to wait for a state to request such assistance, and

(iv) implement the remaining recommendations of the 2005 Commonwealth report into national disaster readiness.

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

That the Senate, noting the recent deportation of journalists and environmentalists from Indonesia for highlighting widespread deforestation in that country, supports the right of people to peacefully protest against climate damaging deforestation around the world and the right of journalists to cover such protests.

Senator Trood to move on the next day of sitting:

That the report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into security challenges facing Papua New Guinea and the island states of the southwest Pacific be presented by 24 December 2009.

Senator WORTLEY (South Australia) (9.33 am)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that, at the giving of notices on the next day of sitting, I shall withdraw business of the Senate notice of motion No. 1 standing in my name for eight sitting days after today for the disallowance of the National Health Security (SSBA Standards) Amendment Determination 2009 (No. 1). I seek leave to incorporate in Hansard the committee’s correspondence concerning this instrument.

Leave granted.
The correspondence read as follows—

National Health Security (SSBA Standards) Amendment Determination 2009 (No. 1)

13 August 2009
The Hon Nicola Roxon MP
Minister for Health and Ageing
Suite MG.50
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the National Health Security (SSBA Standards) Amendment Determination 2009 (No. 1) made under subsection 35(1) of the National Health Security Act 2007. This instrument removes the requirement for persons handling Tier 1 (highest level biosecurity risk) security-sensitive biological agents (SSBAs) to undergo background checking.

The Explanatory Statement notes that this is because the necessary supporting legislation has not been enacted and when that legislation is enacted, the Standards will be amended again to require background checks. The Committee would appreciate your advice as to when the required legislation will be enacted, whether there is a possibility that persons who are employed to handle SSBAs could subsequently be removed from that role as a result of background checks, and why it is not possible to defer the commencement of this scheme until such legislation has been enacted.

The Committee would appreciate your advice on the above matter as soon as possible, but before 11 September 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Senator Dana Wortley
Chair

———

14 September 2009
Senator Dana Wortley
Chair

Senate Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter of 13 August 2009 seeking clarification on matters related to the National Health Security (SSBA Standards) Amendment Determination 2009 (No 1) (the new Determination) that I made under subsection 35(1) of the National Health Security Act 2007 (NHS Act).

I provide the following responses to the matters raised by the Committee.

Legislation that supports the SSBA background checking scheme

My Department is proposing to use AusCheck, an agency within the Attorney-General’s portfolio, to provide background checking of persons handling Tier 1 security sensitive biological agents (SSBA). To facilitate that function, the AusCheck Amendment Bill 2009 (the AusCheck Bill), which was introduced in the Autumn 2009 sittings, will amend the AusCheck Act 2007 to enable the AusCheck background checking scheme to include purposes related to Australia’s national security.

The AusCheck Bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee (the Senate Committee) for report in June 2009. As the AusCheck Bill was not passed in the Winter sittings, I made the new Determination to omit the requirement for background checking from the SSBA Standards from 1 July 2009. The effect of this Determination is to defer the commencement of background checking until amending legislation is enacted.

The Committee would appreciate your advice on the above matter as soon as possible, but before 11 September 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Senator Dana Wortley
Chair

———
the Act in the absence of another Act of Parliament providing for the establishment of such a scheme.’ Consistent with that recommendation, amendments will be introduced to provide a comprehensive background checking scheme in the principal Act.

The AusCheck Bill will be debated in the Spring sittings and I expect to introduce the NHS Act amendments also in the Spring sittings. Following passage of the AusCheck Bill and the NHS Act amendments, the SSBA background checking scheme will be introduced and include new SSBA Standards, along the lines of the previous Determination, which will require background checking of persons that handle Tier 1 SSBA.

Removal of persons as a result of background checks

Currently Part 3 of the SSBA Standards requires entities to authorise persons to handle Tier 1 SSBA. An authorised person must be trained in the SSBA legislative requirements and not be excluded from handling SSBA under the NHS Act. On commencement of the SSBA background checking scheme, the SSBA Standards will require authorised persons to undergo and clear background checking.

It is possible that a person authorised to handle Tier 1 SSBA under the current SSBA Standards and who undergoes background checking (when that requirement commences), will not be cleared. Such a person could not continue to be an authorised person to handle Tier 1 SSBA. At the entity’s discretion, such a person could continue to handle Tier 1 SSBA as an ‘approved person’ who is supervised at all times by an authorised person.

Commencement of the scheme

The SSBA Regulatory Scheme commenced on 31 January 2009. The Scheme provides controls on handling SSBA including stringent requirements relating to the notification of the type and location of SSBA in Australia, along with Standards that must be met by entities handling SSBA. The SSBA Standards relate to matters such as the secure handling and movement of SSBA, along with personnel requirements and risk management strategies.

The Scheme will be further strengthened when background checking of personnel is introduced following passage of the supporting legislative amendments.

I trust that this clarifies the matters that the Committee has raised.

Yours sincerely

Nicola Roxon

Minister for Health and Ageing
22 October 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley
Chair

26 October 2009
Senator Dana Wortley
Chair
Senate Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter dated 17 August 2009 in which you raise further questions about the proposed background checking scheme for persons handling Tier 1 security-sensitive biological agents (SSBAs).

I provide the following responses to the matters raised by the Committee.

The SSBA Regulatory Scheme

The November 2006 Council of Australian Governments (COAG) Report on the Regulation and Control of Biological Agents noted that there were few controls currently governing the security of biological agents in Australia. The Report found that regulation focussed on safety rather than security and that there was a particular need to regulate the secure storage, possession, use and transport of biological agents in order to minimise the bioterrorist risk.

Part 3 of the National Health Security Act 2007 establishes the SSBA Regulatory Scheme in response to the COAG Report. The Scheme was phased-in over an extended period to enable consultation with stakeholders in the development of operational details, procedures and administrative arrangements. The Scheme is underpinned by the following elements:

- establishment of a List of SSBAs;
- a National Register that collects information about the nature and location of SSBAs handled by entities/facilities in Australia;
- determination of physical, storage, and personnel Standards for entities or facilities handling SSBAs;
- National Health Security Regulations 2008 that provide further operational details including reporting; and
- an inspection regime.

Many entities which operate the high containment facilities that handle SSBAs and other dangerous pathogens already have pre-employment checks for personnel who work with these agents. Under the SSBA Standards which came into effect on 1 July 2009 entities handling SSBAs must determine and maintain a list of personnel who are authorised to handle SSBAs.

The importance of the proposed background checking scheme is that it will formalise and mandate background checking for all entities that handle Tier 1 SSBAs. Background checking, which will be introduced as a requirement of the SSBA Standards, is one part of the multi layered controls of the Scheme. Given that other important elements of the Scheme have been operational since January 2009, I am confident that when background checking is introduced, an additional layer of control will further enhance the security of the Scheme.

Consequences for authorised persons who fail a background check

You request further detail on the likely consequences for a person who fails a background check. Such a person would not be legally able to handle Tier 1 SSBAs in an unsupervised context. However, at the entity’s discretion, such a person could continue to handle Tier 1 SSBAs, providing they are supervised at all times under line of sight by an authorised person.

I trust this clarifies the matters that the Committee has raised.

Yours sincerely

Nicola Roxon
Minister for Health and Ageing
Dear Minister

Thank you for your letter of 26 October 2009 in which you provide further information in relation to the Committee’s concerns with the National Health Security (SSBA Standards) Amendment Determination 2009 (No. 1).

In your response you advise that many entities already have pre-employment checks for personnel who work with SSBA agents. The Committee would appreciate your advice on whether those checks are of the same nature as the background checks under the SSBA Scheme.

The Committee would also appreciate further information on the consequences for persons who fail a background check. You advise that ‘at the entity’s discretion’ a person could continue to work under line of sight supervision. What is not clear is when this discretion might be exercised, and what happens if such supervision is not available.

The Committee would appreciate your advice on these matters as soon as possible but before 13 November 2009 to enable it to finalise its consideration of this Determination. In the meantime, the Committee has given a notice of motion to disallow the Determination to preserve its ability to consider the instrument while it awaits your response.

Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley
Chair
Pre-employment checks

The pre-employment checks conducted by entities generally consist of criminal history checks. Should the relevant legislation be passed, the proposed SSBA background checks will assess a person’s criminal history against a set of disqualifying offences for the SSBA Regulatory Scheme, and include an ASIO politically motivated violence check. The proposed SSBA disqualifying offences would be framed to ensure that very serious offences that attract a term of imprisonment of at least 12 months are included. Any such offences would also be detected by pre-employment criminal history checks.

Consequences for people who fail a background check

As previously indicated, a person who fails a background check could only continue to handle Tier I SSBAs as an ‘approved person’ if they are supervised at all times and under line of sight by an authorised person. If such supervision is not available, a person who has failed a background check would be unable to work with SSBAs.

An entity has limited discretion to enable a person who may have failed a background check to handle SSBAs, as the SSBA Standards set requirements on personnel security with the objective that ‘the entity must ensure personnel management systems are in place to implement and manage biosecurity for SSBAs and related sensitive information.’ To achieve that objective, the Standards require that authorised persons have been trained in the requirements of the NHS Act, the NHS Regulations and the Standards. The inspection regime will monitor an entity’s compliance with the SSBA Standards. An entity’s discretion to approve a person to handle or access SSBAs will be considered in the context of the objective of this Standard and other relevant requirements.

These mechanisms will help ensure that the SSBAs continue to be handled securely to support the health and safety of all Australians.

I trust this clarifies the matters that the Committee has raised.

Yours sincerely
Nicola Roxon
Minister for Health and Ageing

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BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.33 am)—I move:

That the government business order of the day relating to the Social Security Amendment (National Green Jobs Corps Supplement) Bill 2009 be considered from 1.40 pm till not later than 2 pm today.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Report

Senator O’BRIEN (Tasmania) (9.34 am)—On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I seek leave to move a motion relating to the presentation of a report by the committee.

Leave granted.

Senator O’BRIEN—I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Crimes Amendment (Working With Children—Criminal History) Bill 2009 be postponed to a later hour of the day.

Question agreed to.

NOTICES

Postponement

The following items of business were 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 23 November 2009.

Business of the Senate notice of motion no. 2 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs Legislation Committee, postponed till 23 November 2009.
Affairs References Committee, postponed till 23 November 2009.

General business notice of motion no. 631 standing in the names of Senator Xenophon, the Leader of the Australian Greens (Senator Bob Brown) and the Leader of The Nationals in the Senate (Senator Joyce) for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2009, postponed till 23 November 2009.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.35 am)—I move:

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

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

Appropriation (Water Entitlements) Bill 2009-2010.

Question agreed to.

CONVENTION ON THE RIGHTS OF THE CHILD

Senator BIRMINGHAM (South Australia) (9.35 am)—I move:

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.

Question agreed to.

ROYAL PAPUA AND NEW GUINEA CONSTABULARY

Senator HUMPHRIES (Australian Capital Territory) (9.36 am)—I move:

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).

Question agreed to.

CATARACT SURGERY REBATES

Order

Senator CORMANN (Western Australia) (9.36 am)—I move:

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.

Question agreed to.

Senator O'BRIEN (Tasmania) (9.37 am)—by leave—I rise to make a short statement. The government voted against this motion. We recognise that, with the support of the Greens, the opposition—Senator Cormann in particular—has a majority for the motion, and we will not call a division.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.37 am)—by leave—I move:

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 PARRY (Tasmania—Manager of Opposition Business in the Senate) (9.37 am)—by leave—I rise to make a short statement. The opposition will not be supporting this motion, for reasons we have outlined previously in this chamber. I reiterate that we have constantly indicated to the government that the number of sitting weeks for this year has been totally inadequate. People set their diaries, their electorate business and their personal commitments around a sitting schedule that is designed to commence at the beginning of the year. We have flagged that the government needs to seriously reconsider the number of sitting weeks next year in this chamber. We cannot continue with this low number of weeks and then allow the government to continually rearrange the hours of sitting on an ad hoc basis. We believe we should have a firm sitting pattern for an entire year, not constant rearrangement. We have probably made the mistake of being too compliant and given the government so many extra hours during sitting weeks this year that they now just take it for granted. We have constantly been saying, no, we will not be extending hours. The government needs to rearrange its program to include a sufficient number of weeks to deal with the legislation that this chamber has to deal with.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.39 am)—by leave—I rise to make a short statement. Senator Parry is quite right. I reiterate that I have written twice to the Prime Minister—in September and then in October—pointing out the seriousness of the situation which we now see evolving, and recom-
mending extra sitting weeks be scheduled
before and after the session for the Senate.
The Prime Minister did not reply. I had a
letter from the Leader of the Government in
the Senate, Senator Evans, who is not here at
the moment, recommending this extension of
sitting hours. No proper explanation was
given as to why a much earlier rescheduling
of the Senate time—which would have been
a courtesy to all senators and constituents
right across this country—could not be done.
Instead, there was a disdainful view from the
Prime Minister that the Senate would appar-
tently jump to his offices’ dictates sometime
this week or next. I hope that Senator
Ludwig will take back to the government the
very serious opposition to that form of cava-
lier treatment of the Senate. If the Prime
Minister cannot read a written letter and
bother responding to it, then he should read
the Hansard. I recommend that the govern-
ment take a very serious look at what is be-
ing said by the opposition, the Greens and
other crossbenchers on this matter. It is no
good getting up next week and bleating
about matters that will not be dealt with be-
cause of the schedule. It will be entirely the
fault of the government if that happens.

Senator FIELDING (Victoria—Leader
of the Family First Party) (9.41 am)—by
leave—I rise to make a short statement. We
have had a very similar debate on this point
before. The way it is going at the moment, it
looks like we are going to do it daily. Quite
clearly the government cannot manage this
chamber. The shortfall of hours and days is
their doing. The hypocrisy of it is that this
government has set sitting days for next year
at 50 days—37 per cent fewer than a decade
ago—and now you are coming in here, at the
last second of the last minute, trying to
scramble around for more time. We are
nearly babysitting you. You cannot manage
your way out of a wet paper bag. You have
literally got yourselves into a mess. Quite
clearly you had plenty of opportunity to fix
this problem. We will have the same problem
next year, and you will be doing the same
thing in the last few weeks of next year—I
bet you. You are not going to learn. So we
will not be approving this, and you folks
need to seriously consider how you manage
this chamber. We nearly have to babysit you
in this regard. It is a joke. It is an insult to the
Australian public to think that you actually
approved 50 sitting days next year—that is,
37 per cent fewer sitting days. I spoke
against it before. It is outrageous.

Senator LUDWIG (Queensland—
Manager of Government Business in the
Senate) (9.43 am)—by leave—The opposi-
tion, the minor parties and the Independents,
including Senator Fielding, are entitled as
always to criticise the government program.
However, it has usually been the case—at
least when we were in opposition and the
opposition were in government—that to-
wards the end of the program it is difficult to
identify what bills still need to be dealt with
and what the priorities of the government
are. So the opposition usually provides assis-
tance to the government by ensuring that we
do have extended hours so we can deal with
the work. The reality of this place is that,
until you provide a focus towards the end of
the program to ensure that bills can be
passed with proper scrutiny—many of the
bills have already been through committees
and a range of scrutiny that this place pro-
vides—the usual mechanism and the usual
courtesy that is provided to the government
to ensure that its legislative program is
passed is to extend the sitting hours.

There are 20-odd speakers left on the Car-
bon Pollution Reduction Scheme legislation,
which highlights that this opposition is seek-
ing to delay its passage. It is seeking to en-
sure that the legislation in this place is not
dealt with before we finish for the year. That
is the clear indication that the opposition and
the minor parties have given. However, I will not call for a division on this motion because I do not want to waste any further time in dealing with it. It is clear that the opposition are only on one track and that is to delay.

Question negatived.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.45 am)—by leave—I move:

That immediately after motions to take note of answers, the routine of business for the remainder of the day shall be as follows:

(a) valedictory statements, for not more than one hour;
(b) any proposal pursuant to standing order 75;
(c) government responses to parliamentary committee reports;
(d) tabling of documents;
(e) committee memberships;
(f) general business notice of motion no. 636;
(g) not later than 6 pm, consideration of government documents under general business; and
(h) not later than 7 pm, consideration of committee reports, government responses and Auditor-General’s reports.

Question agreed to.

IRAN

Senator HANSON-YOUNG (South Australia) (9.46 am)—I move:

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 LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.46 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I have long argued in this chamber that complex matters of international relations should not be considered in the Senate by means of formal motions. The Australian government’s policy against the death penalty is clear and consistent. Australia acceded to the Second Optional Protocol of the International Covenant on Civil and Political Rights on 2 October 1990. In keeping with the government’s policy of encouraging universal ratification of the second optional protocol, we call on all retentionist states to abolish the death penalty. With regard to human rights in Iran, I draw the Senate’s attention to a statement by the Minister for Foreign Affairs in parliament on 16 June 2009 following election protests in Iran. He stated that the government was ‘gravely concerned’ about the very serious breaches of human rights we have seen.

I note with regret the reports this morning that five Iranian protesters have been sentenced to death. The Australian government’s position on human rights in Iran was again
set out by Australia’s permanent representative to the United Nations, Gary Quinlan, in New York on 28 October. Ambassador Quinlan stated:

We share longstanding concerns about Iran’s fulfilment of its human rights obligations … We are concerned by the continued detention of so-called opponents of the regime, executions of juvenile offenders and discrimination against minorities such as the Baha’is. Australia urges Iran to ensure transparency in its judicial system, and to investigate fully reports of torture, rape and death in detention.

Senator HANSON-YOUNG (South Australia) (9.48 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator HANSON-YOUNG—I would like to express once again how disappointed I am that, in the most senior chamber of parliament in our country, we are not able to discuss or even to pass a motion relating to a global or foreign affairs issue because, for some reason the issue not having been put up by the government, it is too complex. It is absolutely pathetic. There is a running tally of the motions that the government do not want to deal with simply because they are too complex. When it suits them, the government are more than happy for us to discuss foreign affairs issues. When it does, the issues become too complex. It is simply not good enough.

Question put:

That the motion (Senator Hanson-Young’s) be agreed to.

The Senate divided. [9.53 am]

(The President—Senator the Hon. JJ Hogg)

Ayes……………. 7

Noes……………. 35

Majority………. 28

AYES

Brown, B.J.
Hanson-Young, S.C.
Milne, C.
Xenophon, N.

NOES

Back, C.J.
Bilyk, C.L.
Boyce, S.
Cash, M.C.
Collins, J.
Farrell, D.E.
Ferguson, A.B.
Forshaw, M.G.
Hogg, J.J.
Hutchins, S.P.
Landy, K.A.
McLucas, J.E.
Nash, F.
Parry, S. *
Polley, H.
Ryan, S.M.
Sterle, G.
Wortley, D.

* denotes teller

Question negatived.

ROYAL PAPUA AND NEW GUINEA CONSTABULARY

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.56 am)—I seek leave to go back to general business notice of motion No. 632 and to make a short, two-minute statement.

The PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I think it is critical to put on the record that the government supports (a) to (f) of the motion moved by Senator Humphries; however, it does not support (g) to (i). The government recognises the important and at times hazardous service of those Australians employed as field constabulary officers, kiaps, in the territory of Papua New Guinea from 1949 to 1974.

I note that the government is working with the National Archives of Australia on a num-
A significant number of initiatives to promote kiap service, including future exhibits and publications. The government has also amended the National Medal Regulations 1999 to facilitate eligibility for service in PNG, including with the regular constabulary of the Royal Papua New Guinea Constabulary to qualify for the National Medal.

The government fully supports greater public recognition of the important role which kiaps played in preparing PNG for independence; however, the government does not support any changes to the eligibility criteria to the Police Overseas Service Medal as put forward by the senator’s motion. The Police Overseas Service Medal is intended to be awarded for service and operations which have the purpose of making or maintaining peace between hostile parties in overseas locations. Although some aspects of kiaps’ service did involve peacekeeping operations, it cannot be classified as peacekeeping operations in the sense intended by the Police Overseas Service Medal.

CRIMES AMENDMENT (WORKING WITH CHILDREN—CRIMINAL HISTORY) BILL 2009

CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL (NO. 2) 2009

First Reading

Bills received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.58 am)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.59 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 speeches read as follows—

Crimes Amendment (Working With Children—Criminal History) Bill 2009

I rise to introduce the Crimes Amendment (Working With Children—Criminal History) Bill 2009. The Bill implements the agreement made by the Council of Australian Governments’ on 29 November 2008 to enable the inter-jurisdictional exchange of further criminal history information for people working with children.

The Scoping Study and Implementation Plan, which preceded the COAG agreement, identified the safeguarding of children from sexual, physical and other abuse as a key priority for all Governments.

According to the Australian Institute of Criminology, unofficial estimates are that approximately 1 in 4 girls, and between 1 in 7 and 1 in 12 boys, are victims of some form of sexual abuse alone. The effects of abuse and neglect on children are also tragic. The Australian Institute of Health and Welfare reports that there are established links between abuse or neglect as a child and poor social, behavioural and health outcomes as well as a higher likelihood of criminal offending and mental health issues.
It is for these reasons that governments across the Commonwealth have established schemes such as child protection registers and working with children checks to ensure we protect children, the most vulnerable members of our society, to our utmost ability.

The Scoping Study noted that assessment of the criminal history of people working with children or seeking to work with children is an important part of the overall strategy for managing risks to the safety and wellbeing of children.

It also recognised that child-related employment screening is a difficult and challenging process, which requires careful balancing of potential risks to children with individual rights to privacy, employment and the freedom to participate in the community as a volunteer.

The Australian Institute of Criminology, in its report Child Sexual Abuse: offender characteristics and modus operandi, noted that incarcerated sexual offenders are more likely to have previous convictions for non-sexual offences than for sexual offences.

Further, law enforcement agencies have indicated that charges relating to offences against children are often withdrawn as a decision is made to protect the child victim from the stress and trauma of giving evidence, cross-examination and simply waiting for committal and trial.

For these reasons, jurisdictions considered at COAG that it was appropriate to consider a person’s full criminal history, including non-conviction information, in assessing whether he or she poses a risk to children if employed in child related work.

The current provisions in the Crimes Act prevent the disclosure of a person’s full criminal history. This Bill carves out an exception to these provisions, allowing for the inter-jurisdictional exchange of criminal history information, including information on pardoned, quashed and spent convictions, for the specific purpose of child-related employment screening.

The exchange of the information permitted by the Bill is subject to stringent safeguards to ensure that the information is dealt with appropriately and to limit any potential misuse of the information.

Firstly, the COAG agreement requires that a person or body will only be prescribed in each jurisdiction for the purposes of enabling them to receive conviction information if the person or body:

- is authorised by the government of the State or Territory in which it operates;
- has a legislative basis for screening that prohibits further release or use of the information (except for legislated child protection functions in exceptional circumstances);
- complies with applicable privacy, human rights and records management legislation;
- reflects principles of natural justice; and
- has risk assessment frameworks and appropriately skilled staff to assess risks to children’s safety.

Secondly, to reinforce the importance of these safeguards, before a person or body in a State or Territory can be prescribed in regulations to allow them to deal with Commonwealth criminal history information, I must first be satisfied that they meet all of these safeguards in their own jurisdiction. In particular, I will require their assessment processes to reflect principles of natural justice, including access to a merits review or appeal process by an independent arbiter.

Thirdly, the information can only be used to assess a person’s suitability to work with children and cannot be used for a general employment suitability or probity assessment.

The Bill also requires that a review of the new provisions be started no later than 30 June 2011 and be completed within 3 months.

Given the sensitive nature of the information that will be available under the information exchange, it will be important to assess the effectiveness of the regime, and ensure that information is being dealt with appropriately.

I commend this Bill.
response to combat serious and organised crime at its meetings in April and August.

The national response reflects the desire, at the national level, for a coordinated effort to combat organised crime.

Measures agreed by SCAG require the Commonwealth, States and Territories to consider legislative measures to enhance criminal offences, police powers and criminal asset confiscation.

In June 2009, I introduced the first package of serious and organised crime reforms, as part of the Crimes Legislation Amendment (Serious and Organised Crime) Bill.

Those reforms implemented the Commonwealth’s commitment, as part of the SCAG agreement, to strengthen criminal asset confiscation, target unexplained wealth and enhance police powers to investigate organised crime.

This second Bill builds on these earlier reforms and further strengthens the laws necessary to combat organised crime.

These new reforms will enhance our ability to effectively prevent, investigate and prosecute organised criminal activity, and target the proceeds of organised crime.

This Bill continues the Government’s focus on:

1. more effectively prosecuting organised crime through new criminal organisation offences and enhanced money laundering, bribery and drug importation offences, and
2. stronger investigative and criminal asset confiscation powers to assist in the detection and disruption of organised crime activity.

These reforms reflect the seriousness of the organised crime threat, and growing recognition of its great economic and social cost to the Australian community.

Today, we have taken further, decisive action to target organised crime and enhance the security of the Australian community.

1. Criminal offences

It is important to ensure that we have in place criminal offences that target varying levels of involvement in the activities of a criminal organisation, and not just those people who are directly involved in committing criminal offences.

It is also vital that existing offence regimes remain effective in disrupting and deterring organised crime.

New organised crime offences

This Bill includes new organised crime offences that target persons who associate with those involved in organised criminal activity, and those who support, commit crimes for, or direct the activities of, a criminal organisation.

The investigation of these serious criminal offences will be supported by amendments to enable greater access to telecommunications interception.

The new offences will capture those at the ground level committing, or supporting the commission of, offences for organised crime groups.

They are also targeted at senior members of organised crime groups who direct the activities of the organisation, while maintaining distance from the actual commission of offences.

Under the new offence provisions, these people will be subject to penalties of up to 15 years imprisonment.

Money laundering and bribery offences

Activities such as money laundering and corruption play a critical role in facilitating organised crime.

This Bill improves the operation of the money laundering provisions in the Criminal Code, and enhances the ability of law enforcement and prosecution agencies to investigate and prosecute money laundering offences.

This Bill also substantially increases the deterrent effect of the offences in the Criminal Code that deal with those who bribe a foreign or Commonwealth public official, by significantly increasing the financial penalty applicable to the offences.

The amendments provide that, where a body corporate is convicted of a bribery offence, it could be liable to a financial penalty of $11 million or more.

The amendments ensure that penalties for these offences are sufficiently high to deter and punish bribery in the domestic and international spheres.
Drug importation offences

Driven by profit motive, organised crime networks are opportunistic, risk-averse, and commonly maintain a transnational presence.

To combat organised crime’s involvement in lucrative illegal activities such as drug trafficking, this Bill will amend the drug importation offences in the Criminal Code to ensure that they capture a broader range of criminal activity.

The offences will now apply to offenders who engage in activity connected to the importation of drugs into Australia, such as arranging for payment of those involved in the importation process and transferring the goods once they arrive in Australia.

2. Powers

Organised crime networks are dynamic, innovative and resilient.

Our efforts to enhance investigative powers and improve existing criminal asset confiscation and anti-money laundering laws must address these characteristics.

At the same time, it is necessary for law enforcement powers to be subject to rigorous safeguards and accountability mechanisms.

Search related amendments

Organised crime groups are sophisticated and make full use of rapidly advancing technology.

The Bill better enables law enforcement agencies to examine and search electronic equipment in an environment where, increasingly, organised crime is transacted through electronic equipment and over the internet.

This ensures that law enforcement officers are able to access data stored on, or accessible from, electronic equipment that is seized or moved from warrant premises.

New provisions will also allow a magistrate to order a person to provide assistance in accessing data on a computer or data storage device after it has been seized.

This power, which is currently only available when the computer is on the warrant premises, will assist law enforcement officers in overcoming challenges posed by technological developments such as encryption techniques.

Appropriate safeguards are included in the Bill. For example, the Bill provides for a person to be compensated for any damage caused to equipment or data following a search or examination of the equipment.

The Bill also permits material seized under search and document production powers to be shared between Commonwealth agencies and with State and Territory law enforcement agencies.

Criminal asset confiscation and anti-money laundering laws

This Bill includes a raft of additional amendments to the *Proceeds of Crime Act 2002* which clarify and improve the operation of the Act.

These measures further enhance the ability of prosecution agencies to trace, restrain and confiscate the benefits criminals derive from crime.

A strong criminal asset confiscation regime is pivotal to the fight against organised crime.

Many of the amendments in the Bill are based on operational experience and respond to the recommendations made in 2006 as part of the review of the *Proceeds of Crime Act 2002* by Mr Tom Sherman AO.

The amendments will better assist our law enforcement agencies to strip organised crime groups of their ill-gained assets.

These measures will also assist in eliminating inconsistencies across the Act and rectifying anomalies. Organised crime gangs will no longer be able to rely on technicalities to avoid criminal asset confiscation.

This Bill also amends the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* to improve the operation of the Act and enhance our ability to deter and detect the laundering of the proceeds of crime.

Australian Crime Commission related amendments

Further, this Bill will improve the operation and accountability of Australia’s national criminal intelligence agency, the Australian Crime Commission (ACC).

The ACC works with other Commonwealth, State and Territory law enforcement agencies to
counter, and develop a better understanding of serious and organised crime in Australia.

It is vital that the ACC is able to function effectively, subject to appropriate safeguards on the exercise of its special coercive powers.

Where authorised by the ACC Board, and provided a range of procedural requirements are met, an ACC examiner may compel a witness to attend an examination and answer questions in relation to a particular matter.

A key measure in this Bill will be to enhance the ACC’s ability to deal with witnesses who refuse to cooperate with an ACC examiner.

This measure will provide an ACC examiner with the power to refer uncooperative witnesses to the Federal Court, or a Supreme Court of a State or Territory, to be dealt with as if the conduct were contempt of that court.

This implements a recommendation made by Mr Mark Trowell QC in his Independent Review of the Australian Crime Commission Act.

The Bill also addresses the need for additional accountability regarding the exercise of the ACC’s powers by invalidating summons and notices to produce where reasons for their issue are not recorded.

The Bill also requires independent review of the ACC every five years.

The Bill will reverse the amendments made in 2007 to the Australian Crime Commission Act, and insert a requirement that the Act be reviewed every five years.

This will implement recommendations by the Parliamentary Joint Committee on the ACC in its report on the 2007 amendments to the Act.

National Witness Protection Program

This Bill also makes improvements to the operation of the National Witness Protection Program, including by increasing protection for current and former participants and officers involved in its operation.

Urgent amendment – fitness to plead

And finally, while not related to serious and organised crime, this Bill makes an urgent and minor amendment to the Crimes Act 1914 to preserve the ability of a person who has been charged with a Commonwealth offence and who is being tried in Victoria for a Commonwealth offence, to appeal a finding that they are unfit to plead.

This will address changes to Victorian legislation that take effect from October 2009.

Conclusion

In conclusion, this second package of serious and organised crime reforms builds on those introduced in June this year.

The Bill contains a range of measures to comprehensively deal with organised crime, through new and targeted organised crime offences, improvements to existing offences, and enhancements to investigative and criminal asset confiscation powers to assist in the detection and disruption of organised crime activity.

The Bill represents another significant step as part of a coordinated national effort to more effectively prevent, investigate and prosecute organised crime activities, and to improve laws that target the proceeds of organised crime groups.

I commend this Bill.

Debate (on motion by Senator Ludwig) adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.59 am)—I move:

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

Question agreed to.

Bill read a first time.
Second Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.59 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The National Green Jobs Corps that commences on the first of January 2010 will give up to 10,000 young people the opportunity to develop green skills through 26 weeks of accredited training and work experience.

This bill, the Social Security Amendment (National Green Jobs Corps Supplement) Bill 2009 amends the Social Security Act 1991 to allow a training supplement of $41.60 per fortnight to be paid to participants in the program who receive Newstart Allowance, Youth Allowance (other) or the Parenting Payment.

1. Experience of the 1990s

There are important lessons from previous economic downturns which have guided the development of the National Green Jobs Corps and this legislation.

In the 1980s and 1990s youth unemployment rose much quicker than the general rate of unemployment.

Those young people without skills and qualifications suffered most. During the early 1990s recession, around 40 percent of early school leavers were not in education or employment six months after leaving school, compared with 12 percent for those who had completed Year 12.

Today young people are again the hardest hit. Youth unemployment accounts for over 40 percent of the increase in unemployment over the last 12 months; many of these young people have not completed high school.

2. Learn or Earn

That’s why in April the Prime Minister announced the policy of ‘Learn or Earn’. This means that young people under the age of 20 without a year 12 or equivalent qualification must be in education or training in order to qualify for Youth Allowance.

In June the Government introduced a training supplement of $41.60 a fortnight to recipients of Newstart or the parenting payment who have not completed year 12 or an equivalent qualification but who start an approved course of study or training between 1 July 2007 and 30 June 2011.

National Green Jobs Corp

In July the Prime Minister announced the establishment of the National Green Jobs Corp, an environmental training program that will enable young Australians to develop the green skills and experience needed for jobs of the future.

It is targeted at the young Australians most vulnerable in the current environment – especially those who have not obtained a year 12 or equivalent qualification.

It will provide work experience and training on projects like:

- Bush regeneration
- Erosion control
- Developing community information and education projects
- Beach and dune rehabilitation
- Habitat protection

These projects will make environmental improvements now and help develop green skills that will be increasingly needed in the labour market of the future.

Participants in the National Green Jobs Corps will undertake work experience and skill development, including 130 hours of accredited training leading to a nationally recognised qualification.

To encourage this training – this Bill provides for a training supplement of $41.60 per fortnight to be paid to Green Jobs Corp participants who are recipients of Newstart Allowance, Youth Allowance (other) and Parenting Payment.

Young people with a partial capacity to work or young parents will have their hours of participation tailored to their assessed capacity.

We know young people are particularly vulnerable in the current economic environment.
We know young people who have not completed year 12 or an equivalent are even more vulnerable.

That’s why we have targeted assistance to these young people through the National Green Jobs Corp.

This legislation will assist young people to participate in this program.

To gain work experience and training.

To build the skills in the jobs of the future.

Debate (on motion by Senator Ludwig) adjourned.

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

ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009; informing the Senate that the House has agreed to amendments (1) to (5) made by the Senate, disagreed to amendment (6) and made an amendment in place of that amendment; and requesting the reconsideration of the bill in respect of the amendments disagreed to and the concurrence of the Senate in the amendment made by the House.

Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Report

Senator TROOD (Queensland) (10.01 am)—I present the report of the Foreign Affairs, Defence and Trade References Committee, Economic challenges facing Papua New Guinea and the islands of the southwest Pacific, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

The PRESIDENT—Do you wish to speak to the report?

Senator TROOD—Mr President, the situation is that the report has been divided into two. The first part of the report is being presented this morning and the second part of the report will be presented on 24 December. I seek leave to move a motion in relation to the report.

Leave granted.

Senator TROOD—I move:

That the Senate take note of the report.

In its report on the island states of the southwest Pacific, the committee identified a range of impediments to economic growth in Pacific Island countries. Some of these are inherent structural problems that are beyond the control of these countries—small populations and land mass, a limited range of natural resources, remoteness and susceptibility to natural disasters being among them. These physical and geographical limitations often produce conditions that inhibit the ability of Pacific Island countries to develop their economies. These include little scope to achieve economies of scale, difficulties developing the human capacity necessary to support and sustain a growing economy, a narrow economic base, reliance on a small range of export products and the need to import key strategic products such as energy.

Despite these limitations, the committee found that many Pacific Island countries have the potential to lift economic performance and raise the living standards of their people. Yet a range of factors, largely human, prevent Pacific Island countries from unlocking this potential. Agricultural productivity, which, according to AusAID, has stagnated in the Pacific for the last 45 years, indicates
the lack of progress being made by the islands. One of the main obstacles to increased economic development is inadequate investment and planning in key economic infrastructure—things like roads, bridges, ports, the supply of energy, potable water, telecommunications, storage facilities, and aviation and shipping facilities.

The committee heard from Qantas in relation to this matter, particularly in relation to aviation activity around the region. Qantas described a situation where the majority of runways have poor markings and are often unfenced, navigation aids are intermittent, aircraft handling equipment is limited and terminal facilities do not meet current safety and security requirements. Shipping facilities in the region are inefficient, expensive and slow.

The lack of human capacity is another major impediment to economic development. Although unemployment, particularly among young males, is a major problem in the region, there is a chronic skills shortage across all sectors of the economies in the region. This absence was especially noticeable in relation to sustainable development; in land, resource, business and financial management; in marketing and trade negotiations; and in building and construction. The reasons for these shortages are largely to be found in an education system that in many parts of the islands, particularly Papua New Guinea, the Solomons, Vanuatu and Nauru is failing children and not providing the vital building blocks for economic and human development—for example, the committee heard that only 53 per cent of children in Papua New Guinea are enrolled in school, and of the children who start school only 45 per cent are expected to complete primary school. In cases where Pacific Islanders attain qualifications, there is the problem of brain drain or the flight of intellectual capital from the region.

The committee also found that economic activity is stifled and people are deterred from investing in many Pacific island countries because they are difficult places to do business. There were numerous examples of this: under-resourced and poorly equipped bureaucracies are unable to deliver essential services; regulatory environments frustrate rather than encourage enterprise; land ownership and limited access to finance and financial services inhibit economic growth; and political instability, law and order concerns and corruption dampen enterprise and discourage investors.

Let me turn to the matter of Australia’s aid to the region. Australia is the main source of aid to the Pacific. Through its extensive aid program, work is being done in agriculture, fisheries, forestry, mining, managing natural disasters, climate change, economic infrastructure, education, health, financial management, governance, law and order, land tenure and financial services. Across these many sectors, Australian funding is being used for research and development, for building and improving infrastructure, and for providing advice, training, education and technical assistance.

The committee recognised the fine work that Australia is doing through its aid programs to help Pacific island countries develop their economies and improve living standards for their people, but it also identified areas where Australia could increase the effectiveness of its assistance. It acknowledged that setting priorities from among the numerous competing needs is a significant and challenging task for the Australian government. Indeed, the OECD peer review of Australia’s development assistance praised AusAID as:

...a highly dynamic organisation working in an increasing number of sectors and trying to be responsive to the needs of partner governments.
But it also noted:

The downside of this positive attitude may be an attempt to do too much, leading to a loss of focus and/or dissipation of energy, thereby ultimately weakening impact.

Thus, one of the major challenges for the Australian government is to set a policy framework that provides a clear focus, one that enables it to target its aid to areas that are likely to provide the best means for Pacific island countries to achieve positive, long-term economic and human development.

In this context, the committee expressed a number of concerns about aid delivery to the Pacific that have direct relevance to Australia’s official development assistance program. The committee was of the view that Australia could do more to, among other things: ensure that aid reaches its intended beneficiaries or those most in need; respond to the urgent call from Pacific island countries to help them meet the challenges of climate change; find more effective ways to ease the burden on Pacific island countries of monitoring and policing activities in their exclusive economic zones and representing their interests in regional and international organisations; ensure that benefits deriving from Australia’s assistance do not fade as projects come to an end and funds and technical assistance are withdrawn; better align Australia’s assistance with the priorities of recipient countries and of other donor countries; make better use of the private sector to help alleviate poverty in the region and boost economic activity; strengthen Australia’s whole-of-government effort by having a more coherent plan and implementation strategy; incorporate the work of states, territories, local governments and NGOs in Australia’s assistance to the region; help improve the quality of statistics available on key economic and human development indicators; and foster a culture of continuous improvement in the delivery of its aid program by making the monitoring and evaluation of projects far more rigorous.

The committee made a number of recommendations addressing these areas. Some called on the government to give greater attention to the specific areas of climate change, tourism and the non-formal education sector; others required specific action in relation to these matters. The overarching recommendations, however, were concerned with improving the overall effectiveness of Australian aid.

To conclude my remarks, on behalf of the committee I thank the staff for the excellent support they gave us in the course of preparing the report and during the lengthy time it took to undertake our inquiries, and as usual I acknowledge the highly professional nature of that support. In contrast, I also note the lack of support and cooperation that the committee received from the Department of Foreign Affairs and Trade. On numerous occasions the committee asked for its support to visit the region and to consult with various individuals who had knowledge and special information that might have been useful to us. Notwithstanding the efforts of the committee to press these inquiries on numerous occasions, we regrettably did not even receive the courtesy of a response. That was an immense frustration to the committee’s activities and in fact I think is a reflection of an appalling state of management of the department’s affairs and an appalling state of cooperation between the committee and the executive. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NOTICES

Presentation

Senator Trood to move on the next day of sitting:
That the report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into security challenges facing Papua New Guinea and the islands of the south-west Pacific be presented by 24 December 2009.

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]
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]

Debate resumed from 18 November, on motion by Senator Stephens:
That these bills be now read a second time.

upon which Senator Bob Brown moved by way of amendment:
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”.

Senator LUNDY (Australian Capital Territory) (10.13 am)—The Labor government wants to approach climate change in a smart, visionary way. We could have chosen the ignorant and myopic way—that is, to do little and allow our national economy to become the victim of global economic restructuring. But Australians have chosen the smart, visionary way and they made this decision at the last federal election by electing a Rudd Labor government. So when citizens observe the hardcore climate sceptics sitting opposite as they brandish increasingly outlandish denials about the established scientific evidence of climate change, what they are witnessing is the final desperate flare of the once leading lights of the ideological hard right of the Liberal Party. This flare will no doubt rapidly peter once this debate has occurred and I look forward to the final ember being ground out when we conclude what is the most significant parliamentary debate of this generation of elected representatives. We are debating the CPRS, but for many observers the nature of the discussion determines that we are debating whether or not climate change exists.

Labor’s plan is the smart, visionary way and we will see governments now and in the future managing a whole-economy program of restructuring that will continue well into the second half of this century. We are negotiating because we firmly believe we must start the transformation now. The Rudd Labor government is providing the leadership
that citizens voted for and expect. We are taking responsible and decisive action to tackle climate change by introducing this Carbon Pollution Reduction Scheme. The CPRS will reduce Australia’s carbon emissions and ensure we increase our investment in industries of the future like renewable energy—solar, wind and geothermal—creating thousand of new businesses and clean jobs in low-pollution industries.

The Rudd Labor government has produced a responsible and well-thought-through scheme that takes the first steps to reduce our carbon pollution while also protecting our economy and jobs during the global economic downturn. Schemes are already operating in 27 European countries and 27 states and provinces in the USA and Canada. Canada is introducing emissions trading to reduce carbon pollution as is New Zealand. Passing the CPRS legislation before the end of the year will give Australian businesses the certainty they need about the future. That is why business groups want it dealt with now.

The CPRS will help us tackle climate change to ensure our kids and future generations are not the ones left to clean up the mess. It is necessarily complemented by other government policies and the private sector responses to them. This determines whether or not we maximise jobs and employment outcomes from the economic transformation.

The Rudd government is committed to creating low-pollution jobs for the future as part of our comprehensive approach to combating climate change. Over $13 billion has been committed to programs that will increase the demand for low-pollution products and services and the associated employment opportunities. The government is helping business invest in energy efficiency and develop and commercialise new, low-carbon and renewable products in transport and energy generation. For example, there is the $90 million Green Building Fund, the $1.3 billion Green Car Innovation Fund and the $4.5 billion Clean Energy Initiative.

The CPRS and our renewable energy target will create the low-pollution jobs of the future in solar energy, on wind farms and in jobs using new technologies like clean coal and geothermal energy. The jobs that will be created will be in new industries and established industries alike. They will be in semi-skilled, skilled and professional occupations and will be spread throughout Australia. For example, the $1.5 billion Solar Flagships program will aim to create an additional 1,000 megawatts of solar generation capacity. This ambitious target is three times the size of the largest solar energy project currently operating anywhere in the world.

We expect to see a fourfold increase in the output of renewable energy other than hydro, and a doubling of total renewable energy output, by 2020. In other words, the government’s renewable energy target is that 20 per cent of Australia’s electricity will come from renewable sources by 2020. This 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.

I note with interest that there are already around 50 wind farms in operation around Australia. I was absolutely thrilled as a senator for the ACT that the Prime Minister, Minister Wong, Minister Garrett and New South Wales Premier Rees launched the Capital Wind Farm today in Bungendore, a wonderful town and community not too far from Canberra. Owners of the Capital Wind Farm, Infigen Energy, have built 67 wind turbines, almost five times the size of any other wind farm in NSW. The farm will increase the nation’s wind power capacity by more than
10 per cent, providing electricity to around 60,000 homes.

The project has already provided employment opportunities for over 120 people during the construction phase and will provide ongoing employment in the local community. It is also an excellent example of how clean energy industries create the high-skilled jobs of the future, with Australia’s first wind farm apprentices being employed at Capital Wind Farm, learning the work of electro-technology and wind turbines.

Treasury modelling released in October 2008 shows that our policy measures leading to projects like this will see the output of the non-hydro renewable energy sector grow to 30 times its current size by 2050, creating thousands of new jobs. The International Energy Agency estimates that additional investment of US $45 trillion will be required by 2050 to drive the uptake of renewable energy. Australia must be in a position to attract this investment.

As Minister Wong pointed out in question time yesterday, the Climate Institute has calculated there is already $31 billion dollars worth of clean energy projects underway or planned in response to our policies to promote renewable energy and reduce emissions. These projects are expected to create some 26,000 new jobs. I note the minister also did not miss the opportunity yesterday to point out to the National Party representatives in the Senate that most of these jobs would be in regional Australia.

It is also useful to mention at this juncture that the government’s biggest ever investment in energy efficiency, under the Nation Building and Jobs Plan, is already creating jobs as well as assisting millions of households in Australia to reduce their energy use through the installation of insulation, cut their power bills by up to $700 a year, and increase the comfort and value of their homes.

On 13 February, Dennis D’Arcy of the Insulation Council of Australia and New Zealand said the Nation Building and Jobs Plan would create around 4,000 jobs in the insulation industry. The council has now come back and said that, based on recent industry reports, new employment growth is likely to be higher than these initial expectations. On 3 February, an insulation fitter told ABC Radio:

"Our own company... had to lay off a shift in one of our plants just before Christmas. We’ll be putting that shift back on."

On 5 February, Mr Ray Thompson from Bradford Insulation told the *Australian* that their new Brisbane plant would move to 24/7 production and that they would start employing people immediately.

The government is indicating to the Australian people that it is prepared to provide the leadership for the massive task of restructuring the energy sector. We all know government leadership and finance will indeed be necessary as the private sector is not able to respond quickly enough on its own. The last time the electricity sector was technologically transformed was back before World War II and back then it required nationalisation. It is a different form of intervention in the 21st century. The introduction of the CPRS and investing in renewable energy is a practical, sensible and timely approach for the times.

If we do not act now, Australia’s economy will be left behind. Treasury modelling released in October 2008 demonstrated that economies that defer action will face long-term costs around 15 per cent higher than those of economies that take action now. Not only would inaction leave us behind; it would cost us far more in the end anyway.
How can the opposition justify shifting this burden onto the next generation?

If we do not act now, Australia will miss the surge in investment in clean jobs through renewable energy technology investment. What a tragedy this would be for us as a nation. We, correctly, pride ourselves on our collective capacity to contribute to the array of exciting new technology developments in renewable energy technologies. We were world leaders in photovoltaics in the past—before the Howard government—and we could be again if we build on the government’s timely investments. Support for our clever scientists and increased funding for research and development in our universities and research houses are part of this timely investment by the Labor government. The global market for environmental products and services is projected to double, from US$1.3 trillion per year, as it is at present, to US$2.74 trillion by 2020 according to the United Nations Environment Program report of last year. Surely the opposition is not motivated to stifle this potential by voting down these bills. Surely this opportunity for Australia to improve our economic security and at the same time contribute to solving one of the great moral challenges of our time—that of saving our planet—is too important to let slip in a moment of madness.

I do believe this moment of madness gripping the Liberal Party and the National Party will eventually pass. After all, the science is in. I wish the genuine negotiations that are taking place well. I think the Labor government has shown a great deal of goodwill in this regard. However, for the moment, the madness persists—at least with some. It makes me wonder if the dinosaurs who deny that human induced climate change exists at all will be around for long enough in this place to wear the political burden of the damage done if these bills fail. I suspect not. In the words of a dear friend who watches politics closely and often shares her astute insights with me, the 21st century dinosaurs of the Senate who vote to block these bills will no doubt meet the same fate as the dinosaurs did towards the end of the cretaceous period of the earth’s history, as a result of their inability to adapt or evolve in response to dramatic changes to their environment—extinction!

In closing, Labor is committed to pursuing the most ambitious outcome from Copenhagen. We concur with the statement by President Obama that any deal at Copenhagen must have ‘immediate operational effect’. It is essential that we go to Copenhagen with a strong hand, and that is why I join with my Labor colleagues, in particular Minister Penny Wong, in commending these bills to the Senate.

Senator BUSHBY (Tasmania) (10.25 am)—I rise to also add my comments to the debate on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and associated bills before us in this place today. We are in the midst of a debate on the single most intrusive and far reaching government intervention into the activities, and the wallets, of all Australians that this nation has ever seen. Many Australians would recall the debates surrounding the introduction of the GST or the sale of Telstra, the long and detailed speeches in this place highlighting the potential good and bad consequences of these significant measures, the high level of media focus, the near hysteria in the media and the calls by consumer and welfare groups that the sky would fall in.

This package of bills is far more extensive and intrusive than either of those measures. The impact it will have on every Australian extends far further than either the GST or the sale of Telstra. And the impact on the cost of living for all Australians will be far larger than it was for either of those measures. It
will in fact place a tax on everything you buy—a compounding tax without the input tax credits of the GST. Why is it a tax? Because everything you buy has at some point been grown, manufactured, serviced or transported using energy, and this bill is all about energy and what it costs—and the deliberate intention of making it cost more.

Let us have a quick look at that issue. Eighty-five per cent of our energy is produced by coal. This is because it is far and away the cheapest form of energy available to us. Indeed, we have hundreds of years of resource available to us to continue to produce abundant and cheap energy. This abundance of a cheap, long-term energy source has provided us with a strong comparative advantage as a nation and has, to a very significant extent, underpinned our development as an industrialised nation. But the intention of the CPRS is to eliminate coal as a cheap energy source, to make it less competitive against other less emissions-intensive forms of energy, so that those other forms of energy can compete and replace coal based energy generation in Australia.

What are our options if we look past coal? I would have thought that, if climate change was indeed the greatest moral challenge facing the nation, all options that could reduce emissions would be on the table. However, this is not the case. Hydro, although being almost emissions free, is not politically correct because it involves the building of dams. In my home state of Tasmania, if we had been able to build the Gordon below Franklin dam in the 1980s and its follow-up schemes, we would not have needed to link into the national electricity market, and, hence, coal-fired power, via the BassLink cable, nor would the refurbishment of the oil-fired Bell Bay Power Station—just next to the proposed pulp mill site, incidentally—into a gas-fired generator have been necessary. In fact, with the Gordon below Franklin scheme, Tasmania would have been capable of generating all of its energy in an essentially emissions free manner. Surely any environmental consequences of this and similar hydro schemes would fade into irrelevance compared with the need to address the 'greatest moral challenge of our time'.

The same question can be asked about nuclear energy. Although not cost competitive against our cheap and readily available coal, it is cost competitive against coal saddled with a carbon cost. Given that we also have the natural advantage of access to ready domestic supplies of uranium, which adds to our security of energy supply, if we are going to look to replace low-cost, emissions-intensive energy generation with higher cost but lower emission forms of energy generation then nuclear must be at the top of the list as a major contributor to that effort. Renewable energy sources are both expensive and, as yet, incapable of providing baseload power. As such, to the extent that they do replace emissions-intensive power generation, it will come at a significant cost to the consumer and possibly to our energy security as a nation.

There is no simple answer for replacing our abundant and reliable energy sources with similarly abundant and reliable low-emission energy sources. The passing of these bills will painfully highlight that fact to every Australian. This debate is about whether or not we should allow the future of this country, and our children, to forever be lumbered with an artificial cost imposition that will severely impact our competitiveness and our economic growth. It should be a rational debate on a government mandated policy with far reaching consequences. But the Rudd Labor machine has taken great steps to hide this debate behind a smokescreen of hysteria; behind an attempt to smear those who see faults in their plan as evil wrongdoers betraying the planet.
I and those on this side of the chamber have news for you. We refuse to accept that, just because this government asserts that this suite of bills is a solution to a problem it says need solving, we must blindly capitulate to that assertion. We will continue to critically examine your legislation, query its impact and its need, look at alternatives and generally do the job that the nation expects us to do as members of the house of review.

Several hundred years ago we saw the advent of the Enlightenment. As I am sure you are all aware, the Enlightenment was a period in western thought, during which reason and rationality took hold of humanity as the primary drivers of thought and decision making. It replaced a long period of many centuries throughout which individual thought and rationality was effectively outlawed, and individuals were forced to comply with mandated beliefs and concepts by a mixture of the church and the state. This period is fairly accurately described as the Dark Ages as it was a period where the state had the power to do as it liked, and citizens had little freedom or liberty. There are, fortunately, many people who consider that a rational examination of the science behind the anthropogenic impact on climate should be undertaken before action to address greenhouse gas emissions should be implemented. There are also many people who, upon examination of the government’s horribly flawed CPRS, consider that it fails on all fronts in delivering the stated objectives of economic responsibility and environmental sustainability.

Through the manipulative invoking of popular sentiment and goodwill towards the environment, this government has attempted to label not just those who want to rationally examine the science but also those who would dare argue against their CPRS as completely out of touch with scientific truths and modern thought. It has labelled those who dare to oppose its agenda as the dreaded climate sceptics or, even worse, dredge up the extremely pejorative term of ‘denier’, a term that has offensive, racial, anti-Semitic overtones. By doing so, they do nothing but take us back to pre-Enlightenment attitudes.

In a democracy, people must have the right to query and question decisions made by their leaders that will affect them. Indeed, it is vital that they can do this. If they cannot, the power of the state can grow to a level that is unhealthy for its citizens. It is a great irony to me that those who dare to query and examine the issue are labelled by climate alarmists as flat-earthers, while those who blindly accept what the government, environmental movements and many of the mainstream media feed to them are considered to be contemporary thinkers.

During the attempted first passage of this legislation in August this year, I likened Senator Penny Wong to a high priestess of climate change and suggested she would burn climate sceptics at the stake if she had a chance. It was a particularly strong metaphor. However, it is one by which I stand. The religious fervour that has been whipped up worldwide in support of absolute and unquestioning belief in anthropogenic climate change and its utter infallibility is reaching alarming levels. Earlier this month an English High Court judge, Mr Justice Burton, said:

A belief in man-made climate change and the alleged resulting moral imperatives is capable, if genuinely held, of being a philosophical belief for the purpose of the 2003 Religion and Belief Regulations.

This statement was made in relation to the case of a man who was removed from his position as head of sustainability for a residential property firm on the basis, he believed, of his eco-minded beliefs. The rules upon which this man built his case, the 2003 religion and belief regulations in the UK, were established to protect employees from
being made redundant on the basis of their religious beliefs. The court found a belief in man-made climate change to be a religious belief.

The second and more important issue at hand is that of the legislation itself. There are those who deny the existence of climate change and there are those who deny the existence of anthropogenic climate change, but generally it is the Rudd government’s flawed CPRS legislation to which many of us here, and a substantial proportion of the Australian people, hold objection. What should have been a rational debate on the suitability and workability—or not—of this legislation has descended into an ideologically coloured and emotionally driven free-for-all.

The majority of ordinary Australians, those whom this tax will affect the most, have been provided with little or no assistance in understanding what the CPRS actually is, let alone how it will work or how it will affect them—and let me assure you, it will affect them. What the Australian people have been denied is a clear and transparent debate on the actual outcomes of this legislation. Whichever way you look at it, this legislation is a tax on all Australians. It will increase the cost of living for every single person in this country. It is clear to anyone who has taken the time to actually acquaint themselves with the detail that it will not even come close to achieving the professed goal of reducing global emissions. In fact, it is entirely possible—and indeed probable—that the reverse could be the case.

I doubt that anyone in this place could mount a credible argument that the implementation of the CPRS will not come at a cost to Australians. Sure, you can certainly argue about the extent of that cost. But the fact is that the specific intention of the bills is to make the cheapest sources of energy available in Australia more expensive so that other forms of less greenhouse gas prolific energy generation become more price competitive. Given the extent to which energy is a cost in just about everything we do in Australia, a government-imposed increase in price must come at the cost of either higher prices for just about everything or significant changes in our lifestyle, almost certainly involving a lower standard of living.

Now, I concede that there are justified times when peoples must accept a cost in order to deliver a corresponding benefit. In considering such a program as this, it is incumbent on legislators to consider and weigh up the potential costs against the likely benefits. If the benefits justify the cost, and the cost cannot be avoided in order to deliver those benefits, then it would seem reasonable to proceed. If not, then any such proposal should be rejected. This should be the threshold question that all members of this place ask in respect of any legislation before them that imposes burdens on any or all of the Australian people.

In respect of this legislation, the argument that the government would put is that the CPRS is needed in order to deliver the ‘benefit’ of helping reduce the global emissions of greenhouse gases to lower the impact of mankind’s activities on the climate. Climate change alarmists highlight how a failure to lower global emissions dramatically within a specific time period—which, incidentally, always seems to change and is always just a few years hence—will mean that the earth will pass a tipping point of no return. The consequences of this apparently include sea level rises, resulting, depending on what you read, in six-storey buildings on the beaches of Perth—in your home state, Senator Cash—having water lapping at their top floors or the warehouses in Salamanca Place, in my home state of Tasmania, going under, as dramatically pointed out by Senator Bob Brown just a few years ago when he alerted...
Tasmanians to the fact that we would see the sea rise by many metres in the coming decades. I think he may have revised that estimate down somewhat now.

However, even those who so passionately advocate that the world is about to end due to greenhouse gas emissions would have to concede that this suite of legislation is a dud. They might not agree with me or my coalition colleagues on many things, but what I am sure they would agree with is that there is no point in the Australian parliament imposing a massive burden on Australians if there is no corresponding benefit for the environment.

I have participated in a number of Senate inquiries into this legislation, as well as the economic impacts it is likely to have. And I can tell you that the overwhelming body of evidence on the government’s CPRS is that it will contribute nothing to the government’s stated aim of reducing global greenhouse emissions. This is because, to the extent that it is an actual problem, global greenhouse gas emissions can only be reduced if there is an international agreement in place that severely restricts the ability for emissions to be substituted from a carbon regulated jurisdiction to a non-carbon regulated jurisdiction to avoid what could be termed the ‘squeezing the balloon effect’.

Decisions about where to make products are now made on a global basis. A range of factors are considered, but the relative costs of production and competitiveness of production are major factors in those decisions. A substantial carbon cost added to the cost of production in one jurisdiction will put it at a great disadvantage against another that is without such a cost. Similarly, cost is a major factor in most purchase decisions, and the ability to purchase a similar product or service at a lower price from a non-carbon regulated jurisdiction will certainly impact on purchasing decisions—and, hence, on the levels and place of production.

When you consider, for example, that aluminium can be produced in Australia with far less greenhouse gas emissions than in almost any other country—apparently, in some places, seven times as much gas as is produced than in Australia for a given quantity of aluminium—if this scheme, this CPRS, led to less aluminium being produced here, and more in less greenhouse gas efficient nations, then the net impact would be an increase in emissions. Given that a product like aluminium, which is a lightweight alternative to steel, will also play a leading role in increasing transport and other efficiencies, it would seem logical to produce more of it in just those places where doing so will emit less greenhouse gas emissions—and, therefore, to create a legislative environment here that attracts the aluminium industry, not renders it unviable. But these bills will, perversely, deliver the opposite outcome. The same argument can be mounted for just about any major industry in Australia and, to a lesser extent, a lot of the smaller ones. So not only would such outcomes be disastrous for our economy and for jobs in Australia, and would come with the great additional burden of increased costs for everything in Australia, but the environmental benefits are doubtful, if at all existent.

A true international agreement, under which our major competitors also instituted coordinated price impositions on carbon, however, could severely restrict the likelihood of carbon leakage and help to maintain the relative competitiveness of Australian industry, our economy and Australian jobs. It could even provide an environment where we could compete directly on the basis of being able to produce goods and services in emissions-intensive areas on the basis of our greater emissions efficiency—that is, actually going out and attracting such high-
emissions industry to Australia, for the very reason that doing so will lower global emissions, even though it might add to higher emissions in Australia. Our carbon emissions make up a grand total of 1.4 per cent of the world’s total emissions. It is essential that an Australian emissions trading scheme be designed with the intention that it be proactively reactive to the existence or absence of a global CO2 emissions solution.

So what is the likelihood of a global solution? Ignoring the great and highly concerning sovereignty issues contained in the draft text of the Copenhagen agreement, the big problem is that we have seen no evidence that an international agreement is imminent. Recent international forums have provided little hope in that regard. Nor is it at all likely that the greater number of our main trade competitors will adopt a price on carbon in the near future. Sure, many countries are currently implementing their own schemes to reduce emissions, but these are not necessarily ETSs and they do not necessarily undermine the competitiveness of their domestic economies or come at the great cost that the CPRS will for all Australians. There are many forms in which action can be taken to reduce the amount of greenhouse gases in the atmosphere, but many of our crucial trading competitors have not yet even shown signs of taking any significant action.

I consider that there is a lot to be gained for Australia through adopting cleaner, more efficient and sustainable ways of generating, supplying and consuming energy, and of generally doing business and living in this great country. I also acknowledge that there is a strong political will for action in that regard. However, I refuse to accept that Australia should proceed to adopt a scheme that will do none of this, that will fail dismally in addressing any environmental concerns—whether proven or otherwise—and that will certainly cost jobs and put up prices of every day goods and service, groceries, household power bills and transport costs. A scheme that will put Australian businesses and industry at a huge comparative disadvantage, reduce our competitiveness internationally and undermine our economy generally, is clearly not in the interest of the people I represent—and I cannot bring myself to vote for it.

I am of the opinion that, in the absence of a clear, well-defined and well-supported international agreement, the scheme represented by this bill is fatally flawed. Despite the clear fact that the amendments the coalition is negotiating will improve it, I find it hard to see how its fatal flaws can be addressed. If the issue of greenhouse gas emissions does need action, there are better ways of addressing it. The government must acknowledge that simply introducing an ETS because that is what they promised, is not enough. They have an obligation to ensure that their ETS will deliver the outcomes it is intended to deliver, and at minimum economic and social cost to Australians. The CPRS will not achieve this outcome. It should not be supported.

Senator McEWEN (South Australia) (10.45 am)—I appreciate this opportunity to participate in this debate on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. While every piece of legislation that passes through this place is important and in some way changes our behaviour—how we live our lives—this package of bills is one of the most important pieces of legislation ever to be debated. If it is passed, it will fundamentally alter our attitudes and begin to modify our behaviour and the outcomes of the social and economic activity that we undertake in this nation. It will begin to address the problems that are caused because we human beings, through our activities, pump pollutants into the atmosphere that absorb heat and increase the temperature of the air, the sea and the land. That increase
in temperature causes our climate to change and unwanted climate change is arguably the most difficult problem of our generation and of future generations unless we act now and act decisively. If the temperature of the earth continues to rise it will result in an increase in extreme weather events like drought, bushfires and floods, sea level rises, failure of agriculture and failure of wanted organisms to survive or the creation of conditions where unwanted organisms thrive. Even a small, sustained temperature rise fundamentally changes the environment in which we live.

It is interesting that this debate is taking place when today and yesterday significant parts of my state of South Australia have been designated as being at a ‘catastrophic’ fire risk by the state’s emergency services. This is indeed a frightening and sobering acknowledgement of how vulnerable we are to extreme weather events. It is only November—still spring. We are not even in December yet and it is already 43 degrees. In South Australia it has barely dropped below 35 degrees for a week and a half.

Let me read from the Bureau of Meteorology’s media release of 17 September 2009: Adelaide has experienced the first spring heatwave ever recorded across the entire Adelaide temperature record back to 1887 with 8 consecutive days in excess of 35°C from Sunday 8 November to Sunday 15 November.

The criteria for heatwaves in Adelaide is; ‘5 consecutive days with maximum temperatures of 35°C or more, or 3 days of 40°C or more’. Prior to this event the most days over 35°C consecutively in November for Adelaide had been 4 days in 1894.

The average maximum temperature for Adelaide over the first 15 days of November was 33.6°C. This is more than 8°C higher than the November maximum temperature average for Adelaide of 24.9°C.

The impact of extreme heat is both personal and economic. Vulnerable people die in heatwaves and bushfires, and houses and agricultural production are destroyed by fire and by heat. The cost to the Australian economy of bushfires between 1967 and 1999 was around $2.5 billion dollars. Such losses are unsustainable. Just ask the Insurance Council of Australia. What we are witnessing in South Australia are extreme, potentially disastrous weather events, and if this parliament does not do something about the global warming that makes our nation more susceptible to such events then we will have failed the Australian people.

I ask how senators opposite—and in particular senators Bernardi and Minchin, being from South Australia—can continue to deny the facts about what is happening to our climate and continue to refuse to take any responsibility for their reckless disregard for the science that tells us the climate is changing and we are causing that change. I guess maybe Senator Minchin, sitting in his air conditioned office in Canberra, has lost touch with what is happening back home. Maybe he should ring home more often and find out what is really going on. In my electorate office, constituents are ringing and they are afraid that today’s extreme weather conditions in South Australia will cause more catastrophic bushfires. They are saying that they want the parliament to do something to stop the potential for more disastrous weather events. But, of course, Senator Bernardi and Senator Minchin are not interested in what their constituents back home are fearing today. They are more interested in destabilising their leader, Mr Turnbull, than they are about representing their constituents, who today will be wondering, ‘Will there be a fire near me?’ How extreme does it have to be before senators Minchin and Bernardi actually realise that South Australia...
will fry unless we do something about climate change.

Climate change is of course not just Australia’s problem. The whole world is grappling with the problem. Just how difficult a problem it is is plainly evident by the ongoing debates at the highest level of international governments, which began more than two decades ago. In 1988, in response to growing concern about the possible impact of human activity increasing the amount of greenhouse gases in the atmosphere, the World Meteorological Organisation and the United Nations Environment Program established the Intergovernmental Panel on Climate Change to provide independent scientific advice on the issue of climate change. The IPCC has released four major assessment reports, the latest one in 2007, which reported increases in global air and ocean temperatures, widespread melting of ice and snow and rising global average sea levels. The IPCC reports, compiled from the work of 1,250 scientists in 130 countries, cannot be dismissed and are not being dismissed by the global community.

While we are right to be disappointed that there may not yet be global agreement on what countries need to do to set targets, achieve targets or help each other to reach targets in order to reduce greenhouse emissions, there is a consensus that action needs to be taken to reduce emissions. There is consensus amongst nations that there is too much at stake to just do nothing.

It is therefore always astonishing to hear that some members of the coalition are opposed not just to this package of bills but also to doing anything at all because they refuse to believe, despite all the scientific evidence, either that climate change is real or that human activity is causing it. They are not even prepared to give the benefit of the doubt to science—to concede that, while they might not agree with the science, they could at least support reducing carbon emissions because if they are wrong and science is right, precious time will have been lost due to their failure to act.

Most of the world’s nations and most of the world’s scientists accept the need to modify human behaviour to reduce emissions, and one would hope that this fact might encourage those opposite to develop a more rational response. But there is nothing rational in the response of the sceptics and deniers, who cannot wait to defeat this bill regardless of what amendments and concessions are agreed to in the ongoing negotiations between the government and the coalition.

It would not matter to them what was in the bill or how many more scientific reports landed on their desks telling them that climate change is real, it is happening, we are causing it and it is bad. They will continue to pretend that climate change is some massive global left-wing plot concocted by governments and scientists determined to destroy the world as we know it. But we know who the real destroyers are, and it is not the people on this side of the chamber; it is those few on the other side of the chamber who are determined to see these bills defeated.

Of course, the opposition has not always been hostage to the sceptics. As has been pointed out many times in this chamber, the former Prime Minister, Mr Howard, supported an emissions trading scheme and so did his party room. The current Leader of the Opposition, Mr Turnbull, also supports an emissions trading scheme. How that must rankle with the climate change sceptics. It is truly pathetic that the petty ongoing internal divisions in the opposition over Mr Turnbull’s leadership have spilled over into this most important of public policy debates.
We can only hope that those more sensible, rational voices in the opposition prevail.

The Rudd Labor government accepts the science that says that climate change is real, dangerous and increasing but can be mitigated. The government has accepted that even though our own total emissions are not huge in comparison with some other nations, our per capita output is amongst the world's highest and our reliance on non-renewable polluting fuel sources is neither environmentally nor economically sustainable in the longer term.

Prior to the last election, Rudd Labor made a commitment to protect Australians and to show international leadership in the global fight against climate change. We are enacting that commitment to the Australian people and we are doing it in a measured way that ensures our economy remains strong, particularly as we face the ongoing fallout of the global financial crisis. That is what these bills are all about—a rational, reasonable, measured, economically responsible but determined legislative response to the greatest issue of our generation.

Although the scheme has already been rejected by the Senate once, we are determined to continue negotiations with the opposition in order to reach agreement and pass this crucial legislation to protect our nation and our future generations. The government's balanced approach to addressing climate change means that we have paid careful attention to the economic impacts of the CPRS.

The bills contain measures to mitigate the costs to emitters and to compensate low-income earners and businesses that would be adversely affected by the predicted cost increases associated with the transition to a low carbon future. The government has also announced a range of measures to support the development of renewable energy sources and to encourage the growth of new jobs in the renewable energy sector.

Unlike many of those opposite, we have not wholly and unquestioningly swallowed the overwrought claims of some emissions-intensive industries. Just because we have all been inundated with impressive publications from large emissions-intensive companies and industry representative organisations and just because the newspapers all this week have been filled with full-page adverts predicting doom and gloom, we have not just thrown up our hands and caved in. Nor have we accepted holus bolus the claims on the other side of the debate that we have not done enough and that our targets are too weak and should not be supported on the grounds that they do not go far enough.

In relation to the claims of the large emitters that the destruction of life as we know it will ensue if the CPRS goes ahead, the government anticipated that reaction. It is part of the robust debate about any significant legislation that will affect one or other sector of the economy. Tobacco companies, alcohol companies, telecommunications companies, agricultural companies—any organisation that feels government action will affect its bottom line will always attempt to portray the worst possible scenario so it can gain the maximum advantage and leverage in negotiations with government.

Good governments like ours weigh up the competing claims and predictions against the facts and weigh up the path of action that will deliver the best result for the whole Australian community in the long term. Treasury modelling shows that the price impact of the CPRS is modest. Household prices for power would rise by 0.4 per cent in 2011-12 and 0.7 per cent in 2012-13. As was noted earlier, the bill provides for compensation to assist householders to meet those modest cost rises.
I should note that in my discussions with constituents about this issue, overwhelmingly, even those who can least afford price increases are prepared to do what they can to support the introduction of any measures that will halt climate change. Unlike some of those in the coalition, those constituents understand the need for action, and for urgent action, and are prepared to wear some pain to get that action. Of course, it would be wonderful if we could introduce the CPRS at no cost to anyone at all, but that is not possible. The transition from a high-per-capita-emitting nation to a low-emitting nation weaning itself off non-renewable, polluting fuels is going to come at a cost, and the government believes that all sectors of the economy—including the EITE industries—need to be part of that transition.

Opposition members often claim that the CPRS will destroy jobs. The fact is that we can make the transition to a low-emission economy while continuing to prosper. Treasury economic modelling confirms that and also shows national employment continuing to grow to 2020 and national income increasing by at least $4,300 per person while the nation is reducing carbon pollution by up to 25 percent below year 2000 levels. Our proposed transitional assistance for EITE industries will also assist in protecting jobs, including jobs at risk from so-called ‘carbon leakage’.

The government has established the $2.75 billion Climate Change Action Fund to help provide targeted assistance to businesses, community sector organisations, workers, regions and communities, to help make the transition to a low-pollution economy. For small- to medium-sized businesses, the CCAF will provide funding to help in the adjustment to the CPRS. This funding—including funding for information, investments in energy efficiency, low-emissions technology, structural adjustment assistance and the coal sector adjustment fund—demonstrates that the government has listened to all sides of the argument and has devised a well thought out plan for implementing the CPRS. We have committed to helping businesses prepare for the CPRS, and its passage through the Senate will provide the certainty, the assurance and the assistance that all Australian businesses need and deserve to create a low-pollution future.

One constant in the debate about the CPRS has been the request by the business community for certainty so that it can adapt and invest knowing what the rules are. It is up to the opposition to make up their minds once and for all on their position on climate change and what Australia is going to do about it. They owe it to those in the business community they purport to represent.

Of course, the opponents of these bills will never talk about the opportunity that firm action on climate change gives us to invest in new jobs in the renewable energy sector. A 2009 Climate Institute study shows that $31 billion worth of clean energy projects are planned or have commenced. Those projects will generate approximately 26,000 jobs in mostly regional areas, and many more thousands of jobs will be created by the government’s $4 billion energy efficiency programmes. This government is always conscious of the need to support jobs—that is, after all, why we introduced our economy-saving economic stimulus package. We are not afraid to make the hard decisions, and we are also conscious of the fact that if we defer action on climate change, the costs of eventually taking action will be higher and the job losses will be severe.

As I have said, Australia is not the only country grappling with how to address climate change. We are not going it alone and the CPRS is not some untested, far-out scheme concocted by tree huggers in isola-
tion from what is going on in the rest of the world. The choice of a cap-and-trade scheme like the CPRS is consistent with the action being taken in comparable economies. The EU has had an ETS in place since 2005 and New Zealand, Canada and the United States are all at various stages of implementing a form of CPRS because it is seen as the most effective, responsible way to globally address the imperative to reduce emissions to acceptable levels. Surely the whole of the developed world is not the victim of some kooky, left-wing conspiracy—as the Leader of the Opposition in the Senate and some of his acolytes would have us believe.

I mentioned earlier the fact that sea levels are rising. In Australia, where most of us live on the coast, we are extremely susceptible to economic loss caused by rising sea levels. Recently the Minister for Climate Change and Water, Senator Wong, announced a new report, Climate change risks to Australia’s coasts, which shows that between 157,000 and 247,600 existing residential buildings across the country will be at risk from sea inundation by the year 2100. These are the kinds of devastating impacts of climate change that will come to fruition if those opposite do not finally accept that climate change is real, it is happening, we are causing it, it is bad, and we need to do something about it. The opportunity to do something about it is presented before us in these bills. I look forward to the rational people opposite gaining the upper hand in this debate so that Australia can move forward to be a low-emitting, clean, green energy economy.

Senator RONALDSON (Victoria) (11.05 am)—I am pleased to be able to speak today on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. Senator Lundy said during her contribution that, in her view, the ETS and the issue of climate change are now completely and utterly viewed by the community as one, and I do acknowledge that that is, in all likelihood, the situation. I do want to make some comments about that, but I want to start off by talking about what I thought was the least helpful intervention we have had in this debate in the last three months, and that was the intervention of the Prime Minister at the Lowy Institute. What possessed this nation’s leader to give the speech he did, which branded people in various categories in relation to their views on the ETS and on climate change and to use the inflammatory language that he used in the middle of a very, very substantial community and parliamentary debate is absolutely beyond me. The expression ‘sceptic’ is not, in my view, an expression that should be used to label someone, but it is an expression that should be allowed to be used to indicate where someone lies in relation to a debate. I thought it was an appalling intervention and one that I very, very much hope that he regrets.

There are people with different views in relation to climate change. I am not one of those who says there is no indication of climate change. I live in Ballarat. Lake Wendouree in Ballarat will dry up this year for the fifth year in a row. That has never before occurred since records have been kept. I have many friends on the land who used to harvest in February but will now harvest in late December-early January. Is there an indication of climate change? Most certainly. Is that all, some or no responsibility of man? I have absolutely no idea.

I have to say that I did not realise that there were so many scientists in the world until we started on this debate. There must be hundreds of thousands of scientists—and I must have got via email some response from nearly every single one of them. I do not know whether or not the climate change we are seeing is man-made. I have no idea, and I suspect the science cannot give a definitive argument about that either. But, conversely,
it is imperative for all of us to ameliorate the risks if that indeed is occurring. That is where I think this debate should start and finish.

So can we have some sensible discussion from the Prime Minister? Can we not label people who have a different view to him? Can we respect those views and respect that they can be given passionately? Heaven help us in this country if we get to the stage where we have that sort of moral censorship—which is, in my view, totally inappropriate. This really is a government about censorship, as we have seen in relation to our printing and other entitlements.

As one of my staff members pointed out to me—and he would know far better than me, I have got to say—one of the greatest bands in the 1930s was the Jimmie Lunceford Orchestra, and one of the greatest hits of the Jimmie Lunceford Orchestra was a tune called *T’ain’t what you do (It’s The Way That You Do It)*. I do not know the Jimmie Lunceford Orchestra but I accept that that is indeed the words in one of their greatest hits. In some respect I think that fairly clearly captures the spirit of the coalition’s position on the Rudd government’s emissions trading scheme.

Can I make it absolutely clear that the coalition will not be supporting this legislation in its current form. Can I also make it very clear that my view—and, indeed, the coalition’s view—is that we should not be debating this legislation prior to Copenhagen. Clearly, the government is insisting and demanding that we do so. During estimates I asked Minister Wong: ‘Give me one good reason that we should be debating this prior to Copenhagen?’ There is no good reason for it to be debated prior to Copenhagen. I acknowledge that that is what the government intends doing. I acknowledge that the government wants this voted on next week. If the government is able to address the matters that we have very, very significant concerns about, and there is a reasonable level of acceptance of the amendments that we have put through, I make it clear that I will be supporting it.

I do accept the need for an emissions trading scheme—not with any enormous enthusiasm, I might say, but I do acknowledge that. In some respects, it would be churlish for me to say otherwise because, as has quite rightly been indicated, we went to the last election with an emissions trading scheme as part of the platform. But, having said that, this current package of bills before us now will, in my view, do nothing for the environment and will have a very, very dramatic impact on jobs and Australian families. Indeed, it will devastate the international competitiveness of Australian industry. It will trigger the widespread loss of jobs and loss of companies that would shift their operations overseas. This is not a comment of fearmongering or mere speculation. During the inquiry conducted by the Senate, a number of people appeared or put in submissions and it was quite clearly indicated by a number of companies that did appear that the potential outcome of the package of bills in its current form is a dramatic loss of jobs—and I will talk about my own state in relation to that shortly.

I will deviate briefly. When you look at the risk facing Australia at the moment and when you look at the risk facing Victoria and, I presume, Tasmania and New South Wales over the next couple of months, you have to ask why Senator McEwen does not force the state Labor government of South Australia and plead with her colleagues from Victoria to get the state Labor governments to start doing the things they should have been doing over the last 10 years—that is, to have controlled fuel burns—so we do not put the lives of people at risk through pandering.
to the worst excesses of the green movement, who will not allow controlled fuel reduction burns to minimise the risks that we are going to be facing in South Australia, Victoria and New South Wales? It is a disgrace.

I want to turn briefly to the contribution of the Bureau of Steel Manufacturers of Australia to the Senate inquiry, and I quote:

We believe that the CPRS, as currently proposed, will disadvantage the competitiveness of the Australian iron and steel industry for a potentially worse environmental outcome.

Given the time that I have, I will only refer briefly to comments from the Minerals Council of Australia, the Australian Petroleum Protection and Exploration Association, Rio Tinto and the Reserve Bank director who said, ‘The Australian economy will survive the economic downturn, but it may not survive the CPRS.’ There was a significant discussion about potential job losses.

The Australian reported on an impact study by the premiers and chief ministers—all of them except one are Labor, of course—showing that an unamended Rudd government ETS would cost 126,000 jobs by 2020. Last month, the Age reported on a confidential report commissioned by Premier John Brumby warning of the catastrophe that the Rudd government’s unamended ETS would inflict on Victoria’s power industry. The report indicated that the Rudd government ETS could force the Hazelwood power station to close by 2013 and the neighbouring Yallourn plant to shut five years later. These two plants account for 40 per cent of Victoria’s electricity and the end result would be power disruptions and blackouts across the state. The economic consequences of that would be disastrous.

I am also extremely concerned about the effect of an unamended Rudd government ETS on the local economy of Geelong. As honourable senators know, or at least some know, I am the patron senator for Corangamite and Corio. Economic research indicates that key regional centres like Geelong could shrink by more than 20 per cent under the Rudd government’s emissions trading scheme. Analysis by the Council for the Australian Federation, which is a body of all state and territory governments, concluded that the unamended Labor ETS would cost 653 jobs in Geelong, the Surf Coast shire, Golden Plains shire, the borough of Queenscliffe and the Colac Otway shire. According to the same council report, the city of Greater Geelong alone would lose 570 jobs and over $119 million in economic output. Such an outcome would constitute an economic cataclysm for the entire region that I am referring to. That worries me greatly. It worries the Geelong City Council. Indeed, the council is so worried that they have a delegation in parliament, who I have seen and who are seeing a lot of other senators and members today. They will be lobbying for the protection of Geelong’s manufacturing sector. Mayor John Mitchell was quoted in the Geelong Advertiser as saying, ‘Geelong is probably the city most exposed to this carbon reduction scheme.’ Along with representatives from major Geelong based industries such as Alcoa, Shell and Blue Circle Cement, the city councillors are here to advocate the coalition’s proposals to compensate Australian industry more generously.

The Managing Director of Alcoa Australia, Alan Cransberg, recently laid out the view of his company on this issue. There should not be one person in this chamber or in the other place who is not acutely aware of the impact of this current scheme on a company such as Alcoa. It will be utterly disastrous, but more important than the company itself are the people the company employs, who will be losing their jobs. Mr Cransberg said:
For over a year Alcoa has supported the introduction of an emissions trading scheme in Australia that delivers reductions in greenhouse gases and does not compromise Australian jobs or the international competitiveness of our industry. Getting the detail right, within the CPRS, is critical to ensure Australia does not experience carbon and/or jobs leakage, particularly to countries where the emissions from production may be higher.

As part of our discussions with all stakeholders, including the Government and Opposition, we have consistently called for three key changes:

• at least 90% carbon permit allocations to each of our emissions-intensive trade-exposed (EITE) operations (refining, smelting and rolling businesses);

• no decay of EITE permit allocations until international competitors adopt a carbon price; and

• resolution of inequitable impacts on the Point Henry and Portland smelters from the CPRS Electricity Allocation Factor (the way emissions from power stations, that supply our electricity, are dealt with under the CPRS).

He goes on to say:

For many months we have also said we want the Government and the Opposition to agree these outcomes as part of the normal debate and negotiation processes that accompany the passage of significant pieces of legislation. Alcoa is very pleased to see that the Opposition has proposed amendments to the current CPRS framework that would address each of the three key issues above, by ensuring:

• Our refining, smelting and rolling operations start at 94.5% initial EITE permit allocations (our mining and transport operations would not be considered EITE);

• That the decay of EITE permits would not fall below 90% until most of our international competitors adopted a carbon price; and

• The Point Henry and Portland smelters would not be disadvantaged by an Electricity Allocation Factor that we cannot achieve in future Victorian power contracts.

These outcomes are absolutely essential to ensure emissions trading in Australia does not lead to the premature closure of any of our Australian facilities.

The business leaders of Geelong are deeply concerned about this matter. It would appear that the current member for Corangamite, the completely ineffectual Mr Darren Cheeseman, is not. On 16 November this year, Mr Cheeseman had an opinion piece published in the Geelong Advertiser spruiking the wholly imaginary virtues of the Rudd ETS. It was, he said, ‘a sensible, balanced and well calibrated policy response … for our region’. In the same Geelong Advertiser piece, Mr Cheeseman slammed the coalition proposal to exclude agriculture from the ETS. The Liberals, he claimed, had ‘sold out Alcoa and Shell workers in favour of farmers’. This attack came after Minister Wong had accepted our views in relation to agriculture, so he is completely and utterly out of touch. Remarkably, however, on the same day—16 November—that he was attacking the ETS agriculture exclusion in the Geelong Advertiser, he expressed delight about it in the Colac Herald. So which one is it, Mr Cheeseman? Are agriculture exclusions a sell-out, as you claimed in the Geelong Advertiser, or ‘absolutely fantastic’, as claimed in the Colac Herald?

I want to finish on this note. I have given the chamber my views in relation to the climate change issue—what is, is not or may be man-made or otherwise. I repeat that we do not support the current bill. We are negotiating with the government in good faith. It was indicated in the party room several weeks ago that we would be negotiating in good faith to make this legislation better. At the moment it is nothing but a job-destroying proposal. We are negotiating in good faith, and we will continue to do so.

I now want to talk about what I consider to be the elephant in the room. The elephant
in the room in my view is the question of nuclear power. I find it unbelievable that we are actually talking about programs for the next 20, 30, 40, 50 years without including some discussion of nuclear power. It beggars belief. In fact it is probably derelict of us not to include it. How you can talk about emissions and the danger of emissions without discussing nuclear power is absolutely beyond me, and it completely and utterly beggars belief. How big does this elephant need to get? How big are we going to let this elephant get before there are some sensible discussions about it?

One only has to look at what has been done internationally to see the stupidity of our position. If you look at Europe—particularly France—you will see the number of power stations that they have. France gets 75 per cent of its electricity from nuclear reactors, and there has not been an accident or incident. There are 19 nuclear reactors operating in Britain, without accident or incident. The UK government has recently approved the construction of 10 more. There is proven technology. I implore the government to go to Copenhagen and put this on the table. If we are looking for an international solution to this issue, if we are about minimising risk, then let us put nuclear power on the table. Let us have a world view in relation to nuclear power. Let the world, including us, look at the question of storage; but, if the elephant remains in the room, if the elephant is not addressed, then we will pay a significant penalty for our failure to address the issue.

Senator ADAMS (Western Australia) (11.25 am)—I rise to speak on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. In my opinion this is some of the most significant legislation to be debated in this place. Whenever I speak on legislation, I only do so after thoroughly researching and analysing the issue being debated. I always try to make the most informed decision I can, and I have certainly given this issue a great deal of thought.

As a Western Australian senator I am deeply concerned about the impact these bills will have on the Western Australian economy and employment. Jobs must not be sacrificed as a result of this legislation. I find it hard to understand that we are back here dealing with the same bills we debated three months ago. What has changed? We have had a great deal of time during this session to debate these bills, and now it is all being rushed through. We are having second readings on bills which have already been rejected, and we do not really know what the new bill will look like. It is a shambolic situation to be debating these bills now, while the content is still being negotiated outside this place.

I am not anti the environment and I am not a climate sceptic; I do, however, have a different opinion to others in this place. Having been farmers for most of our lives, my family and I have respected and worked closely with the environment to ensure good farming practices and ongoing viability of our farm business. Our family was one of the first in the district to reduce stubble burning and switch to no-till methods, which stores carbon in the soil rather than releasing it into the atmosphere. We have planned and used water wisely on our properties and protected and revegetated our waterways and more vulnerable areas of land.

We also kept good rainfall records. The records of our property go back just over 100 years, and they do not indicate that what is currently happening is abnormal when compared to the high and low average rainfall periods during the past century. I have heard the same story from farmers throughout Western Australia. One such farmer is Mr Geoff Bee from Jerramungup, which is just
south of where I come from. Mr Bee has won numerous environmental awards for his leading environmental farm practices. Historical rainfall records show no current trends which are abnormal.

As people who work directly with the climate, because our livelihoods depend upon it, we farmers have, to date, not seen any firsthand evidence in our paddocks or rain gauges to back up what we are reading in the newspapers—which is, more or less, that the end will soon be here if we do not change our practices. We are scratching our heads, because what we are reading about this we are not seeing in evidence on our properties. As with rainfall, there is also real historic evidence about temperatures in Australian country areas—as opposed to cities where the temperature is affected by non-climatic factors or ‘big-city warming effects’ such as cars and air conditioning.

Bureau of Meteorology figures taken from weather observatories throughout Australia with data going back a hundred years or more indicate that the countryside has not been warming. In Deniliquin and Bathurst there has actually been a fall in temperatures over the last hundred years. Many regional areas show no trend at all, neither up nor down. These historic local records are all very inconvenient truths.

After careful analysis of the scientific opinion and many publications—minus the political spin—that have been presented to me, on balance I have tried to align them with my own experiences with the land and climate and the reliable data that has served our farming operations well. When farmers invest in a new property, as we did on a number of occasions, they make their decision based on sound historical data and trends. The less prudent might go to their local Blockbuster and rent an Al Gore movie. I will continue to consider very seriously the opinions of my peers, who are so much at one with nature and working with the changing seasons. I will lean towards these opinions before those formed by the much questioned data generated by supercomputers.

I can only base my opinion on an analysis of the information that has been presented to me. I am not a climate scientist. I have given careful regard to who is presenting opinion on this issue and taken note of whether the case is being presented by political operatives or people with vested interests. In the early stages of this debate I read much in the news media and other publications about the need to act on climate change quickly—that is, global warming is being significantly accelerated by human activity and if we do not immediately act it will be to the detriment of mankind. But as this issue has progressed I have seen more and more scientific opinion presented and more people and scientists speaking out against what is being presented in the media. It is almost like a sleeping giant awakening.

A range of opinions and arguments have been presented to me and I have received an overwhelming number of emails, letters and phone calls on this issue. What has surprised me greatly is that, for all the hype about the urgency of acting, I have received very little direct correspondence in support of this. I would say that 85 per cent of direct feedback I have received from throughout Western Australia and the rest of Australia has been against an ETS and even more vehemently opposed to the draft Copenhagen treaty. A delay at Copenhagen will, in my opinion, avert what could be a disaster.

Details of the draft Copenhagen treaty have finally come to the surface and they are very worrying. There are some deeply troubling elements of the draft Copenhagen treaty which Australians have not been informed about to an appropriate extent. There
are a number of parts of this draft treaty so significant to the future of our country that a decision on Australia being a signatory should be put to a vote of the Australian people. The Prime Minister should only sign it after a referendum of the Australian people.

The Prime Minister has been mysteriously quiet on the draft treaty, which his government has played a part in formulating. I believe he has a lot of explaining to do to the Australian people. I am most concerned that a central tenet of the treaty is the creation of an unelected world government which will have the power to direct our domestic policies and overrule our sovereign rights. Developed countries such as Australia will also be required to pay a climate debt to developing nations at a suggested rate of 0.7 per cent of GDP. That would mean that Australia would have to pay $7 billion per year to this global government with no say on how it is to be spent. Mr Rudd must start explaining this treaty to us before he tries to sign anything in Copenhagen on our behalf.

All the people I have spoken to who have now seen extracts of the draft treaty are horrified. I too am horrified and left suspicious that the climate change platform is being used as a front for a deeper agenda. It also makes me suspicious when parts of Mr Rudd’s summer holiday essay, which effectively espouses a New Age global socialism, mirror so many tenets of the Copenhagen treaty.

Leading proponents of the global warming debate have made comments which warrant suspicion. Stephen Schneider, one of the original leading proponents of global warming, said:

We have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we may have. Each of us has to decide what the right balance is between being effective and being honest.

Maurice Strong, architect of the Kyoto protocol, is quoted in *Blue Planet in Green Shackles* as saying:

Isn’t the only hope for the planet that the industrialized civilizations collapse? Isn’t it our duty to bring that about?

And there is this remarkable statement by the former Canadian Minister of the Environment, Christine Stewart:

No matter if the science of global warming is all phoney … climate change [provides] the greatest opportunity to bring about justice and equality in the world.

I am very concerned when I look at the make-up of many of the so-called climate groups pushing for action—groups which have innocuous names, as climate representatives, that would sound safe to the general public but underneath are affiliations of hard green groups and unions. I have also noted too many vested interests associated with the arguments to ‘act on climate change’, such as people with interests or shareholdings in companies that will profit from carbon trading. What also makes me deeply suspicious is the sight of the same people who led the anarchistic antiglobalisation protests, which became increasingly out of control around the world before the September 11 terrorist attacks, re-emerging and protesting under the climate change banner.

The core of the climate change movement is deep green and hard left. Their principles are generally very hostile to strong, market based economies like Australia. Hardworking Australians, trying to create a safe and successful future for their families, should be very wary of the motives of some of the people in the climate change movement. During the past month, I could not help but become increasingly suspicious that the climate change debate is being used as a front for a deeper agenda. After learning more about the draft Copenhagen treaty, this really made me stop and think and, as the Prime Minister’s
spin becomes more threatening and hysterical, I become even more suspicious. We should not be coerced into something as significant as this.

The coalition has a good, practical record on environmental issues, not policy based on media grabs. We are all about rolling up our sleeves and getting on with achieving real results and cuts in emissions, not spin, hype and pretence. As my colleague Senator MacDonald reminded this place, the Howard government set up the first greenhouse office in the world.

Whatever we do in Australia must take into account what is happening globally, or else our competitive position will be severely compromised. The government has not been upfront with the Australian people, by failing to tell us what the impact will be on jobs. Where is the detailed economic modelling for such a significant change as this? Why on earth would we allow Australian jobs, investment and CO2 emissions to be exported to countries which do not have a price imposed on carbon?

The cement industry is a glaring example of the effect this legislation will have on Australian business and on the Australian workforce. Cement Australia shut down its Rockhampton operations in August and said that the decision was partly taken because, with the introduction of a carbon pollution reduction scheme, the long-term prospects of the business had been undermined. Cement manufacturing in Australia emits approximately 0.8 tonnes of carbon dioxide for every tonne of cement—0.3 tonnes more than if it had been made in Australia. So, if an ETS makes our cement industry unviable and shuts it down, hundreds of Australian jobs will be destroyed and additional carbon will be released into the atmosphere as we turn to countries like China for our cement supplies. Local jobs will be lost and global emissions will go up. How does that make sense?

We are now debating the emissions trading scheme legislation, to which the coalition will seek a number of significant amendments. It could more correctly be labelled an emissions tax scheme because quite simply it is a tax on everything and will have negligible impact on Australia’s emissions. To echo the words of my former colleague Dr Nelson:

Why introduce the biggest change to the economic architecture of this nation in my lifetime with a tax on everything … for no environmental gain?

I have attended numerous community forums and meetings and, at every one of them, the more participants learn more about what is being proposed and the workings of an ETS the more they are against the scheme. At one of these forums, held in Mount Barker in the Great Southern region of Western Australia, there were approximately 100 people and a balanced group of 12 speakers. It was amazing. Everyone stayed for the full day and participated intently. By the end of the day, attitudes towards an ETS appeared to me to be at best confusion with some dismay and distrust and, at worst, alarm—alarm especially at getting very little recognition for the extensive good environmental practices farmers are already undertaking and the prospect of significant interference by government bureaucracy.

I am seeing first hand that, as people come to understand what the ETS is about, they are
realising it is nothing more than a bureaucratic utopia at the expense of Australian industry and jobs. An ETS bureaucracy will be a safe haven for green activists and extreme environmentalists. Australian resource industries and farmers should be very wary. I predict they would find very few friends in a Canberra based climate change bureaucracy. I have said on a number of occasions and I say again now that I will never support any emissions trading scheme that includes agriculture.

Why are we not considering significant infrastructure upgrades and projects that could alter the whole way we power our nation? For example, what serious consideration has the government given to harvesting the immense power of our unique tides in Northern Australia? What research and consideration is the government giving to high-voltage DC cabling, which would completely change the way we transport our electricity and open up significantly better access to the lower emitting energy sources we have in Australia, such as the giant natural gas reserves of our north-west?

Why is nuclear power not being properly analysed in Australia as an alternative energy source? We must compare the 320,000 tonnes per annum of toxic waste produced by a 500 megawatt coal fired power station with the 20 tonnes per annum produced by a comparable nuclear station. The coal fired station will release 4.38 million tonnes of CO2 into the atmosphere compared with 87,600 tonnes by the nuclear station—98 per cent less. The waste from the coal station will include 2.6 tonnes of uranium and 6.4 tonnes of thorium. These figures alone warrant a proper analysis by the government of nuclear power as an alternative source if they are genuinely serious about reducing emissions.

To conclude, why is the government not opening up debate on better forestry management practices to ensure wildfires have less chance of occurring? These fires are predominantly started by arson, not climate change, and release incredible amounts of carbon into the atmosphere. If the government is genuinely serious about actual carbon emissions, why has it done nothing about forestry policy to ensure horrific, deadly events do not happen again? In my opinion, there has not been enough consideration given to some very practical measures we could be taking that could significantly reduce our levels of emissions, which I believe could negate the introduction of an emissions trading scheme. Not enough consideration has been given to changing the way we power our nation. I have given extensive and careful consideration to these matters and, upon thorough assessment of everything that has been presented to me, I have made an informed decision that I cannot support these bills.

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (11.45 am)—Right through this debate on the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills, and from listening to my colleagues speak, it has been quite clear to me that this is not an issue that divides the coalition. It is not a National Party-Liberal Party issue or a National Party-Liberal Party-Independents issue, or a National Party-Liberal Party-Greens issue. This is a debate about whether a policy can bring about the outcome that the government prescribe. What the government prescribe is that this is going to have an effect in changing global warming. That is the premise of their argument.

Let us just look at the clear premise of that argument. Will the emissions trading scheme, the Carbon Pollution Reduction Scheme, do anything to change the tempera-
ture of the globe? The answer is: categorically, no. I have to refer to the illustrious members of the fourth estate. Whenever you put forward this conjecture—that this legislation is going to have no effect—you may be referred to as being from the alumni of the university of east bum crack. This is all part of the peculiar process that is used at times to ridicule the self-evident argument. I acknowledge that there are people within the Labor Party who are as fervently against this ETS as any person on this side of the chamber but every time this debate moves to a position of dealing with the substance of the legislation and its capacity to bring about an effect, people move it into the rhetorical shrill of cataclysmic events. Even today we have heard that South Australia will fry. We have heard about extinction of species. We have heard that you do not have to bother going to the coast because the coast is coming to you. All these cataclysmic metaphors get rolled up and rolled up.

Even if you believe in global warming chapter and verse then you must ask the fundamental question: will this policy from two chambers in the nation of Australia change any of that? No, it will not—not one iota, not one jot. So what we really have here is a concealed belief that the unilateral actions of one nation within the globe are going to make a complete change in the dynamism of global politics. If that was the case you would start to see signs of it now. APEC fell flat on its face; it completely and utterly fell over. The whole 200-page Copenhagen agreement has now become—we do not really know—a 15-page or eight-page media release. This does not give a good warrant or premise that Mr Rudd is actually affecting global politics. In fact, it shows quite clearly that he is irrelevant to global politics. The only premise on which we should go forward on this is that somehow it would have a political global effect, but that just has not been seen; it is not there.

Let us go through it. Will sea-level rises be affected by the emissions trading scheme? Even if you believe everything about the global warming debate, the answer is: categorically, no. Will species extinction be exacerbated if Australia does not take on the ETS? Categorically, no. Will polar icecaps melt if Australia does or does not takes on the ETS? There is no relationship whatsoever. Will the droughts of southern Australia be brought to a conclusion or extended by anything Australia does with the ETS? The answer is: no.

It has become a religious debate, not a debate about science, because every time you move into the science around whether this ETS will have an effect then straight away you are moved to the religious metaphors of damnation, cataclysmic events and another realm of Dante’s Inferno that is apparently prescribed for those who dare question the tenets of the Labor Party’s position on the Carbon Pollution Reduction Scheme. And now this new alternative form of religion, with its chapter and its ecclesiastical appeal, is now being prescribed by such wondrous lights as Clive Hamilton. People like him are now issuing forth the fervent endorsement of Labor policy. Is that what we want? Is that the gentleman who we are now going to fall into line with?

A tax does not inspire anything except tax avoidance. I can tell you that as an accountant. I am just looking at this through economic eyes, without looking at the science. A tax inspires nothing but tax avoidance. Man did not develop the wheel because someone developed a tax on walking. It was not a tax on equine species that led to the development of the automobile. There is nothing that I have seen in the history of mankind where taxes inspired anything except tax avoidance.
We had an example today of a half-billion dollar hole, basically by reason of tax evasion. It is brilliant. You just cannot hold the world back when people decide that they can avoid tax. But the way you can avoid this tax is quite simple: you leave Australia. That is how you could avoid this tax. Avoid Australia and you avoid the tax.

If you want to inspire innovation and take your nation forward, if you want to be a clever nation that, as the Prime Minister says, makes things, you had better make something a little bit more inspiring than a new tax. On the global stage will be the Scandinavians who developed Nokia, nuclear physicists, Silicon Valley, the Japanese manufacturing miracle and the development of China. What will Australia take to this table? What we have developed for the world, the way we are taking it forward, is a new tax—a whole new bureaucracy, a whole new swathe of tin gods, marauding across the countryside and putting their paws into every corner of people’s lives.

This new tax collects, even on the government’s rudimentary figures—and they are pretty rudimentary—$70.2 billion in the first six years. That kind of money does not grow on trees. Somebody somewhere will have to pay. That money will have to come from somewhere. The people who will pay will ultimately be those who cannot move that cost on. In the lingua franca of recent times, those people who cannot pass the cost on have been given a name. They are called working families. Working families cannot pass that cost on. They are the bunny at the end who will wear the cost. I hear the protestations of such people as Senator McEwen, who says that South Australia will fry. I cannot understand how turning off a pensioner’s air conditioner is solving the problem. I have not quite worked that one out. If the problem is heat, having no air conditioner is hardly the solution. This is the subject that the Labor Party avoids. They do not want to go into this prickle patch of who will pay.

The delivery of this tax is insidious, because it is a static tax. They do not have to prove profit to make you pay the tax. All they have to prove is that you exist. If you exist, you pay. How are you going to pay? The delivery mechanism of this tax will be associated with every corner of the house—every power point is a mechanism of revenue-raising for the government. How mad it is: if you fly to Cairns you pay the tax, but if you fly to Fiji you do not. That is a simple decision to make in a market based economy: fly to Fiji. We have devised a tax that is like the reintroduction of tariff barriers, but the only people who pay are Australians. The rest of the world do not. It is just so insanely illogical.

Every now and then the world goes off its head. This time, it is antipodean tulip mania, where the Australians, in our own peculiar form, have come up with this massive new tax. Basically the metaphor for this tax is going to the world and pulling our strides down while everybody else stands back and laughs at us. The world is watching us. Are the people who signed the Kyoto protocol abiding by it? No, they are not. It was marvellous to clap at Bali because it made people feel good, but then they have all gone on their merry way, and we are left with another encumbrance on our economy.

This tax is to inspire people to move away from the production of carbon. Unfortunately, our major export is a substance called coal, which is carbon. So we have now declared to the world that we are going to put an impost on our major export. That is a brilliant piece of economics—absolutely brilliant. We say: ‘Well, this is interesting. We’re moving away from that. Where are we going?’ And we always hear: ‘We’re going to green jobs.’ In one of the numerous Senate
inquiries I have gone to, I remember asking Meghan Quinn: ‘Meghan, where are these green jobs? Can you name one?’ She said, ‘Well, what about wind farms?’ I said, ‘Have you been to a wind farm lately?’ She said, ‘Yes.’ I said, ‘How many people did you see working there?’ She said, and this is on the record: ‘Well, there was the person driving me round.’ So I asked, ‘Where else are these green jobs?’ and she answered, ‘Forestry.’ I asked, ‘Oh, have you been to a forest lately?’ She said, ‘Yes.’ I asked, ‘How many people did you see?’ She answered, ‘No-one.’ I asked, ‘Have you been to a coal mine lately?’ She said, ‘No, but I’ve seen them on television.’ That was her statement—‘I’ve seen them on television’! I asked, ‘Did you see many people working there?’ She answered, ‘Quite a few.’

You do not have to be Sigmund Freud to work this one out. If you want your economy to be like paths around duck ponds and new wondrous factories producing wind chimes in Nimbin then that is all right. If you want to turn yourself into a nation that takes in one another’s washing, that is fine. But you will be broke. You will be stone motherless broke. You can do that. It is possible to turn the place upside down and create a bureaucratic disaster, a new example of mankind coming up with a wondrous idea that only brings affliction.

A relevant question to ask is: what are the alternatives? There are numerous alternatives. There is a whole range of alternatives. We can look at such things as nuclear. We have to get our mind around the corner from 1954, start looking at where we are in the year of our Lord 2009 and start looking at nuclear. There are biofuels and rail. If you want a carbon-efficient investment allowance, transfer over time to gas. The Labor Party is inspiring a juncture where everything that was planned before becomes meaningless afterwards. The Labor Party have, by the deft hand of legislation, completely changed the tack of the economy. It just brings things unstuck. It brings capital projects unstuck.

Who are the people who want an emissions trading scheme? Quite obviously, the traders want a trading scheme. If we go back to the numbers, in the first year we have about $4 billion in permits going out, then there is $12.99 billion in permits going out—that is about $17 billion worth of permits. If you got a one per cent commission, you would have $170 million. If you had 1½ per cent—I suppose it would have to be 85 on that—it would be $225 million on one trade. In banking, if you churn that—and you could churn it three or four times a day—three or four times a year, we are looking at up to a billion dollars on commission, just on that. There are a lot of good reasons, there are billion-dollar reasons, to have a trading scheme if you are a trader.

I went into one of the banks the other day because I was fascinated. I had been labelled a Neanderthal, a redneck and a profligate student from the university of east bum-crack. If you do not agree with the University of Sydney or Annabel Crabb, you are in trouble. As I walked in the door of one illustrious institutions in Sydney—and they are marvellous people—I did not get an aura of environmental consciousness. I was looking around at the good men and women working in that institution and none of them seemed to be talking about the environment or panda bears or other things. They were talking about going to the pub, buying new cars and houses, and everything else available to them in life. I was told by those close to the executive that this was all about the environment; it was their conscience that was driving them down this path. In pursuing the question with them I said, ‘How much are you going to make?’ They said, ‘We have not calculated it.’ I said, ‘Don’t lie to me, how much are
you going to make?’ Finally it was blurted out across the table, ‘A substantial amount of money.’ That is a substantially good reason to pursue an emissions trading scheme!

We are in this peculiar position after weeks of negotiations. I am very worried that this parliament and this Senate are getting themselves into a position of wedge politics. With a very tight time frame we have to make the most major decision in the economic direction of this nation—without a shadow of a doubt. The position of prudence and stewardship we hold in this chamber says that we should give that decision on how we vote the utmost sense of import. I am very much encouraged, when I listen to the speeches in this chamber, that all of a sudden people have picked up on this and have started to become discerning and really clinical in their assessment of this legislation.

It is humbling to see the Senate, once more, kick back into gear and do what it is supposed to do and say, ‘Is this good for my nation? Have these people proven their case? Does this warrant my vote?’ Your vote will change the direction of the nation. Each senator, and I know some are back in their rooms watching this debate at the moment, knows that their vote really is going to change the direction of the nation and where it goes. Once this tax is in place it becomes set and virtually impossible to remove.

I warn you, though, that not far away from the time the Labor Party brings in this tax there will be a thing called an election. The election is a great mechanism that will make this issue not stop—it will continue. There is no way on earth people are going to be negligent in their duty to protect this nation from what is a ridiculous proposition. They will not be making up their minds based on what happens next week. It will be pursued and every time there is an amendment to a regulation it will back in this chamber.

There is only one question that people need to ask as they go forward with this vote, and that is this: what is the Labor government proposing to do? It is proposing to change the climate of the globe. That is exactly their metaphor. If it is not, tell me what your metaphor is. Your metaphor is that you are going to change the temperature of the globe. That is better than King Canute, but good luck! How are you going to do it? And this is where it goes to bathos: the Labor government is going to change the temperature of the globe with a new tax! With all the other things that could have been done, your remedy, your pill, for the wondrous cataclysmic events that have been described by a retinue of doomsayers walking into the chamber one after the other and outlining the next global affliction, is to introduce a massive new tax. Well, you have not won that argument. Not one of your senators, not one of your government representatives or your minister, has been able to clearly spell out how this tax changes the temperature of the globe. So I ask you, ‘How does this tax change the temperature of the globe?’ You show me how it does it. You have merely days to do so. If you cannot describe how this tax changes the temperature of the globe then there is only one thing that we must do, and that is we must take in the overwhelming sense that it will be disastrous for our economy. It will be an affliction on our economy. It will change the direction and the lives of working families across this nation. It is the working families who pay for the conceit of Kevin Rudd.

Senator MINCHIN (South Australia) (12.05 pm)—I congratulate Senator Joyce on his erudite contribution to this debate. It is my view that the reintroduction of these bills into this Senate typifies the cynical political
opportunism of the Rudd Labor government. Just three months ago, these bills were overwhelmingly rejected by this Senate. Not one non-government senator supported the government’s flawed legislation. Despite that, exactly three months later, the government is again seeking Senate support for what is frankly a disastrous set of bills. The government’s cynical political agenda is quite naked: it is using the threat of a double dissolution to blackmail the Senate into supporting this radical legislation. There is no other reason for devoting the last two weeks of the Senate this year to the reconsideration of bills overwhelmingly rejected just three months ago.

Frankly, the timing of this debate is also testament to the vanity of Prime Minister Rudd. Right on the eve of the Copenhagen conference, Mr Rudd is determined to have this Carbon Pollution Reduction Scheme Bill 2009 [No. 2] passed so that he can strut the stage in Denmark, showing off to the world and looking extremely pleased with himself. The government has no justification whatsoever for forcing this bill through before the Copenhagen conference. The government itself has delayed the actual commencement of this scheme until July 2011—18 months away. So there is no reason the government cannot wait until after the Copenhagen conference to deal with this legislation. Frankly, Mr Rudd is prepared to sacrifice Australia’s national interest on the altar of his vanity. Mr Rudd wants to go to Denmark in December boasting about his new tax on carbon dioxide.

The coalition has maintained from day one that this legislation should not be voted upon before we know the outcome of the Copenhagen conference. Australia, of all countries, should not entrench unilaterally an emissions trading scheme which will damage the competitiveness of Australian industry, cost thousands of jobs and increase the cost of living for every Australian. Until we know that other major economies are making firm commitments to enact domestic emissions trading schemes, Australia should not act alone to enact such a scheme. Our national interest demands that we consider the preparedness of other nations to make commitments to put a price on their carbon dioxide emissions before legislating an Australian emissions trading scheme. It is literally crazy to be committing to an emissions trading scheme before we see the outcome of the discussions at Copenhagen.

It is also, frankly, idiotic of this country to legislate an emissions trading scheme before the US congress does so. Indeed, US Senate leaders are today reported as confirming that debate on the US legislation will be delayed at least until March next year. The coalition has repeatedly said that we need to know exactly what sort of cap-and-trade scheme the US legislates before Australia finalises its legislation. The US is, as we all know, the biggest emitter of CO2 on the globe, so until we know what that country is going to do, we should not complete our consideration of these bills.

May I remind the Senate that Australia produces only 1.4 per cent of global CO2 emissions. The zealots, of course, like to talk about our per capita emissions—which, frankly, are utterly irrelevant to the global debate. The only relevant statistic is our total contribution to global emissions—and, because of our very low level of emissions, nothing Australia does on its own will have any effect whatsoever on the global climate. Australia could literally shut down its whole economy tomorrow and China alone would replace all our emissions within just nine months. So how dare Mr Rudd play with the lives of ordinary Australians just to make him look good at Copenhagen and allow him to indulge in the politics of gesture. Mr Rudd is literally prepared to put at risk the viability
of businesses all over Australia, to put at risk the jobs of thousands of Australians, just so he can enjoy himself in Denmark in December.

Passing this law in this fortnight would condemn Australia to lower living standards for absolutely zero environmental gain. Not only is unilateral action by Australia ludicrous, given our minute level of emissions; it is also ludicrous given Austudyralia’s particular dependence on relatively cheap and readily available coal and gas to supply the energy which sustains our living standards, our jobs and our international competitiveness. Australia’s economy is much more adversely affected by policies to reduce CO2 emissions than most, because of the extent to which we have relied and continue to rely on fossil fuels to provide our vital energy source. Many other comparable countries have substantial nuclear power capacity—which, of course, being emissions-free, means they are not nearly so adversely affected by putting a price on CO2 emissions.

This Labor government seems to be blissfully ignorant of the structure of the Australiian economy and the realities that underpin the viability of our industries and sustain our high living standards. Labor has consistently preached the virtues of sustaining a viable manufacturing industry in Australia, and encouraging value-added activities in our resources sector, yet this scheme will do untold damage to those sectors and all who work in them. Given these realities, Australia should only act in concert with other nations to tax carbon emissions. To do otherwise simply hurts every Australian for no environmental gain at all. I have to say that Mr Rudd’s arrogance and vanity in wanting to lead the world on cutting CO2 emissions is really sickening. He is happy for every Australian to pay a huge price to satisfy his ego. As Rupert Murdoch rightly said, if we act unilaterally to increase our cost of living, it will do nothing for the environment and the rest of the world will simply laugh at us.

I also take this opportunity to again condemn the government for its Orwellian description of its emissions trading scheme as a so-called Carbon Pollution Reduction Scheme. Only the most cynical of governments could so distort science and the English language as to describe carbon dioxide as a pollutant. Whatever one’s view of the contribution human-induced emissions of CO2 make to the global climate, it really is a disgrace to describe CO2 as a pollutant. CO2, I remind the Senate, is a clear, odourless gas, vital to life on earth. But, of course, in order to try to get away with this massive restructuring of the Australian economy, the spinmeisters in the Rudd government decided that Australians had to be deliberately misled into believing CO2 is a pollutant. So parents like me are left having to explain to our children the essential role of CO2 in the life of our planet, and that it is completely wrong to describe CO2 as pollution.

The Rudd government should also be condemned for its hysterical attacks on those who do not accept that a UN committee is the gospel on the causes of climate change. The Prime Minister’s recent Lowy Institute address was a raving rant against anyone who dares to suggest this UN committee might not have it right. Frankly, the PM needs to engage in a bit more earwax excavation if he is deaf to the considerable ongoing scientific debate about the causes of the small degree of warming that occurred in the late 20th century. Literally thousands of eminent and highly qualified scientists in Australia and all over the world do not accept the IPCC’s hypothesis that anthropogenic CO2 emissions are the main cause of global warming. It is one thing for the Prime Minister to respectfully disagree with those eminent scientists; it is quite another for him to condemn them as evil deniers, as he did in
his Lowy Institute rant. The very fact that the science clearly remains in dispute is another reason to approach this matter with great caution, and another reason why Australia in particular should not act unilaterally and ahead of the rest of the world.

The package of bills before the Senate constitute a massive and damaging impost on the Australian economy and every Austudy-ralian. The coalition has, after much deliberation, put forward a set of major amendments designed to lessen the damage that these bills will do to Australia. Labor’s bills, as they are, will impose the equivalent of a substantial new tax on almost everyone and everything in Australia, in the name of reducing the temperature—which of course it will not do. They involve a substantial churn of billions of dollars of costs imposed on Australians, which is then passed through the government’s hands and back to those that the government chooses to compensate for the impact of its imposition of a price on CO2. To a complete outsider it looks like the work of a madman.

In the name of reducing CO2 emissions it seeks to put a price on CO2 but then proposes to give all the money back and more to compensate people for the increased cost of living caused by its scheme. What on earth is the point of that, and what is the environmental gain? This extraordinary scheme achieves nothing for our environment but seriously damages the competitiveness of Australian industry and puts at great risk the very viability of Australian electricity generators.

As respected business reporter Robert Gottliebsen observed in the Business Spectator this week:

The current CPRS legislation will have a net enterprise value reduction of $6b for the four Latrobe Valley electricity generators in Victoria.

He reports:

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 the boards, will decide to appoint official administrators.

The generators will be forced to cut back on long-term maintenance, with frightening implications for the reliability and price of electricity, and that will be at enormous cost to industry. And of course these effects will be felt not after the actual scheme commences in July 2011 but beginning in 2010 as a result of the passage of this scheme.

The scheme which Labor so desperately wants in place is the holy grail of all those who zealously believe in big interventionist governments controlling every aspect of our daily lives. It is one of the most interventionist, authoritarian pieces of legislation it has been my misfortune to witness in the Commonwealth parliament. Most particularly—and offensively—it proposes to establish a really quite disturbing compliance and enforcement mechanism in the form of the ‘Australian Climate Change Regulatory Authority’, described, in typically Orwellian fashion in the bills, as ‘The Authority’. The authority is to be given extraordinary powers to demand information; to require every affected entity to keep copious records; it will be empowered to send inspectors to enter premises; to require occupiers of premises to answer questions and produce documents. Non-compliance with the inspector from the authority can result in a penalty of up to six months imprisonment. Self-incrimination will not be a defence against a charge of noncompliance. Indeed the bill’s provisions in this respect subvert the rule of law by abolishing the right to silence; by reversing the onus of proof; and by setting aside privacy laws. This so-called ‘authority’ estab-
lished by this legislation to enforce compliance with the draconian rules and regulations required to make its cap-and-trade scheme operate will be the envy of every past and present authoritarian regime on the planet.

In closing, this is one of the worst packages of bills ever presented to the Senate. The Senate overwhelmingly rejected this abomination in August; it should do so again.

Senator EGGLESTON (Western Australia) (12.17 pm)—Recently, at the Lowy Institute in Sydney, Prime minister Rudd described me as a ‘conservative climate change sceptic’, quoting my comments in the previous debate on this legislation in which I said there were two schools of thought about climate change: the greenhouse gas school and the geologists who pointed to the fact that climate change and change in sea levels has occurred over the eons of the earth’s history. It gives me a great sense of pride to have been so criticised by Kevin Rudd, because my point of view shows that I have an open and questioning mind, which is I think very important in politics, where all too often an uncritical herd instinct takes over judgement at the expense of common sense. This may be helpful to political leaders such as Mr Rudd, but I am proud to say that it is not my way, and I do question how open Mr Rudd’s mind possibly is on this subject.

Last night the Canadian government announced that it has decided to defer its greenhouse legislation until the rest of the world reaches an agreement on climate change and the USA decides how it will tackle emissions. One can only hope that sanity will prevail in Australia and the Rudd government will withdraw this legislation, the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and associated bills, until at least the outcome of the Copenhagen conference is known.

According to evidence given to four Senate inquiries this legislation for a CPRS will have a serious adverse impact on the Australian economy. The Rudd/Wong CPRS is an unnecessarily grandiose scheme that will impose huge costs on the Australia economy, particularly on the agricultural and mining sectors, which are in fact the twin pillars of not only the Western Australian economy but also that of Australia as a whole. In evidence to the Senate committees the Minerals Council of Australia predicted that there would be 124,000 direct and indirect job losses as a result of passage of this legislation. It said that it would have a severe impact on agriculture, not only on production but also on processing of agricultural products. As well, the Senate committees were informed that in regional Australia in general the costs of living would increase because the cost of transport and power would increase were this legislation to be passed. Perhaps most importantly the Senate committees were told that the CPRS would reduce Australian competitiveness, and so reduce our export income, and would result in loss of emissions intensive industries to other countries—such as cement and aluminium smelters—if this legislation were to be passed. Furthermore, the Senate committees were advised of the likelihood of suspension of new projects such as gas developments in north-west. For example, Don Voelte, the CEO of Woodside, was quoted as warning that his company would look to other countries, such as Indonesia, Qatar and Africa, to establish new projects rather than bear the burden of the extra costs and reduced profits the CPRS would mean to his company.

Last week I attended an Institute of Public Affairs seminar in Melbourne on the economic impact of climate change, where the impressive list of speakers included Dr Alan Moran, Dr Alex Robson, Dr Brian Fisher as well as Professor Richard Toll and Lord
Monckton, by videoconference. The seminar was informed that while there will be a negative impact on the Australian economy the two states that would be most economically impacted on by the CPRS would be Queensland and Western Australia, my home state. These two states are the drivers of the Australian economy and provide the ongoing wealth which most of the rest of the country lives on. Queensland will be adversely affected because the coal industry will face closure and Queenslanders will have to pay more for electricity because cheap coal will no longer be available to be used as a source of power. Similarly, in WA, resource projects will be under threat because the impact of CPRS taxes will make many projects uncompetitive. It was also said that WA would be forced to cease using gas for power production because of the impact of the CPRS.

The CPRS is an emissions trading scheme. It is predicated on the assumption that our major trading partners, the top four of whom—China, Japan, South Korea and India—are in the Asian region, will go ahead and establish emissions trading schemes and that Australia will be able to trade carbon credits with these countries. However, a month ago I attended a forum on renewable energy in Beijing where I found that none of our major regional trading partners are likely to establish an ETS, although they are committed to large renewable energy programs. This view has since been confirmed by the Deputy Leader of the Liberal Party, Julie Bishop, who recently visited our major regional trading partners in Asia and stated on ABC TV’s Lateline program on Monday night that none were likely to establish ETS programs.

The fact that none of our regional trading partners are likely to establish emissions trading schemes has serious implications for Australia because it means that there will not be any major countries with whom to trade off the massive additional taxes which the CPRS will impose on the Australian economy and industry. In fact, the Australian people will have to bear the cost of the CPRS, which it is variously estimated will range from an additional $50 billion to $87 billion per annum and which will add to the cost of living of average Australians, leading to job losses across the board as many industries become nonviable. It will particularly impact on members of lower-income groups, who will find themselves paying more for consumer goods. Household power bills as well as the cost of transport will also rise.

I think that sometimes we Australians are rather naive and think that because of our rich resources, Australia is a lucky country and we do not need to protect our advantages as assiduously as other countries do. However, when the Senate Standing Committee on Economics was looking into the CPRS issue, Mitch Hooke, the CEO of the Minerals Council of Australia, said when asked about the impact of the CPRS on the Australian economy:

Australia has to be very careful that it does not get carried away ... about our comparative advantage in ... natural resources.

He said Australia:

... is increasing sovereign risk associated with investment conditions— with this CPRS— and you do not need to be a Philadelphia lawyer or an economist to know that they will move their activities to where they do not have those costs. That is known as carbon leakage.

According to the Institute of Public Affairs, neither Treasury nor Professor Garnaut modelled a scenario in which there were no regional trading partners for Australia to trade carbon credits with. In other words, the situation we face today, where none of our four major trading partners have emissions trading schemes or any plans to introduce them,
has not been modelled because it was perhaps rather naively assumed that countries such as China would come on board, as Professor Garnaut says, and establish emissions trading schemes some time around 2015. This means that the actual cost to the Australian economy of the Rudd/Wong CPRS is not known. Surely it is totally unacceptable that this should be the case. Senator Wong says that industry wants certainty, and I am sure that they do—

**Senator Nash**—Certain disaster!

**Senator EGGLESTON**—Certain disaster, as Senator Nash says. I am sure industry wants certainty about the costs which the CPRS will impose on it but which this government seems, very reluctant to reveal. At the very least, I would have thought that the government should require Treasury to model the scenario we now face, where none of our regional trading partners will establish emissions trading schemes, and advise the Australian people and Australian industry what the implications are for our national economy. Only this week, I was briefed by the proponents of a urea plant in the south-west of Western Australia, who stated that their plant would not be viable when the CPRS taxes were added into their calculations and that it is thus probable that this plant and the jobs it would create would be going to another country. One can only wonder how many other projects will be affected in this way and move offshore.

I would now like to say a few words about the impact on small- and medium-sized businesses. According to the Australian Chamber of Commerce and Industry, small- to medium-sized businesses will be adversely affected by the CPRS. As everyone knows, SMEs are the biggest employers in Australia, and any adverse economic impact on them has the potential to cost a lot of jobs across this country. According to the ACCI, the proposed CPRS transitional assistance package does not adequately protect the small- and medium-sized business group from the consequences of the CPRS, which I think is an unacceptable consequence of this legislation and is a matter which the Rudd government must surely rectify if it is to have any credibility when it comes to ameliorating the impact of this legislation on the people of Australia and if it has any concern for jobs in those small companies, which, as I have said, are the biggest employers in this country outside of government.

One must wonder about such an oversight. Surely the union-focused Labor government understand that small- and medium-sized enterprises really do employ more people than any other sector of this economy; but perhaps they do not. Perhaps that is why so much of the structure of this scheme has had such dire economic impacts—because this government really does not understand how the Australian economy functions and works.

I would like to make some comments about the western electricity market. Coalition senators were surprised that the Rudd government did not heed the request by Griffin Coal for amendments to correct a disadvantage that this legislation places on the western electricity market by not permitting the price of carbon to flow through to the consumer, as is the case in the so-called national electricity market, which is actually the eastern states electricity market, and Western Australia is apparently not quite part of the national scene in the view of Treasury. The western electricity market is largely gas dependent in comparison to the so-called national electricity market, which is actually based. I would certainly urge the government to rectify this situation and adopt the amendments which Griffin Coal has put forward to correct this disadvantage to the people of Western Australia.
The complexities of the CPRS in international trading, as well as the impact it will have on the Australian domestic economy, raised the question for me personally of why the Labor Party is taking Australia down this CPRS emissions trading scheme road to ruin when a less costly, simpler and arguably more effective option for Australia would have been a carbon tax. The option of a carbon tax has been supported by significant figures such as Dick Warburton, who is Chairman of the Board of Taxation, as well as eminent economists such as Geoff Carmody and industry leaders such as Mitch Hooke from the Minerals Council of Australia.

Some advantages of a carbon tax include: a carbon tax would have been much simpler to implement, without the need for the creation of the enormous bureaucracy which will be required to administer the CPRS—to which Senator Minchin has referred; a carbon tax could have been administered through the Treasury and the existing tax system, just as the GST is; a carbon tax would have been easy to change when needed and could have been varied in the annual federal budget; and, as Dick Warburton said in an article in the *Australian Financial Review* on 21 October this year:

Far better, then, to take the carbon tax route, which is more transparent, more direct and, importantly, more flexible. Should the supporters be right, you can ramp up the tax, but should they be wrong, you can diminish or eliminate the tax.

Very simple. I find it a matter of considerable interest that the only industry group which has supported the Rudd-Wong CPRS is the Business Council of Australia, membership of which, according to a recent article in the *Australian*, is largely comprised of bankers, lawyers and others associated with the finance industry. This is a group that will benefit directly from the business of carbon trading and stand to earn huge commissions from such trading. Since that is their business, that outcome is to be expected; nevertheless, one would have thought that the Rudd government would have paid more attention to the interests of those representing the mainstream of the Australian economy, such as the Minerals Council of Australia and other groups representing the poor and underprivileged—who the ALP claim to represent the interests of—as well as industries such as those which are found in the rural sector, before setting up an emissions trading scheme which will have such adverse impacts on the Australian economy and the cost of living for ordinary people in this country.

This legislation has the potential to seriously weaken the Australian economy with dire long-term consequences, and I believe it should be rejected in its present form; or, preferably, consideration of it should be deferred until the outcome of the Copenhagen conference is known. Accordingly, I urge the Prime Minister to follow the responsible example of the Canadian government and defer this legislation while awaiting the outcome of the Copenhagen conference.

Senator FISHER (South Australia) (12.35 pm)—I rise to speak against the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills. About three months ago, I voted against the same package of bills, because I was very conscious of the Prime Minister’s promise to bring to the Australian people evidence based policy. For example, on the 7.30 Report on 27 November 2007, the Prime Minister said, ‘I believe in evidence based policy, not just sort of grand statements.’ I voted against this package of bills three months ago because they are still not evidence based policy. They are lots of grand statements—worse than that, they are irresponsible and reckless statements. I voted against these same bills three months ago, conscious of comments made by
Minister Wong on 10 March this year, when she said, ‘We are building a vehicle that will take us to the future. Some people want it to be a Ferrari, but if you can’t have the Ferrari would you really have no vehicle at all?’ I voted against these same bills three months ago, because I did not understand—and I still do not understand—the minister’s vision for the future or the Prime Minister’s vision for our future with this package of CPRS bills. As for a vehicle; no, it need not be a Ferrari but it does have to be fit for the purpose. A vehicle has to be capable of taking us from A to B. This bill is not that. In fact, if we want to talk about vehicles, this package of bills is—no disrespect to Doctor Who—more or less a Tardis. It is more like a Tardis to take us to the minister’s fanciful future and the government’s fanciful future.

What is the Prime Minister’s evidence based policy really trying to do? What is he really trying to do? What is Rudd Labor really trying to do with this package of CPRS legislation? How do we do it, and does this proposed set of solutions fix the problem? That is what evidence based policy is all about. Is the problem that the climate is changing? Is that what we are trying to fix? The climate has always changed and it always will. Is man causing our climate to change? I do not know. I really do not know. I do not know that the Prime Minister or the minister knows. But I certainly do know that the evidence—to the extent that the government has allowed it to come into the public arena—does not convince me. But I really do not know. So let us just say, ‘I don’t know our role in our changing climate.’

Let us say that we give the planet the benefit of the doubt and we decide to manage the risk of our climate changing and the prospect that man can somehow help. In that case, the role of evidence based policy is to decide whether or not the solution we are proposing will actually work. Whatever we do with our wonderful country and our emissions, when Australia contributes about 1.4 per cent to emissions globally how can the Prime Minister expect to convince the Australian public that this carbon pollution reduction scheme will have any effect on global emissions? He has not shown that. If the aim is to reduce global emissions, how will the package represented by these CPRS bills achieve that? The Prime Minister has not shown us any evidence based path to prove that. He has shown us that there will be bad side effects, like costs to jobs, lower real wages over time and increased costs to consumers.

As for Minister Wong’s Tardis to take us to her future, let’s use her analogy. If it is a vehicle, we must be going on a journey. So we have to know: from where are we going today and where is the government going to take us? What is A, your starting point; and what is B, your destination? The Australian people should be concerned that Minister Wong’s B, her destination, her future, is not even on a map. And it is fanciful to think that this package of CPRS bills is the way to get there. What about the obstacles and hazards along the way? That is what you think about when you go on a journey. You think about how much it is going to cost you—how much it is going to cost you to fill your tank, how much it is going to cost you in time out of work perhaps—to take this journey. You factor in how long you want it to take.

I voted against these bills in their current form because they are not evidence based policy and because the CPRS package is more a Tardis than any sort of vehicle that is ‘fit’ for the supposed purpose that the government would have us believe it would achieve. Rudd Labor are again getting away with being reckless with the truth. It is not telling us what this package of CPRS bills will do and it is also mute on what it will not be doing. It will be all Australian pain for
little to no global gain. What role does evidence have in that? The Prime Minister would have us believe that all the evidence points to his package of CPRS legislation; but it just points to his ineptitude and incompetence. The current package representing the scheme is reckless and flawed. The process has been mismanaged and mishandled by the government from the start. How about telling us about the jobs it will cost, about the lower real wages over time, about the cost to consumers and about how it will export carbon? Why do we not hear that? We do not hear that, because the Rudd Labor government are very good at censoring its critics.

At the moment well-intentioned bureaucrats effectively censor what the opposition is able to send to Australian electorates under the publicly funded communications allowance. So, if I want to send out, for example, Hansard of this speech today as a component of the publicly funded communications allowance, I would be pretty jolly wise to first get my speech censored by the bureaucrats. Given that the banned words—or the words that might as well come back blacked out—include 'disgraceful', 'flawed', 'dreadful', 'inept', 'mishandling', 'reckless', 'incompetence' and 'irresponsible'—I think much of this speech will already be censored by the bureaucrats. But get over it, Senator Mary Jo, what about the experts who should be in this debate? CSIRO: censored! It censors itself by its internal processes and the supposed public research agency process by which it arrives with the government how it will handle the release of research.

Effectively, the CSIRO censored Dr Clive Spash earlier this year. He was told, essentially, that he could not publish his research on the economic underpinning of the carbon trading scheme versus other options. He was reportedly told in February this year that, it could be released publicly. He got international peer review. Once cleared, he was still told that it could not be published because of ‘political sensitivities’. Science Minister Carr says scientists should have freedom of expression and that this Rudd Labor government will allow the publication of scientific research provided it has been peer reviewed, yet he somehow allows research within CSIRO to be censored due to ‘political sensitivities’. That is why, thus far, Rudd Labor seems to be getting away with not having to tell people what the CPRS should do versus what it will or will not do.

What will it not do? The government tries to say that it will not cost jobs. The government tries to say that jobs may move from one part of the economy to another, but that the CPRS package will not cost jobs. The trouble is that the evidence is that, in order to maintain an assumption that jobs will not be lost in the economy overall, the government’s modelling, done by Treasury, has to assume a fall in real wages over time. It assumes lower real wages over time—lower real wages than they would otherwise be, were it not for this package of CPRS legislation. I refer to questioning in the Senate Economics Legislation Committee on 29 May, when respected economist Dr Brian Fisher, formerly of ABARE said:

… what the Treasury has done is to make an assumption that, if we take the full economy, for every job that is lost in one place there will be another job of some description elsewhere.

He went on to say:

… to make that work what both the Treasury and I have done in the national modelling is to allow the real wages of workers to fall. We have held total employment constant but to allow that to occur we have allowed real wages to fall.

So, real wages will have to be lower than they otherwise would be, without a CPRS, in order to maintain the government’s claim that jobs will not be lost.
Let us look at what else the package of CPRS bills will not do. We do not hear from the government about what important things it will not do, but we hear from other places about issue No.1—global food security. Ban Ki-moon, on 27 January 2008, said:

During 2008, a chain reaction pushed up food prices so high that basic rations were beyond the reach of millions of people. By the end of the year, the total number of hungry people in our world approached an intolerable one billion.

What is Australia going to do to ensure our contribution to feeding ourselves—our ‘big Australia’ that the Prime Minister is very keen to build—as well as the rest of the world? This CPRS does not address that. Indeed it takes things in the opposite direction. Farmers have already reduced their greenhouse emissions by some 40 per cent since 1990. Around the world, food prices rose 140 per cent between 2002 and 2008, making food more expensive for those who, arguably, need it most and can least afford to pay for it. Changes in our climate and emissions trading—what place do they have in ensuring the production of our food and the security of our food?

What place does carbon have? Accept that pollution goes with carbon. What about the fuel for fires? It will be 43 degrees in Adelaide today, most likely. It is rather hot in South Australia and rather hot in some other states. What has happened since the tragic bushfires in Victoria to relieve the carbon load? Not enough. In any one year, emissions from wildfires in this country could amount to some 30 per cent of Australia’s net emissions for that year. In fact, the tragic Victorian bushfires would have contributed, had they been taken into account, some 20 per cent of Australia’s global emissions for that year. And guess what? Carbon emissions from wildfires are not taken into account in net emissions globally—not in Australia, not elsewhere. This is for a range of reasons but, given the amount of carbon contributed to the atmosphere by wildfires and bushfires, why is that so in the Prime Minister’s world of supposedly evidence based policy?

What about water? What about water for our food production and security? Not only is Rudd Labor letting state Labor governments get away with not doing enough to reduce the carbon fuel for bushfires; Rudd Labor is letting state Labor governments get away with not managing water as the national asset that it must be and should be. Rudd Labor is letting Labor states, for example my state of South Australia, hide behind the charade of domestic water restrictions and the charade of a High Court challenge, pitting states against states, instead of delivering a genuine national plan to manage the Murray-Darling and scarce water resources.

Rudd Labor is letting Labor states hide behind domestic water restrictions, which—says the boss of Minister Wong’s National Water Commission, Ken Matthews—when imposed initially may be followed by a period of reduced use of water but which, after a period of time will trend up, as people get what he called ‘restriction fatigue’ and demand for water ‘hardens’, because we live in first world cities in first world countries and we work out that there is a lowest usage point below which cannot reasonably be expected to go, with or without water restrictions. State Labor governments, particularly in my state of South Australia, have not proved that any sort of water restrictions will save water for Adelaide or will save the Murray. They cannot, because they do not—and they know they do not. Water restrictions are instead a smokescreen for Labor government inaction on properly collecting, storing, using, reusing and appropriately pricing water—the so-valuable asset that it is.
The CPRS totally misses other components that go into producing and securing Rudd Labor’s ‘big Australia’s’ food supply and the food for the world. It totally misses on delivering on any evidence based policy. This package of CPRS bills is not that. This package of CPRS bills, far from being a Ferrari, is battling to be a vehicle that is fit for the supposed purpose for which the government says it is designed. It is, unfortunately, little better than a Tardis that does not fit in our current world—leaving aside whatever Minister Wong fantasises for our future.

Opposition spokesman, Ian Macfarlane, said earlier today that the package of CPRS bills will change the way that business is to be done—at every level of business. And he said, ‘We will take the time needed to negotiate with the government and get this right.’ He said, ‘Copenhagen can wait.’ To reflect on a time-worn advertisement—actually, to plagiarise it: ‘It’s the bills that this coalition opposition rejects that make this coalition opposition the best.’ If the government serves and re-serves this package of CPRS bills to the coalition opposition, I will vote against it again.

Senator MASON (Queensland) (12.55 pm)—I do not come to this debate as a sceptic, but I do come to this debate as a senator representing over four million Queenslanders whose futures will be more affected by these bills, Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills than any other legislation to come before the Senate in my time in parliament.

Some people say that the earth is warming, others that it is cooling and still others that it has been relatively stable. This debate is not about that. Some people say that human-made gas emissions are to blame for climate change; others say that any changes are part of natural cycles from time immemorial—indeed, if the climate stopped changing, we should be really worried. This debate is not about that. Some people say that any climate change will be a calamity; others say that a warmer earth is a more fertile and prosperous earth. This debate is not about that. Some people say that in response to climate change we should adopt emission trading schemes, others argue for carbon taxes and others argue for grand geo-engineering schemes to modify the climate. This debate is not about that either.

What this debate is about is this: that Kevin Rudd wants to rush through the biggest, most far-reaching tax in our nation’s history. Kevin Rudd wants to introduce it now, before we know what, if anything, the rest of the world decides on in Copenhagen and before our major trading partners introduce any emission reduction schemes of their own—if they do at all. This legislation before the Senate today will change the way we live and work, it will cost jobs, it will reduce economic opportunities and it will damage Australia’s competitiveness. That much is certain. Yet Kevin Rudd is willing to sacrifice it all to be the first—and for all we know—the only one. There are no credible reasons—no scientific reasons, no environmental reasons, no economic reasons—to rush this flawed legislation through right now, this very moment, before the rest of the world acts.

There is just one reason to rush in first before the rest of the world acts—that is, Kevin Rudd’s bloated moral vanity. We have seen in this debate the ugly devolution of Kevin Rudd. Kevin Rudd, the nerd from Nambour, wants to transform himself into Kevin Rudd, the cool kid from Copenhagen—and, for that ugly transformation, thousands of Australians will be losing their jobs. Kevin Rudd wants a pat on the head from President Obama, a photo opportunity with Al Gore and high tea with Ban Ki Moon—and, for that, every Australian will be paying more
for everything they buy, from food, to energy, to services. Kevin Rudd wants the recognition and validation of the trendy, international jet-set crowd—and, for that, our industries will be handicapped and our standard of living put at risk. It is not about a healthy planet; it is about Kevin Rudd’s unhealthy ego. And though they might both be of a similar size, they are not the same—because what is good for Kevin Rudd is not good for Australia, Australian jobs and Australian working families.

Mr Acting Deputy President Hutchins, do you remember working families? Isn’t it funny how we do not hear much anymore about working families? They will be the ones paying for Kevin Rudd’s moral vanity. Every day when working families pay more for everything from the moment they wake up and put a kettle on to the time they switch off the TV and go to bed, they can thank Kevin Rudd. Every time working families lose jobs or their children cannot get a job because our economy is being battered by our competitors, they can thank Kevin Rudd. When working families’ standard of living declines in comparison with that of the rest of the world, they can thank Kevin Rudd. They can thank Kevin Rudd and his bloated moral vanity, because Kevin Rudd wants to be cool and wants to be the first. He wants to lead the world even if he sells out Australia’s national interest.

Why would you do that? Why would you do something you know goes against the national interest and against the interests of the people you are supposed to represent? Why would you want to disadvantage a kid from Bankstown who is doing a diploma and wants to get a job in the mining industry? Why would you do that? Why would you disadvantage him? Why would you want to impose extra tax burdens and costs on a family in Caboolture who are already struggling in difficult times? Why would you do that?

Why would you want to make it more difficult for a small business to carry on, employ people and contribute to the local community? Why would you knowingly do that? Why would you knowingly make it harder for Australians to compete? Why would you go out of your way to make it harder for small businesses to compete? Why would you knowingly do that? Why would you want to make it harder for a kid in Sydney to compete with his overseas competitors in Singapore? Why would you knowingly and willingly do that? All this would be for no environmental benefit in the absence of global action—none, zero, zip. Why would Kevin Rudd do all that? Why would he do all that? Because he wants to be the Astro Boy of global politics.

Some say that we need to pass the ETS bills speedily for the sake of business certainty, but there can be no certainty for Australian business or agriculture until international benchmarks and standards have been established. In a global economy, it is global benchmarks and global standards that matter. No outcome negotiated prior to Copenhagen will result in certainty for Australia’s business and rural sectors—none, let alone the fact that none of us have seen the regulations that business will have to follow in the future. None of us have even seen the actual regulations. There will be no certainty for business until well after Copenhagen.

Over the last few weeks there have been a lot of negotiations, talks and lobbying around Parliament House. Not surprisingly, everyone wants to ensure that their sector gets the best deal out of the ETS, and that is understandable. But remember this: every group the lobbyists succeed in securing a better deal for means a greater burden for millions who do not have lobbyists spruiking their interests in this place. Do not forget that. Who speaks for the pensioner in the outer suburbs of Melbourne who will see the cost
of everything go up? Who speaks for them? Who speaks for the miner and his young family in Broken Hill who might lose a job? Who speaks for them? Who speaks for the small business man in Perth who might no longer be able to keep his business afloat? Who speaks for him? Who speaks for young Australians whose futures are now compromised? Who speaks for them? Who speaks for all those people who will ultimately pay Kevin Rudd’s tax? It will affect ordinary Australians, not the big end of town. Who speaks for the ordinary Australians who will lose their jobs, ordinary Australians who will see their standard of living decline, ordinary Australians who will see their opportunities reduced? Who speaks for those who are not organised, who cannot employ lobbyists to plead their case, those who will pay the bill for this tax? Who speaks for the working families and who speaks for the forgotten people? It is not Kevin Rudd and it is not the Australian Labor Party.

Let me repeat: it is ultimate folly to try to rush through and pass an emissions trading scheme before the United Nations Climate Change Conference in Copenhagen and before our major trading partners introduce similar schemes. To do so will risk Australian jobs and Australia’s standard of living for negligible environmental benefit. This is a global problem and, more than any other I can think of, requires a global solution—not some quixotic action by a Prime Minister who is willing to sacrifice the national interest for his own personal interest and personal aggrandisement, all under the guise of helping the environment.

We all want to help the environment. We all agree that it is beneficial to shift from fossil fuels to cleaner fuels. We all want to leave a better world to our children. The difference is that Kevin Rudd wants to encumber Australia with a new tax, even if no-one else in the world will do so in their own country. I can only look my voters in Queensland in the eye and support an ETS if it is part of a global effort, if we all from Brisbane to Bangalore and from Baltimore to Brussels and Beijing share the responsibility and the burden and ultimately, we hope, the rewards of global action. At the very least, why would Australia want to enact an ETS and prejudice its industry before the United States and other developed nations have done so? Quite simply, it is not in our national interest.

No-one can tell me why Australia should charge in first, why we should proceed with an ETS before Copenhagen and before our own major trading partners come up with responses of their own. No-one can tell me because it makes no sense. It is not in our national interest and it is not in the interests of Australia’s working families. It is not even in the interests of the environment, because any action by Australia alone, in the absence of action by major global emitters, will have virtually no effect on the climate. So, if you are voting for these flawed and premature bills in the absence of any similar action by anyone else in the world, go tell the people of Australia how increasing their energy prices is in our national interest. Go tell the people of Australia how increasing the prices of every good and service traded in our country is in our national interest. Go tell the people of Australia how handicap ping our export industries is in our national interest. Go tell the people of Australia why their children in Brisbane, Melbourne, Mount Isa and Wagga Wagga will find it harder to get jobs while their peers in Bombay, Manchester, Pittsburgh and Shanghai will not have the same challenges. Go tell them that.

Mr Acting Deputy President, vote for these bills today and go out there into the
real Australia outside Parliament House and
tell the people of Australia what you have
done. Under the guise of genuine community
concern with the environment and pollution,
the government will seek to pass legislation
they know is not in our national interest sim-
ply to satisfy the bloated moral vanity and to
stroke the ego of one man. I guess this is the
Christmas present this parliament intends to
give to the Australian people: a less competi-
tive country and a bleaker future for our
children. It is a shame and it is a disgrace.

Senator NASH (New South Wales) (1.10
pm)—I stand here today with a great sense
of weight and gravity because I think the
Carbon Pollution Reduction Scheme Bill
2009 [No. 2] is probably the most important
piece of legislation that this country is going
to see for quite some time. It is certainly the
most important piece of legislation that I
have had to deal with in my very brief four
years in this parliament. I stand here as a
representative of all of the people across
New South Wales, but I unashamedly say
that my primary focus is on those who live
outside the capital city, those who live across
regional Australia. I am far more comfortable
in a pair of jeans and boots in a paddock than
I am in a suit in this chamber, but I am here
so that those people who are out there right
at this minute in paddocks across this state
harvesting in their jeans and boots have
someone to be their voice here in this cham-
ber, and it is my absolute privilege to do that
for them. It is not just those farmers across
regional Australia but all those people in the
small businesses, all those people in those
regional communities, who work so hard to
be the backbone of this country, all those
mums and dads and children right across this
state, all those teenagers and all those single
people right across this state, particularly in
those regional areas, that I am here to repre-
sent. This is such a serious moment for them.
We have seen all the hype and debate and
spin around the ETS. What is missing is the
awareness that this is so important. The deci-
sion that this parliament makes about these
bills, if we do not get it right, will change
their lives for ever.

How did we get to the point of having
these bills here in the chamber before us? We
got to this point because of the debate, so-
called, around global warming and around
climate change. We have heard a lot over
recent times from the scientists about the
warming of the globe and the contribution
that, in their view, man is making to that
change in the climate. I put it to you, Mr Act-
ing Deputy President, that we have not had a
balanced debate. There is a significant cohort
of scientists who have an alternative view.
We have not had a balanced debate. There is
a significant cohort of individuals who have
a differing view, but we have never had the
debate.

We keep being told that the science is in
and the science is settled, but by whom? By
that particular cohort of scientists who be-
lieve that they are correct and that no amount
of dissent should be entertained, that no
amount of dissent should ever be appreciated
or accepted because if you do—oh my good-
ness!—you are a sceptic. How dare you
question the beliefs of this particular bunch
of scientists! How dare you question that! I
was brought up to believe that questioning
was a good thing, that to question those
things put before you, whether you were two,
15, 40, or 90 years old, was a good and a
healthy thing because it meant that you were
using your mind to make your own decision,
that you were balancing up the debate before
you, that you were looking at all the options
and that you were coming to your own de-
termination of what you thought was right.
But that is not being allowed in this debate
for one moment because, if you do not agree
that man is causing global warming, you are
a sceptic. That is wrong. Regardless of what
your view is on whether or not man is caus-
ing that change, to pillory those people who
ask the question is simply wrong.

But that is not what we are discussing to-
day. Today we are discussing the CPRS bills
that are before us. I commend the Leader of
the Opposition in the Senate Nick Minchin
for pointing out earlier what a misnomer
‘CPRS legislation’ is. I also commend him
on his speech to the chamber. The interesting
thing is that when we go out there into the
community around 90 per cent of people say
that they have no idea how this ETS and this
CPRS will work. They have no idea. I put it
to you that the other 10 per cent are lying,
because to understand how this is going to
work is impossible. It is absolutely impossi-
ble, and anybody who says they know how it
will work is probably stretching the truth a
bit. As my good colleague Senator Mason
said, ‘We haven’t even seen the regulations
yet.’ We have not got a clue. We are working
on what we assume are the principles on
which this will work. Those principles are so
incredibly indeterminate at this point that it
is very difficult. But what we do know about
are the basic premises—and that is why I, for
one, am so against these bills and this ETS.

I want to make one thing very clear. We in
the Nationals have always said that we want
a healthier, cleaner future for the environ-
ment. There is no doubt about that. I think all
Australians—every single Australian across
the country—would want a cleaner, health-
ier, more sustainable future for the environ-
ment. That goes without saying. But this
ETS is not the way to do it. I say to those
people out there who are listening and those
who perhaps one day might read my speech
that just because you believe in an ETS does
not mean you support a better environment.
They are completely separate. Do not for one
moment think, ‘I’m saving the environment
because I support the ETS.’ That is a com-
pletely wrong premise; it is a furphy because
it is simply not gong to do it. The ETS does
not stand for a cleaner, healthier environment
for the future.

What we need to look at here is a very
simple set of circumstances. The government
has a goal. Let us bring this right back to the
simplicities: what is their goal? They want to
reduce man’s effect on what is causing the
globe to warm. I do not think there is any
argument about that. This government wants
to change man’s contribution to the warming
of the globe. But the action that they are tak-
ing is completely incongruous with the goal
that they are trying to achieve. It is com-
pletely incongruous: it is like apples and or-
anges. They are trying to introduce a set of
legislation that will not achieve the goal that
they are trying to achieve. It simply will not
achieve it. The rest of the world is not on
board. Until the rest of the world is doing
this it is not going to make one tiny bit of
difference to the climate.

So it fails sense and reason. It is beyond
the realms of commonsense that the govern-
ment should say, ‘Okay, we want to fix the
warming globe. We don’t want it to warm up
anymore so we’ll have a really good look at
man’s contribution to that and we’ll fix it,’
when the mechanism that they have given us
to fix it is not going to work. How stupid is
that? If ever there was a stupid decision
taken by a government this is it, because no
matter how many hundreds of pages of legis-
lation they introduce and no matter how
many vain speeches get put forward by the
Prime Minister and those opposite on how
incredibly good this legislation is, it is not
going to fix it. You cannot get away from
that fact, and no amount of argument from
the other side will lead you to the view that
this is going to fix it. It simply is not.

But, of course, the other side have a Prime
Minister who has to show leadership! There
was a beautiful cartoon the other day of the
Prime Minister underneath a big planet, with all the other world leaders saying, ‘ Didn’t he get the memo?’ He is the only one that does not realise that he is the only one who is doing this at the moment—one on some vain sort of avenue towards being leader of the world. I think that is where he is trying to head. Along the way he is forgetting the people of Australia. He is so concerned with what he is doing that he is forgetting the people of Australia.

Senator Cormann—He does not spend enough time in Australia.

Senator NASH—I will take that interjection, thank you, Senator Cormann. He does not spend enough time in Australia. He certainly does not spend enough time in regional Australia, although he did go to a wind farm yesterday. I find it somewhat ironic that the Prime Minister should be somewhere where there is wind!

Senator McGauran—And that’s both ends!

Senator NASH—I will take that interjection, thank you, Senator McGauran. No, you were not in your seat, I cannot possibly do that! But this is absolutely serious. The Nationals have been very clear on this issue since day one. We have not wavered one speck. Indeed, it was Senator Boswell, standing in this chamber, who belled the cat on this long before anybody else. I remember sitting here, listening to him speaking on his MPI one day and I thought, ‘ Senator Boswell is onto something here.’ That was a very long time ago and he was dead right. The Nationals, from that moment on, have not moved away from our view that we should be voting against this ETS.

And there are some very clear and simple reasons for that. This is a massive new tax. Forget about the GFC; we now have the MNT—and this massive new tax is going to be far worse for people across Australia than any GFC ever would be. The legislation is going to hit regional Australia harder than anywhere else across the country. I am not going to stand here, as a senator for New South Wales, and not do everything I possibly can to make sure that those regions have someone here fighting for them. My Nationals colleagues and I—and, I must say, some of my Liberal colleagues as well—are trying to do this for people in regional Australia because the legislation is simply wrong. It is not right, it is not fair and it is not on. The other very simple reason we oppose this is that we emit 1.4 per cent of the emissions. While ever the rest of the world is not on board, while our major trading partners are not on board, it is not going to make the slightest bit of difference to the climate. So why on earth are we even considering these bills? Because of the Prime Minister’s vanity, because of some fairyland path the government want to go down because they have to show leadership. It is just rubbish. What is really sad is that it is people in Australia that are going to be hurt so badly by this.

That MNT, massive new tax, has been related to an increase to the GST of around 2½ per cent. So let’s have a 12½ per cent GST—there is a really good idea! As my very good colleague sitting here in front of me, Senator Joyce, said, it is going to come at you out of your shopping trolleys, your light switches and your power points. It is going to come at you from everywhere. I commend my Senate leader for the excellent speech he gave in this chamber this morning and for the work he has done out there fighting for the people that need someone in here to bat for them so that this craziness on the other side of this chamber, and on the other side of the other house, does not take hold. It simply cannot.

It simply cannot. Look at the job losses: 126,000 jobs to go, including 66,000 in mining. And guess who those people are—
Senator Boswell—Blue-collar workers.

Senator NASH—Thank you very much, Senator Boswell; I will take that interjection. They are blue-collar workers. They are mums and dads. They are the so-called working families that this Prime Minister railed about so strongly during the election campaign, saying they needed his help to have a good life. Now he is going to ruin it, because it is those people that are going to lose their jobs and face the higher costs. It is those people that are going to have those bills, and that is a fact. He cannot run away and squib out from that. Those costs will be passed on—for what? So he can go off on his merry tractor being leader of the world? It is not good enough for a Prime Minister of this country to so completely disregard the people that he represents.

The impacts on regional Australia are appalling. We have heard over recent days that agriculture is going to be excluded from the ETS. What a no-brainer that is. Everybody wants agriculture to be excluded from an ETS.

Senator Boswell—It was left out in the first place.

Senator NASH—Thank you very much, Senator Boswell. I was going to refer to some comments that the leader, Senator Joyce, made earlier this morning. Isn’t it peculiar that they are being hailed for taking out something that was never in? I might be a little bit cynical in my old age, but my bet is, given that we have had the deputy before the Senate committee saying that they have absolutely no idea how to measure the emissions from the animals, that the government was never going to have it in the ETS anyway. So here we have a fantastic thing—they have taken five weeks to give in on something that, quite probably, they were never going to include anyway and which, as Senator Joyce said, was not included in the first place!

So there is no great joy there, and I will tell you why. All of those imbedded costs—fuel, transport, electricity, cement, packaging and fertiliser, and the list goes on—will still fall right in the laps of our farmers, the backbone of this country. Those farmers are feeding this nation. This government expects those farmers to just accept those costs and say: ‘That’s okay; that’s fine. We’ll accept costs for something that’s going to make no difference to the environment.’ How stupid is that? Those farmers are also going to have to put up with the fact that food processing is still in the ETS, so abattoirs are going to have to pass their extra costs down to the farmers. Farmers are the bottom of the food chain; there is nowhere else for those costs to go. I will not stand in this chamber and not do everything I can to try and stop that happening. It is simply wrong.

Regional Australia has had absolutely enough. Since this government have been in, we have seen them abolish the single desk, get rid of the $2 billion communications fund and try to whack on an extra 40 per cent to AQIS fees. We have seen Land and Water Australia gone, cuts to the Department of Agriculture, Fisheries and Forestry, a $12 million cut to the Rural Industries Research and Development Corporation and uncertainty around the future of drought funding—right at the very time that so many farmers in rural communities right across this country are still in the grip of drought. And now what does the government want to do? They want to give regional Australia an ETS. They want to give all of Australia, obviously, an ETS, but they want to—

Senator Mason—A Christmas present.

Senator NASH—Thank you very much, Senator Mason. What a Christmas present.
that is—‘By the way, we’ll just whack up your charges’!

And for what? The CEO of the Food and Grocery Council, Kate Carnell, has said that people are going to move to cheaper imports because the price of food on the shelves is going to go up. Do we really want to become a nation of importers? Is that what we want, with all of the quality assurance issues—look at melamine in China—and all of the issues of security of supply? The only reason we get security of supply at the moment is that we have a domestic productive capacity. The minute we lose that we will be at the mercy of those overseas countries in terms of supply. I do not think there is a single Australian that wants to go down that road. If we do not do everything we can to ensure that rural Australia has a productive, sustainable future then our food security becomes tenuous. This is not just a scaremongering tactic; this is dead serious. If we do not have a sustainable rural Australia, we do not have a sustainable domestic production capacity.

It is not only our own people we need to feed in this world. The world population is going to go to nine billion by about 2050. How are we planning on feeding them? It is this country that has the ability to do that, and yet we have a government that at every turn is ripping the guts out of rural Australia, which is there to provide for this nation. It is not fair, it is not right and it is not on. I know that my Nationals colleagues and many of my regional and metro Liberal colleagues recognise how important this is and what sort of impact this is going to have.

We know there are some amendments being discussed at the moment to the ETS. I will put my position very clearly on the record: my view is that those amendments will not change anything. They will not change those three key things: that it is a massive new tax; it is going to hit regional Australia harder than anywhere else; and, if the rest of the world is not on board, it is not going to make the slightest bit of difference to the climate—not any.

My position has not changed and I will absolutely maintain my position. I say to any of my colleagues who truly understand the impact of this—and I think they all do—that if we truly believe we are representing people in our communities right across Australia, none of us should support this bill. If we do, we will be selling out regional Australia. I will not be supporting these bills.

Senator BOSWELL (Queensland) (1.30 pm)—The Senate is debating a suite of 11 bills that will establish an emissions trading scheme—an ETS—in Australia. In doing so, Australia is embarking on a solo voyage to a new frontier. Of all the countries in the world, none have established a scheme that threatens the competitiveness of their key industries and the accompanying jobs and investment. None have prejudiced their natural competitive advantage by taxing it, except Australia. The bitter side to it is that this ETS will not do one thing to stop global warming, to save the Barrier Reef or to save a polar bear.

I believe that Australians want us to do our share to reduce emissions but they do not want us to go over the top without covering fire. They do not want our industry savaged with effectively a carbon tax while none of our competitors face a similar tax. That would mean jobs would be lost and we would sacrifice our economic survival. Rightly, Australians do not want us going it alone while other countries wait to pick off our markets, our jobs and our industries. We are not a nation of green monks willing to give these things up to high-polluting rivals; we are an industrious, creative and practical nation. We are an island that has lived on trade since Macarthur sent the first bale of
wool overseas. If the rest of the world agrees to accept a carbon price then we will all be in it together and there is a chance that we can reduce emissions. But if our trading competitors are not involved, or if their involvement is heavily qualified—like the EU—then Australia will be battered on the foreign shores of her reckless solo ETS voyage. Macarthur’s global vision would not have survived the good ship ETS.

I have heard many arguments, attended many committee meetings, and spoken with numerous industry heads, small businesses and farmers. When the ETS is understood, there is overwhelming opposition. It is basically a tax on energy. It is a tax on everything that moves in your house, in your shop, in your hospital, in your school, in the factory where you work, the tools you use, in the pubs where you have a cold drink, in the abattoirs and in the fish processing factories. All these things need energy to work and they all produce emissions.

Overnight, producing and doing all these things will cost more money: that is the core of this legislation introducing the CPRS. Yet, still there are the ETS deniers, the sceptics, who cannot face the economic facts of this debate. Some of them are rent seekers who have a vested interest and who stand to make millions from the churn of money going from businesses and householders to government via financial instruments and their brokers. Many members of the Business Council of Australia and AiG fall into this category. The other economic sceptics are those who cannot see past the green camouflage on this legislation. They see the smokestacks and the flooding waters, not knowing that it is harmless steam they are looking at on old file footage. They are just smoke and mirrors and camouflage. I would not be so quick to dismiss talks of the Left’s new green agenda to save the planet with a decarbonised revolution. I believe it is working well.

People forget that communism looked good to some educated people too.

As a long-time senator, in fact the father of this house, I can tell when the political balance that secures our fragile democracy is threatened. Under the coalition government the equilibrium was pretty stable most of the time and Australia met its challenges in a robust and healthy way. But now there is a close alliance between Labor and the extreme greens, the balance is being lost. The great problem with that is that it brings both extremes into play, the extreme Left and the extreme Right. That is what we are seeing today. Instead of exposing extreme green elements for what they are, Labor has got into bed with them to secure preferences and votes. Meanwhile, there is a corresponding opposing reaction in the Right. My colleagues know it is springing up out there; it is boiling in the bush. The last time that level of unhappiness and frustration happened, we saw the rise of One Nation.

In cyber Australia right now there is a growing groundswell of disaffected people. I think probably up to a million people have been listening to Lord Monckton’s view of the now defunct draft treaty. It is up to us, especially the Nationals, to keep the debate on the rails and prevent it from becoming extreme. If we are not the voice of regional Australia, whether by absence or by timidity, people will look to the charlatans and the extreme Right for their political representation. I have heard this view circulating among some of my colleagues. One view is that the coalition can get away with supporting the CPRS because who else will the Right vote for come election time: the Right has nowhere to go, they are in the bag. I have heard my colleagues say this. But to those tempted to think that, let us think again. Recent history has shown that, when there is disenchantment on the Right, Labor stays in power, thanks to renegade and rogue ele-
ments that hijack and split the conservative vote. The Senate can prevent that move to the extremes by giving rural and regional Australia a fair hearing on the ETS. To ignore or belittle their views would be a grave mistake. They are the ones who would have to wear the ETS far more than the leafy suburb professionals. This is a warning that we must not forget these people. Their views must be considered and the government must be accountable for the widespread negative fallout from a carbon tax.

Those in regional Australia will be the hardest hit by this ETS; therefore, they should be the first to be considered. And do not insult them with promises of green jobs. They are seldom in the places where the non-green jobs are being destroyed, nor do they pay as well as miners rates. The people out there are not stupid. They know from past experience when they are being made to pay for a political crusade that benefits someone else, somewhere else. Do not treat rural and regional Australians as though they were mugs, Mr Rudd. It would be the greatest folly, economically and politically, if this ETS were to pass against the wishes of regional Australia.

What people everywhere also want to know—I have a right to know, and they have a right to know—is an area that I have been chasing the government over for months. What is our international commitment in terms of climate assistance to developing countries? What is the green-aid tab for Australia? And how will it be funded—by what new taxes or regulations? This is clearly a major part of the Copenhagen process, as is verified by the ridiculous terms of the draft treaty which is causing so much angst. So why won’t the government come clean? The Prime Minister says we will pay our fair share—but everyone wants to know what that fair share is. What is that fair share, Mr Prime Minister?

The Treasury modelling has played an enormous role in this debate, but a false one. Many people, from the Prime Minister down, have used it to back up their claims that this ETS is doable and will not cost too much—who dare gainsay it, in the face of the Treasury modelling? But I urge all thinking Australians to consider this: the Treasury modelling has not been done on the CPRS before us. Secondly, all its outcomes are based on the fact that other countries come in and have an ETS equivalent as well. That is why, in the Treasury modelling, the dangers are not so immediately apparent. The figures are based on a totally unreal hypothesis. We know that Copenhagen is a dud. We know that our trading competitors like India, China, Indonesia, the Philippines, Russia and so on are not accepting a carbon price, so the Treasury analysis and its outcomes fall apart and are worthless. I seek leave to incorporate the rest of my speech in Hansard. I have shown it to the Minister; he has no problems with it.

Leave granted.

The remainder of the speech read as follows—

The world carbon club is very, very small. In fact, Prime Minister Rudd is its leader and Australia is the only member to put the boot into our best industries and competitive advantages, such as cheap energy.

I have previously put out a statement on agriculture being excluded from emissions trading. Farmers are not excluded from being hit by an ETS, they are just excluded from having to pay for their emissions on top of everything else. They still have to pay higher energy costs for all their inputs like fuel, power, fertiliser and chemicals. Their products will be processed in a higher electricity cost environment meaning they are less cost competitive. And farmers will be made to pay some other way for their emissions, through levies or regulations, it just won’t be a direct emission dollar trade.
The Prime Minister may be a friend of the chair, but he is no friend of the farmer.

Any amendment won in the debate next week, any concession granted by the government tomorrow, can all be reversed in a future Senate where Labor and the Greens have the majority.

Once the ETS is established, it then becomes the legislative toy-thing of the Labor Green alliance.

So the value of such amendments or concessions is ephemeral, transient and not to be relied upon.

Passing the ETS puts all the levers in place for future Senate tinkering.

A concession granted today is only one Senate vote away from being abolished tomorrow.

So be warned, all who think they’ve got a good deal out of the government - all those peak industry groups or companies who have been bought off by the government in return for their support for the CPRS, for you will face a monster of your own creating down the senate track.

Some, like Rio Tinto are speaking out. Rio Tinto’s chief executive, Tom Albanese, said on the weekend that Australia’s planned introduction of a carbon cap-and-trade scheme would hurt the economy. He said RIO, the world’s second largest miner and a major coal producer, preferred a common global approach to cutting carbon emissions.

“We do admire the leadership that Australia has taken,” he said, “but I think Australia has to recognise it has now put itself at a competitive disadvantage from a regional perspective, particularly on energy in terms of export industries.

“It will have a negative effect on the Australian economy and on Australian jobs.”

Today we learn that the Canadian government will not be releasing its emission reduction plans till next year because of the lack of a binding treaty at Copenhagen. Today we learn also that the US Senate has also delayed the debate on its emissions reduction measures till at least March next year.

It is increasingly reckless of the government to pursue Australia’s ETS ahead of the rest of the world. It is really dangerous for us. And the Australian people know it.

Some commentators are wise to the dangers ahead. This week Robert Gottliebsen writes under the heading “Industry in jeopardy”:

“This is one of the most frightening comments I have ever written for Business Spectator. Three months after our first meeting, representatives of most of the power players in Australia – but particularly connected to Victorian power generation – including banks and analysts again met with Alan Kohler, Steve Bartholomeusz and myself under the ‘Chatham House rule’ to explain what would happen if the carbon trading legislation was passed in its present form today.

Three months ago they were apprehensive, now as disaster looms they are ringing the alarm bells.”

He said that there was total agreement with the Morgan Stanley and KPMG reports which state that 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. He writes:-

“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 the boards, will decide to appoint official administrators.

“It is highly unlikely that the international and local banks who are owed about $5 billion by the generating companies would want to contract forward so they will sell all their power on a spot basis. …

“In South Australia earlier this month a power break down sent the spot price for electricity from the long-term contract price of around $45 a per megawatt hour to $10,000 per megawatt hour for about two hours. Once hedge contracts and long-term arrangements are not in place then a breakdown in the Latrobe Valley could see the spot price go very high with huge losses to retailers who can’t pass on the cost. And as long-term maintenance is run down the power interruptions will become more and more prevalent with enormous cost to industry.” Gottliebsen says that Victoria will suck as much power as it can from
NSW but the line connecting the two states has limited capacity so Victorian industry will bear the brunt although it will affect the whole nation. He states: “The Victorian government has explained to the federal government what will happen but the level of understanding in Canberra is very poor and they have not yet grasped the implications. John Brumby has not gone public apparently because he hopes that either the legislation will not be passed or it will be passed in a way that minimises the danger to Victorian electricity supply. But if it looks like being passed in its present form, he has to choose between raising the alarm and minimising his own electoral damage or ‘copping it sweet’ and receiving his full measures of federal money in many other areas.”

It is almost beyond belief that a federal government would legislate to wreak such havoc with the nation’s electricity infrastructure. Because it is so unthinkable, people don’t think it. That’s where the danger lies. Everything must be questioned, every claim scrutinised and every assumption investigated. It is real and it is happening here before our eyes in the Senate. But not on my vote.

Debate interrupted.

SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) BILL 2009
Second Reading

Debate resumed.

Senator FIFIELD (Victoria) (1.40 pm)—The Social Security Amendment (National Green Jobs Corps Supplement) Bill 2009 seeks to introduce a training supplement of $14.60 a fortnight to eligible participants in the Green Jobs Corps. The Green Jobs Corps, as you may remember, Mr Acting Deputy President, was announced at the 2009 ALP conference by the Prime Minister. At that conference Mr Rudd promised to deliver 50,000 new green jobs—a very memorable commitment. Yet we now know that, of these 50,000 new green jobs, only 6,000 were actually real jobs. I well remember the television footage of Senator Arbib on Sky, at the national conference, with the Darling Harbour venue in the background, struggling to explain how many of these jobs were new and real. I did actually feel sympathy for Senator Arbib—he is someone I am quite fond of, whom I spar with from time to time—because I suspect that Senator Arbib had this sprung upon him. I know that Senator Arbib would otherwise have been across the detail. It looked very much like something that had been cooked up very quickly in the Prime Minister’s office, and no-one had really quite thought through the details. So I think we all should be understanding of the very difficult and unfair situation that Senator Arbib was put in on that occasion.

The Green Jobs Corps is a six-month work experience program for 18- to 24-year-olds who have been unemployed for more than 12 months. Participants will continue to receive Newstart, youth allowance or a parenting payment. Whilst not a job, work experience is a welcome step in the right direction. Work experience programs such as Work for the Dole, Greencorps and Green Jobs Corps are designed to increase the employability of the unemployed. They do help job seekers to become job ready. They are a pathway to a job, but they are not jobs on their own.

Greencorps, it is important to remember, was an initiative of the former coalition government. And in many respects the Rudd government’s Green Jobs Corps appears very similar to the coalition’s Greencorps. The only differences are in the increased eligibility for older participants and that participants in the program receive income support payments now rather than the old Greencorps allowance. A cynic may even accuse the government of simply rebadging the coalition program. To be fair, Labor has added in the word ‘Jobs’ to the name, but it has not
yet defined a pathway between this training and an actual paid job.

Employment for young people in Australia has serious deteriorated since the Rudd government was elected. In the last 12 months alone 108,300 full-time jobs have been lost amongst young Australians. And the rate of unemployment for teenagers who were not in full-time education rose to 18.5 per cent in 2009, up from 12.2 per cent in 2008.

The coalition will not oppose the passage of this bill. However, it is clear that the Rudd government have no strategy to create actual jobs for young Australians. We on this side of the chamber sincerely hope that they find a plan to do just that.

Senator SHERRY (Tasmania—Assistant Treasurer) (1.45 pm)—I thank Senator Fifield for his contribution. I too saw the very impressive performance by Senator Arbib at that national conference but I did not reach the same conclusion that Senator Fifield did. I think there is a serious case of political spin being put by Senator Fifield on Senator Arbib's contribution to supplement the announcement by the Prime Minister of the National Green Jobs Corps.

The amendments to the Social Security Act 1991 are sought to allow the introduction of the National Green Job Corps supplement of $41.60 per fortnight to participate in the corps for those who receive Newstart Allowance, Youth Allowance (Other) or the Parenting Payment. The supplement of $41.60 per fortnight will be paid in recognition of the additional costs participants may incur due to their participation in the program. It will also act as an incentive for young people to participate. The National Green Jobs Corps with provide 10,000 places over two years for Australians aged 17 to 24 to gain a combination of environmental work experience, skills development and accredited training. This program builds on the broader compact with young Australians by seeking to ensure that young Australians have the skills and experience required to realise their full potential and ensure they are well positioned for the jobs that emerge in the 21st century labour market. The corps will attract young people who may struggle to engage with and remain in educational training and the program will also provide a pathway to employment or further education and training. It provides a pathway to employment and in doing so the corps will help to equip young people with the skills to fill employment opportunities in emerging green and climate change related industries. It will equip young people with the skills to recognise and respond to the challenges of environmental change and will improve our readiness to respond to the impacts of climate change.

This debate, to touch on Senator Fifield's contribution, takes place at the time of a period in the world of a financial and economic crisis, the worst in 75 years, which has seen unemployment rates increase—not because of the election of a Labor government but because of the world financial and economic crisis, which commenced a year ago—in most comparable countries to Australia, although not Australia I have to say. It has seen unemployment rates increase massively over the last year. Just over a week ago the unemployment rate in the US hit 10.2 per cent—15 or 16 million people are unemployed in the United States. I would stress of course that a year ago there were some who were forecasting that Australia would reach double-digit—one million—unemployed. It is one of the key reasons that they Rudd Labor government took decisive action to implement its stimulus package to cushion the economy from the worst effects of the most significant financial and economic crisis in 75 years. As a consequence, the budget forecast for unemployment—assuming the im-
The impact of our stimulus package of course—was 8.5 per cent. The MYEFO released a few weeks ago highlighted the positive effect of the stimulus package and our cushioning against the world financial and economic crisis and recession. Those figures for unemployment were revised down to peak at 6½ per cent and, as I speak, Australia’s unemployment rate is 5.8 per cent. That is significantly below almost every comparable advanced economy in the world. We have the second-lowest unemployment rate amongst advanced economies and that is testimony to the decisive actions taken by the Rudd Labor government to cushion the Australian economy, to secure businesses and to secure jobs in this country.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

BUSINESS

Rearrangement

Senator SHERRY (Tasmania—Assistant Treasurer) (1.50 pm)—by leave—I move:
That the government business order of the day relating to the message from the House of Representatives on the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 be called on immediately and considered till not later than 2 pm.

Question agreed to.

ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 informing the Senate that the House has agreed to amendments nos 1 to 5 made by the Senate, disagreed to amendment no. 6 but has made an amendment in place of that amendment, and requesting the reconsideration of the bill in respect of the amendments disagreed to and the concurrence of the Senate in the amendment made by the House.

Ordered that the message be considered in Committee of the Whole immediately.

Senator SHERRY (Tasmania—Assistant Treasurer) (1.51 pm)—I move:
That the committee does not insist on Senate amendment no. 6 disagreed to by the House and agrees to the amendment made by the House in place of amendment no. 6.

Senator BRANDIS (Queensland) (1.51 pm)—The Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 is principally directed to the case management processes of the Federal Court of Australia, with some relatively minor amendments also directed to the Family Court and the Federal Magistrates Court. Case management is the practice whereby judges control the progress of a case through the preliminary stages prior to trial so as to ensure that the parties keep to an appropriate timetable so that the issues in the dispute are narrowed and that unnecessary costs and delays are avoided.

The Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 introduces an overarching purpose test to case management, which is:

... to facilitate the just resolution of disputes:

(a) according to law; and

(b) as quickly, inexpensively and efficiently as possible.

This is further defined, inter alia, to require ‘the resolution of disputes at a cost that is proportionate to the importance and complexity of the matters in dispute’. Parties to a dispute must conduct the litigation in a way consistent with the overarching purpose, and legal practitioners will be obliged to assist their clients to comply with that duty. Costs
orders will be used to compel compliance and they will also be available against lawyers personally in certain circumstances. Other sanctions may include orders for the dismissal of proceedings or limitation of the case a party may wish to present. In addition, there are amendments to curtail appeal rights in respect of interlocutory orders to refer any matter for alternative dispute resolution and to charge the heads of each federal court with responsibility for the effective discharge of the business of the court.

At the time the bill was first introduced, there was a particular concern that it did not sufficiently recognise the tension that can exist between the concepts of efficient case management and the interests of justice. This issue was highlighted by the High Court in its decision in the State of Queensland v JL Holdings Pty Ltd in 1997. However, the court revisited the issue in Aon Risk Services Australia Ltd v Australian National University on 5 August 2009. That decision recognises that the function of case management is the delivery of justice and provides guidance to lower courts to prevent their processes being distorted and thus frustrating the proper functions of the courts. This bill sits happily with that clarification.

The last time this bill was before the Senate, it was amended in a small number of respects. An amendment was proposed by my colleague Senator Abetz and by Senator Bob Brown to the effect that the Tasmanian District Registry of the Federal Court would be required to include a full-time registrar. It was a matter of some disquiet to the legal profession in Tasmania when the Federal Court abolished the position of district registrar in Hobart and assigned the responsibilities to the district registrar in Melbourne. While the case load of the Hobart registry is obviously not as heavy as those of the registries in the other state capitals, the functions of a registrar are important ones and it is not acceptable to Tasmanian practitioners and unrepresented litigants in that state that those functions should be outsourced to the Melbourne registry of the court.

As my colleague Senator Abetz remarked in October, in the basics of Federal Court administration there should be ‘equity between the states’ and all states should ‘have a full-time registrar’. At Senate estimates, we heard that the abolition of the position represented at the very greatest a saving of about $200,000, which, in terms of the inconvenience to the Tasmanian legal profession and litigants in that state, seems a false economy indeed. Accordingly, I am delighted to note that yesterday in the House of Representatives the government conceded the opposition’s position on this matter, accepting the Senate’s amendment with respect to the position of the Tasmanian registrar by moving its own amendment to this bill. As I understand it, the deputy registrar’s case load will be supplemented by responsibility for the Administrative Appeals Tribunal. This is a very sensible outcome, and I am delighted that both the government and the Federal Court administration were able to see the force of the position taken by the opposition and, in particular, by my colleague Senator Abetz and his Tasmanian Liberal colleagues in the Senate.

In its amended form, protecting as it does the interests of the state of Tasmania in that particular respect, I commend the bill to the Senate.

**Senator SHERRY** (Tasmania—Assistant Treasurer) (1.56 pm)—I thank Senator Brandis for his contribution to the positive outcome that has been achieved.

Question agreed to.

Progress reported; report adopted.

**Sitting suspended from 1.58 pm to 2.00 pm**
QUESTIONS WITHOUT NOTICE
National Security

Senator FIERRAVANTI-WELLS (2.00 pm)—My question is to Senator Evans, the Minister for Immigration and Citizenship and the Minister representing the Prime Minister. I refer to the minister’s answer to questions yesterday from Senator Ryan. In estimates on 28 May 2009, I asked questions about the composition of the border protection committee of cabinet, and was told by the secretary of the minister’s department that:

… a number of officials would routinely attend the Border Protection Committee meeting: National Security Adviser Duncan Lewis, the head of the Customs and Border Protection Service, the secretary of the Department of Foreign Affairs and Trade, the secretary of the Attorney-General’s Department, the head of the Office of National Assessments, the commissioner or deputy commissioner of the AFP and I.

There was no mention here of ministerial staff, so when did the Prime Minister’s staff start attending meetings of the border protection committee of cabinet, and what are their names?

Senator CHRIS EVANS—I thank Senator Fierravanti-Wells for her question. I made clear yesterday that the management of the Oceanic Viking issue had been the responsibility of the border protection committee. The border protection committee contains the ministers who have direct responsibility for those matters.

I also indicated that there was a series of meetings of ministers and staff who helped to deal with the day-to-day management of the issues. The lead ministers in that regard were Mr Smith, the foreign affairs minister; Mr O’Connor, the Minister for Home Affairs and Customs and border protection; and me, as Minister for Immigration and Citizenship. I also made it clear that there were a number of officials and staff in attendance at various meetings. They conducted the—

Senator Abetz—What are their names?

Senator CHRIS EVANS—Mr President, I am happy to continue if Senator Abetz stops interjecting, but I really have trouble—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Evans, please continue.

Senator CHRIS EVANS—Those ministers, through the border protection committee, have had responsibility for matters relating to those on the Oceanic Viking. The major immigration issues were handled by me and my department. Relationships with Indonesia and negotiations with the Indonesians were led, obviously, by Mr Smith and our ambassador to Indonesia. Throughout this process we have met on many occasions, earlier as the committee but also in terms of working groups. Yes, staff have been at some of those meetings, as you would expect.

Senator FIERRAVANTI-WELLS—Mr President, I ask a supplementary question. The Prime Minister advised the House of Representatives on 17 November that in relation to the border protection committee:

… a number of my own staff would be on it from time to time.

What involvement did the Prime Minister’s staff have in seeking to resolve the Oceanic Viking stand-off, and who were they?

Senator CHRIS EVANS—As I made clear, there were staff from offices present at the meetings where this matter was managed. I also made very clear that responsibility for the management of the issues involved and the authorisation of government actions were made by the relevant ministers: the Minister for Foreign Affairs and Trade, Mr Smith; the Minister for Home Affairs, Mr O’Connor; and the Minister for Immigration and Citizenship, me. That is where the management
of these matters lay and that is where the authority of the government came from. Various officials were involved at various stages; various staff attended some of the considerations and advice was sought as appropriate. But the responsibility was through the border protection committee of cabinet, which I chair, and the authorisation for government actions was either through that committee or through the joint effort of the responsible ministers. It was all done in accordance with normal practice.

Senator FIERRAVANTI-WELLS—Mr President, I ask a further supplementary question. Does the minister recall the Prime Minister saying on 20 November 2007: … if we have ministerial staff who themselves are directly engaged in effective decision-making within government, then of course they should be accountable before parliamentary committees. How are such people able to be called before parliamentary committees if the government refuses to say who they are?

Senator CHRIS EVANS—I do not recall the Prime Minister saying that, but I take Senator Fierravanti-Wells at her word in terms of the quote.

Senator Ronaldson—You can rest assured he did.

Senator CHRIS EVANS—Senator Ronaldson, I would not trust everyone in that regard, but Senator Fierravanti-Wells I do! I make the key point in response to that question: the premise is wrong. Responsibility for these matters lies with the border protection committee of cabinet and with the relevant ministers. Decisions were taken by us and the authorisation of actions was taken by us. I have been very clear on numerous occasions that the responsibility for these matters lay with the ministers. We are accountable for our actions, we are responsible for the authorisations of those actions and those authorisations were properly given by the appropriate ministers. I have outlined to you who they were. (Time expired)

Climate Change

Senator CROSSIN (2.06 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister advise the Senate on how the Rudd government is preparing for the impact of climate change on Australia’s coasts?

Senator WONG—Thank you to Senator Crossin for the question. It is a very good question because, of course, this nation has an expansive coastline that faces very severe risks from climate change. Over the weekend, on Saturday, I released a new report mapping the impacts of climate change on Australia’s coastal communities. The report, Climate change risks to Australia’s coast, is the first continental scale mapping of residential buildings at risk from climate change. It paints a picture of the widespread impacts of climate change on Australia’s coastlines and the risks posed to buildings located in the coastal zone. It details the risk to coastal infrastructure, services and industry in Australia as a result of climate change. It demonstrates that many coastal communities are vulnerable to impacts such as sea inundation and erosion. Between 157,000 and 247,600 existing residential buildings will be at risk from sea inundation by 2100 under a sea level rise scenario of 1.1 metres. The value of residential buildings in the Northern Territory which was identified, was between $23½ million and $57.7 million.

Opposition senators interjecting—

Senator WONG—Some of those opposite may like to pretend that this is not real. The fact is that it is real. Climate change is a reality. The science tells us that the climate is changing faster than first projected and the impacts are likely to be more severe as sea level rises and extreme storms and floods become more frequent. These changes are
already happening, and we cannot ignore the findings of this report. We cannot afford to ignore them, even if some on the other side would like to pretend this is not happening.

Senator CROSSIN—Mr President, I ask a supplementary question. I thank the minister for her answer and, in particular, her reference to the impact of climate change on the coast in the Northern Territory. I notice that the report makes comments on the Nightcliff foreshore, which is critically important to our community, so I would like to know: what did the report warn about the impact of climate change on our infrastructure, and how do we best manage the costs of this impact?

Senator WONG—The major coastal infrastructure that underpins Australia’s economy, such as airports and ports, will be at risk from climate change. This is quite clearly demonstrated in the report. Sea level rise, more intense cyclones and ocean acidification will potentially increase both the capital costs and the operating costs of ports quite significantly by mid-century. A number of airports are also located in low-lying areas in the coastal zones and are at risk of inundation in the coming century.

Opposition senators interjecting—

Senator WONG—Can I say on this issue that, whilst some of those opposite may try to avoid this issue, I am pleased to say that there are many people in local government who have already been dealing with this issue and seeking that this issue be addressed. I quote the Mayor of Warringah, who said that the release of the report was a big step forward and would help local governments who have to make decisions about issues affecting coastal areas. The fact is that there remain many people in local government who have a far more progressive and far-sighted view on the issue of climate than those opposite, and I remind those opposite of what Mr Robert Doyle said in the Age on 12 November: I see climate change as one of the greatest international issues of our time and as Lord Mayor I take very seriously my responsibility to make sure the people of Melbourne are protected from the impacts of climate change.

I thought it might be helpful to Senator Fifield, who has been interjecting for some time, to know what Mr Doyle’s view on climate change is. The reality is that there are some on that side, regrettably, who will do and say anything to avoid acting. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! Resume your seat, Senator Crossin. When we have silence, Senator Crossin will proceed to ask her question.

Senator CROSSIN—In addition to reducing Australia’s carbon pollution, I ask the minister: how is the government helping to prepare for the impact of climate change on our coasts?

Senator WONG—I might remind the Senate of what Mayor Michael Regan, the Mayor of Warringah, said. He said that the release of the report was a big step forward and will help support local governments who have to make decisions about issues affecting coastal areas. The fact is that there remain many people in local government who have a far more progressive and far-sighted view on the issue of climate than those opposite, and I remind those opposite of what Mr Robert Doyle said in the Age on 12 November: I see climate change as one of the greatest international issues of our time and as Lord Mayor I take very seriously my responsibility to make sure the people of Melbourne are protected from the impacts of climate change.

I thought it might be helpful to Senator Fifield, who has been interjecting for some time, to know what Mr Doyle’s view on climate change is. The reality is that there are some on that side, regrettably, who will do and say anything to avoid acting. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! It is completely disorderly for senators to use this time to debate across the chamber. When there is silence we will proceed.
Asylum Seekers

Senator HUMPHRIES (2.12 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Will the minister tell the Senate what plans are in place henceforth to deal with asylum seekers who, encouraged by the government’s special deal for those on the Oceanic Viking, decide to use similar tactics in order to obtain their own special deal to jump the queues?

Senator CHRIS EVANS—As Senator Humphries knows, this government will continue to provide strong border security in managing Australia’s borders. As a key part of that—

Opposition senators interjecting—

The PRESIDENT—Senator Evans, resume your seat. As I have pointed out to senators before, the time for debating these issues is post question time.

Senator CHRIS EVANS—The key features of those arrangements are the same as those applied under the previous Howard government—that is, the excision of offshore islands, which has been maintained; the processing offshore but on Australian territory at Christmas Island and the use of the Christmas Island detention centre built by the previous government; and the mandatory detention of all irregular maritime arrivals. So all persons who seek to enter Australia by boat in an unauthorised manner are detained and transported to Christmas Island, where they are mandatorily detained while they undergo health, security and identity checks. If they seek asylum, they are processed under the normal processes to see whether or not they are refugees.

Those measures, including all the maritime surveillance et cetera, are still in place. We have in fact boosted the amount of maritime surveillance in our northern waters. We have increased resources by about $650 million in the 2009 budget over four years as part of strengthening national security and border protection. We will continue to provide that sort of strong protection and interception of unauthorised arrivals and we will deal with them in the way that we outlined before the election and which we have applied since coming to government. People smugglers will say or do anything to sell people passage. It is a constant battle dealing with the messages that they send. But people know that they will be detained mandatorily if they seek to enter Australia in an unauthorised way.

Senator HUMPHRIES—Mr President, I ask a supplementary question. To be completely clear, then, can the government assure the Senate that it will never again make a special deal for asylum seekers or for the people smugglers who assist them?

Senator CHRIS EVANS—As I have made very clear, there is no special deal. But I do want to ask whether the opposition is suggesting that we should not have dispatched Australian resources to rescue those people at sea.

Opposition senators interjecting—

Senator CHRIS EVANS—As I have made very clear, there is no special deal. But I do want to ask whether the opposition is suggesting that we should not have dispatched Australian resources to rescue those people at sea.

Opposition senators interjecting—

Senator CHRIS EVANS—It is the issue. The issue is this: do you agree or do you not agree that we should have rescued those people at sea? Is your answer no, that we should have let them drown? If that is the opposition’s position, fine. It is not what I support. If in fact you supported that decision, the only choice you have—

Honourable senators interjecting—

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

Senator CHRIS EVANS—Having taken the decision to rescue those people at sea you then had the choice of whether the Australian government sought to bring them directly to Christmas Island as recommended by the
Liberal Premier of Western Australia, Mr Barnett, or sought to have them disembark in Indonesia in accordance with international law of the sea requirements. We chose to disembark them in Indonesia.  *(Time expired)*

**Senator HUMPHRIES**—Mr President, I ask a further supplementary question. Given that the minister will not give an assurance that there will be no more special deals and given that another four boats and 137 people have arrived in the last week alone, will the minister now admit that Labor has lost control of Australia’s borders?

**Senator CHRIS EVANS**—I absolutely deny that claim and I remind Senator Humphries that despite the significant numbers of arrivals this year, particularly from Sri Lanka and Afghanistan, we are still nowhere near the number of annual arrivals in at least two years of the Howard government. You might recall that. And did that indicate that the Howard government was weak on border security?

**Senator Brandis**—We fixed it.

**Senator CHRIS EVANS**—Is that your claim? Of course not. If you fixed it, why did you build an 800-bed detention centre? Because it is a nonsense. We all know that internationally all countries are dealing with unauthorised, irregular movement of people. These come as situations worsen in various countries. We are dealing at the moment with a lot of people fleeing Sri Lanka and Afghanistan. We will continue to run a border protection system that has integrity and that is strong and will meet the challenge of those movements.  *(Time expired)*

**Climate Change**

**Senator BOB BROWN** (2.18 pm)—My question without notice is to the Minister for Climate Change and Water. The temperature in Adelaide at 1 pm on this mid-November day was 40.2 degrees. I ask the minister to what degree the double heatwave, which is now without precedent over South Australia with a warning of catastrophic fire danger, can be attributed to climate change.

**Senator Minchin**—It was hotter in 1961.

**The PRESIDENT**—Order! Senator Brown, you are entitled to be heard in silence. That is just a simple courtesy that should be afforded to all senators.

**Senator BOB BROWN**—I ask to what degree this situation can be attributed to climate change. I also ask the minister whether scientists have called for a 25 to 40 per cent reduction in greenhouse emissions by wealthy countries to offset the prospect of dangerous climate change.

**Senator WONG**—I think there are two quite distinct questions there and I will deal with the first one first. Yes, I am aware of the heatwave in Adelaide. It was something my mother was complaining about when I last spoke to her—how hot and unseasonable it had been. I note Senator Minchin interleaved on your question, suggesting that this was not a record and that these temperatures had been observed in 1961. I do not know whether that is true or not. I certainly know it is very hot for November in Adelaide, particularly for this length of time.

As you know, Senator Brown, because you do have an interest in this issue, I have previously said the key issue when one looks at climate is to look at trends rather than the weather over a short period and, if you look at the trends, it is very clear that the weight of scientific evidence demonstrates that the earth has warmed and that since 1950 the warming rate has accelerated to nearly double what it was in the first half of last century. We also know that 13 of the last 14 years have been the warmest on record. We know that the climate scientists at our own CSIRO and the Bureau of Meteorology have linked the reduction in rainfall in south-
eastern Australia with global warming. These are all scientific facts.

Senator Abetz—You don’t believe that.

Senator Wong—Senator Abetz, I will take that injection. Yes, I do believe it. I do believe it when the CSIRO, the Bureau of Meteorology and the IPCC tell us that climate change is real. I do believe that. I am sorry that you do not. As I was saying, the scientific evidence as to the increasing temperatures is—(Time expired)

Senator Bob Brown—Mr President, I ask a supplementary question. The second part of my question was: is the opinion of leading scientists on climate change in Australia and around the world that the wealthy countries like Australia should reduce greenhouse gas emissions by between 25 and 40 per cent of 1990 levels by 2020 to offset the prospect of catastrophic climate change?

Senator Wong—The overwhelming scientific opinion is that to avoid what you describe as catastrophic climate change we need all countries in the world to reduce emissions either across their economies or against business as usual. We need a global reduction in emissions in the years to come. That is what the overwhelming scientific opinion says. As you know, that does require both reductions from developed nations and a commitment to action by developing nations to reduce their emissions over time. As I have previously said, in this case it is not possible for developed countries alone to achieve the sorts of reductions in greenhouse gas emissions that the globe requires. It requires both developing and developed countries to work together, and that is why the government is working so hard through the Copenhagen process to achieve a comprehensive global agreement to tackle climate change.

Senator Bob Brown—Mr President, I ask a further supplementary question. In question time in the House of Representatives today, the Prime Minister has commented on the South Australian experience as the worst springtime heatwave on record. I again ask the minister: is her response that Australia can contribute to the necessary reduction in greenhouse gases by less than 25 to 40 per cent of 1990 levels by 2020 and contribute, in the way scientists require, to that outcome of avoiding catastrophic climate change?

Senator Wong—The government’s view is that we need to start reducing our emissions and we do that through passage of legislation which for the first time will set a limit on and reduce Australia’s carbon pollution. I note that the Greens’ view appears to be that if the target is not what we want to be we would rather have Australia’s emissions rise. That appears to be the position of the Greens—if we do not commit to a 40 per cent reduction then the Greens would rather see Australia’s carbon emissions rise than fall with us starting the work that we need to do. I do not believe that is a responsible position to take. I do not believe that is responsible for Australia. I do not believe it is responsible for the climate.

Asylum Seekers

Senator Abetz (2.25 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. I refer to the minister’s ABC interview with Fran Kelly this morning, in which he tried to draw a distinction between doing a special deal ‘with’ the asylum seekers and doing a special deal ‘for’ the asylum seekers with Indonesia. Is the minister seriously trying to tell the Senate that this fatuous distinction is the basis for the government’s repeated denials that a special deal has been done?

Senator Chris Evans—I am glad to see Senator Abetz listens to my media inter-
views. I thought, if he listened intently, he would have got the point.

Senator Abetz interjecting—

Senator CHRIS EVANS—If you had asked, I would have supplied you with it myself. As I made very clear, there is no special deal. What we have is a situation where, following a rescue at sea in the Indonesian search and rescue zone, under international law we were required to disembark the passengers at the nearest port. On advice from the Indonesian government we took them to the port at Bintan, where we sought to disembark the passengers. We, in agreement with the Indonesian government, sought to have the people disembark from the boat, go into detention and then access UNHCR processes.

Initially the passengers wanted to go to Australia. They insisted that they go to Australia. We refused their request to go to Australia. We said they would go to Indonesia under the agreement entered into with the Indonesian government. They resisted the request for them to disembark, but we insisted that they do. Eventually they did disembark from the vessel, and they have gone into the Indonesian detention centre. What we have done is have an agreement with the Indonesian government as to how they will be processed and the time frame around which they will be processed. That agreement between the two governments was put in writing and has been public for more than a week now. It is quite clear what the arrangements are. We have been quite open about what the arrangements are. There is no special deal with those seeking asylum. No changes were made to the arrangements entered into between us and the Indonesian government in response to their requests. They will be processed according to normal processes as part of the agreement between the two governments.

Senator ABETZ—Mr President, I ask a supplementary question. I refer again to the minister’s interview with Fran Kelly in which the minister admitted there were negotiations with asylum seekers: ‘It is about giving them the confidence to come off the Oceanic Viking’—in other words, a special deal. When will the government stop its endless use of spin to admit that a special deal was indeed done for those on the Oceanic Viking?

Senator CHRIS EVANS—The senator obviously struggles without Godwin Grech writing his questions, because that was a complete nonsense. What we made clear is that we have been counselling, talking to and working with those people on the Oceanic Viking to convince them to leave the boat.

Senator Abetz—Oh, you negotiated with them? Thank you.

Senator CHRIS EVANS—We were not negotiating the conditions upon which they came off. The conditions were an agreement between us and the Indonesian government. They were codified and they did not change. The conditions agreed between the Indonesian government and the Australian government were made public. They were expressed to those on the boat. They took some time to make the decision to come off, but there were no changes in the conditions of that agreement. They eventually chose to accept that that was what would happen to them when they came off the boat and they came off. They did not come to Australia as they sought to. They disembarked in Indonesia as we required. (Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. When will the minister face the fact and admit that the government’s special deals are only serving to undermine Australia’s border protection and immigration policies by encouraging the
dangerous and criminal practices of people-smuggling?

Senator CHRIS EVANS—I have made it very clear that the Australian government stands by its decision to rescue people at sea. It stands by its decision to dispatch Australian resources to rescue people who are at risk of drowning. Having done that in the Indonesian search and rescue zone under the international law of the sea, the obligation was to take them to the nearest country. We did that. We took them to Indonesia and, as part of that process, the Indonesian government agreed that they would disembark in Indonesia in a port of their choosing under the conditions agreed with the Indonesian government. We insisted that they go to Indonesia. We were successful in the end in getting them to understand that and they disembarked in Indonesia. The only alternative was to bring them to Australia and we did not do that. You may have wished us to do that, but we did not do it. (Time expired)

Skills

Senator FURNER (2.31 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Can the minister advise the Senate on what the government is doing to address the skills needs of the future? What does the government predict will be the demand for skills in coming years? Does the minister have any examples of the excellence of Australia’s skilled workers and/or tradespeople? Can the minister explain to the Senate what the government is doing to encourage green skills in our tradespeople of the future?

Senator ARBIB—I thank Senator Furner for his question. This morning I was lucky enough, with the Deputy Prime Minister and my ministerial colleagues Penny Wong, Greg Combet and Jason Clare, to attend a WorldSkills Australia Try’a Trade event which was outside Parliament House with a number of apprentices present. These were the apprentices from the Australian Skillaroos trade team that went to the recent WorldSkills Games. As I announced to the chamber recently, they were very successful and came fifth at the WorldSkills Games.

While those in the coalition have their heads in the sand in terms of climate change, our apprentices are on the front line in tackling climate change and today they demonstrated the green skills that will help transform Australia’s workplaces: skills in solar energy, green plumbing, energy efficiency, sheet metal and manufacturing—skills that are reshaping trades training. As well as promoting green skills, today was also about Apprenticeship Kickstart, a tripling in the commencement bonus for apprentices to almost $5,000.

Those on the other side, the Liberal Party and the National Party, may laugh about apprenticeships, but it is not something that we laugh about because, during the global recession, apprenticeship commencements have dropped by 20 per cent. That is why the government is taking action now, tripling the commencement bonus for apprentices to almost $5,000 to stimulate almost 21,000 apprenticeships between December and February. This is what the Rudd government is doing. This is how we are driving apprenticeships and this is how we are preparing for the low-carbon future.

Senator FURNER—Mr President, I ask a supplementary question. Can the minister please outline examples he is aware of where companies are already encouraging their workers to complete green skills training? How is the $100 million Apprenticeship Kickstart program, which the government announced recently, going to help produce the green skills of the future? Why is the government so committed to ensuring traditional trades apprentices have green skills?
What kind of green skills will be needed for the low-pollution economy of the future?

**Senator ARBIB**—Liberal Party and National Party senators can laugh and they can make fun, but the world is leaving them behind, our apprentices are leaving them behind and our businesses are leaving them behind when it comes to green jobs and green skills. Let me explain some of the skills, because obviously Liberal Party senators have no idea. We are talking about trade skills. We are talking about plumbers learning to be water wise, developing new water efficiencies. We are talking about electricians turning to solar energy and installing devices that reduce energy consumption.

The government is investing $94 million in the training system to prepare our TAFEs and our lecturers for these new green skills and new training that is going to be required. Today the apprentices were showing the politicians how it is done and how these new green skills can reshape our economy. The Liberal Party has been left behind; the National Party has been left behind. Construction companies are now working towards six-star construction—\(\text{Time expired}\)

**Senator FURNER**—Mr President, I ask a further supplementary question. Can the minister outline for the Senate what the government’s commitment is to apprentices throughout Australia into the future? Is the minister aware of a national approach to training for green skills? Why is it important for Australia to take a national approach to the issue of green skills and training?

**Senator ARBIB**—The Rudd government is taking a national approach. From January next year the government has mandated that Australian apprenticeship training programs will include green skills as part of their training. New jobs and skills will be required, obviously, to tackle climate change, and again our apprentices are embracing the challenge. I advise the Senate that the government is taking a national green skills agreement to the COAG meeting next month that will set national standards of green practice and teaching in vocational education. It will also assist vocational education teachers to learn new green skills to pass on to their students and in developing programs to help vulnerable workers develop green skills. I am also hopeful that at tomorrow’s Ministerial Council for Tertiary Education and Employment there will be support for a national regulator, real reform for vocational training to ensure uniform and consistent green skills are developed. \(\text{Time expired}\)

**DISTINGUISHED VISITORS**

The President—Order! I draw the attention of honourable senators to the presence in the President’s gallery of former President Paul Calvert. Welcome back, former Senator Calvert. I trust you are enjoying question time from another perspective.

Honourable senators—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Asylum Seekers**

Senator SCULLION (2.37 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Is the minister aware of Senator Feeney’s statement yesterday, ‘We reached an accommodation’—and he then went on with the standard spin—‘not with the occupants of that vessel but with the Indonesian government’? Will the minister confirm that this is a clear admission that there was a special deal applicable to those on the *Oceanic Viking*?

**Senator CHRIS EVANS**—It seems to me that the tactics committee of the Liberal Party are totally bereft of new ideas, because I have been asked this question in various ways probably about 15 times this week. I can say at first I always listen to Senator Feeney’s contributions very closely because
they are erudite and generally quite amusing. He has a certain way that I find very amusing. Senator Feeney obviously has correctly described that there was an agreement between the Indonesian government and the Australian government as to how those who disembark from the Oceanic Viking will be treated. That agreement was struck and that agreement was followed. We insisted that those people disembark in Indonesia and we rejected their claims to come to Australia. Those people have accepted the fact that they will disembark in Indonesia and have done so. They have gone into detention, as we agreed with the Indonesian government, and they will have access to UNHCR representatives, who will assess their asylum claims.

Senator Feeney was correctly representing that there was an agreement between the two governments as to how this would occur, because the asylum seekers were on our vessel but were disembarking in Indonesian territory. Obviously Indonesian law must apply when they disembark, so there was an agreement between the two governments. That agreement has been honoured by the Indonesian government and it has been honoured by the Australian government. After some delay the asylum seekers on the Oceanic Viking have decided to disembark and given up their claim to be taken to Australia. That is as it should be. They will be processed according to the UNHCR processes and, following that, those who are found to be refugees will be treated accordingly. Those who are not will be returned. (Time expired)

Senator SCULLION—Mr President, I ask a supplementary question. Will the minister confirm that the assessment time lines and support offered to those asylum seekers from the Oceanic Viking differ from those offered to all other asylum seekers in Indonesia and elsewhere in the world? Why can’t the minister simply acknowledge that it was in fact a special offer made to the queue jumpers to get them off the Oceanic Viking?

Senator CHRIS EVANS—As I made clear, the arrangement between the two governments provided a time frame in which the claims would be assessed. That was agreed between the two governments as a means of resolving the situation of these people disembarking in Indonesia and the Indonesians’ interests in making sure that arrangements were satisfactory to them and satisfactory to Australia. Of course there are variances in time frames regarding asylum claims all around the world.

Senator Fierravanti-Wells—Variances? Years!

Senator CHRIS EVANS—Senator Fierravanti-Wells, while interjecting, would of course know that there are millions of asylum seekers, many of whom, as she quite rightly acknowledges, are not able ever to be resettled. That is the reality.

Senator Fierravanti-Wells interjecting—

The PRESIDENT—Order! Shouting across the chamber is disorderly.

Senator CHRIS EVANS—Thank you, Mr President. As I have made clear, these people will be assessed under the normal UNHCR processes and, if found to be refugees, will be offered resettlement. If found not to be refugees, they will be returned to the country. (Time expired)

Senator SCULLION—Mr President, I ask a further supplementary question. I, probably like the rest of Australia, did not find any clarity in the last answer. Why is the minister so determined to deny the patently obvious and refuse to admit that those from the Oceanic Viking have been guaranteed support and time lines that have not been and cannot be guaranteed to any other asylum seeker anywhere in the world, including the
255 Sri Lankans picked up at the request of the Prime Minister?

Senator CHRIS EVANS—As I have made clear on numerous occasions, and Senator Scullion surely would have understood by now—I know he is a country boy, but I did not think he was totally thick—

Opposition senators interjecting—

Senator CHRIS EVANS—He has heard it a number of times.

The PRESIDENT—Order! Senator Evans, if you have said something unparliamentary, withdraw it.

Senator CHRIS EVANS—Mr President, if I have said something unparliamentary, of course I withdraw. I was actually paying Senator Scullion a compliment, but his colleagues objected. We made very clear that the arrangements for processing of those people who were on the Oceanic Viking were a result of an agreement between the two governments to deal with the circumstances where we had rescued these people at sea.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Abetz and Senator Fierravanti-Wells, constant interjection is disorderly.

Senator CHRIS EVANS—As a result of the rescue at sea of these people in the Indonesian search and rescue zone they were taken to Indonesia. We refused to take them to Australia. We took them to Indonesia and we told them if they disembarked they would be given proper treatment and assessed against the UNHCR guidelines. That has occurred and the processing will occur in accordance with those processes. (Time expired)

Water

Senator FIELDING (2.44 pm)—My question is directed to the Minister for Climate Change and Water, Senator Wong. I refer to the article in The Weekly Times on 11 November which revealed that the government has diverted over 60 per cent of the environmental water bought by the federal government to the minister’s home state, South Australia, and that the bulk of funding under the National Urban Water and Desalination Plan has also gone to South Australia. Can the minister explain why so much of this water has been directed to South Australia instead of to areas in Victoria, like the Murray Goulburn region, where the seasonal allocations of water to places such as Campaspe, Loddon and Bullarook Creek are zero per cent?

Senator WONG—I thank the senator for his question. I can advise that the use of environmental water is undertaken by the Commonwealth Environmental Water Holder. It is an independent statutory authority. I do not direct how that authority chooses to use the water the Commonwealth purchases. That is a judgment that that body makes. In future years, environmental watering will occur in accordance with the Basin Plan, which is being prepared by the Murray-Darling Basin Authority. Prior to that plan being in place, the Commonwealth Environmental Water Holder, from memory, has been consulting with basin state governments, including the Victorian government, to develop the plan for the utilisation of the Commonwealth environmental water holdings. It is important in relation to the use of environmental water that the public have confidence both in the transparency of the use of that water and in the process. We as a government are very clear about ensuring that that process is credible, is based on sound science and sound policy, and is undertaken appropriately. As I said, my recollection—but I will check on this—is that state governments were also consulted in the use of that water.

In relation to the second point, the funding of the Adelaide desalination plant was, from
memory, an election commitment of this government. If the senator is referring to the stormwater grants, I have announced the first round results and it is true that the majority of the first round went to South Australia. That was as per what was recommended to me through departmental advice. I would make the point that it may be that a number of South Australian councils had already undertaken quite a lot of work in planning for stormwater grant applications. (Time expired)

Senator FIELDING—Mr President, I ask a supplementary question. Is it true that none of the money promised to Victoria under the federal government’s National Urban Water and Desalination Plan has been handed over yet and that Victoria has received no federal funds for the Wonthaggi desalination plant, and yet the South Australian government has already been given $328 million in federal funds for its desalination plant? Given this, can the minister explain the reason for this bias against Victoria in favour of South Australia?

Senator WONG—I want to make it very clear that our view in relation to water in the Murray-Darling Basin has been that the finger pointing and blame shifting of the past, where state governments who had control of these rivers simply blamed each other for what was wrong, should not continue. As the federal water minister, that is what I have ensured. I have always said that what we need is an approach to the basin that is predicated on science. That is what the Commonwealth is seeking to deliver. A significant step towards that was the passage through this parliament of the Water Act.

In relation to Victoria, my recollection—and I do not have the details here—is that there was a Victorian project funded in relation to stormwater. I would again remind the Senate that it is only the first round of the stormwater funding which has— (Time expired)

Senator FIELDING—Mr President, I ask a further supplementary question. Given that the government is treating Victorians like mugs and favouring South Australians in the allocation of water and environmental funding, will the government look at setting up a fairer independent body to deal with the assessment and allocation of environmental water so that a fairer and more transparent—

Government senators interjecting—

The PRESIDENT—Order! Senator Fielding, just halt. You are entitled to be heard in silence. Continue.

Senator FIELDING—Will the government look at setting up a fairer independent body to deal with the assessment and allocation of environmental water so that a fairer and more transparent decision-making process can occur and so that Victorian farmers will not be treated like second-rate citizens and forced to play second fiddle to their South Australian neighbours?

Senator WONG—What I said in my first answer is correct—that is, the allocation of environmental water is not an issue for political direction. I want to make that very clear. We approach the Murray-Darling Basin on the basis of what is best for the basin and on the best scientific advice. We are working through the development of the Basin Plan, and really the senator’s suggestion that there is somehow some bias in how environmental water is allocated is frankly unfair. That is not how we are approaching the management of the basin. I would suggest to the senator that if we are serious about advocating for a better outcome in the Murray-Darling Basin we actually need to get over pointing the finger at different jurisdictions.
Emissions Trading Scheme

Senator JOYCE (2.51 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister advise the Senate whether the Canadian government has decided to defer further consideration of its climate change legislation until after the meeting at Copenhagen?

Senator WONG—I am happy to give the good senator a response about action on emissions trading in a whole range of countries. He might be interested to know that the United States President, President Obama, has confirmed his commitment—

The PRESIDENT—Senator Wong, I draw your attention to the question.

Senator WONG—I am advised that the Canadian government is working to introduce an emissions trading scheme and has committed to developing and implementing a North America wide cap-and-trade system. I am advised that the US President—

Senator Joyce—Mr President, I rise on a point of order going to the issue of relevance. My question specifically asked: have the Canadians deferred further consideration until after Copenhagen?

Senator Chris Evans—Mr President, on the point of order, not only was the senator relevant but also she indicated in the first part of her response that the Canadians were interested in a North American cap-and-trade scheme. So it is perfectly relevant to talk about other North American countries as part of the sort of scheme that Canada is envisaging. So the answer is right on the point and the points of order are, quite frankly, frivolous.

Senator WONG—As I was saying, the President of the United States has also indicated his commitment to a cap-and-trade scheme. But let us understand what is happening here, because we have all the ‘rabids’ on the other side coming out now. Let us understand what is happening here.

Senator Joyce—Mr President, once again I rise on a point of order going to relevance under standing order 194. I fail to see what President Obama has to do with Canada,
unless he has become the President of Canada.

The PRESIDENT—There is no point of order. As I have said, I cannot instruct the minister how to answer the question. I call the minister. The minister has 53 seconds remaining.

Senator WONG—What we know, Mr President, is that Senator Joyce is not asking that question because he is interested in Canada. He is not interested in asking about the US because it does not help his argument. We know that all he is interested in is blocking action. All he wants to do is to ensure that there is no action on climate change—aided and abetted by Senator Abetz.

The PRESIDENT—Order! Senator Wong, I draw your attention to the question. Senator Wong, you have 35 seconds remaining.

Senator WONG—Mr President, as I said, I have answered this question. The Canadians have indicated that they are working to introduce an emissions trading scheme. They have also indicated that they are committed to developing and implementing a North America wide cap-and-trade system. I would have thought the fact that the US has also committed to a cap-and-trade system might be of relevance to senators interested in this issue.

Senator JOYCE—I am amazed to find that we could not get an answer to my previous question, so let me try this next one. Can the minister confirm that the Senate leaders in the United States have also confirmed that they will defer consideration of their legislation on climate change until after Copenhagen?

Senator WONG—Mr President, if the US legislation does not get passed this year it is not because the United States government wanted to wait until after Copenhagen; it is because they had a traffic jam of reform in their Senate. But, Mr President, you know what we have: we have sceptics putting up roadblocks at every turn—

Honourable senators interjecting—

The PRESIDENT—Order! I know it is the end of the week and people are getting very excited, but I need a bit of order so I can hear the answer to the question.

Senator WONG—It might be useful to remember and to remind those at that end of the chamber, and Senator Bernardi, that the United States in fact started a year after Australia did—in fact they are moving very fast to get to this point. I will say this: if Senator Joyce is saying to the government that he would pass an ETS after a cap-and-trade scheme has passed the US Senate then let us hear it—because I would suggest that that is not his position; his position is ‘never’.

Senator JOYCE—Mr President, I ask a further supplementary question. Given that Canada and the United States have both now adopted the position represented by the coalition here to defer legislation until after Copenhagen, will the minister advise why Labor would disadvantage Australians and Australian working families with a massive multibillion tax by seeking to legislate their flawed—
The PRESIDENT—Senator Joyce, just stop. I cannot hear your question because of the interjections.

Senator Abetz—I think he should start again.

The PRESIDENT—No, I want him to continue.

Senator JOYCE—Given that Canada and the United States have now adopted coalition policy to defer legislation until after Copenhagen, will the minister advise why Labor would disadvantage Australia and Australian working families through this massive multi-billion dollar tax grab to legislate their flawed CPRS Bill before Copenhagen?

Senator WONG—This government wants to legislate because this country has had enough delays in action on climate change. We have had enough delay on this issue. What is so disappointing about Senator Joyce and some of the Liberal Party senators in this place is that they all went to the election with a commitment to act on climate change which they have since crab-walked away from. Senator Joyce comes in here asking questions about other nations, and everyone in this chamber knows that it would not matter who legislated, it does not matter that President Obama is committed, it does not matter that the G8 have committed, it does not matter that the G20 have committed to action Senator Joyce would still say no because he is simply in denial on this issue.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Climate Change

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.02 pm)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today.

I would specifically like to note the complete incapacity of the Minister for Climate Change and Water, Senator Wong, to be succinct in her answers. Canada has deferred their decision until after Copenhagen. As much as we tried to persuade Minister Wong to come forward with a straight and honest answer, she ducked and dived but never gave a straight answer. We got the usual rendition of calamity as she talked about sea level rises, ocean acidification and inundation. Never once did she explain to us how this massive tax will actually affect it, because we know it will not affect it. This massive tax works in isolation and is nothing but an assault on working families and a revenue raiser for the government because there is no way that this tax in isolation can do anything about the climate. But they are so cunning and shrewd that they worked this little web around the issue. You can see it personified in the way the minister answers the questions—or, more to the point, does not answer the questions.

We know that the United States has also deferred legislation. In fact, the whole world is waiting for Copenhagen, except for Kevin Rudd. He is not waiting. He is on his solo trip to save the world. Why is he doing that? Because he says that he is a world leader. We know at this point in time that Barack Obama must be tossing and turning in his bed thinking, ‘What on earth is Kevin up to?’ We know that Hu Jintao in China must be running around the Communist Party saying: ‘Look, we can’t go any further; we’ve got to wait until Kevin gets somewhere.’ We know that Dmitry Medvedev and Manmohan Singh are, within Russia and India respectively, worried about the position of Australia’s climate change policy. This is the ludicrous proposition that the Australian Labor Party
put forward. Who does worry about the position of the Prime Minister, Kevin Rudd? There is only one group that is worried about the position of Kevin Rudd—the people of Australia. They are truly worried about the position of Kevin Rudd. I can see it on a petition presented today that was started last week. There are 13,000 signatures on it expressing the view that this process, this ludicrous lemming-like careening over the policy cliff, should be curtailed and stopped.

But what do we have? We have the Copenhagen agreement merely days away and the conceit of this Prime Minister is so great and immense that he refuses to wait a matter of days. He insists on taking Australia on his unilateral crusade. We know what happens to unilateral crusades: you end up getting slaughtered. That is what will happen to the economy of this nation. We are about to do the worst thing we could possibly do to working families, and that is to create an environment where we put them out of work. In all of these illustrious statements about green jobs, we have not seen one example of them. Where are they? Beyond the statement of ‘green job’, where are they? Show me the examples. They do not have any examples. We have nothing more than this rhetorical entourage of calamitous events because they refuse to engage in the debate. That shows the paucity of their claims. The debate is whether their scheme will affect the temperature of the globe. Of course, it will not, but they will not engage in that. In the same evasive manner, they are now refusing to acknowledge the position of Canada and the United States. They are making excuses for every other nation. They have an excuse for why every other nation is appearing to be in a different position from that of Australia. But how do we deal with this? Once they set us up for this massive new tax, what do we do? Who will be the benefactors of this? I might suggest that it will be people close to Treasury who are going to be the benefactors of this.

It is also perplexing at this point of time to see that nothing has been delivered to this parliament by way of an amendment or an examination. There is nothing to see. Is there any conjecture over there? Is there something of concern? Is it possibly the case that modelling is starting to suggest that we might have a bit of a problem here, because the modelling only dealt with Australia working conjointly with other nations in a policy—(Time expired)

Senator BILYK (Tasmania) (3.07 pm)—I rise to respond to the motion to take note of the answer on climate change. I must say that in regard to Senator Joyce’s comments about not taking things seriously, I am just amazed. While I have been able to this morning, I have been listening to the rest of the debate, and it is quite amazing to hear what is coming from those on the other side. Climate change is a serious issue and it is having a big impact on Australia and the world. If you want an example of what is happening, look at the latest report that tells us about how our coastal areas and populations are at greatest risk, as are places like Kakadu and the Great Barrier Reef. In my beautiful home state of Tasmania not only the wilderness but also the coastal areas are at risk from climate change. The report is projecting an increase in both the frequency and the severity of natural disasters. How those on the other side can stand up and be such deniers beggars belief.

Climate change will impact on us all. It will impact on individuals, communities, families and businesses. No-one is immune. Those on the other side need to take a very deep breath and actually listen for once to their leader, who is at least not a complete sceptic in regard to the issue. We need to act now. If we do not act now, we will see tem-
temperatures throughout Australia rise by five degrees by 2100 compared to 1919 temperatures, and it is expected that bushfires will become more intense and more frequent. When we think about the destruction caused and the lives lost in the Victorian bushfires, it is astounding. Throughout question time we have been hearing about the increasing temperatures in South Australia today, so how those on the other side can act as such sceptics in the whole issue just, as I said, beggars belief. If we do not take action now, then, no, Senator Joyce, the world will not end. But what you are saying is that if nobody else takes action on something then nobody should act to improve things. I think that is a very immature and irresponsible position for any of the opposition or any on the other side to take—that, no matter what, if nobody else has acted we should not start to improve the situation, because we can improve the situation and it is time that those on the other side started thinking very seriously about our doing that.

Other countries around the world are gathering at Copenhagen in December to discuss this real issue. To those on the other side, Copenhagen has become the be-all and end-all of whether we should have this debate or not. They are not debating. They are standing up and giving emotive speeches which suggest that we are saying the world will end. I do not think I have heard any of our speakers say the world is going to end. What people from this side are saying is that it does make a difference and that somebody needs to stand up and take responsibility. If those on the other side cannot help take responsibility for improving the lives of not only Australians but people throughout the world then I doubt that they are in the job for the right reasons. If we have a firm policy, it will maximise our ability to play a constructive role in the negotiations and to reach an agreement with our counterparts. Australia is one of the most resource intensive economies throughout the world and if we can cut emissions, it would make other nations realise that cuts can be made. We need to lead by example and we need to show the rest of the world that we can lead by example. If we do not do that then I think we are failing our obligations not only to the people of Australia but to the people of the rest of the world, and I think that is not an acceptable position for the Labor Party to take.

In fact, we are not acting completely before the rest of the world because the US, Japan, Canada, New Zealand and Korea, along with many of the EU countries—(Time expired)

Senator EGGLESTON (Western Australia) (3.12 pm)—What a pivotal moment today is. To think that the Canadians are deferring the introduction or discussion of their cap-and-trade ETS scheme until after the Copenhagen conference. That shows, I must say, a high degree of responsibility and eminent common sense by the Canadian government. If only the Rudd-Wong government could do the same sort of thing in Australia so that we could be sure that whatever is done in Australia is appropriate to the needs of this country. Not only is the Canadian government deferring their scheme; I am told that the leadership of the United States Senate is discussing deferring the Waxman-Markey bill, which is the bill that would introduce a cap-and-trade emissions trading scheme in the United States. They are proposing to defer it until after the Copenhagen conference for the very good reason that they, like the Canadians, do not want to be left out on a limb, as would happen to Australia were this government to continue blindly proceeding down the road of introducing this lunatic scheme.

This scheme is going to wreck the Australian economy, cause massive job losses and
produce, in fact, almost no reduction in carbon in this country. This scheme, the CPRS, is an absolute fraud. It does not reduce carbon emissions. What happens if you have an emissions intensive industry like a cement factory or something is that, rather than reducing emissions, you go and buy a rainforest in Indonesia or some Third World country and you trade off the emissions from your plant against the carbon capture by that rainforest in another country. It is a total fraud. The Australian people are not stupid. They can see through this sort of nonsense—and they will not just see through it but also feel the pain of it, because unfortunately they are going to have to bear the cost of the tax burden of the CPRS.

This is supposed to be a trading scheme, but unfortunately our major regional trading partners—China, Japan, South Korea and India, who are our top four trading partners—have no intention of introducing an emissions trading scheme. That means, rather than being able to trade off the carbon credit between countries, the Australian taxpayer, if this scheme is introduced, would have to carry the whole burden of what is estimated to be somewhere between $50 billion a year and $87 billion a year in extra taxes. That pain will cause them very much to question the wisdom of the Rudd government in going ahead with this crazy proposal of the CPRS. If we are going to do anything, in my view, we should propose to have a carbon tax, which could be tailored to our needs. It would be easy to administer, it would not involve setting up the huge bureaucracy that the CPRS requires and it would be a great step forward compared to the CPRS.

We just heard a little bit from the last speaker questioning the science of climate change and expressing fear about rising sea levels and the impact of climate change on Australian society. Let’s face it—that is a huge debate. Climate change has been going on for thousands of millions of years. It is part of the natural cyclical history of the world’s atmosphere. I have a feeling that, somehow or other, this whole subject of the greenhouse effect is going to turn out to be another Y2K bug—an enormous fraud. Nothing is going to happen. I read a book recently by Professor Paltridge, who used to be the chief climate scientist of the CSIRO, called The Climate Caper. He says in that book that, in his opinion, there will be as much climate change in the next 50 years as there has been in the last—in other words, very little at all. I do not think we have a lot to worry about.

Senator Hurley (South Australia) (3.17 pm)—It is good to at least have the opposition acknowledging that there are other countries in the world embarking on the process of bringing in emissions trading schemes, because it has been all too common amongst the opposition in the past to just state blandly, and wrongly, that no other major countries are developing such schemes. There are schemes already operating in 31 European countries. The US President, Barack Obama, has confirmed his commitment to a cap-and-trade scheme and the US emissions reduction targets of a return to 1990 levels by 2020 and 80 per cent below 1990 levels by 2050. The US House of Representatives passed the bill and, as we have heard, the Senate committees are currently working on that legislation. The Canadian government, as the minister said, is working to introduce an emissions trading scheme and has committed to developing and implementing a North America wide cap-and-trade system—the same sort of system that Australia is working on. Twenty-seven states and provinces in the US and Canada are also introducing emissions trading schemes. Japan is already trialling a voluntary emissions trading scheme and has stated its inten-
tion to introduce a domestic scheme in 2011-12. New Zealand’s government is amending its existing emissions trading scheme, which will bring it into closer alignment with Australia’s CPRS. Australia and New Zealand have also agreed to explore further the alignment and harmonisation of our respective scheme designs. So there are many, many countries around the world working towards a cap-and-trade emissions scheme—the same scheme that this government has brought through the House of Representatives and that is currently in the Senate.

What is happening at Copenhagen is that the international community are coming together to try and get an effective agreement on the way forward. This is for both developed and developing countries. This is a complex negotiation and a complex matter, because countries are clearly at different stages of advancement and have different abilities to contribute to a reduction in carbon pollution around the world. Australia is taking an active and useful part in this attempt to get an agreement. No-one pretends that Australia is able to bring everyone to the table together by itself, but in contributing in an active and constructive manner we hope to be able to get an agreement on this complex issue around the table at Copenhagen.

It is a complex issue and the Australian government is up to developing its strategy in a complex matter, unlike so many people opposite me in the Senate here, who are unable to develop any kind of comprehensive or complex strategy. Their answer is simply no. ‘No, we are not considering this issue at all. Our answer is no. We won’t consider any constructive amendments.’ In many cases, they will not even consider that climate change is a possibility. Their single answer is no.

This Labor government is going to Copenhagen with a constructive, positive strategy to deal with this complex issue around the world. That is what the government is doing. Governments are trying to strike a deal. Governments from around the world are acknowledging that climate change is a problem, that carbon pollution is a problem, and are looking at the best way to strike a deal that enables us to go forward. But most of the opposition senators in this chamber do not want to strike a deal. They do not want to go forward. They do not want to make any advancement in the reduction of carbon pollution. They are just saying a straight no, and that is not good enough for this government. This government will go to Copenhagen and will work with other countries in a cooperative manner.

Senator McGAURAN (Victoria) (3.22 pm)—Mr Deputy President, it is nice to see you in the chair.

Senator Bilyk—He’s always in the chair!

Senator McGAURAN—It is—he is the former President of this chamber and I respect him for that, and I respect his position as Deputy President. You may well laugh at that, but on this side we are all laughing at you because this debate on climate change has been going on for years, since the 2007 election. If the effects of the Labor government’s policies on this matter and their rhetoric on this matter were not so serious, it would be really quite funny. We watch the squirming going on on the other side as everything shifts from under them, as the whole debate shifts from under them. The science has shifted from under them, the public view and opinion have totally shifted from under them, and now the world has shifted from under them. In fact, the world has put Armageddon off! Your rhetoric about Armageddon, that the seas are imminently going to swamp the Australian east coast, that the Antarctic is going to melt, that polar bears are going to die and that the Murray River
will dry up we are still getting today. Even today, with the big shift in public opinion, we are still getting that from the Minister for Climate Change and Water, Penny Wong.

The world has even walked away from you. No, the Mexican President, I believe, is still sticking by our Prime Minister, Mr Rudd, as both of them scurry around the APEC conference trying to save what they believe to be the Copenhagen agreement. The truth of the matter is, as we heard in question time today, that the Canadian parliament are deferring any scheme to post the Copenhagen meeting. We now hear that the leaders of the United States Senate, the major player in all of this, are deferring their scheme.

Government senators interjecting—

Senator McGauran—Do you think I should keep it down? I can be relaxed about this. I am feeling really quite relaxed, more relaxed than I was in 2007.

Senator Marshall—Two days in a row!

Senator McGauran—By the way, are you as a Victorian senator getting up to represent your state and speaking on this matter at any point? I notice you are not on the speakers list at all. The lack of speakers from the other side is a very important matter. Talk about being gagged, but I will have something to say about that when I have a full 20 minutes to speak. My point is that extremism is still coming from the other side—and it is great to watch them squirm—but the extremists have to explain why every indication is that the rest of the world has put off any scheme. There are no schemes—the other side will have to update their speakers notes. No other country has put in place an emissions trading scheme, least of all the major ones—China, India and the United States. The extremists from the other side now have to explain about the deferral of the major emitting countries. They have to explain the science from their point of view, the courage of so many scientists that are fighting back, as we heard from Senator Eggleston. Leading scientists from the CSIRO have been so long gagged by the other side—I should add leading scientists from the Intergovernmental Panel on Climate Change from whence all this idiotic extremism has come.

Do you really think we are going to depend on the New South Wales government report about the sea levels on the eastern seaboard of this country when we have better experts than that? The world’s leading expert on sea levels, Professor Nils-Axel Morner of Stockholm University, tells us that sea levels are not increasing. To put it in less diplomatic language than a professor would, he calls swamping of the Australian eastern seaboard absolute rubbish. The gig is up for this great fake. If you thought the Prime Minister’s claim about being an economic conservative was fake, if you thought his fixing up of the state hospitals was fake, if you even thought his going into a strip club and not seeing a stripper was fake, you ain’t seen nothing yet. This is the greatest hoax ever played on the Australian people and it is fake. What is more, most of you on the other side know this is fake, particularly the New South Wales senators because they have their own state report on this matter. (Time expired)

Question agreed to.

VALEDICTORIES

The President (3.28 pm)—I have a statement to make to the Senate on the retirement of the Clerk of the Senate.

The longest serving Clerk of the Senate, Harry Evans, will soon retire. Born on 7 February 1946 in Lithgow, New South Wales, Harry went on to study at Sydney University, where he graduated with a Bachelor of Arts with Honours. In 1967, Harry commenced as a librarian-in-training with the Parliamentary
Library on a salary of $3,239 per annum. By 1969, he had come to the attention of the legendary Jim Odgers, Clerk of the Senate, who wanted to bring out a new edition of his *Australian Senate Practice*. Odgers was looking for a good researcher to work with him on the project. Harry, with his strong interest in history, applied for and got the job. It was this promotion that set up his mastery of Senate practice—40 years of it!

He became highly regarded as secretary to the Regulations and Ordinances Committee for many years and cut his teeth on executive accountability to the parliament. Upon his leaving in 1981, the committee chair, Victorian Liberal Senator Austin Lewis, said of him: ‘… on behalf of the committee, I wish to pay a special tribute to our former secretary, Mr Harry Evans, who has taken up other duties within the Senate. His vast knowledge, dedication and efficiency have been of inestimable value to the committee. Members of the committee congratulate Mr Evans on his advancement, and look forward to his further progress as an officer of the Senate.’

Progress indeed continued. In the early 1980s, Harry set up what is now the Procedure Office, in response to the emergence of minor parties in the Senate and their needs for procedural advice and legislative drafting support in addition to the requirements of the opposition and the government.

In 1983, the Appropriations and Staffing Committee approved a new departmental structure as a result of the growth of Senate committee work and the emergence of new functions such as procedural support for minor parties. Several positions of Clerk Assistant were created. Harry was one of the first of these new Clerk Assistants, and was responsible for the Committee Office until he returned to the Procedure Office in 1985, before being promoted to Deputy Clerk in 1987 and Clerk of the Senate the following year.

These were incredibly productive years during which Harry was Senate adviser to the Joint Select Committee on Parliamentary Privilege; was secretary to the two select committees on the conduct of a judge; was the principal critic of the New South Wales Supreme Court decisions in the case of R v Murphy, which provided the immediate catalyst for the Parliamentary Privileges Act 1987; was principal instructor in the drafting of the Parliamentary Privileges Bill; revised and redrafted the standing orders to bring them up to date and to delete archaic, unused and contradictory provisions; was secretary to the Select Committee on Legislation Procedures, which provided the blueprint for the system of referral of bills to committees which commenced in 1990; and initiated the *Procedural Information Bulletin*, which continues to provide authoritative commentary on those interesting and unusual procedures with which the Senate abounds. He also found time to be an adviser to the Joint Committee on the New Parliament House.

As Clerk, a small sample of Harry’s achievements include: rewriting *Australian Senate Practice* as *Odgers’ Australian Senate Practice* in 1995 and publishing five further editions; devising innovative procedures for senators, including the bills cut-off order and devising many accountability measures such as the contracts order and the codification of procedures for making public interest immunity claims; championing the independence of the Senate and the Senate’s rights under sections 53 and 57 of the Constitution; being a fearless critic of lack of accountability on the part of the executive; leading by example and fostering in the Department of the Senate a culture of excellence in supporting and promoting the work of the Senate; and, importantly, arguing successfully for the abandoning of the old-
fashioned wigs and gowns for the clerks. Hear, hear!

Today, it is important, I think, to recall Senator Boswell’s prophetic remarks in an end-of-year valedictory in 1990, when he said:

I would like to say a special word about the Clerks. I believe Harry Evans will be one of the great clerks in the history of the Senate.

Few would argue with that now. In addition to Harry’s record tenure of 21 years as Clerk of the Senate—a record that will never be equalled under the current legislation—Australians have received great value for their tax dollar: Harry’s last sick day, I am told, was in July 1988!

Harry, let me say to you that yours has been a unique career and your contribution to this institution unmatched. Today, at least in a small way, this is being acknowledged.

Finally, to me, in my current role as President and for over a decade before this, I have always been taken by your unqualified dedication to this place and the depth of knowledge that accompanies the advice you provide to me and indeed to us all and to those, of course, who have preceded me in my role as President of the Senate. On behalf of all of those, I thank you.

May your deserved retirement serve you and your wife, Rhonda—I am please to see that Rhonda has joined us—and your family well into the future. We wish you all the best.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.34 pm)—I want to make a couple of remarks in marking the occasion of Harry Evans’s retirement from the Senate. I know he is finding this excruciatingly painful and argued that it should not occur. But this is our revenge for all the times that he has frustrated us; this is our chance to exact revenge by talking about him! It is a long tradition in the Senate: we never say anything nice about anyone until they retire. So on this occasion, Harry, I am happy to say something nice about you in that great tradition of the Senate.

Your career is one of the great public service careers of your period. Your tenure as Clerk of the Senate has been a historic one in terms of its length and the contribution that has been made. It is going to be difficult to imagine the Senate without you, but we have been very lucky to ensure that we have a very able replacement. When I think about it, only Senators Boswell and McGauran were around in the day when you were not the Clerk. The rest of us have only known life with Harry Evans as the Clerk.

We certainly want to acknowledge your tremendous service. We also want to acknowledge that Harry Evans’s career has been devoted to the Australian parliament and the Senate. Harry joined the Parliamentary Library over 40 years ago as a researcher, after graduating from the University of Sydney with honours in history. He went on to work for various Senate committees before becoming Clerk Assistant in 1983, Deputy Clerk in 1987 and, finally, Clerk of the Senate in 1988.

As the longest serving Clerk of either house of parliament since Federation, Harry has crossed paths with three different governments and four prime ministers. Throughout that time he has forged a reputation as the Senate’s greatest champion, an outspoken defender of its independence, as well as a strong advocate for its role as a house of scrutiny and review. I think every government since 1988 has had its frustrations with him and has sought at various times to control or limit the power of the Senate, but they have had to confront Harry’s formidable knowledge of the Senate’s powers and processes and his fearlessness in defending them.
Described as parliament’s protector, Harry’s outspokenness has often put him at loggerheads with governments and politicians of all political persuasions over the years. I guess you can take it as a mark of independence that all governments during this period have had frustrations with the advice he has provided. I think Paul Keating once said that he would sack him if he could. I know that he came under enormous pressure during the period of the Howard government’s majority in the Senate from 2005 to 2007. One of our colleagues perhaps got a bit carried away on a couple of occasions, and I think there was a dispute in 1999 about seeking to have the Clerk’s tenure reduced to a two-year renewable contract. I am sure that was an unrelated event, but it did seem to focus minds on the independence of the Clerk.

It does take a courageous public servant or minister to stand up to a Prime Minister at the best of times, but I think Harry Evans has established a reputation for doing that in a way that displays integrity, principle and steadfast resolve. I have not always agreed with his advice, but I have always found it to be professional and independent, and I think his advice and the way he has conducted himself have earned him respect and admiration from all sides of politics, from the media and in the broader community.

It is always the case that the Clerk’s advice, be it from the Clerk or the deputies, is much more popular with the opposition and minors than it is with the government of any persuasion, because successive oppositions rely on the advice and assistance of the Clerk in trying to match the superior resources and advice available to government. It is a feature of our system that government has more resources and more sources of advice and that in opposition, as I am sure Senator Minchin is finding—and I hope he will long do so—the resources available are limited and the alternative sources of advice are narrow, particularly if you are not prepared to pay for them. I know that parties like the Greens and the Independents very much rely on that advice. I am sure they will make that point. But, having worked with Harry as opposition whip, as opposition leader and now as government leader, I have always found his advice to be consistent, based on accurate assessment of the situation and fiercely independent.

Harry’s defence of the Senate has been very much of benefit to the Senate and our parliamentary democracy. He is, of course, also a vocal advocate of parliamentary reform, and has been published widely on the subjects of parliamentary process, constitutional issues and government accountability. I was very surprised, though, on one occasion when a friend of my sister, who is a public servant in town, asked if my sister could organise for me to request Harry to personally sign her copy of *Odgers*. I was able to do so and she was immensely grateful. Otherwise, she seemed quite a normal, respectable person, but why she wanted a signed copy of *Odgers* is beyond me! I must say that I do not leaf through it as much as I should, but on your retirement, Harry, I might actually get you to sign one of my copies as a record of the Senate. So there are fans of the Clerk of the Senate out there.

I think Harry’s period as Senate Clerk has been associated with the development of the Senate in the period from 1981 onwards, when we have seen the Senate move into a very different role, assert its authority and have minor parties and Independents having the balance of power in the Senate. I think we have seen the development of the Senate into a serious house of review, one that can and does hold governments to account and that examines executive actions. We have also seen, through the committee processes,
the opening up of the legislative process to
the wider community.

Harry has been here at a time when the
Senate has really reinforced its role in our
parliament and our democracy and has been
widely regarded as being a very effective
political institution. Harry has obviously
been associated with that in his defence of
and advice on the independence and powers
of the Senate. As I said, when you are in
government you are usually less keen on
that, but I do accept it, and I have always
argued that the development of that role for
the Senate is an important part of the robust-
ness of our democracy. Even when in gov-
ernment, when we have occasionally found it
uncomfortable, I think it is very much to the
benefit of our democracy.

Harry Evans’s association with that period
and the development of the Senate role has
been a crucial one. I know he has had a re-
markable passion and energy for his role, but
I think he is now keen on pursuing other ac-
tivities. I suppose the way I would best de-
scribe Harry’s career is that it represents the
very best of the concept of public service.
Kim Beazley always makes the point to me
about the value of public service and how it
is not recognised enough and not appreci-
ated. Certainly, since being in government, I
have come to recognise how many people
serve governments in the best of those tradi-
tions. I think Harry is appropriately associ-
ated with and recognised as being one of
those persons who have delivered excellent
public service throughout their career.

As Geoffrey Barker once wrote, ‘Thank
God for Harry Evans! In an age of bureau-
ocratic mice, the Clerk of the Senate is a lion
who roars.’ It may have a touch of hyperbole
but it is an appropriate recognition of the
contribution Harry has made. Harry, on be-
half of all members of the government, and
Labor senators in particular, we congratulate
you on your career. We apologise for the fact
that you have had to sit through this tribute,
but we do wish you all the best for the future
and we do think that the culture that you
have created through your leadership in the
Senate and that is reflected in the work of the
other Senate clerks and employees is a very
strong public service culture and makes a
huge contribution to parliamentary democ-
racies in this country. All the best.

Senator MINCHIN (South Australia—
Leader of the Opposition in the Senate) (3.44
pm)—On behalf of the opposition I too want
to congratulate Harry Evans on what really is
an extraordinary record of service to the
Senate and, indeed, to the whole Australian
nation. We do thank him for his remarkable
contribution to the effective functioning of
this chamber during his 21 years as Clerk of
the Senate. As has been noted, that record of
service makes him the longest serving Clerk
in our history, a record that now cannot be
beaten. Like Senator Evans I have had the
privilege of working with Harry in this
chamber for over 16½ years, 11½ of
which—blessedly—were in government and
now some five years in opposition, so I have
experienced the performance of Harry as
Clerk from the perspective of both sides of
the chamber.

I think the truly distinguishing feature of
Harry’s service as Clerk is his fearless cham-
pioning of the great Australian institution
that the Senate truly is. Harry is a very pro-
fessional, dedicated public servant, but I
think he is more than that. He passionately
believes in the vital role that this chamber
plays in the effective functioning of what is
one of the world’s great democracies. He is
an ardent advocate of the Senate’s responsi-
bility in ensuring the accountability of the
government of the day to the parliament. He
is a committed disciple of our founding fa-
thers’ vision for the Senate as the Common-
wealth’s house of review and an essential
check on what would otherwise be unbridled executive power. Thus I think Harry has, as Senator Evans noted, earned the ire of governments and the affection of oppositions but he has truly earned the respect of all.

I know of no-one who has served in this place during Harry’s tenure who does not have the utmost respect for his professional dedication to the institution of the Senate. Those of us who have served in the executive have felt the frustration of Harry’s commitment to ensuring the Senate is able to go to remarkable lengths to hold the government to account. As the minister responsible for amending the Native Title Act in 1997 and 1998 in what may forever be the two longest debates in Senate history, and for which I was responsible, I found Harry’s advice to the then opposition intensely frustrating and I may have inadvertently displayed my frustration during those very long and tedious debates. May I take this opportunity now to apologise, Harry, for any frustration which I inadvertently displayed for the excellent way in which you were advising Senator Bolkus in the combat in which we were engaged.

What I think Harry most disliked was the idea of the government of the day ever having a majority in this place. I think he sees that as a complete negation of the constitutional purpose of our nation’s upper house. Fortunately, from Harry’s point of view, government majorities in the Senate are rare indeed. Most of us were of the view that when the number of senators was increased from 64 to 76 in 1983 no government would ever again win a majority, and as the then Deputy Federal Director of the Liberal Party I monumentally failed in my task of trying to persuade the National Party not to support that Hawke government proposition because of our fear that the increase would mean that no government, especially us, would ever win a majority again. Mind you, the Hawke government was not motivated by that purpose.

The coalition surprised itself in the 2004 election by winning 39 seats and thus having a majority for the last 2½ years of our government, and I guess that period was the darkest chapter in Harry’s long service as the Clerk. As the Leader of the Government in the Senate for most of that period—a sunny period for us—I genuinely did my utmost to make sure that majority was not abused.

Senator Chris Evans—Unsuccessfully.

Senator MINCHIN—I suspect that Harry and the then opposition thought I did not do a very good job.

Senator Chris Evans—But luckily it sowed the seeds of your destruction.

Senator MINCHIN—I am prepared to confess I may not have done that job well all the time, but little did Harry and the then opposition realise how fragile a one-seat majority is for two parties which do properly accord their members the right to cross the floor without fear of expulsion. As we said, we had a one-seat majority on a good day. I would have to say that managing our Senate majority at that time was the hardest job I have had in politics and I was always conscious of the state of anxiety that our Clerk experienced throughout that period.

I do want to add the rider that I think it is appropriate that our electoral arrangements are such that it is possible for the people to give a government a majority in the Senate if they so choose, albeit it is now almost impossible. It has been a privilege for me to serve in this Senate for nearly 17 of the 21 years that Harry Evans has been the Clerk, and as someone who genuinely shares his strong belief in the virtue of bicameral parliaments with strong upper houses I do applaud his dedication to ensuring the Australian Senate plays an integral role in what is one of the world’s great democracies. Harry,
on behalf of the opposition I do wish you sincerely all the very best in your retirement after a wonderful career.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.50 pm)—Very gladly on behalf of the Greens and senators generally I wish to acknowledge a remarkable servant of the Senate, servant of the parliament and servant of the people of Australia in Harry Evans. I draw to the attention of the Senate the origins of the position of Clerk, which goes back to 1315 in the UK. The description of the requirement of the position of Clerk was someone who could read and write to inform the largely illiterate membership, fulfil the need to keep a minute record of decisions and proceedings and inform members of what was going on. We may be a little bit more generally educated these days but I think everybody in this place who has had contact with our Clerk or his wondrous staff would acknowledge that that repository of information is crucial to the functioning of this great Senate of Australia.

The Senate is mentioned in the Constitution before the House of Representatives. It is the backstop of the people and repeated polls show that it is very popular as a people’s house and a check on the executive. The House of Representatives was the people’s house but in these days of majority government it is the executive that reigns in the other place and the people’s representation that reigns in this place. The keeping of the Senate, that honoured role which goes right back to Federation, has been in admirable hands through this Clerk through these last 21 years.

It has seen the Senate grow in its ability to be a check on an ever-stronger executive and it has seen the Senate able to use a committee system in the service of the people of Australia in a way that has never been witnessed in the previous history of the constitutional process of this great and long-living democracy. The Clerk, Harry Evans, if I may quote him, in a recent Senate occasional lecture in this parliament, finished with:

We are now told that we live in an age of crises, economic and environmental. In crises the greatest danger comes from those who claim to know all the solutions and who demand immediate implementation of them. Such people are likely to be found holding executive office. The greater the crisis, the more likely it is that mistakes will be made in attempting to deal with it, and the greater the need for scrutiny of proposals based on sound information. The legislature should provide that scrutiny. The Australian Parliament cannot be well equipped to provide that scrutiny when one House is not permitted to make its own inquiries into significant issues and proposals, and the other struggles to make up the deficiency against executive resistance. Parliamentary reform is never more necessary than in this age of crisis, and further subordination of Parliament never more perilous. The proponents of openness and scrutiny should be more militant than ever before.

That from a great Clerk of a great house of parliament in a great nation. I laud this Clerk, Harry Evans, as ‘not a public servant but a servant of the Senate’, as he would say himself. He has a passion for constitutional history and probity. A string of prime ministers, at least two previous to the one now incumbent, might like to have sacked him, but he was and is the champion of the Senate as that extraordinarily important balance to the executive that this nation requires.

I go to only one instance of many in which I am indebted to the Clerk, his advice and his defence not of myself but of the Senate. That was after I spoke up in a joint house sitting. The Clerk had warned about joint house sittings; they were constitutional no-person’s-land. I was ostensibly expelled with fellow Senator Nettle after speaking to the visiting President of the United States. The next day an order went around that staff were
to prevent us two senators from entering the next joint house sitting, when President Hu arrived. This Clerk, in defence of the Senate, made it clear that that may have constituted an assault on a senator and that no senatorial staff should be involved in such a process. It happens to be that—quite illegally, I believe—we were prevented from entering that joint house sitting, but in the heat of that very contentious moment it was this Clerk who defended this Senate and its senators, and I will always be one to recognise not just a judicious mind and a great defender of the Senate but a Clerk who had the courage to make decisions which would hold this Senate in good stead against decisions executive or otherwise in the parliament or elsewhere in the country according to the constitutional basis upon which the Senate was created for the people of Australia.

The Clerk should be chairman of the Senate, say our standing orders in the prologue to the appointment of the President. On a number of brief occasions this Clerk has been chairman, but in fact we have here not a chairman but a champion of the Senate second to none. I note that in his CV it says his interests are history and bushwalking. I say to Harry Evans: you are part of this nation’s history, and a very great pride may you take in your role in this nation’s history and, in particular, the history of this Senate. I wish you, on behalf of my colleagues all, a great deal of bushwalking at your property out near Braidwood and a great deal of communing with nature—I find that a very powerful and potent elixir for life. We wish you many, many happy post-Senate years, but I am sure you will be contributing to this Senate through both your past activities and your future wisdom in commenting or writing about matters until the last day you draw breath. For that, we wholeheartedly thank you.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.58 pm)—I rise to concur with the remarks given by Senator Evans, you, Senator Minchin and Senator Brown. If everybody conducted the Senate the way Sir Richard Baker from South Australia, who was a free trader and fought a duel with Kingston, did, the role of the Clerk of the Senate would be far easier. Unfortunately, as it has devolved more into a party political house it has lost the capacity for that proper ventilation of ideas. Maybe that will change and maybe that will be a good thing, but in the interim period it has been very good to have people such as Harry Evans there to reinforce the culture of what a Senate is actually supposed to be and what it is actually supposed to do.

I know I have a dubious honour of having crossed the floor a few times in the coalition government. At those times where there is a lot of emotional weight on you, where there is strong belief that colleagues will rightly put towards you that you might be doing something that is wrong, if you needed to bounce an idea off someone it was the staff in the Senate who could reinforce the proper role. That culture was not just through Harry Evans himself; he has endowed on the other people who work in the Senate that culture to properly display what your rights were and what you had the capacity to do, spelling out the constitutional bases of what you were allowed to do—in fact what there was an expectation of you to do and why you should not feel guilty about it.

Harry has been a great source of unbiased advice and information. I do not know how many people in this chamber have at times snuck into Harry’s office to find out exactly where they stood on a certain issue and what was liable to happen next. We come here and we pass through this place. We have all had a glance through Odgers. At times, if we cannot get to sleep, we might pick it up and read
a couple of pages and that seems to do the trick! Apart from that, you need people who are proficient in it and Harry was certainly that.

The National Party has at times had a very delicate position to play because of the intricacies of coalition arrangements and governments and also in trying to deal with the constituent requirements that were made loud and clear to us. Our reliance—sometimes, in a funny way, like the Independents and the Greens—on the role of Harry Evans and those whom he has instructed was extremely important. I hope that the endowment of Harry Evans to the parliamentary process of this nation is continued and that the strident independence that is required of advice is maintained.

I must say I am not going to take as a great loss the removal of the Eureka flag from the Clerk’s office, but that is all a part of the things that made Harry unique, competent and a marvellous asset to this chamber. No doubt Senator Boswell, as father of the Senate, has had the greatest experience of engagement with Harry as Clerk in this chamber. No doubt Senator Williams and Senator Nash have all had those periods of actually going through the intricacies of legislation.

Harry, I note you are a historian and a bushwalker, as Senator Brown said. I hope you have a chance now to spend more time with your family enjoying the more restful and leisurely times that are ahead of you but without completely absconding from your responsibility to at times comment on the way that the process of parliamentary democracy is working in Australia. You know more than most and I am sure there is still a wealth of information in front of us to come from you. Thank you, Harry, and God bless.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.03 pm)—I concur with all the remarks so far. The Senate is indebted to Harry Evans, the parliament is indebted to you and the nation is also indebted. You are a prime example of what Australians love about Australia. You are humble, you have no tickets on yourself but you are like a walking encyclopedia. You have walked without fear or favour; you have walked with integrity. You have always been available, I would say, to nearly anyone. I have only been here a short time and I acknowledge the father of the Senate will say more in that regard, but I can assure you that you are the essence of what Australia is about as you have gone about doing your work without any great tickets on yourself.

It is amazing that you have continued for 21 years as Clerk of the Senate. I do not think we are ever going to be able to replace you—with no reflection on the new person at all. I have only drawn on a part of that 21 years of experience and I can assure you that it has been most valuable. You recently told ABC Radio National that the best parliamentary system is one where no party has a majority. It would not come as a surprise to you that I totally agree with this. I lived under the Howard government and I think that government failed in the end because of its control of the Senate.

I want to say, Harry, that you have been a true Australian, never being swayed by politics and always giving professional and independent advice. I think this country—I have to be careful what I say here—should bestow on you the highest honour. I cannot speak more highly of an individual in this nation. I am serious, because you know exactly what this Senate means to Australia more than anyone else in this country. I take my hat off to you. I wish you well in your retirement. If I could hire you, I would! If I could have you as a twin brother, I probably would too. Thank you so much for what you have done and the sacrifices that you have
made to serve this nation in such a distinguished way and with such honour. I wish you and your wife well in retirement.

Senator XENOPHON (South Australia) (4.06 pm)—For Harry’s sake I will be brief. I join in acknowledging Harry’s outstanding contribution to the public service of this nation and his fearless and wise advocacy of the Senate and its role in our democracy and I wish him and his family all the very best for the future. It never ceases to amaze me how revered Harry is by both major parties, especially when they are in opposition. In contrast, for us crossbenchers, our respect, admiration and affection for Harry has always been unwavering!

His contribution to the institution of the Senate will be even more enduring not just because of his advice and advocacy but because of the way he has strengthened the Department of the Senate and cultivated a culture of excellence within his department. It reminds me of that Ralph Nader quote. Ralph Nader once said, ‘The function of genuine leadership is to produce more leaders, not more followers,’ and Harry has done exactly that in his own department. I wish Harry Evans and his family all the very best and I feel privileged to have been in this place with Harry as Clerk.

Senator FAULKNER (New South Wales—Minister for Defence) (4.07 pm)—Australia’s democracy has many great institutions, and after 20 years in this place I might be permitted a little bias when I say that the Senate, with its powers of scrutiny and review, is a particularly significant one. Harry Evans, of course, has always been a defender of the Senate and its watchdog role in our democracy. Harry’s stalwart commitment to the rights and powers of the parliament, as distinct to those of the executive, of course has been a constant feature, as his fearless defence of those powers has been.

He has made many memorable contributions to the deliberations of this chamber. One that I will forever remember occurred during the debate on the so-called ‘deficit reduction’ bills back in October 1993. Then, as now, the crossbenchers held the balance of power. We were anticipating a number of tied votes during the debate. There was a lot of discussion about how the tied votes might be interpreted, particularly in the case of negatived motions such as ‘the amendments not be insisted on’. To give you some idea—if anyone is interested in this, apart from me and Harry—of the procedural complexity of these issues, I refer you to Harry’s sage advice which you can find in Odgers 12th edition on pages 258, 306, 307, 308 and 399. A former President of the Senate who was in the chair very late at night had considerable trouble in mastering the complexity of Harry’s wisdom and found it necessary to frequently lean over the President’s desk and seek Harry’s guidance. He also had a lot of trouble turning his microphone off, and consequently the chamber echoed with his plaintive cries. I will never forget them, late at night: ‘Harry! Harry!’ The whole world heard it. I am sure that such plaintive cries will also echo around the chamber for quite a while after you have left us, Harry.

I have had the great privilege of working with Harry Evans in a number of different roles, not that his job has changed; mine certainly has. As a backbench senator, as a minister, as Manager of Government Business in a previous government and as Leader of the Opposition in the Senate for far, far too many years, there were many occasions on which I needed to seek—and I did seek and I did benefit from—Harry’s advice. Most often, but not always, I agreed with that advice. Most often, but not always, I followed that advice.

Harry has a reputation of being a thorn in the side of government—any government.
Harry is not on the side of one party or another. He is on the side of the parliament, and I would say passionately and eruditely so. He is on the side of accountability. I am pleased about that. He is on the side of government transparency. I like that too. He is on the side of good parliamentary process and scrutiny, and I endorse that. He has often been described as fiercely independent, and he is certainly that. He has always given a clear and straight answer to any question, whether asked by a government senator, a member of the opposition, a crossbencher or a journalist. The thing I want to stress today is that he is encyclopedically informed on Senate procedure and process and is not only—and this is really important—keenly insightful when it comes to the implications of Senate action but wisely cautious about any consequences of changes to Senate procedure.

Harry, after the time you have had in this place you certainly deserve a break. I hear that you have declared an intention to continue to give us the benefit of your wisdom and experience on the parliament and the Senate in particular. I expect that from time to time some of us might find that discomforting. It might be discomforting; it will always be impartial. Harry, finally, I sincerely hope that I will enjoy reading your memoirs. My personal request is: please be generous.

Senator FERGUSON (South Australia) (4.12 pm)—I advise Senator Faulkner that the President who leant over to Harry so often might even be in the building again tonight, but whether we hear the same comment remains to be seen! On a personal note, I record my thanks for the advice—as people have said before, the extremely unbiased advice—that Harry gave to me while I was President and throughout the rest of my career over the past 17½ years in this place.

As has been said previously, there are only two people in this place who have served under any other Clerk. Harry is all we have ever known. The thing that always amazed me when asking Harry for advice was that he never had to say, ‘I’ll have to go away and look it up.’ It was always instant advice. The encyclopedic knowledge of Senate practice that Senator Faulkner talked about was something that you could always rely on from Harry. If you were in the presiding officer’s chair asking for advice, whether it was me as President or any one of the temporary chairs who may have leant over to get advice from Harry, the advice was always instant, it was correct and it was always unbiased, and you cannot ask for any more in an officer of this place than to be sure that you get unbiased advice.

During the 17 years that I have been here there has not always been unanimous support for some of Harry’s public utterances outside this place, but that is a totally different issue. Because he is a man of such standing in this place, people sought Harry’s advice on a whole range of issues, and when he was asked to give that advice he gave it in the same fearless manner. In government we did not always like it and in opposition we probably thought it was pretty good, but that is the way of politics. That is why, when you have an independent officer of the Senate with such experience and such knowledge, those utterances, but also the advice, are always taken in the best manner.

There are those on the other side of this building who have absolutely no understanding of what takes place in the Senate. They have very little understanding of the Senate.

Senator Brandis interjecting—

Senator FERGUSON—You are probably right, Senator Brandis. But, in fact, if they would only take the time to see just how an upper house of parliament actually does its
business, they might find they are admirers of a democracy that is working very well. I always find it rather sad that people in the House of Representatives— I guess that is the nature of things if you have a border around a small constituency or electorate—are just concerned about pleasing everybody in that electorate because they want to get back next time. When senators are elected to this place, they have a different constituency. They have a different role to play. They probably have more of an issues based concern about what takes place in this place than even a party political position sometimes. I have always been glad that whenever I or any of my colleagues have gone to Harry Evans for advice we could always place our faith in the fact that it would be good advice, that it would be accurate, that it would be timely and that it would serve us in good stead in the future.

Harry, on a personal note, I want to thank you sincerely for the way you treated me when I was President, because a new President in particular needs advice constantly. I am sure that anybody who has been President realises that. The way you freely gave of your advice is something that I will not forget. I certainly wish you well in the future. I note that you like bushwalking. I hope that climate change alarmists are not too right and it does not get too hot for you to walk in the next few years. You deserve to enjoy your time when you leave this place because you have provided the sort of service that you see only once in a lifetime. Thank you.

Senator BOSWELL (Queensland) (4.17 pm)—As one of the two people remaining in this place that saw Harry Evans take the chair on the right of the bench and become the father of the house, can I say to you, Harry, that I thank you for the service that you have given to this institution. I was Leader of the National Party for 17 years and, if I had to describe you, I would say that nothing was ever too much trouble and nothing was beyond you. You could always walk in—and I have experienced this even in the last couple of weeks when I sought some advice on the ETS—and advice would be forthcoming. If you required it in writing, you got it in writing on the day or the next day. Nothing was ever too much trouble. You are going to be sadly missed in this place—certainly by the Independents and the Greens, who I think use you and the clerk’s office much more than other people. As far as I am concerned, you were a great friend to me, who had to come to you for advice many, many times.

Twenty-one years in the Senate is a long time. It is a long time to be a servant to the people. And you would have dealt with totally different people from all sides of politics—from the Greens to the Labor Party to the Nationals and the Liberals. I do not think I have ever heard anyone say anything bad about you, certainly not personally. On occasions some people have disagreed with your decisions, but I have never heard anyone say, ‘We should get rid of him,’ or something like that. You have always been highly regarded in this place. Can I take the opportunity of wishing you all the best in your retirement. I hope you enjoy your bushwalking. I hope you enjoy all the things that come with retirement and more time with your wife and family. Good luck.

Senator O’BRIEN (Tasmania) (4.19 pm)—I have been in this place for a very lucky 13 years and I have been very fortunate in that time to have had the benefit of Harry Evans’s advice on many occasions. Most of my time, unfortunately, has been spent in opposition. The process of holding government to account with the limited resources of an opposition means that you require the best possible advice. It is often said that knowledge is power, and Harry has always been a source of knowledge for anyone who sought information from him.
I am sure that in the current debate that is taking place in the chamber there is much advice being sought about procedural matters. We have seen that repeatedly over the last few months, with an opposition seeking a position where it can cobble together the numbers using procedures to embarrass the government. But it would be Harry’s job to tell an opposition how they could do that, just as it would be Harry’s job to tell a government how they could respond. That is the knowledge that everyone needs to operate in this place. They need to understand what the rights of senators are. They need to understand what the obligations of senators are. To receive that advice, as I have over many years, has been a real privilege.

I know that from time to time we do things in this chamber that Harry Evans disagrees with, because in some ways we are breaking down standards which he believes we should preserve. Nevertheless, it is good to have those acknowledgements and reminders to understand when we are pushing the boundaries a bit that perhaps we should not push them too much more if we appreciate the values which this place embodies. It has been a great pleasure and an honour to have served with Harry as the Clerk of the Senate and the font of much knowledge in this place, certainly on procedure. I wish Harry well in his retirement. I am absolutely certain that we will hear much from Harry in the future. I look forward to hearing from Harry and I wish him well.

Senator BRANDIS (Queensland) (4.22 pm)—I would like to add a few words of my own in appreciation of the service of Harry Evans. In an institution where the turnover of its members is rapid, and has become more rapid with the passage of the years, Harry Evans, Clerk of the Senate for 21 years, has increasingly become the embodiment and the font of institutional knowledge and institutional memory in this chamber—so much so that I think it is fair to say that, amongst those in the Australian population who watch carefully political affairs, Harry, more than any individual senator, has become the visible embodiment of the Senate. That is certainly the tradition that he has served, and he has served it with honour and distinction. In my association with Harry Evans I have always found him to be patient, erudite and somewhat idiosyncratic—some might even say a little quirky. He was a presence around this place that was at the same time elusive and pervasive.

My association with Harry has extended in particular to several occasions over the nearly a decade now that I have served in this chamber when Harry and I have both given papers on the Senate to schools of politics or legal conferences. There is one anecdote I would like to place on the record about an occasion when Harry was of tremendous assistance to me. In 2005 I was asked to give a paper to a constitutional law conference at the University of New South Wales on the Australian Senate and responsible government. I asked Harry for his advice and guidance in relation to a number of sources in writing that paper. We discussed the emergence of the Senate committee system. Other senators have spoken today about how the Senate committee system is one of the great glories of this chamber—a system unmatched in any other parliamentary chamber in the world.

Harry pointed out to me that the Senate committee system was actually established in 1970 as a result of an act of defiance by a government senator—the then Queensland Liberal Senator Ian Alexander Christie Wood. I might say that one of Harry’s specialisations is a deep knowledge of eccentric senators and obscure senators from ages past. Ian Alexander Christie Wood was a very eccentric Queensland Liberal senator who was first elected in 1949 and went on to serve in
14 parliaments until his retirement on 30 June 1978. Harry pointed out to me that it was because Senator Wood crossed the floor against the government of the day—it would have been the Gorton government—that the Senate committee system was established. I found this a delightful fact.

A little later in the morning after our conversation, Harry arrived at my office. He had been good enough to photocopy for me the Journals of the Senate of 11 June 1970, pages 189 to 190. The division list recorded in the Journals of the Senate of 11 June 1970 record indeed that when a motion to establish the Senate committee system was put by then Senator Lionel Murphy the motion was passed with 27 ayes and 26 noes, with the name of Senator Ian Alexander Christie Wood appearing on the division list for the ayes between Senator Willesee and Senator Wriedt. I repeated that anecdote at that constitutional law conference and it has since circulated among people who are interested in such obscure and recondite facts. I would like to thank Harry for reaching into the depths of his unmatched historical and institutional memory and retrieving what would have been an unremembered fact of Australian constitutional history which has profoundly changed for the better the way in which this chamber and this parliament operates. Harry, thank you for your counsel; thank you for your occasional admonishment; thank you for your service; and may I join other senators in wishing you well for a long and happy retirement.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (4.27 pm)—Mr President, I seek leave to incorporate the remarks that I wanted to make in this valedictory debate.

Leave granted.
As he leaves us with a smile.
Sure, this ole House will keep on truckin’
Even after Harry leaves
But it’s fair for say that some of us
might sob, or howl, or grieve.
But his Senate days are over
Ain’t gonna be the Clerk no more.
He’s gonna pack his trusty briefcase
And saunter out that door.

CHORUS:
Ain’t a-gonna have access to Harry
Ain’t a-gonna see him any more.
Who’s gonna tell us how to draft a bill
And if it’s time to cross the floor.
We’re gonna miss his stylish presence
And his lucid writing style
But we wish him health and happiness
As he leaves us with a smile.

Harry isn’t gettin’ shaky;
Harry isn’t gettin’ old.
He just wants to spread his wings a bit
Before he gets too cold.
He’s still full of curiosity
And he feels no fear nor pain.
He’s settin’ out to write a novel
And our loss is history’s gain.

CHORUS:
Ain’t a-gonna have access to Harry
Ain’t a-gonna see him any more.
Who’s gonna tell us how to draft a bill
And if it’s time to cross the floor.
We’re gonna miss his stylish presence
And his lucid writing style
But we wish him health and happiness
As he leaves us with a smile.

Honourable senators—Hear, hear!
The PRESIDENT—I can assure honourable senators that your applause will be recorded in Hansard as being unparliamentary!
It is a testimony to Harry’s service. But undoubtedly it will make its way into Odgers as something which should not happen!
Harry will have the last say at some stage.

COMMITTEES
Reports: Government Responses
Senator SHERRY (Tasmania—Assistant Treasurer) (4.28 pm)—I present three government responses to committee reports as listed at item 12 on today’s Order of Business, as well as the government’s response to the report of the Finance and Public Administration References Committee on matters relating to the Gallipoli Peninsula. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.
The documents read as follows—
GOVERNMENT RESPONSE TO THE INQUIRY BY THE SENATE STANDING COMMITTEE ON ECONOMICS INTO THE CURRENT STATE OF AUSTRALIA’S SPACE SCIENCE AND INDUSTRY SECTOR November 2009
Background
On 19 March 2008, the Senate referred the following matter to the Senate Standing Committee on Economics for report no later than October 2008 with an interim report by 23 June 2008:
The current state of Australia’s space science and industry sector, examining options to strengthen and expand Australia’s position in fields that strongly align with space science and industry, giving consideration to any national strategic coordination requirements and taking into account findings and policy options of the National Innovation System Review, with particular reference to:
a. Australia’s capabilities in space science, industry and education, including:
   i. existing Australian activity of world-class standard, and
   ii. areas in which there is currently little or no activity but that are within the technical and intellectual capacity of the country;

b. arguments for and against expanded Australian activity in space science and industry, including:
   i. an assessment of the risks to Australia’s national interest of Australia’s dependence on foreign-owned and operated satellites,
   ii. the potential benefits that could accrue to Australia through further development of our space capability,
   iii. economic, social, environmental, national security and other needs that are not being met or are in danger of not being met by Australia’s existing space resources or access to foreign resources,
   iv. impediments to strengthening and expanding space science and industry in Australia, including limiting factors relating to spatial information and global positioning systems, including but not limited to ground infrastructures, intergovernmental arrangements, legislative arrangements and government/industry coordination, and
   v. the goals of any strengthening and expansion of Australia’s space capability both in the private sector and across government; and

c. realistic policy options that facilitate effective solutions to cross-sector technological and organisational challenges, opportunity capture and development imperatives that align with national need and in consideration of existing world-class capability.

The Senate inquiry received eighty-eight submissions and held public hearings in Canberra on 16 May, 29 July and 23 September 2008; in Adelaide on 23 May and 22 June 2008; and in Sydney on 1 August 2008.

The Senate Standing Committee on Economics released its interim report on 23 June 2008. The interim report summarised what the Committee saw as the key questions that needed to be answered to assess in what ways, if any, the Government needs to act to optimise Australia’s capabilities in space science, industry and education; and their contribution to the nation.

The Senate Standing Committee on Economics released its final report on 12 November 2008. The report is called Lost in Space? Setting a new direction for Australia’s space science and industry sector. The six recommendations in the report’s final chapter ‘chart a course towards Australia regaining an important place in global space science and industry by gradually developing a dedicated space agency.’

Government Response

Recommendation 1

The committee recommends as a first step that the Government give the existing unit within the Department of Innovation, Industry, Science and Research more resources to enable the establishment of an Australian Government Space Information Website. This would provide information on government programmes and contacts, and links to Australian companies working in the space industry as well as Australian universities offering courses in space science and space engineering.

Response

The Government notes the recommendation.

The Government committed in the 2009-10 Budget $48.6 million to establish the Australian Space Science Program over four years. The Program contains $40 million for the Australian Space Research Program and $8.6 million for a Space Policy Unit to coordinate and be the central point of contact for Australia’s national and international civil space activities.

The Department of Innovation, Industry, Science and Research has acquired the domain www.space.gov.au, and through this intends to improve the visibility of the Australian Government Space Portal, including information on the Australian Government’s space related activities and industry capability.
Recommendation 2

The committee notes that Australia is the only OECD country without a national space agency and, as a consequence is missing out on opportunities to engage in this important area of innovation and technology. The committee also notes the comments by the Chief Scientist and the conclusion of the Cutler Report in relation to the importance of the space industry for innovation within Australia. The committee recommends that immediate steps are taken to coordinate our space activities and reduce our over reliance on other countries in the area of space technology.

Response

The Government has established a Space Policy Unit in the Department of Innovation, Industry, Science and Research to coordinate and be the central point of contact for Australia’s national and international civil space activities. The Space Policy Unit will liaise with Government agencies on space matters and serve as a focal point for the exchange of information and the development of new policy. The Space Policy Unit will convene, on an as-required basis, a forum of national security agencies to assess security and intelligence aspects on civil space matters. The Department of Defence will continue to have the lead on defence and military space related matters.

The Government is committed to improving Australia’s capacity to independently develop and utilise space technology. In this regard, the Government is establishing an Australian Space Research Program to support space research, innovation and skills development in areas of national significance. This program will be managed by the Space Policy Unit.

In its 2009 Defence White Paper, the Government has recognised the importance of being able to protect Australian space-based assets from counter-space technologies and from accidental damage caused by space debris. While the Government noted that we rely on the United States for much of our space advantage, the White Paper identified that we should also seek ways to develop our nascent but growing expertise in space capabilities, including by strengthening Australia’s space situational awareness and mission assurance capability, and developing a career stream for space specialists in the Australian Defence Force.

The Defence White Paper also places a high priority on assured access to high-quality space-based imagery to meet Defence’s needs for mapping, charting, navigation and targeting data. In addition, the Government announced its intention to improve Australia’s intelligence collection capabilities by acquiring a satellite with a remote sensing capability, most likely to be based on a high-resolution, cloud-penetrating, synthetic aperture radar.

The Government considers that Australia derives considerable benefit from arrangements with other countries and commercial bodies that facilitate access to space technology and the data derived from its applications. Such arrangements will remain an important component of Australia’s space capability. The Government notes that risk mitigation measures, such as treaty provisions embedding Australian personnel at foreign-owned space tracking stations, are in place to protect Australia’s interests in these arrangements. The Government will continue to consider, as appropriate, opportunities to improve the efficacy of such arrangements.

Recommendation 3

The committee notes the wealth of expert, well informed evidence received by the committee. Despite some deviations, the overwhelming majority of witnesses strongly supported the formation of a government unit to coordinate Australian space activities, including those in the private sector. The committee supports this conclusion and notes that there must be a proper balance between industry and government involvement.

Response

The Government notes the recommendation and has established a Space Policy Unit and is establishing an Australian Space Research Program, referred to in the response to Recommendation 2. These initiatives will contribute to better coordination of civil space activities, including those in the private sector. The Space Policy Unit will consult as appropriate with key industry stakeholders and will secure private sector involvement in the Australian Space Research Program.
Recommendation 4
The committee notes the various models of space agency within the OECD and emerging economies and supports Australia having a space agency. The committee recommends initially establishing a Space Industry Advisory Council comprising industry representatives, government agencies, defence, and academics. The committee recommends that the advisory Council be chaired by the Minister for Innovation Industry Science and Research or his representative.

Response
The Government intends to establish a Space Industry Innovation Council. Membership will draw on the knowledge and expertise of innovation leaders from business, unions, science and research agencies, and government.

The Government will continue to hold the Australian Government Space Forum to facilitate confidential information sharing and coordination across government.

The Space Policy Unit will support the activities of the Space Industry Innovation Council and the Australian Government Space Forum to better coordinate civil space activities, including those in the private sector.

Recommendation 5
As a precursor to the establishment of the space agency the Advisory Council would:

Conduct an audit of Australia’s current space activities within six months of the establishment of the Council;

Analyse the strengths, weaknesses opportunities and threats to Australia’s emerging space industry;

Focus on the key “workhorse” space applications of Earth observation, satellite communications and navigation as the most practical and beneficial initial priorities;

Systematically evaluate the medium/long-term priorities for a space agency including the national benefit of defence related activities, Earth observation, environmental, land management, exploration, national disaster prevention and management, treaty monitoring, e-commerce and telemedicine;

Examine the benefits to Australia of improved international collaboration including membership of the international space groups;

Develop a draft strategic plan for the establishment of a space agency and the most appropriate form of that agency, including public/private funding, budget and staffing priorities; and

Identify critical performance areas such as research, technological development, development of the skill base, effective partnerships, delivery of new services, and financial management.

Response
The Government notes the recommendation and advises that a number of the recommended tasks will be progressed through the new initiatives dedicated to civil space activities.

The Space Industry Innovation Council, referred to in the response to Recommendation 4, will examine Australia’s current civil space activities, risks and strategic priorities with a focus on Earth observation, satellite communications and navigation.

The Space Industry Innovation Council will also consider relevant implications for space science and industry arising from the Defence White Paper and the National Security Science and Innovation Strategy.

The Australian Space Research Program will coordinate and support relevant Australian public and private research and development organisations, and will improve international collaboration by linking Australian organisations with appropriate international space research and education institutions and partners.

The Space Policy Unit will coordinate national policy making and international engagement on civil space issues, ensuring activities including the Australian Space Research Program and the Space Industry Innovation Council, are aligned to appropriate national policies and priorities.

Recommendation 6
The committee recommends that any Australian Space Agency reassess the case for Australia becoming more closely linked to an international space agency.
Response
The Government notes the recommendation.
The Government has established links to several international space agencies, including the National Aeronautics and Space Administration (NASA), the European Space Agency, and the Russian Federal Space Agency. The Government’s relationships with these space agencies have been formalised by bilateral treaties.
Australian and United States agencies, including Airservices Australia and the Federal Aviation Administration, are cooperating on the civil use of the Global Positioning System (GPS) and space-based position, navigation and timing (PNT) systems and applications.
Australia, through Geoscience Australia and the Bureau of Meteorology, has cooperative arrangements for earth observation and weather data with key international bodies and foreign agencies, including those from the United States, Europe, Japan, China and India.
In Australia, the Australian Communications and Media Authority (ACMA) licences satellite communication links (up and down), and facilitates international satellite filings with the International Telecommunication Union. The Department of Broadband, Communications and the Digital Economy (DBCDE) has primary responsibility for communication treaty matters, including those relating to satellite issues.
The Government will consider further arrangements for engaging with international space organisations following advice from the Space Industry Innovation Council and the Space Policy Unit and will continue to consider approaches to broader national and international coordination and engagement on space matters.


REPORT OF THE SENATE STANDING COMMITTEE ON ECONOMICS
MATTERS RELATING TO THE GAS EXPLOSION AT VARANUS ISLAND, WESTERN AUSTRALIA
GOVERNMENT RESPONSE
Introduction
The Australian Government welcomes the opportunity to respond to the report of the Senate Standing Committee on Economics entitled Matters relating to the gas explosion at Varanus Island, Western Australia.
The Government is committed to the provision of cleaner, adequate, reliable and affordable energy to meet future energy consumption needs and to underpin strong economic growth. It is vital that not only Western Australia, but the nation as a whole has access to secure supplies of energy, including gas.
Ensuring Australia’s energy security is a high priority for the Government and to this end the Government has undertaken a number of initiatives, including the development of a National Energy Security Assessment (NESA) and development of an Energy White Paper, which are part of a comprehensive strategy to meet Australia’s long-term energy needs.
On 26 March 2009, the Hon Martin Ferguson AM MP, Minister for Resources and Energy, released the NESA which identifies the key strategic energy security issues currently facing Australia’s liquid fuels, natural gas and electricity sectors, and those likely to influence energy security in 5 (2013), 10 (2018) and 15 (2023) years.
The Energy White Paper will include a review of the Government’s energy policies and the development of a policy framework through to 2030 to ensure cleaner, adequate, reliable and affordable supplies of energy to support the functioning of the economy and social development. In March 2009, the Government released the Energy White Paper’s Strategic Directions Paper which sets the scene for the development of the Energy White Paper by broadly mapping out its intended scope and identifying some of the specific work being undertaken.
The Government is also committed to ensuring that Australia’s offshore petroleum safety regulation is world’s best practice. On 9 January 2009, the Commonwealth and Western Australian Governments announced a joint independent inquiry into the effectiveness of regulation for upstream petroleum operations, with a focus on the 3 June 2008 gas pipeline rupture at the Apache Energy Ltd operated facilities on Varanus Island.

Following a successful Federal Court challenge by Apache Energy Ltd in May 2009, the Terms of Reference for the Inquiry were altered, with two reports prepared for the Commonwealth on better practice regulation and the role of the National Offshore Petroleum Safety Authority (NOPSA) and improving the interface between NOPSA and the Australian Maritime Safety Authority (AMSA).

The two Reports, Better practice and the effectiveness of NOPSA (the NOPSA Report) and Marine issues (the Marine Report), were provided to the Hon Martin Ferguson AM MP, the Minister for Resources and Energy in June 2009. The Minister released the reports at the 9th meeting of the Ministerial Council on Mineral and Petroleum Resources on 9 July 2009. The two reports are available on the Department of Resources, Energy and Tourism website (www.ret.gov.au).

Recommendation 1

6.11 The Western Australian Government should convene a forum comprised of gas producers, suppliers, power companies, industry groups, media outlets and community representatives to discuss and develop a range of standardised emergency response measures in the event that another gas crisis is experienced in Western Australia.

6.12 The forum should examine initiatives, including but not limited to, providing increased transparency and improved communication during periods of disruption to gas supply. Improved communication from government to the community and industry groups to their members would assist in the dissemination of timely and relevant information to the public and industry throughout Western Australia. In addition an analysis of the feasibility of improved contingency planning by government and the market should be undertaken.

6.13 The forum should also discuss the operation of the Gas Supply Coordination Committee and the Gas Supply Disruption Recovery Committee and whether there are improvements that can be made to the operation of these committees if another gas crisis eventuates. An assessment should be made of the Office of Energy priority schedule for gas supply and, whether, in hindsight, any improvements or modifications should be made to the schedule.

Government Position:
The Australian Government notes recommendation one. The Government also notes that State and Territory governments have constitutional responsibility for planning and coordinating emergency responses within their jurisdictional boundaries.

The Government supports relevant stakeholders working together to ensure that Western Australia’s (WA) emergency response measures are efficient and consistent across the state and federal levels. The Government supports measures to improve transparency and communication between relevant stakeholders in a timely manner during periods of disruption to gas supply. A forum comprised of gas producers, suppliers, power companies, industry groups, media outlets and community representatives could be an appropriate way to discuss these issues.

Any review of WA’s emergency management arrangements should consider the emergency management arrangements in other jurisdictions, and take account of the current Ministerial Council of Energy’s review of arrangements for the management of emergencies in the national energy markets. At present, there are separate arrangements in place in the electricity and natural gas supply systems. However, with the creation of a single market operator, the Australian Energy Market Operator, and the convergence of the gas and electricity markets, it is an appropriate time to consider consistent national emergency management arrangements in the future.

Recommendation 2

6.14 The Western Australian Government should conduct an internal analysis of the effectiveness and appropriateness of the legislative framework to deal with periods of energy crisis in Western
Australia. Issues such as the government’s capacity to invoke emergency powers in the public interest and the effectiveness of government intervention in a market-based industry should be analysed. In particular the response to emergencies under the Energy Coordination Act 1994 (WA) and the emergencies under the Emergency Management Act 2005 (WA) legislation should be assessed for their appropriateness following the experience of the Varanus Island gas explosion crisis.

**Government Position:**

The Australian Government notes recommendation two. The Government also notes that State and Territory governments have constitutional responsibility for planning and coordinating emergency responses within their jurisdictional boundaries. This includes the implementation of jurisdictional emergency powers under the Energy Coordination Act 1994 (WA) and the Emergency Management Act 2005 (WA).

The Energy Coordination Act 1994 (WA) is the legislative framework underpinning the planning and coordinating energy supply in WA. The Emergency Management Act 2005 (WA) provides for coordinated management of emergencies in Western Australia. It formalises WA’s ability to mitigate or prevent, prepare for, respond to and recover from incidents of a large scale or catastrophic nature.

**Recommendation 3**

6.15 The Western Australian Government should conduct, as soon as practicable, the review of gas security announced on 6 August 2008. The review should be conducted in coordination with the Commonwealth’s National Energy Security Assessment currently being conducted by the Commonwealth Department of Resources, Energy and Tourism.

**Government position:**

On 26 March 2009, the Hon Martin Ferguson AM MP, Minister for Resources and Energy, released the National Energy Security Assessment (NESA) which is an important milestone towards developing a comprehensive strategy to meet Australia’s long-term energy needs. The NESA provides a clear picture of the challenges affecting Australia’s energy security and highlights the opportunities that we may encounter in the future.

The NESA was developed by the Department of Resources, Energy and Tourism (RET) in consultation with industry, and Commonwealth, State and Territory government agencies. RET consulted with Western Australian (WA) Government officials and energy industry participants through formal consultation workshops conducted in Perth on 15 August 2008 which provided an opportunity for interested parties to raise their concerns about the WA gas market and other energy security issues.

The Australian Government notes that on 29 January 2009, the Hon Peter Collier MLC, WA Minister for Energy, announced a review to be undertaken by the Gas Supply and Emergency Management Committee, which will identify risks to WA’s supply of gas, including the amount of gas reserves available to the domestic market as well as processing and gas delivery. It will also examine ways to improve the management of energy emergencies.

The WA Office of Energy is conducting an assessment of WA’s gas security which will inform the review. The WA Office of Energy consulted with RET on a draft assessment report with the intention of ensuring that its assessment is consistent with the NESA.

**Recommendation 4**

6.16 To support increased competition and provide the community with improved information the Western Australian Government should establish a permanent gas bulletin board. Any permanent gas bulletin board should include the provision of information on pipeline capacity and flows to increase the transparency of the gas market in Western Australia. The committee also recommends that the state government explore options to provide the Office of Energy with powers to examine and publish transportation figures from the Dampier Bunbury Natural Gas Pipeline and the Goldfields Gas Pipeline.

6.17 The Western Australian Government should actively engage with the alternative energy industry in Western Australia in order to progress energy diversification through increased alternative energy capacity.
6.18 The Western Australian Government should also examine whether the current market-based approach to energy supply is providing sufficient information, openness and competition to Western Australian consumers.

**Government Position:**
The Australian Government supports the proposal for the Western Australian (WA) Government to establish a permanent gas bulletin board. The establishment of a permanent gas bulletin board would improve transparency and efficiency in the gas market in WA. It would also disseminate information that would help manage gas emergencies.

The Government considers there would be benefit in WA joining the national gas market Bulletin Board and notes that the Bulletin Board can be expanded to cover non-interconnected pipeline systems operating in WA and the Northern Territory at an incremental cost.

The national gas market Bulletin Board (www.gasbb.com.au), which was launched in July 2008, is a website covering major gas production fields, storage facilities, demand centres and transmission pipelines in South Australia, Victoria, New South Wales, the Australian Capital Territory, Queensland and Tasmania. It serves the purpose of providing transparent, real-time and independent information on the state of the gas market, system constraints and market opportunities and can also help the market respond to gas emergencies. It will complement a new short-term trading market in gas, expected to start in 2010, which will improve price signals and be of particular advantage during systems constraints and emergencies.

The Government notes the recommendation for the WA Government to explore options to provide the Office of Energy with powers to examine and publish transportation figures from the WA pipelines. The publication of energy and resources statistics should be consistent with the appropriate management of commercial information and other sensitivities.

The Government recognises the role that alternative and renewable energy can play in Australia's future energy mix, and has a variety of policies including the expansion of the national Renewable Energy Target which will ensure that 20 per cent of Australia's electricity supply comes from renewable energy by 2020.

**Recommendation 5**
6.19 The Western Australian Government should commence discussions with energy suppliers on the need to balance the market approach with community and industry needs during a period of gas shortage. In particular, the need for improved transparency and accountability from the gas and energy industry during periods of crisis should be addressed. Given the perception of "price gouging" and unfair contracts it is in the interest of the industry and the government to examine increased transparency and accountability during periods of energy supply crisis.

**Government position:**
The Australian Government notes recommendation five. The Government supports transparency and accountability in the operation of energy markets. As mentioned in its response to recommendation four, the Government believes that the establishment of a permanent Gas Bulletin Board in Western Australia would improve transparency and accountability within the gas industry, particularly in times of supply constraints.

**Recommendation 6**
6.20 The committee received evidence from several contractors in the south west who were severely affected by the gas shortage. It was reported that Centrelink are limited in the assistance they can provide to independent contractors. The Department of Human Services should undertake an investigation of these concerns.

**Government position:**
The Department of Human Services (DHS) is responsible for coordinating improvements to policy on service delivery and reform across the Human Services agencies (including Centrelink) from a whole-of-government perspective. Centrelink is the Commonwealth’s Service Delivery Agency and it delivers services on behalf of relevant policy departments. Neither Centrelink, nor DHS, determine eligibility requirements for Centrelink payments and Centrelink cannot provide assistance contrary to established eligibility criteria set by policy departments such as the Department of Families Housing, Community Services
and Indigenous Affairs and the Department of Employment, Education and Workplace Relations (DEEWR) and accompanied by relevant legislation.

In special circumstances the relevant Commonwealth policy agency may relax some of the normal arrangements for income support payments, but claimants would still need to meet the existing eligibility criteria as set out in the Social Security Act 1991 to receive a payment. This was the case in the Varanus Island gas disruption.

DEEWR is responsible for labour market and income support policies and programs for people of working age. DEEWR has mechanisms in place to identify instances of redundancies. In each case, the Department seeks to coordinate advice and assistance to affected workers (permanent and contractors) to help them find alternative employment as quickly as possible. In this case DEEWR, Centrelink and State Government reports indicated that there were a low number of redundancies (less than 50) across the Western Australian (WA) labour market as a result of the Varanus Island gas disruption. DEEWR policy provides that all workers (permanent and contractors) who are made redundant and have had their redundancy confirmed are eligible for immediate access to Job Search Support services. Additionally, some of these workers were entitled to access the Government’s Productivity Places Program which provides training in industries experiencing skills shortages for eligible job seekers.

In some cases, the Government has provided additional employment services to assist employees in areas where expectations of future employment opportunities for workers in an industry are low or where large scale closures may impact on the local labour market. DEEWR considers the existing services for redundant workers adequately met the requirements of the WA labour market at the time of the Varanus Island gas disruption.

DHS with Centrelink have reviewed the circumstances surrounding the service provided to people affected by the Varanus Island gas disruption. Approximately 100 people contacted Centrelink in the weeks following the explosion to notify that they were financially impacted or had lost their job as a result of this incident. Approximately 50 per cent of those made some form of claim for assistance. Many of the claims were rejected because the claimants were not eligible under the relevant guidelines or policy instruments.

Centrelink operated in accordance with relevant legislation and policy instructions in delivering Newstart payments on DEEWR’s behalf. There were several reasons claims for Newstart were not paid:

Claimants’ assets disqualified them from payment;

- claimants were still employed although they were not earning their usual income, and therefore did not meet the eligibility criteria for Newstart, as they were considered to be under-employed rather than unemployed (their employer was looking for other work for them to perform rather than making them redundant in the tight employment market in this area; or
- claimants were on visas that required their sponsor (usually their current employer) to provide their support when they were unable to work.

Some contact was made by independent contractors who were immediately impacted by the gas explosion and others who were indirectly impacted through flow on effects (e.g. timber carrying contractors). Contractors who were self employed and lost contracts were, in many cases not eligible for Newstart, as they were not unemployed and hence they did not meet the eligibility criteria for that payment even though they had temporarily lost income.

Coalition Senators’ Dissenting Report

Recommendation

1.67 Coalition Senators believe the implications of these conclusions are of such gravity that the State Government be called upon to establish a Judiciary or other major independent Inquiry to investigate the aforementioned matters.

Government’s Position:

The Australian Government notes this Recommendation. On 9 January 2009, the Commonwealth and Western Australian (WA) Governments jointly announced an independent inquiry into the occupational health and safety and integrity regulation for upstream petroleum operations
with a focus on the incident at the facilities operated by Apache Energy Limited on Varanus Island, WA.

A two member expert panel consisting of Mr Kym Bills, the former Executive Director of the Australian Transport Safety Bureau, and Mr David Agostini, a former executive of Woodside Petroleum, conducted the inquiry.

Following a successful Federal Court challenge by Apache Energy Ltd in May 2009, the Terms of Reference for the Inquiry were altered, with two reports prepared on better practice regulation and the role of the National Offshore Petroleum Safety Authority (NOPSA) and improving the interface between NOPSA and the Australian Maritime Safety Authority (AMSA).

The two Reports, Better practice and the effectiveness of NOPSA (the NOPSA Report) and Marine issues (the Marine Report), were provided to Minister Ferguson on 12 June 2009. The Minister released the reports at the 9th meeting of the Ministerial Council on Mineral and Petroleum Resources (MCMPR) on 9 July 2009.

The two reports are available on the Department of Resources, Energy and Tourism website (www.ret.gov.au).

The Government is considering the recommendations and findings in the two reports and will respond by the end of November 2009, with a view to introducing appropriate legislation in early 2010.

REPORT BY THE SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION COMMITTEE

‘Inquiry into Workforce Challenges in the Transport Industry’

THE GOVERNMENT RESPONSE TO THE REPORT

PREAMBLE

The Australian Government welcomes the opportunity to respond to the report of the Senate Employment, Workplace Relations and Education Committee: Inquiry into Workforce Challenges in the Transport Industry.

The Senate referred this inquiry into workforce challenges in the transport industry to the Employment, Workplace Relations and Education Committee on 6 September 2006. The purpose of the inquiry was to:

(a) Address the scope of the problem of labour and skill shortages affecting all sectors of the transport industry and the likely consequences of serious labour shortages;

(b) Review labour supply research undertaken for the transport industry, to canvass the views of industry, consumers and unions in regard to recruitment and employment practices in the industry;

(c) Alert Parliament to the projected labour shortage in the transport industry which will seriously affect the distribution of all goods and most travel services in the next ten years;

(d) Make recommendations on Commonwealth-led coordination of improved training delivery for the sector, and address issues related to employment incentives that are characteristic of the industry.


The Australian Government agrees with the Committee that an effective transport and logistics industry is critical to building Australia’s future economic wealth. The Australian Government also agrees with the Committee’s findings that a range of workforce challenges are facing Australia’s transport industry, across roads and railways, shipping and aviation.

Over the decade to 2008, Australia recorded strong economic and labour market performance. More recently, however, the global recession has deepened and Australia has experienced slowing growth and rising unemployment. Recent research indicates significant easing in skill shortages, however, skill and labour shortages persist in some occupations and industries and skill shortages can coexist with relatively high levels of occupational unemployment. Against this backdrop, it is important that transport industry employers implement recruitment, training and retention strategies to ensure they have the skilled staff to enable them to provide the critical infrastructure Australia needs. The Government will
continue to work closely with the industry to assist it to achieve this objective.

The Australian Government’s response to the recommendations made by the Committee follows.

**TABLE OF ACRONYMS**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ALC</td>
<td>Australian Logistics Council</td>
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<td>ALIS</td>
<td>Australian Logistics Industry Strategy</td>
</tr>
<tr>
<td>ASbAs</td>
<td>Australian School-based Apprenticeships</td>
</tr>
<tr>
<td>CAA</td>
<td>Career Advice Australia</td>
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<tr>
<td>COAG</td>
<td>Council of Australian Governments</td>
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<tr>
<td>FIRS</td>
<td>Federal Interstate Registration Scheme</td>
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<tr>
<td>HV</td>
<td>Heavy Vehicle</td>
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<td>ISC</td>
<td>Industry Skills Council</td>
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<td>LCPs</td>
<td>Local Community Partnerships</td>
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<td>NES</td>
<td>National Employment Standards</td>
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<td>NICS</td>
<td>National Industry Career Specialist</td>
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<td>RICAs</td>
<td>Regional Industry Career Advisers</td>
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<tr>
<td>RIS</td>
<td>Regulation Impact Statement</td>
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<td>T&amp;L</td>
<td>Transport and Logistics</td>
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<td>TIWG</td>
<td>Trucking Industry Working Group</td>
</tr>
<tr>
<td>VET</td>
<td>Vocational Education and Training</td>
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</tbody>
</table>

**RESPONSE TO RECOMMENDATIONS**

**Recommendation 1**

The committee recommends that industry bodies in each jurisdiction agree to a national branding image for adoption by transport and logistics operators in all sectors of the industry, to be used consistently in promotional activity. The brand should be attractive to both young people and to women, and underpinned by consistent professional workplace standards.

Supported

This recommendation reflects the existing agreed approach.

Following the release of the Australian Logistics Industry Strategy (ALIS) in 2002, the Australian Logistics Council (ALC) was established with assistance from the then Department of Transport and Regional Services, to implement the ALIS recommendations and lead the Australian logistics industry in achieving lasting efficiencies and improvements in the sector. The development of a national branding image for the transport and logistics industry has been one of the ALC’s ongoing focus areas. This work continues to be implemented.

**Recommendation 2a**

The committee recommends that transport and logistics industry operators engage with state and territory education authorities to find ways to raise the profile of transport and logistics in school-based career preparation activities, including exploring possibilities for more school-based apprenticeship programs and increasing industry presence at careers expos and similar events.

Supported in principle

Strategies to promote the diverse career opportunities within the transport and logistics industry should be developed in conjunction with existing career and transition services, such as Career Advice Australia (CAA) and include input from the National Industry Career Specialist (NICS) for Transport and Logistics, which is currently contracted to the Transport and Logistics Industry Skills Council (ISC).

CAA is an Australian Government initiative supporting young Australians, aged 13 to 19, to make successful transitions through school and from school to further education, training and work.
CAA provides access to career information and advice, meaningful work experience and quality information about opportunities in industries to help young people make informed decisions about their futures.

CAA complements initiatives such as the myfuture website, The Real Game series, Vocational Education and Training (VET) in Schools and a wide range of other career development products and services. Some of these are outlined in further detail at Attachment 1.

The Transport and Logistics ISC which is the NICS for the transport and logistics industry can assist industry and state and territory education authorities to:

- develop strategies for promoting transport and logistics careers to young people through the CAA networks;
- identify models for regional transport and logistics businesses to become involved in CAA programs designed to improve young people’s understanding of the sector; and
- work with regional transport and logistics businesses, Regional Industry Career Advisers (RICAs) and Local Community Partnerships (LCPs) to increase the availability and quality of structured workplace learning opportunities, increase industry engagement in Australian School-based Apprenticeships (ASbAs) and engage local employers in career and transition support programs.

Recommendation 2b

The committee further recommends that industry operators work with state and territory education authorities to increase opportunities for school-based apprenticeships in skills demanded by the industry, with a focus on secondary schools located near major transport hubs.

Supported in principle

The Government encourages the uptake of ASbAs through the provision of incentives for employers and apprentices. Employers are eligible for: commencement payments for ASbAs; rural and regional payments; additional assistance when employing an apprentice with a disability; and payments for the continued employment of ASbAs for 12 consecutive weeks after the student has completed Year 12. Career pathways in transport, distribution and logistics are available at Certificate II through to Diploma and Advanced Diploma levels.

The uptake of ASbAs in transport and logistics is relatively low compared with the overall uptake of ASbAs for all industries. For the twelve months ending 30 June 2008, there were 245,060 Certificate II and Certificate III Australian Apprenticeship commencements across Australia, of which eight per cent were ASbAs. For the same period, there were 20,107 commencements in transport and logistics, only one per cent of which were ASbAs.

Licensing issues pose one of the major barriers to the uptake of ASbAs. The licences required to complete some qualifications e.g. Certificate III in Transport and Distribution (Mobile Crane Operators and Road Transport) are dependent on age and therefore generally exclude school students from completing apprenticeships.

Recommendation 3

The committee recognises that the expansion of the subclass 457 visa to the transport industry is not an appropriate solution to the industry workforce challenges and recommends that this option is not considered by the industry.

Noted

On 15 May 2009, the Minister for Immigration and Citizenship introduced a Legislative Instrument which excluded occupations in the Australian Standard Classification of Occupations (ASCO) Major Groups 5 to 7 from the Subclass 457 visa program where they were previously allowed in certain regional areas.

This change effectively precludes all road transport occupations from accessing the Subclass 457 visa program visa the Standard Business Sponsorship pathway.

The ASCO Major Group 5 to 7 caseload has been diverted to the Labour Agreement pathway where the associated risks may be more effectively managed by the Department of Immigration and Citizenship in concert with the Department of Education, Employment and Workplace Relations.

While the Labour Agreement framework provides a pathway for recruitment of occupations in ASCO Major Groups 5 to 7, it includes employ-
ment and training commitments which are monitored to ensure the recruitment of overseas workers does not result in Australian job losses.

Recommendation 4

The committee recommends that industry-wide strategic planning for training examine concerns that the transport and logistics training regime may not align with broader trades recognition processes in some jurisdictions, possibly to the detriment of transport employees.

The committee further recommends that strategic planning for industry-wide training include:

A review of current traineeship funding practices to ensure the delivery of government trainee funding is directed to new entrant training, and is not disguised using existing workers.

A minimum of 60 per cent of government training funding be directed to new entrants, to ensure at least 4500 new entrants are trained each year to meet projected industry demand.

Government funding to be linked to a licensing requirement to ensure new entrants complete their training with an appropriate license to ensure full participation on commencement of employment.

Not supported

Licence regulators often have very narrow standards which provide limited credit transfer into other vocational competencies. Licensing standards are limited in their focus and do not cover the broad occupational skills, competencies and knowledge that are required to participate fully in the workplace.

The Government understands the need for harmonisation of training and licensing requirements. This is currently being addressed in a variety of ways, including through the active involvement of licensing and regulatory bodies in the development of nationally accepted and endorsed competency standards in the training packages, through the development of national occupational health and safety competencies for high risk occupations conducted on behalf of the Australian Safety and Compensation Council and through the work of the Council of Australian Governments.

The Government supports industry-wide strategic planning for training in the transport and logistics industry through the Transport and Logistics ISC. The Transport and Logistics ISC is funded by the Government to develop, maintain and continuously improve nationally recognised and endorsed training packages to meet the needs of the transport and logistics industry sectors. These training packages must be developed in consultation with key stakeholders including industry regulatory and licensing bodies. All training packages incorporate, wherever possible, licensing requirements at a national or state and territory level.

The Government notes the declaration of, and funding for, apprenticeships and traineeships is the responsibility of the state and territory governments.

The Government supports and encourages the uptake and training of apprentices through the Australian Apprenticeship Incentive Program and the Productivity Places Program.

As part of its Skilling Australia for the Future initiative, the Government recognises the importance of nationally endorsed training in assisting job seekers to acquire skills and gain lasting employment and assisting existing workers to update or upgrade their skills.

Through the Productivity Places Program (PPP) the Australian Government is playing an active role in assisting industry to respond to the current economic downturn, build capacity for a future economic recovery, address areas of current and future skills needs, increase workforce participation and drive productivity growth.

The Government has allocated funds for 711 000 new training places over five years to ensure Australians develop the skills that industry needs. Of these, 319 000 training places will be allocated for job seekers, including 20 000 places for redundant workers. A further 392 000 places will provide improved qualifications and skills for people who are employed but need to update or upgrade their skills.

At 1 May 2009, 844 Registered Training Organisations had been contracted to deliver 6212 qualifications to job seekers from Certificate II to Diploma level.

Between April 2008 and 30 June 2009 the Australian Government has made available training.
places to job seekers. As at 18 May 2009, over 109,000 job seekers have enrolled, almost 86,000 have commenced and over 40,000 have completed training.

Until 30 June 2009 job seeker places are being delivered by the Australian Government. The State and territory governments will deliver the PPP in the future. In November 2008, the Council of Australian Governments negotiated a National Partnership (NP) Agreement for PPP with seven state and territory governments to deliver job seeker and existing worker places from 2009 to 2012. The Victorian Government has negotiated separate arrangements. The upskilling of existing workers under the PPP has been managed by the states and territories since the inception of the program, initially through a series of pilot projects.

Occupations and qualifications relevant to the transport industry currently attracting Productivity Places funding are outlined at Attachment 2.

Recommendation 5

The committee recommends that an industry-wide training levy be applied to all operators in all sectors of the transport and logistics industry. In determining the amount and method of paying the levy, reference should be made to the varying capacities of different companies and stakeholders to make such a contribution, so that no company or stakeholder is relatively disadvantaged or advantaged.

Not supported

The Australian Government has introduced a range of initiatives which are targeted and flexible in delivering outcomes for both industry and individuals. States and territories received almost $11 billion between 2005 and 2008 for VET including funding for apprenticeships, school-based vocational education and certificate level courses offered through TAFE and Registered Training Organisations. Almost $5 billion of this funding was provided to states and territories under the 2005-2008 Commonwealth-State Agreement for Skilling Australia’s Workforce. States and territories also committed an additional $11 billion to the VET sector over the same period. Long term objectives for the national VET system are set out in Shaping Our Future, Australia’s National Strategy for Vocational Education and Training 2004-2010, and states and territories are working collaboratively through the Agreement to meet these priorities and position the VET sector to meet the challenges of the future.

The Council of Australian Governments (COAG) has agreed to a new National Skills and Workforce Development Agreement which sets out the commitment between the Commonwealth and States to work towards increasing the skill levels of all Australians, including Indigenous Australians. Funding formerly provided to the states and territories under the 2005-2008 Commonwealth-State Agreement for Skilling Australia’s Workforce will now be made under the National Skills and Workforce Development Agreement, with the exception of a component of funding which has been quarantined for the management of the National Training System. The COAG federal financial framework reforms commenced with effect from 1 January 2009.

The Australian Government will continue to support a funding framework for VET which provides flexibility in meeting the needs of all industries across all states and territories. While the government does not support the mandatory establishment of training levies, it does support levies established by industry which strengthen industry investment in training and skills acquisition for workers, particularly where the establishment of such levies is initiated by industries, and employer and employee representatives.

Recommendation 6

The committee recommends that section 23AG of the Income Tax Assessment Act 1936 be reviewed, and the meaning of ‘foreign service’ for income tax purposes be clarified so that Australian seafarers are not disadvantaged in their earnings capacity relative to seafarers of other nations when working on foreign-flagged vessels on the high seas.

Subject to further consideration

This issue was also raised during the House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government’s Inquiry into Coastal shipping policy and regulation. The Committee’s report Rebuilding Australia’s Coastal Shipping In-
Industry, tabled on 20 October 2008, recommended a package of reforms aimed at revitalising the Australian shipping industry, including

Recommendation 13 (page 73)
The Senate Education, Employment and Workplace Relations Committee recommended that section 23AG of the Income Tax Assessment Act 1936 be reviewed, and the meaning of ‘foreign service’ for income tax purposes be clarified so that Australian seafarers are not disadvantaged in their earnings capacity relative to seafarers of other nations when working on foreign-flagged vessels on the high seas.

The Committee concurs and also recommends that the Government review Section 23AG of the Income Tax Assessment Act 1936 so that Australian seafarers are not disadvantaged in their earnings capacity relative to seafarers of other nations when working on foreign-flagged vessels on the high seas.

The Government will consider this recommendation in the context of developing a whole of government response to the Committee’s recommendations in ‘Rebuilding Australia’s Coastal Shipping Industry’. Section 23AG was recently amended, with effect from 1 July 2009, to limit its former broad scope to income derived only in specific circumstances.

Recommendation 7a
The committee recommends that all jurisdictions ensure legislation is enacted to give effect to the model bill on chain of responsibility approved by Australian Transport Ministers in November 2003; and that all jurisdictions implement procedures to ensure the transport system is operating at optimal safety standards.

Supported
Recommendation 7a reflects agreed national policy.

The national model Road Transport Reform (Compliance and Enforcement) Bill, which was agreed to by the Australian Transport Council (ATC) of Transport Ministers in November 2003, is intended to improve compliance with, and enforcement of, the heavy vehicle laws relating to registration, licensing, mass and loading, speeding and driving hours. It is designed help governments give legislative effect to the chain of responsibility principle.

Following the agreement of ATC to the model Bill, jurisdictions are developing their own legislation to apply the model provisions. The implementation status is as follows:

- model provisions implemented in New South Wales, South Australia, Queensland and Victoria;
- Tasmania – legislation passed in both houses with implementation expected in the last quarter of 2009; and
- Western Australia, Northern Territory and the Australian Capital Territory to implement provisions by the end of 2009.

For the Commonwealth, the Compliance and Enforcement amendments would apply to the Federal Interstate Registration Scheme (FIRS). However, Commonwealth implementation will need to be addressed in the context of the new Australian Transport Council (ATC) Heavy Vehicle Reform framework. The ATC has recommended the establishment of a national heavy vehicle registration scheme – this would see the closure of the FIRS.

Recommendation 7b
The committee recommends that employers in all sectors of the transport and logistics industry give priority to improving work conditions, including minimum safe rates of pay and paid waiting time, as well as offering shorter or more flexible shifts and any other options as appropriate, as a means of retaining workers and encouraging current license holders to return to the industry.

Noted / Supported
The Government notes the Committee’s recommendation and supports improved working conditions and remuneration in all sectors of the industry. The Government also notes evidence in the report of some employers in the industry implementing incentives other than financial remuneration to attract and retain workers. The Committee’s finding that remuneration and other aspects of working conditions are equally important in providing incentives to attract and retain workers in the industry, is welcome. This is why the Government promotes a strong safety net, including for wages, and is committed to a workplace rela-
tions system which supports flexible working arrangements and the provision of parental leave.

The Government notes the recommendation of the Committee for employers to provide improved minimum working conditions. The Fair Work Act 2009 contains provisions to establish an improved safety net through the National Employment Standards (NES) and modern awards. The NES and modern awards will commence operation on 1 January 2010.

The Australian Industrial Relations Commission (the Commission) is currently undertaking the award modernisation process. Modern awards will provide a safety net of terms and conditions for employees, including those in the transport and logistics industry, and will provide an effective floor for collective bargaining. Modern awards will contain an individual flexibility clause and negotiated enterprise agreements will contain provision for individual flexibility arrangements. These provisions will allow an employer and an individual employee to tailor specific arrangements to their needs, but will still guarantee that an employee cannot be made worse off than their collectively negotiated conditions, or the terms of an applicable modern award.

The Government is also considering the October 2008 National Transport Commission Report – Safe Payments, Addressing the Underlying Causes of Unsafe Practices in the Road Transport Industry. The Government is advancing work on a response that examines the most effective means of dealing with this report’s recommendations for employee and owner-drivers, through legislative and other reforms.

Currently, the Workplace Authority provides advice and support to employers and employees on the flexibilities for agreement making. The Workplace Ombudsman provides advice and assistance on workplace rights and responsibilities, seeks voluntary compliance, investigates complaints, conducts workplace audits and litigates breaches of workplace laws.

The Government’s workplace relations reforms include a new agency – Fair Work Australia to oversee the new industrial relations system. Fair Work Australia will be accessible and will provide fast and effective assistance to employers, employees and their representatives.

The enforcement and education activities of the new workplace relations system will be performed by the Office of the Fair Work Ombudsman, which will provide practical information, advice and assistance on workplace issues, undertake inspection and enforcement activities to ensure compliance with workplace laws and promote harmonious and cooperative workplace relations. While the Office of the Fair Work Ombudsman will have separate governance arrangements, its day-to-day operations will be practically integrated with the functions of Fair Work Australia to ensure the seamless delivery of services to the public.

The Government has announced that Fair Work Australia and the Office of the Fair Work Ombudsman will commence on 1 July 2009.

The Government strongly encourages all sectors of the industry to utilise opportunities provided by the new workplace relations framework to promote a fair, balanced and productive environment. Through working cooperatively with employees in negotiating flexible arrangements, the significant workforce challenges currently facing the industry will be addressed.

Recommendation 8

The committee recommends that the three Commonwealth Government departments with portfolio responsibility for issues related to the transport and logistics industry workforce (the Department of Transport and Regional Services, the Department of Employment and Workplace Relations and the Department of Education, Science and Training) undertake a strategic policy discussion, developing and implementing a process for better communication and collaborative action on these matters.

The committee recommends that the Department of Transport and Regional Services take a leadership role in convening, motivating and sustaining this discussion.

Supported

Strong lines of communication exist between departments in the consideration of transport and logistics industry workforce issues. As necessary, the Department of Infrastructure, Transport, Regional Development and Local Government will convene future meetings of senior officers with
the Department of Education, Employment and Workplace Relations to strengthen these processes. Ongoing consultation between departments and with industry, and across all levels of government will also continue through other structures such as the Transport and Logistics ISC and the Australian Transport Council.

Under the Skilling Australia for the Future policy, in addition to their original roles of developing and maintaining training packages in line with research and market intelligence, the ISCs are funded by the Australian Government to:

- provide integrated industry intelligence and advice to Skills Australia, government and enterprises on workforce development and skills needs;
- actively support the development, implementation and continuous improvement of high quality training and workforce development products and services including training packages;
- provide independent skills and training advice to enterprises, including matching identified training needs with appropriate training solutions; and
- work with enterprises, Employment Service Providers and training providers to ensure that individual and enterprise training needs are matched to appropriate training.

The Transport and Logistics ISC’s Strategic and Operational Plans 2008-11 articulate how the ISC will work with individual industries to provide tailored skills and training, workforce planning assistance and advice. In undertaking these roles, the Transport and Logistics ISC will draw on widespread industry networks and active stakeholder engagement.

In May 2008, the Australian Transport Council of Ministers agreed there was need to improve industry collaboration, facilitation and coordination to identify and explore possible solutions to transport and logistics sector workforce planning and skills gaps. To this end, Ministers agreed to develop a Directional National Transport and Logistics Industry People Strategy - for consideration by Ministers in November 2009 - which will identify possible future actions and leadership responsibilities to address gaps. The strategy will be complemented by a national forum to support and improve industry and government collaboration in workforce planning and skills provision and identify gaps in addressing workforce issues which require progressing at a national level.

**Recommendation 9**

The committee recommends that the ALC continue development of the next five-year strategy for the national transport and logistics industry, but extend the overall scope of planning work to focus on the next ten and twenty years as well.

The committee further recommends that planning activities undertaken by the ALC should include representation from transport employee bodies and major transport users including mining companies.

The committee recommends that the ALC also give particular priority to addressing constraints on integrated use of different elements of the transport system, and identifies ways to achieve maximum operating capacity from current and planned infrastructure.

**Supported**

This recommendation reflects existing agreed arrangements.

Following the finalisation of the ALIS in February 2007, the ALC was asked to develop and steer the implementation of a new industry strategy. In February 2008 the ALC launched the new strategy titled The National Strategy for the Transport and Logistics Freight Industry – Enhancing Australia’s Supply Chains 2008-15.

In developing the new strategy the ALC wrote to key stakeholders in the transport and logistics industry to seek input and held a series of consultation workshops in all states and territories to capture industry views. The ALC also developed a number of future scenarios set around a long term planning framework to the year 2020.

**Attachment 1**

AUSTRALIAN GOVERNMENT CAREER ADVICE ACTIVITIES

The Australian Government funds a range of careers advice and development activities. A brief summary of a selected number of activities is provided below.
The Job Guide

The Job Guide is a primary career resource for school students, parents and career practitioners. The Job Guide is distributed in March each year to all Year 10 students by the Department of Employment, Education and Workplace Relations. The Job Guide provides information on over 550 occupations, including more than 1000 job titles. The Job Guide provides entry level information about career opportunities in the transport and logistics sector.

In addition, Job Guide provides information on how to explore and plan for a career, how to look for work, education and training options, Australian Apprenticeships, and government services that support the transition of young people through school and from school to further education, training and employment.

Scholarships for Career Advisers

The Scholarships for Career Advisers are awarded under the Career Advice Australia initiative which aims to improve the standard of career advice provided to young people as well as improve the standing of career advisers.

There are 27 Study Scholarships and 27 Industry Placement Scholarships available each year for school career advisers.

Recipients of a Study Scholarship are awarded $5000 to study at postgraduate level to upgrade their qualifications as a Career Adviser. Industry Placement Scholarship recipients are awarded $10,000 to undertake a short-term industry placement to enhance their skills or knowledge of workplaces, industry sectors and/or occupations.

Curriculum Corporation manages the Scholarships for Career Advisers Project for the Australian Government Department of Education, Employment and Workplace Relations (DEEWR).

For more information visit:
www.dest.gov.au/careerscholarships

myfuture

Australia’s national career exploration and information service is myfuture. www.myfuture.edu.au is an initiative of the Australian Government and all state and territory governments. The website brings together a myriad of career information and resources to ensure they can be easily accessed by all Australians. It also has a personal career planning tool.

myfuture Student Video Competition

The myfuture student video competition encourages students to make short, high quality and engaging videos about what it is like to work in a particular occupation. The winning videos are put on the myfuture website and give young people a better understanding about occupations.

Sponsorship of Career Expos and Career Development Conferences.

The Australian Government provides financial support to career expos and conferences to assist in the provision of career information and to encourage community understanding of, and engagement in, career and transition issues.

Sponsorship of career expos and conferences provides the Department with opportunities to promote a range of Australian Government initiatives and resources relating to career education, including the Career Advice Australia initiative and services such as myfuture and the Job Guide.

Attachment 2

Transport-related occupations and qualifications currently attracting Productivity Places funding

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Qualification</th>
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<tbody>
<tr>
<td>Supply and Distribution Manager</td>
<td>Diploma of Logistics</td>
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<tr>
<td>Civil Engineer (Rail Engineer)</td>
<td>Certificate III in Transport and Logistics (Rail Infrastructure)</td>
</tr>
<tr>
<td></td>
<td>Certificate IV in Transport and Logistics (Rail Infrastructure)</td>
</tr>
<tr>
<td>Aircraft Pilot</td>
<td>Certificate IV in Aviation (Commercial Pilot Aeroplane Licence)</td>
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<tr>
<td></td>
<td>Diploma of Aviation (Instrument Flight Operations)</td>
</tr>
<tr>
<td>Ship’s Engineer</td>
<td>Diploma of Transport and Distribution (Marine Engineering – Engineer Watchkeeper)</td>
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<td>Occupation</td>
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<tr>
<td>Railway Track Repair Mobile Plant Operator</td>
<td>Diploma of Transport and Distribution (Coastal Marine Engineering – Engineer Class 3)</td>
</tr>
<tr>
<td></td>
<td>Certificate III in Transport and Logistics (Rail Infrastructure)</td>
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<td>Certificate IV in Transport and Logistics (Rail Infrastructure)</td>
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<td>Railway Signal Operator</td>
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<td>Certificate IV in Transport and Logistics (Rail Operations)</td>
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<td>Train Controller</td>
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<td></td>
<td>Certificate IV in Transport and Logistics (Rail Operations)</td>
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<tr>
<td>Truck Drivers</td>
<td>Certificate II in Transport and Distribution (Road Transport)</td>
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<td>Certificate III in Transport and Distribution (Road Transport)</td>
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<td>Certificate IV in Transport and Logistics (Road Transport)</td>
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<td>Bus and Tram Drivers</td>
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<td>Certificate III in Transport and Logistics (Road Transport)</td>
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<tr>
<td>Delivery Driver</td>
<td>Certificate II in Transport and Distribution (Road Transport)</td>
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</tbody>
</table>
Occupation | Qualification
---|---
Certificate IV in Transport and Distribution (Maritime Operations) | 
Certificate IV in Transport and Distribution (Marine Engineering Driving Grade 1) | 
Certificate IV in Transport and Distribution (Coastal Maritime Operations – Master Class 4) | 
Diploma of Transport and Distribution (Maritime Operations) | 
Diploma of Transport and Distribution (Maritime Operations – Deck Watchkeeper) | 
Diploma of Transportation and Distribution (Coastal Maritime Operations – Master Class 3) | 
Freight and Furniture Handlers | Certificate II in Transport and Distribution (Road Transport) 
Certificate III in Transport and Distribution (Road Transport) | 
Certificate II in Transport and Logistics (Road Transport) | 
Certificate III in Transport and Logistics (Road Transport) |

GOVERNMENT RESPONSE TO THE SENATE FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE REPORT ON MATTERS RELATING TO THE GALLIPOLI PENINSULA

This Government notes that the enquiry addressed contentious, complex and sensitive matters that attracted considerable media and community attention in 2005 and continue to be matters of importance to the Australian public and in Turkey.

The Government acknowledges the commitment of committee members in seeking to ensure that the issues were fully addressed and that all submissions and witnesses were afforded proper consideration.

Turkey has sovereign responsibility for the Gallipoli Peninsula and the historic, cultural and environmental significance of the area to Turkey from antiquity, during the First World War to the present day, and its significance to the countries involved in the Gallipoli campaign.

The Government notes and supports the measures taken by Turkey, including the Long Term Development Plan, approved by the Turkish Parliament, for the Gallipoli Peninsula Historical National Park, its declaration of the area as an International Peace Park, and the heritage listing of the Gallipoli Peninsula under Turkish law as important steps to address the longer term issues of preservation of this area.

Since the publication of the Report, there has been a range of actions that demonstrate the Australian Government’s respect for and commitment to preservation of the Anzac area on the Gallipoli Peninsula.

The Australian Government named Anzac Cove on the inaugural List of Overseas Places of Historic Significance to Australia in August 2007, under the Environment Protection and Biodiversity Conservation Act administered by the Department of the Environment, Water, Heritage and the Arts. The listing was accepted by the Turkish Government.

Recommendations 1 to 4 are concerned with the ongoing issues relating to roadworks, appropriate handling of human remains, and commitment to the conservation and preservation of the Anzac Battlefield area. The Government shares the Australian public’s concerns over future road works in the Anzac area. In this regard, the Government continues to work with Turkish authorities towards a resolution of the Anzac Cove road and associated issues. The Departments of Foreign Affairs and Trade and Veterans’ Affairs continue to monitor and report on the road conditions and works in the Anzac area on the Gallipoli Peninsula.

The Government is mindful that the Gallipoli Peninsula has a long history as a battle site. This history and the number of deaths in the Gallipoli campaign of 1915 make it inevitable that there...
will be human remains found in the area. Responsibility for the policy and procedures for handling human remains found on the Gallipoli Peninsula resides with the Commonwealth War Graves Commission (CWGC) and Turkish authorities. The CWGC policy and procedures are published on the Department of Veterans’ Affairs website and in departmental publications, and reinforced with tour operators. The Government considers that existing procedures for reinterment and reporting of any remains found are appropriate and practical and ensure the dignity of deceased soldiers, allied and Turkish. The Government will continue to take opportunities to raise awareness of the proper handling of any remains found through its publicly available information. The Turkish authorities approach to the reinterment of remains is consistent in intent with the CWGC policy and have, during roads works undertaken last November, included an archaeologist from the National Parks in their project oversight team. This is a significant inclusion and is indicative of the shared concern over the management of this sensitive issue.

The joint historical study, including archaeological aspects, is an important measure for the preservation of the Anzac area. The purpose of the study is to provide a clear basis for balancing development plans for the Gallipoli Peninsula Historical National Park with the preservation of key sites. Regrettably, the study stalled until this Government pressed for progress. The Turkish Government advised on 16 April 2009 that the Canakkale Eighteen March University will be the lead Turkish institution. The Australian and New Zealand members of the study team met with their Turkish counterparts on 12-13 October 2009 to determine the framework and timeframe for the study. Outcomes of the meeting are being progressed by the team members with the first field phase subject to timing of permit approval processes.

The Australian representatives, advised to the Turkish Government, are Rear Admiral Simon Harrington AM RAN (Retd), Professor Antonio Sagona and Associate Professor Christopher Mackie from the Centre for Classics and Archaeology, University of Melbourne, and Dr Richard Reid, historian. New Zealand has nominated Dr Ian McGibbon, historian, as their representative for the study. This Government expects the study to be undertaken in phases and will report on progressive outcomes. The Governments of Turkey, Australia and New Zealand would need to agree on the release of any Government-appointed study.

Recommendations 5 to 7 seek to ensure issues relating to Gallipoli, and more broadly, commemorations, are dealt with transparently and in concert with Turkey and New Zealand, while Recommendations 8 and 9 specifically relate to maintaining an open and ongoing dialogue with the Turkish Government. The Government recognises that there are many diverse interest groups in Australia which have a vested and genuine interest in the preservation of Australian heritage. The Government will continue to keep these groups informed through public messages.

Working with the Turkish Government is integral to ensuring our interests are taken into account. The Australian Government presence in Turkey has been considerably strengthened by the establishment in 2005-06 of the position of Counsellor (Veterans’ Affairs) in the Australian Embassy, Ankara, and the Consulate in Canakkale. The Counsellor and Consul, under the direction of the Australian Ambassador and the Secretary, Department of Veterans’ Affairs, continue to represent Australia’s interests, at the national and local levels in Turkey, in all matters relating to the Gallipoli Peninsula, including in relation to Anzac Day commemorations, works in and preservation of the Anzac area and recognition of the historical importance of the former battle sites and the remains and artefacts that they contain.

The Australian Government, through the Australian Embassy in Turkey and Department of Veterans’ Affairs, maintains an ongoing dialogue with Turkish officials on issues affecting the Anzac area. It continues to work with them on plans and initiatives to preserve the area, as well as ongoing management of the Gallipoli Historical National Park while recognising that Turkey has sovereign responsibility for the Gallipoli Peninsula. The Australian Embassy has been effective in representing this Government’s strong interest in the area and the commencement of the historical study. The Government, through its officials,
The Government reports to Parliament through existing arrangements and is satisfied with current Parliamentary scrutiny and reporting of the Veterans’ Affairs portfolio on matters relating to the Gallipoli Peninsula. These provide for periodic and ad hoc reporting. Members and Senators have taken the opportunity to visit Turkey, particularly around Anzac Day, and New Zealand and to meet with counterparts in those countries.

Where appropriate, public statements will be made to inform the public and interested stakeholders on matters pertaining to preservation of the Gallipoli Peninsula.

The Government is satisfied with current Parliamentary scrutiny and reporting of the Veterans’ Affairs portfolio on matters relating to commemorations. The commemoration of Ausstudyralia’s wartime history, including many commemorative activities, has a long established tradition of political bipartisanship.

The Australian Government has commenced planning for the centenary of the Gallipoli campaign in 2015, with the Minister for Veterans’ Affairs taking the lead in this matter. In developing proposals for Australian recognition of this seminal period in our nation’s history, there will be broad consultation with a range of government agencies, the ex-service and Defence communities, the education and cultural sectors and the wider community as well as the Turkish and New Zealand Governments. Measures that aim to further recognise and preserve the Anzac area will be considered as part of this process.

Senator WILLIAMS (New South Wales) (4.29 pm)—by leave—I move:

That the Senate take note of the documents.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DELEGATION REPORTS

Official Visit to New Zealand

The ACTING DEPUTY PRESIDENT (Senator Hurley)—I present the report of the official visit to New Zealand, which took place from 28 June to 3 July 2009.

AUDITOR-GENERAL’S REPORTS

Report No. 12 of 2009-10


FORESTS

Return to Order

Senator SHERRY (Tasmania—Assistant Treasurer) (4.30 pm)—I table a statement relating to the order for the production of documents concerning maps for Australian forest cover.

COMMITTEES

Selection of Bills Committee

Report

Senator O’BRIEN (Tasmania) (4.30 pm)—I present the 17th report of 2009 of the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

Ordered that the report be adopted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 17 OF 2009

1. The committee met in private session on Wednesday, 18 November 2009 at 7.18 pm.

2. The committee resolved to recommend—

That—

(a) the Poker Machine (Reduced Losses—Interim Measures) Bill 2009 and the Protecting Problem Gamblers Bill 2009 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 18 March 2010
(see appendices 1 and 2 for statements of reasons for referral); and

(b) the provisions of the Trade Practices Amendment (Infrastructure Access) Bill 2009 be referred immediately to the Economics Legislation Committee for inquiry and report by 9 March 2010 (see appendix 3 for a statement of reasons for referral).

3. The committee resolved to recommend—
That the following bills not be referred to committees:

- ACIS Administration Amendment (Application) Bill 2009
- Appropriation (Water Entitlements and Home Insulation) Bill 2009-2010
- Appropriation (Water Entitlements) Bill 2009-2010
- Australian Centre for Renewable Energy Bill 2009
- Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009
- Coal Mining Industry (Long Service Leave Funding) Amendment Bill 2009

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Britt Lapthorne Bill 2009
- Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009
- Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009
- Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009.

(Kerry O’Brien)
Chair
19 November 2009

SELECTION OF BILLS COMMITTEE
APPENDIX 1
Proposal to refer a bill to a committee
Name of bill:
Poker Machine (reduced Losses - Interim Measures) Bill 2009

Reasons for referral/principal issues for consideration:
In undertaking the inquiry, the Committee should consider:

1. how targeted changes to the practical operation of poker machines, such as reducing the maximum bet to $1 and thereby reducing the maximum loss in a single hour to $120, can cut rates of excessive gambling;

2. that limiting users to $20 in total credits at any one time and $20 banknote denominations will assist problem gamblers to reduce the total amount they are able to lose at any one time; and,

3. that cutting rates of excessive gambling is a very important part of addressing the issue of problem gambling and allowing people to play the pokies with reduced harm.

Possible submissions or evidence from:
Dr Charles Livingstone
Dr Richard Woolley
Paul Bendat, PokieAct.org.au
Responsible Gaming Networks
Victorian InterChurch Gambling Taskforce Independent Gambling Authority (SA) Gambling Impact Society NSW

Committee to which bill is to be referred:
Senate Standing Committee on Community Affairs (Legislation)

Possible hearing date(s):
February/ March

Possible reporting date:
Thursday 18 March 2010

(signed)
Kerry O’Brien
Whip/ Selection of Bills Committee member
APPENDIX 2  
SELECTION OF BILLS COMMITTEE  
Proposal to refer a bill to a committee  
Name of bill:  
Protecting Problem Gamblers Bill 2009  
Reasons for referral/principal issues for consideration:  
Gambling losses from poker machines have enormous social costs on society. It is important to introduce harm minimisation measures.  
Possible submissions or evidence from:  
Victorian InterChurch Gambling Taskforce, FamilyVoice Australia, Gambling Impact Society, Chrysalis Insight Inc, Social Responsibilities Committee - Anglican Diocese of Melbourne, Anglicare Victoria, Relationships Australia - Tasmania, Social Issues Executive of the Anglican Church Diocese of Sydney, Duty of Care, UnitingCare Wesley Adelaide  
Committee to which bill is to be referred:  
Community Affairs Legislation Committee  
Possible hearing date(s):  
TBA  
Possible reporting date:  
18 March 2010  
(signed)  
Stephen Parry  
Whip/ Selection of Bills Committee member

APPENDIX 3  
SELECTION OF BILLS COMMITTEE  
Proposal to refer a bill to a committee  
Name of bill:  
The Trade Practices Amendment (Infrastructure Access) Bill 2009 (the Bill).  
Reasons for referral/principal issues for consideration:  
To enable further public consultation on proposed reforms effecting the regulation of third party access to nationally significant infrastructure.  
Possible submissions or evidence from:  
It is anticipated that submissions of evidence will be provided from: infrastructure users;  
- Commonwealth, State and Territory infrastructure access regulators and merit review bodies;  
- Commonwealth, State and Territory government departments; and  
- consultants and academics with an interest in infrastructure and access regulation.  
Committee to which bill is to be referred:  
It is recommended that the Bill be referred to the Economics Legislation Committee.  
Possible hearing date(s):  
It is recommended that hearings be conducted in February and March 2010.  
Possible reporting date:  
It is recommended that the final reporting date be 9 March 2010. This date would allow for effective public consultation and enable the finalised Bill to be implemented in a timely manner.  
(signed)  
Kerry O’Brien  
Whip/ Selection of Bills Committee member

ASYLUM SEEKERS  
Senator CASH (Western Australia) (4.32 pm)—At the request of Senator Fierravanti-Wells, I 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.  
I congratulate Senator Fierravanti-Wells on her motion today relating to the Labor government’s failure to maintain control of Australia’s borders. Based on the rhetoric that
the government has been spinning over the last few months, a number of rhetorical questions come to mind. The first is when is a pull factor not a pull factor? Of course, the answer can only be when it is created by the Rudd Labor government. The second question that comes to mind is, to quote Julia Gillard, when is another boat arrival not another policy failure? Again, when the boat arrives under the Rudd government’s watch. And the final question which comes to mind is this: when is a special deal not a special deal? Again, it can only be when it is negotiated by those opposite, the Rudd Labor government.

I will quote our control freak Prime Minister, who claims that he has no knowledge of this special deal. This is what he said to the parliament: ‘No, I didn’t know. It was handled by some of my staff in the special cabinet subcommittee.’ So we have a special cabinet subcommittee that is doing special deals for asylum seekers and the Prime Minister of Australia knows nothing about these special deals. The bad news for the Prime Minister is this: Mr Rudd, your staff have been negotiating a special deal—in fact, it is a very special deal for these asylum seekers—and it has been presented to them on behalf of the Australian government. This is the deal—a message to the 78 passengers on the Oceanic Viking from the Australian government: the government guarantees that mandated refugees will be resettled. This is where the special deal kicks in. If you are already found to be a refugee, we will settle you within four to six weeks of getting off the Oceanic Viking. If you have already registered with the UNHCR but you have not yet been found to be a refugee, we will settle you within 12 weeks when you are found to be one. It then gets better. If you have not registered, we will actually help you to register and then you get the same deal. You can be in another country within 12 weeks.

But wait! Under this Rudd Labor special deal there is more. You asylum seekers have asked us some questions, so we are going to set out the answers for you. You have asked, ‘Could I have English classes while my case is being processed?’ The answer to that is, ‘Yes, we will provide you with that.’ You have asked, ‘Is it possible for me to make contact with my family?’ The answer is: ‘Yes, we will arrange that for you. You can even have assistance with your refugee applications.’

Why do we on this side of the chamber say that that is a special deal? It is for this reason: because no other asylum seeker currently in Indonesia who was intercepted on Australia’s behalf—and some of them, including women and children who have been there for six, seven, eight months or more, have yet to be looked at by the UNHCR—is getting the promise of being settled in Australia within 12 weeks. They are not receiving daily visits from Australian officials who are there to help them determine their cases.

There are further comments. Let us now look at the comments coming from the detainees at the Tanjung Penang detention centre. This is what they have been quoted as saying today:

We’ve been here seven months, and some of the boys have only now been registered … and half of the people have not been interviewed, but in less than one week—

the Oceanic Viking Sri Lankans—have been interviewed and registration is going on.

Despite the Prime Minister’s denials, and despite the denials of the Minister for Immigration and Citizenship, that a special deal has been offered to the asylum seekers on the Oceanic Viking, that is a special deal—there are no two ways about it.

Mr Rudd continues to say, though, that there is no special deal, as did his minister in
question time today. The minister is from Western Australia and he clearly forgot to read the front page of the *West Australian* today, because that is what it said. Minister, whilst you may not think that there has been a special deal done, the 247 Sri Lankan asylum seekers aboard a boat in the Indonesian port of Merak do. And this is what they are asking for. They are now pleading with the Rudd government for their own special deal to bring them to Australia. Maybe this time, Mr Rudd, your staff can throw in lifetime membership of the ALP as part of the next deal that is struck.

The Labor Party’s claim that there is no causal link between its relaxation of the coalition’s tough border protection policies in August 2008 and the increase in the number of unlawful arrivals in Australian waters becomes more absurd as each day goes by. Fifty-one smuggler boats carrying over 2,200 people have now arrived in Australian waters since Prime Minister Rudd started unraveling the coalition’s strong border protection measures. But Mr Rudd would tell you that this is the effect of Labor’s tough policy. So, Australia, let us give the Labor Party and Mr Rudd a big clap on the back for the success of their border protection policy. What an absolute joke! If that is a policy success, God help Australia when those opposite have a policy failure.

I again remind senators that this is the Prime Minister who, when in opposition, put on the *Hansard* record when referring to national security, ‘It depends on concrete measures taken … so that this nation is truly secure, not simply projected to be secure through the political rhetoric of … government.’ The fact that 51 boats have now arrived in Australia since August 2008 shows that Kevin Rudd stands condemned for his actions in relation to Australia’s border security. But, worse than that, those actions show complete contempt for those people who seek to come to Australia through the lawful channels. Our Prime Minister, by his policy decisions, is discouraging people to enter Australia lawfully through recognised migration channels.

There are hundreds of thousands of people who are currently in United Nations refugee camps. They have gone down the right path by seeking proper application and have gone through medical tests and screenings in order to seek lawful entry into this country, and Mr Rudd treats them with utter contempt. He basically says to them: ‘Thanks a lot for doing the right thing but, sorry, the Labor government in Australia cannot assist you because we have abrogated Australia’s lawful right to determine who comes into this country to the people smugglers. Bad luck to you. We have no room left.’ That is a disgrace. It is a disgrace on the part of the Labor Party that a sovereign government could hand over to people smugglers the right to determine who comes to this country and upon what terms.

But Mr Rudd’s loss of control of our borders is not his only failure. What about Mr Rudd’s single-handed destruction of Australia’s relationship with Indonesia? We need to set the scene here. We have to remember that this is the Mr Rudd who struts the world stage with delusions of self-importance and grandiosity. This is the same Mr Rudd who holds himself out to the people of Australia as being the consummate Asia-Pacific diplomat. One can only then say how humiliating, how mortifying and how undignifying it must be for Mr Rudd with the last-minute cancellation of the Indonesian President’s visit to Australia. We all know that, in the diplomatic world where Mr Rudd likes to live, this is a complete slap in the face. It is an extraordinary event for an Indonesian president, having made a commitment to come to Australia to speak to our parliament, to then cancel the visit.
We all saw via television the body language between Mr Rudd and the Indonesian President at the APEC summit. Our relations with Indonesia are clearly very strained, and they are very strained because of Mr Rudd’s colossal failure of policy and his failure to effectively manage our relationship with our largest and closest neighbour. And this is what Mr Rudd says in response: ‘My dealings with President Yudhoyono ... are in first-class working order right across the spread of the bilateral relationship.’ I can only translate that as being Rudd-speak for, ‘I have personally stuffed up the relationship with Indonesia and I don’t want to tell the people of Australia about it.’

In order to win the battle against people smuggling and illegal immigration, Australia needs to send not only the right message but a consistent message to criminal people smugglers who illegally trade in human cargo. There will always be push factors across the world that draw people to other countries—that is an acknowledged fact. But what we do not need is the foot on the accelerator approach to those pull factors by the Rudd government.

Labor have softened our strong border protection policies, and in doing that they have sent a green light to people smugglers that our borders are open and we are open for business. And guess what—lo and behold, the people smugglers have heard Labor’s message loud and clear and are responding by sending increased numbers of illegal boats with their human cargo to Australia. The reality for Mr Rudd is this: as long as Labor continues to dismantle the coalition’s strong border protection measures and puts out the Rudd welcome mat to people smugglers, the pull factors will see a surge in the number of people trying to get to Australia. Mr Rudd cannot sit on his hands and expect the Indonesians to do all of his heavy lifting. Mr Rudd created this problem and now Mr Rudd, like a true leader, needs to find a solution.

More than that, though, the government needs to explain to Australians how it intends to overcome the conundrum that it created for itself by softening our borders. The people of Australia are entitled to answers to the following questions. If the Rudd government cannot guarantee the security of our borders from people smugglers, can our government then guarantee the security of our borders from drug smugglers? Can it guarantee the security of our fishing interests and resources and our billion-dollar oil and gas industry? This will require a lot more than Mr Rudd’s little Indonesian solution, which was nothing more and nothing less than Mr Rudd paying the Indonesians money to keep his own hands clean. But has that worked? Again, no, it has not. The Indonesians have put Mr Rudd in his place. Mr Rudd, the diplomat who likes to strut the world’s stage, has been snubbed by the Indonesians. As reported in the *West Australian* on 16 September 2009:

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

How unbelievable.

What do we have from those on the other side in response? This is what the minister continues to tell us. They refuse to accept responsibility and they like to use the increase in the number of refugees and the number of displaced people globally as a justification for their failed border protection policies. Logically, one might say that, if Mr Rudd and his minister are prepared to acknowledge that there has been an increase in the number of displaced people, why did he soften Australia’s strong border protection regime? Why then did he take steps to ensure that Australia would become a target for people smugglers? Why isn’t Mr Rudd...
understanding for the thousands of refugees and displaced persons who are doing the right thing and who are seeking to come here lawfully?

The Rudd government has done nothing more and nothing less than make it easier for the people smugglers to sell their product. People smuggling, as we all know, is a business. People smugglers sell a product, and the product that they are selling is unlawful passage to Australia. With his policy decisions Mr Rudd has now given them something that they did not have under the former coalition government. He has given them a marketing edge by way of special deals. It was bad enough that in August 2008 he took the decision to soften Australia’s border protection regime. That was a marketing tool in itself, but the people smugglers now have the written message on Australian government letterhead sent to the 78 people aboard the Oceanic Viking setting out the special deal that those people will get. The people smugglers can now pass that around to potential customers in Indonesia.

But it is not just the coalition who have been telling those opposite that Kevin Rudd’s policies have made people smuggling more attractive. Let’s look at who else has come to that same conclusion: the Sri Lankan Ambassador to the UN, the Indonesian ambassador, the Federal Police, the International Organisation for Migration. They all say to those opposite that Kevin Rudd’s policies have increased the pull factors. Mr Rudd created the problem; Mr Rudd now needs to find the solution. The simple fact is that the object of any government policy should be to eliminate people smuggling so far as it is practicable so that there are no unauthorised maritime arrivals of people seeking asylum in Australia. That is not a racist comment; it is not a heartless comment. It is not a comment that is lacking in compassion. It is an acknowledgement that people smuggling must be stopped. It should never, ever be controversial to state as a matter of policy that Australians have the right to determine who comes to this country—our country—and the manner in which they come.

Mr Rudd’s policies, the Labor government’s policies, put lives at risk. They have assisted international criminals to grow fat on the profits that they create. But, worse than that, Australia’s limited humanitarian and refugee resources are diverted. They are diverted from the people that we should be assisting to those whose clients have the cash and the contacts to get ahead of the queue. Australians will not be conned by the constant rhetoric in relation to their failure on border protection by Rudd Labor. Remember: this is the man who said ‘concrete measures’ must be taken if a government is to be judged, ‘so that this nation is truly secure, not simply projected to be secure through the political rhetoric of government’.

Senator FEENEY (Victoria) (4.52 pm)—It will come as no surprise that I intend to speak against the motion. Once again, the Senate’s time is being wasted by another tedious opposition motion concerning the Oceanic Viking. In the last fortnight of the Senate sittings for this year, when we have a raft of legislation waiting to be debated, waiting for passage through this place, and, most importantly, when we have had the Carbon Pollution Reduction Scheme bills before the Senate, the opposition has chosen time and time again to burn up our valuable time with lengthy tirades concerning asylum seekers such as the one we have just heard from Senator Cash. Senator Cash’s speech was mostly a rehash of some of her earlier contributions this week, but it does invite me to rehash some of the points I have made in earlier contributions concerning what this debate is really about and the departure of
the parliamentary Liberal Party from fact and reason.

Ultimately it has to do with the worsening and growing divisions within the Liberal Party and within the ranks of the opposition over how they deal with the great political issues confronting this parliament and this nation at this time. This morning we heard yet another extraordinary speech from Senator Minchin, the Leader of the Liberal Party in this place, who once again flatly and openly contradicted his leader Malcolm Turnbull and contradicted the purported policy of his own party on the issue of climate change. Senator Minchin said quite flatly that not only is he opposed to the CPRS bills currently before the Senate but he is opposed to any emissions trading scheme at all because, he says, anthropogenic climate change is only a theory. He told us that literally thousands of eminent and highly qualified scientists in Australia and all over the world do not accept the IPCC’s hypothesis that anthropogenic CO2 emissions are the main cause of global warming—

Opposition senators interjecting—

Senator Parry—On a point of order, Madam Acting Deputy President: the debate has nothing to do with the CPRS; the debate concerns border protection. So I draw your attention to relevance and that Senator Feeney has strayed very wide from the debate.

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Thank you, Senator Parry. I think there is a wide debate on these matters and Senator Feeney is within the confines of that wide debate.

Senator FEENEY—Thank you, Madam Acting Deputy President, for dealing with that outrageous attempt at censorship. The overwhelming majority of qualified climate scientists not only accepts that anthropogenic emissions are the cause of global warming but also is warning us with ever greater urgency that we must act to curb our emissions or face unstoppable and highly damaging climate change.

Senator Cormann—On a point of order, Madam Deputy President: Senator Feeney is not being relevant in any way, shape or form to the motion before the chamber and I ask you to call him to order.

Senator Sherry—Madam Acting Deputy President on the point of order: firstly, by long tradition in this place debates and contributions have been wide ranging and certainly far more wide ranging than Senator Feeney’s contribution today; and, secondly, it is very dangerous to raise points of order like this because, if you follow the logic of the argument on the point of order, which I would argue is not within the standing orders, there would be many speeches from both sides of the chamber that would be ruled out of order. Senator Cormann should think about what he wishes for.

The ACTING DEPUTY PRESIDENT—Thank you, Senator Sherry. There is no point of order, Senator Cormann, but, Senator Feeney, you must touch on the terms of the motion.

Senator FEENEY—Thank you, Madam Acting Deputy President. I reassure the Senate and those opposite that I will be turning to their miserable record on asylum seekers momentarily. The statement made earlier today—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT—Senator Feeney, please ignore the interjections and continue with your remarks.

Senator FEENEY—Certainly. More to the point, that statement is also a repudiation of the position taken by Malcolm Turnbull, Julie Bishop and Greg Hunt, which is that anthropogenic climate change is real and we
must act on it. It is a repudiation of the negotiations currently being conducted by the government in good faith with Ian Macfarlane on the opposition’s proposed amendments to the bills. It is an open declaration that, even if the government accepts all of the opposition’s amendments and even if Malcolm Turnbull then decides that the bill should be passed, Senator Minchin and his suicide squad in the Senate will continue to oppose it.

It is for these important reasons that the opposition are determined to come into this place and debate asylum seekers rather than debate the other great questions before this country and the Senate. Those opposite not only have become obstructionists to the Rudd Labor government but have become obstructionists to their own opposition leader in the House of Representatives. Those opposite have become a rogue Senate team and Malcolm Turnbull is herding cats rather than leading an opposition. Those opposite in this place are now debating asylum seekers because they are unable to debate any of the other major questions before this parliament. The asylum seeker debate is their substitute for debating the CPRS, the economy, the government’s response to the global financial crisis and a plethora of other important issues. So we must now contend with a rogue Liberal Party Senate team sailing the political seas under their own flag led by Captain No, Senator Minchin, and continuing to obstruct both the government and Malcolm Turnbull in the Senate. Senator Cash has taken on the role of chief incendiaryist for the opposition in this campaign of diffusion and obstruction, and I hope she does not have cause in the future to regret the role she has played in this asylum seeker debate.

I would like to go back over the events of the last month and go through, on a factual basis, the events in the matter of the Oceanic Viking and how it pertains to government policy. On 18 October, a call was made to Australian search and rescue authorities indicating that a vessel was in distress in the waters between Australia and Indonesia. The vessel was in the Indonesian search and rescue zone. That means it was Indonesia’s responsibility under the 1979 International Convention on Maritime Search and Rescue, to which Indonesia and Australia are both signatories. I quote from that convention:

Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found—

and—

… to provide their initial medical or other needs and deliver them to a place of safety.

Upon receiving this call, Australian officials contacted the relevant Indonesian search and rescue maritime authorities. Indonesian officials told Australian officials that they had no vessels in the vicinity and asked if Australia could provide assistance. Since there were no commercial vessels in the area, HMAS Armidale was sent to the vessel in distress. When the Armidale reached the vessel, Royal Australian Navy personnel concluded that it was not able to get to a port under its own power. As a consequence, the 78 people on board were transferred to the Australian Customs vessel MV Oceanic Viking. All this was done at the request of the Indonesian government. The Indonesian search and rescue authorities were the lead agency.

None of this meant that the people on board the vessel in distress became Australia’s legal responsibility. These people were not, and never have been, Australian detainees. They are persons rescued at sea, and our duty to them was to transfer them to a place of safety. The nearest place of safety was the Indonesian port of Merak. The Australians, however, told Australia that the facilities at Merak were inadequate to receive the people
on the vessel and consequently requested that the *Oceanic Viking* proceed to the detention centre at Tanjung Pinang in the Riau Islands, and this was done. Since the people on the *Oceanic Viking* were Indonesia’s responsibility, it was not unreasonable that Indonesia decide where they should be disembarked.

It was at this point that the people on the *Oceanic Viking* announced that they wanted to come to Australia and that they would not disembark at Tanjung Pinang. The Australian government said from the start that this was not acceptable. These people were not immigration detainees; they were persons who had been rescued at sea. They were not in Australian territory, they were not in Australian waters and they were not in Australian custody. These are all critical points of fact which those opposite have consistently ignored and avoided. These are the facts that give testament to the haranguing language used by those opposite, not to uncover a truth but rather to generate an untruth—that is, irrational fear of immigration.

These persons were not in Australian custody, and our only duty to them was to transfer them to a place of safety, which, of course, we had done. It was at this point that the Liberal Party in the Senate began to crow and chortle and boast about what a terrible pickle the government was in. They began to ask a long string of inane questions, to move MPIs and urgency motions every sitting day and to carry on as though this were the funniest thing that had ever happened. ‘What a good joke it is,’ they said. ‘It is a terrible shambles,’ they said. ‘The government has lost control of Australia’s borders,’ they proclaimed.

But there was one thing that the Liberal and National senators did not say and that they have never said. They have never said, and they are unable to say, what they would do in these same circumstances if they had been in government. Senator Fierravanti-Wells, Senator Bernardi and Senator Cash, in all their impassioned harangues on how totally wrong the government’s response was, never once have even given a hint of what they would have done and of what they thought ought to have happened to the people rescued and placed on the *Oceanic Viking*. Captain No and his rogue crew sailing the political seas are not in the business of providing policy and are not doing the hard work of providing an alternative government but rather are in the business of sloganeering and avoiding a tough, factually based argument.

This, of course, is a feature of the Liberal and National parties in this place: a strategy of cynical exploitation of the fear of immigrants which they hope is lurking out there in the electorate. It is a strategy of diversion of the parliament’s and the public’s attention from all of the other key issues upon which they remain so hopelessly divided, so bereft of policies and so thoroughly discredited in the eyes of the Australian people. Theirs is a strategy of trying to milk the maximum possible advantage from the difficult and delicate situation which the Australian government was confronted with while all the time dodging questions about what their policy is, what their policy was or what they would have done.

And now we know who the sinister mastermind behind this policy of evasion is. It is not Senator Fierravanti-Wells, whose role is to be the coalition’s attack dog on immigration issues; it is not Senator Minchin, who as we well know is too preoccupied with sabotaging his leader and leading his crew of rogue parliamentarians; and it is not Senator Abetz, whose political reputation was last seen orbiting Pluto—it is not expected to return to earth for many millennia yet, if ever. He is the Baldrick of *Blackadder* fame,
offering you a cunning plan, but unfortunately his gravitas and wisdom do not quite match his imaginings. No, the mastermind is none other than the author of the Pacific Solution, Philip Ruddock. It was Philip Ruddock who told the Liberal and National parties that the best policy to have on asylum seekers in general and the Oceanic Viking in particular was no policy at all. When Ruddock was asked on 23 October on Sky News what he would do about the Oceanic Viking, he replied, ‘I’ve advised all of my colleagues that that’s the question they shouldn’t answer.’

So here we have the Liberals once again giving the game away. Just as Malcolm Turnbull could not resist boasting to Dr Andrew Charlton at the press gallery ball that he had the goods at last on that nasty Prime Minister in the form of that email which Baldrick had given him, Mr Ruddock just could not resist taking credit for this opposition tactic of not saying what they would do about the Oceanic Viking. I do not think those opposite should be allowed to get away with this evasion.

There were, in fact, only three possible alternative courses of action that Australia could have taken in response to the call for help from the Indonesian authorities concerning the vessel found in the Indonesian rescue zone. The first was to leave them to drown. Now perhaps all of those senators opposite who think we should have left 78 people to drown might have the courage to raise their hands—but none of them will. The second option was to bring them directly to Australia or to Christmas Island. Colin Barnett, the Liberal Premier of Western Australia, wanted us to bring them to Perth. Sharman Stone wanted us to bring them to Christmas Island for processing. Obviously neither Colin Barnett nor Sharman Stone had been properly briefed by Philip Ruddock on the Liberal Party’s strategy that the best policy was to have no policy at all. It is also what the Greens and other so-called refugee advocates wanted us to do. So who amongst those senators opposite wants to argue that we should fall in with the Greens and bring all such people directly to Australia? Again, of course, none of them will. The third alternative was to take them straight back to Sri Lanka, presumably by force and return them to the tender care of the Sri Lankan authorities. Is anyone opposite putting their hand up for that approach? Of course not.

Given these three unacceptable solutions, all of which have been flirted with by those opposite but none of which have been adopted by them, the only course of action open to the Australian government was to exercise the maximum degree of patience and to try and persuade the people aboard the Oceanic Viking to disembark. The Indonesians made it clear that they would not accept the use of force, as was their absolute right given that these events were taking place in Indonesian waters and in an Indonesian port. So the only responsible course was the one that the Rudd Labor government followed: to be patient and to wait until the people on the Oceanic Viking accepted that the sensible thing for them to do was to disembark and have their claims to refugee status processed in Indonesia in accordance with the agreement between Australia and Indonesia under the Bali process for regional cooperation on asylum seekers and people smuggling.

We must deal with the silly assertion made by those opposite that the people found on the Oceanic Viking have been given a ‘special deal’ by the Rudd Labor government. There has been no special deal. If the government had accepted the demands of these people, they would now be at Christmas Island, as Premier Barnett had advocated. But we made it clear that we would not be accepting that demand. All we have said to the
people on the *Oceanic Viking* is that, if they disembark, their claims to refugee status will be processed as quickly as possible. Given that some of these people have already been found to be genuine refugees by the UNHCR, that means that they are eligible for resettlement. Australia will accept its fair share of these people, and we expect that other countries will do likewise, as they have consistently done in the past. Those that have not been processed will now be processed as quickly as possible.

It is important to note that this assessment will be done by the UNHCR and not by Australian officials. Australia does not have the power to offer a deal to anyone in Indonesia, and no such deal was offered. Let us be clear about this. No promise was made to any person on the *Oceanic Viking* that they would be given refugee status if they did not already have it. No promise was made to any person on the *Oceanic Viking* that they would be settled in Australia even if they were given refugee status. Let me say that again: no promise was made to any person on the *Oceanic Viking* that they would be settled in Australia even if they were given refugee status. Those are the facts, and what all of these facts have in common is that they are never mentioned by those opposite.

The other thing that all of these facts have in common is that they demonstrate again and again that those opposite are not actually interested in having a debate about our immigration regime. They are not interested in having a debate about how these people should be treated. What they are interested in doing is using inflammatory language, using terms such as ‘queue jumpers’ and ‘holding the vessel to ransom’—these and other absurd notions. And all of those notions are about building the case that our border protection is weak when it is not, and what none of those inflammatory words does is offer us any insight at all into what those opposite would do had they found themselves in government at this time.

Of course, one can well imagine what the answer to that would be. We were offered an insight by Alexander Downer, who recently, when speaking to ABC Radio National, gave us some insight into the mindset of those opposite. He described as successful the sotto voce policy of towing boats back to Indonesia under the Howard government:

… 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 to where to go, and then left them.

And then left them. He went on to say that they:

… obviously monitored them to make sure the boat was safe but disappeared over the horizon.

That is the strategy that those opposite commend to this place.

The proposition that the Liberal Party ever offered a secure border protection regime to this country is torn to shreds the moment one looks at the record of TPVs. What we see with temporary protection visas is that they were an abject failure as an instrument. Ninety per cent of persons given temporary protection visas under the Howard government were eventually found to be refugees and settled in Australia. So these great instruments of deterrence that those opposite hark back to were in fact a policy failure.

When we came to office we found not only that there was a harsh and inhumane regime in this area but that it was expensive and it was ineffective. There was a white elephant on Christmas Island, built in far greater time and for far more money than it was ever supposed to be, and a TPV regime that was completely failing to serve as a deterrent. That is what those opposite cling to.

Notwithstanding that, those opposite voted for our changes and now heartily deny
that they ever did so. Those opposite cling to a regulatory regime which completely failed to protect our borders, to serve as a deterrent or, most importantly, to build and nurture the reputation of this country as one which deals humanely with asylum seekers and deals with them in a manner consistent with our international obligations. Where does this leave us? This leaves us in a debate where those opposite have stripped of fact. It leaves us in a debate where those opposite cling to inflammatory language— *(Time expired)*

**Senator BACK** (Western Australia) *(5.14 pm)*—I am delighted to stand and support the motion. In so doing I make two observations to Senator Feeney whilst he is still in the chamber, through you, Mr Acting Deputy President. This is the time in the week when the opposition has the opportunity to place its business before the chamber; this is the time of the week in which the opposition allowed an hour—quite correctly—to honour Harry Evans, not in the business time of government but in the business time of the opposition; and to hear Senator Feeney decry the opposition because of the time it is taking beggars belief. Interestingly and excitingly, it is a shame that Senator Feeney has elected to leave the chamber, because I wish to address the derogatory comments he made towards the Hon. Philip Ruddock. He made comment about the fact—

**Senator McGauran interjecting—**

**The ACTING DEPUTY PRESIDENT** *(Senator Forshaw)—Order!* Senator McGauran, it is actually your senator who is on his feet endeavouring to speak and you are interjecting on him. I want to hear what he has to say and I am sure you do, so please desist.

**Senator BACK**—Senator Feeney asked why it was that the coalition would say nothing about what it would do. I investigated this question only to learn that this government flatly refused to give any briefings at all to senior members of the coalition on this matter. So, being new to this place, I inquired as to what the Hon. Philip Ruddock did when in government. I have learned that he invited and took the then shadow minister for population and immigration, Julia Gillard, to the island of Nauru and Manus Island so that she could observe for herself what was going on. How different it is when this government, bereft itself of any solutions, calls upon the opposition and refuses to brief it on what is going on!

There is little wonder: why would he draw attention to Philip Ruddock when we all know there is not a person in this parliament who has spent more time in refugee camps trying to assist the case of refugees? When asked why he introduced the policies he did—and I will come back to this later in my speech—Philip Ruddock said that he realised the only way he could engage and guarantee the safety of these people was to ensure that they did not go to sea in the first place. It is duplicitous for anybody in this chamber to say, as unfortunately our colleague Senator Feeney said, that in some way the coalition was taking pleasure out of the demise of these people and the regrettable circumstances they were in. Nobody in recent times has done more than former Minister Philip Ruddock in this area.

I wish to focus on a number of areas: people smugglers, our relations with our Asian neighbours and the bias in favour of Sri Lankans, with some comments on asylum seekers. Let me tell you a little bit about people smuggling. This is no ad hoc activity. These people are highly trained and highly organised. They are members of criminal gangs, and the beauty of it is that they are wonderful businesspeople, because for very, very low inputs they make enormous profits. Their networks and their parasitising of these poor people who are trying to leave their
circumstances are lamentable and regrettable. Consider for a moment how they would get people from Afghanistan or Sri Lanka into Asia and through Asia towards Australia. Do people think this is some ad hoc activity? It is a well-organised logistical exercise. It is cash up front, so it is fantastic—and there is plenty of cash indeed. They must organise road and land transport; they must sometimes organise papers for these people; they must organise accommodation and three meals a day; and, naturally enough, at the other end they must organise the leaking vessels for the one-way voyage. These are good, hard, rogue businessmen. They are good at what they do; they are bad for the asylum seekers who they are exploiting.

But it does not stop there. You should know a little bit about what our people face when they are on vessels, because the people smugglers give the crews instructions on what to do. They give them instructions on how to sabotage the vessel. Our people are trained to do three things if they go on board these vessels: firstly, to have firefighting equipment ready; secondly, to take possession of the wheelhouse; and, thirdly, to take possession of the engine room quickly. I will leave it to the imagination of the group as to why. Our people are trained to have their pockets sewn up so they cannot accept a document. This is how well trained some of the people are.

Unfortunately, earlier this year we saw a fire on a vessel in the Timor Sea. We still do not know the outcome of the coroner’s report. We do know that all those involved have already been fast tracked into Australia long before the facts have been established. But that tragedy, in which I believe five people were killed, could have killed more had the Front Puffin FPSO not been on station in the Timor Sea. These people smugglers are well organised; they are ruthless; they do not care about the fate of the people they put to sea in leaking boats and we must stop them from doing it.

My next point is about our relations with our Asian neighbours, and this is tragic. We saw the best visual image of it on the weekend at the APEC conference in Singapore. We did not see President Yudhoyono say anything; we did not see what he said to our Prime Minister representing our country. What we did see was no eye contact; we saw him turn away from our Prime Minister and seek the company of somebody else. Why did he do that? Those of us who have dealt with Asia, India and the Middle East for many years know the sensitivity of liaising with and the diplomacy between ourselves and our Asian, Indian and Middle East neighbours. They are courteous, they are polite, they do not say what Europeans say and they are deeply offended by what has been said to them—what we refer to as megaphone diplomacy.

For those of you who do not believe it, simply take the statement of Dr Sujatmiko, the senior Indonesian negotiator with the Oceanic Viking through this whole exercise. His statement was that he hoped that Australia would ‘keep its promise to resettle’ those on the Oceanic Viking in Australia. The response by our minister, Senator Evans, was: There’s no guarantee they will come to Australia, that was never part of the offer. That is a statement to this Indonesian senior negotiator that he is a liar. They are not liars. Whether or not they agree with our policies—whether they want to bend to Mr Rudd’s policies and directives—is one thing, but we are not going to get cooperation out of them if we treat them in that fashion. We have seen the same in recent times with the Stern Hu exercise with Mr Rudd and the Chinese. He might speak Mandarin, but he does not understand the Chinese. There is no question about that. Our relations with our
Asian neighbours have been damaged over this—and they need to be good because, as we know, in the main people coming over-land come through Malaysia. An Islamic country welcomes them, but it welcomes them to travel through, not to stay. They then make their way to Indonesia, another country which must be supported and assisted but not through the type of diplomacy that we, regrettably, have seen.

We have continually heard that there are no biases, deals or favours for these Sri Lankans. Let us take the statements of a young Afghani man in only the last few days in the same camp as that which these people now occupy. He gave the journalist a pseudonym ‘for fear of violent reprisals from the Australian trained guards at the centre’. How pathetic! This is his statement:

We’ve been here seven months, and some of the boys have only now been registered (with the UNHCR), and half of the people have not been interviewed, but in less than one week (the Oceanic Viking Sri Lankans) have been interviewed and registration is going on. So everyone is feeling jealous.

Is it any wonder, in fact, that these Sri Lankans are being segregated in that particular camp? He goes on to ask why ‘those already there could not receive the same treatment as the new arrivals’.

Some of the Afghans have been accepted by the UNHCR for more than a month but they are still inside of detention—what will happen to them?

His final request:

I want to request to the Australian government that please if you have a policy that you accept these refugees, so what about us? We are also refugees who want to go to Australia—the only difference is that they were arrested a little nearer to Australia, and we were arrested a little bit farther from Australia.

I would like Senator Evans to explain to that man how it is that no special deal has been struck on behalf of these Sri Lankans. Of course it has. Surely it is better to stand up, say that it has and deal with it accordingly than to stand in this chamber day after day and deny it. It is nonsensical. It is an insult to the Australian people that he would go on in that way.

I make the point about safety, for which Senator Feeney earlier kindly gave me the opportunity. I have made this point two or three times recently. These waters are cyclone prone from this time of the year until Easter. In a previous life I travelled on large ships through those waters between October-November and March-April, and I can tell you that a force 7 gale when you are on a 40,000-tonne ship is not a pleasant experience. I imagine that on one of these small, leaking fishing boats it would be absolutely horrific. It causes me to make the point that if ever there were a time that we had to stop these people smugglers and stop these people being put to sea it is this period of the year between now and Easter time. It is horrific and must be stopped.

I come also to the question of the asylum seekers themselves. There is the whole question of where we need to be devoting attention. We know that, regrettably, here are still two million Afghans apparently in camps outside Afghanistan, wanting and waiting to get back into Afghanistan. What a shocking statistic—and yet not many years ago there were six million Afghans in that position. Four million have now been returned to their country. The ultimate objective surely has to be to create conditions in those countries whereby people can return to safety. We look at the statistics associated with the Sri Lankans—a terrible circumstance over the last hundred years. More than 70,000 have been killed; more than a quarter of a million are in government camps. They are absolutely horrific circumstances, but the solution surely lies in reversing that circumstance so that they do not feel compelled to leave.
But you must ask yourself the question. With the proximity of the Middle East, India and Asia to Sri Lanka, the numbers wanting to go to India are very, very low. For those who are risking money and life to come to Australia there has to be a reason why. The reason is, of course, that the people smugglers understand clearly that the rules have changed in Australia. They know that in taxis in Pakistan, they know that on the streets in Asia and we must reverse that situation. We must send a clear message that this is not an acceptable circumstance.

I conclude my comments with reference to the circumstances of Sri Lankans in Indonesian waters. It has escaped the attention of people that there is another vessel with Sri Lankan asylum seekers. They are known as the Merak protesters and, as we know, their spokesman is this ‘Alex’ fellow. Only some time later did we learn that Alex, in fact, has a criminal record from his time in Canada. Is his brother or is his brother not Alex himself? Was he or was he not a people smuggler? We do not know. But that vessel was picked up by the Australian Navy in Indonesian waters, again in response to a distress plea. They are now asking why they are not the subject of the same deal that is being allowed to the Oceanic Viking personnel. It can be best summarised thus: the Howard government had a problem associated with asylum seekers and they found a solution. On the other hand, the Rudd government inherited that solution; they dismantled the solution. They now have a problem not only for asylum seekers but for the government and for the people of Australia. We must stop this trade. I support the motion of Senator Fierravanti-Wells.

Senator BILYK (Tasmania) (5.30 pm)—I rise to speak against the motion on asylum seekers. The Rudd government is committed to protecting Australian borders and it is committed to the safety of the Australian community. It is committed to a system of immigration detention that is more humane and effective than what we have had previously. Let us be very clear: the Rudd government will not turn away people who are clearly in need of help.

Before I go any further, I have to say thank you to the Philip Ruddock fan club on the other side. It seems that my colleague Senator Feeney must have hit a raw nerve. Straightaway up jumped Senator Back to come in and bat for Mr Ruddock. I know Mr Ruddock might need a bit of assistance because of some of his views, but it is amazing that Senator Back could spend so long defending Mr Ruddock.

The opposition are using immigration as a bit of media frenzy and as a scaremongering campaign and I find that abominable. They have taken up most of question time this week, they took up most of question time in the last sitting period and I presume that next week they will take up most of question time again with the issue of immigration. It has become fairly tedious listening to their little tantrums and tirades. I presume that the hype and drama is to generate some media coverage and to take the spotlight off them because they are in complete disarray as a party. I do not think the people of Australia are fooled at all by the tactic.

I have to say in regard to the motion that Senator Evans on numerous occasions has made it very clear—in fact just today through question time when he was answering the continual questioning about it—that there was no special deal. We do have to ask the question—it has been asked before and I will ask it yet again: what would those opposite have had us do in regard to the people who were picked up by the Oceanic Viking? We chose for them to disembark in Indonesia. They wanted to come to Australia. We said that we would go to the nearest port for
disembarkation, which was our obligation, having stopped to save these people from drowning. They requested to come to Australia. That did not happen. They were taken to Indonesia. The fact that it might have taken a bit of time for the agreement between the two governments, which has been put in writing and has been publicly available for a week or so for people to see, should not lead to all this hype, drama and tirade that we have been subjected to time after time in the last weeks.

I presume that those on the other side will continue next week because they want to avoid debating the really critical issues. I have not heard much about the economy in the past weeks. I have heard a bit about climate change from those on the other side, none of which has been that entertaining or that factual, but it is typical of those opposite to not let the facts get in the way of a good story. In regard to this issue of immigration that is exactly what they are doing. They seem absolutely focused on the front page of the media and what it can do for them. It is a bit of a race to see who can get on the front page of the media every day.

Senator Evans also made it quite clear through question time today that we have been counselling and talking to those on the boat to enable them to disembark. They eventually chose to come off the boat in Indonesia rather than in Australia, which was where they wanted to go. Let us remember that they wanted to come to Australia but they actually disembarked in Indonesia. For those on the other side to get so hysterical about it, as I said earlier, beggars belief. The Rudd government stands by the decision to save those people from drowning.

As I have said: what would the opposition have done? Until they can answer that, I do not think they have any right to scaremonger and to worry the Australian public about what they claim is a softening of border policies. They are just about falling over each other on the other side to get on the front page of the media. We constantly hear them quoting from the media as though everything the media prints is completely truthful. If that is where their facts are coming from, or their lack of facts, they need to look at the whole process of how they are working.

It is time they started accepting the facts. We have maintained the border protection policies of the Howard government. That is a system of excision, mandatory detention and offshore processing. The Rudd government have been acting in accordance with our international legal obligations and we take these legal obligations very seriously. That is why we responded to the initial request to assist in the search and rescue of the passengers in the first place.

Wherever there are people in trouble you can bet your life that either the opposition will try to get excessive media coverage out of it or they will put their boot in to try to make things harder for everybody concerned. In this case, they have done both. They do not want to let the facts, as I have said, get in the way of a good story. They want to inflame; they want to use their tactics of scaremongering to try and frighten some of the general public.

Situations around the world mean that large numbers of displaced persons are looking for settlement and can be targeted by and fall prey to people smugglers. We do not deny that. According to the UNHCR 2008 global trends report, there were 42 million forcibly displaced persons worldwide at the end of 2008, including 15.2 million refugees. People smuggling is not just an issue for Australia; it is a global and a regional problem. The commitment of our neighbours, through bilateral cooperation and the Bali process on people smuggling, trafficking in
persons and related transnational crime, is critical to addressing this most serious issue.

The Australian government has an orderly and planned migration program and places a high priority on protecting Australia’s borders from irregular maritime rivals by maintaining an effective and visible tactical response program of aerial, land and sea based patrols. The Australian government’s Border Protection Command uses a combination of customs, border protection and defence assets to deliver a coordinated national response to security threats in Australia’s maritime domain. The Australian government remains vigilant and committed to protecting Australia’s borders. No matter what the other side try to imply, what stories they try to spin or what dramas they try to enact here in the chamber, that will not change.

I want to speak quickly about the soft policies alleged by those on the other side. Australia under the Rudd government has one of the toughest and most sophisticated border security regimes in the world. As I said, the Rudd government has maintained the border protection policies of the Howard government: a system of excision, mandatory detention and offshore processing on Christmas Island of all irregular maritime arrivals. The Rudd government has also allocated $654 million in the 2009 budget to substantially increase aerial and maritime surveillance and detection operations and to boost resources to stop people smuggling. What is different, though, is that Labor believes in treating asylum seekers humanely and is committed to meeting Australia’s international obligations under the United Nations refugee convention.

I have mentioned the UNHCR report which confirms the worldwide increase in asylum seekers. As such, Australia will continue to meet its international obligations to refugees forced out of their own countries due to war or fear of persecution. The UNHCR 2008 global trends report shows that there were 42 million forcibly displaced people worldwide at the end of 2008. I am going to keep repeating that because I do not think those on the other side have quite comprehended any of the issues that are taking place in the global society that we live in today. They seem to be very focused on internal issues, and I suppose you would be if you were in a party that was in such complete disarray. They have more positions on any number of issues than I see in my daughter’s ballet class. As far as I am concerned, they are not a cohesive team on the other side, and I will get to some of the comments being made by some people in just a few minutes.

A staggering 44 per cent of all refugees and asylum seekers are children under the age of 18. The UNHCR report confirms that the increase in people seeking asylum in Australia is part of a worldwide trend, driven by insecurity, persecution and conflict. The UNHCR report also shows that asylum claims increased worldwide by 28 per cent in 2008, with a dramatic escalation in the number of asylum seekers lodging claims in countries such as South Africa. I am trying to point out to the other side the issues that are worldwide and to explain to them what is happening worldwide. They have become so focused on this issue that they have lost the plot. I do not know if it is unparliamentary to say ‘lost the plot’ on the issue but, if it is not, that is what I think. They have put so much time and effort into this issue that there have been hardly any questions on the economy, education or health for the last two weeks. As I said, I presume that will run into next week and we will be sitting here all through question time next week listening to the tirades again.

Europe remains the primary destination for asylum seekers, with 333,000 claims reg-
istered in 2008, predominantly in France, where there were 35,400; the United Kingdom, where there were 30,500; and Italy, where there were 30,300. The United States received 49,600 new asylum claims, while Canada received 34,800. So the 4,750 people seeking asylum in Australia in 2008 were a relatively small figure in those global terms. The UNHCR report stated that one-third of all refugees were in the Asia-Pacific region as well. We have an obligation as a wealthy and stable country and society to assist in the global solution to the worldwide refugee crisis. We will continue, with the United States and Canada, to play a leading role in providing resettlement opportunities for some of the most vulnerable people in the world. The UNHCR has called on those traditional resettlement countries to not resile from our commitment to refugees during the global economic downturn, and we have not. The size and composition of Australia’s humanitarian program is guided by the UNHCR’s world resettlement priorities and the views of the Australian community.

Let us have a look at the background on boat arrivals. There have been boat arrivals to Australia in 25 of the last 33 years. From 1976 to 1981, under the Fraser government, there were 2,059 boat arrivals sparked by the fall of South Vietnam in 1975. From 1999 to 2001, under the Howard government, there were 12,176 boat arrivals, including 5,516 arrivals in 2001 alone. The Taliban regime fell at the end of 2001, and in 2002 a large-scale voluntary return program of Afghans began—the single largest repatriation operation in the UNHCR’s 59-year history. By 2004, more than 3.1 million people had returned home to Afghanistan. The UN Secretary-General noted in his report to the Security Council that:

2008 ended as the most violent year in Afghanistan since 2001.

We all know that the Liberals do not have a position on asylum seekers. We all know that the Liberals are in search of a policy on immigration. When Labor abolished the failed and wasteful Pacific solution, there was no opposition from the coalition and they have since said they will not reintroduce it. Labor have maintained excision, mandatory detention and offshore processing—I will keep repeating this, as I said, because I do not think the message is getting through on the opposite side. We maintained those actions, so the opposition cannot differentiate themselves on that. What we are doing now is what they did. They are saying that it is not right. So they were happy with that for the many years that they were in government but, when it comes to us taking these positions, they do not like it. They are just arguing for argument’s sake. They are just being negative for negativity’s sake. It is all for the sake of getting their faces or their names in the local media.

They cannot have a policy debate because they do not have a policy. Until recently, the best they had been able to come up with was calling for an inquiry. Now they have four dot points. They have four dot points they have taken two years to develop. At that rate, in another six months they might have five dot points, because it has been one dot point every six months. That is an amazing contribution to Australian society from them! The only thing resembling coalition policy is a call for the reintroduction of TPVs—even though TPVs have been tried and have failed. Boat arrivals went up in the years after TPVs were introduced, almost all people granted TPVs ended up remaining in Australia, and TPVs led to more women and children risking their lives on leaky boats. The opposition cannot do better than four dot points because they are divided and confused.
Principled members of the coalition have spoken out against TPVs. The member for Kooyong, the member for McMillan and the member for Pearce have all voiced opposition to TPVs. Senator Troeth told us over the weekend that the Liberal party room was not even consulted on the policy. I do not think that is really news about that side of the parliament. If the opposition are going to be so good at quoting the media then I do not mind throwing a few quotes in as well. Senator Troeth was quoted in the *Age* as saying:

“I’m sad and disappointed at the change of Coalition policy. It is sad and it is disappointing, but it is not at all surprising.”

Coalition members of the Joint Standing Committee on Migration—of which I am also a member, as is Senator McEwen, who is in the chamber as well—including the shadow immigration minister, endorsed the Rudd government’s New Directions in Detention policy, a continuation of the reforms begun under Howard in 2005. Coalition members of the JSCM endorsed its call for the abolition of detention debt, yet when legislation to this effect was introduced the coalition opposed it.

While I am talking about the JSCM, the shadow minister also expressed concern about people without work rights and access to Medicare. I was there; I heard it. I know she did. Yet, when the government moved to address these issues by reforming work rights for asylum seekers, what did the coalition do? They moved to disallow the regulations. As I have said, principled coalition members and senators, to their credit, spoke in favour of the government’s changes on each occasion. I do thank them for that.

On Friday, 13 November—I do not think it was such an auspicious day for Mr Turnbull—Mr Turnbull announced his four dot points. There is no policy, there is nothing substantive and they cannot explain anything in any detail. Last week and this week—and, as I said, it probably will be for most, if not all, of next week—the issue for all of question time has been immigration and asylum seekers.

Another thing Senator Troeth said on ABC radio on 13 November was that the visa inflicts mental anguish—*(Time expired)*

**Senator Fierravanti-Wells** (New South Wales) (5.50 pm)—Perhaps, Senator Bilyk, the next time someone puts a script full of spin in front of you, you could check the facts before you come into this place and parrot it off. That is really what the government is all about. One only has to look at the comments yesterday and the headlines that were screaming in the papers yesterday to see that. I want to refer to Greg Sheridan’s quote:

“One reason governments don’t tell the truth is when they are trying to avoid a hard decision.”

Paul Kelly said:

He—

Rudd—

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

I think it is time that this government stopped treating the Australian public like mugs, because that is precisely what they are doing. They are spinning this to the point where they actually think that the Australian public are going to believe them.

What have we seen this week? We have seen the government try to convince us that a deal is not really a deal, that special circumstances are not really a special deal. There is the old saying: if it looks like a duck and quacks like a duck then it is a duck. There is absolutely no doubt that this government has done a deal to bribe these people off the *Oceanic Viking*. We have had Minister Evans and his weasel words all week trying to
squirm his way around it, but the reality is that it is a deal and there is nothing that the government can say to spin their way out of it.

Let us look at the comments made this morning on the AM program by the Indonesian foreign minister’s most senior official on the ground in Tanjung Pinang, Dr Sujatmiko. His view is that he hopes:

… Australia keep the promise to come to Australia.

What he tells us is that there is an expectation—these people on the Oceanic Viking have an expectation, and the Indonesian government has an expectation, that they are going to come to Australia. Indeed yesterday we had Senator Feeney letting the cat out of the bag by telling us, ‘We were patient and we reached an accommodation.’ I understand that perhaps he might have gone back on that by telling us today that there was no guarantee given. Of course in the end this government has tried very hard.

I want to go to the terms of the offer that was made to these people. Over many years I was a government lawyer and I did my fair share of immigration law. The annual report of the Department of Immigration and Citizenship, both last year’s and this year’s annual report, says that we have continued with the service standard of 75 per cent of applications being finalised within 52 weeks. So the standard is a processing time of 52 weeks. That is not the resettlement time. This is where this government is totally and utterly misleading the Australian public.

Let us go and look at the terms of this offer. It says, ‘The procedures will differ.’ Of course they are different for these people on the Oceanic Viking. It says:

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

Senator Bilyk was going on about millions of people—well, those millions of people, Senator Bilyk, are going to wait years and years and years to be resettled. But the people on the Oceanic Viking have struck a special deal with Kevin Rudd. They have struck a deal where instead of waiting for years they are going to be resettled within four to six weeks. Go and check the facts before you come into this chamber.

Then of course, for those people who have already registered with the United Nations High Commissioner for Refugees, it says:

… Australian officials will assist with your UNHCR processing. If you are found to be a refugee, you will be resettled within 12 weeks from the time you disembark this vessel.

So forget the years of waiting to be processed. Again people in similar circumstances around the world will wait years and years to be resettled—but not the people on the Oceanic Viking; they are going to be resettled within four to six weeks. Of course there is no deal! Some people have to wait years and years to be resettled, but not the people on the Oceanic Viking.

Then of course we have the third category. The letter of offer says:

If you have not yet registered with UNHCR—Australian officials will assist you with your UNHCR processing.

I have never heard of that in my many years of being involved in this area. So are Australian officials all of a sudden just going to drop everything and help these people with their UNHCR processing? It continues:

If you are found to be a refugee, you will be resettled within 12 weeks from the time you disembark the vessel.

I repeat that other people around the world have to wait years and years to be resettled. But not this group of people. This group of people have been bribed off the vessel and they are going to be resettled in Australia, it
is likely. That is the expectation of the Indonesians: that these people are going to come straight on down to Australia. Forget the millions of other people who have been waiting in queues—forget them. But of course this is not a special deal! Waiting only four to six weeks versus years and years to be processed and resettled sounds like a special deal to me.

Of course we have this other farce of the Prime Minister talking about the Border Protection Committee of cabinet, which is supposed to have made this decision. In the budget papers it tells us that this committee consists primarily of members of cabinet. At estimates we were told that there were a whole range of officials that sit on this Border Protection Committee. Today in question time we spoke about those. They include: the National Security Adviser, the head of the Customs and Border Protection Service, the Secretary of the Department of Foreign Affairs and Trade, the Secretary of the Attorney-General’s Department, the head of the Office of National Assessments, the Commissioner or Deputy Commissioner of the AFP and the Secretary of the Department of Immigration and Citizenship. That is what I was told in answer to direct questions in estimates on 28 May this year.

But of course all of a sudden we have the Prime Minister’s staff attending these meetings and we have the Prime Minister’s staff making decisions. I want to know, and the Australian public are entitled to know, which members of the Prime Minister’s staff have suddenly taken to attending this committee or other committees, as Senator Evans told us today. When was the decision made? Who made the decision? It is important that we do know that, and, of course, Minister Evans will not tell us, because if we do know who they are then they would be up for proper parliamentary scrutiny.

Senator Ronaldson—Absolutely.

Senator FIERRAVANTI-WELLS—Absolutely, Senator Ronaldson says. And we have seen this before where we have had the CMAC, a very interesting occasion where you had the Prime Minister’s staff coming along to meetings and making all sorts of ‘arrangements’.

Senator Ronaldson—Arrangements with their mates.

Senator FIERRAVANTI-WELLS—Absolutely, arrangements with their mates.

Senator Parry interjecting—

Senator FIERRAVANTI-WELLS—Absolutely, Senator Parry. And then of course the Prime Minister, in his usual smarty pants way, turns around, when he is asked, ‘Did the Prime Minister approve of the terms of the offer?’, and says, ‘No and no’. We can almost see the smarmy manner in which he told the House of Representatives that. But then he had to come back. He obviously checked and then came back and gave a clarification. We were then told that the Prime Minister’s staff, suddenly, regularly attend these meetings.

When I asked the question in May, that committee had only met twice. We are entitled to know when that committee has met and every time the Prime Minister’s staff attended. In the end, we need to know precisely who made the offers. Who formulated this unique offer, this special deal, which has effectively been a bribe to get these people off the vessel? Because, in the end, what we have seen over—

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—Order! It being 6 pm, the time allotted for this debate has expired. The Senate will now proceed to consideration of government documents
Debate resumed from 29 October, on motion by Senator Adams:

That the Senate take note of the document.

Senator McGauran (Victoria) (6.00 pm)—I wish to discuss the motion that the Senate take note of the following document: Great Barrier Reef Marine Park Authority: outlook report 2009. In the Canberra Times on Tuesday this week there was a report that said that the Great Barrier Reef has less than a fifty-fifty chance of surviving until 2050. It is reported that Climate Change Alliance scientists are saying that emissions would have to be reduced by 90 per cent by 2050. Not even the Greens, as extreme as they are, are pitching for that figure. This group of scientists is pitching for a 90 per cent reduction in emissions below the 2000 level. As I say, not even the Greens have pitched their extremism that far. I think they go for 80 per cent—very close. The point is that these scientists have just set up a straw man, claiming without evidence that if the temperature around the Great Barrier Reef was to increase greater than two to three degrees the reef would be burnt and singed, and would not exist after the year 2050.

I bring this extremism to the Senate’s attention because this is one of the icons that the extremists in this climate change debate put up. They have got several icons and I wish to go through them, but this particular pitch and its degree of absurdity ought to be brought to the Senate’s attention. Of course, those scientists believe Australia—to save the Great Barrier Reef—ought to introduce an emissions trading scheme next week, pre-Copenhagen, and that Australia’s own emissions trading scheme, forget the world, will save the Great Barrier Reef. Not even the world believes that, because the world has put off Armageddon, if you have not noticed. The world leaders in Canada, the United States, APEC and the United Nations group that met in Barcelona have all put off Armageddon and now, as we get closer to Copenhagen, the deal is slipping further. As I say, this is the tactic of discredited scientists just seeking research dollars, United Nations committees just seeking relevance, and politicians—particularly from the other side—just seeking votes. These are the extreme tactics and views.

The Great Barrier Reef is the great icon—there are others such as the Antarctic—that they put up to justify their extreme position on climate change. I should add that these scientists do not even give any credence—as the other side doesn’t—to natural changes in climate. We have not heard about that from the other side. We have not heard them say anything about factoring it in. These scientists have not factored it in to any change that may occur in the Great Barrier Reef. I dare say the Great Barrier Reef has been changing over the last tens of thousands, if not millions, of years. No—the other side, these scientists and half of the scientists in CSIRO do not factor natural climate change into their calculations at all. They put it all down to man-made climate change and the emissions effect.

The Antarctic is the other great icon they put up. Their views are discredited. Our own Curtin University in Western Australia has recognised in undisputed research that the Antarctic is not melting. I notice that has gone off the map. Even the high priestess, Senator Wong, does not use that as a great icon. Another one she does use is the great Murray River, saying that the whole drying up of the Murray River is a great effect of climate change. What a load of rubbish. The Adelaide population has doubled. Usage by the farmers has doubled. It is true that we are
in the grip of an exceptional drought but that is because of El Nino. That is the source of the drought. They cannot relate it to man-made climate change. Senator McEwen was in here today talking about bushfires but time will run out before I can rip that particular idiocy apart.

Senator IAN MACDONALD (Queensland) (6.05 pm)—First of all, I congratulate the Great Barrier Reef Marine Park Authority, particularly their chief, Dr Russell Reichelt, and the work that they do continuously to support our Great Barrier Reef. It is a unique destination and icon of Australia, and one that is particularly important to that part of Queensland where I hail from. Tourism from the Great Barrier Reef is enormously beneficial to the economy of North Queensland. As guardians of one of the best reefs in the world, we have a responsibility to the world to look after the reef—and we do it very well.

In view of some of the things that Senator McGauran has just rightly raised, I want to raise some things out of this Great Barrier Reef Marine Park Authority: outlook report 2009. I am surprised the Greens political party are not here to talk about this. I acknowledge that it is late in the parliamentary week but one would think, given the way they carry on about the Great Barrier Reef, they would be here to talk about this particular report. I refer my Senate colleagues to the executive summary of this report. I will just quote a few things:

The Great Barrier Reef is one of the most diverse and remarkable ecosystems in the world and remains one of the most healthy coral reef ecosystems.

If you listen to Senator Wong or the Greens, you would think that the Great Barrier Reef was about to disappear from this earth. That is not so, according to this very scientific report. I quote from a little further on:

While populations of almost all marine species are intact and there are no records of extinctions, some ecologically important species, such as dugongs, marine turtles, seabirds, black teatfish and some sharks, have declined significantly. Although the declines of loggerhead turtles and dugongs are believed to have halted, there are few examples of increasing populations in species of conservation concern.

That is a big tick to the Howard government, the Great Barrier Reef Marine Park Authority, the Australian Institute of Marine Science and to James Cook University for all of their work over the last decade or so.

I will continue quoting from this executive summary:

Core reef habitats fluctuate naturally depending on changes in environmental conditions, but they are gradually declining, especially inshore, as a result of poor water quality and the compounding effects of climate change. Habitats more remote from human use, such as the continental slope and reefs in the far north are believed to be in very good condition and portions of the lagoon floor are recovering from previous effects of trawling.

So you can see there are positives. The executive summary goes on to say:

The Great Barrier Reef Marine Park is considered by many to be a leading example of world’s best practice management.

Now, again, if you would listen to Senator Wong or the Greens political party, you would think that the Barrier Reef was just about dead.

Time is not going to allow me to quote some of the other very important aspects of this executive summary, but I will perhaps just go to the final paragraph:

Further building the resilience of the Great Barrier Reef by improving water quality, reducing the loss of coastal habitats and increasing knowledge about fishing and its effects, will give it the best chance of adapting to and recovering from the serious threats ahead, especially from climate change.
If you look at that carefully, you will see that the Barrier Reef can adapt to climate change providing we do the other things—the managing of water quality, the reduction in the loss of coastal habitats and the increasing of our knowledge about fishing and its effects. I might say it was the Howard government that poured millions and millions of dollars into research to make sure those redeeming effects do happen. Congratulations to the Great Barrier Reef Marine Park Authority on this outlook report. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

New South Wales Regional Forest Agreements

Debate resumed from 17 September, on motion by Senator Parry:

That the Senate take note of the document.

Senator McGauran (Victoria) (6.11 pm)—This is somewhat of a segue from my previous comments in debate on the take note motion relating to the Great Barrier Reef. I was listening intently to the very few government speakers on what is the biggest and most momentous bill, as many on this side have said and rightly so, to go through this parliament—which is the government’s emissions trading scheme bill. All they have on the list are three speakers, one of whom was the old faithful, Senator McEwen. Just give her the notes and she will read them. She mentioned the bushfires, and that is why I stand in the chamber on this particular issue. She related the Victorian bushfires of Black Saturday—in particular, I dare say—to climate change. This is the same point that I was making with the Great Barrier Reef: be an extremist, find the most extreme case as your example, and then that becomes your case. But, of course, it is not. Not even the Victorian royal commission, which spent months and millions of dollars on the Victorian bushfires cause and effect, ever raised the suggestion of climate change. And that was a royal commission. There was no connection at all. What foolishness, what ignorance and what amateurishness!

Did Senator McEwen think that it was just a point of debate and that it would go unnoticed? It is a little more serious to the Victorians than just a point of debate that she might use in this chamber. It ought to have been suggested to her that she study it better. What about the decades of lack of state management of those forests that went up? What about the lack of resources provided for managing those forests? What about proper road networks and resources for the Country Fire Authority? I would say, what about the throwing out of cattle grazing in the high plains of Gippsland? What a tragedy and what a destruction of Australian tradition. There would not have been a man from Snowy River if the Labor Party had been in power at that time. In the two times they have been in state government—the Cain and Brumby governments—they threw all those mountain men and cattle graziers off the high plains country. What about that? There were no bushfires, certainly not to this degree, when the cattle were grazing in leisurely fashion in the high plains country of Gippsland. What about that as a reason for increased bushfires?

And this is the key: what about the neglect of back-burning and reducing of fuel loads? My own colleague here in Western Australia, Senator Back, a firefighter himself, tells me that when the Western Australian volunteers came over here they were stunned by the Victorian fuel loads. At such a level were they—and I have forgotten the figures but it was something like 10 times greater than a Western Australian firefighter would tackle in his own state—that the situation had become impossible to tackle. Why didn’t Senator McEwen mention something about that? What about the greater population that has
moved into these areas? That is part of the tragedy too. We have a greater population—not that I suggest that there is anything wrong with that, but they have moved into this sort of bushland and local councils will not allow them to clear around their houses. What about the planning laws? There are all sorts of reasons—and correct reasons, truthful reasons—why we had those disastrous bushfires in Victoria and why we ought to protect ourselves this coming summer, and climate change has nothing to do with it.

But this is the point. They hold up these icons. If time permits me, I will find something else to stand up with and continue my rage against the extremism of climate change. Sea level is the latest icon, and we noticed Senator Wong using it today in question time. She was attempting to scare people and connect climate change and the so-called sea level rise and flooding of the eastern seaboard of Australia. The sea level rise is their latest little extremist icon. Now they have lost the Antarctic, I suppose that sounds like a good one. If time permits during debate on some other appropriate report, I am going to stand up and put that to rest too. It is a load of rubbish. Greater experts than Senator Wong have put paid to it. We are meant to believe Senator Wong and a House of Representatives report saying that sea levels are going to swamp the eastern seaboard, and those knaves in the New South Wales government. (Time expired)

Senator IAN MACDONALD (Queensland) (6.16 pm)—I am also pleased to speak to the documents relating to regional forest agreements between the Commonwealth and the state of New South Wales. There are four regions mentioned in the reports before us at the moment. I might indicate—

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—Order! Senator Macdonald, the Clerk has advised me that we are dealing with government document No. 3. If you would like to take note of that or continue Senator McGauran’s comments, indeed you may. If you would like to take note of the other documents, perhaps you would like to move a motion in that regard.

Senator IAN MACDONALD—Perhaps I could move to take note of documents 3, 4, 5 and 6 and speak to them together, by leave of the Senate. I doubt that anyone else will want to speak on these.

Leave granted.

Senator IAN MACDONALD—I move:
That the Senate take note of the documents.

I am keen to talk about these documents, the annual reports on the regional forest agreements between the Commonwealth and the state of New South Wales. In commencing, I note that there does not appear to be anyone from the Greens political party here to talk about what they always considered to be one of the most important issues confronting Australia. I happen to remember that my first job in this chamber as the newly installed minister for forestry back in 2001, I think it was, in the very first week of sitting after the 2001 election, related to the Regional Forest Agreements Bill. Mr Acting Deputy President, would you believe that the Greens were so interested in that debate that they kept it running for 28 hours? We spent 28 hours on the Regional Forest Agreements Bill.

I just raise that in the context of an issue before the parliament at the moment. The emissions trading scheme bill, the wrongly called Carbon Pollution Reduction Scheme Bill, is listed for debate—in fact, we have been debating it all week so far—but the government keep telling us they want us to deal with that bill before the end of next week. We all know from newspaper reports—and from no other source, I might say—that the government intends to amend that bill, to include agriculture at least. We
do not know the details, but we have heard a leaked report from Senator Wong that the government will be including agriculture. We do not know about it, even though we have been debating the bill for three or four days. It just shows how the government cannot manage its chamber business, its parliamentary processes. We know they cannot manage the economy, but this just proves they cannot manage the chamber business.

But let me go back to the point I was making about the Regional Forest Agreements Bill. For 28 hours the Greens kept debate on that bill going. It was an important bill. I am pleased to say that the Senate, in its wisdom, approved the bill, and it is as a result of that that we have these documents before us today. But that was the Greens alone. I do not think too many other people took part in the debate except Senator Brown and me, as the relevant minister. We spent 28 hours on that important bill and, important though it was, I have to say in prioritising that it was not nearly as important as the so-called Carbon Pollution Reduction Scheme Bill, which could completely change the way of life in Australia. It could mean enormous additional taxes on Australians. It could mean increased costs of living for every single Australian.

So how can we possibly deal with that before the end of next week, when the Senate rises, according to a program which the Labor government put forward—a program that clearly indicates that this is the shortest sitting year we have had in the federal parliament for almost a decade. That is the Labor Party. Are they concerned about scrutiny or do they have something to worry about? But they are going to want us to deal with the so-called Carbon Pollution Reduction Scheme Bill in about 15 hours of government business time between now and when the Senate rises.

I will go back. The Regional Forest Agreements Bill, important though it was, did not have anywhere near the ramifications that the so-called Carbon Pollution Reduction Scheme Bill will have, and yet it took 28 hours to get it through this chamber. We are given something like 15 hours to try and get through a piece of legislation that will have a huge impact on the Australian economy. I ask my colleagues in the chamber and anyone who might be listening: how much hypocrisy is there in the Labor Party? How much do they think they can override the wishes of the parliament in dealing with their legislative program? That bill, as with the Regional Forest Agreements Bill, needs plenty of discussion. (Time expired)

Question agreed to.

NBN Co. Ltd

Debate resumed from 27 October, on the motion by Senator Birmingham:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (6.22 pm)—Speaking to the annual report of NBN Co. Ltd should not take me long because, whilst an enormous amount of money has been thrown at this company, it has not started operations yet. It is employing people right, left and centre at huge salaries, but it really has not started work yet.

Senator Ronaldson—What sort of people are on big salaries?

Senator IAN MACDONALD—I will get to that, Senator Ronaldson—I will take your interjection in a little while. NBN Co. Ltd is going to be spending $43 billion, not of Kevin Rudd’s money—although I believe he is wealthy enough probably to pay for it himself—but of taxpayers’ money. A CEO has been appointed and we know he is a very qualified man; he is on a very big salary. He is being paid at the moment although the company has not started operations. Why has
it not started operations? Because no cost-benefit analysis was ever done and the government and NBN Co. Ltd are waiting for the implementation report before they can start work. Anyone with a modicum of business sense would have thought that you would do a cost-benefit analysis before starting the company and before starting employing staff at a salary of $1 million-plus. Wouldn’t you think that was important?

If you are not going to do a cost-benefit analysis perhaps you would do an implementation study and that is what the Minister for Broadband, Communications and the Digital Economy Senator Conroy—bless his little soul—in his very infinite wisdom has decided to do. Even though the implementation study may say the whole idea is ridiculous, it will not work and it is uneconomic, we do not actually know what it will say to say. Well, I suspect Senator Conroy might have an idea although it is supposedly an independent study, but we do not know how we are going to implement this $43 billion spending of taxpayers’ money because the report has not come out. But we are already employing the CEO, a very qualified man probably worth every penny of the upwards of $1 million we are paying him.

The other day I noticed that a bloke named Mr Mike Kaiser has been appointed as government relations officer—and this answers your question, Senator Ronaldson. Mike Kaiser, a very clever little fellow—so clever that he had to resign from the Queensland parliament. He was a Labor member of the Queensland parliament, has been around the higher echelons of the Queensland Labor Party for many years and is thought to be the architect of their electoral success—so why did he have to resign from the Queensland parliament? I will tell you, Senator Ronaldson. It was suggested—I do not make these accusations; I only repeat what I see in the papers—that he might have been involved in some electoral fraud.

Senator Bilyk—What about Lindsay?

Senator IAN MACDONALD—The electorate of Lindsay? I am not familiar with the electorate of Lindsay. Do you mean Karen Ehrmann from Townsville and the then mayor Tony Mooney—who I hear is going to be running for Herbert, and it was suggested there was a bit of vote rigging going on there. Mayor Mooney, the Labor party mayor, was touted as being a future candidate. There are lots of rumours, but I never listen to rumours, I only repeat what is in the paper, but it was suggested that he might have been involved in a bit of vote rigging. We know Karen Ehrmann was. She was a Labor councillor on Mr Mooney’s council and she actually went to jail, poor little Karen. She was the fall guy, or the fall lady I might say. But you directed me very successfully from Mr Mike Kaiser. Because members of the Labor Party in the Senate have distracted me I am afraid time is not going to let me go into Mr Mike Kaiser’s alleged vote rorting so I will have to seek leave to continue my remarks, lest anyone else should want to talk about it. If nobody does I will seek leave to continue my remarks and next time I speak we might be able to go into more detail on Mr Kaiser’s involvement in the NBN Co. Ltd. I seek leave to continue my remarks.

Leave granted; debate adjourned

Migration Review Tribunal and Refugee Review Tribunal

Debate resumed from 29 October on the motion by Senator Boyce:

That the Senate take note of the document.

Senator BOYCE (Queensland) (6.28 pm)—I seek leave to continue my remarks later.

Leave granted; debate adjourned
Debate resumed from 29 October on the motion by Senator Parry.

That the Senate take note of the document.

Senator BOYCE (Queensland) (6.28 pm)—In speaking on the Department of Families, Housing, Community Services and Indigenous Affairs annual report for 2008-09 I would first like to congratulate Dr Harmer and his staff for the timeliness of the publication of this report. It was one of the very few annual reports from departments that arrived in time to be of value to the opposition during estimates. We have certainly formed the view within the Senate Community Affairs Legislation Committee that it is time to look at the deadlines for the publishing of annual reports and the timing of estimates. Something has to be changed. You could get the impression that some of these deadlines have been deliberately set in such a way as to make it difficult for the opposition to use estimates to raise accurate queries around the functioning of the departments and the use of policy by the government.

I would like to compliment FaHCSIA as well. As they state in their annual report, they have the highest percentage of staff with a disability of all the APS agencies, with 5.3 per cent of their workforce identifying as a person with a disability compared with the Australian Public Service average of 3.1 per cent. In August this year, they started offering five traineeships of 18 months each for young people with an intellectual disability. I would like to compliment the department on this. As I understand it, and we heard evidence around this, this program has been very successful to date and is going well. There is a hope that, once these people have been trained within the department, they will go on to full-time jobs.

Whilst I think the department has done a very good job in this area, I would like to contrast that with the unfortunate experience that Australia’s 24,000 disability support pensioners aged under 21 have received at the hands of this government regarding the pension increase. Ministers Macklin and Bowen wrote to all disability support pensioners some time ago, telling them about the increase that was to come through. They sent this letter along with a form setting out what the increases would be to all disability support pensioners some time ago, telling them about the increase that was to come through. They sent this letter along with a form setting out what the increases would be to all disability support pensioners under 21—

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did not apply to them so it may have confused them.

Well, it did confuse them and it confused their families and their parents as well. These people are going to have to wait and wait and wait for the Henry review. Quite why tax is relevant to disability support pensions, I do not know, but these people have been left with no apology and continuing confusion.

Question agreed to.

Australian Broadcasting Corporation

Debate resumed from 27 October, on motion by Senator Parry:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (6.33 pm)—I want to speak only briefly on this, because I am conscious that a lot of my colleagues want to speak on other matters. I want to congratulate the ABC on the work they do in rural and regional Australia. As I tell them direct to their face, I always have some issues with the stuff that comes out of Sydney that is masquerading as current affairs. Notwithstanding that, the ABC in rural and regional Australia do an absolutely fantastic job. They are part of local communities and deserve every congratulations.

I note in the report a comment on the Haywire program—a program that I must proudly say I have been involved in since its inception more than 10 years ago. That, as well, is a great use of ABC funds, and I congratulate the ABC wholeheartedly on their Haywire program, which gives regional young people a voice. Congratulations.

I alert the Senate to a question I asked at estimates for which I am still awaiting an answer. The Senate might have a little fight about whether we actually get the answer. I always get concerned when senior journalists criticise parliamentarians for the meagre salary they get, and I have always wondered what journalists might receive. So I raised the issue of the two Kerry O’Briens I know of: one, Senator Kerry O’Brien, is in this chamber and I know exactly what his salary is, what his allowances are and what top-ups he gets for having various additional jobs on behalf of the government. All of that is on the record. It is paid for by the taxpayer, so the taxpayer has every right to know what Senator Kerry O’Brien gets—as they have a right to know what I and what all of my colleagues get. What we do not know is what the other Kerry O’Brien gets. He is also paid by the taxpayer. I asked what I thought was a reasonable question. I am not particularly interested in what Kerry O’Brien gets, but as it would be representative of what a high-profile TV host gets, I put what I thought was a very reasonable question to the ABC managing director. I was told, ‘Senator, we can’t answer that, because it is commercial-in-confidence’—notwithstanding the fact that it is paid by the taxpayer, the same as Senator Kerry O’Brien’s salary is paid for by the taxpayer. I asked, ‘Why is this?’ This is all on the record; I am only repeating what is already there. I was told, ‘They don’t pay them very well at the ABC. If it were made public, he might be head-hunted by someone else who would offer him more.’

I do not want to interrupt the ABC’s program management, but I am very keen to see what taxpayers pay for. People are always assessing whether they get value for their money from senators and members of the House of Representatives; I think that taxpayers equally should be able to make an assessment of whether they are getting their money’s worth for other people whose salary they pay for. In spite of the fact that the ABC were a bit hesitant about it, I referred them to some precedents, some past practices, where the Senate insisted in similar circumstances. I think Geraldine Doogue was the person at the time. There is a well-documented prece-
dent on why the Senate can insist on knowing this information, so I certainly look forward to the ABC giving me that information in due course. But nothing I say in that regard stops me from again congratulating the ABC and the work it does in rural and regional Australia—and particularly with regional young people.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Australian Nuclear Science and Technology Organisation

Debate resumed from 27 October, on motion by Senator Boyce:

That the Senate take note of the document.

Senator BOYCE (Queensland) (6.39 pm)—I think everyone in the Senate would appreciate what an extremely responsible and proactive organisation we have and how lucky we are to have ANSTO as the primary vehicle for the knowledge and development of nuclear expertise in Australia. In the ANSTO annual report, the chairman, Dr Ziggy Switkowski writes:

On a wider scale, nuclear technology is gaining broad interest and acceptance for its potential role in mitigating climate change. Many countries in the world are moving forward with plans for significant numbers of new nuclear power reactors, recognising that nuclear power is the only, currently available, technology truly capable of providing base-load power without significant contributions to climate change emissions.

This would seem to be something of a self-evident truth. But is the minister responsible, our esteemed Senator the Hon. Kim Carr, listening to what Dr Switkowski is saying? Is the Prime Minister listening? Is anybody at all in the government listening to this? I think—sadly for Australia and sadly for the debate around climate change and the solutions to this—the answer is no.

Dr Switkowski in his foreword to the report also notes that our regional neighbours China, Taiwan, Japan, South Korea, India and Pakistan already deploy nuclear power and that Indonesia and Vietnam are about to join that list. Does the Rudd government believe that all of these countries in our region are wrong, immoral short-sighted and reckless for embracing nuclear power? Dr Switkowski has also noted—and this comment has had some media coverage—that Australia is unique among the G20 in refusing to embrace the nuclear option. Out of the 20 nations, 15 rely on nuclear power and another four are building nuclear reactors as a means of addressing climate change.

The breathless hypocrisy of this government on the subject of nuclear power is just extraordinary. We have the world’s largest uranium reserves, about 23 per cent or almost one quarter. In 2008 we exported 10,707 tonnes of uranium to be used for energy generation, and the bulk of those exports went to the G20 nations. Our Prime Minister on 12 November said Australia and India were looking to the day when ‘India’s ambitious nuclear program could include Australian uranium.’ Last year we exported 3,689 tonnes of uranium to the USA, 3,000 more tonnes to the EU, 2,500 to Japan. We also sent uranium to China, South Korea, Canada and South Africa. So the Labor government’s official policy is that nuclear power for Australia is not on the agenda, because it is far too risky, far too dangerous, far too problematic, not to mention environmentally disastrous and immoral. However, it seems that none of these things apply in all those countries that we happily and profitably export our uranium to.

Dr Switkowski is on the public record saying that Australia could safely and affordably build 50 nuclear power stations by 2050, and therefore provide 90 per cent of Australia’s base-load power. If that were done, our carbon emissions, now standing at 1.4 per cent of the world’s total, would de-
cline to less than one per cent. There is broad and universal public acceptance of the pragmatic, peaceful and safe use of nuclear energy developing not only across the world but in Australia. ANSTO is at the forefront of this as a proactive and responsible organisation. We could be an entirely self-sufficient country in the production of clean energy and have a robust export industry as well. The shame is that, despite universal acceptance, the government’s blind political dogma, hypocrisy and lack of courage on this is holding back any solutions for Australia and our climate.

Senator RONALDSON (Victoria) (6.44 pm)—In following the remarks made by Senator Boyce, can I say that I find it utterly bizarre that we are in the process of debating a number of bills known as the Carbon Pollution Reduction Scheme bills and that we are not including any discussion of nuclear energy in this whole debate. It absolutely beggars belief that we can have these debates without talking about nuclear power.

Looking at the international experience, I think that 75 per cent of France’s electricity is generated from nuclear power stations—75 per cent, possibly more. There are a number of nuclear power stations in the UK and I think the UK Labor government has just announced that they have decided to commission another 10. So why are we not talking about the big elephant in the room, as I referred to it during my contribution to the ETS debate this afternoon? Why are we not talking about the option? How, as Senator Boyce said, can we justify, with any intellectual rigour, exporting the raw product ourselves without looking at the potential outcome of the use of that raw product? It absolutely beggars belief.

I do not believe that there are not the numbers in the Labor Party who believe that we should have this debate and that we should do something about it. If you look at the potential global CO2 reductions which could be achieved by the widespread use of nuclear power, it beggars belief that we are not having a sensible discussion about it. It beggars belief that, at Copenhagen, there will not be a discussion about this very issue. You would think that the smartest brains in the world—who, apparently, will be at Copenhagen—would be able to come to some world agreement about storage of waste, about who is prepared to make contributions to the storage of waste and about the best place for the waste to be stored. These are the very discussions that should be taking place but if you are not prepared to move the elephant from the room and put it into the public debate and if you are not prepared to include nuclear as part of a global solution, then what an extraordinarily wasted opportunity it will be.

We talk about legacies. We talk about what we are going to leave to our kids, our grandkids and their kids. Surely, if we are going to leave them the sort of legacy that we can be proud of, we should put everything into the mix and put everything on the table. We do not allow the elephant to remain in the room, because while it is in the room it is ensuring that we do not have the sorts of outcomes that we should. I fully endorse the comments of Senator Boyce.

Senator IAN MACDONALD (Queensland) (6.47 pm)—Can I also associate myself with the contribution made by Senator Boyce on this very fine Australian organisation, the Australian Nuclear Science and Technology Organisation. Like Senator Ronaldson, I am absolutely flabbergasted, given that this is what Mr Rudd calls ‘the greatest moral challenge of our generation’—the greenhouse gas emissions issue—that he will not even look at an alternative which would substantially reduce greenhouse gas emissions. Senator Ronaldson
rightly said that most European countries do indeed use nuclear power. I think that between 70 and 80 per cent of France’s power comes from nuclear energy. Yet in Australia, which has 23 per cent of the uranium reserves of the world, it is not even talked about.

I know the Labor Party is in abject turmoil over the uranium issue. I know that several leading members of the Rudd government sensibly believe that it should be in the equation, that it should be talked about and that we should look at it to see if it might address some of the alleged problems of greenhouse gas emissions. Yet the Labor Party government—Mr Rudd in particular and Senator Wong—will not allow it to be spoken about. I know that, in my own home state of Queensland, the local Labor member for Mount Isa, Ms Betty Kiernan, sensibly believes that uranium should be talked about. I think she goes a bit further and says it should be mined and used. Indeed, her predecessor as the Labor member for the Mount Isa seat who became the Queensland Minister for Mines and Energy, Tony McGrady, is now, in his post-parliamentary life, a firm supporter of the use of uranium. He is in fact a lobbyist for the uranium industry. There are many other Labor figures. Fortunately Senator Ludwig is not here, but I think his father, Mr Bill Ludwig, who is a very important man in the Queensland labour movement and the Queensland union movement, is also one of those who think we should at least talk about it.

So we have a wide cross-section of people who are not saying, ‘Let’s build a uranium plant tomorrow,’ but are saying, ‘Let’s at least talk about it. Let’s at least consider whether it might be useful in addressing what Mr Rudd calls “the greatest moral challenge of our time.”’ It just proves the hypocrisy of the Labor Party on this emissions trading scheme. Mr Rudd can wander the world showing his credentials, yet when it comes to a simple solution, which I think Senator Boyce said might have dropped something like half a per cent from Australia’s less than 1.4 per cent of world greenhouse gas emissions, he just will not look at it.

I raised an issue about the Labor Party’s Carbon Pollution Reduction Scheme: if the bill we are debating went through as it is, it would mean a reduction from 1.4 per cent of world greenhouse gas emissions to 1.2 per cent—a reduction of 0.2 per cent in world greenhouse gas emissions. Yet, according to Senator Wong, that is going to save the Barrier Reef; it is going to stop firestorms; it is going to stop the cyclones; and it is going to put water back into the Murray-Darling—a 0.2 per cent reduction in world greenhouse gas emissions under the Rudd government’s CPRS and it is going to do all these things.

Yet here is a solution. ANSTO do not get into the policy issue, but they gave the facts at a recent Senate committee hearing I attended. Here is an opportunity to seriously address greenhouse gas emissions from Australia, but Mr Rudd and the Labor government simply will not even talk about it.

Congratulations to ANSTO on the work they do. They are a very professional organisation. They are an organisation of which all Australians should be, and I think most are, very proud. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Bureau of Meteorology

Debate resumed from 29 October, on motion by Senator Parry:

That the Senate take note of the document.

Senator McGauran (Victoria) (6.52 pm) In taking note of the Bureau of Meteorology report for 2008-09, I would like to continue the theme that I have been running
this evening in bringing to the attention of the Senate Labor’s falsehoods in setting the most extreme cases to argue their climate change debate—that is, that everything is linked to human induced climate change. This is what they say. They say the Great Barrier is doomed, that bushfires are a cause of human induced climate change—Senator McEwen said that—that all the stress and strain on the Murray River is due to human induced climate change and, of course, that the Antarctic is shrinking due to human induced climate change. This evening I have highlighted the falsehoods of each one of those extremes.

But I notice that the latest one they have latched on to is the rise in sea levels. It has been run through the media and run through this parliament by the high priestess, Senator Wong, and, I should add, the Prime Minister. In the last week, in the run-up to this vote we are having on the ETS next week, we have seen a House of Representatives report being tabled indicating that the sea levels will rise to a disastrous level that will swamp the east coast, west coast, the north and the south. Then of course the Prime Minister himself at the Lowy Institute, in that hysterical address he gave, claimed that 700,000 homes are going to be swamped due to the surging tide. And, of course, the New South Wales government—I called them the ‘knaves’, in the New South Wales government—have got an opinion on this. How dare they have an opinion on this! They, too, talk about the disastrous effects of the rising levels by 2050. A good excuse, if ever I have heard one, for the New South Wales government to slap an extra coastal tax on people.

But the truth of the matter is that there are greater experts than those political heads. That is all they are: political heads—and one is about to leave the chamber right now. There is no science in their argument at all; they are just political heads. The real scientists have come forward and said that these claims are nothing but rubbish. No less than the Bureau of Meteorology have had something to say about the New South Wales government’s claim about the rising sea levels by 2050—that it is just going to swamp the whole east coast, the Sydney airport and all those other laughable claims. The report of the Bureau of Meteorology’s National Tidal Centre, issued in June, said:

... there has been an average yearly increase of 1.9mm in the combined net rate of relative sea level at Port Kembla—which they use as the proper example—south of Sydney, since the station was installed in 1991.

This is consistent with historical analysis showing that, throughout the 20th century, there was a modest rise in global sea levels of about 20cm, or 1.7mm per year on average.

The bottom line there is that, under any analysis, if that is the rate the sea is increasing, the New South Wales government are wrong and telling an untruth—and probably knowingly.

But a greater expert than that—the world’s greatest expert, I should add—has weighed into this debate about rising sea levels. Professor Morner, from the Stockholm University and past president of the International Union for Quaternary Research commission on sea level changes and coastal evolution—a man of greater gravitas than Premier Rees, I assure you—says in a letter that he wrote there is ‘No rational basis for the hysterical claims that the people of Maldives—or the rest of the world—are threatened by rising sea levels’. And he went on to give the facts. He does not just make the assertion, like the other side does; he actually gives the facts—but time does not allow me to do so.

So it has actually been a good week to watch the other side squirm as the world shifts its position, as world leaders shift their
position and as the Australian people are starting to wake up and shift their position. It is not 2007 politics any more; this is 2009 politics. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to government documents were considered:

Airservices Australia—Corporate plan 1 July 2009 to 30 June 2014. Motion of Senator Parry to take note of document debated and agreed to.


Regional Forest Agreement between the Commonwealth of Australia and New South Wales—Southern Region—Report on implementation for 2005-06. Motion of Senator Parry to take note of document debated and agreed to.

Electoral reform—Strengthening Australia’s democracy—Green paper by the Special Minister of State, September 2009. Motion of Senator Parry to take note of document agreed to.

Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account. Motion of Senator Boyce to take note of document debated. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

National Water Commission—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2009. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

National Transport Commission (NTC Australia)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Director of National Parks—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Institute of Marine Science (AIMS)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.
called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Trade Commission (Austrade)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Wet Tropics Management Authority—Report for 2008-09, including State of the Wet Tropics report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Commonwealth Grants Commission—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2009-10. Motion of Senator Parry to take note of document agreed to.

Department of Climate Change—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Great Barrier Reef Marine Park Authority—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Electoral Commission (AEC)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Sugar Research and Development Corporation—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.


Indigenous Business Australia—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Fisheries Management Authority—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Torres Strait Protected Zone Joint Authority—Report for 2007-08. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald
the debate was adjourned till Thursday at general business.

Australian Building and Construction Commissioner—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Tourism Australia—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Environment—Geoscience Australia—Carbon dioxide storage sites—Statement responding to the resolution of the Senate of 17 November 2009. Motion of Senator Parry to take note of document agreed to.

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. Motion of Senator Parry to take note of document agreed to.

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—The time allowed for the consideration of government documents has now expired.

COMMITTEES

Treaties Committee

Report

Debate resumed from 29 October, on motion by Senator McGauran:

That the Senate take note of the report.

Senator FARRELL (South Australia) (6.59 pm)—I rise to take note of item No. 6 on page 7 of the Notice Paper, Parliamentary Joint Standing Committee on Treaties Report 106—nuclear non-proliferation and disarmament, and seek leave to continue my remarks later.

Leave granted.

Education, Employment and Workplace Relations References Committee

Report: Government Response

Debate resumed.

Senator RONALDSON (Victoria) (7.00 pm)—I rise to take note of the government response to the Senate Education, Employment and Workplace Relations References Committee’s report Inquiry into the workforce challenges in the transport industry, which was tabled earlier today. Some five to six weeks ago, in the company of Senator Abetz, I joined the Liberal Party candidate for Corangamite on a visit to the Journey Management Group. The Journey Management Group are Australia’s premier transport and logistics training company, servicing the road transport, agriculture, oil and gas mining and rail industries. It was a fascinating visit to the extent that they are using world state-of-the-art technology for their trucks and the emissions from them.

In 2010, the pollutants emitted by 65 trucks will be equivalent to the pollutants emitted by just one truck in 1988—a quite remarkable change. They are using technology that has not been used anywhere else in the country. It is called BlueTec emissions technology. I understand that EPA regulations require a reduction an 83 per cent reduction in NOx emissions from EPA 2007 levels and that this new BlueTec technology—and I am reading from some of their material—is the only technology that will meet the standards at the tailpipe with better fuel economy.

These trucks are quite remarkable; their emissions have been slashed. I was very pleased, with Senator Abetz and Sarah Henderson, to meet with Shane Blakeborough, the CEO, and take a look at them. Mr Blakeborough not only showed Senator Abetz, Sarah and myself this new technology but he also discussed some of the concerns of in-
dustry in relation to getting some assistance with training for the operators who will be driving these trucks.

I noticed that in the government’s response to the Senate Education, Employment and Workplace Relations Committee report *Inquiry into the workforce challenges in the transport industry* that it appeared neither the committee nor indeed the government were aware of these changed technologies and that there will be a requirement for major transport companies and those who are training transport drivers to have the requisite skills to operate these new vehicles.

The vehicles are quite remarkable. My understanding is that this new technology—I hope I have this right—traps about 51 per cent of CO2 emissions, which go into a special tank in the vehicles that is emptied out at intermittent levels. The emissions are effectively run through and kept in a material in the tanks. This is very exciting technology, and the investment in this machinery is substantial, as honourable senators will appreciate. They are state-of-the-art trucks providing state-of-the-art technology. I know that, as shadow industry minister, Senator Abetz was—as Ms Henderson and I were—quite taken aback with the positive impacts of this new technology on the environment. I ask the government to look at this new technology and the training that will be required for transport operators to use it. I thank the Senate and Senator Farrell for allowing me the opportunity to speak on this tonight.

Question agreed to.

Environment, Communications and the Arts References Committee Report

Debate resumed from 29 October, on motion by Senator Birmingham:

Senator IAN MACDONALD (Queensland) (7.05 pm)—I want to continue the debate on document No. 3 on page 7 of the *Notice Paper*, the Environment, Communications and the Arts References Committee report *Forestry and mining operations on the Tiwi Islands*. In speaking to this report, which was tabled by the committee, I first of all congratulate the committee staff on the great work they did in managing the committee and the witnesses and in assisting with the preparation of the report.

The committee’s report and recommendations are there for everybody to see, but I want to indicate my particular admiration for the people of the Tiwi Islands. I do not want to malign the motives of those who were instrumental in setting this particular inquiry up, but it seemed to me that it was set up because some senators did not like the thought that there was forestry on the Tiwi Islands and some other senators thought that there may have been improper practices between the company involved in setting up the forestry and the local Indigenous people. Whilst this may never have been said, I suspect from some of the questioning that there were suggestions that the right people were not getting the right money and that perhaps at times the wrong people were getting the money.

I am particularly pleased the Senate looked into it and gave people the opportunity to consider the whole aspect of the Tiwi Islands people and the way they were determined to do something for their families and their children. The Indigenous leaders of the Tiwi Islands made it very clear in the evidence they gave on Tuesday, 19 May 2009 that they did not want their people to be continually in receipt of government handouts. They wanted their people, particularly their young people, to have opportunities in life. Any of you that know the Tiwi Islands will agree that it is a long way from anywhere. It is difficult to establish any sort of industry there. I suspect there would perhaps be opportunities in fishing and limited tourism
around there. But several years ago the islanders agreed with an approach that would allow for plantation forestry on the island. It was a managed investment scheme. These schemes have since fallen into some disrepute, but this inquiry and the report were not looking at managed investment schemes; they were looking at this particular project on the Tiwi Islands. The evidence clearly showed—and it was evidence that was challenged by some members of the committee—that what was done on the Tiwi Islands was done in the very best interests of the people of the Tiwi Islands. Money was earned by the islanders and they spent that money in a very appropriate way, which I will come to shortly.

The suggestions that something improper was going on or that these plantation forests were going to destroy the islands were, following the evidence given at the committee, shown to be completely wrong. As you fly over the islands, you clearly see that these plantation forestry areas are only a very small part of the total land mass of the Tiwi Islands, but the suggestion was that by introducing these trees for wood chipping you would destroy the biodiversity and ecology of these areas. It defies logic to make that suggestion. There were suggestions that perhaps this was interfering with the culture of the Tiwi Islanders, but the Tiwi Islanders themselves gave short shrift to that argument.

I would like to quote from the Senate committee Hansard some of the evidence given on the island on 19 May by Mr Ullungu, who is one of the elders of the Tiwi Island people. He said:

These guys are trying to build a future with five per cent of their land. They recognise, as well as anyone, that they want to look after their endangered species, but there is 95 per cent of the land that is free for the dunnarts to go roaming and all that sort of stuff. These guys have been saying for years that the answer to solving Indigenous disadvantage is jobs, jobs, jobs. You get self-esteem; you get money; you get a fridge full of food to feed your kids. To go out bush, to go hunting—that is all good; you leave it all alone. But you need jobs to be able to buy your car to be able to get out bush to go to your country.

The frustration that these guys keep telling me about is that they are always under pressure, and this Senate inquiry is just another incoming bomb attack. What they are actually asking for is a hand, for government and others to actually help them get jobs and give the kids a future.

With the money they got from this forestry operation they built a brand new school with several fabulous, well-run and carefully designed buildings, and that is shown on page 15 and thereabouts of the Hansard of 19 May. They were asked why they put this school out at one end of the island rather than in the main town on the island, and they said words to this effect: ‘We and our children went to the school in this main town. The only things they learnt there were about drugs and petrol sniffing, and they came out of there completely illiterate’—this is the government school. They said: ‘We do not want our grandchildren to finish their schooling in the same state, so we’ve built this magnificent college at one end of the island, remote from the main town, where the children are all housed in individual big buildings that contain their clan.’ They go during the day to the school and mix with everyone else, but at night-time they go back to individual and very well designed accommodation for their own clan group. They are there with an elder or a responsible person from their own clan, and it is a fabulous operation.

The teachers are good and happy. The kids are learning things. They are learning in an atmosphere distant from drugs and the other evils of European society. Every time I think of that gentleman giving evidence, and others like him, I get a little bit emotional be-
cause—bless our souls—over the last 50 or 60 years or so, European Australians—

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! Senator Macdonald, I am loath to interrupt you but I do to draw your attention to the fact that your time has expired.

Senator Ian Macdonald—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Scrutiny of Bills—Standing Committee—Report—Thirteenth report of 2009. Motion of Senator Parry to take note of report agreed to.

Economics References Committee—Report—GROCERYchoice website. Motion of the Leader of The Nationals in the Senate (Senator Joyce) to take note of report agreed to.

Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands. Motion of the chair of the committee (Senator Birmingham) to take note of report debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

Economics References Committee—Report—Government’s economic stimulus initiatives. Motion of the chair of the committee (Senator Eggleston) to take note of report agreed to.

Economics References Committee—Interim report—GROCERYchoice website. Motion of Senator Parry to take note of report agreed to.

Treaties—Joint Standing Committee—Report 106—Nuclear non-proliferation and disarmament. Motion of Senator McGauran to take note of report called on. On the motion of Senator Farrell the debate was adjourned till the next day of sitting.

Employment, Workplace Relations and Education—Standing Committee—Report—Workforce challenges in the transport industry—Government response. Motion to take note of document moved, by leave, by Senator Ronaldson and agreed to.

AUDITOR-GENERAL'S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Orders of the day nos 1 to 4 relating to reports of the Auditor-General were called on but no motion was moved.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Report

Senator O'BRIEN (Tasmania) (7.16 pm)—On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the provisions of the Crimes Amendment (Working With Children—Criminal History) Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

International Brain Tumour Awareness Week

Senator BILYK (Tasmania) (7.16 pm)—I rise today to draw to the attention of the Senate the fact that this week is International Brain Tumour Awareness Week. The third
Brain Tumour Awareness Week was held between Sunday, 1 November and Saturday, 7 November 2009 in Australia but this week is the International Brain Tumour Awareness Week. I would also like to mention the forthcoming 125th anniversary, on 25 November, of the first documented, modern-day surgery for a glioma.

Without complicating the issue too much, and bearing in mind I am not a doctor, I will just explain that gliomas are brain tumours associated with the three types of glial cells in the brain and they can cause quite a lot of illness and in some cases even be fatal. Glial cells make up the supportive tissue of the brain and, unlike neurons, do not conduct electrical impulses.

If left untreated, any type of glioma may grow and press on other structures within the brain. Pressure on the brain, of course, can be very harmful because it forces the brain against the skull, causing damage to the brain and hampering its ability to function properly. This reduced function can lead to long-lasting brain damage or, as I said, if left untreated can lead to death.

One of the organisations behind the development of International Brain Tumour Awareness Week was the International Brain Tumour Alliance, IBTA, which was established in 2005 and is an organisation that provides support, information and advocacy as well as conducting research into this significant illness. On its website, the IBTA promotes ‘greater collaboration, greater knowledge, greater hope’. That is a slogan that could be used to sum up medical treatment for many illnesses but is especially true in the case of brain tumours. More collaboration is needed to find new and better ways to treat and cure brain tumours, increased knowledge is needed to make the general public aware of the symptoms to look for, and hope is needed for both sufferers and their families.

I have established a parliamentary brain tumour awareness group within parliament. That held its first meeting in August. I established that group because I feel it is an area that needs more publicity and support and also because it is an area that I have personal experience with. In March of 2008, I suddenly became very ill. This was about 12 weeks before I was due to take up my position officially in the Senate following my election in November 2007. I had no real warnings or symptoms that made me worried that I might be ill but it turned out I had two brain tumours in the back section of my head.

Without going into all the gory details, one was the size of a golf ball and it was pressing against my brain stem, blocking the brain fluid from going around in my skull. Without an exit, it was pooling on top of my brain—a circumstance known as hydrocephalus—forcing my brain to expand. I am sure some people could make the comment that that could be quite helpful! It was also increasing the pressure in my skull, which was obviously very dangerous. This caused me, quite out of the blue, to start having quite severe headaches. The other one was on the other side of the skull. It was smaller but still had the same damaging potential as its larger roommate.

I underwent two lots of surgery, five days apart. The first surgery was to have a drain put into my skull to drain the excess fluid, which enabled the second round of surgery to take place. The second surgery was to remove the tumours. When I came round, after what my surgeon described to me as textbook surgery, I was told the good news—that both of the tumours were benign, and both had been successfully taken out. Within 10 to 12 weeks of surgery I was able to take up my
Senate position representing the people of Tasmania.

Here, I would like to reiterate my sincere thanks and admiration for all the staff at the Royal Hobart Hospital for their excellent care and attention to me throughout this ordeal. I still undergo frequent checks to make sure that nothing awful is happening in my head and I get wonderful care and attention every time I am there. But unfortunately not everyone is as lucky as I was. There are more than 120 different types of brain tumours. The three main categories are: primary; benign; and brain metastases, which arise from a cancer elsewhere in the body.

George Harrison had a brain tumour, as did Bob Marley and Ethel Merman. George Gershwin, William Casey and Mary Shelley, the author of Frankenstein, died from brain tumours. The former Premier of Queensland, Wayne Goss, was diagnosed with a brain tumour, and it was subsequently removed without any problems. The highly regarded and respected Professor Chris O’Brien, who was one of Australia’s top cancer surgeons and was diagnosed with an aggressive brain tumour in 2006, died earlier this year. And the list goes on.

The cause of brain tumours is unknown. They strike randomly. They cannot be prevented by lifestyle choices and are impossible to screen and detect early. There is no cure—although you can recover if you manage to undergo successful surgery—and very little in the way of effective treatments. While the treatment for malignant tumours is often surgery, radiation or chemotherapy, depending on the type, location and degree of malignancy, the truth is that you simply cannot treat brain cancer the same way you treat leukaemia or most other forms of cancer. Even benign tumours can be inoperable or can cause death or brain injury as a result of surgery or excess pressure on the brain.

Brain tumours are the only cancer that affects a person’s capacity both physically and mentally. Children with brain tumours—unfortunately, a lot of them do suffer from brain tumours—may suffer from neurological illness, with behavioural and cognitive problems, even if treatment has been effective. According to the Brain Tumour Alliance, paediatric brain tumours are the second most common cause of death in children for all cancers after leukaemia. In countries such as the United States, Canada and the United Kingdom, they are now the greatest cause of childhood cancer mortality in the age group zero to 14. This does not represent a growing incidence of brain tumours in children; it shows that the research and advances made in leukaemia treatment have, comparatively, left the insignificant improvements in brain tumour research behind.

Brain tumours are significantly difficult to treat well, even in high-income countries. The last major international breakthrough came in 2000, when researchers identified the usefulness of a certain chemotherapy drug when administered conjointly with radiation therapy and for a period afterwards. Apparently it works really well. That was hailed as the first breakthrough in 30 years. In 2004, 1,609 people in Australia were diagnosed with a malignant primary brain tumour. Sadly, about 300 Australian children are diagnosed with a brain tumour every year. Worldwide, 200,000 people develop a primary malignant brain tumour each year. Many of these people die within 12 months.

Brain Tumour Awareness Week strives to bring light to this silent killer. Compared with other cancers, a relatively high proportion of brain tumour research in Australia is dependent on private charity funding, although $1.13 million out of the National Health and Medical Research Council program of $357 million went towards brain cancer research. People are slowly gaining
awareness of brain cancer as the serious illness it is, but its coverage is still poor at best. There is a real need to promote further understanding and acceptance of brain cancer worldwide. Because it cannot be detected early, often the first signs are the symptoms that I explained earlier. By then, for many, it may already be too late. Many people live with knowledge of their inoperable brain tumours for only a few months. For those who have them removed, there is the chance they may grow back malignant. The incidence of brain tumours increased by approximately 10 per cent over the decade 1991 to 2000.

Because brain tumours are usually located at the control centre for thought, emotion and movement, their effects—especially in children—on physical and cognitive abilities can be devastating. Research for paediatric brain tumours cannot simply be taken from research done on adult brain tumours. Paediatric tumours and adult tumours differ in several important ways. Some tumours commonly found in adults do not commonly appear in children, and vice versa. With that in mind, adult brain tumours tend to occur in the cerebral hemispheres, the largest parts of the brain. (Extension of time granted).

There are a number of events taking place through November in Australia in regard to brain tumour awareness. In Brain Tumour Awareness Week, which, as I said, was from 1 to 7 November, lots of newspaper articles on brain tumours were written. Such articles help to bring the issue to the forefront of the layperson’s mind. Patients, caregivers, health professionals and advocates shared stories and helped to raise awareness in a multitude of ways. The Walk 4 Life in Sydney’s Centennial Park, where 335 people walked a total of 1,336 kilometres, raised about $60,000. Nurses held a fundraising barbecue at Westmead Hospital. The Royal Melbourne Hospi-
opposition occupy time of the Senate which is for general business, and the general business item that we debated was not the government’s time; it was our time.

I suppose, Senator Feeney—and I would be very happy for him to come and apologise at some stage—we also gave up one hour of our general business time today, one entire hour that the opposition could have had, for the purposes of facilitating, not out of government time but out of opposition time, valedictory speeches for the Clerk of the Senate, Mr Harry Evans. I just feel that it is important to put the accurate record into the Hansard when erroneous statements like that are made during a debate, which do not reflect the true spirit of what actually happens and how the opposition cooperates and facilitates some of the government program—especially when we give up one hour of our time. I will make sure that Senator Feeney gets a copy of this Hansard, and I would be very keen to see a response at some stage in the future.

Fifth Asia-Pacific Conference on Reproductive and Sexual Health and Rights

Senator FURNER (Queensland) (7.31 pm)—I rise to talk about a recent event: as a member of the Parliamentary Group on Population and Development, I was privileged to be present at the Fifth Asia-Pacific Conference on Reproductive and Sexual Health and Rights recently. Firstly, I acknowledge the People’s Republic of China for its professionalism and hospitality displayed over the three days. The conference was organised under the sponsorship of, and in collaboration with, the China Family Planning Association, along with many other organisations from around the globe. The People’s Republic of China is to be congratulated for the delivery and commitment in making this conference such a success. Additionally, I wish to acknowledge the excellent support provided by the secretariat of the Parliamentary Group on Population and Development, Jane Singleton, Alice and Rose.

From the outset of accepting the invitation to attend, I had not appreciated the importance of the work and commitment in this area. There are copious statistics out there on a variety of human rights issues which we need to address around the globe. However, the most compelling which are now etched in my memory are that by the time I deliver this 10-minute adjournment speech, there will be 10 women in the world who die from maternal mortality; that in the African continent, which represents 15 per cent of the world’s population, nearly half of the mothers die during pregnancy; and that there are more than five million HIV cases in Asia and the Pacific, and over half of these are aged under 24.

The member for Lyne, Rob Oakeshott, was the other parliamentarian participating in the conference. On the second day he provided a report on his commitment in establishing a male parliamentary group on prevention of violence against women and girls in the region. On the third day of the conference I was privileged to be provided with the opportunity to present my opinion of the status of the plenary session promoting and enhancing partnership in SRHR. I delivered a short address on the summary of contemporary issues which I found were key areas from the conference and my own personal understanding of key areas where the Australian government is delivering in the area.

Interestingly enough, there was an underlying focus on climate change. In fact, I think that most of the speakers at the conference reflected on that and its effect on population and agriculture across the globe. Just yesterday I was at the launch of a report which is part of the State of the world 2009 report by UNFPA, entitled Facing a chang-
ing world: women, population and climate. I know it is not permissible to show parts of the publication, but I will just refer to a couple of entries:

We have read the science. Global warming is real, and we are a prime cause ... We must set an agenda—create a roadmap to the future, coupled with a timeline that produces a deal by 2009.

Later on in the publication there is a picture of an ex-glacier in Bolivia that is now just a lake. It indicates that the glaciers are melting rapidly, jeopardising water supplies to rural and urban communities in that country.

Going back to the conference, although youth activities have always been a key theme area of the Asia-Pacific Conference on Reproductive and Sexual Health and Rights, this conference saw it as being mainstream. It was recognised that youth in the region need to play an increasingly active role in policies and programs that are geared towards fulfilment of their reproductive health and rights. The Fifth APCRSHR, for the first time, established a youth committee to organise the youth programs at the conference. With joint efforts by the conference steering and organising committees, the youth committee arranged a series of activities and programs that aimed to connect young leaders across the region to work together throughout the conference.

The youth day seminars and workshops, along with parallel panel meetings and discussions, created a distinct platform to facilitate experience, learning and sharing among young people themselves and also established a space for constructing genuine youth and adult partnerships. The youth program involved presenting a united voice to address sexual and reproductive health challenges and opportunities through the conference and throughout the region, making a declaration.

In ensuring participation of youth in the conference, scholarships were offered to around 150 young people, including 70 young people from China and 80 young people from other countries. The 150 young people were composed of 15 speakers and 135 ordinary youth participants. I was impressed and convinced by the enthusiasm and commitment these young people delivered at the conference.

Given the situation of youth in the region, it was only proper that they had a relevant place at the conference. The conference heard of young people in the Asia-Pacific region being in jeopardy, as many of them have inadequate preparation for sexual lives. Few young people receive adequate preparation for their sexual lives, leaving them potentially vulnerable to coercion, abuse and exploitation, unintended pregnancies and sexually transmitted infections. One of the objectives of the conference was to ensure that all Asians can access reproductive health services, despite falling short of global agreement. That is an essential to meeting other development goals.

At the 1994 International Conference on Population and Development in Cairo, outcomes called for universal access to reproductive health by 2015. Two years ago the United Nations linked this objective to the Millennium Development Goal of a three-quarter reduction in maternal deaths by the same year. However, the conference heard that there has been a lacklustre reaction by governments, donors and development institutions in funding the Cairo action plan, according to the Beijing call for action drafted by the conference organisers. The call urges civil society, parliamentarians, governments, donors and young people to rapidly fulfil the unfinished agenda of the ICPD.

Dr Gill Greer, Director-General of the International Planned Parenthood Federation, indicated the global recession is threatening support for NGOs working for reproductive
and sexual health and rights. She stressed that fundraising necessary to combat climate change must not reduce resources needed for development. Dr Zhao Baige, Vice Minister of China’s National Population and Family Planning Commission, NPFPC, noted her country’s dramatic reductions in fertility and maternal deaths in the past three decades, and said that the national family planning program had moved from an administrative approach to one of informed choice.

Turning to our closest backyard, the Pacific, we reflect on the fact that some countries in the region have made good progress and have even achieved some MDG targets, although the same cannot be said of the region as a whole. Around 2.7 million people are living in poverty, not having the income to satisfy their basic human needs. About 700,000 children in the region do not finish primary school and 40 out of every 1,000 children born alive die before the age of five. The rate of infection of HIV-AIDS is growing by more than 40 per cent a year. Pacific island nations are facing lower prices and reduced demand for commodity exports, pressure on tourism, falls in remittance flows, falls in the value of offshore national trust funds and in some cases difficulties accessing finance. At the family level, lower cash incomes can translate into less money for food, children being withdrawn from school and worsening health outcomes.

Despite these concerns, there are young Pacific islanders receiving qualifications in trades through the Australia-funded Australia-Pacific Technical College. The Australian government is supporting the Pacific in two locations. One is that we fund young students from Kiribati to come to Brisbane to train as nurses. The program started a couple of years ago and has resulted in the first group receiving their nursing diplomas. They are now starting Bachelor of Nursing courses at Griffith University in Brisbane. When these nurses finish they will have transferable qualifications that will help them gain work just about anywhere. The program will enable them to send remittances home as well as provide more trained nurses for Kiribati. The other scheme is a pilot where people from the Pacific come to Australia to do seasonal work in the horticulture sector. They will gain valuable skills in horticulture and return some of the money they make back home.

Despite the Australian government managing the economy with a safe pair of hands, our neighbours in the Pacific will still have millions and millions of people who have not received a decent education, health care, or clean water and sanitation services. There will still be gender imbalances. There will still be an underlying food crisis. Consequently, we need to increase our effort, our effectiveness and our efficiency to contribute to securing the future of the Pacific.

Additionally, I spent two days attending the first annual review meeting of SPRINT. As part of the Australian government’s commitment to the Millennium Development Goals, in February 2008 the Parliamentary Secretary for International Development Assistance, Hon. Bob McMullan, launched the AusAID funded $3 million SPRINT program—Sexual and Reproductive Health Program in Crisis and Post-Crisis Situations in East Asia, South-East Asia, and the Pacific. In the past decade and in this year alone there has been a significant increase in the number of crises in the Asia-Pacific region, through natural disasters, climatic variation, political instability or civil unrest. There is no doubt, based on scientific views and comments made by presenters at both conferences, that climate change will make a significant impact on the region’s population.

In summary, one of the impressive areas of SPRINT was an initiative that came about
as a result of Cyclone Nargis, which hit Myanmar and caused 140,000 deaths. (Extension of time granted) Two NGOs had already completed a training of trainers into crisis response. These trained NGOs initiated their skills in the Minimum Initial Service Package delivery. A year after the disaster a review was conducted with the key finding being that without the SPRINT initiative the reproductive health needs of those vulnerable people would have been forgotten. The Rudd government considers it essential that civil society organisations be involved in the response to humanitarian crises and the promotion of sustainable development because of their capacity to engage quickly and promote community ownership of recovery efforts. The partnership with the International Planned Parenthood Federation and their partners from the University of New South Wales and the Australian Reproductive Health Alliance has made this excellent program happen.

In summary, both conferences provided an excellent opportunity to obtain an appreciation of the important work governments and NGOs are performing. Notwithstanding that, we all need to aim higher to provide the humanitarian aid to our neighbours and those less fortunate on this planet. By improving the lives of our neighbours we will add to the growth and stability in our region.

Mr Harry Evans

Dr Rosemary Laing

The ACTING DEPUTY PRESIDENT (Senator Forshaw) (7.43 pm)—On indulgence, I endorse the remarks that were made this afternoon with regard to the retiring Clerk of the Senate, Harry Evans, and thank him personally for all his advice and assistance to me as a senator over 15 years. I also note that Dr Rosemary Laing is here in the chamber tonight, and I congratulate Dr Laing on her appointment as the next Clerk of the Senate.

Senate adjourned at 7.43 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Airspace Act—Airspace Regulations—Instruments Nos CASA OAR—

182/09—Determination of airspace and controlled aerodromes etc [F2009L04215]*.
183/09—Determination of conditions for use of air routes [F2009L04221]*.
193/09—Determination of controlled aerodromes – Karratha [F2009L04210]*.


Broadcasting Services Act—Variation to Licence Area Plan for Murray Bridge Radio – No. 1 of 2009 [F2009L04212]*.

Civil Aviation Act—Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/ARRIEL/27—HP Turbine (Module M03) – Turbine Blade Displacement [F2009L04220]*.
AD/ATR 42/2 Amgd 1—Fuel Tank Safety – Electrical Wiring [F2009L04219]*.
AD/B737/340—Outboard Trailing Edge Flap Carriage Spindles [F2009L04217]*.
AD/BEECH 1900/49 Amgd 1—Wing Rear Spar Lower Cap Inspection – 2 [F2009L04218]*.
AD/CESSNA 150/50—Rudder Limit Stops [F2009L04216]*.

Instrument No. CASA 527/09—
Approval – compliance with Airworthiness Directive (AD) for Hartzell Propellers [F2009L04137]*.

Corporations Act—Auditing Standards—
ASA 530—Audit Sampling [F2009L04091]*.
ASA 600—Special Considerations—
Audits of a Group Financial Report (Including the Work of Component Auditors) [F2009L04097]*.
ASA 620—Using the Work of an Auditor’s Expert [F2009L04099]*.

Customs Act—Tariff Concession Orders—
0911156 [F2009L04177]*.
0911306 [F2009L04168]*.

Defence Act—Determinations under section 58B—Defence Determinations—
2009/70—Additional military compensation – amendment.
2009/72—Victoria Cross for Australia representational duties.
2009/73—Funeral costs, floral and non-floral tributes – amendment.
2009/74—Deployment allowance – amendment.
2009/75—Additional remuneration for star rank officers – amendment.
2009/76—Post indexes – amendment.

Financial Management and Accountability Act—Determinations—
2009/15—Section 32 (Transfer of Functions from ATSB to DITRLDG) [F2009L04276]*.
2009/16—Section 32 (Transfer of Functions from DITRLDG to ATSB) [F2009L04277]*.

Industry Research and Development Act—
Additional Functions of Innovation Australia [F2009L04260]*.

Migration Act—
Migration Agents Regulations—
MN45-09b of 2009—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2009L04132]*.
MN45-09c of 2009—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2009L04133]*.

Military Rehabilitation and Compensation Act—Select Legislative Instrument 2009 No. 299—Military Rehabilitation and Compensation Amendment Regulations 2009 (No. 2) [F2009L04139]*.

Motor Vehicle Standards Act—Select Legislative Instrument 2009 No. 308—Motor Vehicle Standards Amendment Regulations 2009 (No. 1) [F2009L04162]*.

Safety, Rehabilitation and Compensation Act—
Approval of Form of Application for Initial Approval as a Rehabilitation Program Provider (Workplace Rehabilitation Provider) [F2009L04154]*.
Approval of Form of Application for Renewal of Approval as a Rehabilitation Program Provider (Workplace Rehabilitation Provider) [F2009L04156]*.
Variation of Criteria for Initial Approval or Renewal of Approval as a Rehabilitation Program Provider (Workplace Rehabilitation Provider) [F2009L04152]*.
Variation of Operational Standards for Rehabilitation Program Providers (Workplace Rehabilitation Providers) [F2009L04145]*.
Social Security Act—Social Security (South Australian ‘Phase One: Self-managed Funding Initiative’) (FaHCSIA) Determination 2009 [F2009L04268]*.

Therapeutic Goods Act—Therapeutic Goods (Listing) Notice 2009 (No. 8) [F2009L04278]*.

* Explanatory statement tabled with legislative instrument.

Tabling

The following document was tabled pursuant to the order of the Senate of 18 November 2009:

Workplace relations—Fair Work Amendment (State Referrals And Other Measures) Bill 2009—Bilateral intergovernmental agreements—Statement responding to the resolution of the Senate of 18 November 2009.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Climate Change**
(Question No. 1821)

Senator Milne asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 16 June 2009:

With reference to the Minister’s speech at the Auswind 2007 conference and exhibition ‘Future Vision 2020’ in which he outlined ten key measures for addressing climate change, and in particular, point three - lead by example. ‘Here’s a radical notion: a Federal Government putting its money where its mouth is on climate change policy. We will use government’s purchasing power to develop markets for efficient technologies and we will set an objective to power Parliament House and all MP electorate offices with renewable and clean energy’ and given that the current energy contract for Parliament house will expire on 30 June 2009: will the Minister deliver on his promise and negotiate a new energy contract to power Parliament House and electorate offices with renewable and clean energy from 1 July 2009; if not, why not; if so, how will point three be implemented.

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

Over 170 Australian Government sites in the Australian Capital Territory purchase their electricity through a whole of government contractual arrangement currently managed by the Department of Defence. On 1 July 2009, a new contract came into effect under which the agencies represented purchase a minimum of 10 per cent of all electricity from clean, accredited renewable sources (Greenpower). This amounts to approximately 17,700 megawatt hours per annum.

I understand that the Department of Parliamentary Services will be party to this agreement and continue to procure 25 per cent (its current level) of renewable energy for Parliament House.

The Department of the Environment, Water, Heritage and the Arts (DEWHA), as the department responsible for the Energy Efficiency in Government Operations policy, will continue to provide support to the Department of Parliamentary Services, as it explores opportunities to improve the energy efficiency of Parliament House.

As the request of the Minister for the Environment, Heritage and the Arts, officials from DEWHA have met with the Department of Parliamentary Services to discuss their strategies for improving energy efficiency at Parliament House, based on consideration of an energy audit undertaken recently for Parliament House.

The procurement of renewable energy (Greenpower) for Senators and Members’ electorate offices is currently being investigated by the Department of Finance and Deregulation.

**Prime Minister and Cabinet**
(Question No. 2128)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 10 September 2009:

For the 2008-09 financial year:

(1) Did the Minister have any ministerial letterhead produced using the funds or resources of his or her home department; if so:

(a) how many sheets of letterhead were produced; and

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QUESTIONS ON NOTICE
(b) what was the cost of the production of the letterhead.

(2) What was the total postage cost of mailings conducted by the Minister and/or Parliamentary Secretary using their departmental-funded franking machine.

(3) (a) What was the total cost, including production and distribution, of all direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece; and (b) can an itemised list be provided of: (i) production costs, and (ii) distribution costs.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) Yes.

(a) 12,000 sheets of letterhead for official anniversary messages from the Prime Minister (for significant birthdays and wedding anniversaries) were produced in financial year 2008-09.

(b) $3,289.

(2) For 2008-09, the total postage cost of mailings conducted by the Prime Minister’s Office using a departmentally-funded franking machine and postage stamps was $4,975.97.

(3) (a) and (b) The department undertook three direct mailouts in financial year 2008-09 where the Prime Minister or Cabinet Secretary was the nominal author of the letter. Details of the letters are as follows:

- letter from the Prime Minister to Senators and Federal Members of Parliament (225 pieces) calling for nominations for the 2009 Australian of the Year Awards
- letter from the Cabinet Secretary to Senators and Federal Members of Parliament (225 pieces) regarding the Australian National Flag Day
- letter from the Prime Minister to Senators and Federal Members of Parliament (225 pieces) calling for nominations for the 2010 Australian of the Year Awards.

The department does not maintain records that would facilitate the calculation of production and distribution costs for this question without an unreasonable diversion of government resources. Production and distribution of these letters is undertaken as a normal part of business.

Immigration and Citizenship: Printing

(Question No. 2133)

Senator Ronaldson asked the Minister for Immigration and Citizenship, upon notice, on 10 September 2009:

For the 2008-09 financial year:

(1) Did the Minister have any ministerial letterhead produced using the funds or resources of his or her home department; if so: (a) How many sheets of letterhead were produced; and (b) What was the cost of the production of the letterhead.

(2) What was the total postage cost of mailings conducted by the Minister and/or Parliamentary Secretary using their departmental-funded franking machine.

(3) (a) What was the total cost, including production and distribution, of all direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece; and

(b) Can an itemised list be provided of: (i) Production costs; and (ii) Distribution costs.
Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) For the 2008-09 financial year, no ministerial letterheads were produced using the funds or resources of my Department.
   (a) For the 2008-09 financial year, no ministerial letterheads were produced.
   (b) As no ministerial letterheads were produced, there were no production costs.

(2) For the 2008-09 financial year, the total postage cost of mailings using the departmentally-funded franking machine for the Minister for Immigration and Citizenship was $438.75. The Parliamentary Secretary for Multicultural Affairs and Settlement Services is not provided with a departmentally-funded franking machine.

(3) (a) For the 2008-09 financial year, the Department was not involved in any direct mail pieces, including any Government communications campaign, where the Minister or Prime Minister was the nominal author of the piece. (b) (i) As the Department was not involved in any direct mail pieces, including any Government communication campaigns, there were no production costs. (ii) As the Department was not involved in any direct mail pieces, including any Government communication campaigns, there were no distribution costs.

Resources and Energy, and Tourism
(Question Nos 2185 and 2186)

Senator Ronaldson asked the Minister for Resources and Energy and Minister for Tourism, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year: (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and (b) what was the total cost of: (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including: (a) the cost of producing each of these publications; and (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so: (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary; (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and (c) what resources does the department provided to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so: (a) how and to whom; and (b) for the 2008-09 financial year, what was the cost for this distribution.
Senator Carr—The Minister for Resources and Energy and Minister for Tourism has provided the following answer to the honourable senator’s question:

(1) (a)—

<table>
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<tr>
<th>Description</th>
<th>Cost</th>
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<tr>
<td>Canon IP 100 Printer</td>
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<td>C762dn Printer Lexmark</td>
<td>$ 800</td>
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<tr>
<td>Printer Cannon colour</td>
<td>$ 300</td>
</tr>
<tr>
<td><strong>Total cost</strong></td>
<td><strong>$1,477</strong></td>
</tr>
</tbody>
</table>

(b) (i) Toner and Cartridge cost $5,677; (ii) Printer Servicing cost $2,080.

(2) Stationery cost $4,465.

(3) Other office consumables cost for 2008-09 financial year for Minister’s office is $2,437.

(4) (a) and (b)—

<table>
<thead>
<tr>
<th>Publication</th>
<th>Cost</th>
<th>Number of copies</th>
<th>Distribution audience</th>
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<td>National Energy Security Assessment</td>
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<td>Release of Offshore Petroleum Exploration Areas Australia 2009</td>
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<td>2009 Special Offshore Petroleum Acreage Release</td>
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<td>Working with Indigenous Communities</td>
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<td>Mine Rehabilitation</td>
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<td>Mine closure and completion</td>
<td>$4,667</td>
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</table>

*Approximate value

(5) Yes the Minister has a departmentally maintained website. The Minister’s website is accessible from:


(a) There has been no redevelopment of the Minister’s website since 24 November 2007. The initial development for the Minister’s website (http://www.minister.ret.gov.au) was undertaken by the Department of Innovation, industry Science and Research (DIISR) in November 2007.

(b) The minister’s website was not refreshed during the financial year 2008-09.

(c) The Department’s costs to update and maintain the Minister’s website approximately $15,000 per annum.

(6) (a) During 2008-09 the Department utilised Media Monitors media contact lists for media distribution. Distribution of media releases was to metropolitan, major regional and regional, newspapers, radio and television.

(b) Total cost for media distribution in 2008-09 was $18,632.
Innovation, Industry, Science and Research: Accommodation
(Question No. 2212)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 15 September 2009:

With reference to the answer to question on notice no. 2046 (Senate Hansard, 9 September 2009, p. 108), concerning the geographical location of employees of certain government agencies: how many staff are located at each location and what is their Australian Public Service classification?

Senator Carr—The answer to the honourable senator’s question is as follows:

For the number of staff at each location and their Australian Public Service Classification, please refer to the table below.

Please note the following changes to office locations which were provided in Question No. 2046.

Department of Innovation, Industry, Science and Research:

There was a departmental office in 48 Sturt Street, Traralgon, Gippsland. However, this Office has now transferred to 107 Princess Highway, Trafalgar, Gippsland and on 1 October 2009 the staff member moved to this Office.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)

In the answer provided in Question No. 2046, CSIRO had listed an office at Benetook Avenue, Mildura where staff were employed as part of the Murray Darling Freshwater Research Centre. Please note that there are no longer CSIRO staff employed at this site and any CSIRO affiliates eg visitors have transitioned to La Trobe University.

IP Australia

The attached answer includes an IP Australia Office in Queensland which was not identified in the response to Question No. 2046.

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Address</th>
<th>Number of staff</th>
<th>APS classification</th>
</tr>
</thead>
</table>
| Department of Innovation, Industry, Science and Research | Australian Capital Territory
-10 Binara Street, Canberra City
-20 Allara Street, Canberra City
-28 Essington Street, Mitchell
-95-97 Wollongong Street, Fyshwick
-King Edward Terrace, Parkes          | 1297                                         | 1 x Secretary  |
<p>|                                          |                                              | 2 x SES Band 3 |                    |
|                                          |                                              | 11 x SES Band 2|                    |
|                                          |                                              | 32 x SES Band 1|                    |
|                                          |                                              | 179 x EL2      |                    |
|                                          |                                              | 420 x EL1      |                    |
|                                          |                                              | 269 x APS6     |                    |
|                                          |                                              | 149 x APS5     |                    |
|                                          |                                              | 118 x APS4     |                    |
|                                          |                                              | 59 x APS3      |                    |
|                                          |                                              | 48 x APS2      |                    |
|                                          |                                              | 9 x APS1       |                    |</p>
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<thead>
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<th>Department/Agency</th>
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<th>Number of staff</th>
<th>APS classification</th>
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<td></td>
<td>-14 Julius Avenue, North Ryde</td>
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<td>- Bradfield Road, West Lindfield</td>
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<td>-1 Suakin Street, Pymble</td>
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<td>-Locomotive Workshop Australian Technology Park, Eveleigh</td>
<td>41</td>
<td>APS5</td>
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<td>7</td>
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<td>48 Fitzmaurice Street, Wagga Wagga</td>
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<td>307 Peel Street, Tamworth</td>
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<td>University Drive, Callaghan, Newcastle</td>
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<td>EL1</td>
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<td>- 161 Collins Street, Melbourne</td>
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<td>- 1/153 Bertie Street, Port Melbourne</td>
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<td>329 Thomas Street, Dandenong</td>
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<td>Deakin University, Pigdon Road, Geelong</td>
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<td>48 Sturt Street, Ballarat</td>
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<td>46 Edward Street, Bendigo</td>
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<td><strong>Queensland</strong></td>
<td>Brisbane, includes the following locations:</td>
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<td>- 100 Creek Street, Brisbane</td>
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<td>-Eight Mile Plains Building, Corner Mile Platting and Logan Roads, Eight Miles Plains</td>
<td>10</td>
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<td>205 Bourbong Street, Bundaberg</td>
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<td>1 x EL1</td>
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<td>Enterprise House, Corner The Strand and Sir Leslie Thiess Drive, Townsville</td>
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<td>1 x EL1</td>
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<td>26 Marine Parade, Southport, Gold Coast</td>
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<td>1 x EL1, 1 x APS6</td>
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<td>Adelaide, includes the following locations:</td>
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<tr>
<td>- 170-178 North Terrace, Adelaide</td>
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<td>- Innovation House Technology Park, First Avenue, Mawson Lakes</td>
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<td>500 Stirling Road, Port Augusta</td>
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<tr>
<td>Old Town Hall, Commercial Street East, Mount Gambier</td>
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<td>1 x EL1</td>
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<td>- 44 St George’s Terrace, Perth</td>
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<td>- 26 Dick Perry Ave, Kensington</td>
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<td>Tasmania</td>
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<tr>
<td>Guimard Centre, Rue Guimard 6-8 Brussels 1040 Belgium</td>
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<td>ACT Lawson Crescent, Acton</td>
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<td>Strait Islander Studies*</td>
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<td>Australian Institute of Marine Science</td>
<td>Queensland Cape Cleveland Road, Cape</td>
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<td>Ferguson, Townsville</td>
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<td>South Australia Roseworthy</td>
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<td></td>
<td>Building M096, University of Western</td>
<td>24</td>
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<tr>
<td></td>
<td>Australia, 39 Fairway, Crawley</td>
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<td></td>
<td>Northern Territory 23 Ellengowan Drive,</td>
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<tr>
<td></td>
<td>Brinkin</td>
<td></td>
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<tr>
<td></td>
<td>ACT Level 6, Industry House, 10 Binara</td>
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<tr>
<td></td>
<td>Street, Canberra City</td>
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<td>New South Wales</td>
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<td>New Illawarra Road, Lucas Heights</td>
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<td></td>
<td>National Medical Cyclotron, Royal Prince</td>
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<td></td>
<td>Alfred Hospital, Camperdown</td>
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<td></td>
<td>Victoria The Australian Synchrotron,</td>
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<td></td>
<td>800 Blackburn Road, Clayton</td>
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<td>Australian Nuclear Science and Technology</td>
<td>Australian Embassy and Permanent Mission</td>
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<tr>
<td>Organisation</td>
<td>to the UN Mattiellistrasse 2-4,</td>
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<tr>
<td></td>
<td>1040 Vienna, Austria</td>
<td>1</td>
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<td></td>
<td>Embassy of Australia</td>
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<tr>
<td></td>
<td>1601 Massachusetts Ave, NW, Washington</td>
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</tr>
<tr>
<td></td>
<td>D C United States of America</td>
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## QUESTIONS ON NOTICE

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<th>Department/Agency</th>
<th>Address</th>
<th>Number of staff</th>
<th>APS classification</th>
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<td>Australian Research Council</td>
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<td>1 x CEO&lt;br&gt;6 x SES&lt;br&gt;12 x EL2&lt;br&gt;31 x EL1&lt;br&gt;27 x Level 3–APS6&lt;br&gt;30 x Level 2–APS4/5&lt;br&gt;2 x Level 1–APS1/3</td>
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<tr>
<td>Commonweal th Scientific and Industrial Research Organisation</td>
<td>ACT Queensland 100 Creek Street, Brisbane</td>
<td>3</td>
<td>1 x EL2&lt;br&gt;2 x EL1</td>
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<tr>
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<td>ACT ACT ANU Campus, North Road, Acton Black Mountain Laboratories, Corner Clunies Ross Street and Barry Drive, Black Mountain (Acton) Corporate Centre, Limestone Avenue, Campbell Ginninderra Experiment Station, Barton Highway, Barton Gungahlin Homestead, Bellenden Street, Crace Tidbinbilla - Canberra Deep Space Communication Complex, 421 Discover Drive, Paddys River District Banks Street, Yarralumla New South Wales FD McMaster Laboratory, Chiswick, New England Highway, Armidale Research Station Road, Hanwood, Griffith Bradfield Road, West Lindfield Lucas Heights Science and Technology Centre, New Illawarra Road, Menai Corner Vimiera and Pembroke Road, Marsfield Paul Wild Observatory, Narrabri Australian Cotton Research Institute, Wee Waa Road, Myall ValeCSIRO Energy Centre, Steel River Estate, 10 Murray Dwyer Circuit, Mayfield West Riverside Corporate Park, North Ryde Macquarie University Campus, Building E6B, North Ryde ATNF Parkes Observatory, Off Newell Highway, Parkes</td>
<td>63 N/A #&lt;br&gt;796 N/A #&lt;br&gt;247 N/A #&lt;br&gt;6 N/A #&lt;br&gt;108 N/A #&lt;br&gt;1 N/A #&lt;br&gt;88 N/A #&lt;br&gt;42 N/A #&lt;br&gt;13 N/A #&lt;br&gt;110 N/A #&lt;br&gt;75 N/A #&lt;br&gt;254 N/A #&lt;br&gt;35 N/A #&lt;br&gt;56 N/A #&lt;br&gt;131 N/A #&lt;br&gt;310 N/A #&lt;br&gt;51 N/A #&lt;br&gt;28 N/A #</td>
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<td>Charles Sturt University, Boorooma Street, Wagga Wagga</td>
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<td>Victoria</td>
<td>107-121 Station Street, Aspendale</td>
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<td>Level 11, 700 Collins Street, Docklands, Melbourne</td>
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<td>Horticulture Unit, 585 River Avenue, Merbein</td>
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<td>671 Sneyd Road and South Road, Werribee</td>
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QUESTIONS ON NOTICE
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QUESTIONS ON NOTICE
Mr Alan Oxley  
(Question No. 2374)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 21 October 2009:

(1) Does Ambassador Alan Oxley hold any government appointments; if so: (a) what are the positions; and (b) how much is he paid.

(2) Is it standard practice: (a) for people to continue to refer to themselves as ambassador after they have left any position giving them that title; and (b) to use the ambassador title as an honorific if they have not served as an ambassador in an Australian embassy in another country.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) Mr Alan Oxley does not hold any appointments with the Department of Foreign Affairs and Trade.

(2) The department does not apply the honorific title “Ambassador” to former Australian Ambassadors. The title “Ambassador” is used for serving Heads of Mission at Australian Embassies abroad, serving Heads of Mission at some other Australian Missions abroad (such as the Australian Permanent Mission to the WTO in Geneva and the Australian Mission to the United Nations in New York) and those serving in a limited number of Canberra-based positions (such as the Ambassador for People Smuggling Issues and the Ambassador for Counter-Terrorism).
Senator Ludlam asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 27 October 2009:

(1) How many delegates from Screen Australia were present at the 2009 Cannes Film Festival in France (the festival).

(2) What was the length of time spent by each delegate: (a) at the festival; and (b) on any ancillary trips attached to the festival.

(3) (a) What was the total amount spent on attending the festival including staff wage costs, per diems, accommodation, travel, meals, event hosting, cost of the stall and any other associated costs; and (b) what were the comparative costs for the Australian Film Commission and the Film Finance Corporation in previous years.

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

(1) 7.

(2) —

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<th>Delegate</th>
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(3) (a) Screen Australia Cannes 2009 $452,656

(b) Australian Film Commission Cannes 2008 $260,173

Film Finance Corporation Cannes 2008 $204,777

Combined Total Cannes 2008 $464,950

Fiona Stanley Hospital

(Question No. 2386)

Senator Ludlam asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 28 October 2009:

(1) Can the Minister confirm that the department’s original approval for the Fiona Stanley Hospital site in Murdoch, Western Australia, included the protection of an offset package adjacent to a North Lake parcel of land (Datafile: 080627-Item38-beeliar.dwg, dated 26 June 2008).

(2) (a) Is the Minister aware that in August 2009, a variation to that original approval and protected parcel of land was signed off by Ms Vicki Middleton, Assistant Secretary of the Environment Assessment Branch of the department (DataFile: 090701-item38 area 7.dwg, dated 24 July 2009); (b) was this change made in response to a request from the former Western Australian Department of Housing and Works; (c) did Main Roads Western Australia make any representation/submission to the department in regard to this project; (d) did any other Western Australian state government Minister, department or officer request a change to the parcel of protected land; and (e) what were the ecological reasons for asking for a variation of the offsets package.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:
(1) Yes. The approval of the Fiona Stanley Hospital under the Environment Protection and Biodiversity Conservation Act 1999 included a requirement to plant 1000 plants in a 20 hectare area adjacent to North Lake to assist with providing additional foraging habitat for the Carnaby’s black cockatoo.

(2) (a) Yes.
(b) Yes.
(c) No.
(d) No.
(e) The request was made due to the prior existence of a road reserve on the original site which meant that the proponent of the Fiona Stanley Hospital could not comply with the approval conditions that require the protection of the offset area into perpetuity. The delegate approved the proposed change because there was no ecological difference for the Carnaby’s black cockatoo between revegetation on the original or the new site. The variation decision achieved equivalent ecological outcomes to the original decision as both areas are adjacent to North Lake, both are approximately 20 hectares in size, and black cockatoos can readily access both sites.