COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

Senate

Official Hansard

No. 1, 2010
Tuesday, 2 February 2010

FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

BY AUTHORITY OF THE SENATE
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### RADIO BROADCASTS

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FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Temporary Chairs of Committees—Senators Guy Barnett, Suzanne Kay Boyce, Thomas Mark Bishop, Carol Louise Brown, Michaelia Clare Cash, Patricia Margaret Crossin, Michael George Forshaw, 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

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

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

Leader of the Opposition  
Hon. Tony Abbott MP
Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition  
Hon. Julie Bishop MP
Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals  
Hon. Warren Truss MP
Shadow Minister for Resources and Energy and Leader of the Opposition in the Senate  
Senator Hon. Nick Minchin
Shadow Minister for Employment and Workplace Relations and Deputy Leader of the Opposition in the Senate  
Senator Hon. Eric Abetz
Shadow Treasurer  
Hon. Joe Hockey MP
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House  
Hon. Christopher Pyne MP
Shadow Minister for Infrastructure and Water  
Hon. Ian Macfarlane MP
Shadow Attorney-General  
Senator Hon. George Brandis SC
Shadow Minister for Defence  
Senator Hon. David Johnston
Shadow Minister for Health and Ageing  
Hon. Peter Dutton MP
Shadow Minister for Families, Housing and Human Services  
Hon. Kevin Andrews MP
Shadow Minister for Climate Action, Environment and Heritage  
Hon. Greg Hunt MP
Shadow Minister for Indigenous Affairs and Deputy Leader of The Nationals  
Senator Hon. Nigel Scullion
Shadow Minister for Finance and Debt Reduction and Leader of The Nationals in the Senate  
Senator Barnaby Joyce
Shadow Minister for Agriculture, Food Security, Fisheries and Forestry  
Hon. John Cobb MP
Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities  
Hon. Bruce Billson MP
Shadow Minister for Broadband, Communications and the Digital Economy  
Hon. Tony Smith MP
Shadow Minister for Immigration and Citizenship  
Mr Scott Morrison MP
Shadow Minister for Innovation, Industry, Science and Research  
Mrs Sophie Mirabella MP
Chairman of the Coalition Policy Development Committee  
Hon. Andrew Robb AO MP

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

Shadow Minister for Tourism and the Arts and Shadow Minister for Youth and Sport
Mr Steven Ciobo MP

Shadow Minister for Employment Participation, Apprenticeships and Training
Senator Mathias Cormann

Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Assistant Treasurer
Hon. Sussan Ley MP

Shadow Minister for COAG and Modernising the Federation
Senator Marise Payne

Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women
Hon. Dr Sharman Stone MP

Shadow Minister for Justice and Customs
Mr Michael Keenan MP

Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence
Hon. Bob Baldwin MP

Shadow Minister for Veterans Affairs
Mrs Louise Markus MP

Shadow Minister for Ageing
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

Shadow Special Minister of State and Scrutiny of Government Waste
Senator Hon. Michael Ronaldson

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Infrastructure and Population Policy
Senator Cory Bernardi

Shadow Parliamentary Secretary for Northern and Remote Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets
Mr Mark Coulton MP

Shadow Parliamentary Secretary for Tourism
Mrs Jo Gash MP

Shadow Parliamentary Secretary for Education and School Curriculum Standards
Senator Hon. Brett Mason

Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action
Senator Simon Birmingham

Shadow Parliamentary Secretary for Public Security and Policing
Mr Jason Wood MP

Shadow Parliamentary Secretary for Defence
Mr Stuart Robert MP

Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing
Dr Andrew Southcott MP

Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector
Senator Mitch Fifield

Shadow Parliamentary Secretary for Families, Housing and Human Services and Shadow Parliamentary Secretary for Citizenship
Senator Gary Humphries

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
Senator Hon. Richard Colbeck
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Tuesday, 2 February 2010

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

CLERK OF THE SENATE

The PRESIDENT (12.31 pm)—I remind honourable senators that today is the first sitting day for our new Clerk, Rosemary Laing. I wish her all the best in her role. I take this opportunity to inform the Senate that Cleaver Elliott has been appointed Acting Deputy Clerk for the remainder of the parliament and Chris Reid, who currently works with me, will shortly take up the reins as Acting Clerk Assistant (Committees) for the same period.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Pursuant to standing order 12, I lay on the table warrants nominating Senators Boyce and Cash as additional Temporary Chairs of Committees when the Deputy President and Chairman of Committees is absent and revoking the warrants nominating Senators Bernardi and Humphries as Temporary Chairs of Committees.

COMMITTEES

Electoral Matters Committee

Meeting

Senator O’BRIEN (Tasmania) (12.32 pm)—by leave—I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate today, from 12.30 pm till 2 pm, to take evidence for the committee’s inquiry into the policy relating to the New South Wales Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill 2009.

Question agreed to.

Membership

The PRESIDENT—I have received a letter from a party leader requesting changes in the membership of committees.

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

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber as follows:

Education, Employment and Workplace Relations Legislation Committee—

Discharged—Senator Humphries
Appointed—Senator Back
Participating member: Senator Humphries

Education, Employment and Workplace Relations References Committee—

Discharged—Senator Humphries
Appointed—Senator Cormann
Participating member: Senator Humphries

Environment, Communications and the Arts Legislation Committee—

Discharged—Senator Birmingham
Appointed—Senator Fisher
Participating member: Senator Birmingham

Environment, Communications and the Arts References Committee—

Discharged—Senator Birmingham
Appointed—Senator Fisher
Participating member: Senator Birmingham

Finance and Public Administration Legislation Committee—

Discharged—Senator Bernardi
Appointed—Senator Kroger
Participating member: Senator Bernardi

Finance and Public Administration References Committee—

Discharged—Senator Bernardi
Appointed—Senator Kroger
Participating member: Senator Bernardi
AFGHANISTAN
Suspension of Standing Orders

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.33 pm)—Pursuant to contingent notice, I move:
That so much of the standing orders be suspended as would prevent the senator moving—That:
(a) Senator Bob Brown may immediately move a motion on the involvement and deployment of Australian troops in Afghanistan; and
(b) the motion have precedence over all other business until determined.

I take this move at the outset of this parliamentary year to be able to have a parliamentary debate on the deployment of Australian Defence Force personnel to Afghanistan. We have had a series of government statements on the matter and, indeed, on the extremely sad 11 occasions when Australian Defence Force personnel have been killed in Afghanistan, we have commemorated their bravery and their service to this nation, but I think the parliament of the nation of Australia, alone amongst the parliaments that have troops represented in Afghanistan, has had no debate and there should be.

It is self-evident that when a nation involves itself in a war—and that is what we have done in Afghanistan—it should not be just a matter for the executive; it should be a matter for the parliament to debate. If this motion is successful, I will move for the Senate to call on the government to begin safely and securely withdrawing Australian combat troops from Afghanistan. The majority of Australians in opinion polls support that point of view, yet there has not been a debate which allows that point of view, which is represented by the Australian Greens, to be aired in this parliament. As one of the four oldest continuous democracies in the world we ought to be fully and amply debating the deployment of our troops overseas, particularly into the war situation that pertains in Afghanistan, and then serially debating their representation of this nation and the impact of events in countries like Afghanistan as they unfold.

We never had an adequate debate on the deployment of Australian troops to Iraq and nor is there a requirement that our parliament debate the deployment of troops to war, but the Greens staunchly advocate that parliament should be involved. This is not just a matter for the executive or for the Prime Minister of the nation. Australia has some 1,550 Defence Force personnel currently in Afghanistan. Their primary commitment is in Oruzgan province in the south, which is very volatile and indeed dangerous. Our troops train the Afghan army. They conduct security operations and combat the Taliban. They construct and restore civilian infrastructure such as schools, waste management facilities and medical facilities.

Besides the 11 Australian Defence Force personnel who have given their lives in the service of this country, there have been many injuries. On an international basis, 1,600 military personnel have been killed since 2001. That includes almost 1,000 Americans. The number killed each year is rapidly climbing: there were 232 killed in 2007, 295 in 2008 and 520 last year. We can expect that this toll will continue to rise.

I have raised in this chamber, with my colleagues, our distress at the corruption which infests Afghanistan’s politics, not least the
Karzai government. We had a very short, peremptory debate about the circumstances of the last election and whether or not the current government is legitimate.

The Australian Greens take the strong point of view that we should be giving support to Afghanistan and to the Afghani people so they can have their freedoms and have police back in that country. We ought to be looking at the Canadian precedent, where the Canadian parliament have determined that, by 2011, their troops will be withdrawn from Afghanistan. We should at least be debating this issue. We owe it to our troops, we owe it to the Afghan people, and indeed to NATO and other troops who are in Afghanistan, to have a full, mature and informed debate in this parliament. I hope the Senate will agree.

Senator FAULKNER (New South Wales—Minister for Defence) (12.38 pm)—Let me first, in this debate, touch on a couple of points regarding Australia’s commitment to Afghanistan and in Afghanistan. In today’s world, Australia’s national security interests extend beyond our borders and beyond our region. The Australian government is committed to our efforts in Afghanistan, where we are working alongside 42 international partners, all working under a United Nations mandate. The Australian government has clearly set out the specific goals underlying Australia’s commitment and military involvement in Afghanistan. They are helping to stabilise the country through combined and coordinated military, police and civilian assistance; training sufficient Afghan security forces in Oruzgan province to allow Afghan authorities to take over within a reasonable time frame; and helping to prevent Afghanistan from again becoming a training ground and operating base for terrorists.

In response to any call for Australia to withdraw our troops, all I can say is that the job is not yet done. Abandoning it half finished is not my idea of responsible government. We all know how difficult and dangerous this task is—11 Australian soldiers have lost their lives in Afghanistan—and of course we do not want to be and we have no intention of being in Afghanistan indefinitely. That is why, earlier last year, the government in fact increased our troop commitment to Afghanistan to around 1,550. That increase included more ADF mentors and trainers for the Afghan National Army, with the express intent of increasing the number of Afghan National Army trainees to ultimately boost the security forces. Our efforts will help to bring Oruzgan province closer to the point where the ANA can provide security there.

In terms of Senator Bob Brown’s motion to suspend standing orders to bring on a debate about our involvement in Afghanistan now, I note that after taking the Defence portfolio I made a commitment that as Minister for Defence I would give the parliament regular reports on our progress in this conflict. I have made two such comprehensive statements, on 12 August and 26 November last year. I want to ensure that the Australian parliament and the Australian people are properly informed and able to make considered judgments about our involvement in Afghanistan. Both those statements provided the Senate with an opportunity for debate. I welcome the bipartisan support expressed at the time by the shadow minister for defence, Senator Johnston, and Senator Bob Brown also took the opportunity to respond to the 26 November statement. I intend to continue to provide the Senate with these regular updates and I will welcome debate on the subject throughout the year ahead.

Opportunities for debate are not limited just to these ministerial statements. We have, as you know, Mr Acting Deputy President, matters of public importance, urgency motions, general business—all of which provide
senators with the opportunity to debate important issues. Afghanistan has also, I might say, been canvassed in detail during the Chief of the Defence Force’s opening statements at Senate estimates. Here the CDF, the secretary of defence and other departmental and ADF representatives are ready, willing and available to answer any questions about the issue from senators. There will be a further opportunity at Senate estimates next week. Given the pressure of other business before the Senate at the moment and the many other opportunities to debate our involvement in Afghanistan, the government will not be supporting this suspension motion at this time.

Senator JOHNSTON (Western Australia) (12.43 pm)—The reasons and justification for our mission in Afghanistan need no explanation or qualification. The mission and task are in a just and proper cause. In our democracy in Australia, the opposition can achieve very little in terms of practical outcomes, but one thing we can do is help and participate actively in defining what will or will not become national political issues. From an opposition perspective, our continued role in Afghanistan will not, so far as we are concerned, be or become a national political issue. The Minister for Defence has very properly and appropriately informed the Senate of the progress of our mission in Afghanistan on a regular basis. I thank him and commend him for that. I also thank, in this very brief response to Senator Bob Brown’s motion, the very fine men and women of our Australian Defence Force and their continued commitment to our mission. I commend them for the exceptional work that they are doing. It is simply outstanding. We are very proud of them. Accordingly, we see no reason to debate this issue at this time.

Senator LUDLAM (Western Australia) (12.45 pm)—I rise to speak briefly on the suspension motion moved by Senator Brown on Afghanistan and commend it to the Senate. I will open with a comment similar to one Senator Brown made last year on the occasion of the second report by the Minister for Defence, which is that the level of disclosure, which we had not seen under the previous government, is appreciated. I also appreciate that the minister did not try to gloss over the fact that this is a bitter conflict with casualties every single day—some of them reported, some of them not—and that we are bringing back dead or injured Australians, whom we have put into harm’s way, on a weekly or monthly basis. But the question is what people do with that information once it is made public or once the disclosures are made during estimates hearings. Where is the debate actually to be held, because it is certainly not held here? This debate has been put into a brief half-hour timeslot this morning because there is really no other time that this issue can be debated. It was not debated properly and a vote was not taken when Australia deployed troops to this conflict all those years ago, and now we find ourselves in a quagmire, in an open-ended commitment entirely contingent on the priorities of our allies, particularly NATO, and our strategy effectively contingent on priorities set in the United States—in Washington and not in Canberra. If it is not an appropriate time for this suspension motion to be debated now, then when will it happen?

Both the Minister for Defence and the shadow spokesperson from the Liberal Party, Senator Johnston, said that they appreciated these reports on our progress. As much as the regular reports are appreciated, it is not progress. We are not making progress in Afghanistan. A part of the problem is that what we hear are updates on a failed security strategy in Afghanistan and a failed electoral strategy. Increasing civilian casualties, which ADF personnel have been involved in, have turned the population in large parts in that
country against the occupying troops. The United States and NATO have armed militias, have armed particular warlords and have taken sides in conflicts that have held back this country through colonial occupation for literally centuries. There is no reason to believe that there is going to be any difference this time. The military contingents have different priorities, are not coordinated and lack a common diagnosis and common strategy. This again is something that Australia finds itself caught up in and it is being held hostage to foreign policy decisions taken in foreign capitals.

One of the first things I did when I took my seat in the middle of 2008 was reintroduce a bill the Australian Democrats had had on the Notice Paper for many years around the deployment of Australian troops into conflicts. As much as this motion of Senator Brown is concerned with how to extract ourselves from one of these conflicts, the legislation which I sponsored and which the Greens have been promoting talks about how we get into these conflicts in the first place and that these decisions should not be left to the executive. There seems to be consensus from both the major parties that this is a debate that they do not want to have. Perhaps sometimes later this year we will have two hours to debate it, and I am presuming it will be voted down by both parties because the debate itself does not have the level of maturity it does in the nations of even some of our closest allies.

The decision to commit Australian troops to war is the most serious decision that can be made by the political leadership of this country. We saw in the case of Afghanistan, and even worse in the instance of Iraq, that decision taken behind closed doors on the basis of faulty and politicised intelligence. That decision put people into harm’s way and led to the ongoing quagmire we are now held up in today. That decision should have been put to the parliament. It may not have even led to a different outcome, but at least the public would have felt, through their elected representatives, that they had some stake in the debate. What we get instead is the kind of polarisation where we have hundreds of thousands of people—in the case of Iraq and smaller numbers in the case of Afghanistan—marching in protest against the decision. I know very well, because I was involved in the protests, that the community had grave concerns about committing Australian forces to Afghanistan for precisely the reasons that we find ourselves discussing now.

I support this suspension motion so that the debate can occur in a mature fashion. The Greens are not about taking sides or politicising this debate, but we want the facts on the table and we want the community to feel that they have some stake in the debate rather than simply receiving these grim updates every couple of months from the defence minister that really only serve to highlight the fact that we are in a very serious situation in Afghanistan and that there is no end in sight. I also use this opportunity to promote the debate that should be had on the so-called ‘war powers bill’ about committing Australian troops to these conflicts in the first place.

**Senator Xenophon** (South Australia) (12.50 pm)—I indicate that I support this suspension motion moved by Senator Brown on Afghanistan. The question here is not whether or not you support Australia’s involvement in Afghanistan but whether it is appropriate at this stage to suspend standing orders to debate this important issue, and I believe it is. I agree with Senator Ludlam that there is no more important decision a government can make than putting troops in harm’s way. In a democracy, the best place to debate these issues is right here in the parliament. In the United States—our closest
ally—you need an act of congress before troops are committed to war. The Greens are not even asking for that here; they are simply asking for a debate. I do want to pay tribute to the Minister for Defence, though, for his candour and transparency—hitherto, we have not seen that level of candour and transparency about this conflict—and that is a good thing. The opposition has also commended the minister for that.

Today the issue is whether we should debate this issue now. I believe we should. I am concerned about the comments made by independent observers such as Peter Galbraith from the United Nations about the Afghan elections and the flawed process there. I think that is important in the context of such a debate. I think we ought to have this debate in this place, in this context and we should do that today.

Question put:

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

The Senate divided. [12.56 pm]

(The Acting Deputy President—Senator GM Marshall)

Ayes…………. 6
Noes…………. 36
Majority………. 30

AYES

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

NOES

Adams, J. *    Back, C.J.
Barnett, G.    Bernardi, C.
Bilyk, C.L.     Bishop, T.M.
Cameron, D.N.  Cash, M.C.
Collins, J.     Cormann, M.H.P.
Crossin, P.M.   Farrell, D.E.
Faulkner, J.P.  Feeney, D.
Ferguson, A.B.  Fielding, S.
Forshaw, M.G.   Furner, M.L.
Hurley, A.       Hutchins, S.P.

Johnston, D.     Ludwig, J.W.
Lundy, K.A.      Macdonald, I.
Marshall, G.     McEwen, A.
McLucas, J.E.    Moore, C.
O’Brien, K.W.K.  Parry, S.
Payne, M.A.      Polley, H.
Stephens, U.     Sterle, G.
Trood, R.B.      Wortley, D.

* denotes teller

Question negatived.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT BILL 2009

Second Reading

Debate resumed from 27 October 2009, on motion by Senator Stephens:

That this bill be now read a second time.

Senator LUDLAM (Western Australia) (12.59 pm)—We resume debate on the Telecommunications (Interception and Access) Amendment Bill 2009. It makes a set of amendments to the Telecommunications (Interception and Access) Act, in this case to allow interception, copying, recording and disclosure of electronic communications in the name of protecting computer networks from malicious access and building confidence in the online world. I should say at the outset that the Greens will be supporting this bill for the intentions as set out by the government. It also allows specified government organisations, whether they be law enforcement, national security, defence and international relations related organisations, to intercept communications and undertake disciplinary actions to ensure that computer networks are appropriately used. I think that as our computer networks are already ubiquitous in certain fields, such as those named, the networks are also becoming much more ubiquitous in a household sense in that we are relying on them more and more as an essential service, whether it be for banking, paying the bills, education and so on. It is entirely appropriate that the government
move regularly to assess the state of protection of these networks from hazards such as viruses and so on, or indeed the operation of espionage or hackers or criminal organisations, whatever it may be that threatens the networks.

The committee was unable to hold a hearing into the bill, but I should acknowledge at this point that it was improved through consultation. Quite a number of the recommendations that came through from stakeholders post the release of an August exposure draft were taken up by the government, and I would just like to put my appreciation on record that some of those recommendations were acknowledged and made their way into the final bill. It would have been really useful for the committee to have held a hearing, but unfortunately that was not the case.

This bill initially was listed by the government in noncontroversial and the Greens would have been very happy to keep it there. But there are a number of outstanding issues that were raised in submissions by the Privacy Commissioner, by online advocate Electronic Frontiers Australia, and by the Australian Law Reform Commission. So three organisations with a lot of information and a lot of expertise to share on matters like this recommended what they called ‘minor amendments’ to the bill to clarify the definition of what constitutes ‘network protection duties’ in the first place, what constitutes ‘disciplinary actions’, and to tighten requirements to destroy copies of intercepted communications. We let the government know at the time that we would be very happy to leave this bill in noncontroversial last year and we could have passed it quite quickly if the government had been prepared to move those last minor amendments that were required to make the bill just as good as it could be. The issues were thoughtfully raised and they could easily have been addressed through minor amendments. Unfortunately the government passed up that opportunity so we had it requested to be removed from noncontroversial and now we find ourselves here today, and I foreshadow that I will be moving amendments to give effect to those points that I have just raised. I will speak briefly to the intention of the amendments now and then we will move through the debate.

The Attorney-General claims that network protection duties vary for each network and therefore cannot be defined. Now the purpose of this bill is to define network protection duties and give them effect, so we believe that it is appropriate that some parameters should be set. They should not be exclusive or exhaustive but some guidance should be set on the scope and nature of the activities that we mean by network protection duties to remove any remaining ambiguity. We do not want to be prescriptive but we do want to guide the discretion of a judge in future to ensure that persons whose role is not to protect the network are not permitted to intercept communications, and that is a fairly clear distinction that we want to draw.

Persons who are authorised to intercept communications also should not be doing it for other purposes, whether through curiosity or malice for that matter. They should be only able to intercept those communications in the instance of protection of the network. This has very real relevance for all of us because these networks are so important for everything from online banking to doing the shopping, to getting the news and so on that people operating those networks, whether the Parliament House network or intranets for large or small corporations, the people we entrust to monitor and safeguard that traffic, basically have their role clearly defined and delineated. It is as much for the benefit of network operators as anything else to remove that ambiguity.
The Privacy Commissioner was supportive of clarifying what ‘network protection activities’ actually means in the bill and in that submission asked what measures are covered by the operation, protection or maintenance of the network and when an interception is reasonably necessary. So the Greens have moved an amendment, which we will get to in the committee stage, to give effect to that.

On the destruction of intercepted materials—and I would have thought that this would be the simplest one for the government to come along with—the Attorney-General has stated:

... imposing an obligation to destroy copies of lawfully intercepted information is unenforceable. The Australian Law Reform Commission submission on that issue—and they have done quite a recent review and a very thorough inquiry into privacy issues—was that there was:

... no reason why copies of information obtained from a stored communication warrant must be destroyed, but that copies of information obtained from an interception warrant are not ... The covert nature of interception and access to communications requires the safeguard that the intercepted or accessed information is destroyed as soon as it is no longer required.

That is not complex or ambiguous and I would argue that it is entirely enforceable, just as it would be with the way we expect law enforcement operators to handle paper material that they might have seized from a filing cabinet.

We are supportive of the committee’s proposal for a review and we also support the opposition’s call for the government to make clear that disciplinary action only applies to activities that pose a risk to network security. In closing, the Australian Greens will be supporting the bill. We commend our amendments to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Ludlam, were they second reading amendments or are these amendments you have flagged for the committee?

Senator Ludlam—They are for the committee stage.

Senator Barnett (Tasmania) (1.05 pm)—I stand to speak on the Telecommunications (Interception and Access) Amendment Bill 2009 before the chamber. I note that this particular bill was referred to the Senate Legal and Constitutional Affairs Committee on 17 September 2009 and reported on 16 November 2009. I note that the committee received seven submissions and we have delivered our report noting that the primary objective of the bill is to protect the privacy of individuals who use the Australian telecommunications system. The act makes it an offence to intercept communications or to access stored communications other than in accordance with the provisions of the act and specifies the circumstances in which it is lawful to intercept or access communications or authorise the disclosure of telecommunications data. The report also notes that protecting information and computer infrastructure from disruption or malicious access by a criminal element seeking to gain financial or other benefits is therefore a growing priority for the government and computer network owners.

The key issue before the chamber is getting the balance right between preserving individual privacy rights and network protection requirements. Senator Ludlam has spoken in support of the bill, subject to the amendments that he has flagged. The Liberal senators, including Senator Mary Jo Fisher and I, made our views reasonably clear in the Senate committee report, where we supported the passing of the bill and made a couple of recommendations. I want to indi-
cate, as our shadow Attorney will indicate, our support for the bill.

I also want to highlight that our additional comments in that report confirm that we will be watching and noting the government’s response to the concerns that we have expressed. Senator Ludlam has indicated that some of the fears and concerns that we expressed in our additional comments he also confirms as concerns. In particular, that applies to the definition of network protection and disciplinary purposes. Exactly what does that mean? The bill does not provide sufficient clarity as to what actions would be considered necessary to effectively undertake network protection duties and, further, how intercepted information may be used for disciplinary purposes. That is certainly a concern that the Liberal senators on the committee had at the time. We will be watching carefully to see how this legislation is acted out on the ground, in its practical operation.

The Law Council highlighted some important concerns about proposed section 63E and the potential for law enforcement agencies to bypass warrant arrangements to obtain information by using voluntary disclosure provisions—that is, basically obtaining the information via a voluntary approach, whether it be ‘wink, wink, nudge, nudge, give us the information’ or by other means. We do not know exactly how that is going to work, but I know that the shadow Attorney has expressed an understanding of it and a confidence that the bill will achieve the objectives without undue concern.

We have noted that the Office of the Privacy Commissioner suggested that additional guidance be provided to help organisations train authorised persons in what actions are lawfully enabled under the proposed exemption. The issue of what exactly is disciplinary action and how broadly it can be defined needs to be noted. It will be considered and watched in future months and years, whether it be through Senate estimates or by other arrangements. So those recommendations have been made and certainly the coalition will be supporting the bill.

I would also like to take this opportunity to thank the secretariat for their support in the preparation of this report. It was done in a short amount of time. In particular, at this juncture I want to highlight the work of Peter Hallahan, the secretary of the committee, and thank him for his contribution. As deputy chair, I have enjoyed working with Peter Hallahan, who has very recently retired. I know that other members of the committee would likewise note and acknowledge his work. There will be a special event to commend Mr Hallahan for his years of service. I take this opportunity to put on the record that he has completed 28.9 years of service with the Department of the Senate, of which 24.4 years were spent in committees. All that started on 15 December 1980. I understand that before that he worked with the Australian Bureau of Agricultural and Resource Economics and the Australian Bureau of Statistics.

During those 28.9 years, and specifically the 24.4 years in committees, he worked with the Standing Committee on Regulations and Ordinances, the Standing Committee on Social Welfare, the Select Committee on Television Equalisation, the Standing Committee on Industry, Science and Technology, the Standing Committee on Rural and Regional Affairs and Transport, the Select Committee on Superannuation, the Standing Committee on Economics, the Select Committee on the Socio-Economic Consequences of the National Competition Policy and the Standing Committee on Legal and Constitutional Affairs. He spent a further four years, from November 2004, with the economics committee, and then from February 2008 he worked with the legal and constitutional affairs legis-
lation and references committees, where I had particular contact with Mr Peter Hallahan. I want to place on record, on behalf of coalition members—and, I am sure, all members of the committee—our sincere thanks for his service to not just our committee but also the Senate and the parliament. I commend him on his work and wish him and his family well for the months and years ahead.

Senator XENOPHON (South Australia) (1.12 pm)—I can indicate my broad support for the Telecommunications (Interception and Access) Amendment Bill 2009. Technology and the ways we communicate are constantly changing, and it is important to have legislation to keep up to date with this. The widespread use of mobile phones and portable internet devices has changed the way we communicate forever. It is important that we have clear and appropriate frameworks in place to protect both network owners and operators as well as network users. I appreciate the importance of this bill, particularly as the current framework has expired. Organisations need to have the right to protect their networks and internal communications, but, on the other hand, employees and network users also have a right to privacy.

I am concerned that at this stage the bill does not include a clearer definition of what activities are covered under the term ‘network protection duties’. This term determines whether someone is able to access and intercept another person’s communication under the amendment. I believe that this definition, in its current form, is not strong enough to protect network users. Private communications should only be accessed by a third party when it is vital to network protection or in the case of professional misconduct.

In this line, I indicate my support for the amendments moved by the Greens. I believe these amendments are important because they help to keep the bill true to its intentions. Firstly, these amendments clarify the definition of ‘network protection duties’ to include automatic monitoring for network malfunctions, malicious content and viruses. This clarification is important because it separates standard network protection from the direct monitoring of individual communications. Secondly, the amendments seek to clarify the definition of ‘appropriate use’. It is important that this area of the legislation is clear so that both network owner-operators and users are aware of their responsibilities and rights. Finally, the amendments ensure that copies made of information seized under the act will be destroyed along with the originals.

I think these amendments go a long way to making this legislation fairer for both owner-operators and network users. I do have concerns about the possible abuse of the term ‘network protection duties’, but I would like to indicate my support for this bill. My preference is that it have the additional safeguards as proposed by the Greens.

Senator FIFIELD (Victoria) (1.14 pm)—I rise to speak on the Telecommunications (Interception and Access) Amendment Bill 2009. The Telecommunications (Interception and Access) Act 1979 currently includes special exemptions that enable interception and security agencies, as well as certain government departments, to access communications on their own computer network for network protection activities. However, these provisions are not permanent; rather, they were intended to operate on an interim basis while a comprehensive solution covering both the public and private sectors was developed. These provisions ceased to have effect after 12 December 2009.

The bill will enable all owners and operators of computer networks to undertake ac-
tivities to operate, maintain and protect their networks. This will enable Commonwealth agencies, security authorities and eligible state authorities to ensure that their computer networks are appropriately used by employees, officeholders or contractors of the agency or authority, and it will limit to network protection purposes the secondary use and disclosure of information obtained through network protection activities. Secondly, the bill will enable the undertaking of disciplinary action against an employee, officeholder or contractor of a Commonwealth agency, security authority or eligible state authority who has been given access to a network. Thirdly, the bill covers the reporting to the relevant authorities of illegal behaviour that attracts a minimum three-year imprisonment penalty threshold, and will require the destruction of records obtained in undertaking network protection activities when the information is no longer required for those purposes. The 2008 legislation, which was passed with coalition support last year, implemented some interim measures in contemplation of the presentation of this bill. The amendments are largely technical in nature but involve intrusive powers.

The bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee. The committee reported on 16 November with a recommendation that the bill be passed. There was one substantive reservation by the Liberal senators on the committee: that the proposed section 63E be amended to provide that the section not apply where an agency has requested the disclosure of the information. The proposed section 63E provides that a person responsible for a network may voluntarily communicate lawfully intercepted information to an agency where that person reasonably suspects that the information is relevant to the commission of an offence. Concern had been expressed that agencies might be able to circumvent the warrant provisions of the act by suggesting voluntary disclosure. The coalition has sought advice on this point and we are satisfied that section 7 of the act would make such an attempt unlawful. There is much to recommend the view that the provision should nevertheless be amended out of an abundance of caution. However, section 7 governs the entirety of this act, creating the presumption that the interception and further communication of material is unlawful, subject only to specific authorisation. It would, I think, be ungainly to reiterate that point in disparate provisions every time the act is amended. Accordingly, the coalition supports the bill in its current form.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.18 pm)—The Telecommunications (Interception and Access) Amendment Bill 2009 recognises the important role technology plays in the way we store and exchange information. The passage of this bill will help secure sensitive information from criminal access, protecting Australians from criminal activity and ensuring the integrity of vital infrastructure. For the first time, all Australians will be able to undertake certain activities designed to protect their computer network without breaching the Telecommunications (Interception and Access) Act 1979. This is an important step forward which matches the growth in sophisticated attacks with the capacity to defend a network at the earliest possible point. However, network protection activities will only be lawful if they are conducted in accordance with the act.

Network protection activities will also need to comply with the provisions and privacy protections set out in this bill. Under the bill, network protection activities cannot be undertaken without reason, nor can the information obtained through these activities be used for any purpose. Rather, the pro-
posed network protection regime maintains the integrity of the interception regime by balancing the need to protect networks from malicious attack with clear limitations on the circumstances in which the access, use and disclosure of information will be permitted. The bill also includes several amendments that will improve the effective operation of the act, ensuring it continues to be clear and relevant. The network protection regime responds to a new and very real threat.

The bill has been considered by both the Senate Standing Committee for the Scrutiny of Bills and the Senate Legal and Constitutional Affairs Legislation Committee. I thank both committees for their work on the matters raised. The Attorney has responded to the Scrutiny of Bills Committee, as requested, to clarify several aspects of the bill. The majority of the legal and constitutional affairs committee has recommended that the bill be passed and that the provisions be reviewed five years after their commencement. Given the broader operation of the interception regime for the purpose of protecting computer networks, the government supports this recommendation and will conduct an administrative review of the network protection regime five years after its commencement.

I would also emphasise, as the Senate legal and constitutional affairs committee noted in its report, that the feedback on the bill has been positive. There is agreement that network owners and operators should be able to protect their networks. There is also agreement that the current capacity of designated government agencies to use network protection information for disciplinary purposes should be retained. This bill is a measured response to a growing problem that will enable network protection activities to take place within the broader framework established by the act. By ensuring that network owners can undertake legitimate activities aimed at securing their networks and the information they contain, this bill will build Australians' confidence in, and use of, the online world. In conclusion, I would like to thank those senators who made contributions to the second reading debate.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (1.22 pm)—I will speak briefly to each of the three blocks of amendments proposed by the Greens because I have already indicated their intent and recorded the opposition of the government, courtesy of the minister, and the support of the opposition for the concept but not for the actual amendments themselves—which is curious and rather unfortunate. I will foreshadow at this stage that I will not call a division on each of the three blocks of amendments that I seek to move but record the Greens support for them. I move Greens amendment (1):

(1) Schedule 1, page 3 (line 14), after “network”, insert “, including:
(i) measures to protect the technical integrity and security of the network such as intrusion detection or responding to denial of service attacks; and
(ii) automatic monitoring to ensure network traffic operates as intended and any misconfiguration, failure or user error is readily identified and rectified; and
(iii) automatic or manual copying or recording of communications for purposes such as quarantining, analysing and filtering for malicious content, virus and Trojan protection; and
(iv) installation of automated solutions for network maintenance and protection;
but does not include activities not
directly related to maintaining the
technical integrity or security of the
network, such as:

(v) screening or altering the content
of communications other than to
remove malicious code; and

(vi) monitoring the contents of com-
munications other than to identify
threats to the network; and

(vii) gathering non-anonymised sta-
tistical usage information;”.

The first amendment inserts a definition of
what we mean by ‘network protection activi-
ties’. It just says ‘including’ and is then fol-
lowed by a list of factors. We do not intend
that this definition be prescriptive but rather
that it be read as guidance. It arises from the
need, as I said before, identified in submis-
sions and also during the inquiry into the
bill—including a contribution from the Pri-
vacy Commissioner—for a clearer definition
of what constitutes ‘network protection du-
ties’. The whole purpose of the act is to pro-
tect the privacy of individuals who use our
telecommunications systems and also to pro-
tect the integrity of the networks themselves.
The act makes it an offence to intercept
communications passing over the network
and, obviously, it is meant to specify the cir-
cumstances in which it is lawful to intercept
communications. There needs to be a bal-
ance, which the act attempts to provide, be-
tween protecting privacy and the public in-
terest in having computer network owners
and operators able to respond to security
threats to the networks that they are adminis-
tering.

By having such loosely defined terms in
the bill, our concern is that the discretion is
too broad for network operators to intercept
communications and disclose them. There
will be no guidance whatsoever in the event
that these matters reach a court. The amend-
ment provides such guidance. It is not all
encompassing or restrictive but it includes a
sense of the scope of the activities that we
believe reasonably constitute network pro-
tection duties. It also provides guidance and
reasonable restrictions on what can or cannot
be construed as legitimate network protec-
tion duties. I commend the amendment to the
Senate.

Senator LUDWIG (Queensland—Special
Minister of State and Cabinet Secretary)
(1.24 pm)—As Senator Ludlam has pointed
out, the government does not support the
amendment. The government does not con-
sider that defining what constitutes network
protection duties in the manner suggested
will clarify the scope of the definition. The
concept as it currently stands, in the govern-
ment’s view, is sufficiently flexible to apply
equally to small and large entities. The prob-
lem that we would perceive—and this would
not be the only issue—is that a prescriptive
definition runs the risk of inadvertently limit-
ing the range of activities currently engaged
in by individual entities. Such drafting would
also be inconsistent with the rest of the Tele-
communications (Interception and Access)
Act, because it is structured on the basis of
being technologically neutral, and any varia-
tion to this language runs the risk of obsoles-
cence as technology changes. Furthermore,
any attempt to define activities covered by
the definition itself does raise definitional
issues. For instance, the use of the word ‘se-
curity’ is problematic as it has a particular
meaning under the interception act. For those
reasons the government does not support the
amendment.

Senator BRANDIS (Queensland) (1.26
pm)—We will not find ourselves in a posi-
tion where we support Senator Ludlam’s
amendment either.

Senator LUDLAM (Western Australia)
(1.26 pm)—I put to the minister that I was
very clear in my second reading contribution
to the bill and also in my introduction to this amendment that we are not seeking to be prescriptive and that the amendment is deliberately drafted in an open-ended way in order to provide guidance rather than to completely nail down what we mean. If the definition should not be provided in the bill and therefore make its way into the act, can the minister tell us where network protection operators can find a common-sense or consensus definition of what is meant by network protection duties? If the definition is not in the act, where can it be found?

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.27 pm)—The difficulty—and this is why we came back to the issue of not defining—is that, depending on the type of operation that a network operator conducts, they will undertake their own network protection duties, which may vary depending on the organisation, the size of the organisation, the sophistication of the organisation and the types of services that the organisation provides. The point is to try to move away from a definition which pins it down, because you might in fact be imposing duties on some organisations that do not actually require or do not undertake that work. If they are feeling a little pressed about trying to work out how to meet their network protection duties, they can always go to the Attorney-General for a clarification. The difficulty always with trying to provide a prescriptive definition is that, as I indicated earlier, you run into a range of problems by inadvertently limiting activities or, alternatively, by imposing activities on organisations that may be able to meet the network protection duties in some other way. So, by and large, industries will be able to provide that type of protection themselves.

Senator LUDLAM (Western Australia) (1.29 pm)—It seems that we are irreconcilable on this matter. I appreciate the minister’s answer. I guess the take-away message for system operators or network administrators is that, if they find their obligations under this legislation ambiguous, they are to give the Attorney-General’s office a call. I guess we will just have to take that advice and make sure that people know that that is their recourse. With no further comment, I commend the amendment to the Senate.

Question negatived.

Senator LUDLAM (Western Australia) (1.30 pm)—by leave—I move Greens amendments (2) to (5) on sheet 6011 together:

(2) Schedule 1, item 9 (line 19), before “For”, insert “(1).”
(3) Schedule 1, item 9 (line 25), after “conditions”, insert “relating to network security”.
(4) Schedule 1, item 9 (after line 29), at the end of section 6AAA, add:

(2) The Minister may, by legislative instrument, determine guidelines to assist in the application of this section, including guidelines on the definition of network security.

(5) Schedule 1, item 15, page 6 (line 27), after “authority”, insert “that is not an appropriate use of the network”.

These amendments relate to appropriate use of disciplinary actions authorised by the bill. Again, given that the stated objective of the bill is to protect network security and to protect computer networks from malicious access and given that ‘disciplinary action’ is not defined in the bill, our amendments seek to link the disciplinary action to the objectives of network security. You might argue these are technical amendments. The proposers of these, who put these ideas forward through the committee process, acknowledge that they are minor amendments. We believe they would improve the integrity of the drafting of the bill. I commend them to you.
Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.30 pm)—The easiest way to put this is that it seems to be more of a query on the scope of certain government security and law enforcement agencies to use network protection information for disciplinary purposes. While not removing this capability, the amendments proposed by the Greens would limit the use of the information to disciplinary action relevant to activities that posed a risk to network security. Of course, the term ‘network security’ is not defined. Rather, the amendments include power for the Attorney-General to develop guidelines on the definition. In practice, though, this would require the Attorney to develop guidelines about network security that apply in the workplace of every state and territory law enforcement agency and every Commonwealth security and law enforcement agency designated as such under the interception act. The nature of these types of agencies means that what is appropriate conduct is a matter for each agency to decide internally with its employees.

It may be that in certain agencies the nature of the work and the legal framework within which that work is conducted mean that the personal use beyond an agreed type does pose a risk to the community. The purpose of the provisions, as set out in the government’s bill, is consistent with their precursors—sections 5, 5F and 5G—which were introduced to ensure that workers in security or law enforcement agencies complied with their agency’s professional standards, including with standards that prohibited law enforcement officers from using work networks to access pornography. The government’s bill gives workers greater protection than those provisions by limiting the communication or use of network protection information for disciplinary purposes to a communication or use that does not contra-vene another Commonwealth, state or territory law. That is probably the best way of putting the position that the government are not minded to support the amendment. We think in practical terms the bill as it stands will achieve a much better outcome.

Senator BRANDIS (Queensland) (1.32 pm)—Can I indicate on behalf of the opposition that we will not be supporting these amendments.

Question negatived.

Senator LUDLAM (Western Australia) (1.33 pm)—by leave—I move Greens amendments (6) to (10) on sheet 6011 together:

(6) Schedule 1, page 8 (after line 9), after item 20, insert:
20A Paragraph 79(1)(a)
After “restricted record”, insert “or a copy of a restricted record”.
20B Paragraph 79(1)(b)
After “record”, insert “or copy”.
20C Subsection 79(1)
After “record”, insert “or copy”.

(7) Schedule 1, item 21, page 8 (lines 12 and 13), omit subsection 79(3), substitute:
(3) This section does not apply to a restricted record to which section 79A applies.

(8) Schedule 1, item 22, page 8 (line 21), after “record”, insert “or a copy of the record”.

(9) Schedule 1, item 22, page 8 (line 29), after “record”, insert “or copy”.

(10) Schedule 1, item 22, page 9 (line 6), after “authority”, insert “that is not an appropriate use of the network”.

This is our third and final group of amendments. They relate to an issue that was raised in many of the submissions to the inquiry. The majority report of the committee noted—and this was acknowledged in the contributions of coalition spokespeople on this issue—the requirements for the destruc-
tion of copies of intercepted communications as soon as practicable after it was determined that they were not likely to be required for network security purposes or disciplinary actions, so after they were no longer needed. Not while investigations are still afoot but once it has been determined by those agencies that that material is no longer needed, copies of that material should also be destroyed. That is a fairly common-sense principle. It goes to the standards in the act itself, which require an interception agency to ‘destroy a restricted record’. That is the phrase used. So an amendment is needed to ensure that this provision applies also to the intercepted communications enabled by the bill, which I would have thought was fairly straightforward.

The privacy commissioner suggested that all intercepted records of a communication, whether the original or a copy, obtained for the purpose of network protection should be destroyed when no longer needed for that purpose. This is very important because, unlike the case with paper materials, copies of intercepted electronic records are in many cases completely identical and indistinguishable from the original. In fact, there is no ability to even distinguish between the original and the copy. The purpose of these amendments is to clarify the fact that copies should not be treated any differently from originals. The ALRC contended that they saw no reason why copies of information obtained from a stored communications warrant should be destroyed but that copies of information obtained from an interception warrant should not. We propose to simply clarify that inconsistency. The Law Reform Commission also noted that the covert nature of interception and access to communications required the safeguard that this material be destroyed as soon as it is no longer required. I would be very interested to hear from both the minister and the opposition as to why this common-sense amendment would not be supported. We concur with the Privacy Commissioner and with the Law Reform Commission on this matter. I commend these amendments to the Senate.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.35 pm)—The Greens have proposed amendments to both sections 79A and existing section 79 to require agencies—in respect of interception warrant information and all network owners in relation to network protection information to destroy records and copies of records about intercepted information. If I could remind Senator Ludlam has outlined—in respect of interception warrant information and all network owners in relation to network protection information to destroy records and copies of records about intercepted information. Those amendments were proposed by the previous government but they emanated from an inquiry that was conducted by Mr Peter Ford.

The basic tenet, when Mr Peter Ford reviewed this issue in 1999, was that the requirement to track and destroy copies was a costly record-keeping obligation but, more pertinently, did not result in any public benefit. Consequently, the Interception Act was amended in 2000 to remove copies of restricted records from the record-keeping and destruction requirements. Those amendments were made following those to the legislation. The government’s amendments have been drafted in accordance with this finding by the Ford inquiry and any variation to either section would need to be considered in a far wider context in the con-
sideration of that provision itself. The debate would range across issues outside the scope even of this particular bill. The rationale is still sound and the Ford review findings remain sound. It is expected, as I have indicated, that the methods used would be appropriate for the sensitive nature of the information accessed under the network provisions for those organisations to maintain confidentiality for those records.

Senator BRANDIS (Queensland) (1.37 pm)—The opposition will not be supporting the Greens’ remaining amendments either.

Senator LUDLAM (Western Australia) (1.37 pm)—I wonder whether we can be clear, from the minister’s point of view, that because this review was undertaken in 1999 it would be too hard essentially to track the whereabouts of copies of material that has been intercepted, that because it would be difficult to do there is then no requirement on agencies either to track or to destroy material that was no longer useful in the course of their investigations, that essentially there is no restriction on material that is potentially relevant to investigations or the original purpose of the interception, that those records can remain on the storage systems of these various agencies effectively in perpetuity, irrespective of their relevance to any given investigation, and can be maintained and that the government believes that is a satisfactory state of affairs.

I do not want to verbal the minister but there is no intention to revisit this issue either in the context of this bill or in any wider context. It seems to me to be a bizarre loophole to say that because it would be difficult to track there should therefore be no obligation on the agencies that are intercepting people’s personal records, people’s personal communications or any kind of data, whether it be conversations, emails, bank records, no matter what it might be. There is no require-
Third Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.43 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (1.43 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 3 (National Security Legislation Monitor Bill 2009 [2010]).

Question agreed to.

NATIONAL SECURITY LEGISLATION MONITOR BILL 2009 [2010]

Second Reading

Debate resumed from 25 June, on motion by Senator Wong:

That this bill be now read a second time.

Senator BRANDIS (Queensland) (1.43 pm)—I commence the new year with a sense of deja vu, because in speaking to this the National Security Legislation Monitor Bill 2009 [2010] my mind goes back to 2008 when I addressed remarks to a very similar bill which was introduced as a private senator’s bill by Senator Troeth and Senator Humphries called the Independent Review of Terrorism Laws Bill. They introduced that bill in the Senate after its original sponsor, the member for Kooyong, Mr Georgiou, was gagged by the government in the House of Representatives in seeking to debate the bill in the other place. Indeed, Mr Georgiou had barely uttered the words ‘on a bipartisan basis’ when the Leader of the House, the member for Grayndler, Mr Albanese, moved the gag. So had the Rudd government in 2008 set its face against the opposition’s proposal to establish an independent review of terrorism laws.

Lo and behold, some year and a half later the government has come to the opposition’s point of view and is proceeding with this legislation, which we will support on a bipartisan basis. The Senate was able to be convinced, because the bill was passed in this place, of the value of that legislation and, with the cooperation of the Greens, it was passed in the teeth of opposition from the government at the time. Naturally, the government maintained its negative stance when the first reading of the bill was moved in the House of Representatives on 24 November 2008 and it proceeded no further. So here we are, some 15 months after that debate, nearly two years after Mr Georgiou introduced his bill, the Independent Reviewer of Terrorism Laws Bill 2008, debating the government’s own legislation. I use that expression loosely because it can be hardly said to reflect the government’s own preferences.

The bill comes with a series of amendments, which the opposition will support. These amendments make this bill resemble Mr Georgiou’s bill in almost every respect, much more so than the initial edition of the government’s bill. It is almost two years since Mr Albanese marshalled the numbers to quash Mr Georgiou’s initiative, and quietly the government has adopted Mr Georgiou’s policy as its own.

The key difference between the government’s original bill and the regime proposed by the coalition is the notion of independence. In keeping with the approach of the Rudd government, the bill in its initial form required that the monitor be subject to the direction of the executive, personified by the Prime Minister. Any ad hoc inquiry would have been subject to prime ministerial approval. Any report deriving from it would be
both secret, there having been in the initial bill no provision for tabling, and subject to executive micromanagement. Those provisions, I am pleased to say, following the recommendations of the Senate Finance and Public Administration Legislation Committee, have now been abandoned by the government. The government’s amendments address the coalition’s concerns raised in the committee and restore independence, which is central to the concept of this office. The opposition will, therefore, be supporting the amendments and, with the carriage of amendments, will be supporting this bill, which, for all practical purposes, is our own.

As I said in November 2008 in my remarks on the bill introduced by Senators Troeth and Humphries, the principle behind this bill is a protective principle. It is to add to the armoury of parliamentary surveillance another mechanism designed to ensure that the counterterrorism laws, which were amended so as to expand the executive and policing powers of the state in extraordinary times by introducing into our laws exceptional measures, are not allowed to become ordinary measures by the effluxion of time. The government and the parliament were of the view that some traditional protection should be reviewed and the policing functions of the state should be extended through such devices as preventative detention orders and control orders, which were controversial at the time, in the service of the fundamental obligation of governments and parliaments—that is, to protect the public interest.

Those of us who remember those debates also remember that the government which introduced them, the Howard government, made it clear at the time that these were extraordinary measures. This bill introduces an Office of the Independent Monitor, who, we expect, will bring an objective and detached mind to the question of both the functionality of the laws and the necessity for their continuance. This can only be beneficial and it has proven to be beneficial in other jurisdictions.

Mr Georgiou’s bill, on which the government’s bill belatedly is based, was itself inspired by the provisions of the United Kingdom, which created an office of independent reviewer of terrorism laws. In 2008, I travelled to London to meet with the Independent Reviewer of Terrorism Laws, Lord Carlile, with whom I had extensive discussion about the operation of the laws in that jurisdiction. Lord Carlile stressed to me that his independence and his power to conduct inquiries on his own initiative were central to his ability to discharge his functions and to maintain the objectivity required to perform those functions. Then last year, when Lord Carlile visited Australia, he once again met with me, along with Mr Georgiou and Senator Troeth, and we had further conversations which further informed the opposition’s attitude to this legislation.

My own discussions with both Lord Carlile and British national security agencies confirmed in my mind the belief that those agencies strongly supported the apparatus of an independent reviewer of terrorism laws but were also strongly of the view that such an officer would be merely a bureaucrat unless he were genuinely independent of the executive government. That is the fundamental difference between the bill as presented in its initial form and the bill in the form in which it will be amended following the urging of Liberal senators and of the opposition generally. With those amendments, which will entrench the independence of the office, the coalition is confident that the success in the United Kingdom in Lord Carlile’s office can be replicated in Australia. Subject to the amendments, the opposition therefore supports the bill.
Senator LUDLAM (Western Australia) (1.51 pm)—I rise with a similar sense of déjà vu. The Greens were very strongly supportive of the bill Senator Brandis has just been describing, the Independent Reviewer of Terrorism Laws Bill 2008, which was debated in this place at the end of 2008—well over a year ago. It has taken this long for the government to bring forward its model, which is described as the National Security Legislation Monitor Bill 2009 [2010]. I was working for Senator Rachel Siewert at the time that the main tranche of antiterrorism legislation was passed through the Senate at the end of 2005. Senator Brandis made a number of points on the way through about how the bill was debated—it was not really a debate; it was a guillotine undertaken in a hothouse environment where to speak out against the way that these laws might operate in practice was to be considered pro-terrorist. That, in fact, was one of the worst abuses, to my mind and my recollection, of the Howard government’s control of both houses of parliament. Essentially, the Senate was used as a sausage factory to ram this package of legislation through with consequences that we are still exploring, even to this day.

For all that I enjoyed Senator Brandis’s recollections about the reasons and the purpose of such an office, I just have to shake my head and ask: why on earth was such an office not included when these bills were passed in the first place, against practice in other countries that we would probably consider to be our peers, and against the recommendations of many people? But the Howard government knew better, and so the laws were passed. And still every word of them remains on the statute books to this day because of the very slow progress of the current government in unpicking some of the terrible precedents and terrible things that were put on Australian statute books at the time. We have no office of the terrorism reviewer precisely because the Howard government did not put one there. So now, five year later, we are beginning to unpick some of the damage that was done to the rule of law and to the fabric of statutes relating to terrorism and criminal activity, and violent crime more generally, in Australia. It should have been established at the time.

The UK, one of the countries that I suppose we might compare ourselves to in these sorts of matters, did include such a review mechanism when antiterrorism laws were passed there. Australia under the Howard government did not follow this model. Since that time, such an office has been recommended by the Security Legislation Review Committee chaired by the Hon. Simon Sheller QC—that was a report in June 2006—and by the Parliamentary Joint Standing Committee on Intelligence and Security in December 2006 and again in 2007, and in the government’s response to various reviews that was issued on 23 December 2008—an acknowledgement that such an office would be extremely valuable.

The Senate has contributed substantively towards this office through the October 2008 Senate Legal and Constitutional Affairs Legislation Committee inquiry into the private senator’s bill that Senator Brandis alluded to before. The passage of that bill in November 2008 was then killed by the government in the House of Representatives. It has taken them more than a year to come up with an equivalent. My party and I contributed to the work of the legal and constitutional affairs committee. In that case we took good evidence. We passed several amendments to the bill on the way through the Senate and sent a much improved bill to the House of Representatives that, if the Senate had prevailed, would have been passed on the spot. Of course, the government knew better.
Participants in that legal and constitutional affairs committee inquiry into the Anti-Terrorism Laws Reform Bill that I introduced into this place last year also called for the speedy establishment of this independent review mechanism to run in parallel with efforts to repeal some of the worst components of the terror laws. We have national security and intelligence agencies here working full time with these terrorism laws, with huge staffs and massive escalating budgets, and we have nobody in this case on the government’s payroll working in an independent capacity to assess whether these laws are necessary, whether they are proportionate or whether they are actually making any difference whatsoever, within the boundaries of the fact that there is a very broad suite of legislation that has many different effects and ramifications.

Some of these laws are so extreme and so redundant or otherwise inappropriate or offensive to the rule of law in this country that they should simply be repealed and not even be subjected to the dignity of a review. That was the subject of the private senator’s bill that I introduced last year and that then went through the committee process with, I must say, good work by the committee secretariat, including Peter Hallahan—who really will be missed, as Senator Barnett indicated earlier in a previous debate—but also with valuable contributions from government senators and from coalition senators into those measures that we introduced.

The laws, including things like those that allowed the Haneef scandal to unfold, relating to excessive dead time, undue surveillance and invasion of privacy, and the laws relating to sedition and matters such as reckless possession of a thing are also amongst the laws that quite simply should be abolished and not necessarily even be subject to a review.

Finally, the Senate contributed through the Finance and Public Administration Legislation Committee’s inquiry into this bill that we are debating today. That has resulted in the government taking on some of the advice from legal experts and organisations through a number of amendments. We appreciate at least that limited form of acknowledgement that they did not have it all in the bag in the first cut of that bill. Through that process that I am describing, through exhaustive and substantive work of numerous committees over a long period of time, and experts within and outside the parliamentary process, it is pretty obvious that there is widespread support for the independent review mechanism of these laws to come into existence—and not before time.

This office does have the potential to play an extremely important role in scrutinising the very large body of legislation relating to terrorism to ascertain whether they are necessary and whether they are proportionate and are actually meeting the stated objective of protecting Australians from violence and terrorist violence. Given the complexity of the laws and their far-reaching consequences, it is an extraordinary indication of the priority that the government sees this office holding that the function can be realistically achieved through one position, supported by two staff, with very sketchy reporting obligations—I will be speaking more about that in the committee debate—and for the ability of the executive, who really should be the ones coming under the scrutiny of an office like this, to sanitise those reports well before they become public, if indeed they ever do become public.

While we are supportive of the office, and have been for a long period of time—and I hope that support is on the record—I have some very clear concerns about the model that the government is pushing forward today; about the ability of this reviewer to actually
undertake the functions that would be required of him or her. So we will be putting forward a number of amendments arising from recommendations of experts in the field, people who have been working on these issues for many years and following these debates very closely.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order, Senators! Senator Ludlam, if you would like to continue, I am sure the senators are listening. I am anyway.

Senator LUDLAM—I doubt that, but I will carry on anyhow. Firstly, on the issue of staffing, the reviewer is to conduct an analysis of an enormous array of very complex terror legislation, review them every time they are used, or when the Prime Minister requests, or on the reviewer’s own motion. The staffing arrangement is not just modest, it is woeful—and I suspect deliberately so. Chair, I am just wondering whether Hansard has any idea what I am saying.

Senator Bob Brown—Mr Acting Deputy President, on a point of order: I know there are just 20 seconds left but Senator Ludlam should be heard. I cannot hear him from two seats in front.

The ACTING DEPUTY PRESIDENT—I ask my colleagues on the left, where most of the noise is coming from, to just quieten it down a bit while Senator Ludlam continues his remarks.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.00 pm)—I table for information of the Senate a revised ministry list reflecting the changes to the ministry following the resignation of the Hon. Duncan Kerr SC, MP as the Parliamentary Secretary for Pacific Island Affairs. Obviously, we acknowledge the tremendous contribution Mr Kerr has made to the government. I seek to incorporate in Hansard the revised Rudd government ministry list.

The list read as follows—

RUDD MINISTRY
14 December 2009

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<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Prime Minister</td>
<td>The Hon Kevin Rudd MP</td>
<td>Senator the Hon Chris Evans</td>
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<tr>
<td>Minister for Climate Change and</td>
<td>Senator the Hon Penny Wong</td>
<td>The Hon Greg Combet AM MP</td>
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<td>Water</td>
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<td>The Hon Peter Garrett AM MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Joe Ludwig</td>
<td>The Hon Lindsay Tanner MP</td>
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<tr>
<td>(Manager of Government Business in</td>
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<td>the Senate)</td>
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<tr>
<td>Minister Assisting the Minister for</td>
<td>The Hon Greg Combet AM MP</td>
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<td>Climate Chang</td>
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<td>Minister Assisting the Prime</td>
<td>Senator the Hon Mark Arbib</td>
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<td>Minister for Government Service</td>
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<td>Delivery</td>
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<td>Parliamentary Secretary</td>
<td>The Hon Anthony Byrne MP</td>
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CHAMBER
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<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Kim Carr</td>
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<tr>
<td><strong>Minister for Employment and Workplace Relations</strong></td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Mark Arbib</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong> (Deputy Prime Minister)</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Mark Arbib</td>
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<tr>
<td><strong>Minister for Early Childhood Education, Childcare and Youth</strong></td>
<td>The Hon Kate Ellis MP</td>
<td>Senator the Hon Mark Arbib</td>
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<td><strong>Minister for Employment Participation</strong></td>
<td>Senator the Hon Mark Arbib</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td><strong>Parliamentary Secretary for Social Inclusion</strong></td>
<td>Senator the Hon Ursula Stephens</td>
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<td><strong>Parliamentary Secretary for Employment</strong></td>
<td>The Hon Jason Clare MP</td>
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<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<td>Minister for Financial Services, Superannuation and Corporate Law</td>
<td>The Hon Chris Bowen MP</td>
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<td><strong>Minister for Competition Policy and Consumer Affairs</strong></td>
<td>The Hon Dr Craig Emerson MP</td>
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<td><strong>Assistant Treasurer</strong></td>
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<td><strong>Minister for Immigration and Citizenship</strong></td>
<td>Senator the Hon Chris Evans</td>
<td>The Hon Robert McClelland MP</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td><strong>Parliamentary Secretary for Multicultural Affairs and Settlement Services</strong></td>
<td>The Hon Laurie Ferguson MP</td>
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<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon John Faulkner</td>
<td>The Hon Greg Combet AM MP</td>
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<td>(Vice President of the Executive Council)</td>
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<td><strong>Minister for Veterans’ Affairs</strong></td>
<td>The Hon Alan Griffin MP</td>
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<td><strong>Minister for Defence Personnel, Materiel and Science</strong></td>
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<td>Senator the Hon John Faulkner</td>
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<tr>
<td><strong>Parliamentary Secretary for Defence Support</strong></td>
<td>The Hon Dr Mike Kelly AM MP</td>
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<td><strong>Minister for Trade</strong></td>
<td>The Hon Simon Crean MP</td>
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<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Stephen Smith MP</td>
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<tr>
<td><strong>Parliamentary Secretary for International Development Assistance</strong></td>
<td>The Hon Bob McMullan MP</td>
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<td><strong>Minister for Health and Ageing</strong></td>
<td>The Hon Nicola Roxon MP</td>
<td>Senator the Hon Joe Ludwig</td>
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<tr>
<td>Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery</td>
<td>The Hon Warren Snowdon MP</td>
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<td><strong>Minister for Ageing</strong></td>
<td>The Hon Justine Elliot MP</td>
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<td><strong>Minister for Sport</strong></td>
<td>The Hon Kate Ellis MP</td>
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<td>Title</td>
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<td>The Hon Tanya Plibersek MP</td>
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<td>Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
<td>The Hon Bill Shorten MP</td>
<td>Senator the Hon Penny Wong</td>
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<td>Parliamentary Secretary for the Voluntary Sector</td>
<td>Senator the Hon Ursula Stephens</td>
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<td>Minister for Finance and Deregulation</td>
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<td>Senator the Hon Stephen Conroy</td>
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<td>Special Minister of State</td>
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<td>Minister Assisting the Finance on Deregulation</td>
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<td>Minister for Infrastructure, Transport, Regional Development and Local Government (Leader of the House)</td>
<td>The Hon Anthony Albanese MP</td>
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<td>Minister for Broadband, Communications and the Digital Economy</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Innovation, Industry, Science and Research</td>
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<td>Minister for Small Business, Independent Contractors and the Service Economy</td>
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<td>The Hon Richard Marles MP</td>
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<td>Minister for the Environment, Heritage and the Arts</td>
<td>The Hon Peter Garrett AM MP</td>
<td>Senator the Hon Penny Wong</td>
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<td>The Hon Dr Mike Kelly AM MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon Robert McClelland MP</td>
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<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Brendan O’Connor MP</td>
<td>Senator the Hon Penny Wong</td>
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</tbody>
</table>
Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Climate Change in the Prime Minister’s portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.

### LIBERAL AND NATIONAL PARTIES

**Leadership and Office Holders**

**Senator MINCHIN** (South Australia—Leader of the Opposition in the Senate) (2.00 pm)—I seek leave to incorporate in Hansard, the new coalition shadow ministry following the election of Mr Tony Abbott as the new opposition leader.

Leave granted.

The list read as follows—

**COALITION SHADOW MINISTRY**

2 February 2010

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<th>TITLE</th>
<th>SHADOW MINISTER</th>
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<tr>
<td>Leader of the Opposition</td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Hon Nick Minchin</td>
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<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
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<td>Shadow Minister for Foreign Affairs (Deputy Leader of the Opposition)</td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon David Johnston</td>
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<td>The Hon Warren Truss MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
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<tr>
<td>Shadow Parliamentary Secretary for Roads and Transport</td>
<td>Mr Don Randall MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets</td>
<td>Mr Mark Coulton MP</td>
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<td>Mr Steven Ciobo</td>
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<td>Senator Mitch Fifield</td>
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<td>Shadow Minister for COAG and Modernising the Federation</td>
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<td>The Hon Dr Sharman Stone MP</td>
<td>Senator Marise Payne</td>
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<td>Shadow Minister for the Status of Women</td>
<td>The Hon Dr Sharman Stone MP</td>
<td>Senator Marise Payne</td>
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<td>Shadow Minister for Youth and Sport</td>
<td>Mr Steven Ciobo MP</td>
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<td>Senator Barnaby Joyce</td>
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<td>(Leader of the Nationals in the Senate)</td>
<td>The Hon John Cobb MP</td>
<td>Senator the Hon Richard Colbeck</td>
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<td>Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities</td>
<td>The Hon Bruce Billson MP</td>
<td>Senator the Hon Michael Ronaldson</td>
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<td>Senator the Hon Nick Minchin</td>
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The President—Before we proceed to questions without notice, I have a comment about question time for the foreseeable future. Senators will be aware that today is the first day of operation of the new temporary order providing 30 seconds for the asking of supplementary questions, among other things. As it is not possible to set the clocks for 30 seconds, they will be set to one minute and stopped when they reach the 30-second mark. Other solutions are being examined, but it was not technically possible to make changes to the timing mechanism over the Christmas break. You will have to have a little patience with the Clerk at the table, who will be setting the clock. We will try to keep to the 30 seconds as best as we can.

QUESTIONS WITHOUT NOTICE

United Nations Framework Convention on Climate Change Conference

Senator ABETZ (2.02 pm)—My question is to the Minister representing the Prime Minister, Senator Chris Evans. How many people constituted the Australian delegation to the United Nations Copenhagen conference in December last year? What was the total cost to Australians of this delegation’s attendance at the failed Copenhagen conference?

Senator CHRIS EVANS—I do not think it would be fair to characterise the Copenhagen conference as ‘failed’. Clearly, the outcomes of the conference were substantial, if not all that this government sought to achieve out of it. We think international engagement on serious responses to climate change remains a huge priority both for the world and for this country. At the release of the long-awaited opposition’s policy today Mr Abbott could not answer questions about the detail—he looked to be shuffling around when asked about it. Quite frankly, it looked a fairly inadequate and pathetic response, but I am sure Senator Wong will have something to say about that at some stage in the debate.

In relation to the specifics of Senator Abetz’s question, as I recall, the figures for those who attended the conference were made available at the time and were reported widely in the press. I do not have that information—

Senator Brandis interjecting—

Senator CHRIS EVANS—I do not have it with me at the moment because, as I said, it is on the public record. I am happy to assist the senator and either refer him to the press reports or check with the Prime Minister’s office. Certainly, I know those figures were reported widely. I am happy to assist the senator if he missed them and get those from the Prime Minister’s office and make them available to him at the first opportunity.

Senator ABETZ—Mr President, I ask a supplementary question. If the minister does not agree with my definition of ‘failed’, does he agree with the government’s own climate change adviser, Mr Ross Garnaut, that the Copenhagen conference was a ‘fiasco’?

Senator CHRIS EVANS—I obviously do not agree with Mr Garnaut’s characterisation of the outcome. I think there were outcomes that were worthwhile and which will help take it forward. As I said, the details about
who was attending the conference were released. My understanding from a brief that has just been handed to me is that there were 68 federal government delegates and the total size of the Australian delegation to the United Nations Framework Convention on Climate Change Conference of the parties in Copenhagen was 98. So 68 were federal government delegates and the total Australian delegation was 98. I will see if I have the rest of the information that Senator Abetz requested and provide it to him.

Senator ABETZ—Mr President, I ask a further supplementary question. The minister does not agree with my description and the minister does not agree with Mr Garnaut’s description. Does the minister agree with Labor’s key business adviser, Dick Warburton, that given the failure at Copenhagen there should be ‘a delay in whatever we do until we have a clear picture’? Given the fiasco of the Copenhagen conference and calls for the CPRS to be abandoned, why is the government again forcing the parliament to deal with its flawed legislation to inflict a massive new tax on all Australians? (Time expired)

Senator CHRIS EVANS—Obviously, there were a whole series of questions in there. I do not think it will come as any surprise to Senator Abetz that I do not agree with him. I do not agree with him about much. In some ways I regard him as the definition of ‘failure’. This is just another opportunity for the opposition to apply its new tactic, which is to oppose everything and try to ‘dirty up the government’, as described by the leader, rather than seriously deal with policy. I remind the opposition that at the last election they were absolutely committed to taking urgent action on climate change and were absolutely committed to a trading scheme. Under their previous leader they were absolutely committed to it. It seems they have had another policy adopted in the last day, but they have no credibility on this issue whatsoever.

Economy

Senator WORTLEY (2.07 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer inform the Senate of whether there have been significant developments in Australia’s economic outlook and the world’s recovery from the global recession since the Senate last met? How has the Rudd government’s decisive stimulus strategy resulted in positive results for our economy, and will the government continue to deliver economic growth and to protect the jobs of Australians?

Senator SHERRY—Thank you, Senator Wortley. To all senators: have a happy and safe 2010. It is the first question time. More importantly, 2010 is shaping up as the year the world is going to emerge from its worst global financial and economic crisis since the Great Depression. According to the latest World economic outlook released by the independent International Monetary Fund, Australia grew by just under one per cent in the last calendar year. Australia was in fact the only country, the only advanced economy, to record positive growth last year. The only country in the world with an advanced economy to grow last year was Australia. The IMF attributes Australia’s world leading performance in substantial part to our ‘timely and significant policy response to the crisis’—in other words, the stimulus package. In real, human terms, the stimulus package has saved around 200,000 Australian jobs. Some 200,000 Australian jobs were saved as a consequence. Tens of thousands of businesses would have closed if it had not been for the stimulus strategy.

Senator Abetz—Nonsense. Nobody believes that nonsense.
Senator SHERRY—And this was a strategy opposed tooth and nail by the Liberal-National Party. Senator Abetz says he does not believe it. Well, Senator Abetz, your shadow treasurer was predicting a million unemployed a year ago. That is what he was predicting. We on this side of the chamber are very, very thankful that the decisive action we took as a government has meant the saving of hundreds of thousands of jobs and tens of thousands of businesses.

As I said, the IMF does expect a stronger economic performance amongst advanced economies. The economic growth rate for Australia, as predicted by them—(Time expired)

Senator WORTLEY—Mr President, I ask a supplementary question. Does the Assistant Treasurer believe that there are significant challenges still ahead; and how does the Rudd government plan to continue to protect Australians from the worst effects of the global recession and guide the economy through to a full recovery?

Senator SHERRY—The respected international and independent IMF, whilst it has said that there will be a stronger recovery this year, has also cautioned that the world recovery does remain fragile and uneven, and is dependent on stimulus support. That is the same stimulus support that the Liberal-National Party opposed vehemently—if they had had their way, it would have led to a million unemployed—and the same stimulus package that they want totally withdrawn. The independent IMF has repeated its warnings that ripping out stimulus—

Senator Abetz interjecting—

Senator SHERRY—in advanced economies would jeopardise economic recovery. Senator Abetz continually interjects. Senator Abetz knows best; that is his claim. Senator Abetz matches his economic expertise to that of experts at the International Monetary Fund. If we had adopted the prescriptions of Senator Abetz and the Liberal-National Party, we would have had a million unemployed in this country—one million unemployed. (Time expired)

Senator WORTLEY—Mr President, I ask a further supplementary question. Can the Assistant Treasurer inform the Senate whether the Rudd government will continue to place economic discipline and responsibility at the pinnacle of considerations when formulating its policies; and is the Assistant Treasurer aware of any alternative policies?

Senator SHERRY—There are highly reputable economists and economic organisations—I can list them and quote from them—that have supported the stimulus strategy, not just in Australia but around the world. The last winner of the Nobel economics prize, Mr Joseph Stiglitz, put in a recent article:

Countries, like Australia, that implemented large, well-designed stimulus programs early emerged from the crisis faster. Other countries succumbed to the old orthodoxy pushed by the financial wizards who got us into this mess in the first place.

What we have opposite are the financial wizards Senator Abetz and his colleagues, the Liberal-National Party, who vehemently opposed the Labor government’s stimulus package. That was their policy prescription: sit back, do nothing, let the unemployment queues grow, let businesses close and fail. That was their prescription. That is not the prescription of the Labor government, fortunately. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the Republic of Chile led by His Excellency Mr Jovino Novoa MP, President of the Senate. On behalf of all senators, I wish you a warm welcome to Australia and,
in particular, to the Senate. With the concurrence of honourable senators, I would ask the President to take a seat on the floor of the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Senator BIRMINGHAM (2.13 pm)—My question is to Senator Evans, the Minister representing the Prime Minister. Can the minister inform the Senate by how much electricity prices will rise under the government’s massive new tax on everything, the emissions trading scheme?

Senator CHRIS EVANS—I thank Senator Birmingham for the question. I remind Senator Birmingham that it was actually a scheme that he was going to vote for only a matter of months ago. We the Rudd Labor government actually believe—

Honourable senators interjecting—

The PRESIDENT—Senator Evans, please resume your seat. Senator Evans is entitled to be heard in silence on both sides. The time for debating the issue is at the end of question time. Senator Evans.

Senator CHRIS EVANS—This government is serious about taking action on climate change and is not coming up with temporary little stunts like we saw today from Mr Abbott. What we are trying to do is put in place a market based mechanism that allows us to seriously tackle the issue of climate change by putting a price on carbon and assuring that we get a market mechanism that seeks to address the enormous pollution that we emit and the impact that is having on the environment. We have decided to again seek to get the parliament to pass this very important piece of legislation. We will again give the Liberal-National Party an opportunity to honour their election commitment to the Australian people and support the emissions trading scheme. It has been the Liberal-National Party’s policy at the last election and during this term of parliament—

Senator Abetz—Mr President, on a point of order: sessional orders require that the minister be directly relevant to the question that was asked. The question asked was, ‘By how much will electricity prices rise?’ The minister has now had 1¼ minutes out of his two minutes to start getting relevant to that matter, and I would invite you, Mr President, to draw his attention and be directly relevant to the question asked.

Senator Ludwig—Mr President, on the point of order: the minister has been answering the question. It is unfortunate that we now find another frivolous point of order being taken so early in the parliamentary year. The minister has been dealing with the question, dealing with the climate change issue that is embodied within the question and dealing with the substantive matter very well, might I say.

The PRESIDENT—Order! I draw the minister’s attention to the question. There are 47 seconds remaining to answer the question.

Senator CHRIS EVANS—Clearly, the impact of our ETS is a relevant consideration when the parliament passes the legislation. That is why we introduced it again. We want to pass the legislation. We have had two attempts in this parliament to introduce that legislation, and you have had the opportunity to debate that legislation. On some occasions you have supported it and on others you have not. The key point is that what this government did is guarantee that families would be no worse off and that we would provide compensation because we were keen on making the polluters pay. Our program was directed at making the polluters pay.

Senator Abetz—Mr President, on a point of order: once again, sessional orders require the answer to be directly relevant to the
question asked. The minister now has eight seconds left in which to advise the Senate by how much electricity prices will rise under the emissions trading scheme. I would invite you, Mr President, to indicate to the minister that if he is unable to answer the question by being directly relevant he should resume his seat.

The PRESIDENT—I cannot instruct the minister how to answer the question, as you know. I do say that repeatedly in this chamber, as you are aware. I invite the minister, in the eight seconds remaining, to address the question that has been asked by Senator Birmingham. You have eight seconds remaining.

Senator CHRIS EVANS—All the costings for the government’s legislation are on the record and have been debated twice in this parliament. I can take him through them if he wants me to. (Time expired)

Senator BIRMINGHAM—Mr President, I ask a supplementary question. I note the minister did not give an answer as to how much electricity prices will rise by. Under the limited detail that has been provided, the government claims it will be 12 per cent. Minister, how do you reconcile that answer or the number of 12 per cent with the decision of the New South Wales Independent Pricing and Regulatory Tribunal to recommend price rises of between 21 and 25 per cent by 2013 because of the costs the ETS would add to producing electricity? (Time expired)

Opposition senators interjecting—

The PRESIDENT—Order! The chair will not be assisted by people intervening calling time. I will determine the time in conjunction with that set by the clerk assistant and I will do it in a fair and reasonable manner.

Senator CHRIS EVANS—We made clear, on the basis of Treasury modelling, what the costs of our proposed ETS were. We also introduced a compensation package designed to protect households from those costs. It was designed to make sure that polluters pay—something absolutely absent in the Liberal Party’s policy released today.

We all know there are pressures on the state electricity commissions in terms of the cost of energy, but in terms of the costs attributed to the ETS proposal by this government the modelling has been done and the modelling has been made public. It has been included as part of the legislation and the debate around that legislation in this parliament—legislation that you were going to support until very recently and legislation you took to the Australian people at the last election and which you have now reneged on. We provide compensation to families and make the polluters pay. (Time expired)

Senator BIRMINGHAM—Mr President, I ask a further supplementary question. Doesn’t this failure of modelling show that the government is deliberately underestimating the cost to Australian families and small businesses of its massive new tax on everything? If the minister is going to continually rely on government modelling that he says is being released, will he actually release all of that modelling and all of the supporting data so that Australians can assess the true impact of the government’s new tax?

Senator CHRIS EVANS—Senator Birmingham seeks to debate legislation which has twice been rejected by this parliament because of the failure of the Liberal Party to support it and to support their own election commitments. This government has made clear that you will get another opportunity to debate that legislation. We will go through the committee stage and you can make those arguments if you want. We have released the modelling the Treasury did that indicated the costs that would be faced by consumers and
we also produced a package that provided full compensation for them. We wanted to make the polluters pay for the pollution they cause and the damage they do to the environment, and to protect Australian working families from the impact of the scheme. That is what we undertook to do, that is what we are still trying to do, and I would like you to think seriously about honouring your election commitment. I am asking the Liberal Party to honour their electoral commitment and to support an ETS for the nation’s future. 

(Time expired)

Schools

Senator HUTCHINS (2.22 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr, representing the Minister for Education. Can the minister inform the Senate about the My School website? How successful has the site been? What role does it play in the government’s wider agenda for school education? How does it relate to the government’s objective of increasing quality across the education system? How will parents benefit from My School? What role will it play in shaping the future development of our schools?

Senator CARR—I thank Senator Hutchins for his question. The My School website, launched last week, has been a tremendous success. I know all senators here would welcome that. My School is an integral part of the education revolution. It is an integral part of this government’s drive—

Honourable senators interjecting—

The PRESIDENT—Order! Debate across the chamber at this time is completely disorderly. I am entitled to hear the answer being given by Senator Carr.

Senator CARR—My School is an integral part of our drive to deliver the best possible education to every child in every school in Australia. That drive includes unprecedented investments in school capital, in refurbishing every school around the country, in computers and in training centres. In fact, we have almost doubled the amount of money being devoted to school education.

My School will give parents, teachers and all interested Australians a better understanding of what their schools are doing and what they are doing well. It is also about giving them a better understanding of what needs to be improved. My School is all about transparency and accountability. That does not mean just for principals or for teachers. As Sharryn Brownlee from the Central Coast Parents and Citizens Association said in the Daily Telegraph yesterday, this will shine a light on bureaucrats and politicians to ensure that they fund schools to deliver education to kids. This government is already answering that challenge. We are dedicating more than $2 billion to increase support for disadvantaged schools, to invest in literacy and numeracy and to lift teaching quality. It is essential that people have confidence in our schools, and My School is—

(Time expired)

Senator HUTCHINS—Mr President, I ask a supplementary question. Can the minister inform the Senate what kind of information is available on the My School website? What are the topics covered? What are the government’s plans for the development of the site? What additional information might be provided in future?

Senator CARR—The information on the website is comprehensive. It tells parents about national testing, about achievements in year 12, about the schools in the schools’ own words, about the levels of advantage in the school, about attendance, about teacher numbers and about the number of non-teaching staff. It compares each school to schools around the country that serve similar students and it enables each school to see how it is going against the national average.
In the future, we are determined to add information about the amount of funding each school receives from all sources, including the Commonwealth. On the weekend, the Prime Minister announced that My School will also eventually include the results of surveys that measure how parents see their school and how satisfied they are with it. This is a new initiative to help parents have greater— (Time expired)

Senator HUTCHINS—Mr President, I ask a further supplementary question. Can the minister advise the Senate how the My School website has been received by the wider community? What level of interest has it attracted? Does the site enjoy widespread support?

Senator CARR—I can say without reservation that the community’s enthusiasm for My School has been overwhelming. The latest figures from the Australian Curriculum, Assessment and Reporting Authority show that the website has had 1.4 million visits and 157 million hits since its launch. It is a shame that the opposition do not support this fantastic initiative. They are divided on My School, as they are on everything else. The Leader of the Opposition admits that the parents of this country deserve this information, but the education spokesman for the opposition has called the website a white elephant.

Honourable senators interjecting—

The PRESIDENT—Order! The time for debating this is at the end of question time, not now.

Senator CARR—What we do know is that those opposite have fought every inch of the way to destroy the legislation that will allow us to make funding information available on the My School website. The truth is that those opposite— (Time expired)

Schools

Senator TROETH (2.28 pm)—My question is to the Minister representing the Minister for Education, Senator Carr. Is the minister aware of the claims by the Autistic Family Support Association of Victoria that schools are deliberately exempting students with autism spectrum disorders, such as Asperger’s syndrome, in order to have a higher score on the My School website?

Senator CARR—No, I am not aware of the claim. I would be very surprised if that in fact were possible under the relevant legislation at state level at the moment. Nonetheless, I will make inquiries from the officials to establish what is known about the assertions and the validity of those claims.

Senator TROETH—Mr President, I ask a supplementary question. Minister, in the interests of transparency and accountability such as the minister mentioned in his previous answer, what steps is the government taking to ensure that children with autism are not being unfairly refused entry into schools that wish to raise their NAPLAN score?

Senator CARR—I will make inquiries as to whether or not those claims that you have repeated are in fact the case. I can say that this government is providing $47.4 billion through the National Education Agreement to each jurisdiction that administers the funding to make decisions about resourcing for students with disabilities. The Australian government will also be providing approximately $814 million to the non-government school sector under the Schools Assistance Act to help students who are educationally disadvantaged including students who have a disability. This is approximately $159 million in addition to that which was provided by the previous government from 2005-08. Responsibility for the allocation of these funds, as I am sure Senator Troeth is aware, is up to the individual schools within the
non-government education authorities in each state and territory. *(Time expired)*

**Senator TROETH**—Mr President, I ask a further supplementary question. Does the minister agree with a spokesperson for the Autistic Family Support Association of Victoria who said in a metropolitan daily last week that the My School information ‘cannot be taken at face value’?

**Senator CARR**—There have been many comments concerning the My School website. The overwhelming number of parents understand its value, appreciate its importance, and acknowledge how essential and timely it is that they have more information about their schools and the schools that their children are attending. It has been an overwhelming success. Parents are demanding the right to know. It is a right to know that we will defend, and we will take action to ensure that they have it despite your opposition.

**Climate Change**

**Senator BOB BROWN** (2.32 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Is it true that the opposition’s policy on climate change announced today will do almost nothing to protect seafront properties in Australia from the impact of climate change? Is it true that some 700,000 properties are threatened by potential climate change damage in this century?

_Honourable senators interjecting—_

**The PRESIDENT**—Order! Mr President, I ask a further supplementary question. Does the minister agree with a spokesperson for the Autistic Family Support Association of Victoria who said in a metropolitan daily last week that the My School information ‘cannot be taken at face value’?

**Senator TROETH**—Mr President, I ask a further supplementary question. Does the minister agree with a spokesperson for the Autistic Family Support Association of Victoria who said in a metropolitan daily last week that the My School information ‘cannot be taken at face value’?

**Senator WONG**—Thank you to Senator Brown for the question. I had assumed that, given the build-up to the opposition’s climate change policy, the big announcement that was billed today with Mr Abbott, Mr Hunt and Mr Truss out there trumpeting their great new policy, the first incoming would be to me saying, ‘Isn’t our policy great!’ They did not even want to front up and have an argument about their policy. It falls to Senator Brown to ask the government—

_Honourable senators interjecting—_

**The PRESIDENT**—Order! I need silence on both sides. Senator Wong, proceed.

**Senator WONG**—Thank you, Mr President. It falls to Senator Brown to ask me a question about the opposition’s policy, which is nothing more than a climate con job. That is all they come up with, with all the chest-beating and all the hoopla and all the threats and all the politics. All you have come up with is a climate con job. I am sure that we will have plenty of opportunity in the coming days to just find out exactly how much your policy will cost and that it will not work.

In response directly to the second part of Senator Brown’s question, I am aware of the decision of the Land and Environment Court. Obviously that is a New South Wales jurisdiction, but the senator would be aware that the Australian government is extremely concerned to ensure that we assist local government to gain an understanding of the risks of climate change. We released last year, as you may recall, a study into potential sea level rises as a result of climate change to enable different levels of government to better work together on a better knowledge base to plan for the future. The reality is that those opposite are now led by a man who thinks—and
we know what he thinks of climate change—and I will come back to that later— (Time expired)

Senator BOB BROWN—Mr President, I ask a supplementary question. I thank the minister for her answer and I point out, by way of asking the minister for comment, that the Byron Shire Council has led the world in a planned retreat policy, making it incumbent upon landowners and builders to be responsible for building within the zone which is threatened by climate change. But the Land and Environment Court has not upheld that. I ask the minister: how many billions of dollars does local government now face in pay-outs to people who built within the threatened zone? (Time expired)

Senator WONG—As the senator would be aware, this is an issue that the government is very aware of. As I said, we published a study last year which looked at potential levels of sea level rise and the number of Australian buildings which could potentially be at risk. What the senator is asking about is really one of the manifestations of the costs of climate change. We know that climate change will affect, and is already affecting, our economy and our environment. We know that the Australian coasts are also under significant pressure. Certainly in my colleague Minister Garrett’s portfolio there is funding through the Caring for Coasts election commitment and, as I said, through my department we have also presented the national coastal risk assessment, which will assist, has assisted and is assisting local governments to better understand the risks. To be absolutely frank, can I say to the senator that this is an area that requires all levels of government to work together. (Time expired)

Senator BOB BROWN—Mr President, I ask a further supplementary question. My question was directly about the cost. Is the Commonwealth going to leave local government to bear, totally by itself, the multi-billion dollar tab from the erosion of Australia’s coastlines, which threatens up to 700,000 properties this century?

Senator WONG—Again, what I say is that this is an example of why this nation has to act on climate change—because we know that the costs of failing to act are far greater than the costs of responsible action now. That was once the policy of the Liberal Party of Australia.

Opposition senators interjecting—

Senator WONG—It was once the policy of a number of the senators opposite who are now interjecting. I wonder why they do protest so much—because they know they have released a policy today which is nothing more than a climate con job.

Asylum Seekers

Senator HUMPHRIES (2.38 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Following the arrival of yet another boat last night—

Senator FERRAVANTI-WELLS—More than one.

Senator HUMPHRIES—Yes, more than one. Following the arrival of yet another boat last night, carrying 181 people and four crew, cruising into Christmas Island and actually being intercepted within sight of Christmas Island, when will the Rudd government finally admit that its border protection policies have comprehensively broken down?

Senator CHRIS EVANS—The Rudd Labor government are absolutely committed to strong border protection policies. The fact is that we have invested more in border protection than any other government. What we are dealing with at the moment is a situation where we are seeing record flows of persons out of Afghanistan, which is causing pressure in the form of unlawful movement and irregular flows throughout the world. Australia
is getting its share of those people fleeing Afghanistan.

I remind Senator Humphries that last year we had the fourth largest number of arrivals in a calendar year. The previous three record years were under the Howard government, and they were 1999, 2000 and 2001. The reason the numbers arriving decreased after that was that the Taliban fell in Afghanistan and people were no longer found to be refugees and were returned to Afghanistan if they sought asylum. The same occurred in Iraq, following the fall of Saddam Hussein. What we are dealing with at the moment is an international problem of an increased number of asylum seekers, more than 90 per cent of whom still go to Europe.

We have strong border protection in place. We have mandatory detention. We have offshore processing. Working with our neighbours, we are determined to combat this problem of unlawful arrivals. At the moment we are dealing with increased activity. We are seeking to work with our neighbours to try and stop the flow, to try and provide durable solutions for people, both in their home country and in countries of transit. We will continue to provide resources for border protection and resources to try and address this global problem of unlawful and irregular movement.

Senator HUMPHRIES—Mr President, I ask a supplementary question. Given that the detention facilities and related accommodation on Christmas Island have a current capacity of 1,848 people, and given that the latest arrival of 181 and four crew will increase the detention population to more than 1,830—that is, within 20 beds of being completely full—will the government guarantee that no asylum seekers will be transferred to the mainland from Christmas Island before their claims have been determined?

Senator CHRIS EVANS—What I can do first of all is correct Senator Humphries. Your figures are not exactly right. Effectively there are about 1,800 beds. In fact, it is slightly less.

Senator Fierravanti-Wells—You mean we weren’t given the information.

Senator CHRIS EVANS—Senator Humphries got the figures wrong, but I am saying that they are in small numbers. We have remaining capacity at Christmas Island and the capacity is being expanded. More capacity has come online recently and more will come on in the next few weeks. But we have also made it very clear that if we need capacity we will use the other detention centre built by the Howard government, the immigration detention facility in Darwin, to finalise processing. I have made that clear.

It is interesting that today the Liberal opposition announced that you were returning to the Pacific solution, that you were going to again look for third countries to process people in. Nauru is back on the agenda. That is a very interesting development— (Time expired)

Senator HUMPHRIES—Mr President, I ask a further supplementary question. Can the minister advise whether he has received advice about the pressures and constraints on the operation of detention facilities at Christmas Island in the wake of the tenfold increase in the detention population during the last 12 months?

Senator CHRIS EVANS—I can advise that we are dealing with an increased number of persons in detention. That is correct. They are nowhere near the numbers that the Howard government had to deal with in a series of camps around Australia, but we are dealing with increased numbers. What we have done is increase the capacity on Christmas Island. We have used the very modern facility, built by the Howard government, which
only came online in 2007 as part of the Howard government’s preparedness for the next spike in activity. We thank them for that, because we are sure they would not have built it otherwise. Otherwise you are suggesting that they wasted $400 million to build an 800-bed facility that they were never going to use.

Senator Humphries—Mr President, I rise on a point of order. I asked whether the minister had received advice about the pressures and constraints on the capacity of Christmas Island. Could he answer that part of my question, please.

The PRESIDENT—I draw the attention of the minister to the question. You have 23 seconds remaining, Minister.

Senator CHRIS EVANS—Thank you. As I said to the senator—and as he knows, because I told him on a number of occasions late last year—we are increasing the capacity on Christmas Island beyond that which was built by the Howard government and commissioned in 2007. We anticipate a capacity of about 2,200 under the current proposals. So, yes, there have been pressures in terms of capacity, but we have expanded the capacity and are coping with the extra demands. (Time expired)

Building the Education Revolution

Senator McLUCAS (2.44 pm)—My question, to the Minister Assisting the Prime Minister on Government Service Delivery, is in regard to the nation-building economic stimulus plan. Is the minister aware that, during the school holidays, it appears work on Building the Education Revolution projects increased? Can the minister provide the Senate with information on the level of activity that happened at our schools during the holiday break? Is the minister also able to outline to the Senate how this vital schools infrastructure is supporting jobs? How is the stimulus generally helping to support employment across the economy, and are there any threats to the jobs that it has sustained?

Senator ARBIB—I thank Senator McLucas for the question and also for the work she has undertaken particularly in Far North Queensland and the community of Cairns, where unemployment has reached 14 per cent. The work she has done to create jobs and support the local community should be commended. I am pleased to inform the Senate that, while parliament has been in recess, the builders, the contractors, the tradies and the subcontractors working on Building the Education Revolution projects have been hard at it. As senators would be aware, the program is valued at $16.2 billion—and I remind the Senate that coalition senators voted against it six times.

As at the end of December, only halfway through the school holidays, at the nation’s 8,000 primary schools over 5,000 projects were under construction. That is more than double the figure of only two months ago. What that means is that there are tradespeople on sites, wages getting paid, libraries being built, classrooms being built and science and language centres being built—and Tony Abbott, the member for Warringah, is complaining. Two months ago there were only 33 science and language centres underway, but we now have 503 science and language centres underway—and all the member for Warringah can do is complain. He complains that the government has kept Australia out of recession. He complains about vital school funding—which was so neglected by the Howard government—going directly to school communities. As I travel around the country talking to principals and school communities—(Time expired)

Senator McLUCAS—Mr President, I ask a supplementary question. Can the minister further advise the Senate on what feedback has been received from school communities
about these school projects, and how these projects will improve learning facilities for Australian students?

Senator ARBIB—I was talking about some of the feedback I have received from principals and school communities. Heather Harrison, from Hervey Bay, said:

I am not a teacher, but I will have the pleasure of working in one of these soon-to-be-completed school facilities in regional Queensland. After being without a purpose-built library for many years, I now look in awe at the facility we will have, and I still cannot believe it.

The principal of Reidy Park Primary School, Barb Munt, told The Border Watch this week:

We would have had to have lamington drives for that next 100 years to get the money we need to get to do these sorts of things. It is wonderful. Compare that to the comments made this week by the opposition finance spokesman, Senator Joyce, in relation to Building the Education Revolution. He said:

The rats have got to live somewhere during the Christmas holidays and a hall’s a good enough place for it.

How out of touch is Senator Joyce! (Time expired)

Senator McLUCAS—Mr President, I ask a further supplementary question. Can the minister further advise the Senate on the progress he has seen going on at the many schools he has visited around Australia? What feedback has the minister received on those projects, and are there other examples of the responses of school communities to the government’s investment in Building the Education Revolution?

Senator ARBIB—A week ago I was in Perth, and I visited the Westminster State School. There are three classrooms under construction, there are workers and apprentices on site, and money is going into the local economy. The school community is happy and the tradespeople are happy. That is exactly what the stimulus was designed to do. Again, this is an example of the other side being completely out of touch with what is going on in the economy, what has been happening with the global financial crisis, and the gains from the projects. I go back to Senator Joyce, who said on 12 December:

Well I think the whole ... stimulus package was not warranted ... I think the stimulus package was inappropriate

That means schools, school halls, school classrooms, school libraries—(Time expired)

Asylum Seekers

Senator CASH (2.50 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Since the last meeting of the Senate, how many boats—in addition to last night’s arrival—carrying how many unauthorised arrivals have arrived or been intercepted in Australian waters?

Senator CHRIS EVANS—The number of boats that arrived last year was 60, and the number of people who arrived last year as unlawful offshore arrivals was 2,726. I can take on notice the question on the number since the Senate rose, Senator Cash, if you are interested in that figure, but clearly that is not how we record the statistics. We do not align the statistics with the sitting of the Senate; we actually collect annual figures.

What I can tell the Senate is that this year we have had nine boat arrivals and last year there were 60. I can also confirm the information that in 1999 under the Howard government there were 86 boat arrivals, with 3,721 people; in 2000 there were 51 boat arrivals, with 2,939 persons; and in 2001 there were 43 boat arrivals, with 5,516 people. So last year was the fourth highest in terms of arrivals; the top three years were under the Howard government when it was dealing with the spike in people leaving Afghanistan and Iraq; when it, like the rest of
the world, was dealing with that problem during a particular period. We are now dealing with the situation in Afghanistan and Sri Lanka in particular, where we have seen large numbers of people fleeing. Those people have been fleeing all around the world. That has seen an increase in arrivals in Australia but it has also seen an increase in arrivals in Canada, Europe and most other Western countries. Those are the figures for last year and this year but, as I remind the Senate, we have had arrivals in about 25 of the last 30 years. (Time expired)

Senator CASH—Mr President, I ask a supplementary question. Given that the minister has been unable to confirm the arrival of 22 boats and 985 unauthorised arrivals since the Senate rose last year, will the minister concede that the continuing surge of boats over the monsoon season, which is traditionally a period of low arrivals, demonstrates that the people-smuggling industry has been invigorated by the Rudd government’s weakening of Australia’s once strong border protection policies?

Senator CHRIS EVANS—No, obviously I do not accept that. As I say, if you track the regular movement of persons out of source countries who have traditionally headed towards Australia you see an increase in activity, as you do for countries in Europe and elsewhere. This is driven by the situation in Afghanistan and of course the worsening situation in Pakistan. That is where the largest number of arrivals we have had have come from. I also want to suggest to the senator that this argument about the monsoon season is not actually folklore but I do not think it is a major factor, from the advice I have had about impacts on arrivals. Because of the shortness of the journeys, it has not in recent years had a huge impact. But, Senator, I am being very clear: we are dealing with an increased rate of activity, it is a serious public policy problem and the government is working very hard to address it. We are using all our capacities to address this issue. (Time expired)

Senator CASH—Mr President, I ask a further supplementary question. Given that the policies the minister describes in response to the situation are patently not ‘strong’, are patently failing not only in the eyes of the people smugglers but also in the eyes of the Australian community in general, will the minister now tell the Senate what new approaches the government will take to reverse the reality of an open door Australia?

Senator CHRIS EVANS—I am not sure I am going to do anything about ‘Australia’, but I certainly am interested in protecting Australia’s borders, in ensuring that we have orderly migration to this country and in working with our neighbours to restrict unlawful movement into this country. We are very focused in trying to deal with the recent spike in activity. We are working with Indonesia, Malaysia and other neighbours to try to address this. We are maintaining strong border protection measures that see boats intercepted, see people detained, and see people undergo the normal health, identity and security checks before they are released into the community. Those found to be refugees are given protection; those found not to be refugees are returned to their country of origin. We think that is sound public policy and if you are asking whether we are going to go down the Pacific Solution route which the Liberal Party has announced today, the answer is no.

Broadband

Senator POLLEY (2.56 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate on the rollout of the National Broadband Network? In particular, can the minister advise the Senate on the rollout in Tasmania
and the priority regional backbone links to six key regional centres across six states and territories?

Senator CONROY—I thank Senator Polley for her ongoing interest in this important policy area. The rollout of the National Broadband Network, which as we know is the largest infrastructure project in Australia’s history, is of course detailed and complex. It is not a quick fix for an election, in the method favoured by those opposite. As we know, the opposition has taken a great deal of interest in this. In the just over 430 days that Senator Minchin was the opposition spokesman, he issued 180 press releases. That is 0.4 press releases a day. And do you know what? There was not one policy initiative in sight. Nearly a press release a day, and not a policy initiative in sight.

Unlike those opposite, we have a solution that will benefit this country into the long term. We are making significant progress on the NBN initiative announced last year. The rollout in Tasmania, as Senator Polley well knows, is already well underway. The trenching and layout of the conduit for the transmission link between Cambridge and Midway Point has been completed. We are on track for the first services to be connected in Tasmania from July this year. Community meetings are being held in stage 1 communities in the lead-up to July. Significant works have also commenced on the mainland. Last year we engaged Nextgen Networks to roll out almost 6,000 kilometres of new fibre optic backbone links under the Regional Backbone Blackspots Program. (Time expired)

Senator POLLEY—Mr President, I ask a supplementary question. I thank the minister, particularly for highlighting how Tasmania is once again leading the nation. Can the minister explain why investment in high-speed broadband to all premises in Australia is such a priority for this government? In particular, can the minister advise the Senate of the sorts of benefits that we can expect from this type of investment?

Senator CONROY—High-speed broadband is about far more than downloading movies faster, as claimed by those opposite. That is like saying that investment in ubiquitous electricity networks in the 19th century was only ever going to be for street lights. The NBN will be the enabling platform for a range of applications in the health, the education, the energy and the aged care sectors. Investment in high-speed broadband is about investing in health by promoting things like remote diagnosis and telemedicine. It is about investing in education and giving students access to multimedia learning no matter where they live. It is about investing in energy efficiency measures and encouraging the use of smart grids and smart infrastructure technology to better manage the use—(Time expired)

Senator POLLEY—Mr President, I ask a further supplementary question. Can the minister explain what other benefits high-speed broadband will deliver to the Australian economy? In particular, how will it assist our ability to respond to climate change?

Senator CONROY—Unlike those opposite who are scoffing at Senator Polley’s question, this government recognises the ability of broadband and a national broadband network to improve Australia’s position in climate change. High-speed broadband has the potential to drive a range of significant environmental benefits by enabling, for example, more flexible work practices that reduce travel and commuting and smarter and more efficient use of infrastructure resources. A 2007 Telstra study found broadband could reduce Australia’s annual emissions of greenhouse gas by five per cent and save $6.6 billion a year in energy and travel
Videoconferencing and teleworking will remove the need for travel for in-person meetings, with flow-on environmental benefits.

(Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Testing and Certification Australia

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.02 pm)—Senator Heffernan asked me a question on 26 November 2009. I seek leave to incorporate further information in response to that question.

Leave granted.

The further information read as follows—

Senator Heffernan asked at 2.26pm on 26 November 2009:

Is the Minister aware that Energy Australia, a company owned by the New South Wales Labor government, has decided to close its productivity testing and compliance division, known as Testing and Certification Australia. Is the Minister also aware that this is the only facility in Australia that can test and certify electronic medical devices to the appropriate international standards?

I am aware that EnergyAustralia has announced plans to close some of the services offered by its subsidiary, Testing and Certification Australia. I am not aware if EnergyAustralia has made a final decision about the extent of any closure of Testing and Certification Australia’s services. I am aware that Testing and Certification Australia has over time offered a broad range of testing services including having accreditation to test medical electrical devices to the AS3200 and IEC60601 series safety standards. A number of other facilities in Australia are accredited to test devices against other standards.

With regard to the national importance of such a facility, has the minister or, if he has not, his department had any discussions with the New South Wales Labor government on what can be done to ensure that Australia does not lose this important testing and certification capacity?

Neither I nor my department have had any discussions with the New South Wales government relating to Testing and Certification Australia.

Staff from the National Measurement Institute within my department have had some discussions with Energy Australia about the high voltage and high current services that Testing and Certification Australia currently offers from its facility at Lane Cove.

Will the Minister undertake to investigate this matter to ensure, in the national interest, that medical biotech industry is not placed at a distinct competitive disadvantage?

I have asked my department to investigate this matter further, to ascertain the impact on the medical biotech industry.

Senator CARR—I was asked today a question by Senator Troeth about enrolments and about the actual physical exclusion of a student from a school. I have yet to get information on that. But, with regard to the NAPLAN participation rate questions that went to whether a student is actually enrolled in a school and excluded from any testing: the NAPLAN participation rates are reported for each school on the website so that it is clear how many students participated in the testing. Any attempt to exclude students from the testing will be apparent from this data.

That is the information that has been provided to me by the education department. Students are exempted from NAPLAN tests if they have severe intellectual or functional disabilities or if they are from a non-English-speaking background and have been learning English in Australia for less than one year. Exempt students are not included in the calculation of the school average. All Australian governments have committed to promoting increased participation of such students in the national assessment process. The national protocols for the administration of the
NAPLAN test outline the agreed policies and practices for providing students with special support, adjustments and accommodation. I trust that assists the senator.

Environment

Senator WONG (South Australia—Minister for Climate Change and Water) (3.04 pm)—I have just been provided with an answer to a question Senator Troeth asked me last year, in my capacity as Minister representing the Minister for the Environment, Heritage and the Arts, concerning the Green Loans Program and the Green Start program. I seek leave to incorporate that additional information in Hansard.

Leave granted.

The answer read as follows—

On 26 November 2009 during question time, Senator Troeth asked me a number of questions as Minister representing the Minister for the Environment, Heritage and the Arts concerning the Green Loans Program:

1. Can the Minister now confirm that there will be no training of home sustainability assessors after Christmas this year and that, secondly, no further registrations for home sustainability assessors will be accepted beyond 21 January 2010?
2. Can the Minister tell the Senate how slashing this scheme helps Australia reduce its carbon emissions?
3. As the start-up for this has been so slow, what confidence can the Australian public have that Green Start will be managed any better, given that we still do not have the details we need about the Green Loans scheme?
4. This program has an expected finish date of 2013. Can the minister confirm that the government intends to abandon this Green Loans scheme either earlier or at that stage?

The Minister for the Environment, Heritage and the Arts has provided the following:

1. Assessors conducting home sustainability assessments under the Green Loans Program are accredited by the Association of Building Sustainability Assessors (ABSA), and then contracted to the Australian Government.

In early November, ABSA announced to the industry that new applications would only be accepted from those candidates who had finished their training by 24 December 2009 and submitted a complete application by 21 January 2010.

2. The changes to the Green Loans Program the Senator refers to have had no impact on the number of Home Sustainability Assessments that will be provided and are therefore not related to ABSA’s moratorium on the accreditation of new assessors. The Government’s commitment remains to deliver up to 360,000 Homes Sustainability Assessments under the Green Loans Program, and over 120,000 assessments have already been delivered.

3. A tender process for the provision of services for the Green Start Program is currently underway.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

United Nations Framework Convention on Climate Change Conference

Emissions Trading Scheme

Senator BIRMINGHAM (South Australia) (3.05 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Abetz and Birmingham today relating to climate change.

Over a period of time that has stretched not just days and weeks but indeed months—some would even say years—but particularly during the second half of last year, the government’s emissions trading scheme was exposed. It was exposed to the Australian people and exposed by the Australian people. It was exposed as being too costly and too complex for what Australia needs to do to take responsible action when it comes to climate change and how we address environmental issues. It was exposed as having numerous flaws. It was exposed—writ large,
of course—by the time this chamber took a vote last year to defeat for a second time the government’s emissions trading scheme. By that stage, everyone across Australia increasingly understood that the government’s ETS was costly and complex, would cost jobs, would cost the Australian economy and would do all of those things for little or no environmental benefit. These are the reasons that Australia has been turning ever so strongly against the government’s ETS. I have seen it in my electorate office, as I know all of my coalition colleagues—and I am sure all senators—have seen it: the strength of opinion and the strength of opposition to this ETS and to the impact it would have on Australia.

As if there was not enough doubt already, as if there was not enough scepticism in the Australian community, along came the Copenhagen summit. Along came Copenhagen, and the scepticism and doubt that existed about the merits of the government’s ETS at that stage were exposed once and for all. It was seen to be the flawed scheme that so many had been saying it was. It became quite apparent that Australia was unreasonably getting ahead of the rest of the world and that Australia and Australian families and small businesses were going to end up paying a very, very high price, thanks to this government’s desire to introduce a very costly and complex scheme ahead of any form of sensible global action.

Of course, the Copenhagen summit saw the Prime Minister head off to Copenhagen like some medieval king who took his entire court with him. Senator Evans today gave some numbers of people the government had in Copenhagen. Along came Copenhagen, and the scepticism and doubt that existed about the merits of the government’s ETS at that stage were exposed once and for all. It was seen to be the flawed scheme that so many had been saying it was. It became quite apparent that Australia was unreasonably getting ahead of the rest of the world and that Australia and Australian families and small businesses were going to end up paying a very, very high price, thanks to this government’s desire to introduce a very costly and complex scheme ahead of any form of sensible global action.

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Senator Ludwig—You don’t believe that!

Senator BIRMINGHAM—to do so on win-win basis, Senator Ludwig—a win-win basis where we can achieve real environmental outcomes, improve the efficiency of our soils, improve the efficiency of our farms, improve the efficiency of our electricity generators, get some real benefit for Australia for the long term and focus on the five per cent reduction target, rather than taxing upon dozens upon dozens upon dozens of Australian government, state government, local government and you-name-it hangers-on going to Copenhagen for the talkfest that it ended up being. What did it produce? It produced a flimsy three-page, non-binding accord. By my reckoning there were more than 30—probably 35—people there from the Australian delegation for every page of that accord. It took 35 people to write one page of that accord, and that is all Australia got for it.

As time has gone on, we have seen that the claims the government has made about the cost of its ETS are flawed. It claimed that electricity prices would go up by 12 per cent, yet the New South Wales Independent Pricing and Regulatory Tribunal has recommended increases of between 21 and 25 per cent—double, or more than double, what the government says the price rise from its ETS would be for electricity. In Victoria there are reports that a Victorian energy company has asked the Australian Energy Regulator to permit it to increase costs that could see Victorian bills rise by 400 per cent in four years. Australian families and small businesses cannot afford the ongoing cost of the price rises that Labor’s ETS will impose on them. Instead, the coalition has today released a clear alternative, an alternative that will allow Australia to achieve a five per cent emissions reduction target, but to do so on a no-regrets basis—

Senator Ludwig—You don’t believe that!

Senator BIRMINGHAM—to do so on win-win basis, Senator Ludwig—a win-win basis where we can achieve real environmental outcomes, improve the efficiency of our soils, improve the efficiency of our farms, improve the efficiency of our electricity generators, get some real benefit for Australia for the long term and focus on the five per cent reduction target, rather than taxing upon dozens upon dozens upon dozens of
100 per cent of emissions as the government proposes to do and in the process pushing costs up for every Australian family and every Australian small business.

Senator MARSHALL (Victoria) (3.10 pm)—It must be a cruel world over there in the Liberal Party for Senator Birmingham to have to make that sort of speech when only a couple of months ago he was an enthusiastic supporter of the government’s emissions trading scheme. In fact, he had been a supporter of emissions trading throughout his political career in this place. I am sure he was one of the proud supporters of the position that the previous government—John Howard’s government—took to the election. Let no-one forget that the Liberal Party went to the last election with a policy for an emissions trading scheme. That was a policy supported by those opposite right up until a number of months ago—a policy, a position, legislation that was negotiated to agreement with the Liberal Party. It was ready to be voted on after being negotiated with the Liberal Party, and Senator Birmingham was one of those senators who was enthusiastically going to support that legislation through the parliament.

Nonetheless, his preferred leader was rolled by a single vote, even though I think there were some votes missing or some votes filled out incorrectly. I think some people in the Liberal Party could not even find their way to actually vote for either of the two candidates—it is pretty hard task for some of them. But there we go, by one vote the leadership changed. Now Senator Birmingham finds himself on the front bench of the Liberal Party and has to do these cruel things. I guess that is a reflection of the cruelty of their leadership in this place, that they would make Senator Birmingham come in here and make a speech like that—a speech which he does not believe in, which about half of the Liberal Party do not believe in. What was really surprising was that I thought when the first speaker got up in this debate, after their lead questions in question time today, he would be promoting their scheme. As 4½ minutes went by I was wondering whether he would ever actually get to their policy at all. Then, with 30 seconds to spare, Senator Birmingham brought himself to acknowledge that today they announced a policy. But was there any detail of that policy? Did he try to sell it? No, because he knows it is a hollow policy, it is an absolute con job. It puts no cap on pollution. What it says is that you can continue to pollute as much as you like and we will get the taxpayer to pay by implementing regulation. There will be no market based solution but, simply, the taxpayer will pay for the costs of pollution on which we will put no tax.

I know Senator Birmingham is a little bit embarrassed about this whole thing, and I am not surprised that he is now leaving the chamber. I think we will be here at some point in time when the wiser heads in the Liberal Party have gone back to the policy that they know was the correct policy in the first place. They did know at one point in time that the cost of failing to act was to be far greater than the cost of acting. They also knew that the best way to control emissions was by putting a cost on pollution—making the polluters pay and then using that money to drive technological change and to subsidise the community for the extra costs that would be applied through making those substantial steps. That is what it was going to be: charge the polluters and subsidise the community. They have thrown that out. They knew at one point in time that that was the best way to achieve reductions in emissions—they knew that.

One of the other really disturbing and, I think, sad things about our legislation going down late last year was the behaviour of the Australian Greens. The Australian Greens,
who say that they want to do something about climate change, stood shoulder to shoulder with the sceptics and the deniers on that side of the chamber and voted to do nothing about saving the environment. They voted to do nothing about reducing emissions in this country. They stood shoulder to shoulder in support of the deniers and the sceptics, and they ought to be condemned too. The Australian people ought not to be sucked in or fooled by the Australian Greens. When they say that they want to do something about the environment, that they stand for doing something for the environment, let no-one forget that in this place they had an opportunity to support this government in doing something about climate change but they voted to do nothing. They stood shoulder to shoulder with the deniers and the sceptics and voted to do nothing about climate change and our environment—and the Australian people ought not forget that. They will stand equally condemned as the Liberal Party.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.15 pm)—It is great to be back here and to see that the Labor Party feels that the most important thing before our nation right now—more important than the Haitian earthquake, more important than that we have some tremors once more on financial markets and that shares are starting to question whether China is closing down its credit, more important than any of that—is Labor’s ETS. That is the most important thing for the Labor Party. Let us make sure that we understand the Labor Party’s Maslow hierarchy of needs, what is most important in their lives. No. 1 is the Labor Party’s ETS. That is the most important thing.

They did such a great job at Copenhagen. Copenhagen was such a roaring success! Every night I turned on I could see the snow falling, I could see the canals freezing over and I felt like ringing up and saying: ‘Ease up guys. You’re going too hard. Pull back a bit on the reins. You’re too good at it.’ What did we achieve out of all of this? Imagine where Australia would be right now if that ridiculous policy had actually got through. We would be sitting out there as the most peculiar political object in the world, as an economic basket case brought into place by the Labor Party.

Let us go through some of the Labor Party hyperbole. First of all, they laud the process—’This is a market based scheme.’ They are dead right; it is a market based scheme. It was designed to put up the price of goods so that you cannot afford them. That is what this was designed to do and that is what it would do to the pensioners of Australia. That is what it would do to the working families of Australia and that is what it would do to the farmers of Australia. You moralise about them putting up their prices but then you say, ‘No, tarry a while, because we will give you some of your own money back.’ This is supposed to be logical. So they take the money from you and then they give it back. That is not even market based; that is confusion, except to the point where you make people’s lives miserable, where you make the price of air conditioning out of the reach of the pensioner, where the transport price on food makes it out of the reach of the people who probably do not earn the wages we do. You start putting these imposts on their lives because of your pride and overwhelming desire by the Prime Minister and Minister Wong to be the omnipotent force. They know better than all of us; they know better than all the people who rang this building. They know better than everybody. If only people knew how smart they were, they would realise how blessed we are to have them! This is the sort of Labor Party we have.

I am going to quote your famous prime minister who always said, ‘If you do not un-
derstand a tax, do not vote for it.’ I say back to the Australian people quite clearly that: if you do not understand it, do not vote for it. Unfortunately, that would mean half the Labor Party cannot vote for it either because no-one understands it. It is worse than Kafka’s *Castle*. It is noodle nation. It is everything bound up into an environmental economic train wreck. That is what we are about to get. And then Paul Keating said, ‘If you did understand it, you would never vote for it.’ That, of course, is chapter 2.

I want to add another addendum to the wisdom of Paul Keating and this is it: ‘I’m glad you brought it back because I want to do you slowly.’ I want to do you slowly. I want you sitting over there every day talking about the ETS. I want it being broadcast that what you want to deliver to the Australian working family, to the Australian public, is a massive new tax, because that is all it is. That is your benevolence to them. I can see you all barging out of the chamber because you do not want to be here. You want to be a million miles away from this and the polling is saying the same. The voters are waking up to it because all of a sudden they have realised that this massive new tax is money in your pocket and a cost to them—a cost to working families, a cost to pensioners, a cost to everybody. The trouble is that in the long term people cannot afford it.

You want to talk about the coalition policy. It is quite clear. I will give it to you quite succinctly—$3.2 billion. For the greatest moral issue of our time I think we can afford $3.2 billion. Our policy is succinct and understandable; yours is just a complete and utter cluster. That is what we are going to do to you over the next few weeks. I hope you keep it here for as long as possible because I am going to really enjoy these next couple of weeks.

**Senator MARK BISHOP** (Western Australia) (3.20 pm)—It is good to be back, of course—back into the zone where you can stand up and say what you want to advance. From the contributions so far today we have heard that some people on that side of the chamber forget nothing, they learn nothing, they change nothing and they come to this debate as they came to it last year—with ignorance, with prejudice. Their solution is one of fearmongering and cost imposition.

One also has to say by way of introduction that there is a significant degree of inconsistency in the approach of the opposition. A little less than three years ago, then under the leadership of Mr Howard, the Liberal and National coalition committed to an emissions trading scheme and they maintained that commitment under successive leaders—Mr Howard, Dr Nelson and Mr Turnbull. Then, all of a sudden, because things were going so badly and they had to change their leadership and their approach, they changed their policy from that which they had had for the best part of three or four years and that which they had communicated to the Australian people to the position recently put by Senator Joyce—a nothing position which goes nowhere, a position which advocates no change and requires no significant change and a position which has no costings.

Climate change, global warming, and the need for action was an absolute priority last year, is a priority this year and will be a priority for this government for the foreseeable future. We know that climate change and global warming is having all sorts of harmful effects across this continent and around the world. We say there needs to be change. We say there needs to be action, and there needs to be an agreed position worked out at an international level to introduce and bring that change. That will have benefits for everyone in this country: the working families, farmers, small business, large companies, ordi-
nary consumers. We need change that is going to assist them and bring benefits short-term and long-term into their lives. That was what we went to Copenhagen for. To a large degree, that was what was achieved at that conference.

We know—as outlined in today’s press—that a number of important steps were achieved and taken at Copenhagen. I will tell you what those steps were, because they are not a bad foundation for going forward across the world on an agreed basis to bring a solution to this issue of climate change and an emissions trading scheme around the world. What happened? For the first time, leaders agreed to hold any increase in global temperatures to at or below two degrees centigrade. For the first time, leaders of all nations—developed and developing nations—agreed to take action to deliver on that central core objective. For the first time, leaders agreed to a framework for national and international monitoring of what developed and developing countries will do on this issue going into the future. Again, for the first time, leaders agreed on the need for considerable financial support for emissions reduction and adaptation in developing countries. Not a bad set of achievements achieved by hard negotiation and clear-sighted vision some weeks ago in Copenhagen. Not a bad set of achievements and not a bad set of foundations on which you can build an ETS in this country going forward. We know where we are going and we know what the costs are going to be. As I say, overall, a pretty neat set of achievements.

What is the government’s position? The government’s position is quite clear. It was outlined by Senator Wong in the press today; it has been outlined repeatedly by the Prime Minister in a set of interviews given today. Let us be clear. We do not say that climate change is easy. We do not say it is going to be quick. But we do say that there is a way forward. (Time expired)

Senator IAN MACDONALD (Queensland) (3.25 pm)—If ever you want to see a political party run scared over an issue, have a look at the Labor Party over the Emissions Trading Scheme, the so-called Carbon Pollution Reduction Scheme. The speakers in this debate from the Labor Party do not even believe what they are saying. We happen to know that many Labor senators would dearly love to have had the courage to vote with us the last time it came before the Senate. The last thing they want to do is have to sit through another debate in the Senate on the same piece of legislation that most of them do not agree with.

The only thing that Copenhagen achieved—apart from proving what we on this side of the chamber had all been saying for months—is that it showed that Senator Wong and Mr Rudd and 114 other various bureaucrats and hangers-on had a lovely little holiday in Copenhagen for two or three weeks visiting the mermaid and having a jolly good time around the halls of some six-star hotels. It achieved absolutely nothing, as we predicted it would in the debate in this Senate in December.

What is worse for the Labor Party is that their policy is now in tatters—it is an absolute shambles; people are dropping off it as quickly as they can. To make matters worse for the Labor Party, today we had the next Prime Minister, Tony Abbott, releasing a practical, down-to-earth, direct action policy which will reduce carbon emissions by five per cent. It will cost the Australian people $3.2 billion over the next four years as opposed to Mr Rudd’s ETS—his big tax on everything—of $40.6 billion over the same period. Compare that! I will re-emphasise it. Our scheme, to get a five per cent reduc-
tion—$3.2 billion in four years. The Labor Party’s scheme to get a five per cent reduction in the same period—$40.6 billion.

Not only am I excited about the Emissions Reduction Fund, which we will talk about at length when we have a lot more time, but I am very excited that the other elements of our policy released by Mr Abbott today are great for those of us who live in Northern Australia. There is a lot of sunshine up my way. Under our policy, there will be $1,000 on top of what is now made available—a grant by the government for solar power and solar hot water. The solar towns and schools program—an initiative of the Howard government—is being enhanced under Mr Abbott’s policy. The significant tidal movements we have up in the north-west of Australia, particularly along the Kimberley coast—that tidal energy that has been spoken about for years—will now get a $50 million fund to fully investigate the initiative of tidal renewable energy and geothermal energy.

There is a $5 million fund, to be matched by the industry sector, to allow the testing of algae energy. I am pleased to say that is being pioneered at James Cook University in Townsville. This fund will be set up to confirm and ensure that that algal energy process does reduce CO2 emissions and does not impact on food production.

Our policy released by Mr Abbott today has 31 pages of detail and the Labor Party’s ETS policy that was released before the last election had three lines of detail—three lines of detail as opposed to 30 pages of detail. I re-emphasise in concluding that our policy will reduce emissions by five per cent by 2020 at a cost of $3.2 billion over the next four years and the Labor Party’s proposal, the carbon emissions trading scheme, will also reduce emissions by five per cent by 2020 but at a cost of $40.6 billion over the next four years.

Question agreed to.

NOTICES

Presentation

Senator Joyce to move on the next day of sitting:

That the following matter be referred to the Economics References Committee for inquiry and report by 30 April 2010:

The impact of native vegetation laws and legislated greenhouse gas abatement measures on landholders, including:

(a) any diminution of land asset value and productivity as a result of such laws;
(b) compensation arrangements to landholders resulting from the imposition of such laws;
(c) the appropriateness of the method of calculation of asset value in the determination of compensation arrangements; and
(d) any other related matter.

Senator Joyce to move on the next day of sitting:

That there be laid on the table by the Minister representing the Treasurer, no later than 9.30 am on Thursday, 4 February 2010, the final report from Australia’s Future Tax System Review Panel (the Henry Review).

Senators Bob Brown and Siewert to move on the next day of sitting:

That the Senate—

(a) recognises 2010 as the United Nations’ International Year of Biodiversity;
(b) supports the Boobook Declaration, which has been written by an alliance of 40 environment groups to highlight Australia’s worsening biodiversity crisis; and
(c) notes the Boobook Declaration’s call on the Australian Government to:

‘(1) Acknowledge the critical importance of safeguarding biodiversity as part of Australia’s climate change response and commit to correspondingly urgent action to address the systemic drivers of biodiversity loss…’
(2) …increase investment in biodiversity and ecosystem protection, restoration and management to at least $9 billion over the three years to 2012 and establish an independent … consultative process into future funding and stewardship of Australia’s, [sic] terrestrial, aquatic and marine biodiversity;

(3) Restore and increase … publicly funded research [capacity, especially in biodiversity conservation] … and

(4) Develop … education and training programs … [for] all sectors of the … community [including on the importance and protection of biodiversity].

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

That there be laid on the table by the Minister representing the Minister for Trade, no later than 22 February 2010, the information referred to in the answer to question on notice no. 2366 (notice given 25 September 2009) regarding landholder agreements with Australian Solomons Gold Limited (ASG) for the Gold Ridge Mine project in the Solomon Islands and, specifically, the information the Government and the Export Finance and Insurance Corporation are relying on to assess ‘the impact on communities of the Gold Ridge Mine’ and the ‘negotiation process that culminated in ASG and landowners signing agreements’.

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

That the Senate, noting the similar resolution of the European Parliament on 25 November 2009:

(a) reiterates its longstanding opposition to the death penalty in all cases and under all circumstances;
(b) recalls Australia’s strong commitment to working towards abolition of the death penalty everywhere and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;
(c) recognises the positive move by China’s Supreme People’s Court, in January 2007, to review death sentences but deplores the fact that it has not led to a significant decrease in the number of executions in China and remains concerned that China still carries out the greatest number of executions worldwide;
(d) urges the Chinese Government to adopt a moratorium on the death penalty immediately and unconditionally, this being seen as a crucial step towards abolition of the death penalty;
(e) strongly condemns the executions of the two Tibetans, Lobsang Gyalsen and Loyak, and of the nine persons of Uighur ethnicity following, respectively, the events in March 2008 in Lhasa and the riots of 5 July to 7 July 2009 in Urumqi; and
(f) calls on the Chinese authorities to suspend all the other death sentences passed by the Intermediate People’s Courts of Lhasa and Urumqi and to commute those sentences, in the case of persons duly found guilty of acts of violence, to terms of imprisonment.

Senator Ronaldson to move on the next day of sitting:

That the following matter be referred to the Economics References Committee for inquiry and report by 30 June 2010:

The access of small businesses to finance, including:

(a) the costs, terms and conditions of finance and changes to lending policies and practices affecting small businesses;
(b) the importance of reasonable access to funding to support small business expansion and the sector’s contribution to employment growth and economic recovery;
(c) the state of competition in small business lending and the impact of the Government’s banking guarantees;
(d) opportunities and obstacles to other forms of financing, for example, equity to sup-
port small business ‘start ups’, liquidity, growth and expansion;
(e) policies, practices and strategies to enhance access to small business finance that exist in other countries; and
(f) any other related matters.

Senators Hanson-Young and Siewert to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) Tuesday, 2 February 2010 was World Wetlands Day,
(ii) the day marks the anniversary of the signing of the Convention on Wetlands of International Importance (the Ramsar Convention) in Ramsar, Iran on 2 February 1971, and
(iii) in 2010, the focus of World Wetlands Day is on ‘caring for our wetlands – an answer to climate change’, highlighting the continuing threat our wetlands face from unsustainable human practices and the likely impact that climate change will have on our wetland ecosystems;
(b) recognises that:
(i) fair water sharing across the basin is the only way the environment and those relying on the river system will be protected and sustainable,
(ii) South Australia’s Lower Lakes are at crisis point and need the full attention of the Federal Government, and
(iii) implementation of the Basin Plan urgently needs to be fast-tracked as the Lower Lakes and Coorong can not wait until 2019 for all states to participate in a cap on sustainable diversions and basin-wide water sharing arrangements; and
(c) calls on the Government to:
(i) establish an independent national authority with the powers to make decisions in the best interests of our rivers and wetlands, that cannot be vetoed by individual states,
(ii) provide greater resources for the understanding and management of the resilience of our wetlands to the impacts of climate change, and
(iii) ensure that South Australia’s iconic wetlands do not lose their Ramsar Convention listing.

Senator Eggleston to move on the next day of sitting:
That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 4 February 2010, from 5 pm, to take evidence for the committee’s inquiry into the Australian dairy industry.

Senator Scullion to move on the next day of sitting:
That the time for the presentation of the fourth report of the Select Committee on Regional and Remote Indigenous Communities be extended to 13 May 2010.

Senator McEwen to move on the next day of sitting:
That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on sustainable management by the Commonwealth of water resources be extended to 6 May 2010.

Senator Scullion to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to protect the interests of Aboriginal traditional owners in the management, development and use of native title land situated in wild river areas, and for related purposes. Wild Rivers (Environmental Management) Bill 2010.

Senator Xenophon to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995 to protect minors by introducing offences about misrepresentation of age online. Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010.

Senator Milne to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) achieving deep cuts in greenhouse gas emissions in the medium term requires the rapid expansion of renewable energy,

(ii) the price of Renewable Energy Certificates (RECs) has collapsed because the supply of RECs exceeds demand,

(iii) the price of RECs is forecast to remain too low to support large-scale renewable energy projects for some years, stalling wind industry investment and threatening the Solar Flagships program for large-scale solar,

(iv) the large number of RECs being created by a surge in solar and heat pump hot water and photovoltaic system installations is a major contributor to the problem, and

(v) these industries have been stimulated by:

(A) the rebate for solar hot water systems ($1 600) and heat pumps ($1 000),

(B) the introduction of the Solar Credits Scheme multiplier which provides four ‘phantom’ deemed RECs for systems up to 1.5 kilowatt in size, and

(C) dubious methodologies for calculating the number of deemed RECs, particularly for some heat pump systems; and

(b) calls on the Government to immediately address the flaws in the design of its Renewable Energy Target so that a genuine 20 per cent of renewable energy by 2020 can be achieved.

Senator Siewert to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999 to prohibit the provisions of services, support and resources to whaling ventures. Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010.

Senator Siewert to move on the next day of sitting:

That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 September 2010:

(a) the large variation in compensation payments and reparations across state and federal jurisdictions provided to those adversely affected by government policies or unlawful actions;

(b) the need for clarity, proportionality and justice in ensuring that compensation and reparations are appropriate to the amount of harm suffered and opportunities foregone; and

(c) the possibility of the Commonwealth providing national leadership and coordination to ensure consistent and equitable compensation is provided by states on issues of national significance, such as the forced removal or institutional abuse of children, or the misappropriation of wages.

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

That the Senate—

(a) notes that:

(i) more than 240 Tamil asylum seekers remain on their boat in the Indonesian port of Merak, in increasingly squalid conditions after more than 3 months, and

(ii) this boat was intercepted by Indonesia at Australia’s request in October 2009;

(b) recognises:

(i) of the 240 on board, 100 have been found to be genuine refugees by the United Nations High Commissioner for Refugees, yet they are afraid to leave the boat under the threat of removal to Indonesian detention centres, and
(ii) Australia’s obligations as a signatory to the United Nations Convention relating to the Status of Refugees; and
(c) calls on the Government to immediately step in and end the standoff over the Tamil asylum-seekers who have been left in squalid conditions on a boat at Merak, Indonesia for 115 days.

Senator Milne to move on the next day of sitting:
That the Senate—
(a) notes, with grave concern that:
(i) several thousand Home Sustainability Assessors under the Government’s Green Loan Program (the program) have been denied any work for more than 1 month since Christmas 2009 due to the mismanaged shutdown of the program’s phone booking service, leaving many in severe financial hardship, and
(ii) the company Fieldforce has consistently received preferential treatment through the program including being allowed to book as much work as it wanted during the shutdown period, despite thousands of other assessors being forced to go without work; and
(b) calls on the Government to:
(i) immediately provide clear and accurate information to the thousands of assessors regarding their ongoing work prospects,
(ii) reveal immediately the special conditions and treatment being offered to Fieldforce, and
(iii) review the program so that it provides a credible program, ensuring ongoing work for those Australians who have invested to become Home Sustainability Assessors on the back of the Government’s assurances.

LEAVE OF ABSENCE
Senator O’Brien (Tasmania) (3.33 pm)—by leave—I move:
That leave of absence be granted to the following senators:
(a) Senator Carol Brown from 2 to 4 February 2010 for personal reasons; and
(b) Senator Faulkner on 4 February 2010 on account of parliamentary business overseas.

Question agreed to.

Senator Parry (Tasmania—Manager of Opposition Business in the Senate) (3.34 pm)—by leave—I move:
That leave of absence be granted to Senator Heffernan for the period 2 February till 4 February 2010 on account of personal reasons.

Question agreed to.

COMMITTEES
Environment, Communications and the Arts References Committee
Extension of Time
Senator O’Brien (Tasmania) (3.34 pm)—by leave—At the request of Senator McEwen, I move:
That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on Australia Post’s treatment of injured and ill workers be extended to 17 March 2010.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee
Extension of Time
Senator O’Brien (Tasmania) (3.35 pm)—by leave—At the request of Senator Crossin, I move:
That the time for the presentation of the reports of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Bankruptcy Legislation Amendment Bill 2009 and the Native Title Amendment Bill (No. 2) 2009 be extended to 23 February 2010.

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 Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 22 February 2010.

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 References Committee, postponed till 4 February 2010.

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 22 February 2010.

ASYLUM SEEKERS

Order

Senator HUMPHRIES (Australian Capital Territory) (3.36 pm)—At the request of Senator Fierravanti-Wells, I move:

That there be laid on the table by the Minister representing the Prime Minister, no later than 2 pm on 3 February 2010, documents outlining or including the following:

(a) details of the formulation, discussions and approval of the letter from Mr Jim O’Callaghan, Minister-Counsellor Immigration, Australian Embassy, Jakarta, Indonesia, entitled Message to the 78 passengers on the Oceanic Viking, dated November 2009, and the letter from Mr Andrew Metcalfe, Department of Immigration and Citizenship, to Senator Evans, Minister for Immigration and Citizenship, dated 16 November 2009, including any arrangements, undertakings or special circumstances with the United Nations High Commissioner for Refugees and Indonesia regarding processing and resettlement of the asylum seekers from the Oceanic Viking; and

(b) details of any committee involvement in relation to the letters referred to in paragraph (a), including:

(i) the name of the committee,

(ii) the date, time and duration of the meeting of the other committee, and

(iii) details of all the attendees at each meeting, including the name and position of each attendee and the capacity in which they attended the meeting.

Question put.

Senator O’Brien—Mr Deputy President, I am not sure how the Greens have voted. Can you assist me with that? If they have voted with the opposition, we will call a division.

The DEPUTY PRESIDENT—I think they voted no.

Senator O’Brien—in which case, the motion should be put to a division.

A division having been called and the bells being rung—

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—by leave—I move:

That the division not take place.

Senator O’Brien—I understand thereby that there is a proposal to put the question again. Is that correct, Senator Brown?

Senator BOB BROWN—Yes.

The PRESIDENT—All right. The question now is that the motion moved by Senator Humphries be agreed to.

Question agreed to.

Senator O’Brien—I seek leave to make a short statement.

Leave granted.

Senator O’Brien—The government oppose this motion. We recognise that, now, it having the support of the opposition and
the Greens, it will pass. We will therefore not call a division.

MINISTERIAL STATEMENTS

Afghanistan

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.43 pm)—I table a ministerial statement on Afghanistan.

Higher Education Revolution

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.43 pm)—I table a ministerial statement on the higher education revolution, and I seek leave to move a motion in relation to the statement.

Leave granted.

Senator CARR—I move:

That the Senate take note of the statement.

It is impossible to overstate how important universities are to our innovation system. They are engines of invention and discovery. They create new knowledge and they produce people with the skills to apply that knowledge in the real world. They are places where new industries, products—

The DEPUTY PRESIDENT—Order! Would senators please conduct their conversations outside of the chamber. Senator Carr.

Senator CARR—Universities are places where new industries, products and services are born. They are increasingly vital hubs in the industry networks and the clusters of the knowledge economy. If we neglect our universities, the whole innovation system suffers. No nation can compete internationally without an internationally competitive university system. This is precisely the kind of system this government is building with a sweeping program of investment and reform that will deliver excellence in research, in teaching, in learning, in community engagement and in collaboration with industry. We cannot achieve these things without making substantive changes, both structurally and culturally. Individuals and institutions must get better at working together, at sharing resources and at thinking about how they can contribute most effectively to the success of the system as a whole. We must be more international in our outlook. We must be ready to face comparison with the world’s best. The government’s higher education revolution is all about harnessing the creativity of the Australian people and applying it to the great task of improving our standard of living and enriching our ways of life.

The statement which we have tabled today has been prepared jointly by me and the Minister for Education. It provides a snapshot of our progress to date and our priorities for 2010.

Senator MASON (Queensland) (3.46 pm)—I thank Senator Carr. I have read the statement, and there is much the coalition agrees with. Indeed, the debate is not so much about the objectives or ends but about the means. There is much commonality between both the coalition and the government in the area of higher education.

The general policy contrast is that the coalition trusts universities, it trusts students to control their destiny and it believes that in general universities and students should be the architects of higher education, not governments and not the bureaucracy. The minister is right. The most important skill Australians need in their career or in their life is the ability to continually acquire new skills and the capacity for lifelong learning or training. Our universities—the minister is quite right—are central to this challenge.

It is 30 years since I first went, as an undergraduate, to university. It does seem like yesterday but the difference is now stark, because when I went to university I was competing for jobs with young Australians
living and working in my city, which was the city of Canberra. But it is not like that anymore. Young people studying in Canberra or indeed in Sydney are competing for jobs not just with young people living in their local district, not even young people living in the same state or indeed anymore in the same country, but increasingly with young people living in Hanoi, Budapest, Warsaw or London. That is what has changed over the last 30 years since I first went, as an undergraduate, to university. That has changed enormously the impact and the importance of universities on the lives of young Australians. That is why increasingly today every Australian university is now competing not just for students but also for staff, for funding and for growth opportunities.

As I move about talking to universities—and I am sure Senator Carr hears the same thing—they will say, ‘Look, Senator Mason, we are having to compete to attract people from overseas to our universities and to keep staff here in Australia.’ The government’s document understands that and acknowledges that. But that again is a huge change from 30 years ago where far more people stayed in Australia as academics and their entire lives were spent at one, two or three higher education institutions. Today many of our best and brightest go overseas.

The Bradley review was the government’s flagship review of higher education. The coalition supports much of what Professor Bradley and her team recommended. But the Bradley reforms are not the end of reform; they are just the first stage of the debate and the ongoing reform. The move towards a student demand-driven system proposed by Bradley and endorsed by the government is a good start. The coalition acknowledges that. But we believe the future holds scope for yet greater freedom and greater flexibility to be introduced in the higher education system both for students and for institutions themselves. Some flexibility has been built in but we believe there is room for much more, at least in the medium term.

There are some risks. The document discusses this but there are risks that I have spoken about on several occasions and Senator Carr has heard me speak about this at estimates. The government talks about compacts. The compacts are, in a sense, what the government uses to govern their relationship with universities, and funding will be based on these compacts. In a sense I have nothing against that and neither does the coalition. But the problem is that I would hate for compacts to be used to, in a sense, cement the status quo. That is what I would not want to see. The university that I used to lecture at, the Queensland University of Technology in Brisbane, has been a great success story over the last five years. I am sure Senator Carr would acknowledge that. It has moved up the Times education rankings enormously—after I left, I might add! But it is true. I would not want to see compacts used to calcify the status quo. Caltech, the California Institute of Technology, is now one of the world’s top 10 universities and yet it is a very new university. I just say to the government: let us hope the compacts allow for competition and flexibility.

I know that increased participation is one of the government’s key objectives in higher education. Again, the coalition has no objection to the idea of increasing participation, particularly in those target groups that the Deputy Prime Minister and Senator Carr
have addressed in the past, quite rightly: In-
digenous students, kids from rural and re-
gional backgrounds and young people from
disadvantaged backgrounds. That objective
is noble, but what worries me is this. It is all
very well to talk about creating more places
for disadvantaged students—that is fine—but
that is not really the problem. There is virtu-
ally no unmet demand in this country for
young people, properly qualified, to go to
university. If you are properly qualified, you
can get in, basically. I do not think the prob-
lem is with the supply of places to univer-
sity; it is with the demand for university
places.

I look back to when I was young and Mr
Whitlam abolished tertiary fees. I am sure he
did it with the best of motives, thinking,
‘This will open the doors for students from
disadvantaged backgrounds.’ But did it do
that? No, it did not. What it did was encour-
age more middle-class young people to go to
university, and it did not change the social
composition of those who went to university.
Why? Because the issue is not so much
about money; it is about the culture and
about aspirations even more than it is about
money. So the coalition is far more con-
cerned with concentrating on creating de-
mand and increasing the aspirations of stu-
dents in those disadvantaged groups than it is
with increasing the supply of university
places. In essence, if you are qualified today
basically you can get in, although I admit
there has been a slight blip given the global
financial crisis.

When it comes to creating demand, the
government has touched on some of the is-
ues. It is about increasing literacy and nu-
meracy. The My School website, which
Senator Carr mentioned today in question
time, is part of it. I agree with that, but of
course the architecture of that was devised
by the coalition. NAPLAN, the national test-
ing, was the coalition’s idea. I should just
correct Senator Carr. We do not oppose the
My School website or the My School pro-
posal; we simply think it does not go far
enough. The coalition believe that in fact if
schools are given greater autonomy—if
school principals are given greater auton-
omy, if school communities are given greater
autonomy—that will mean that student edu-
cation is far better. It will mean a more flexi-
ble school community and, most importantly,
far greater accountability. When you have
got school principals who are accountable to
their school communities, you then have a
situation where results really do matter. That
is really what the coalition is concerned
about.

While I agree with much of what the min-
isterial statement on higher education says—
and I think the Bradley review was a very
good start—the great failings are simply a
concentration far too much on the supply of
university places as opposed to the demand
for them and not enough concentration on
creating that demand in disadvantaged areas
where we need to create it. That will only
happen with greater accountability in our
school system.

Question agreed to.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—Pursuant
to standing orders 38 and 166, I present
documents as listed below which were pre-
sented to the President, the Deputy President
and temporary chairs of committees since the
Senator last sat. In accordance with the terms
of the standing orders, the publication of the
documents was authorised.

The list read as follows—

(a) Document certified by the President
Commonwealth Ombudsman—Report for the
period 1 July 2008 to 30 June 2009 on the Omb-
dudsman’s activities under Part V of the Austra-

(b) Committee reports

1. Environment, Communications and the Arts References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Impact of mining operations on the Murray-Darling Basin (presented to the President on 4 December 2009, 9.07 am AEST).

2. Legal and Constitutional Affairs References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Australia’s judicial system and role of judges (presented to the President on 7 December 2009, 3.45 pm AEST).

3. Legal and Constitutional Affairs References Committee—Report—Australia’s judicial system and role of judges—Errata (presented to the President on 8 December 2009, 1.21 pm AEST).

4. Legal and Constitutional Affairs References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Access to justice (presented to the President on 8 December 2009, 1.21 pm AEST).

5. Rural and Regional Affairs and Transport References Committee—Interim report—Rural and regional access to secondary and tertiary education opportunities (presented to the President on 11 December 2009, 11.58 am AEST).


7. Rural and Regional Affairs and Transport References Committee—Interim report—Natural resource management and conservation challenges (presented the President, on 18 December 2009, 10.23 am AEST).

8. Rural and Regional Affairs and Transport References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Rural and regional access to secondary and tertiary education opportunities (presented the President, on 18 December 2009, 10.23 am AEST).

9. Foreign Affairs, Defence and Trade References Committee—Interim report—Security challenges facing Papua New Guinea and the island states of the southwest Pacific (presented to temporary chair of committees, Senator Moore, on 21 December 2009, 10.50 am AEST).

10. Rural and Regional Affairs and Transport References Committee—Interim report—Natural resource management and conservation challenges (presented to temporary chair of committees, Senator Ryan, on 23 December 2009, 10.42 am).

11. Community Affairs Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and related bills, together with the Government amendments to the bills circulated on 28 October 2009 and any related matter (presented to the President on 1 February 2010, 5.27 pm).

(c) Government response to parliamentary committee report


2. Education, Employment and Workplace Relations References Committee—Report—DEEWR tender process to award employment services contracts (presented to temporary chair of committees, Senator Humphries, on 28 January 2010, 3.08 pm).

(d) Government documents

1. Screen Australia—Report for 2008-09—Correction (presented to the President on 3 December 2009, 8.48 AEST).

2. Acts Interpretation Act—Statement pursuant to subsection 34C relating to the extension for presentation of a report—Torres Strait Regional Authority—Report for 2008-09 (presented to the President on 3 December 2009, 8.48 AEST).


5. High Court of Australia—Report for 2008-09 (presented to the President on 11 December 2009, 2.43 pm AEST).


7. Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2009 (presented to the President on 14 December 2009, 9.50 am AEST).


10. ASC Pty Ltd—Report for 2008-09 (presented to temporary chair of committees, Senator Humphries, on 17 December 2009, 2.46 pm).


15. Australian Customs and Border Protection Service (formerly the Australian Customs Service)—Report for 2008-09—Correction (presented to the President on 21 December 2009, 1.40 pm AEST).


22. Productivity Commission—Report no. 49—Executive remuneration in Australia (presented to the President on 4 January 2010, 8.40 am AEST).


25. Australian Communications and Media Authority (ACMA)—Communications report for 2008-09 (presented to the President on 12 January 2010, 3.22 pm AEST).

27. National Rural Advisory Council (NRAC)—Report for 2008-09 (presented to the President on 13 January 2010, 10.29 am AEST).


36. Tax expenditures statement 2009 (presented to temporary chair of committees, Senator Troeth, on 29 January 2010, 12.09 pm).

(e) Reports of the Auditor-General

1. Audit report no. 16 of 2009-10—Performance audit—Do Not Call Register: Australian Communications and Media Authority (presented to temporary chair of committees, Senator Ryan, on 16 December 2009, 1.31 pm).


3. Audit report no. 18 of 2009-10—Performance audit—LPG Vehicle Scheme: Department of Innovation, Industry, Science and Research, Centrelink, Medicare Australia (presented to the President, on 18 December 2009, 10.23 am AEST).

4. Audit report no. 19 of 2009-10—Performance audit—Child Support Reforms: Stage one of the Child Support Scheme reforms and improving compliance: Department of Human Services, Department of Families, Housing, Community Services and Indigenous Affairs, Centrelink (presented to the President, on 18 December 2009, 10.23 am AEST).

(f) Returns to order


2. Workplace Relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral Intergovernmental agreements (unsigned version) (presented to temporary chair of committees, Senator Moore, on 5 January 2010, 2 pm AEST). [Note: motion of Senator Fisher agreed to 18 November 2009.]

3. Workplace Relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral Intergovernmental agreements (signed version) (presented to the President on 7 January 2010, 10.39 am AEST). [Note: motion of Senator
(g) Letters of advice relating to Senate orders

1. Letters of advice relating to lists of departmental and agency appointments/vacancies:
   - Department of Infrastructure, Transport, Regional Development and Local Government (received 21 January 2010)
   - Veterans’ Affairs portfolio agencies (received 28 January 2010)
   - Broadband, Communications and the Digital Economy portfolio agencies (received 29 January 2010)
   - Health and Ageing portfolio agencies (presented to the President on 1 February 2010, 9.20 am)
   - Department of the Prime Minister and Cabinet (presented to the President on 1 February 2010, 11.40 am)
   - Australian Public Service Commission (presented to the President on 1 February 2010, 11.40 am)
   - Office of the Commonwealth Ombudsman (presented to the President on 1 February 2010, 11.40 am)
   - National Archives of Australia (presented to the President on 1 February 2010, 11.40 am)
   - Old Parliament House (presented to the President on 1 February 2010, 11.40 am)
   - Department of Agriculture, Fisheries and Forestry (presented to the President on 1 February 2010, 11.40 am)
   - Department of the Treasury (presented to the President on 1 February 2010, 11.40 am)
   - Department of Immigration and Citizenship (presented to the President on 1 February 2010, 11.40 am)
   - Office of the Inspector-General of Intelligence and Security (presented to the President on 1 February 2010, 11.40 am)
   - Office of the Privacy Commissioner (presented to the President on 1 February 2010, 11.40 am)
   - Australian National Audit Office (presented to the President on 1 February 2010, 11.40 am)
   - * Finance and Deregulation portfolio agencies (presented to the President on 1 February 2010, 4.52 pm)
   - * Attorney-General’s portfolio agencies (presented to the President on 1 February 2010, 4.52 pm)
   - Australian Institute of Family Studies (presented to the President on 1 February 2010, 4.52 pm)
   - Office of National Assessments (presented to the President on 1 February 2010, 4.52 pm)
   - Department of Human Services (presented to the President on 1 February 2010, 4.52 pm)
   - Climate Change portfolio agencies [2] (presented to the President on 1 February 2010, 4.52 pm and 5.27 am)
   - * Innovation, Industry, Science and Research portfolio agencies (presented to the President on 1 February 2010, 5.27 pm)

2. Letters of advice relating to lists of departmental and agency grants:
   - Department of Veterans’ Affairs (presented to temporary chair of committees, Senator Bernardi, on 28 January 2010, 9.14 am CST)
   - Broadband, Communications and the Digital Economy portfolio agencies (presented to temporary chair of committees, Senator Troeth, on 29 January 2010, 12.09 pm)
   - National Archives of Australia (presented to the President on 1 February 2010, 11.40 am)
   - Old Parliament House (presented to the President on 1 February 2010, 11.40 am)
   - Department of Agriculture, Fisheries and Forestry (presented to the President on 1 February 2010, 11.40 am)
   - Department of the Prime Minister and Cabinet (presented to the President on 1 February 2010, 11.40 am)
   - Department of the Treasury (presented to the President on 1 February 2010, 11.40 am)
   - Department of Immigration and Citizenship (presented to the President on 1 February 2010, 11.40 am)
   - Office of the Inspector-General of Intelligence and Security (presented to the President on 1 February 2010, 11.40 am)
   - Treasury portfolio agencies (presented to the President on 1 February 2010, 11.40 am)
The DEPUTY PRESIDENT—In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in Hansard.

The documents read as follows—

Government Response to Report 91 of the Joint Standing Committee on Treaties regarding Treaties between Australia and the United Arab Emirates on Extradition and Mutual Assistance in Criminal Matters

The Extradition Treaty

General comments

The Government thanks the Committee for its consideration of the Treaty on Extradition between Australia and the State of the United Arab Emirates. In expressing its conclusions on the Extradition Treaty, the Committee stated ‘it has concerns in relation to the general operation of Australia’s current treaty model for extradition’. It said that ‘Australia’s responsibility for persons extradited from Australia should not end at the conclusion of the extradition process, but should extend to monitoring the detention of extradited persons, the judicial proceedings they are subject to, their sentencing and their imprisonment.’

The Government appreciates the Committee’s views on this issue. However, the imposition of a general monitoring scheme for Australia’s extradition arrangements as proposed by the Committee would represent a significant and substantial change to such arrangements, and would significantly alter the basis on which extraditions are conducted in terms of both Australian and international practice.

Australia is currently a party to 34 modern bilateral extradition treaties and more than 20 multilateral treaty instruments which include extradition obligations, and also participates in various non-treaty arrangements based on understandings of reciprocity. None of the existing arrangements provide for monitoring of persons following extradition, and the Government is not aware of any international extradition agreements which contemplate such measures.

Australia could seek to have such measures included in extradition treaties. However, given the
novelty of the proposed measures in the context of established practice, attempts to impose such measures, whether by treaty provision or otherwise, are likely to be strongly resisted by our existing and potential extradition partners, including on the grounds the measures would infringe the criminal justice processes and sovereignty of the requesting State. Insistence on such measures as a general condition of extradition is likely to preclude effective extradition relationships with a significant number of existing and future extradition partners. This would risk Australia becoming a safe haven for fugitives from many countries.

In general terms – and as a matter of international practice – the Vienna Convention on Consular Relations, which to a large extent codifies customary international law, provides for a State’s right to directly monitor proceedings against its nationals who are subject to detention or prosecution in another State. Accordingly, while Australia may implement monitoring measures in relation to Australian nationals extradited overseas (and has done so), the Vienna Convention does not provide any right to access citizens of other countries. There are also practical obstacles to extending this type of arrangement to all persons extradited from Australia, including the resources and expertise that would need to be deployed.

To the extent the Committee’s concerns relate to the potential abuse of the human rights of persons who are extradited from Australia, the Government considers such concerns are more appropriately addressed in the context of the extradition process, rather than through the establishment of a detailed monitoring mechanism. Such a mechanism could only come into effect after the event, would be dependent on the preparedness of the government of the relevant country and the relevant local legislation to allow such monitoring and could not provide any legal basis for Australia to act on concerns in relation to the person surrendered. Thus, for example, if there is a real risk that the person may be subject to the death penalty or torture upon surrender, then extradition must be refused as a matter of law, according to subsection 22(3) of the Extradition Act 1988. This approach is consistent with Australia’s settled approach to the removal of persons through other processes, such as under the Migration Act 1958, and with Australia’s obligations under international human rights treaties. Under those treaties, any assessment of whether a person may be subject to the death penalty or torture must be carried out before their removal from Australia, not after.

**Recommendation 1**

The Committee supports the Treaty on Extradition between Australia and the State of the United Arab Emirates and recommends that binding treaty action be taken.

The Government accepts this recommendation, and will arrange the making of regulations under the Extradition Act 1988 in order to implement the treaty.

**Recommendation 2**

The Committee recommends that new and revised extradition agreements should explicitly provide a requirement that the requesting country provide annual information concerning the trial status and health of extradited persons and the conditions of the detention facilities in which they are held.

The Government does not accept this recommendation. It is not aware of any precedents for such a requirement in existing bilateral and multilateral extradition agreements. Many current and potential extradition partners would not be prepared to accept explicit obligations of this nature in extradition agreements. A requirement to provide such information in relation to all persons who have been subject to extradition to or from Australia would also impose significant and unwarranted administrative burdens on the justice and correctional authorities of the relevant jurisdictions.

**Recommendation 3**

That the Australian Government develop and implement formal monitoring arrangements for Australia’s bilateral extradition treaties which include the following elements:

- The Attorney-General’s Department informs the Department of Foreign Affairs and Trade of each extradition, including the terms of the relevant extradition agreement and any special conditions applying to the case.
- The Department of Foreign Affairs and Trade would be expected to formally monitor all extradited Australians through the consular network.
In the event that a foreign national is extradited to their country of citizenship, the extradition should be made on the understanding that the Australian Government will be informed through its diplomatic representatives of the outcome of the prosecution and the ongoing status of the person while in custody as a result of a conviction. The Australian consular networks would be expected to monitor and report on the condition of the extradited person until they have served their sentence and were released.

In the event that a foreign national is extradited to a third country, the extradited person's country of citizenship should be informed and asked to monitor that person's trial status and health and the conditions of the detention facility in which they are held and report to the Australian Government if it has the capacity and is willing to do so. In the event that an extradited person's country of citizenship does not have the capacity to monitor the extradited person or is not willing to do so, then the Australian Government should monitor the person's trial status and health and the conditions of the detention facility in which they are held through Australia's consular network until that person is acquitted or, if convicted and imprisoned, their sentence is served, they are released and leave the country.

The Government does not accept this recommendation. As outlined above, Australia is able to implement monitoring mechanisms in relation to Australian nationals detained overseas (including persons who have been extradited from Australia), and has done so. However, this does not apply in relation to foreign nationals. The Government recognises it has a specific role in relation to the welfare of Australian nationals, and this accords with the Vienna Convention on Consular Relations, which provides an exception to the general rule of non-interference in relation to monitoring the welfare of nationals.

Australia's ability to introduce monitoring regimes for non-Australians extradited overseas would depend, in the first instance, on the consent of the requesting country. As outlined above, we assess that many foreign countries would not be prepared to accept such arrangements. There is no provision for such regimes under our extradition treaties or other international instruments, so it would not be lawfully open to Australia to insist on such arrangements as a condition of extradition.

As a matter of practice, the provision of such assistance to foreigners who have been extradited overseas would place pressure on the limited resources of Australia's consular network, which has been established to assist Australians overseas.

In summary, the Government will maintain the following measures:

(a) The Attorney-General's Department will continue to inform the Department of Foreign Affairs and Trade of each extradition of an Australian citizen and permanent resident, including the terms of the extradition and any special conditions applying to the case.

(b) The Department of Foreign Affairs and Trade will continue to monitor all extradited Australian citizens and permanent residents through the consular network, to the extent that this is practically and legally possible (the Vienna Convention only specifically refers to consular rights in relation to Australian citizens, and in any case, Australian citizens or residents may at any time refuse assistance or withdraw their consent to being monitored).

(c) In relation to foreign nationals sought for extradition from Australia by a third country, the question of monitoring the person following extradition is fundamentally a matter for the person and his or her country of nationality. When foreign nationals are detained in Australia (e.g., in the context of extradition proceedings), law enforcement officers must inform them that they are entitled to request that their consular authorities be informed of their detention, and the consular authorities are entitled to visit and communicate with the relevant person, including in relation to the extradition. Once an extradition has taken place, it is the responsibility of the requesting country to enable consular access to the foreign national as appropriate.
Recommendation 4

The Committee recommends that the Attorney-General’s Department and/or the Department of Foreign Affairs and Trade include in their annual report to Parliament the following information concerning the operation of Australia’s extradition agreements:

- the number of extradition requests made, granted and refused including the countries making the requests and the alleged offences involved;
- whether any waivers to provisions in an extradition treaty have been sought by any country and, if so, whether they were granted;
- the number of persons extradited (Australian citizens, permanent residents of Australia, foreign nationals); and
- whether any breaches of bilateral extradition agreements have been noted by Australian authorities and what action was taken.

Also, in respect of each extradited person the following details should be reported:

- their name, nationality and the country to which they have been extradited;
- the person’s trial status, i.e. whether they have been tried and sentenced, and the period of detention prior to trial;
- the means of monitoring the trial status and health of extradited persons and the conditions of the detention facilities in which they are held, i.e. through the Australian consular network or by some other means; and
- the outcome of the trial, if applicable, including convictions and sentencing.

The Government accepts this recommendation in part. The Attorney-General’s Department has provided information on extradition matters in its annual reports to Parliament dating back to the late 1980s. This information currently includes the number of requests made, granted and refused, the countries which have made extradition requests (except in limited circumstances where the existence of a request prior to arrest of the person may alert the person to pending law enforcement interest), the number and nationality of persons who have been extradited, and the categories of offences for which extradition has been granted.

In response to the Committee’s recommendation, the Government will include the following additional information in annual reports of the Attorney-General’s Department:

(a) in relation to extradition requests granted by Australia, future reports will identify the categories of the relevant offences by reference to the countries which made the request
(b) information on the number of Australian permanent residents extradited, and
(c) information on any breaches of substantive obligations under bilateral extradition agreements noted by Australian authorities.

The Committee’s recommendation for the inclusion of information on requests for ‘waivers to provisions in an extradition treaty’ appears to relate to requests for waiver of the speciality rule in accordance with the provisions of the relevant treaty (e.g., as provided for in Article 14 of the Extradition Treaty with the United Arab Emirates). The Government agrees to include such information in future annual reports for the Attorney-General’s Department.

In relation to the proposed reporting of details in respect of each extradited person, the Government does not support the inclusion of any details expressly identifying the individuals (including the person’s name). Although proceedings to determine eligibility for extradition are generally open to the public, this does not apply to subsequent stages of the extradition process. The ongoing and widespread publication of details regarding identifiable individuals through reports to Parliament would represent an unwarranted intrusion into their privacy.

As outlined in our response to recommendation 3, the Government will maintain monitoring measures in relation to extradited Australian citizens and permanent residents, to the extent this is practically and legally possible. The relevant details regarding such persons (without expressly identifying the persons) will be included in annual reports for the Attorney-General’s Department.
The Mutual Assistance Treaty
The Government thanks the Committee for its consideration of the Treaty between Australia and the State of the United Arab Emirates on Mutual Assistance in Criminal Matters.

Recommendation 5
The Committee supports the Treaty between Australia and the State of the United Arab Emirates on Mutual Legal Assistance in Criminal Matters and recommends that binding treaty action be taken.

The Government accepts this recommendation, and will arrange the making of regulations under the Mutual Assistance in Criminal Matters Act 1987 in order to implement the treaty.

Recommendation 6
The Committee recommends that the Parliamentary Joint Committee on Intelligence and Security be asked to undertake a general review of Australian policy and procedures concerning police-to-police cooperation and other information exchanges, including intelligence sharing arrangements, with a view to developing new instructions to regulate police-to-police and other assistance arrangements not governed by agreements at the treaty level. The instructions should prevent the exchange of information with another country if doing so would expose an Australia citizen to the death penalty.

The Government does not accept this recommendation. The functions of the Parliamentary Joint Committee on Intelligence and Security (PJCIS) are defined by statute and limited to certain reviews in respect of Commonwealth intelligence and security agencies. The functions of the PJCIS do not extend to review of Commonwealth law enforcement agencies. The proposed inquiry would fall largely outside the statutory terms of reference for the PJCIS.

In May 2008, prior to the release of the Committee’s report, the Attorney-General directed the Attorney-General’s Department and the Australian Federal Police to review procedures for assistance in foreign investigations and prosecutions which may involve the possible application of the death penalty. The Government will announce the outcomes of the review once it has been completed.

Government Response to Report 91 of the Joint Standing Committee on Treaties regarding Film Co-production Agreements with China and Singapore.

Recommendation 8
The Committee recommends that where the subject matter of a treaty has bearing upon freedom of expression issues, the Australian Government broaden its consultation to include relevant human rights organisations.

The Department of the Environment, Water, Heritage and the Arts (DEWHA) will consult with relevant human rights organisations, particularly those with an interest in freedom of expression issues, as part of the process for assessing potential film co-production treaty partner countries.

The Attorney-General’s Department has provided DEWHA with a list of relevant human rights organisations which could be consulted as part of this process. DEWHA will also consult with the Department of Foreign Affairs and Trade to identify any freedom of expression issues in a potential treaty partner country.

Recommendation 9
The Committee recommends that the Australian Government utilise any opportunities to make representations to the Chinese Government to lift its 20 foreign film quota significantly higher, with a view to eventually abolishing the quota.


With China’s accession to the World Trade Organisation (WTO) in 2001, the Chinese Government undertook to allow the importation of 20 foreign films per annum as one of its audiovisual commitments under the General Agreement on Trade in Services (GATS). The commitment provides for the theatrical release of these films on a revenue sharing basis, and reserves the right of the Chinese Government to regulate services associated with their distribution.

As noted by the Department of the Environment, Water, Heritage and the Arts at the Committee hearings, film projects approved as official co-productions under the Australia-China film co-production agreement will be treated as national films affording them preferential access to China’s distribution and exhibition sectors, effec-
tively bypassing the foreign film quota to which other countries remain subject.
The Government will endeavour to facilitate the further opening up of China’s audiovisual sector.

Australian Government response to the Senate Education, Employment and Workplace Relations References Committee’s Report:

DEEWR tender process to award employment services contracts

January 2010

Introduction

1 The Senate referred the inquiry into the DEEWR tender process to award employment services contracts (the Inquiry) to the Senate Standing References Committee on Education, Employment and Workplace Relations (the Committee) on 13 May 2009.

2 The Committee report, DEEWR tender process to award employment services contracts, (the Report) was tabled on 25 June 2009.

3 The Committee majority made seven recommendations regarding opportunities that could be considered in future employment service tender processes.

4 The Government Senators’ report welcomed the opportunity for the Inquiry to verify the probity of the competitive tendering process run by the Department of Education, Employment and Workplace Relations (DEEWR) which ensured a level playing field for all tenderers for employment services.

5 The Australian Government’s response to each recommendation is outlined on the following pages.

6 The development and introduction of Job Services Australia represented a major change to employment services in Australia. Job Services Australia folds seven separate employment services programs into an integrated service to provide job seekers with a flexible, more personalised service. The services promote stronger ties between employment services providers and employers to ensure job seekers have the skills needed to fill vacancies. Job Services Australia is designed to deliver a better service that is capable of responding to changing economic conditions.

7 Job Services Australia providers work with job seekers to negotiate an individually tailored pathway to employment. The Employment Pathway Plan identifies a mix of vocational and non-vocational activities that job seekers need, and providers deliver, to achieve employment. This is supported by the Employment Pathway Fund which is a flexible pool of funding available for use by providers to purchase assistance to address vocational and non-vocational barriers and to provide work experience activities.

8 The design of Job Services Australia involved an extensive consultation, where the Government sought and listened to the views of job seekers, providers, industry representatives, employers and other stakeholders. The consultation involved:

- initial consultations where the former Minister for Employment Participation, the Hon Brendan O’Connor MP, wrote to stakeholders seeking their views on the future directions for employment services
- the release of the discussion paper, The Future of Employment Services in Australia, inviting submissions and comments on new service arrangements based on the views expressed in the initial consultation
- the Exposure Draft of Purchasing Arrangements for the new Employment Services 2009-12 which detailed the design and purchasing arrangements for employment services, with further consultations held around Australia seeking feedback and comments.

9 The purchasing arrangements, including the conduct of the tender, were part of the consultation process. Changes were effected based on the feedback received. The entire tender process was scrutinised by an independent, external Probity Adviser. The Probity Adviser was satisfied that, at all stages,
the assessment process followed by DEEWR met all the requirements.

10 The Probity Adviser gave an unqualified sign-off on the tender process, describing the conduct of the process as representing “a high benchmark for the conduct of Commonwealth procurements in that DEEWR not only met, but in many cases exceeded, relevant probity principles and standards”. The process was conducted at arm’s length from government at all times.

11 Tenders were received from large and small organisations, including a mix of for-profit and not-for-profit organisations and a mix of generalist and specialist bids from these organisations. Tenderers included a number of Indigenous and community organisations bidding in their own right, as part of a sub-contracting arrangement or in a community-based partnership.

12 The outcomes of the tender resulted in a diverse range of national and local providers, including a large number of providers delivering specialist services.

13 For the first time since 1998 community-based organisations feature significantly in the profile of providers of employment services with an increase in the number of such organisations who have business shares placing them in the twenty largest employment service providers.

14 The proportion of not-for-profit and for-profit organisations contracted in Job Services Australia is broadly consistent with previous arrangements. Around 140 organisations were awarded Job Services Australia business in Stream Services as a single entity or part of a tendering group. Of those, 79 per cent are not-for-profit and 21 per cent are for-profit.

15 The implementation of Job Services Australia represents significant reform to the delivery of employment services across Australia. Transition was a significant part of the planning and preparation of Job Services Australia and featured as an integral part of the consultation process on the design and development of the services. There was comprehensive planning and engagement with stakeholders across all aspects of the transition.

16 Job Services Australia has seen the roll out of new services, a redeveloped IT system and provider staff training to help job seekers get the help they need. These all contributed to meeting the transition principles of an on-time start with least disruption to job seekers, providers and employers. The smooth transition has been a direct result of the planning and preparation.

17 Consistent with its commitment to consult with the industry on reforms to the employment service market, the Government has established the employment services Industry Reference Group to provide advice to the Minister for Employment Participation on:

- views of the employment services industry and other stakeholders on future purchasing for employment services,
- the conduct and approach to purchasing and related processes in the interest of continuous improvement, including advice on timing and approach to the single mid point business allocation process for the Employment Services Deed 2009-2012, and

Recommendation 1

The committee majority recommends that in any future tender process a response time for questions to be answered should be indicated and adhered to by DEEWR.

Response

18 Supported in part. DEEWR will continue to review the arrangements for future tenders to ensure the best possible arrangements are in place. DEEWR supports the need for timely and appropriate responses to potential tenderers. Questions submitted during a tender period can range from a short straightforward request, requiring minimal information to a complex request requiring detailed policy analysis and interpretation of the policy in-
tent. This variety does not necessarily lend itself to setting a single specific timeframe for response where the quality of the response is critical.

19 The Exposure Draft of Purchasing Arrangements for the new Employment Services 2009-12 (Exposure Draft) provides that ‘a response to a request for clarification or a question will be provided as soon as practicable’. The same approach was used for the Request for Tender for Employment Services 2009-12 (Request for Tender).

20 The average time taken to answer questions during the tender period was 4.6 days (other than those questions which were answered immediately during the course of a telephone call to the Employment Services Purchasing Hotline). The time taken to respond was dependent on the complexity of the question. The accuracy of each response was a priority to ensure tenderers received the correct information. All responses were required to be cleared by a representative of the independent, external Probity Adviser.

21 Wherever possible, the Employment Services Purchasing Hotline responded directly to each caller in the course of the call. It was only when an issue raised by a caller was a new question that had not previously been raised or required further action or clarification, that the caller was requested to submit the query via email. This was to ensure that the issue was appropriately documented and addressed and then published on the internet to ensure the response was accessible to all potential tenderers.

Recommendation 2

The committee majority recommends that DEEWR review its communication policy with unsuccessful tenderers to ensure there is sufficient time to ensure tenderers’ staff are appropriately briefed and that debriefing sessions are more informative and helpful to tenderers.

Response

22 Noted. Communication techniques are designed and tailored for each individual tender process conducted. DEEWR will continue to carefully consider the appropriate communication strategies as part of the design of each future tender process.

23 The Request for Tender provided for an early ‘without prejudice’ announcement of preferred tenderers. This was outlined in the supporting information sessions.

24 An early advice process provided the opportunity to confirm matters with preferred tenderers prior to the final decision. It also gave potentially successful and potentially unsuccessful tenderers alike an opportunity to develop strategies for informing staff once the final decisions were announced.

25 In accordance with the published probity principles for the tender process, DEEWR ensures that the release of all information about the process is fair and equitable, and does not unfairly advantage or disadvantage any tenderer. That is why advice or announcements to tenderers are provided to tenderers, as far as practicable, at the same time.

26 Although some witnesses at the Senate Inquiry hearing stated that their tender debriefing was not helpful, DEEWR and the National Employment Services Association received positive comments about the quality and usefulness of the debriefing process from organisations that had received feedback through this process.

Recommendation 3

The committee majority recommends that DEEWR monitor and report progress on the measures taken to minimise disruption for job seekers, particularly those in stream 4.

Response

27 Supported in principle. Minimising disruption to job seekers during the transition to Job Services Australia was a key objective for DEEWR. This objective was included as a key discussion point in the Discussion Paper on the Future of Employment Services in Australia, released in May 2008. Arrangements for the transition to Job Services Australia were described in the Exposure Draft and the Request for Tender.
The overarching principles for managing the transition included:

- transition activities had to support the commencement of Job Services Australia on time on 1 July 2009
- transition activities had to be consistent with the design of Job Services Australia, while honouring existing contractual obligations
- all eligible job seekers must be referred to new providers contracted under Job Services Australia as efficiently and sensitively as possible.

Strategies to ensure minimal disruption to job seekers included:

- job seekers remaining with their same provider, if their provider was going to deliver Job Services Australia services
- ensuring job seekers continued their activities during the transition period (for example, employment, training, work experience, Work for the Dole, education)
- an awareness campaign between May and June 2009 advising job seekers by personal letter of the introduction of Job Services Australia, who their provider would be, as well as their ability to select an alternate provider if they wished to do so. The letters provided advice on the DEEWR Customer Service and Centrelink interpreter services lines. This enabled job seekers, including those with low literacy skills, to speak to someone about their requirements in the transition to Job Services Australia
- a dedicated customer service line to assist job seekers with queries and to transfer job seekers to another provider if they requested
- access for Job Services Australia providers to job seeker contact details prior to 1 July 2009. This allowed for early engagement with job seekers
- the Customer Service Line, the public website and the public transition question and answer mailbox, which all assisted in answering queries and mitigating any job seeker concerns.

Additional strategies were developed for Stream 4 job seekers who have severe barriers to employment. This included all job seekers from the previous Job Placement Employment and Training Program and the majority from the previous Personal Support Program. The strategies included:

- introductory meetings for job seekers transferring to new Job Services Australia providers were provided wherever feasible and with priority given to the most vulnerable
- previous Personal Support Program job seekers on the waitlist being provided with a second letter to give them further assurance that their Job Services Australia provider would be contacting them soon.

Monitoring associated with the transition commenced in May 2009. To support the strategies, providers had access to special reports that facilitated the early engagement of job seekers with the new arrangements, as well as direct communication with job seekers. Monitoring the progress of initiatives includes the following information (as at 30 September 2009):

- over 2100 sites were delivering employment services across the country
- over 50 per cent of job seekers remained with their same provider at the commencement of Job Services Australia
- of the job seekers who transitioned into Job Services Australia from previous employment programs who were due to commence immediately, more than 99 per cent had commenced, had an appointment scheduled or have appointments scheduled with providers
- more than 35 000 work experience activities had been established, most of which involved some form of accredited training
- more than 115 000 job seekers transitioned directly into the Work Experience program
phase of Stream Services at the commencement of Job Services Australia, and

- there were over 63,000 job placements, with 40 per cent of these placements for Stream 3 and 4 job seekers.

**Recommendation 4 (1)**
The committee majority recommends that ANAO review the performance of the system during the transition period.

**Response**

32 Noted. The Auditor-General is an independent officer of the Parliament who, assisted by the Australian National Audit Office (ANAO), is responsible for undertaking performance audits of Australian Government entities. The Auditor-General can therefore choose, at his discretion, the timing and coverage of performance audits of any program administered by DEEWR. In its Audit Work Program for 2009 the ANAO has indicated that, in the medium term, it will consider its audit coverage of DEEWR’s administration of Job Services Australia.

**Recommendation 4 (2)**
The committee majority recommends that:

The Government promptly provides answers to those questions taken on notice during the Senate Estimates and in the House of Representatives; and if those answers do not satisfactorily demonstrate the complete probity of the tender process, it be referred to the Auditor-General for further investigation.

**Response**

33 Noted. All questions relating to the Inquiry taken on notice during Senate Estimates hearings or in the House of Representatives by the time the Report was tabled (25 June 2009), have been answered.

34 The external, independent Probity Adviser monitored the purchasing process throughout and provided an unqualified sign-off stating that the process represented “a high benchmark for the conduct of Commonwealth procurements in that DEEWR not only met, but in many cases exceeded, relevant probity principles and standards.” The Australian Government considers that the probity of the tender process was met.

35. The Auditor-General may choose at any time to review any area of public administration within the scope of the Auditor-General Act 1997. In its Audit Work Program for 2009 the ANAO has indicated that, in the medium term, it will consider its audit coverage of DEEWR’s administration of Job Services Australia.

**Recommendation 5**
The committee majority recommends that the design of the tender process be reviewed to ensure that in future processes:

- Additional community benefit of not-for-profit providers can be recognised in the process;
- Additional selection techniques such as interviews, referee checking or site visits be used by DEEWR to facilitate greater dialogue with providers to verify claims made in written documentation;
- The diversity of the sector is maintained with greater support being given to smaller organisations to participate; and
- Past performance is given appropriate weighting.

**Response**

36. Supported in principle. The Job Services Australia purchasing process followed the requirements contained in the Commonwealth Procurement Guidelines published in January 2005. The principle of achieving value for money for the taxpayer through a robust, fair and competitive process, conducted under and in accordance with the governing legislation, guidelines, and policy parameters is the primary consideration for employment services purchasing.

37. A tender process for employment services must be designed to select the best organisations to deliver those services being purchased by the Commonwealth. It should be noted that to the extent any additional services offered by a tenderer provided a better service to job seekers and/or employers (and
were articulated in the tender response) they were taken into account in the assessment process. The Request for Tender enabled tenderers to submit a substantial response to show their ability to deliver employment services. The written tender documents gave each tenderer the opportunity to present their claims against the selection criteria equitably and in a way which allowed comparisons between competing claims.

38. Consistent with its commitment to consult with the employment services industry, and in the interest of continuous improvement, the Industry Reference Group has been established to provide advice to the Minister for Employment Participation on future procurement and associated processes for employment services, including the single midpoint business allocation process and the relative weightings of key performance indicators in purchasing and business reallocation.

39. The Government values the significant contribution to the Australian community made by not-for-profit organisations. It recognised the need for strong local community linkages throughout the design of Job Services Australia and the associated tendering processes (including through the selection criteria). As stated in the introduction, community-based organisations feature significantly in the profile of Job Services Australia providers and the proportion of not-for-profit organisations is broadly consistent with previous arrangements.


41. The committee considered whether additional selection techniques should form part of the purchasing process. Selection techniques such as interviews of, or presentations by, tenderers could increase the workload and cost to tenderers, particularly small organisations. Additional selection techniques of this kind also have the potential to create uncertainty, in determining the outcomes of the procurement and in relation to perceptions of unequal treatment of individual tenderers.

42. In maintaining the diversity of the sector, the Committee recommended greater support being given to smaller organisations. The discussion paper, The Future of Employment Services in Australia released in May 2008, encouraged small providers to tender or to form alliances with other organisations or for individuals to submit a tender as part of a tendering group. Funds were provided to the National Employment Services Association to provide information and support to small and specialist tenderers to assist them to form tendering alliances, particularly for Job Services Australia. The tender outcomes saw a number of community based organisations feature in the profile of Job Services Australia providers. This in turn places employment services business in the hands of smaller / local providers.

43. In relation to past performance, feedback received through the consultation process with the employment services industry and other stakeholders provided a clear message that the weighting placed on past performance should be counter balanced by a strong emphasis on ability to deliver results against the new services. The thirty per cent weighting for demonstrated performance in similar services was published in the Exposure Draft of the Request for Tender.

44. The past performance of tenderers in other programs was not directly comparable to the services being purchased through the Job Services Australia procurement. The shift in the focus of employment services to the single multi-stream contract meant that past performance, while an indicator of performance under former arrangements, could only be a part of the assessment process and it was weighted appropriately and clearly at thirty per cent.

45. Overall, organisations needed to demonstrate their strategies and capacity to deliver the new services. Job Services Australia has a greater focus on tailoring services to all eli-
gible job seekers, with stronger emphasis on skills development with improved connections with vocational education and training and other program providers and local communities. Success depended on the ability to deliver the new services, as well as performance, coverage, range of business and diversity of choice for job seekers.

**Recommendation 6**

The committee majority recommends that the design of the tender process also [be] referred to the Productivity Commission.

**Response**

46. Not Supported. The Productivity Commission (the Commission) provides analysis and advice on broad economic, social and environmental issues affecting the welfare of Australians. The Commission has limited resources to undertake a number of projects each year. As such, given the broader policy issues that the Commission usually addresses, the nature and scope of the proposed review and the competing demands for its resources, it would not be an appropriate reviewer for this particular task.

47. Tender processes can vary according to the nature of goods or services being sought. The Government does not see value in adopting a “one size” fits all approach to tenders. Any future purchasing processes for employment services will be decided by the Government of the day based on the most appropriate arrangements for the services being purchased at the time and in accordance with the prescribed procurement framework.

48. Consistent with its commitment to consult with the industry on reforms to the employment service market, the Government has established the employment services Industry Reference Group to provide advice to the Minister for Employment Participation on:

- views of the employment services industry and other stakeholders on future purchasing for employment services,
- the conduct and approach to purchasing and related processes in the interest of continuous improvement, including advice on timing and approach to the single mid point business allocation process for the Employment Services Deed 2009-2012, and

**The DEPUTY PRESIDENT**—I also present the following documents:

(a) Supplement to the 12th edition of Odgers’ Australian Senate Practice – Updates to 31 December 2009

(b) 2009 supplement to the consolidated register of Senate committee reports

(c) Business of the Senate: 1 January to 31 December 2009

(d) Questions on notice summary: 12 February 2008 to 31 December 2009

**Senator O’BRIEN** (Tasmania) (3.57 pm)—I move:

That the committee reports, errata and Business of the Senate be printed in accordance with the usual practice.

Question agreed to.
Legal and Constitutional Affairs
References Committee

Reports

Senator BARNETT (Tasmania) (3.59 pm)—I seek leave to speak on committee reports Nos 3 and 4 from the Legal and Constitutional Affairs References Committee.

Leave granted.

Senator BARNETT—by leave—I move:

That the Senate take note of the reports.

The Legal and Constitutional Affairs References Committee report Australia’s judicial system and the role of judges was a unanimous report. I want to thank my fellow committee members, Senators Crossin, Feeney, Fisher, Ludlam and Trood and the participating members—our shadow Attorney, Senator George Brandis, and Senator Bill Heffernan—for their participation in this committee. The inquiry commenced in February last year and we reported in December just last year.

It was a lengthy inquiry. It was one of the most enjoyable and informative inquiries that I have been involved with in my time here since 2002. I very much appreciated the opportunity to learn more about the merit of the national judicial system that we have here in this country, the role of judges and their important place in our Constitution. In particular I want to draw to the attention of the Senate and the public the fact that we had 44 submissions and we had hearings in Sydney, Melbourne, Perth and Canberra. It was a lengthy inquiry but worthy of very important consideration.

The terms of reference were reasonably broad. They looked at the procedures for appointment and method of termination of judges, the term of appointment and the merit of full-time, part-time and other arrangements, jurisdictional issues, the interface between the federal and state judicial systems, and in particular the judicial complaints handling system. It is the latter point in particular that had a lot of interest in terms of the submissions and in the presentations made at the hearings we had.

The judicial complaints handling system is certainly something that is in need of reform. I am not going to great length other than to say that some of the key recommendations were set out in the report. In fact there were 16 and I just want to highlight some of the recommendations in the report. I know that the government is giving this serious consideration and I appreciate that on behalf of the committee members and the committee participants. At this juncture I do want to thank the secretariat, Peter Hallahan and his team, Toni Dawes, who has just recently resigned from the Legal and Constitutional Affairs Committee, and I thank her for her support, and Cassimah Mackay and the team at the secretariat.

We have recommended that the High Court of Australia adopt a written complaint handling policy and make it publicly available. It will be interesting to hear the response to that at the Senate estimates next week when we have the opportunity to address them on that matter. We have recommended that all Federal Courts publish quarterly complaint handling summary status reports, and we have made recommendations about the appointment of federal judicial officers. We support a nationally consistent compulsory retirement age for judicial officers and encourage each jurisdiction to implement it within the next four years. The committee has recommended that at the next Commonwealth referendum section 72 of the Constitution should be amended in relation to the compulsory retirement age for judges. Currently it is 70 years, and the committee is of the view that it should increase perhaps to 72 years or thereabouts, essentially to provide that the federal judicial officers are ap-
pointed until an age fixed by the parliament. This would provide some flexibility, and I think there is a lot of common sense in that recommendation. Again, I hope the government and all members of parliament support such an approach.

We made recommendations in respect of the merit of short- and long-term part-time working arrangements. We had issues in Tasmania, for example, which were quite precarious and controversial, where the Attorney made appointments down there which were certainly against the best interests of the public in Tasmania. There were other examples put to the committee so we have made recommendations there.

Probably the main recommendation out of this report is in favour of the establishment of a federal judicial commission modelled on the Judicial Commission of New South Wales. It would include three functions in particular: it would include a complaints handling system; it would assist the courts to achieve consistency in sentencing; and it would provide a service for the judicial education of our judges wherever they may be around the country. In that regard, I notice that the Tasmanian Attorney-General has accepted our second proposition. They have just announced in the last seven days a better and more consistent approach to providing sentencing and assisting judges in the judging and sentencing arrangements.

The committee felt strongly that the current avenues of complaint are seriously inadequate. They need to be improved and upgraded. We have quoted in the report Sir Anthony Mason, who said:

… the constitutional procedure does not address cases of misconduct or incapacity which are incapable of justifying removal. A judge may be guilty of delay, discourtesy, gender bias or of less serious misconduct which does not justify removal but could merit an expression of disapproval, a caution or counselling by a head of jurisdiction.

We go further to say that there should be an independent national judicial commission that would be established and ensure that that process was not only done fairly and properly but would be seen to be done fairly and properly, and we give further evidence in that regard.

We had an informal tour of the Judicial Commission of New South Wales. On behalf of the committee, I want to put on record our thanks to Mr Ernest Schmatt PSM, Chief Executive of the Judicial Commission of New South Wales, for his tremendous support and encouragement and the informative review he provided to members of the committee and the secretariat with respect to what is happening in New South Wales. That commission was established in 1986 and is regarded highly not only in Australia but around the world. It is an excellent system that operates well in New South Wales. I commend him and the New South Wales commission. It is that prototype that we are recommending at the national level.

There has been a lot of media on this topic, and on our report in particular, since the December release of the report. I know that even today in the Australian Financial Review there is a call for a national judiciary which is supported by New South Wales Chief Justice Jim Spigelman. I notice that the Attorney-General, Robert McClelland, called critics of the reform process short-sighted and said that ‘the government would consider unilateral action if necessary to ensure the reforms came to fruition’. We have recommended that the functions currently fulfilled by the National Judicial College of Australia be incorporated into a new judicial commission and that legislation be introduced into the federal parliament to establish a national judicial commission.
On that note, I commend the report to the Senate. I think there is a lot of merit in it. The feedback since the report was released has been very positive. Of course budgetary constraints are very important, but I note that in New South Wales there is $5.1 million for the Judicial Commission per year. One-third of all the judicial officers in Australia operate in the New South Wales courts. So I think in terms of cost benefit, the benefits will flow as a result of the establishment of the commission. I commend the report to the Senate and look forward to receiving feedback from the government in due course.

Senator LUDLAM (Western Australia) (4.09 pm)—I want to add some remarks to the chair’s comments on item 4 of documents presented out of sitting, which was the second report of the Senate Legal and Constitutional Affairs References Committee. The committee undertook, in parallel with the inquiry into the judicial system and the role of judges, an inquiry into access to justice. It was held under the broad framework of looking at a review of all the work that has been done on this in Australia, through various committees inside and outside of parliament, over the last 10 or 15 years. It came to the very strong conclusion that committees have long been making recommendations about access to justice—specifically the asymmetries in people’s ability to access justice—and that most of the recommendations from the various committees, going back 10 or 15 years, still remain unaddressed to this day.

I am really proud of the work that the committee undertook, under Senator Barnett as chair but with solid contributions from all parties and everybody who got involved in this inquiry. I particularly mention the helpful assistance received from the committee secretariat, including Mr Peter Hallahan, who is probably going to be mentioned a number of times today, who really went beyond the call of duty. A lot of witnesses appeared before this committee to basically tell us, ‘This needs to be the last time we turn up. We’ve been telling parliamentary committees for 10 years that access to justice in this country is, in some senses, broken.’ People were using words like ‘crisis’ or ‘beyond crisis’.

What we are specifically referring to, really, is the difficulties that are faced by the community legal sector in representing people who find themselves caught up in the judicial system for one reason or another. That applies right across the board, whether it be family law, environmental law or any other kind of matter. There is an enormous hierarchy in this country when it comes to access to justice. Unfortunately, in some cases, through structural inequalities in our justice system, the kind of justice that you can access comes down to the size of your cheque book.

We established the inquiry in February of last year. We spent six months on this project. We took 68 submissions and held four public hearings. We reported late last year, with 31 recommendations that were unanimous right across the parliament. I think many of them will be very familiar to the government or to people who have been following this debate for a while because they are indeed recommendations that committees have been making for a long period of time. What we looked at were the longstanding gaps in our legal system and the fact that if people who seek legal help need to draw on Legal Aid or access the community legal sector, sometimes that help simply is not there. We do not even have a clear idea of the unmet need.

What we do know is that Aboriginal people, and particularly Aboriginal women, are singled out as the people least able to access justice under the Australian system. This is...
for a variety of reasons, whether it be the complexity of the legal system, a lack of resources—which is obviously the big one—remoteness, in some cases, or language barriers. People speaking English as a second or third language have been dragged into the court system for things that are simply incomprehensible. Right before the committee reported, we saw in the press reports of a kid who was detained for being in possession of a stolen Freddo frog. He was an Aboriginal kid in regional Western Australia. That very strongly underlined exactly the findings of the committee that Aboriginal people are viciously overrepresented in our legal system and that there are very important structural reasons for that.

Many of our recommendations go directly to the urgent resourcing of Legal Aid and the community legal sector more broadly. I think these recommendations are very well timed. They need to go into the government’s budget considerations for budget round 2010. What we need to see in this area in the forthcoming Commonwealth budget is structural funding underpinning the health of the legal system so that people actually can access justice. Everybody who presented before us was grateful that the Attorney-General had put a bandaid on a badly leaking and bleeding system. They were glad that there was some interim funding there to allow the community legal sector to survive, but everybody acknowledged that that is not the way to go forward. We need structural, ongoing funding to remove the gross inequities, distortions and asymmetries in our legal system in Australia.

As I said, the recommendations that were made were unanimous. There is actually very little in the report that I disagree with, because of the collaborative approach that was taken by everybody who participated in this inquiry, but there were a number of points that we felt were very important to make in addition, without undermining the work that the committee has done unanimously. The first recommendation we made was that the current purchaser-provider funding arrangement be abolished, because that is one of the things that has led to the structural asymmetry and people in community legal centres being simply unable to fund the retention of solicitors, researchers or people to run the basic operations at CLCs. The further you get from the big cities, the harder it gets to run these operations and the harder it is to retain staff.

Another recommendation we made was that there should be a right to legal representation. Without a bill of rights, and without these things spelt out in our Constitution, the right to legal representation in Australia is highly ambiguous. What we are finding with the skyrocketing number of self-represented litigants in our court system is that it is a disaster for many of those people, and it also unnecessarily ties up the courts with matters that should not have been referred to court or could have been dealt with more rapidly if people had adequate representation in the court system.

In one of the hearings we held in Sydney a matter was raised around the Migration Act 1958 which absolutely stood out as an urgent piece of law reform for us. Ms Skye Rose, project manager, and John Corker, president, of the National Pro Bono Resource Centre gave evidence to the committee in Sydney last September about these provisions. Sections 468E and 468F require lawyers to provide a certificate stipulating that there are reasonable prospects of success in the matter, which enables cost orders to be made against lawyers in unsuccessful cases. I do not know whether there is anything else in any statute in Australia that requires that kind of undertaking from lawyers. And obviously it has a really chilling effect on people’s ability to access representation—some of the most
vulnerable and marginalised people who are finding their way into the court system. So one of the recommendations we made was that that should simply be repealed without further debate.

There is another things that I think would have been a helpful recommendation to get into the majority report. You will notice that many of the recommendations we made signal the need for urgent research in different areas of law reform. We proposed that a legal resources research centre be established—as did a number of submitters and witnesses—that would basically wrap some of these different proposals for far-reaching law and policy research to be undertaken under one roof. We thought it was quite a good proposal. There is a model in the UK, the UK Legal Service Research Centre, which provides us with a reasonable template for the sort of thing we are talking about in Australia. It could undertake qualitative and quantitative research, along with some of the theoretical analysis that simply is not done in Australia at the moment, apart from in an ad hoc way when a committee visits some of these particular issues. So we believe that compiling all that data and getting all that research under one roof would make the government’s job easier and would certainly provide some of the research clout that we simply do not have in Australia at the moment.

In closing, I would again like to thank the Chair, and the Deputy Chair, Senator Crossin, for the collaborative way in which they undertook this work; Chiara Lawry, who was working in my office at the time, who did an enormous amount of work in preparing the materials for us and reading through the submissions; and the committee secretariat and staff. There is a really urgent call to action in this report. While we are standing here in this parliament, many hundreds of people are sitting in Australian jails who probably should not be there, and many hundreds of people are forced through torturous processes in various courts around the country who do not necessarily need to be there. And we are not just discovering this now; it has been a matter of record since well before I got here.

I hope the government will read this report and undertake to implement the recommendations that come from right across the board from all parties and most urgently make sure that in the budget considerations this year we help some of the people who are struggling, under enormous pressure, to represent people through the court system. Ultimately, any one of us at any given time could find ourselves in these situations. But, of course, we in this chamber do not live under the conditions of people who find themselves entangled in the court system with no resources and no backup whatsoever. I very much commend this report to the Senate, and I look forward to seeing on budget night that we begin to address some of the longstanding concerns that have been raised.

Senator BRANDIS (Queensland) (4.18 pm)—I rise as shadow Attorney-General to make a few observations in relation to the report of the Senate Legal and Constitutional Affairs References Committee entitled Australia’s judicial system and the role of judges. In doing so, I commend in particular the work of Senator Barnett, who, as I know better than most, has been pursuing this matter with great tenacity and deep knowledge for a very long time—since he has been a senator—and the fruit of his pursuit of this issue is largely now embodied in this report. I have not yet had the opportunity to read the report in full but, having examined the recommendations and some of the discussion in this report, it seems to me that this will become one of the most important reports that the Legal and Constitutional Affairs References Committee has produced for a very
long time—and I think Senator Barnett can take considerable credit for the outcome.

The opposition, as it finalises its policies in relation to the area of the reform of the judiciary going into the 2010 election, will look very, very carefully at the recommendations contained in this report. I just want to make some particular observations on one matter, and that is the question of judicial exchange, the relationships between the federal and state judiciaries and the question of the development of a national judiciary. I do that particularly informed by the fact that, last night in Sydney, the Chief Justice of New South Wales, Justice Spigelman, gave a very important speech in which he called for the creation of a nationally integrated judiciary. That is an issue that was addressed by the committee, and the committee was influenced in particular by an important paper given by the current Chief Justice of Australia, Chief Justice French, when he was a member of the Federal Court, at the 2004 Colloquium of the Judicial Conference of Australia. The paper was called ‘Judicial exchange: the courts’. The committee was very attracted to Justice French’s suggestion that there should be regular exchange between state and federal judicial officers, at equivalent or near to equivalent levels, so that they might hold, in effect, reciprocal temporary commissions in one another’s courts so that the objective of fostering a more unified national outlook among judges sitting on both the federal and state jurisdictions would be furthered. That would most particularly occur in the process of exchange between state supreme courts and the Federal Court.

In the paper which so influenced the committee, Chief Justice French—or Justice French, as His Honour was then—called for:

… a comprehensive system of horizontal and vertical judicial exchanges throughout Australia with a view to advancing:

1. Individual judicial performance.
2. The performance of the courts as institutions.
3. Allocation of national judicial resources to areas of local need including the need for specific expertise.
4. The attractiveness of judicial appointments in all jurisdictions.
5. Consistent Australia-wide approaches to the administration of justice while maintaining healthy institutional pluralism.

I pause to say that the cause of the development of collegiality between Australian judges has itself been much advanced by the work of Chief Justice French and others through the Judicial Conference of Australia. But I want to make the point—particularly in view of what Chief Justice Spigelman said in Sydney last night—that there is a big difference between a system of judicial exchanges, which for various reasons rehearsed by Justice French in his paper in 2005 and for other reasons as well has a lot to commend it, and the development of an integrated national judiciary. They are two quite different things. A system of judicial exchanges may be a pathway to the ultimate development of an integrated national judiciary, but it is not the same thing.

The committee, I think very appropriately, expressed caution about the desirability of a national judiciary. At page 56 of the report the committee says it is ‘cautious about what can be achieved through a national judiciary’. I think the parliament should be very slow to embrace calls for an integrated national judiciary. The Australian judicial system reflects the federal nature of our polity. The fact that there are state and territory supreme courts with particular jurisdictions, which are quite separate from although often overlapping with the jurisdiction of the federal courts under chapter 3 of the Constitu-
tion, is an important feature of our system. May I say on behalf of the opposition, and in this we share the view of the committee, that I would be very slow and sorry to see the autonomy of state supreme courts and territory supreme courts eroded by the integration of those courts into a uniform national judiciary, which would inevitably be dominated by the federal judicial system by Commonwealth courts.

So, while welcoming and being rather attracted to the idea of greater harmonisation and further fostering of judicial collegiality through intercourt exchanges and joint commissions, the opposition does not support the idea of a single, integrated, national judiciary. It is a profoundly antifederal proposal. It would be dominated by the Commonwealth and also I suspect by New South Wales, whose Supreme Court is, in terms of the throughput of cases, the busiest and most powerful court in the land, if not in terms of where it lies in the tier of appellate structures then certainly in terms of the volume of work that that court commands. So the idea that Chief Justice Spigelman suggested in his speech last night is not one that recommends itself to the federal opposition.

Having said that, in the areas of judicial exchanges, judicial complaints handling procedures, which is another matter that this report addresses, recruitment to the judiciary and the protocols which ought to govern that, which is another important area that this report addresses, there are many very useful and thoughtful recommendations in the report. It is a bipartisan report and the opposition will consider them carefully. I seek leave to continue my remarks later.

Leave granted.

Senator Barnett—Mr Acting Deputy President, there were two reports and I have spoken to one of them, as has Senator Brandis. Senator Ludlam has spoken to the Legal and Constitutional Affairs References Committee Access to justice report and likewise I would like to take note of that report.

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Having come into the chair during the debate, I am informed that the motion was to take note of both reports so that you have spoken to both reports.

Senator Barnett—With respect, Mr Acting Deputy Chairman, I think Senator Brandis’s motion was to take note of the report to which he was referring, which was Australia’s judicial system and the role of judges report. This is a separate report to which I have not yet spoken but Senator Ludlam has.

The ACTING DEPUTY PRESIDENT—I understand, Senator Barnett, that the motion that you moved was to take note of both of the reports and that was what was previously being debated.

Senator Barnett—I was speaking to the first report, the Australia’s judicial system and the role of judges report.

The ACTING DEPUTY PRESIDENT—You will have to do it by leave, Senator Barnett.

Senator BARNETT (Tasmania) (4.28 pm)—I seek leave to speak on the Senate Legal and Constitutional Affairs References Committee’s Access to justice report.

Leave granted.

Senator BARNETT—As you know from Senator Ludlum’s contribution, I chaired the Access to justice report, which was commissioned in February last year and reported in December last year. It was a lengthy report and it was an honour to chair that committee with Senator Crossin as the Deputy Chair, Senator Feeney, Senator Fisher, Senator Ludlam, who has spoken in the chamber, and Senator Trood. It is a unanimous report with additional comments from the Australian Greens. I just wanted to thank those other
members of the committee and also at this stage to thank the secretariat for their work, not just Peter Hallahan but also Monika Sheppard. She has done a powerful amount of work with respect to the preparation of this report and she has been very diligent throughout the committee process. As I indicated, it is a lengthy report. We had hearings in Perth, Melbourne, Sydney and Canberra and received 71 submissions. I want to thank all of those who presented to our inquiry.

Just briefly: basically, we do need a re-examination of the access to justice issues. That is what the report did. I think it pushed the envelope. It reviewed the earlier reports of March and June 1997, July 1998 and June 2004, so we went back a fair way to get a comprehensive look at the importance of access to justice in our nation. We discovered and confirmed that there are many members of our community who do not have the access to justice that they should. There are many impediments to accessing justice and potential means of improving that access to justice. We did criticise the overall levels of funding and we accepted that the legal aid system was not adequately funded and needed further reform. We have made 31 recommendations in total. I want to refer to a few of them. In particular, I want to highlight those promoting the pro bono work of the legal profession. I want to thank on record those in the legal profession involved in pro bono work. The work that is undertaken is tremendous. Many people probably are not aware of the extent of it. The report highlights this. I place on record on behalf of the committee—and, indeed, those in this chamber—our thanks for the work that they do.

We made recommendations with respect to encouraging small- and medium-sized legal firms to further participate in the provision of pro bono legal work. Likewise, we recommended the federal, state and territory governments create and fund a specific disbursement fund for pro bono matters, with eligibility criteria designed to promote the provision of pro bono legal services by the private legal profession. Senator Mary Jo Fisher, who is not in the chamber at the moment but who participated, was particularly keen to recommend that incentives be considered to encourage lawyers to practise in rural, regional and remote areas. I and other members of the committee strongly support that. We are keen for the government to respond to the report as soon as possible and we have indicated that we hope it will do so by March 2010, but hopefully it will be sooner.

With respect to Tasmania and the number of Tasmanians refused legal aid—and this is set out in the report—I made comments in July last year; my understanding is that the figures have not changed. Specifically, 200 Tasmanians—or 10 per cent of all applications for legal aid—are refused each year due to lack of funding. This figure was based on advice from Norman Raeburn, Chair of National Legal Aid, who confirmed the above evidence in answering a question from me in a Senate committee hearing in Melbourne in July last year. Mr Raeburn said that the Legal Aid Commission of Tasmania was the only one in Australia that refuses aid on the basis of a lack of money. The commission confirmed this in a letter to an applicant, where it said, ‘You passed all our tests but we do not have enough money today to help you.’ This is unsatisfactory. This is inadequate. That type of approach has been brought to the government’s attention, and they need to deal with it—and fast.

The Legal Aid Commission of Tasmania advises the federal Attorney-General of how many of these cases are refused every quarter. Interesting, Mr Raeburn indicated that other states, including Victoria, Western Australia and Queensland, perhaps were in a similar position through lack of funds. I do
not know exactly what the government will do in response, but they should definitely provide a response—and quickly. I am not going to go through all of the recommendations in light of the time but I do want to put on record that the committee has received a letter from John Corker, Executive Director of the National Pro Bono Resource Centre and note a media release by that centre on 9 December 2009. I just want to place on record that we note that correspondence and its contents. It expresses the view that the centre was misquoted and a recommendation of the committee was based on that misquote. The committee notes the suggestion at the end of the letter:

It is suggested that the correct interpretation of our evidence would lead to a recommendation as follows:

2.87 The Committee recommends that state/territory governments and legal professional associations throughout Australia take such steps as are necessary to:

• Ensure that all classes of practising certificate authorize the holder to undertake pro bono legal work, including those issued to government employees;

It concludes:

Otherwise may I congratulate you, fellow committee members and staff on an excellent report.

Yours sincerely

John Corker
Executive Director

I note that correspondence. It is taken into account. I think we are at one in terms of our objective: to support pro bono work wherever possible. In conclusion, I just wanted to also note while we are talking about access to justice and legal fees that, with respect to the Rudd Labor government, there seems to be record spending on legal fees. This is a point that has been noted recently, including by the shadow Attorney-General, Senator George Brandis. Legal fees may be worse than first thought; according to a new report, spending on lawyers on 2007-08 rose $100 million to $510 million and then to $555 million in 2008-09. That is despite Mr Rudd’s pre-election promises to cut spending by $15 million per year after the first budget. He promised to cut funding by $15 million and that spending would go down. But what has happened? It has actually gone up by almost three times that. Instead of $15 million less, it is $45 million more—three times more than what he had predicted. That is just another broken promise by the Rudd Labor government. Shadow Attorney-General, Senator George Brandis, pointed out:

Not only will the Rudd Government break its election promise, but its own review has found the election promise was not a sensible commitment in the first place.

That is from the Australian Financial Review of 12 January. Labor’s spending on legal fees is just another broken election promise. This is one of the concerns that I—and I know others on this side of the chamber—have with respect to the waste and mismanagement of our economy and specifically of the Attorney-General’s portfolio. That approach and behaviour should stop. In conclusion, the report is worthwhile and contains many recommendations. It is nearly 170 pages in length and it is worthy of consideration. I look forward to the government’s response. I thank the Senate.

Senator BRANDIS (Queensland) (4.36 pm)—I would also like to make a few observations on the Access to Justice report. Unlike the other report under consideration—into the judicial system—which is about structures, access to justice is, in the end, about resources; it is about money. There are two observations I want to make following Senator Barnett’s contribution. First of all, anyone who works in the Austra-
lian legal system knows that the legal aid system is in the worst crisis it has ever been in right now—right now. And, as answers that were given to me in Senate estimates last year revealed, there has been a reduction in Commonwealth funding through the state and territory legal aid commissions, through which the Commonwealth supports the provision of state and territory legal aid. At the same time—and this is really the point that Senator Barnett was trying to illuminate—there has been a blow-out in the Commonwealth expenditure on the acquisition of Commonwealth legal services by the Commonwealth government and Commonwealth agencies. It seems to me that if ever you wanted an example of a grievous resource misallocation it is that the people who are most needful of access to justice are having Commonwealth support for legal aid withdrawn at the same time as the Commonwealth’s expenditure on its own procurement of legal services through the Commonwealth government and its agencies is expanding at an extravagant rate. The priorities are all wrong.

As a person who practised at the bar for 14 years and practised at various times at all levels, including early in my career in the magistrates court, I feel very strongly about the issue of access to justice. It is a fundamental right. When you have a system access to which and outcomes from which depend importantly on the capacity to be represented by those trained in the law and trained in the system, access to justice for lawyers is what access to doctors is for the health sector. It is a disgrace that the resource allocation and the priorities of the Rudd government, as this report highlights, have devalued access to justice. It is not even a social justice issue; it is a functional issue. If people cannot be represented by competent professionals, then they cannot avail themselves of justice through the courts. It is as simple as that.

Let me illustrate my concerns with an anecdote. Last year I was visited by some people—I will not say who they were, it was a private conversation, but people representing the legal aid sector—and they explained to me the crisis that has befallen access to justice in this country at the moment. I said, ‘What, in terms of the increase in the allocation of Commonwealth funding, would it take to fix the system?’ This particular gentleman said to me: ‘An extra $180 million per annum would probably fix it, but it would be a close run thing. If you invested an extra $250 million per annum in the system then we could restore a reasonable level of Commonwealth funding to facilitate access to justice.’ I paused and I looked at this particular gentleman, and I said to him, ‘Do you realise that the Commonwealth government has just announced that it is going to spend 12 times that much money on pink installation batts?’ That is why I say it is a resource allocation issue.

**Senator Barnett**—Priority!

**Senator BRANDIS**—It is a priority issue, as Senator Barnett rightly says. Every time we hear a number with a billion after it being committed by the Rudd Labor government on expenditures which are not always wise and not always economically efficient, just think that a quarter of that, a quarter of a billion dollars—what for this extravagant government seems almost like small change—is what it would take to fix legal aid in this country. So why don’t they do it? Not only do they not do it, while they commit resources extravagantly and wastefully elsewhere, they defund the state and territory legal aid commissions and they extravagantly waste money on the Commonwealth procurement of legal services themselves. It is an appalling misallocation resources for which the government must take responsibility.
Finally, I am glad that Senator Barnett raised the pro bono contribution of the private legal profession, which is seldom acknowledged. People, I think, particularly Labor politicians, tend to delight in the caricature of lawyers as greedy, mercenary individuals with no social conscience. I am sure there are such people in the legal profession, but most members of the legal profession I know, including the big commercial law firms, by the way, take the pro bono obligation very, very seriously. There are a lot of the most successful and wealthiest lawyers in this country who devote a substantial proportion of their professional time to pro bono work. It is time that that was acknowledged, and I am glad this report does so. I seek leave to continue my remarks at a later date.

Leave granted.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Ryan)—The President has received letters from party leaders requesting changes in the membership of committees.

Senator SHERRY (Tasmania—Assistant Treasurer) (4.44 pm)—by leave—I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

The list read as follows—

Community Affairs Legislation Committee—

Appointed—Substitute member:

Senator Crossin to replace Senator Carol Brown for the committee’s inquiry into the provisions of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and related bills

Participating member: Senator Carol Brown

Community Affairs References Committee—

Discharged—Senator Williams

Appointed—

Senator Coonan
Substitute member: Senator McEwen to replace Senator Carol Brown from 10 to 12 February 2010

Participating member: Senator Williams

Economics Legislation Committee—

Discharged—Senator Joyce

Appointed—

Senator Bushby

Participating member: Senator Joyce

Economics References Committee—

Discharged—Senator Joyce

Appointed—

Senator McGauran

Substitute member:

Senator Williams to replace Senator McGauran for the committee’s inquiry into the role of liquidators and administrators

Participating member: Senators Joyce and McGauran.

Australian Commission for Law Enforcement Integrity Committee

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mr Debus to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

SOCIAL SECURITY AMENDMENT (NATIONAL GREEN JOBS CORPS SUPPLEMENT) BILL 2009
ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009
TAX LAWS AMENDMENT (2009 MEASURES No. 5) BILL 2009
APPROPRIATION (WATER ENTITLEMENTS AND HOME INSULATION) BILL 2009-2010
APPROPRIATION (WATER ENTITLEMENTS) BILL 2009-2010
Senator BERNARDI (South Australia)—by leave—I move:

That the Senate take note of the report.

I would like to place on record that I found this a very interesting inquiry. It explored some important concepts which, at first blush, have a certain appeal. The idea around this is basically to have an independent arbiter to determine whether public interest immunity claims which government use to prevent tabling of documents or to resist orders of a parliament, usually an upper house, is a valid process for this place to consider. Indeed, some parliaments have this enacted—in Victoria, in New South Wales and, most recently, in the Australian Capital Territory.

It does have an instant appeal because you think it is going to provide increased transparency which will mean that governments will not be able to hide behind what may or may not be spurious claims to withhold information from the transparency of the parliament. Having said that, it was the committee’s view—I note there are some other...
comments—and my view that the process of an opposition seeking to obtain documents from a government and a government claiming public interest immunity grounds for failing to release the documents is part of the combative cut and thrust of the parliamentary process, and indeed to allow an independent party to assess the validity or veracity of the claims of government may indeed ultimately compromise the operation of the executive. That came out through the process.

We discovered that in some jurisdictions where this process is enacted, and indeed under the proposal put before this chamber for the committee to consider, the independent arbiter who was appointed would not be able to look at the documents in question. So he just has to assess whether the government is telling the truth or not. An opposition can do that just as effectively. That was in the proposal for us to consider.

Another aspect of it is that there is simply no meaningful penalty which this place, the Senate, could place on a minister in the other house who fail to comply, short of suspending a member of the government or the executive from this place for a period of time, which is what they have done in Victoria. It really makes it, I would guess, a toothless tiger.

I note in the dissenting report of the Greens—I am sure Senator Ludlam will have some comments on this—and Senator Xenophon, who joined the Greens’ dissenting report, they proposed amendments to amend some of the notable flaws in the proposal which was examined. Once again, I feel that the parliamentary process and the role and responsibility of this place, and the combative nature of politics, ensure a workable executive resolution. They ensure that public interest is served and that, where governments have been exposed as being deficient in providing adequate transparency the parliamentary system, they are held to account.

Other concerns raised were whether there was legal authority for the parliament to delegate certain powers. There was certainly some conflicting information given because Sir Laurence Street, who, I understand, acts as the arbiter on many occasions in New South Wales, considers that he has delegated powers from the New South Wales Legislative Council; whereas, we were advised that it is specifically prohibited for the parliament to delegate powers. So there is an opportunity for a legal dispute. Frankly, I am not sure that our courts or our esteemed legal minds should be determining what is appropriate with the Senate dealing with the executive. I think that can be best resolved through the parliamentary process itself.

There is also the potential for misuse. We heard anecdotal evidence. Indeed, there was a reference to *The Hollowmen*—it was described as ‘apocryphal evidence’—that cabinet documents are not able to be subject to this procedure and process. There was some suggestion that simply placing a pile of documents in a wheelbarrow and wheeling it through the cabinet room prevented them from being disclosed in this manner. Other suggestions were that, if in the event documents which were key to the function of government and perhaps commercial-in-confidence may be requested under this process but were of such sensitivity, some of the public servants may indeed be encouraged to provide only verbal advice rather than written advice. Once again the committee considered this an inappropriate avenue for this parliament and the independent advice of the Public Service to take.

In short, as I said before, at first blush, at first glance, at first consideration, while there is an appeal attached to having an independent arbiter, I feel that the proposal that was
put for the committee to consider is flawed. I acknowledge that there are some steps and recommendations from the Greens and Senator Xenophon about how that can be improved, but I do believe that on balance it offers a number of potential consequences which are not worth this parliament taking. Clearly, others have a different view. But in the balance of considering that a government needs to be allowed to get on and govern, and an executive needs to have the right balance between accountability and transparency but also confidentiality, it is the committee’s recommendation that this proposal not proceed.

In concluding my remarks, this is my final inquiry as chair of the committee. I thank all of those who participated on the committee. I found it a very interesting inquiry and would also like to thank Stephen Palethorpe and the secretariat for their assistance, and all the witnesses who provided their time and their expertise. Many of them are very highly credentialled and whilst many of them were very supportive of the proposal they outlined a number of flaws in it. Indeed, some of those have been identified by the Greens and Senator Xenophon.

Senator LUDLAM (Western Australia) (4.53 pm)—I was certainly interested to hear those comments and I thank Senator Bernardi for chairing that inquiry. I found it very interesting as well, possibly for some slightly different reasons. I want to provide a bit of context as to how this inquiry came about in the first place.

A couple of months ago—actually, probably nearly a year ago—Senator Minchin came to us and wanted to know whether we were interested in supporting a motion in the Senate that would prevent any debate on legislation related to the National Broadband Network roll-out until the government had handed over the documents involved in the $4½ billion request for proposals for the original NBN. The Minister for Broadband, Communications and the Digital Economy, Senator Conroy, had effectively crashed that tender and announced, with the Prime Minister, a project effectively 10 times the scale and that there would be no public release of the documents that had led to that decision being made. Senator Minchin’s contention—which after a bit of thinking we agreed with—was that it was in the public interest for those documents to be tabled, inasmuch as that was possible for the government, so that the parliament—and through us, the community—could make a decision as to thinking and the decision making behind one of the largest public infrastructure proposals, if not the largest, that this country has ever seen.

Minister Conroy said, ‘I can’t give you those documents and I don’t need to provide any reasons as to why I can’t. They are commercial-in-confidence and you can’t have them.’ At that point you have a classic deadlock between the legislature and the executive. The executive, through Minister Conroy, was saying, ‘You can’t have these documents. I don’t have to provide you with a statement of reasons as to why, and there is just not a great deal that you can do about it.’

As a result, the cross benches, with the support of the government at the time, proposed this inquiry into what happens when the legislature and the executive are deadlocked in this way. It is a problem that has come up time and time again. That is why Senator Bernardi was sketching earlier that there have been some approaches in Victoria and New South Wales—and most recently in the ACT—to try to break this deadlock.

The current case might be about the NBN documents, and that matter is still unresolved. We have to take Minister Conroy’s word for it because the government is under
no compulsion to hand over those documents. This proposal, and what the Finance and Public Administration Committee was required to look into, was a method for breaking this deadlock and other deadlocks like it which occur not often, but often enough to be a recurring theme: that the executive is able to basically say, ‘You can’t have that material and you just have to trust us as to why not.’

What Senator Bernardi did not mention was that every single witness who appeared before the committee on our one day of hearings, and every submission, was supportive of just such an instrument of the Senate and the executive agreeing that an independent arbitrator should be able to make the decisions as to whether—on sight of the documents or not—it is in the public interest for the material to be made public or not. Every witness was supportive—with the exception of officers from the Department of the Prime Minister and Cabinet, who had no opinions at all about anything. We heard from some of the best minds in the country—people intimately involved at a Commonwealth level or at a state level in Victoria and New South Wales with the way this sort of instrument has been operating elsewhere—and every one of them was supportive. They went to the trouble of pointing out the flaws in the draft motion which the Greens and Senator Xenophon have acknowledged in our dissenting comments. But they went one step further, none of which was picked up in the majority report of the committee, which was to provide the solution and amendments to the motion to actually make the system work.

Professor Anne Twomey, whose thoughtful comments were cited throughout the majority report as reasons to not proceed, and her evidence was leaned on very heavily in the draft that we received from the major parties, said that there were some problems; they were resolvable and reconcilable. I asked her, ‘Are you in favour on balance of an instrument like this operating?’ She said: ‘Well, yes. On balance I think it is a good idea. Despite all my complaints about the New South Wales system I think, in principle, it is a good idea. It has just not operated terribly well in New South Wales but I think it could operate better in the Senate.’ That quote did not make it into the final copy of the committee’s report because the major parties basically have agreed that in the matter of these kinds of deadlocks they would simply rather back down.

I would be fascinated to see Senator Minchin’s take on this when we come back, probably in a week or two, to debate NBN legislation that is actually not prepared to press the point and get the minister to hand over the documents to somebody independent, an umpire, that allows the Senate to then stand back and say, ‘Well, as it turns out the minister was right. It is not in the public interest for those materials, or part of those materials, to be released, so in that case we will back off. But at least it has been to an independent set of eyes and we are not having to trust Minister Conroy on this.’ As I recall, it is a matter of $4½ billion which has now been magnified 10-fold.

Every other witness had something similar to say. They made contributions on the problems and some of the issues that might arise if such a motion were to be carried and then they proposed solutions. For anybody who is interested in that, those solutions are now a matter of record because we have summarised them in the dissenting report. The chair, presumably with the collusion of the Labor Party members of the committee, could not be bothered to do just that—to show what the solutions are.

The majority report problematised the proposal that we put without making the ob-
vious next step of improving the model. It is left to the cross benches to do that. I am very happy to do so but I have to shake my head at the failure of the opposition at least to take this opportunity to hold the government and the executive to account. Here is a golden opportunity right now to work constructively with the cross benches and government senators and government members to solve a longstanding issue of what happens when the legislature and the executive are deadlocked in this way.

We have learned enough from Victoria and New South Wales—both from what those systems have in common and from what they have in contrast to the Senate—to be able to propose a model that will actually be quite a good fit for current Senate practice and custom and to resolve the issues that the majority report identifies but then neglects to solve. One of the issues that was raised was hypothetical executive hostility: ‘The government won’t like it, so we won’t bother proceeding down this track.’ That is an extraordinary abdication of our responsibility as members of Senate committees—and I have seen them work much more collaboratively than this one did. We should go on the front foot and say, ‘Executive hostility is not an excuse to not proceed with this kind of instrument, because here is a way, actually, of breaking this kind of deadlock.’ Ironically enough, the majority report notes:

... the committee’s view is that more accountability benefits will be achieved when the Senate and the executive work together to develop mutually agreeable strategies for resolution of public interest immunity claims ...

And then they voted down and rejected an entirely workable strategy for doing exactly that. Hand these decisions over to somebody independent and we will abide by the judgements of that person in the form of an independent arbitrator.

There are a number of other proposals that the Australian Greens and Senator Xenophon have put forward in this dissenting report which would go, I think, quite a long way to easing the concerns that were raised by witnesses and the concerns that were raised quite justifiably by Senator Bernardi just then, who sat down before taking the obvious next step of proposing what the solutions would be. We have a pretty cut and dried example here of the major parties being at the behest of the executive—and for what reason the opposition takes this view I have absolutely no idea. I can understand the government taking this view but certainly not the opposition. If it falls to the cross-benchers to be the genuine opposition in this case then I am happy to step into that role. But this is an unnecessary squandering of a perfectly good opportunity to make some real progress on this issue.

To give you one example of the things Senator Bernardi said: ‘There is nothing in this motion that says that the arbitrator should be given copies of the documents in question.’ Granted. Understood. Let us change that in the motion. Let us not just sit down without proposing that as an obvious amendment to the motion so that we can move forward. I am really disappointed that this is the way the major parties have chosen to engage with this. I certainly will not give up. This is a long-running issue that has quite a bit of precedent behind it and no doubt much ahead of it. I think eventually we will—through some circumstances perhaps a bit more enlightened than what we are having to sit through today—resolve this issue in a manner that allows the Senate to do what it has obviously been designed to do. People who drafted the Constitution wanted this house to be able to hold the executive to account in exactly these kinds of matters. That is what we are here to do.
Senator XENOPHON (South Australia) (5.02 pm)—I endorse the remarks of my colleague Senator Ludlam. I signed off, along with the Australian Greens, with respect to this dissenting report. I must say that Senator Bernardi is known for his plain speaking on a whole range of issues. But on this one I must say that his handling and his justification for this particular approach, the approach of the committee, and effectively the approach of the opposition and the government in terms of public interest immunity claims are very disappointing. The fact is that the excuses given by the committee in its majority report not to act are just woefully inadequate. I think Senator Ludlam made reference to the committee saying, ‘We don’t want to cause hostility with the executive arm of government.’ That is just laughable.

The role of the Senate, the house of review, is to appropriately and thoroughly scrutinise what the executive arm of government is doing. That is what we are meant to be doing. We are meant to be a watchdog for Australians in terms of the executive arm of government. When you consider what the committee has come up with, that is an abdication of the Senate’s responsibility in order to do what we are meant to be doing.

We need to also consider the context of why this committee reference occurred in the first place. Senator Ludlam has amply set that out in terms of the NBN and the fact that Senator Minchin, I believe quite appropriately, was pursuing further details from the government in relation to this. The fact that the government is not prepared to look at reform in relation to this area—and neither, it seems, is the opposition, despite the fact that this goes against its very interests in terms of what the opposition is trying to achieve in this context of the NBN documents—I think is something that will not be without consequences. I believe the government will regret taking the position it has in the context of further debates, in the context of the NBN, and in the context of the Telstra legislation.

The fact is that the expert witnesses before this committee made it clear that the proposal could be improved on, the proposal could be made workable, the proposal could be very effective. Associate Professor Twomey argued that the Senate had a greater chance of developing a cooperative model than New South Wales and Victoria because:

I think the Senate does show cooperation and has not taken things to an extreme, and that is probably one of the virtues of the Senate ... If, for example, the Senate does not receive the documents that it wants and it is unhappy about it, the strongest action it seems to have taken in the past is things like extending question time or making it difficult for governments to get their bills through on time. But it has not gone to the extent of suspending ministers and the like.

Associate Professor Twomey made it clear that there is a way forward; that the Senate, because of the way that the Senate functions in order for the Senate to do its business, relies on a process of cooperation and relies on a cooperative model; and that this would work.

The former Clerk, Harry Evans, was also confident that the requisite cooperation between the executive and the Senate could be achieved and discussed the incentives with the executive to cooperate with the proposed scheme. Harry Evans made the point:

I suppose the incentive for the executive government to agree to this sort of proposal is that it will avoid those constantly recurring cases in the future, which end up with the government being accused of engaging in a cover-up and the public not knowing whether it is a cover-up or whether it is not.

That, to me, is the key to this. This is about transparency. This is about multibillion-dollar contracts that affect every taxpayer. I see Senator Joyce is in the chamber as the shadow finance spokesperson. I have not had
a chance to publicly congratulate him on his elevation. Senator Joyce has been consistently calling for the need for transparency to ensure that taxpayers get value for money in terms of deals that are done, that the process of spending is transparent and that we are not left with an unnecessary debt.

How are we supposed to do our job properly if public interest immunity is being used as a shield, as a cover, for decisions of government that could cost taxpayers many billions of dollars without the checks and balances that a process of independent arbitration of such claims can lead to? That is why with my colleagues the Australian Greens—and I am very grateful for the work that Senator Ludlam has done on this—I support a number of practical recommendations: that the information commissioner, should the Freedom of Information Reform Bill be passed, be required to report annually to the Senate on the veracity of government claims of public interest immunity, which implies that the commissioner has a role to look behind those claims of public interest immunity; that an independent arbitrator be appointed where there are disputed claims; that the Auditor-General provide independent advice if a claim involves commercial-in-confidence matters; that the President of the Senate may issue guidelines to the independent arbitrator setting out the manner in which the arbitrator’s discretion ought to be exercised; and, finally, that there be a scheme for resolving these disputes of public interest immunity with respect to Senate orders for documents.

These are practical measures. These are things that can work. We have heard from the expert witnesses that these matters are practical and can be implemented. Instead, the committee—the government and the opposition—in the majority report, in a hand-wringing exercise extraordinaire, is saying, ‘We can’t change things; we’ll leave things as they are.’ I think there are consequences for taking such a blinkered approach to such an important issue. If the government and the opposition think that is the end of it, then they ought to think twice, particularly in the context of the NBN legislation that will be coming up shortly. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUSINESS
Rearrangement

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (5.09 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 2 (Foreign Acquisitions and Takeovers Amendment Bill 2009).

Question agreed to.

FOREIGN ACQUISITIONS AND TAKEOVERS AMENDMENT BILL 2009
Second Reading

Debate resumed from 26 November 2009, on motion by Senator Stephens:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (5.10 pm)—I rise today in support of the Foreign Acquisitions and Takeovers Amendment Bill 2009. It is very important, with things such as the Foreign Investment Review Board and foreign acquisitions and takeovers, that we consider wanting not only our nation to be a vessel for the wealth of other nations but our involvement in our nation’s wealth to remain paramount among our concerns. We only have one country to live in and we have a responsibility not only to those who are part of Australia now but to those who will be part of Australia into the future—our children and grandchildren. We have a responsibility to hand over to them a legacy of wealth that they can use to support the desires and
requirements of their lives. It is extremely important that we are prudent and have good oversight into exactly how the wealth of this nation is invested in by other countries.

The bill updates the Foreign Acquisitions and Takeovers Act 1975, the legislation which provides the basis for the Treasurer to rule on investments in Australian businesses and assets by foreign companies to ensure that they are in our national interest. Importantly, the bill explicitly requires foreign investors to notify the government when the types of acquisitions, investments or arrangements could deliver influence or control over an Australian company. The most significant aspect is that this requirement applies both now and in the future. This is mainly due to the fact that since the act came into force there have been a number of changes in financial structures, making them considerably more complex.

The current act does not adequately cover all modern investment arrangements. Lately, we have seen the more opaque way that investment has been carried out in our nation. We need more clarity in how we deal with this. By way of explanation, I will take a moment to outline how the foreign investment process works. Submissions are made by potential investments to the Foreign Investment Review Board, a non-statutory body which was established in 1976—it must have been by the coalition government—to advise the Treasurer on the government’s foreign investment policy and its administration. Its role is to examine the proposals and then make recommendations to the Treasurer. To the best of my knowledge, in the past generally the recommendation the Treasurer gets is one to approve. It might be to approve with conditions, but generally it is one to approve—and that is a debate for another day.

I thought it would be useful to provide some statistics from the Foreign Investment Review Board—FIRB, as it is known—to outline the significance of this growing investment sector. In its most recent annual report, which details activities in 2007-08, FIRB received and considered more than 8,500 requests—an increase of 22 per cent on the previous year. Nearly 8,000 investment proposals worth nearly $200 billion were approved in 2007-08. Of these, nearly 80 per cent were subject to conditions in one form or another, major or minor. The majority of these considerations were real estate projects rather than mining or other major propositions. Of those approved, most were in the mineral exploration and development sector. The value of these approvals was $64.3 billion—double the value of approvals in 2006-07, which is a sure sign of the strong desires by foreign investors to invest in our mining sector as they see it as having a great capacity for future wealth. The real estate sector ranked second, with a value of $45.5 billion—more than double the value of approvals in 2006-07. Services was the next most valuable, at $35.7 billion—an increase of one-fifth. Manufacturing approvals had a value of $31.3 billion—again, double that of the previous year.

The final decision on the fate of each proposal ultimately lies with the Treasurer. An important point I wish to make in supporting this bill is that it does not alter the role of the Treasurer in this regard. If the Treasurer decides the deal is going forward, the deal is going forward; if the Treasurer decides the deal is to stop, the deal is to stop. Another important point is that this bill contains no changes to the national interest test. While neither the act nor this bill defines this concept, the Foreign Investment Review Board understands it to mean that the government determines that it is contrary to the national interest by having regard to widely held
community concerns of Australians. We have seen those concerns clearly ventilated in recent times. This allows for interpretation by the government of the day as it deems appropriate. It is important for us to acknowledge once more—and this has been elucidated in statements by people such as Peter Costello—that the Foreign Investment Review Board is almost exclusively in favour, maybe in favour with conditions, but in favour, of approvals.

The most recent example of the Treasurer exercising his right to amend an application was the case of China Minmetals Nonferrous Metals Company, known as Minmetals. This application was to purchase 100 per cent of OZ Minerals. But the section of OZ Minerals pertaining to Prominent Hill, which is in South Australia near Woomera, was prohibited. However, this did not stop Minmetals being allowed to purchase other significant mineral assets, the major one being what was formerly Century Zinc and now the second-largest open-cut zinc mine in the world. That is now owned by Minmetals, and of course we have to recognise that Minmetals is a wholly-owned subsidiary of the Chinese government. That in itself raises concerns among the public and those concerns should be acknowledged in this chamber.

In order to help further safeguard our national interest this bill broadens the definition of what has to be reported to the government by potential foreign investors. It amends four definitions in the act: ‘aggregate substantial interest’, ‘potential voting power’, ‘substantial interest’ and ‘voting power’. The current meaning of ‘aggregate substantial interest’ is 40 per cent or more of the voting power of the issued shares. The bill redefines it as two or more persons taken together holding at least 40 per cent of the voting power, potential voting power, issued shares or rights to issued shares. This potential voting power refers to the number of votes that could be cast if it is assumed that a future right is exercised. ‘Substantial interest’ is currently defined as 15 per cent or more of the voting power of the issued shares. The bill changes this definition to holding at least 15 per cent or more, or one or more of the potential voting power, issued shares or rights to issued shares. ‘Voting power’ is currently defined as the maximum number of votes that can be cast at a general meeting. It has been clarified to explicitly include potential voting power. So the concept of assessment has been broadened.

The coalition believes that foreign investment in Australia is in Australia’s national interest. It provides the capital that is needed for a range of projects; it generates local wealth and creates jobs. We acknowledge that there has been a large involvement of foreign investment in the development of our nation. Our history and the wealth of this nation have been developed by foreign investment. In order to illustrate this point I will share with you a few examples of foreign investment by Japanese investors. We know that the development of the coalfields in Central Queensland was greatly assisted by investment from Japanese companies. Kestrel mine, for instance, 40 kilometres north-east of Emerald in Central Queensland, is an underground project which supplies world markets with up to 4.2 million tonnes of coking and thermal coal each year. Japanese trading house Mitsui holds a 20 per cent share in this mine. Blair Athol mine, 20 kilometres north-west of Claremont in Central Queensland, supplies Asia and Europe with 12 million tonnes of thermal coal each year. J-Power Australia Pty Ltd holds eight per cent and Japan Coal Development in Australia holds 3.4 per cent.

But we must acknowledge that at the start of this investment, especially by the Japanese, they were in joint ownership agreements, with Australian investors owning the
majority. Those requirements have changed and there are concerns now, especially in what state owned enterprises might do with 100 per cent ownership of mines. This is a concern that is held and it is a concern no doubt the Foreign Investment Review Board looks at when considering investments. Hail Creek mine is located 90 kilometres southwest of Mackay in Central Queensland and supplies Asia and Europe with eight million tonnes of hard coking coal each year. Nippon Steel Australia Pty Ltd holds eight per cent, Marubeni Coal Pty Ltd holds 6.67 per cent and Sumisho Coal Development holds 3.33 per cent.

The mining leases that these coalmines are part of are paid substantially to state governments, especially to the governments of Queensland, New South Wales and Western Australia. The royalty income that flows from them goes a long way to propping up the finances of some of these state governments. We have to acknowledge, though, that sometimes there is a clash of interests when we see the mining interests and the interests that are held below the ground and the interests of those who hold the land above. That is evident in such places as the Liverpool Plains, especially around Breeza, at the moment. We are seeing it once more in areas such as around Toowoomba. These are the sorts of interests we also expect the Foreign Investment Review Board to have a mind to—the interests of the Australian people as represented by Australian farmers and Australian food producers. We want to make sure that those people are not unduly compromised by the development that is brought on board by foreign interests—or, in some instances, by domestic interests.

We have a problem at the moment because the finances of the state governments are so parlous that they have an insatiable desire to sell mining leases. They cannot manage the books and they are doing everything they possibly can to bring in money from wherever they can find it. Their idea, which we are seeing more and more among Labor governments at a state level, is that, if it is not nailed down, they are going to sell it because they have basically run out of money. In Queensland we are seeing a peculiar juxtaposition of lauded environmental credentials with commercial considerations, as the Queensland government so earnestly tells people what they can do above the ground while having no hesitation about selling anything below the ground. The reason for that is they make hundreds of millions of dollars from selling what is below the ground, and this is a situation that is leading to some of the concerns. For instance, there is their overnight moratorium on any further drilling for water in North Queensland for the rural sector. However, they have no problem with selling mining rights up there, they have no problem with selling anything that is under the ground and they have got no problem with going around Toowoomba and selling every mining lease they can find.

These are concerns which I hope that, in a true, open and frank discussion in the future, the Foreign Investment Review Board may look at. This legislation is certainly heading in the right direction, but there are certainly issues that need to be clarified, resolved and improved, and, with that purpose in mind, the coalition will be supporting this legislation.

Senator XENOPHON (South Australia) (5.23 pm)—There is no question that foreign investment is crucial to Australia. It boosts economic growth, it can ensure competitive industries, it creates jobs and it can increase exports. According to the Department of Foreign Affairs and Trade, the stock of foreign investment in Australia as at 31 December 2007 totalled $1.6 trillion. However, it remains crucial that these investments be monitored, that, in the context of foreign
investment approval, there be appropriate regulations and, above all, that they be in the national interest and never at the expense of our local industries in the short or long term.

As at 31 December 2008, the United States and the United Kingdom were the largest foreign investors in Australia with 24.8 per cent and 24.3 per cent respectively. Japan, Hong Kong and Singapore were ranked third, fourth and fifth while China was ranked 15th. But China’s interest in Australia is growing, and I welcome the fact that Australia and China have a strong and positive bilateral relationship of mutual benefit to both countries. In 2006, China’s investment in Australia was around $3.5 billion. In the financial year to June 2009, investment applications from China rose to $10 billion and by the end of this financial year they are forecast to hit around $30 billion. Indeed, Treasurer Wayne Swan has previously noted that since November 2007 he has approved Chinese investment applications at an average of one every nine days.

Under the current Foreign Acquisitions and Takeovers Act 1975, determinations are assessed by the Foreign Investment Review Board according to a national interest test which is designed to have:

… regard to the widely held community concerns of Australians.

During the recent Senate Economics Committee inquiry into foreign investment by state owned entities, Mr Patrick Colmer from the Foreign Investment and Trade Policy Division of Treasury was asked when a foreign investment might be considered bad for Australia. Interestingly, Mr Colmer advised the committee:

If you look back at the cases that we have rejected, you can see that we have not rejected outright very many at all.

He went on to say:

In fact our best information is that 16 cases have been rejected since 1990. That is out of something in the order of, on average, about 500 business cases a year.

The national interest test conducted by the Foreign Investment Review Board currently follows six principles, based on whether:

An investor’s operations are independent from the relevant foreign government …

An investor is subject to and adheres to the law and observes common standards of business behaviour …

An investment may hinder competition will lead to undue concentration or control an industry or sectors concerned …

An investment may impact on Australian government revenue or other policies …

An investment may impact on Australia’s national security …

An investment may impact on the operations and directions of an Australian business, as well as its contribution to the Australian economy and broader community.

According to the explanatory memorandum for this bill:

… foreign investors—will be required—to notify the Government where there is a possibility that the type of arrangement being used will deliver influence or control over an Australian company, either currently or at some time in the future.

This compulsory requirement will be applied in tandem with the Foreign Investment Review Board’s current assessment, but certainly places extraordinary trust in the foreign investor to comply with this mandatory reporting provision and assumes that the investor would be willing to give insight into their future business plans. Although I do agree with Senator Joyce that this is a step in the right direction, I believe that it ought to go much further. Given this, the current assessment test by the Foreign Investment Review Board needs to be tightened to further...
ensure that any and all foreign investment is in Australia’s national interest. To deal with these concerns, I move the following amendment in my own name and that of Senator Ludlam:

At the end of the motion, add:

but the Senate calls on the Government to bring forward the changes to law and policy necessary to ensure that:

(a) foreign governments cannot use corporate vehicles they control to purchase strategic assets within Australia;

(b) for non-state-owned entities, a ‘related entity’ test is applied, so that different entities under the same ultimate majority control are treated as one entity in assessing whether an acquisition will result in more than 10 percent of control of any strategic asset market in Australia;

(c) the Foreign Investment Review Board (FIRB), in considering decisions on foreign ownership, is required to assess whether Australia has reciprocal rights of investment in the proposer’s country;

(d) effective laws are in place to prevent creeping acquisitions by foreign, state-owned entities of Australian businesses and assets;

(e) the FIRB provides clear criteria of what the ‘national interest’ test is;

(f) abbreviated versions of FIRB advice to the Minister are tabled in both Houses of the Parliament;

(g) clear definitions are advanced of ‘community interest’ and ‘common standards of business behaviour’, and major investment proposals are subjected to rigorous public scrutiny to ensure that they meet genuine common standards of business behaviour; and

(h) the human rights records of the country of state-owned entities seeking to invest in Australia be a key factor during consideration by the FIRB, and that all foreign non-state-owned entities be subject to consideration of their other investment activities and whether these conflict with Australia’s ethical positions.

As I mentioned earlier, Australia welcomes foreign investment for the benefits it offers in boosting economic growth, ensuring competitive industries, creating jobs and increasing exports. But it cannot and must not be at the expense of our ability to remain competitive in the national and international marketplace and it cannot and must not enable another nation to have indirect control over Australia’s independence, governance, ethics or values.

The Foreign Investment Review Board should, as part of its considerations for any investment proposal by a foreign entity, acknowledge its possible consequences, which go far beyond a simple monetary investment, including ethical considerations, and its impact on consumers as well as its broader political ramifications. It is important, for instance, that foreign governments are not able to use corporate vehicles they control to purchase strategic assets in Australia.

Investment may come in many forms, and one may be from state owned entities, such as those from China—there are a number of state owned entities from China that are seeking to invest here in Australia. The implications of this on a political level must be considered and the question must be asked: do we know the outcome when a dispute arises with an entity that is majority state owned by another nation?

When there is a dispute between two corporate entities, the matter is normally taken to court or to a system of arbitration and a ruling made that is abided to by both parties. However, when a dispute about a corporate matter involves another nation’s government, matters such as bilateral trade agreements
and broad diplomatic relations come into play. Commercial considerations can be subsumed by purely political considerations, with potentially adverse consequences for consumers and also for the national interest.

In early 2009 aluminium maker Chinalco sought approval to buy a $27.69 billion stake in Rio Tinto’s strategic mineral assets. Had this purchase gone through, it would have increased the stake of Chinalco, a Chinese government state owned enterprise, in Australia’s second largest resource company from 11 to 18 per cent and would have given the Chinese government-owned company two board seats. There was very real concern about the impact that this could have had on the price of one of our strategic assets. I said then and I still believe this now—and I note that Senator Joyce and I did some advertisements in the media opposing this deal—that it does not make sense for an arm of the Chinese government to be in a position to control and set the prices of Australian resources. Furthermore, the reverse question has to be asked: would the Chinese government allow an Australian company to have such a stake in one of its key strategic assets?

Investment offshore is as vital to Australian companies as it is to foreign investors seeking to enter the Australian market. According to the Department of Foreign Affairs and Trade, Australian investment abroad was worth $884 billion at the end of 2007. So the case of reciprocity must be raised. We allow into Australia foreign investors whose governments deny our investments, and that does seem unfair. A country’s human rights record should also be taken into account when deciding whether or not we allow investment from a particular nation. In this regard I note the evidence to the Senate committee by Ian Melrose, the Australian businessman whose company funded the ads in relation to the Chinalco deal. As some of my colleagues might be aware, this is the same man who has also funded ad campaigns on important human rights issues such as East Timor and a whole range of other issues. He is a champion of human rights in this country. He expressed a real concern that a country’s human rights record should be taken into account in the context of decisions made with respect to foreign investment, particularly where it involves a state owned enterprise. China’s approach to human rights, for example, is in stark contrast to Australia’s stance and, as such, should surely be a factor of consideration when deciding whether to allow the government of China, through its state owned enterprise, to take over an Australian company, particularly its strategic assets. These questions, among others, as I have detailed in the second reading amendment that I have moved with my colleague Senator Ludlam, should all be included in assessments conducted by the Foreign Investment Review Board of all business cases. That is why I believe that more reform is needed and that is why I urge my colleagues to support this second reading amendment.

I also seek, in the second reading amendment that I have moved with Senator Ludlam, that the Foreign Investment Review Board be charged with monitoring a country’s interest in specific sectors to ensure that we do not have creeping acquisitions, which would negatively impact on Australia’s economy and Australian companies and jobs. In addition, I think it is imperative that the Minister for Trade be required to table the advice that the minister receives from the Foreign Investment Review Board in both houses of parliament on a regular basis. Given the number of investment applications that come before the Foreign Investment Review Board and the Treasurer each year and the number which are approved, which is in the majority, I believe it is in the national interest to see where the Foreign Investment Review Board is coming from in its deci-
sions and to find out where the foreign investment is coming from and in which industries and sectors it is in.

I welcome the amendments proposed by the government in this bill. Again, I agree with Senator Joyce that they are a step in the right direction towards ensuring greater scrutiny of foreign investment cases. But I believe the government can do and ought to do better given the considerations in relation to the national interest. I believe the national interest test itself needs to be further defined and strengthened to ensure Australia’s industries, jobs and economy remain strong, independent and Australian.

Senator LUDLAM (Western Australia) (5.34 pm)—I rise briefly to add some comments to those of my colleague Senator Xenophon and indicate that the Greens support the second reading amendment that Senator Xenophon has moved and which we have signed on to. It is basically the logical consequence of the additional comments of the dissenting report that I submitted last year with Senators Joyce and Xenophon on exactly the issues that we have been discussing this afternoon. Essentially, our support for the Foreign Acquisitions and Takeovers Amendment Bill 2009 is conditional on many of these really serious issues being addressed. The system in Australia of how we evaluate foreign investment by state owned entities and by sovereign wealth funds should not just be up for some tweaking. It really needs some serious review in terms of the way that we manage the assets that we have here and also our relationships with the various entities that might seek to take up an interest, controlling or otherwise, in some of the strategic resources that we have in Australia. There seems to have been bipartisan consensus for such a long period of time that we do not make anything here. We chop things down, dig things up and then we buy the value added products back from overseas. We really do need to take a very close look in that case. If that is to be the economic strategy that the major parties will pursue over such a long period of time, then we had better pay very close attention to the ownership and the kinds of relationships that we have with companies or government entities that would seek to take ownership of those same resources.

One example that Senator Milne brought to my attention this morning, when we were discussing this, was China’s approach to rare earths. These are, for example, strategic minerals which are enormously important for the future of the renewable energy sector or for batteries for electric vehicles. These fields are going to be huge in the 21st century. They involve strategic resources. I do not know if I would say Australia has an abundance of them, but we do have assets in these kinds of mineral reserves. We have no real filters in place to prevent them from being snapped up, whereas the Chinese government takes a completely different view of the ownership of or access to those kinds of resources. That is the sort of thing, on the one hand, that is lacking in Australia and that I think our dissenting report went some way towards addressing, but I think my colleagues have covered that in a fair bit of detail.

What I really want to go to is the issue of the human rights obligations of the entities with which we have commercial relationships here in Australia. The policy document that came out of Treasury on the government’s approach to foreign investment just says:

The Government’s approach to foreign investment policy is to encourage foreign investment consistent with community interests.

So there is something there in which presumably there would be a degree of community interest. So if a particular investment
was inconsistent with community interests then that investment would be blocked. But of course there is no consideration given by the Foreign Investment Review Board to the human rights record of the nation or the entity that is seeking to invest in Australia.

For the purposes of assessing it against human rights standards, I figure that the second principle under the FIRB guidelines—that the investor is subject to and adheres to the law and observes common standards of business behaviour—would seem to be the obvious benchmark against which to judge that kind of performance. It does not mention human rights—it needs to—but there is something there obviously. It became quite evident during Senate committee hearings that the sorts of checks and balances that are implied in this principle are really insufficient to block investment by institutions that operate in partnership with some of the world’s worst human rights abusers.

Senators by now would be familiar with the fact that I have an interest in the case of Burma. I recently visited the Thai-Burma border and was left, in no uncertain terms, with a sense of how the exiled community and campaigners working on the border view trade with the Burma regime—that in any instance it is a lifeline to the vicious and unlawful regime that needs to be cut off. We need to use all opportunities possible to strangle the financial resources that are propping up that brutal dictatorship. That is just one example that I would like to draw the chamber’s attention to. I have done a little bit of investigation. I put those questions at an estimates hearing, at which I believe Senator Sherry was present, to help us get some answers from the officers at the table, or to at least get an idea that the answers were certainly not going to be forthcoming, because it is simply not something that they are asked to consider.

At the time that the dissenting report was published, there was consideration of the $505 million deal that would deliver the state owned China Nonferrous Metals Mining (Group) Co. Ltd a 51 per cent stake in the Australian company Lynas Corporation, which owns the Mount Weld rare-earth mine near Laverton in WA. This brings together the two concerns that I was raising. It is thought to contain one of the world’s largest supplies of high-grade rare earth. This is the same entity that also operates the largest nickel mine in Burma. They could not do that without active partnership with the Burmese military regime. That entity is seeking further acquisitions in Burma. Obviously they have no problems at all in collaborating with that regime, as the Chinese government does in a number of ways. This particular entity is seeking to take a controlling stake in a rare-earth project in Western Australia. This is an outfit that also has mining operations in countries including North Korea, Iran, Zambia, Mongolia and Thailand, in joint partnership with the authorities of those nations. So it is not that it is only investing in Burma, but that is obviously a very major interest that it has.

I put the question to the General Manager of the Foreign Investment and Trade Policy Division, Mr Patrick Colmer, during an estimates committee hearing. His answer was really interesting. He said:

The position, as I understand it from the basis of the information that we have, is that the Chinese company is operating in Burma. That in itself does not tell us anything except that it is operating in Burma. The fact that a company may be operating in Burma—I believe we have an embassy in Burma.

At that point he was becoming a little bit flustered, I think. He said:

It does not seem, of itself, to be a relevant consideration. If there is information about its operations in Burma or anywhere else that are relevant
to the way that it operates in Australia, then that would be something that we may be interested in. But, effectively, regarding its offshore operations, we do not care. We would not even ask the question. If you put the question to the officers at the table they could legitimately say: ‘I have no idea what these people get up to. We’re only interested in their acquisition of assets in Australia.’ But the fact that these people are effectively collaborating with a regime of violent and organised criminals is of no effective interest to the Foreign Investment Review Board, even though it has the principle that it adheres to the law and observes common standards of business behaviour. That is a rather warped understanding, in my view, of what common standards of business behaviour should include.

In his submission to the committee—he is going to get two mentions in the same debate—the businessman and human rights activist Ian Melrose, who was referred to by Senator Xenophon just now, refers to China’s human rights record. He said:

This is not a Government we should allow to own Australian strategic mining resources which will be for the benefit, not ours.

That is partly for the reasons that I outlined at the outset—that they take a much more strategic view of control of their resources than Australia does, in my view. He also argues—and I think this argument is absolutely spot-on:

... politicians and businessmen who say you should not mix human rights with trade are cowards and opportunists.

I realise this is not something that we will solve in this debate in the Senate, because this is a long-running issue, but we need to take a very good look at some of the people we are partnering with in this country. The fact is that there is $50 million worth of trade between Burma and Australia every year, which makes up an important fraction of the revenue stream of that regime. All of this is slipping under the radar.

I believe that we have just missed a quite important opportunity to put some of those filters in place. Whether that is FIRB or whether the government believes that those filters or safety nets should occur somewhere else or in some other institution is fine—we would be interested in that—but as it stands we are effectively blind to the operation of some of these entities and their behaviour overseas. I believe that does all of us a dis-service in the Australian business community, where we expect high standards of ethics and corporate practice, and it certainly does a disservice to the people struggling under these regimes who have spent, as in the case of the Burmese people, decades trying to get out from underneath what is effectively a hostile occupation by a brutal dictatorship. I believe that anything at all that we can do in a trade and investment sense to help their cause is worth trying.

Senator SHERRY (Tasmania—Assistant Treasurer) (5.43 pm)—I would like to thank the senators who have contributed to this debate on the Foreign Acquisitions and Takeovers Amendment Bill 2009. The bill itself and the issues it goes to are relatively straightforward. I did not detect any opposition to the proposals contained in the bill, but the debate, as frequently occurs, particularly in the Senate, touched on issues beyond that contained in the bill. That is fair enough. Foreign investment is a legitimate issue of public interest, and therefore there are a range of matters that I will come to in more detail in responding to the second reading amendment—at least some of the areas that Senator Xenophon and Senator Ludlam touched on in their contributions. I have to congratulate Senator Joyce today. There has been a remarkable transformation since he became the shadow finance minister. I thought Senator Joyce was a paragon of re-
straint compared to some of the commentary from him we have heard in the past. I thought that was a generally welcomed contribution by Senator Joyce.

The bill implements the Treasurer’s announcements in February 2009 that the Foreign Acquisitions and Takeovers Act would be updated to reflect the more frequent use of complex investment instruments such as convertible notes and warrants. These types of arrangements have a solid commercial basis, but they were not in existence, they were not even envisaged, when the act was originally drafted. The bill clarifies that under the act the government can examine in the national interest any investment proposal that could deliver substantial influence or control now or in the future of an Australian company valued over the threshold. The bill applies from the date of the announcement—that is, 12 February 2009—to provide maximum certainty around the act’s application while providing flexible and sensible transition provisions. It is consistent with Australia’s international obligations by keeping to the act’s original policy intention.

The Australian foreign investment regime has stood the test of time, helping to deliver significant benefits to the Australian economy. Foreign investment is important for economic growth, competitiveness and jobs in the Australian economy. Access Economics has estimated that 14 per cent of all Australian jobs are attributable to foreign direct investment. Foreign investment also drives innovations, skills development, transfer, technology adoption and competition. The government is committed to a regulatory regime that does get the balance right, protecting the national interest while ensuring that Australia is a competitive destination for foreign investment. Reforms to the regulatory regime implemented in September specifically addressed the issue of balance. The foreign investment framework must keep pace with changes and trends if it is to remain effective. This means providing a strong national interest test but applying a light touch to foreign investments that do not have national significance.

The bill clarifies that the government can screen investments that involve complex financial arrangements in the same way as traditional shares or voting power. As I said earlier, the bill has received bipartisan support from Senator Joyce, who is the shadow finance minister, on behalf of the Liberal and National parties, and bipartisan support in the House of Representatives, with several members speaking in support of the bill, including the shadow Treasurer.

Supporting this bill will improve and safeguard the integrity of foreign investment screening. This is one important part of an effective foreign investment approach that is well established and familiar to international investors. It may not be particularly well known, but on delegation from the Treasurer, as Assistant Treasurer, I do receive the recommendations from the Foreign Investment Review Board for a considerable number of proposed investments into Australia. Amongst all of the issues that I need to consider in providing the ministerial and government approval, it is to me a matter of great pride that Australia is an attractive destination for foreign investment. Australia is a medium-sized economy and, on a world scale, a relatively small population. It is a resource rich economy, and we have historically had to rely on foreign capital to develop our resource base. So to those who argue no foreign investment, that would mean that a significant part of our resource base and other sectors of the Australian economy would simply go undeveloped. In the case of resources they would stay in the ground.
Foreign investment supports around one in four Australian workers in the mining industry, and foreign investment contributes almost half of all value-add in the industry. So in my various public comments from time to time on the issue of foreign investment, I have been a strong supporter of foreign investment, provided the various criteria that are set down—the national interest and the other criteria—are met. I know the government and the Treasurer, Mr Swan, are strong supporters of foreign investment into Australia because it is needed. It is needed to assist in the economic development of the country.

There are some aspects of the debate that are a little unfortunate. There has been in some of the public commentary an overfocus on a country like China. It reminds me of the debate that occurred around the foreign investment that was coming from Japan in the sixties and seventies. And there are some unfortunate aspects to the debate. I do not have the figures in front of me, but as a matter of fact the largest source of foreign investment into Australia is from the European Union. I think the second-largest source is from the US. I think the third-largest source is from Japan. I am not sure that China is in the top five or six, but I do not have the figures here in front of me.

It is important to put into perspective that China is, very obviously, a significantly major rising economic power contributor to the world economy. As a consequence of that, it is only natural and reasonable that, given they are the most significant surplus saver in terms of capital saving countries in the world, they would seek to invest a proportion of their savings overseas. It is generally a good thing that they have such confidence in the strength of the Australian economy, in the future of the Australian economy and in our general corporate regulatory legal regime. Australia, for a whole range of reasons, is able to attract foreign investment so necessary to develop the country and one of those countries of course is China.

I will not read all of the proposals contained in the second reading amendment prepared and spoken to by Senator Xenophon and Senator Ludlam, but, in summation, the amendment largely reflects the minority report of the Senate Economics References Committee inquiry into foreign investment by state owned entities. That is reasonable. While the government is not going to support the amendment, the proponents of the amendment have consistency in the sense that they reflect concerns expressed in that report. I will not go to all of the provisions; I do not have sufficient time to do that; but I do want to go to some of the points made in the amendment—which, as I say, the government will not be supporting. The amendment provides that a foreign government shall not use any corporate vehicle which they control to purchase strategic assets within Australia. Further, for a non-state owned entity, a related entity test will be applied so that different corporate entities with the same ultimate majority controlling influence represented by equity debt or other mechanisms will be deemed as one entity for assessment as to whether it will result in more than 10 per cent of control of any strategic asset market in Australia.

We do not support that aspect of the amendment. The government is committed to a case-by-case examination of all foreign investment proposals. That approach ensures Australia can maximise investment flows while protecting our national interest. The government does recognise that sovereign wealth funds and other SOEs are increasingly part of the global financial system and notes that Australia has its own sovereign wealth fund—our Future Fund. Reflecting this trend, the government supports the efforts of the International Monetary Fund and the International Forum of Sovereign Wealth

CHAMBER
Funds to develop a set of voluntary best-practice principles to maintain the free flow of cross-border investment. Last time I looked, the chair of the International Forum of Sovereign Wealth Funds was our own Mr Murray, who is the chair of the Future Fund. The government applies a rigorous national interest test to all SOE investments. This is designed to examine whether SOE investments are transparent and commercial in manner.

Another part of the amendment concerns the Foreign Investment Review Board being required to consider whether Australia has reciprocal rights of investment in the proposer’s country. Again, the government does not consider it appropriate to penalise foreign investors for the investment policies of their home country government. This would be inconsistent with Australia’s international obligations, including to the Organisation for Economic Cooperation and Development, the World Trade Organisation and Australia’s free trade agreement commitments. The role of the act is to provide for the screening of incoming investment. It has no role in outward investment—and I would argue it should not. Assessment of the national interest could include such considerations, but, in general, reciprocity is not a useful guide to Australia’s national interest. However, the government will continue to advocate for foreign governments that have restrictive investment policies to liberalise their regimes for the benefit of Australian investors. I know that in the negotiations my colleague Simon Crean, the Minister for Trade, participates in—and he is a very rigorous advocate of Australia’s interests—he raises this issue, and I know that in some cases there are responses and changes occur.

The issue of creeping acquisitions of Australian businesses and assets owned by state owned entities is raised. I point out that there are a separate set of laws that cover what are known as creeping acquisitions of Australian companies and businesses. The Foreign Acquisitions and Takeovers Act allows the government to review any increase in ownership beyond 15 per cent of an Australian company or business valued above $231 million. For investments by SOEs and other entities with links to foreign governments, the foreign investment policy allows the government to review any direct investments in Australian companies or businesses regardless of the value of the company or the business.

I will make a peripheral but important point: in terms of governments that own, part or whole, entities which seek to invest in Australia, we are not just dealing with countries such as China or sovereign wealth funds et cetera. There are a range of investments that I am certainly aware of, given my responsibility as Assistant Treasurer, from a range of European and US financial institutions that now—as a consequence of the financial crisis, I would have to say—do have a substantial government stake for a range of reasons concerned with the financial crisis. It has to be given consideration when those entities which in the past were fully private are now owned or partly owned by governments. They are given the same examination by FIRB and ultimately, if they come to my or the Treasurer’s attention, they are given the same consideration as the more commonly understood government enterprises that have part or whole ownership, such as sovereign wealth funds or any of the state owned enterprises that exist. Singapore is another example—it has extensive government investments through subsidiaries of its provident fund, I think. A very complex set of issues may need to be considered.

The amendment calls for clear criteria of what the national interest test is and for abbreviated versions of the FIRB advice to the minister to be tabled in both houses of parliament. It also calls for the government to
define what is meant by ‘community interest’ and ‘common standards of business behaviour’. I point out that in February 2008 the government published guidelines that explain the factors we consider when evaluating the national interest implications of foreign government related investments. Specifically, the government looks for evidence of a commercial basis for the investment. It considers the commercial and legal conduct of the investor—that is, do they adhere to the law and do they abide by common standards of business behaviour? The government also considers competition issues, the impact of the investment on Australia’s revenue base, national security of course, and the impact of the investment on the Australian company, our economy and the broader community.

The government does take seriously the commercial-in-confidence nature of the investment proposals that it receives. You have to take it very seriously because if the information you are receiving became public knowledge it would have—in some cases at least—a significant impact on markets and the value of particular entities that are listed on the Australian Securities Exchange, for example. Certainly in exercising my powers in this area I am very mindful of the commerciality and the need for very strict confidence. In exercising my responsibilities as the Assistant Treasurer there are many areas where commercial-in-confidence is important but this would have to be one of the most sensitive areas for maintaining commercial confidentiality.

Another paragraph of the amendment relates to human rights. The government considers that it is not appropriate to hold investors accountable for actions taken by the home country government except in limited circumstances where Australia maintains formal sanctions against that country. However, if there is evidence that the investor itself has breached human rights or undertaken other unethical behaviour, such actions will be considered when determining if the investment would be contrary to Australia’s national interest, and that has always been the case. I do not think that is generally well known, but that has always been the case.

I thank senators for their contribution. The government does not support the amendment. I do appreciate the contribution of those senators who have spoken in favour of the amendment. Foreign investment is an important issue. It is a sensitive issue, but I advocate that the amendments in this legislation are important. In general we should welcome foreign investment in this country. It is very important for our economic development. Particularly in Australia, which is so resource rich, the reality is that the development of our economy and the value adding and the jobs that result from so many of these resources would not occur without foreign investment. Australia would be much the poorer if we did not receive that investment.

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (6.03 pm)—The coalition will not be supporting the second reading amendment that has been moved in relation to the Foreign Acquisitions and Takeovers Amendment Bill 2009. To be quite honest, there are issues with it which I am personally favourably inclined towards, but in this new wonderful world being in shadow cabinet means that my decision is not the decision that matters. There is a wider aspect to this. There are other areas which have been brought to light, especially in regard to the free trade agreements that have been moved in relation to the Foreign Acquisitions and Takeovers Amendment Bill 2009. To be quite honest, there are issues with it which I am personally favourably inclined towards, but in this new wonderful world being in shadow cabinet means that my decision is not the decision that matters. There is a wider aspect to this. There are other areas which have been brought to light, especially in regard to the free trade agreements that have to be considered. So, although there are sections of it which I am fundamentally sympathetic to and I acknowledge the work done by Senators Xenophon and Ludlam in putting it together, I will be completely truthful with you and say that, on the wider aspect of the deci-
sion by the coalition, this amendment will not be supported.

Question put:

That the amendment (Senator Xenophon’s and Senator Ludlam’s) be agreed to.

The Senate divided. [6.08 pm]

(The Acting Deputy President—Senator G Barnett)

Ayes…………… 6

Noes…………… 36

Majority……… 30

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

NOES
Barnett, G. Bernardi, C.
Bilyk, C.L. Birmingham, S.
Brandis, G.H. Cameron, D.N.
Colbeck, R. Collins, J.
Cormann, M.H.P. Crossin, P.M.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fielding, S.
Forshaw, M.G. Furner, M.L.
Hurley, A. Hutchins, S.P.
Joyce, B. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S.
Polley, H. Pratt, L.C.
Sherry, N.J. Sterle, G.
Troeth, J.M. Trood, R.B.
Williams, J.R. * Wortley, D.

* denotes teller

Question negatived.

Original question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

NATIONAL SECURITY LEGISLATION MONITOR BILL 2009 [2010]

Second Reading

Debate resumed.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Before I call Senator Ludlam, I advise senators in the chamber to remain quiet to ensure that standing orders are met.

Senator LUDLAM (Western Australia) (6.12 pm)—Thanks, Mr Acting Deputy President; I appreciate that. When this debate was interrupted earlier, I was discussing the fact that the Greens certainly support the model that has been put forward. In fact, it is the model for a national terrorism legislation reviewer that we have been proposing for quite some time—and it is now five years overdue, so we are glad to at least see the National Security Legislation Monitor Bill 2009 [2010] turn up. But I am perplexed as to why the government thinks that a part-time reviewer working with two staff out of the Prime Minister’s office, with really sketchy reporting obligations and not much of a budget to speak of, is going to be sufficient to undertake the vast amount of work that is going to be required of this office.

The reviewer is going to have to conduct a very broad ranging analysis of an array of complex and sensitive terrorism laws, and perhaps review them every time they are used, when the Prime Minister requests it or when the reviewer chooses to on his or her own motion. The staffing arrangement, two staffers to support one part-time officer, is essentially going to cripple the office at the outset. I think that is the real risk here. It certainly speaks volumes about the government’s actual priorities for this office. They will be able to say: ‘Tick. That was an election commitment—there is something that obviously should have been instituted in the first place—but, by the way, we’re not going...
to resource it, so good luck to that office!’ As the demands on the monitor increase, obviously so too should the resources, and that is something we will be tracking very closely as the work of this office unfolds.

Independence was an issue that was raised by coalition senators and by us during the committee inquiries as we investigated various iterations of this bill. The government has at least seen the sense in highlighting the independence of the office: the word ‘independent’ is now in the title of the office. So that is something, because the independence of the office is vital if the exercise is to actually increase public confidence and balance terrorism laws. That is why we argued that the title should at least acknowledge that. We would have preferred the title ‘independent reviewer of terrorism laws’, but the government has not gone along with that.

The independence of the office needs to be not just in a name but also in the way that it operates. We believe there is merit in the office existing outside the Department of the Prime Minister and Cabinet. We expressed concern at the evidence provided by PM&C in the Senate inquiry that they already had specific staff in mind for the monitor’s office. So there is a process of hand-picking going on. No disrespect is intended to either the reviewer or the staff that the officers may have had in mind at the time, but we would prefer to see a process where the office can function with genuine independence in mind. We do not have any confidence at the moment in the quality or the quantity of independence of the office simply because of its placement within PM&C and the fact that is where the staff will be drawn from. We would rather have seen a much more broad-ranging process to recruit suitably qualified staff for this important office.

I am also very pleased that the government has recognised the need for Australia’s human rights obligations to be part of the reviewer’s mandate. For me, this is the biggest move we have seen so far on the part of the government, and I am very happy to acknowledge that at least it will now be an intrinsic part of the reviewer’s work to benchmark terror laws against Australia’s human rights obligations. We still have a couple of amendments to tighten up the wording and to make sure that it is absolutely implicit because, really, that is one of the primary functions of the office, in my view.

This exercise is about human rights and about achieving a better balance within the anti-terror laws between security and protection of civil and political rights, which in fact these laws really should be intended to protect. The Australian Greens have consistently sought to link the efforts of the review mechanism to Australia’s human rights obligations under the various treaties and conventions we have signed over a long period of time. One of the things that we will attempt to amend, and that I hope we see opposition and government support for, is that the Human Rights Commissioner should be able to make references to the monitor in addition to the Parliamentary Joint Committee on Intelligence and Security. We recognise the value of having a parliamentary joint committee being able to refer matters to the terror laws reviewer or monitor, and the Human Rights Commissioner should be able to do exactly the same.

One of the key issues that has been left undone and, as far as I am concerned, one where we will be able to make the most improvements to the bill as it sits before us will be around the reporting obligations of the monitor. One of the worst things we could be left with is an office, with barely enough resources to do the job, that reports to the Prime Minister and then some time down the track, at the Prime Minister’s discretion, sanitised reports may or may not make their
The Prime Minister can currently determine the order in which the reviewer attends to the workload, and that again goes to the independence of the office. The officer needs to be able to set his or her own priorities and not necessarily be hijacked by the political imperatives that come from the Prime Minister’s office. Even with the best intentions in the world, unless it is a much larger office, we think the monitor needs to be able to set his or her own priorities.

The only reporting obligation that the monitor will have—and the minister, during committee stage, may correct me on this—will be a heavily edited annual report. That may well be all that we see: an annual report that will come after being sanitised by the executive, by the government—and that surely is not the intention. That is not what was designed here and it is not what the public needs from this office. We believe that the monitor should be required to table a report and the government be required to provide the response within a period of 12 months. If the monitor has undertaken a particular piece of work, that should then be reported to parliament with national security sensitive matters removed by the monitor himself.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! There is quite a bit of background noise and it is making it hard to hear properly, so I will just ask senators to bear that in mind.

Senator LUDLAM—Thank you, Mr Acting Deputy President, I appreciate that. A large number of the amendments that we will propose further down the track in this debate go to the reporting obligations of the officer so that the public knows what the monitor is doing and also knows that he or she has been free from executive interference. We have enough agencies on massive budgets working behind closed doors on the issue of counterterrorism and national security. What we do not have yet is an officer with relative freedom to report as he or she sees fit on the operation of these laws.

In the broader context of how counterterrorism work and the process of law reform are going on in Australia, we are still waiting for a counterterrorism white paper. We have seen substantial proposals for law reform come from the Attorneys-General’s national security legislation discussion paper but there is an absence of a white paper that gives us the strategic direction and some insight into where the government is actually heading on counterterrorism law reform in Australia. We do not have the white paper, but we have been asked to accept a hefty national security legislation discussion paper which, in a way, was quite sketchy—it dealt with some issues and left some others completely unsaid. We believe, in essence, that the monitor should have occurred first. That is something this parliament could have dealt with at the end of 2008 with the private senator’s bill that Senator Brandis spoke of before. Then we should have seen a white paper, so that we would actually know where the government is heading, and then the proposals for law reform that can be properly informed in public debate. Instead, it is happening completely backwards, in the reverse of that order.

I will speak in much greater length during the committee stage about the Greens amendments, but I would firstly acknowledge, as Senator Brandis did, that the government has moved on this. It has accepted some of the recommendations of the committee, and that is always welcome. I have been involved already, in my brief time here, in enough committee work to know that really valuable cross-party work is done and it is always appreciated when the govern-
ment has the courage to admit that it did not have all the right ideas and was not right 100 per cent of the time. There has been some movement, as I said, particularly in the area of human rights and the way that this agency or office will review human rights obligations. But there is still some work to do, and I intend to work with both the major parties and the cross-benches to make sure we get the very best out of this office that we can.

Because terrorism involves such horrific crimes, as a representative of a party of which one of the pillars is nonviolence, I have a very strong belief that we should do everything that we can to protect Australians and people overseas from crimes of terror. That should not be at the expense of providing for the human rights obligations that we are signatory to and the rights that we hold so dear. Counterterrorism laws are effectively designed to protect, in essence, our way of life, so we have been very concerned for a long period of time that those rights have been eroded by the operation of these laws that still rest, even today, on the statute books. We do not believe that there necessarily has to be that trade-off with the operation of really draconian and restrictive counterterrorism laws. We believe that some of these should simply be repealed without even the dignity of a review by the National Security Monitor. But most of all I look forward to improving this bill as it goes on its way through the chamber, so that we can get the office up and running with some proper resourcing and some really transparent reporting obligations.

Senator TROOD (Queensland) (6.22 pm)—One of the many profound consequences of the terrible terrorist attacks of 11 September 2001 was the need for governments around the world to assess their capacity to deal with this new and frightening threat of international terrorism. One of the needs, in many cases, was for the introduction of domestic legislation to try and deal with the new challenge that appeared. That meant in Australia, as elsewhere, quite a large amount of legislation which tried to provide a balance between the protection of rights that we treasure and civil liberties that we have taken for granted and the need for public and national security.

There is always a risk when governments act in a new area like this—particularly when they introduce quite wide-ranging legislation—that well-established civil rights, ones that citizens have enjoyed for a long period of time and take for granted, might be compromised. So governments have to strike a balance. They have to strike a balance between individuals’ rights—at least in a democracy they do—and the provision of national security, which is increasingly demanding. It is not an easy balance to strike. Terrorism is a profound challenge to this society and many others. It ought not to be underestimated. It requires governments to take measures which might not in the past have been acceptable to either the government or its citizens. But the Australian public, like other publics, are entitled to expect that a government will do all it can to provide for their personal security and the national security. That is what I think that much of the legislation which has been introduced in Australia does. It seeks to provide that level of security, that level of confidence, that we can meet the kinds of challenges with which we might be confronted. There is plenty of evidence in relation to the success we have had in meeting many of these challenges. That said, it seems to me that governments need to be cautious about the way they act in this area. They need to be careful about stripping away civil rights that are part of the fabric of our democracy and are the foundation of our freedom.

It is in that context that I particularly welcome this piece of legislation, the National
Security Legislation Monitor Bill 2009 [2010], because it seems to me that this is a piece of legislation which has as its central purpose the creation of a safeguard, an independent reviewer, to ensure that Australia’s counterterrorism legislation is effective but also contains appropriate safeguards to protect the rights of individuals in this society. This is not a new idea. It is an idea which has been in practice in the United Kingdom for quite a number of years. The independent reviewer of terrorism laws is an office that has been in place in the United Kingdom for quite some period of time. By all accounts, it has been a successful innovation in the protection of interests. The work of the office is widely acclaimed. So we have a precedent which is being applied in this legislation. However, there are some important differences between this legislation and the United Kingdom legislation. Regrettably, some of those differences, in my view, make the office that is proposed under this legislation likely to be rather less effective than the office in the United Kingdom.

I want to look at some of the shortcomings of the bill, as I see them, in the short time that is available to me. Before I do, I wish to acknowledge the considerable debt that I think all Australians have, in relation to the protection of their civil liberties, to Mr Petro Georgiou, the honourable member for Koo-yong in the other place. Mr Georgiou has a long and distinguished record of supporting human rights in Australia. It was Mr Georgiou, not the supposedly human rights oriented Rudd government, who first proposed that there be an independent reviewer.

Senator Brandis—Where did you get the idea the Rudd government was human rights oriented?

Senator TROOD—I have never been under any illusions about that point, Senator Brandis, but I think the government is probably under that misunderstanding. But Mr Georgiou was concerned about these things many years ago, long before the government actually thought this was an issue worth taking up. Indeed, when Mr Georgiou introduced his private member’s bill, the Independent Reviewer of Terrorism Laws Bill 2008, alluded to by Senator Brandis in his remarks earlier in the day, the government, with what might be seen as astonishing hypocrisy, refused to support the measure. Now, in a way which is all too typical of how the Rudd government operates, it has introduced its own bill and, regrettably—showing little grace—it has failed to acknowledge the considerable debt that it ought to acknowledge to Mr Georgiou for having introduced his private member’s bill. That said, I suppose one should be grateful that we are actually moving forward on this piece of legislation. I hope it will be—and it can be—an important innovation in the security field.

This legislation avoids some of the weaknesses of the United Kingdom legislation. It has been observed in the United Kingdom, for example, that the absence of a detailed listing of the functions and powers of the reviewer has been a shortcoming, and that has caused some difficulties. That has been avoided in this piece of legislation, and I know that you will be very familiar with this, Mr Acting Deputy President Barnett, having sat—I think I am right in saying—on the Senate committee that examined this particular bill. The bill also proposes sanctions, which are not available in the United Kingdom legislation, for those who fail to assist the monitor, and that seems to me to be an important difference between the two pieces of legislation. So there are some innovations here, some changes, some amendments which I think will strengthen the Australian legislation and make it more effective in achieving the purposes it is designed to achieve.
Regrettably, however, the Australian legislation fails to emulate some of the good examples of the United Kingdom legislation, and, I might say, some of the particular examples which were evident in Mr Georgiou’s legislation which was before the parliament. I noticed, and other speakers in this debate have made this point, that the government has introduced amendments, and to some extent that accommodates some of the concerns that the Senate committee that examined the bill noted in its report and some of the concerns that I have in the legislation. But regrettably, it does not go far enough in addressing those concerns, and Senator Ludlam has mentioned some of these matters in his own remarks earlier.

The most notable weakness is undoubtedly the failure to ensure that the monitor is a person of unimpeachable independence. This seems to me to be an elementary proposition in a piece of legislation of this kind. Instead of creating an independent monitor, the bill creates a position that seemingly will be located within the Office of the Prime Minister and Cabinet, apparently administered in large measure by the staff, and Senator Ludlam referred to the fact that there was an issue of resources here, which remains unclear, notwithstanding the government’s amendments to its own legislation. Witnesses before the Senate, as you will recall, Mr Acting Deputy President, criticised this aspect of the bill most consistently and made the point that this was the single most obvious weakness in the bill. The Public Interest Advocacy Centre made the point that there should be a new independent office completely separate from government, and that seems to me a rather important and sensible point. How can one be confident about the impartiality of this office if it is located within an existing executive portfolio? Surely it is an elementary principle that in setting up an institution to monitor government activity that the institution is itself independent of the government that it is supposed to keep honest. This particular piece of legislation fails this test. To my mind it represents a very large flaw and weakness in the legislation, which has not been corrected by the amendments which the government has proposed.

There is also a weakness in the reporting methods. I noticed that Senator Ludlam has also alluded to this matter. In fact the reporting methods contained within the bill are, to my mind, astonishingly convoluted. It is almost as though the government was determined, absolutely committed, to ensuring that the monitor was unable, or was intended to be frustrated in his responsibilities, to report the findings of his inquiries. This particular provision, which seems on the best of it to require a report by the monitor to the Prime Minister and subsequently the Prime Minister rather than the monitor reporting to the parliament, seems to me to be completely convoluted and completely unnecessary. The reporting requirements are also weakened by the fact that the monitor under the bill would seem only to be able to report to the parliament on an annual basis rather than when he is apprised of things which require attention within the legislation. Why this restriction would be placed defies explanation from my perspective and it is clearly a weakness in the legislation.

Creatively, I thought, the Senate proposed a solution to this problem by suggesting that there could perhaps be two versions of any report, one which was an unedited version for the Prime Minister’s eyes only, and a second edited version which might remove the sensitive material, which might then be placed before the parliament. Sadly, the government in its amendments has decided that this is a bad idea and it has refused to accept this particular proposal.
There are other shortcomings in this bill, some of which the government has addressed, others, sadly, it has not addressed. The narrow scope of the monitor’s role is something that Mr Georgiou has made a point of noting and I think also needs to be recognised. There is a limitation on the range of activities the monitor can undertake and that seems, again, an effort to try and constrain his particular activities.

There is also a restraint, an unnecessary limitation, in relation to the laws that are applied in the matter. The bill requires the monitor to give particular emphasis to the provisions of legislation that have been applied during the financial year or the immediately preceding financial year. So it would seem—and the explanatory memorandum makes this brutally clear, one could say—that the monitor’s powers only extend to those laws which have been used and applied in the previous 12 months. So that would seem to be a restriction on the legislation as well.

There was a suggestion in relation to international agreements. The legislation now suggests that in performing his obligations, undertaking his tasks, the monitor should have regard to Australia’s international obligations in relation to various treaties and protocols. This may be a worthy objective. I think the idea is worthy that Australia should comply with those international obligations to which it has become a party, but there is also a danger here that it might actually neuter, almost completely, the government’s power to legislate in an area of national security. As well, it might impose enormous demands on the responsibilities of the monitor’s office.

The government has already said in response to other proposed amendments to the bill that it does not favour them because it thinks they will place too much emphasis and too many demands on the resources of the monitor. The obvious solution to that is to make sure that the monitor has the resources that he or she needs to undertake his or her responsibilities. I guess we will see whether that actually occurs. I would not be too hopeful, I regret to say.

There is a point to be made here, which is that some international instruments do not yet apply to Australia’s domestic law. They have not been ratified into domestic law. Surely a second issue that deserves some recognition is the fact that the monitor is examining the implications of Australia’s national security legislation. His focus ought to be on the impact of this legislation on the quantum of legislation which applies in Australia. He should not be spending his time examining whether or not we are fulfilling our international obligations, which could be done elsewhere within the system.

With those reservations, I welcome this piece of legislation. I think it adds a necessary level of guardianship over the protection of Australia’s rights in this new area of legislation. It is likely to be an area of legislation which will increase rather than diminish over time. It is likely to be an area of legislation which will be controversial in the years ahead. Of course, it deals with a vitally important subject, which is the security of the nation.

In this context I think I should just reiterate and recognise the particular debt that we owe Mr Georgiou for having put this matter on the national agenda and taken the initiative in relation to the issue, which nobody else chose to do. Finally—and I am grateful for this—the government has seen the wisdom of the private member’s bill that Mr Georgiou put on the agenda and has adopted, at least in part, some of the ideas that are contained within that legislation. This would be a better piece of legislation were some of...
the other proposals for amendments in the Senate report to be accepted and were the government prepared to release the limitations with which it seeks to bind up the power of the monitor. I hope that before too long it might reconsider the way it is proceeding in relation to this matter.

In the final few moments that remain for me to speak, I take up Senator Ludlam’s point that we are still waiting for the counter-terrorism white paper. The last time I asked about the counterterrorism white paper and the progress that was being made, I got a serve from the Attorney-General. He said that they would deliberate on the matter and that in due course it would be revealed. That, I think, was at least six months ago. International terrorism is a clear and present danger. It is arguably the single most important threat to this nation’s security and it is an issue which this government, regrettably, has failed to attend to with the diligence and concern which it deserves. We are all waiting for the counterterrorism white paper. Given the time that it is taking to produce, I hope it will be a damn good paper which will address the concerns which we all have about our security in relation to this important area.

Senator TROETH (Victoria) (6.42 pm)—I rise to speak in favour of the National Security Legislation Monitor Bill 2009 [2010], a form of which was originally introduced by the member for Kooyong in the other place. I thank him, as other senators have done, for his unceasing vigilance in these matters. I am very glad that this matter has come to a degree of conclusion. That private member’s bill was subsequently reintroduced in the Senate by me and Senator Humphries as a private senator’s bill in June 2008, after the government had gagged debate in the House. That bill passed the Senate but went no further. I am nevertheless very pleased that part of the foundation of that bill has been incorporated into this bill.

This bill seeks to appoint a national security legislation monitor, who will assist ministers in ensuring that Australia’s counterterrorism legislation and national security legislation is, firstly, effective in deterring and preventing terrorism and terrorism related activities which threaten Australia’s security. As well, the monitor will ensure that legislation is effective in responding to terrorism and terrorism related activity, that it is consistent with Australia’s international obligations, including human rights obligations, and also that it contains appropriate safeguards for protecting the rights of individuals. After the events of 2001, a range of anti-terrorism laws were introduced to combat the threat that terrorists posed. The need for such legislation was further strengthened by the subsequent terrorist acts in Bali and Madrid and the ongoing threat of al-Qaeda.

During that time there has been much public discussion of the impact of such legislation on the civil liberties of Australian citizens. Concern was focused on the invasion of privacy of innocent people and the diversion of government resources away from more realistic threats. This argument was given force by the cases of David Hicks, Jack Thomas and, particularly, Dr Mohamed Haneef. There were also a range of reviews, including the 2005 Sheller review and those by the Parliamentary Joint Committee on Intelligence and Security, in 2006, and the Senate Standing Committee on Legal and Constitutional Affairs, in 2008, all of which looked at the application of these laws, and all reported back with conclusions consistent with the aims of this bill. Additionally, the UNHCR also commented that some of Australia’s counterterrorism legislation appeared to be incompatible with the International Covenant on Civil and Political Rights. The concerns of this group focused around the vagueness of definitions of a ‘terrorist act’ and the ‘exception circumstances’ in the
Chamber

Crimes Act, as well as the reversal of the burden of proof and the expanded powers of ASIO.

The simple fact is that the government must balance the needs of a free, democratic society with the necessary actions to ensure its security. It is appropriate to have a mechanism that determines the effectiveness of counterterrorism measures and, more importantly, whether such measures impinge on human rights—that is, how to ensure the legislation fulfils the needs of our democratic society and our national security.

The opposition, under the very diligent guidance of Senator Brandis, had a number of concerns relating to how this bill would work in practice, as well as who could refer matters to the monitor and the vagueness of the definitions of the powers of the monitor. I understand that the government and the coalition have come to an agreement on these amendments and they have been incorporated in the legislation. Some of those concerns have been addressed, some of them have not, and those developments have been outlined in a very erudite manner by my colleague Senator Trood.

Nevertheless, I would like to thank Senator Ludlum for his cooperation on earlier versions of this bill. I think it is an important piece of legislation that will improve the effectiveness of our counterterrorism measures, will protect human rights and will instil a sense of confidence amongst the public in parliament’s counterterrorism efforts. I commend the bill to the Senate.

Debate (on motion by Senator Chris Evans) adjourned.

DOCUMENTS
Consideration

The following government documents tabled earlier today were considered:


Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos
Act 2002 for the period 1 April to 31 August 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Australian Customs and Border Protection Service—Report for 2008-09—Correction. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Australian Communications and Media Authority (ACMA)—Communications report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Dr Jacqueline Dewar

Senator HUTCHINS (New South Wales) (6.51 pm)—I want to use this first adjournment of the year to thank the now departed Secretary of the Parliamentary Joint Committee on the Australian Crime Commission, Dr Jacqueline Dewar. This is a contribution I wanted to make last year but, as you would well recall, we were tied up in the latter part of the year dealing with the CPRS legislation and we were not given the opportunity to make this contribution on my part and on behalf of the committee—and, of course, Senator Parry is here this evening.

Dr Dewar is taking leave to join her husband, David, in Maroochydore and is taking with her a son and daughter. She is going up to that great socialist republic of Queensland! I have been the chairman of this committee since 2007. Along with the rest of
the committee, I believe we have had the distinct honour of working with a most gifted and dedicated servant of the parliament.

The committee conducted what must be the penultimate parliamentary inquiry into the impact of serious and organised crime on Australian society last year. I do not believe the issue was given the attention it deserved until Dr Dewar and her professional team invigorated the committee and focused it. I never quite realised the extent and penetration of crime in Australia. I am not sure that many of the committee members did, but we were educated. Of course, some members of the committee are well aware of it. We did get the underbelly exposure that was vital for us to make the deliberations and conclusions we did. I put this down to Dr Dewar’s perseverance and good-natured approach to any obstacle. More important for us was the high regard in which she has been and remains held by the law enforcement community. Through that standing, the committee was able to secure extraordinary cooperation and assistance from these agencies. Few servants of this parliament can, I believe, feel that their legislative efforts to fight the baddies in society have been significant.

We have two bills before us tomorrow that will seriously affect the efforts and activities of organised crime in our country. We on the committee are very proud of the crusade we embarked upon and the unique outcome we expect shortly. This has been due overwhelmingly to the professional, erudite and honest endeavours of Dr Jacqueline Dewar. We all wish her well on the next part of her journey. This one here lasted many years. May the next one be as fulfilling, adventurous and rosy.

National Library of Australia

Senator TROOD (Queensland) (6.54 pm)—I rise this evening to make some remarks about the National Library of Australia, which in 2008 celebrated its 40th anniversary. Over the last two years I have had the privilege of serving on the National Library Council. Being closely exposed to the library and its fabulous, hardworking staff, I find it easy to conclude that this is truly a national treasure. It is not just a building that holds some old musty books. The library binds together the pages of our country’s social, political and cultural history. As such, it is an integral part of our heritage.

The NLA is a place where resources of national significance are collected, preserved and made accessible to the public. It is a place with a wealth of knowledge that ensures that the nation’s experiences are shared. As the country’s largest and most important reference library, the NLA has the objective of ensuring that Australians have access to a national collection of library material to enhance learning, knowledge, creation, enjoyment and understanding of Australian life and society. It ensures that a representative record of Australian life is collected and preserved for the future. The NLA is not just our national library. It is internationally recognised and we can be absolutely confident that it has the esteem and respect of many of the great libraries of the world. Like all libraries, the NLA is a place of peaceful repose for those who want to read, study and think in surroundings so conducive to these activities.

But the NLA is not just a place to read books. One of its important and longstanding functions is to stage exhibitions that offer an insight into our national life and culture. Many and varied temporary exhibitions are on show at the National Library. For example, in 2008-09 the Nick Cave exhibition looked behind the music to the man himself through a collection of original lyrics, notebooks, artwork, photography and books as well as personal items from his home and office. These kinds of exhibitions will con-
continue to be an important part of the NLA’s activities.

One can appreciate the potential here when one realises the nature of the NLA’s collecting activities. The extent of these additions just over the last year has been truly impressive. The collection includes pictures, manuscripts, maps, music and dance, oral history and folklore and national and international publications. They all contribute to a rich tapestry of knowledge and historical insight over which the library exercises its custody. Some of last year’s acquisitions included drawings of John McDouall Stuart’s famous expedition of 1861 to 1862, which crossed the Australian continent from south to north.

The library continues to acquire highly significant historical manuscripts—for example, a 1758 letter of discharge written by then Master James Cook of the *Pembroke*. This is the library’s earliest Cook autograph. As part of one of its major projects, the NLA has a large and expanding oral history program, which includes collecting and making available online the oral histories from, for example, the Bringing Them Home project. Last year the library also acquired the extensive personal papers of Sir James Killen, who was Minister for Defence in the Fraser government and, of course, a distinguished Queenslander. His papers offer a rich insight into an important Australian politician and his times, and of Queensland life. The collection of personal papers also includes extensive subject files and correspondence on many other distinguished Australian politicians and people of significance.

An important record of a key social movement of the times is documented in the archives of the Rural Australians for Refugees. In the field of cultural history, the library last year acquired the records of the Melba Conservatorium of Music and the personal notes of leading musicians of the 20th century. All of these materials are available to Australians and increasingly through technology to a growing international community of researchers.

But it would be misleading to suggest that, for all the distinguished work that the library is undertaking, it is not facing some enormous challenges. The NLA, like the National Film and Sound Archive and the National Archives of Australia, requires additional funding to ensure that the work that it does is preserved to share with future generations. The digital age has certainly arrived. As a result, digitisation has become an increasingly important medium for Australian government agencies, authors, researchers, film makers, musicians and creators. Australia’s ability to maintain a permanent and accessible record in this area is therefore linked to a national capacity to cope with this digital tidal wave of images and sounds.

The reality is that the national collecting institutions are not resourced to cope with this digital tidal wave. The NLA certainly has the commitment, skills and vision to embrace the digital world. But currently it lacks the resources to undertake the task effectively. There is little doubt that saving Australia’s digital cultural heritage will require significant funding. In this context, I was delighted to see that the 2009-10 Rudd government budget provided some funding for a business case to be set forth for comprehensive funding for digitisation into the future. I very sincerely hope that the government will see fit in the forthcoming budget to further fund this important national activity. Investing in Australia’s digital heritage is an investment for the future. I therefore trust that, despite the difficult budgetary situation, this will be a serious priority in relation to the NLA’s activities.
The library is also engaged in several other exciting projects. One of considerable importance to all Australians is the creation of a national treasures gallery. This will be a permanent space in which to display iconic, rare and interesting items from the NLA collections. I commend the library and its development committee for the entrepreneurial way it is supplementing its existing funds with an active private donations program for the gallery. Funding support for the national treasures gallery is an ongoing challenge.

Finally, I would like to mention the desire on the part of the NLA to persuade the government that the Prime Minister’s Literary Awards should have their institutional home within the NLA. The awards celebrate the contribution of Australian literature to the nation’s cultural and intellectual life. There is a compelling and persuasive logic to the proposition that the annual ceremony of the nation’s premium literary awards should be hosted within the confines of the National Library. I know the library’s director general is passionate in her hope that the awards can come to the NLA. It will not only allow the recipients to be celebrated; it would provide a focus for the awards as an important part of the nation’s cultural life.

There is a great deal more one could celebrate about the NLA. But in closing I would like to recognise the dedicated staff of the library. Under increasing financial constraint, a constraint imposed now over many years, the NLA staff have maintained their good humour, commitment to serving a growing library community and superb level of professionalism. I especially wish to acknowledge the role of the director general, Ms Jan Fullerton, in providing the leadership that makes the NLA such a valuable national institution. Indeed, it is a national treasure.

**Australians with Disabilities**

**Senator WORTLEY** (South Australia) (7.04 pm)—I rise this evening to bring to the attention of the Senate the very specific needs of Australians with disabilities and the government’s efforts to address these needs and improve conditions for those affected. The Australian government is committed to a 10-year National Disability Strategy, which it is developing with the assistance of state and territory governments. It is going to great lengths to make sure that it gets this right to provide a model that works for all Australians with disabilities.

As part of the 10-year strategy, the government, through the Productivity Commission, has launched a feasibility study into a national disability long-term care and support scheme. The Productivity Commission will investigate the best ways of funding and delivering long-term disability care and support. It will examine the costs, the benefits and the best ways to manage a range of disability options. These include long-term essential care and support for people with severe and profound disability; life-long care services, such as accommodation support, aids and equipment, respite, transport, community participation and day programs; allowing people with a disability a greater input into decisions about their support; and providing support for those people, where possible, to engage in worthwhile employment.

An independent panel will act in an advisory role to the Productivity Commission and the government. It will comprise people with the relevant professional expertise, as well as those who live with disability or who have cared for people with disabilities. The Productivity Commission is also seeking public submissions and holding public forums across the country to ensure it gets to the heart of the issue.
with input from those who have life experience in this area. More than 2,500 people have attended capital city forums as well as focus groups throughout regional Australia, and more than 750 submissions have been received. The feedback showed a strong trend towards a need for people with disabilities to be given respect and to not be excluded, isolated or patronised.

One submission summed this up perfectly. It read:

My life and opportunities and the lives of every other person who carries the label ‘disabled’ depends on the goodwill of people in the human service system. Goodwill is no substitute for freedom.

This is an important point. We need to do a lot more than just have our hearts in the right place. We have to come up with a structured system that allows people with disabilities to be included in their own life decisions.

The National People with Disabilities and Carer Council will also have a vital input in helping to create a fairer and better disability welfare system. When all the information is gathered from this essential and complex study, the Productivity Commission will report back to the government. That will happen by July 2011.

The situations of Australians with disabilities have become more visible in recent years and we are more aware of their needs than ever before, but it is no good having that knowledge and awareness if we do not act on it. We need to keep looking at ways of making life better and easier for all Australians with disabilities, not just those in the public eye. A champion athlete is forced to crawl through an airport because an airline does not have a policy that simply allows him to use his wheelchair and, quite understandably, it makes national headlines. But there are many thousands of Australians whose struggles are not going to make the headlines; they just get on with their lives as best they can despite their disabilities. It is hoped we are caring and intelligent enough as a society to provide the support they need.

The Australian government is leading the way on disability matters, determined to address the areas that have been for too long overlooked or simply not dealt with in an effective manner. Speaking to the 2009 National Disability Awards ceremony last November, Prime Minister Kevin Rudd gave a commitment to address what he correctly described as complex needs after many years of neglect. Mr Rudd said:

The Australian government is determined ... to make sure people with disability have the opportunity to be involved in their communities, to where possible have a job and a life that is meaningful and worthwhile.

The government has already started on that commitment. It has doubled the funding to the states and territories under the National Disability Agreement and introduced the highest level of indexation. It has increased the disability support pension for almost three quarters of a million Australians and provided extra payments to carers. It was one of the first Western countries to ratify the United Nations Convention on the Rights of Persons with Disabilities. It is delivering an extra $5.1 million over four years for outside-school-hour care places to assist teenagers with disability and their families by providing appropriate and flexible outside-school-hours care, including before and after school and school holiday care. Currently, the government funds more than 1,200 outside-school-hours care places for teenagers with disability in 48 locations across Australia, delivered by more than 40 service providers.

Despite these initiatives and the fact that we spend around $20 billion each year on the disability welfare system the government
recognises the need to continually improve that system and provide a better one. The government is committed to building a system that gives people with disabilities an opportunity to work, study and strive to fulfil their potential and to enjoy a better life—a life without discrimination; one in which they are not reconciled to isolation because people and society do not know how to deal with them.

The Prime Minister calls what is required and being sought a ‘historic social reform’—a reform taking into account education, housing, transport and basic human rights within a massively improved health system for the disabled. When you consider the Australian Institute of Health and Welfare figures released in November, which suggest that in 20 years 2.3 million Australians will have a high level of disability, that level of commitment and reform is vital.

Mr Robert Atkins

Senator XENOPHON (South Australia) (7.11 pm)—Tonight I pay tribute to a great Australian who made a significant contribution to my home state of South Australia and, indeed, to the nation. It is with great sadness that I stand in this place tonight to speak of the passing of Robert John Hasting Atkins, who died last month.

Robert Atkins was one of South Australia’s most respected businessmen and—more than that—a great community leader. He is perhaps best known for being the man who saved the iconic South Australian retailer Harris Scarfe, and in the process saved 1,500 local jobs. It is a measure of the man that when others were convinced there was no hope for Harris Scarfe when it faced collapse in 2001, Robert found a way forward, and now the business that could have been lost is thriving.

Robert’s broader career in the retail sector spanned some 25 years. Robert was CEO of Burmah Fuels in Australia, president and chief executive of Coca Cola Amatil’s business operations in the Philippines, director of Castrol, and general manager of buying and marketing with Kmart, to name a few. Such was his passion for creating jobs and opportunities, Robert was the South Australian president of the Australian Retailers Association, president of Business SA and chairman of the Rundle Mall Management Authority. Such was his passion for others, Robert was tireless—some would say relentless—with the time and energy he gave to charities and philanthropic causes. I will have more to say about that soon.

Sadly, some two weeks ago, following a long battle with cancer, Robert passed away. He was just 52 years of age. At his funeral, his best friend, David Baird, said simply, ‘Everything Robert turned his hand to, he made effortless.’ I first met Robert in 2001 at a meeting of the Australian Retailers Association in Adelaide. I speak not only for myself but for many others when I say that on first meeting Robert you could not help but be struck by the commanding presence of the man—his razor sharp intellect and wit and, above all, his zeal and passion for getting things done. I very much valued his wisdom, his advice and, above all, his friendship.

Whilst he was a major employer and was identified with business he also worked constructively with unions and he rightly had their respect. Robert told me on a number of occasions of the respect that he had for the then head of the Shop Assistants Union—the SDA—in South Australia, the now Senator Don Farrell. Senator Farrell, as head of the union, played a key role in brokering a way forward during the Harris Scarfe crisis of 2001. He played a key role in saving those 1,500 jobs. I understand Senator Farrell will pay his own tribute to Robert shortly, but the fact that Robert was so widely and deeply respected by both employers and employees...
like says a lot about the decency and fairness of the man. He was also widely and deeply respected by political leaders, and South Australia’s Deputy Premier, Kevin Foley, attended Robert’s funeral in Melbourne.

Robert also committed a great deal of his time and effort to charity work. He was the inaugural chair of Bedford Industries, which provides work and opportunities for the disabled. He served on the Board of the Council of the Australian Business Arts Foundation and the Heart Foundation, and he worked tirelessly for many other charities and philanthropic causes.

Business SA Chief Executive, Peter Vaughan, told the Advertiser newspaper that Robert provided ‘strong, clear and vibrant leadership’ to the business community in South Australia. Indeed, while not everyone always agreed with him, Robert was a true reformer when it came to business. His friend and fellow businessman, Stirling Griff, says Robert was someone you could find yourself having a very spiritual discussion with around business or ethics. In fact, you could name the issue—Stirling reminded me—and find yourself engaging in a lengthy discussion on just about anything. Robert was a man with strong opinions—there is no doubt. But at the same time, if you presented him with a sound argument, he would hear what you had to say. He would be convinced to agree with you and would move on. Many in the business world say one of the most remarkable things about Robert is that he was always a very consultative person. He added so much to the world of business but at the same time was always humble enough to listen if others knew a better way.

In delivering his eulogy, David Baird also said that this is not the eulogy of a life that could have been or of a life wasted but—tragically, for all of us—of a life cut short. David said that shortly before Robert died he went with him to see one of his treating doctors. When the issue of his age came up, Robert told the doctor not to worry because, ‘For every year of my life, I’ve lived three.’ And he had.

Robert is survived by his devoted wife, Deborah, and his sons, Michael, Timothy, Christopher and Matthew. His passing is Australia’s great loss, and will especially be felt in my home state. I extend my deepest sympathies to his loved ones.

Hon. Michael Hodgman QC, MP

Senator BARNETT (Tasmania) (7.16 pm)—Tonight, I stand to pay a tribute to an outstanding member of parliament—one of the greatest orators of our time—and that is the Hon. Michael Hodgman QC, MP. Michael Hodgman has had an extraordinarily long parliamentary career. He was a member of the legislative council for the division of Huon in Tasmania from 1966 to 1974. He was a member of the House of Representatives for the federal division of Denison from 1975 to 1987, and a member of the House of Assembly for the state division of Denison from 1992 to 1998, and also since 2001.

Tonight is an opportunity for me to pay a tribute on behalf of many Tasmanians and certainly for me to speak for—and with the support of—the Tasmanian Liberal Senate team, and to note the tremendous tribute dinner to the Hon. Michael Hodgman QC, MP held last Friday in Hobart.

Michael Hodgman QC, MP was first elected on 14 May 1966 for the electorate of Huon as a legislative councillor. As an independent, he was re-elected unopposed in 1972. He resigned as a member for Huon in 1974 to contest the federal election of Denison. On 13 December 1975, he was elected as the Liberal member for Denison in the House of Representatives and re-elected as the Liberal federal member for Denison in

On 1 February 1992, he was elected as the Liberal state member for Denison in the House of Assembly. He was re-elected as the Liberal member for Denison in the 1996 state election. He was defeated on 29 August 1998, when the House of Assembly was reduced from 35 to 25 seats. He was re-elected as the Liberal member for Denison in the House of Assembly by-election on 21 August 2001, re-elected again on 20 July 2002 and re-elected again on 18 March 2006.

He was certainly larger than life. The Mercury editorial on Friday, 20 November 2009 had this to say about Michael Hodgman:

He also became known for sticking up for the battler. He is at ease mingling with all types and often uses his die-hard support for Geelong in the AFL to start conversations.

**Senator Payne**—Hear, Hear!

**Senator BARNETT**—I hear ‘hear, hear!’ from Senator Payne. The editorial continued:

He is a man of the people.

... ... ...

His eloquent verbal assaults in State Parliament are often interspersed with dry humour and wit. An avid constitutional monarchist, Mr Hodgman battled tirelessly in the name of the Queen in the 1999 republic referendum - another bitterly divisive debate.

And finally:

He is from the old school where manners and etiquette override political differences. Left, right or centre, he will lend an ear.

He represents an age when to be called a gentleman was an honour and a compliment.

Few terms better describe him.

There is so much fondness and love for Michael Hodgman—certainly not just in the Tasmanian Liberal Party or in the federal Liberal Party but across the state of Tasmania and across the country—to the extent that the Hon. Andrew Peacock, the former Liberal leader, took time out of his busy schedule and travelled from Texas, USA, to fly to Hobart to give a tribute to the Hon. Michael Hodgman last Friday night. He was the guest of honour at that event. He spoke wonderfully and clearly about some of the special times that he remembered having spent with the Hon. Michael Hodgman—referring to the escapades he had had with Bruce Goodluck MHR, the former federal member for Franklin, who also attended the event. It was a capacity crowd. It was booked out. In fact, dozens and dozens could not attend the special dinner in his honour.

The members of the Tasmanian Liberal Senate team, Senators Abetz, Bushby, Parry, Colbeck and me, all attended; we were there in full force. Senator Abetz even gave a tribute on behalf of the Tasmanian Liberals, and all of the Tasmanian state Liberals were there, including his son Will Hodgman, who gave a special and emotional speech in honour of his father and the longstanding member for Denison, Michael Hodgman QC MP.

The House of Assembly, on 19 November last year, unanimously passed a resolution commending and placing on record its appreciation for his distinguished contribution to the parliament of both the Commonwealth of Australia and the state of Tasmania. A collection of the valedictory speeches was compiled by my office and put together into a little booklet, and I presented it to Michael Hodgman QC last Friday night. He became a life member of the Liberal Party. The MC was state president Sam McQuestin. It was attended by many of Michael Hodgman’s old friends. I mentioned Bruce Goodluck. There was also Ray Groom, the former Premier, and people like Eunice Jacobson. Edith Langham paid a tribute to him and there
were many others who spoke so fondly of Michael Hodgman and his contribution. Denison Liberal Party chairman Professor Randy Rose also gave a presentation and spoke in favour of Michael Hodgman.

He is such a colourful character. He is highly passionate. He is committed to his causes and to his beliefs. He is certainly, I would say, the No. 1 ticket holder in Tasmania and around the country for the Australian constitutional monarchy. He regularly wears the Australian flag tie. In fact, there was a special auction of that particular tie. I think it had been worn for several weeks non-stop. It gave an excellent price, too, as a result of the strong support for him and as a tribute to him. We are very thankful for the service of Michael Hodgman QC, MP.

I first got to know Michael Hodgman when I joined the Liberal Party. In 1980 I was a member of the Denison electorate as a Liberal Club member at the University of Tasmania, where I was studying law. He gave me a lot of encouragement and support. He came down and spoke to the members of the Tasmanian university Liberal Club. I subsequently was president there. He in fact brought down Andrew Peacock. He ensured that Malcolm Fraser and Mrs Fraser also attended during their time in the parliament, to provide support for the younger members of the Liberal Party at the time. So there is a lot of fondness and happy memories.

He was of course shadow Attorney-General for many years, shadow minister for justice and shadow minister for the public trustee. He was Leader of Opposition Business in the House of Assembly and shadow minister for racing. Of course racing was one of his special areas of interest. People across the racing fraternity in Tasmania and across the country know that full well. At the federal level he was Minister for the Capital Territory and the Minister Assisting the Minister for Industry and Commerce during 1980 to 1983. He has had a special interest in veterans affairs and has been a consistent supporter of the RSL and veterans in Tasmania and across the country.

In terms of his personal interest, I have mentioned racing and tennis. He is such a friend of the battler. He is a friend of Tasmania. He is a man who I would put in the ilk, in terms of his oratory skills, of former Prime Minister Robert Menzies and Sir James Killen. I know many Tasmanians, Liberals and otherwise, would want to pay tribute to him in this place, in this federal parliament, to thank him for his service. I think the greatest tribute that we could possibly pay the Hon. Michael Hodgman QC, MP would be, in fact, to elect his son, the Hon. Will Hodgman, as Premier of Tasmania at the 20 March state election. In the Bass electorate Peter Gutwein MP, the Hon. Sue Napier MP, former federal member Michael Ferguson, Nick Pedley and Pam Dakin will be running. In Braddon we have Jeremy Rockliff, Brett Whiteley, Colin and Philip Lamont, Grant Dunham, Adam Brooks and Leonnie Hiscutt. In Denison the candidates are Elise Archer, Jenny Branch, Matt Groom, Matt Stevenson and Richard Lowrie. In Franklin there are Will Hodgman, Jillian Law, Jacqui Petrusma, Tony Mulder and David Compton, And in Lyons we have the Hon. Rene Hidding MP, Jane Howlett, Jim Plysted, Leigh Gray and Mark Shelton. To pay a tribute to Michael Hodgman, I would certainly call on all members of the Tasmanian community to support his son, Will, to ensure that real change does occur, as Will has been calling on the Tasmanian community to support real change, to support the Liberals at the next state election. I think that would be a great tribute to pay to the Hon. Michael Hodgman QC, MP. In closing I just want to say: we salute you, Michael Hodgman QC, MP. You
are a great man. Congratulations and well done.

Mr Robert Atkins

Senator FARRELL (South Australia) (7.26 pm)—I rise with deep sadness tonight to speak on the passing over the Christmas break of a great Australian, Mr Robert Atkins, and to support and endorse the remarks of Senator Xenophon earlier this evening. I first met Mr Atkins in 2001 when he came to Adelaide to take the helm of the iconic South Australian retailer Harris Scarfe, best known for its historic Rundle Mall store but having expanded in recent years throughout South Australia and to New South Wales, Victoria and Tasmania. In the wake of the introduction of the GST and hamstrung by poor management, the company was staring down the barrel of receivership and potential closure with the consequential loss, as Senator Xenophon mentioned, of 1,500 jobs in South Australia alone. Most people in Adelaide believed that Harris Scarfe would go the way of so many retailers before it: John Martins, Craven’s, Miller Anderson, Moores, People Stores, Cox Foy’s, Demasius and others—just very distant memories. But Robert Atkins thought otherwise. At our first meeting and only a few weeks into taking over the ailing company, he told me that he had expected to find a company half-empty but in fact had found a company half-full. He said he was determined to top it up. I was secretary of the Shop Assistants Union at the time. He asked for our support to save the company and to maintain jobs. That support was freely given and workers voted to delay wage rises to keep the company afloat. Former Premier John Olsen was also instrumental at the crucial time and, with the support of the then Leader of the Opposition, Mike Rann, provided stamp duty and payroll tax relief while Mr Atkins started rebuilding the company that had employed so many South Australians, including my grandfather, Joseph Heptinstall.

South Australians in general and retail workers in particular owe a debt of gratitude to Mr Atkins. Once jobs go, in my experience, they never return. My union, the SDA, first crossed Mr Atkins’s path in the 1980s when he was general manager of buying and marketing with Kmart in New South Wales, part of the newly merged Coles Myer company. It was there that he established a good and ongoing working relationship with the national secretary of that union, Mr Joe de Bruyn. Mr Atkins also worked with Burmah Castrol in Australia and was president and chief executive of Coca-Cola Amatil’s Philippine business for many years.

A lesser known part of Mr Atkins’s life was his passion for the good works he undertook on behalf of the community and disabled members of our society. He was chair of Bedford Industries and was a philanthropic and effective fundraiser through the Butterfly Ball, held annually with great flair at the Adelaide Convention Centre. He served on the boards of the Heart Foundation and St Peters College and was president of Business SA. He was a fearless campaigner for the revitalisation of the Rundle Mall as chairman of the Rundle Mall Management Authority. As a councillor of the Australia Business Arts Foundation, he established the South Australian Premier’s Arts Partnership Fund. In fact, it has been suggested that he has just been seconded to the big board upstairs and has already set his sights on the chairman’s job!

After resuscitating Harris Scarfe he attempted the double by taking up the role as head of the Retail Adventures, the business established by Kathmandu founder Jan Cameron following the collapse of Australian Discount Retailers. However, as his health began to fail, he left Retail Adventures.
Paulette Kolarz, a colleague from the Harris Scarfe days, tells me that he would tell his doctor, as Senator Xenophon mentioned, that he was really 150 years old and that he had squeezed three lifetimes into his brief 52 years.

Carmel Scoleri, the paymaster from Harris Scarfe and fellow employee, recalls fondly the support he gave her when her own father passed away. At his funeral in Melbourne two weeks ago, a poem, believed to have been written by his father during World War II, was read out. It was called This Day and included a line about how to spend your day: Waste it or use it for good

This was the philosophy that Robert Atkins applied to his own very full life.

Mr Atkins rang me before Christmas and in his own inimitable style offered clear and direct advice on the local political scene in the lead-up to the state election. We arranged to meet after Christmas for lunch in Gouger Street. But it was not to be and he died peacefully at his home on 14 January this year. He was taken all too soon. I extend my condolences and those of my wife, Nimfa, to his wife, Deborah, and his children, Michael, Timothy, Christopher and Matthew.

Q150: ‘An Oriental Journey through Queensland’ Exhibition

Senator MOORE (Queensland) (7.32 pm)—This evening I want to talk about an exhibition that was formed in Queensland as part of the Queensland 150 years celebration. The 150 years celebration gave an opportunity for people across Queensland to engage in talking about their own histories and linking that into the history of our great state. The one I want to talk about this evening is one called ‘An Oriental Journey through Queensland’. That probably gives you a hint that it is to do with the role and the achievements and the dedication of people of Chinese descent and the work they have done for our state.

This exhibition was developed by my friend, Mr Chiu-Hing Chan, who was Young Queenslander of the Year and also the vice-chairman of the Australian-Chinese General Chamber of Business. It involved more than 30 people who were experts in a whole range of skills that go together to form an exhibition. It came forth with a very powerful display of 33 history panels featuring more than 100 personal photographs—which for me were really the key to the whole exhibition—and two wonderful DVDs, which in their own way captured so much of our history and the wonderful history of the Chinese community.

The exhibition focused on three regional areas: North Queensland and Cairns, Central Queensland around the Rockhampton area and Western Queensland. The skills of these people came together to bring this whole process alive. The North Queensland panels were created originally by Dr Maria Friend and her North Queensland team from the Queensland Museum. This is work that they have been doing with local community members and historical societies in the region. They show exactly how powerful and important the Chinese community were to that region. The 26 panels of this area are just covered with photographs from the many families of that area.

The Central Queensland panels were created by Marilyn Dooley, a former researcher with the National Film and Sound Archive here in Canberra. Her own personal study of oriental history in Rockhampton started this whole process. There are three great panels that look at the Rockhampton area and the area of Chinese people there. We are hoping that some of those panels will go back to the vibrant Chinese community centre in Rock-
hampton, which has been there since the turn of the century in the 1890s.

The Western Queensland panels were created by Ray Poon, a historian and researcher of Chinese heritage, who actually lives now close to my home town of Toowoomba. The regional Queensland panels from this part look at the role of Chinese people, particularly in the pastoral areas in that part of the world.

The historical records show that the first Chinese migration in Queensland was in 1847 with the arrival of six Chinese men to be employed as shepherds in the Darling Downs. There was a shortage of labour and pastoralists were forced to look for workers and financed a scheme to bring in Chinese workers on contract for up to five years. It really is amazing how history repeats itself. This scheme was not particularly successful and it did fall over.

The real focus of Chinese migration across Australia and in Queensland was the gold rushes. In Queensland in 1868 there was a record of 2,629 people, mainly in the areas of mining, around Claremont, Leyburn and Nanango in the region of Rockhampton. The real push into North Queensland came with the opening of the Palmer River goldfield in 1873. That caused a rush of people of all nationalities to go in search of the lure of the gold. A number of those were Chinese people. As the gold failed, as it always does, Chinese people moved into the areas mainly of agriculture and also into service industries as well as small business and extraordinarily skilled labour in some areas. Interestingly, the notes from the exhibition indicate that the Chinese people were an important factor in the survival of Cairns itself when the new settlement was actually in danger of being taken over by the nearby new town of Port Douglas. Chinese agriculture actually kept Cairns city alive. So that is something that I think many people of the area did not know.

A large part of the exhibition focused on the growth of agriculture and especially on bananas. Sugar cane had been a very popular crop in that area but was going into depression around the period of the 1890s. Chinese people, among others, took to the growing of bananas, and banana exports in fact saved Cairns at that time. So there is a great link there between the Chinese community and Cairns.

As we know, there was and still is in many cases an appreciation of the Chinese people for their genuine civic activities and contributions, particularly to charity. The historical records indicate that even in the 1890s and into the early 1900s Chinese merchants in particular were very high on the list of donors to a range of charities. Although the Chinese and English-speaking communities were significantly separate from each other, Chinese participation in civic life meant that there was a real acceptance of the local community at that time.

However, again, as was often the case and as we see even in our own time, there were years of political activity and a great deal of racism across the whole country, and it did flow across the Queensland border. In 1901, the Immigration Restriction Act was passed with the coming of Federation. That contracted further Chinese migration, and for many years after there was a great reduction in the Chinese population. People who had been living in the community for many years went back to China or elsewhere in the world and we lost them. Many people stayed, but so many people, from a high point of about 9,000, moved away.

For me, there is a poignancy about many of the stories that are put out in the displays. We get a glimpse into family histories, and I was particularly moved by so many of the
stories. I wish to talk about one particular story, which is covered in detail, of a wonderful North Queensland family. It relates to Mr Taam Sze Pui—that was his name. He came with his dad and his brother to Cooktown at the age of 17 in 1877. It often happens in these cases that people lose their own names, and from what we know as his name—Taam Sze Pui—came the name of the very famous See Poy family in the area around Innisfail. I have not really got time to talk about his marvellous story at length this evening, but I encourage people to look at the story of this family, which reflects so much of the way that people came here and worked so hard and gave so much back to our community.

In 1925 Mr Sze Pui wrote his autobiography. It was called My Life and Work and was self-published in Innisfail. In that, amongst many other things, he talks about the ten rules for business. I will not name them all, but I do encourage people to look at the story of this family, which reflects so much of the way that people came here and worked so hard and gave so much back to our community.

He contents himself with simplicity and holds himself steadfastly to honesty. Kindness is what he loves to dispense and righteousness is what he lives for.

No-one could ask for a greater tribute than that.

There is also the story of his wife, whose name was Tue Chu Han and who was sent for. The family told Mr Taam Sze Pui that it would be 'unfilial to have amassed great wealth and not to marry and produce children for posterity'. So the call went back home to China and this young woman was put on a boat all alone and sent across the world to a man she had never met. That was a common story of the women of those days and that really touched me. I found that particular part of the whole display the part that attracted me most and led me to think so much about the feelings and also the commitment of those that came to our country. We also saw how many people of Chinese descent signed up and fought in our armed forces during the wars, and again this was from the family perspective.

I really congratulate the teams that put together ‘An Oriental Journey’. To our shame, it is the first time that much of this history has been compiled. The wonderful exhibition was originally opened in Queensland parliament house on 17 November 2009 and then there was a wonderful launch in Brisbane Chinatown in Fortitude Valley on 21 January. The display will move next to the Museum of Chinese Australian History in Melbourne and, we are hoping, from there to a national tour. That would be extremely valuable in our learning much more about the contribution of the Chinese community and to our celebrating their passion, commitment and industry. This is a history we must know and it is part of our history.

Senate adjourned at 7.42 pm

DOCUMENTS

Tabling

The following government documents were tabled:

- Advisory panel on the marketing in Australia of infant formula—Report for 2007-08.
- Australian Electoral Commission—Election 2007—Funding and disclosure report.
Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2008-09.
Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—
Australian Commission for Law Enforcement Integrity—Report for 2008-09.
Treaties—
Bilateral—Text, together with national interest analysis—
Treaty between Australia and the Republic of India on Mutual Legal Assistance in Criminal Matters.


Tabling
The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]
A New Tax System (Family Assistance) Act—
Child Care Benefit (Absence From Care – Permitted Circumstances) Amendment Determination 2009 (No. 1) [F2009L04446]*.
Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2009 (No. 1) [F2009L04445]*.
Family Assistance (Vaccination Schedules) (DEEWR) Determination 2009 [F2009L04672]*.
A New Tax System (Goods and Services Tax) Act—
A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2010 (No. 1) [F2009L04667]*.
Select Legislative Instrument 2009 No. 385—A New Tax System (Goods and Services Tax) Amendment Regulations 2009 (No. 2) [F2009L04488]*.
ACIS Administration Act—ACIS Stage 2 Motor Vehicle Producer Research and De-
velopment Scheme Variation 2009 (No. 1) [F2009L04715]*.
Aged Care Act—
Aged Care (Amount of flexible care subsidy – multi-purpose services) Determination 2009 (No. 2) [F2009L04654]*.
Aged Care (Residential care subsidy – amount of viability supplement) Determination 2009 (No. 2) [F2009L04455]*.
Allocation Amendment Principles 2009 (No. 2) [F2009L04302]*.
Classification Amendment Principles 2009 (No. 1) [F2009L04650]*.
Quality of Care Amendment Principles 2009 (No. 1) [F2009L04649]*.
Residential Care Subsidy Amendment Principles 2009 (No. 2) [F2009L04648]*.
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Social Security (Australian Government Disaster Recovery Payment) Determination 2009 (No. 9) [F2010L00001]*.

Social Security (South Australian ‘Self-Managed Funding Initiative’) (DEEWR) Determination 2009 (No. 1) [F2009L04407]*.

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2009 No. 389—Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 6) [F2009L04513]*.

Tax Laws Amendment (2009 Measures No. 4) Act—Prescribed Private Fund Declaration 2009 [F2010L00029]*.

Telecommunications Act—
Australian Competition and Consumer Commission (Inquiry into Price Control Arrangements) Direction (No. 1) 2009 [F2010L00135]*.

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2009 (No. 1) [F2009L04716]*.

Fair Work Amendment (State Referrals and Other Measures) Act 2009—
(a) items 1 to 3 of Schedule 3—15 December 2009; and
(b) items 1 to 6, 8 to 12, 14, 15 and 17 to 41 of Schedule 1, and items 1A and 4 to 17 of Schedule 3—1 January 2010.
[F2009L04605]*.
National Health Security Amendment Act 2009—Parts 2, 4, 5 and 6 of Schedule 1—31 January 2010 [F2009L03993]*.
The Therapeutic Goods Amendment (2009 Measures No. 1) Act 2009—
(a) Schedule 2—25 February 2010;
(b) Schedule 5—8 February 2010; and
(c) Part 2 of Schedule 7—25 January 2010.
[F2009L03994]*.
* Explanatory statement tabled with legislative instrument.

Departmental and Agency Appointments and Vacancies
DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS
The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:
Departmental and agency appointments and vacancies—Additional estimates—Letters of advice—
Environment, Water, Heritage and the Arts portfolio agencies.
Families, Housing, Community Services and Indigenous Affairs portfolio agencies.
WORKPLACE RELATIONS—FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009—BILATERAL INTERGOVERNMENTAL AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
Pursuant to the order of the Senate of 18 November 2009, the following document was tabled:
Workplace Relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Document relating to (2)—Bilateral inter-governmental agreement for a national workplace relations system for the private sector—Agreement between the Commonwealth and South Australia governments.

HEALTH—CATARACT SURGERY TIMES—DATA—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
Pursuant to the order of the Senate of 19 November 2009, the following document was tabled:
Health—Cataract surgery times—Data—Order for production of documents—Statement and supporting information relating to the order of the Senate of 19 November 2009.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Education, Employment and Workplace Relations, and Early Education, Childcare and Youth: Media Relations
(Question Nos 944, 945 and 965)

Senator Ronaldson asked the Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Early Education, Childcare and Youth, upon notice, on 25 November 2008:

(1) Can details be provided, as of 24 November 2008, of the total number of all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(2) Can details be provided of the aggregate salary and superannuation costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(3) Can details be provided of the aggregate travel costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(4) Can details be provided of the aggregate mobile phone costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(5) Can a breakdown be provided of every review, inquiry and committee which is being conducted in the department that has been announced since 1 December 2007.

(6) (a) How many of the department’s reviews, inquiries and committees are in progress or incomplete as of 24 November 2008; and (b) What are their reporting dates.
(7) In regard to each of the department’s review, inquiry and committee (completed and incomplete as of 24 November 2008) that has or is being conducted during the 2008 calendar year:

(a) what is the number of departmental staff allocated to each;

(b) what is the aggregate number of departmental staff allocated to all;

(c) were external consultants engaged to assist in any; if so, which consultants and how much has each consultancy cost (please itemise for each); and

(d) what have been the travel costs associated with those staff involved in each (please itemise for each).

(8) For the 2008 calendar year, what is the total cost of each departmental review, inquiry and committee, including staff wages, consultancy costs, travel and any other associated expenditure (please itemise for each).

Senator Carr—The Minister for Education and Minister for Employment and Workplace Relations and the Minister for Early Education, Childcare and Youth have provided the following answer to the honourable senator’s question:

(1) (a) As at 24 November 2008, there are two staff in the Office of the Hon Julia Gillard MP and one in the Office of the Hon Kate Ellis MP, whose job description predominantly involves media relations, media advice, public relations, public affairs, communications, and communications strategy.

(b) As at 24 November 2008, there are 33 departmental staff whose job description predominantly involves media relations, media advice, public relations, public affairs, communications, and communications strategy.

(2) (a) Annual salaries for the relevant ministerial office staff range from $62,124 to $109,967, plus an appropriate annual Parliamentary Staff Allowance ranging from $16,550 to $17,874. Superannuation costs are paid at rates depending on individual circumstances.

(b) Annual salaries for the relevant departmental staff, under the notional DEEWR pay scales that commenced from September 2008, range from $51,745 to $107,014. Superannuation costs are paid at rates depending on individual circumstances.

(3) (a) The aggregate travel cost from 1 January to 24 November 2008 for the relevant staff in the ministerial offices is $61,673. This may include travel costs not directly associated with the work of media relations, media advice, public relations, public affairs, communications and communications strategy, should these costs have been incurred.

(b) The aggregate travel cost from 1 January to 24 November 2008 for the relevant staff in the department is $92,195. This may include travel costs not directly associated with the work of media relations, media advice, public relations, public affairs, communications and communications strategy, should these costs have been incurred.

(4) (a) The aggregate mobile phone costs from 1 January to 24 November 2008 for the relevant staff in the ministerial offices is $4,817. This may include costs not directly associated with the work of media relations, media advice, public relations, public affairs, communications and communications strategy, should these costs have been incurred.

(b) The aggregate mobile phone costs from 1 January to 24 November 2008 for the relevant staff in the department is $2,925. This may include costs not directly associated with the work of media relations, media advice, public relations, public affairs, communications and communications strategy, should these costs have been incurred.

(5) (to 8) My Department tabled related information in its Senate Estimates responses EW788_09, EW971_09 and EW974_09.

QUESTIONS ON NOTICE
Infrastructue, Transport, Regional Development and Local Government
(Question No. 954)

Senator Ronaldson asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 24 November 2008:

(1) Can details be provided, as of 24 November 2008, of the total number of all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(2) Can details be provided of the aggregate salary and superannuation costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(3) Can details be provided of the aggregate travel costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(4) Can details be provided of the aggregate mobile phone costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(5) Can a breakdown be provided of every review, inquiry and committee which is being conducted in the department that has been announced since 1 December 2007.
   (a) How many of the department’s reviews, inquiries and committees are in progress or incomplete as of 24 November 2008; and
   (b) what are their reporting dates.

(7) In regard to each of the department’s review, inquiry and committee (completed and incomplete as of 24 November 2008) that has or is being conducted during the 2008 calendar year:
   (a) what is the number of departmental staff allocated to each;
   (b) what is the aggregate number of departmental staff allocated to all;
   (c) were external consultants engaged to assist in any; if so, which consultants and how much has each consultancy cost (please itemise for each); and
   (d) what have been the travel costs associated with those staff involved in each (please itemise for each).
(8) For the 2008 calendar year, what is the total cost of each departmental review, inquiry and committee, including staff wages, consultancy costs, travel and any other associated expenditure (please itemise for each).

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

1. (a) (i) to (vi). One. (b) (i) to (vi) 15.
2. (a) (b) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at <http://www.finance.gov.au>.
3. (a) (i) to (vi) Ministerial staff travel costs are tabled in Parliament. (b) (i) to (vi) $11,096 (excluding GST)
4. (a) (ii to (vi) $2,384 (excluding GST). (b) (i) to (vi) $2,371 (excluding GST).
5. This information is available on the department’s website.
6. (a) (b) This information is available on the department’s website.
7. Information on department staffing is available in the department’s annual report. Information on consultancies is available on the Austender website.
8. Information on departmental running costs is available in the department’s annual report.

**Attorney-General: Hospitality**
(Question Nos 1801 and 1811)

**Senator Abetz** asked the Minister representing the Attorney-General and the Minister for Home Affairs, upon notice, on 16 June 2009:

1. (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.
2. For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

**Senator Wong**—The Attorney-General and Minister for Home Affairs have provided the following answer to the honourable senator’s question:

1. (a) An itemised list indicating the amount the Department has spent on hospitality for the period 24 November 2007 to 16 June 2009 is at Attachment A.
   (b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.
2. (a) An itemised list indicating the amount that the offices of the Attorney-General and Minister for Home Affairs have spent on hospitality for the period 24 November 2007 to 16 June 2009 is at Attachment B.
   (b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question. Date of function.

<table>
<thead>
<tr>
<th>Date of function</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 November 2007</td>
<td>Catering and lunch for the Central Authorities Conference on the Child Protection Convention</td>
<td>Attorney-General’s Department, Barton, Canberra</td>
<td>$606.00</td>
</tr>
<tr>
<td>27 November 2007</td>
<td>Catering and lunch for the Central Authorities Conference on the Child Protection Convention</td>
<td>Attorney-General’s Department, Barton, Canberra</td>
<td>$630.00</td>
</tr>
<tr>
<td>29 November 2007</td>
<td>Network Forum Dinner for Family Relationship Centres</td>
<td>The Lobby, Parkes, Canberra</td>
<td>$3,676.36</td>
</tr>
<tr>
<td>30 November 2007</td>
<td>Gifts for Delegates – Asian Collaborative Group’s visit to promote the Department’s working group on precursor chemical diversion in the Asian Region</td>
<td>Tokyo, Japan</td>
<td>$63.00</td>
</tr>
<tr>
<td>18 December 2007</td>
<td>Lunch for meeting with Chinese Ministry of Justice Officials</td>
<td>Ottoman, Barton, Canberra</td>
<td>$1109.60</td>
</tr>
<tr>
<td>15 January 2008</td>
<td>Lunch for President of the British Board of Film Classification</td>
<td>Bambini Trust Café, Sydney</td>
<td>$90.91</td>
</tr>
<tr>
<td>21 January 2008</td>
<td>Lunch for meeting with Vietnam delegates from the International Organisation for Migration</td>
<td>Edo Japanese Restaurant, Vietnam</td>
<td>$105.00</td>
</tr>
<tr>
<td>11 February 2008</td>
<td>Lunch for meeting with Cambodian officials to research current adoption and child protection practices, and explore the provision of technical assistance</td>
<td>Romdeng Restaurant, Cambodia</td>
<td>$35.64 *</td>
</tr>
<tr>
<td>12-15 February 2008</td>
<td>Gifts for Delegates – Asian Collaborative Group’s visit to promote the Department’s working group on precursor chemical diversion in the Asian Region</td>
<td>Tokyo, Japan</td>
<td>$282.32</td>
</tr>
<tr>
<td>12 February 2008</td>
<td>Lunch for meeting with Cambodian officials to research current adoption and child protection practices, and explore the provision of technical assistance</td>
<td>Café Metro, Cambodia</td>
<td>$39.42 *</td>
</tr>
</tbody>
</table>
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question. Date of function

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<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 February 2008</td>
<td>Dinner for meeting with Cambodian officials to research current adoption and child protection practices, and explore the provision of technical assistance</td>
<td>Malis Restaurant, Cambodia</td>
<td>$496.56</td>
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<tr>
<td>14 February 2008</td>
<td>Dinner for Asian Collaborative Group to promote the Department’s working group on precursor chemical diversion in the Asian Region.</td>
<td>Mita Kaigisho, Tokyo, Japan</td>
<td>$1,786.08</td>
</tr>
<tr>
<td>23 February 2008</td>
<td>Function with stakeholders of Tuvalu’s Financial Intelligence Unit</td>
<td>Halavai Chinese Restaurant, Funafuti, Tuvalu</td>
<td>$400.00</td>
</tr>
<tr>
<td>26 February 2008</td>
<td>Dinner for United States delegation to discuss key mutual assistance and extradition issues</td>
<td>The Lobby, Parkes, Canberra</td>
<td>$566.36</td>
</tr>
<tr>
<td>26 February 2008</td>
<td>Dinner for New Zealand Ministry of Justice liaison meeting</td>
<td>Ottoman Restaurant, Barton, Canberra</td>
<td>$540.82</td>
</tr>
<tr>
<td>26 - 28 February 2008</td>
<td>Catering for United States delegation to discuss key mutual assistance and extradition issues</td>
<td>Computer Associates House, Barton, Canberra</td>
<td>$488.18</td>
</tr>
<tr>
<td>3 March 2008</td>
<td>Dinner for Family Relationship Services Program</td>
<td>The Deck, Regatta Point, Canberra</td>
<td>$6,086.36 *</td>
</tr>
<tr>
<td>5 March 2008</td>
<td>Dinner for Family Relationships Centres’ annual meeting</td>
<td>The Deck, Regatta Point, Canberra</td>
<td>$5,550.00 *</td>
</tr>
<tr>
<td>14 March 2008</td>
<td>Catering for half day induction program for newly recruited PNG Enhanced Cooperation Program Deployees</td>
<td>Ottoman Restaurant, Barton, Canberra</td>
<td>$243.64</td>
</tr>
<tr>
<td>10 April 2008</td>
<td>Working lunch for Parenting Orders Program Forum</td>
<td>Citigate Sebel Sydney</td>
<td>$2,215.91 *</td>
</tr>
<tr>
<td>10 April 2008</td>
<td>Dinner for Parenting Orders Program Forum</td>
<td>Bia San Marco, Sydney</td>
<td>$3,363.64 *</td>
</tr>
<tr>
<td>11 April 2008</td>
<td>Working lunch for Parenting Orders Program Forum</td>
<td>Citigate Sebel Sydney</td>
<td>$2,215.91 *</td>
</tr>
<tr>
<td>17 April 2008</td>
<td>Dinner for International Crime Cooperation Workshop</td>
<td>Brisbane Cruise, Brisbane</td>
<td>$3603.64</td>
</tr>
<tr>
<td>21 – 25 April 2008</td>
<td>Catering for Non Profit Organisation Workshop</td>
<td>Novotel, Nadi, Fiji</td>
<td>$2,035.00</td>
</tr>
</tbody>
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</thead>
<tbody>
<tr>
<td>29 April 2008</td>
<td>Catering for Evaluation Governance Committee Meeting (evaluation of family law reforms)</td>
<td>Hotel Kurrajong, Barton, Canberra</td>
<td>$639.09</td>
</tr>
<tr>
<td>15 May 2008</td>
<td>Working lunch with Federated States of Micronesia officials to discuss anti-money laundering arrangements</td>
<td>South Park Hotel, Pohnpei, Federated States of Micronesia</td>
<td>$299.40</td>
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<tr>
<td>21 May 2008</td>
<td>Lunch for National Peak Overseas Adoption Support Group meeting</td>
<td>Rydges, Capital Hill, Canberra</td>
<td>$504.00 *</td>
</tr>
<tr>
<td>21 May 2008</td>
<td>Dinner for National Peak Overseas Adoption Support Group meeting</td>
<td>Rydges, Capital Hill, Canberra</td>
<td>$1514.00 *</td>
</tr>
<tr>
<td>22 May 2008</td>
<td>Lunch for National Peak Overseas Adoption Support Group meeting</td>
<td>Rydges, Capital Hill, Canberra</td>
<td>$528.00 *</td>
</tr>
<tr>
<td>2 June 2008</td>
<td>Catering for meeting for the Longitudinal Study of Separated Parents survey - evaluation of Family Relationship Services Program services</td>
<td>Computer Associates House, Barton, Canberra</td>
<td>$115.18</td>
</tr>
<tr>
<td>2 June 2008</td>
<td>Working lunch for Children’s Contact Services Forum</td>
<td>Mercure Grosvenor Hotel, Adelaide</td>
<td>$3,973.64 *</td>
</tr>
<tr>
<td>2 June 2008</td>
<td>Dinner for Children’s Contact Services Forum</td>
<td>National Wine Centre, Adelaide</td>
<td>$7,993.73 *</td>
</tr>
<tr>
<td>3 June 2008</td>
<td>Working lunch for Children’s Contact Services Forum</td>
<td>Mercure Grosvenor Hotel, Adelaide</td>
<td>$3,973.64 *</td>
</tr>
<tr>
<td>16 June 2008</td>
<td>Catering for meeting with representatives of the Chinese legal profession</td>
<td>Rasa Sayang Restaurant, Dickson, Canberra</td>
<td>$401.82</td>
</tr>
<tr>
<td>20 June 2008</td>
<td>Catering for meeting with Australian Institute of Family Studies</td>
<td>Hotel Kurrajong, Barton, Canberra</td>
<td>$109.09</td>
</tr>
<tr>
<td>26 June 2008</td>
<td>Catering for Urban Search and Rescue Capability Development Project media release</td>
<td>EMA, Bruce, Canberra</td>
<td>$317.50</td>
</tr>
<tr>
<td>15 July 2008</td>
<td>Catering for Commonwealth Disaster Plan Review workshop</td>
<td>EMA, Bruce, Canberra</td>
<td>$229.00</td>
</tr>
<tr>
<td>22 July 2008</td>
<td>Catering for Catastrophic Disaster Working Group, workshop consolidation meeting</td>
<td>EMA, Bruce, Canberra</td>
<td>$200.00</td>
</tr>
</tbody>
</table>
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<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 July 2008</td>
<td>Catering for Evaluation Governance Committee meeting (evaluation of family law reforms)</td>
<td>Brassey Hotel, Barton, Canberra</td>
<td>$437.27</td>
</tr>
<tr>
<td>29 July 2008</td>
<td>Lunch for National Peak Overseas Adoption Support Group meeting</td>
<td>Rydges, Capital Hill, Canberra</td>
<td>$480.00 *</td>
</tr>
<tr>
<td>29 July 2008</td>
<td>Dinner for National Peak Overseas Adoption Support Group meeting</td>
<td>Belluci’s Restaurant, Manuka, Canberra</td>
<td>$829.73 *</td>
</tr>
<tr>
<td>30 July 2008</td>
<td>Lunch for National Peak Overseas Adoption Support Group meeting</td>
<td>Rydges, Capital Hill, Canberra</td>
<td>$456.00 *</td>
</tr>
<tr>
<td>6 August 2008</td>
<td>Catering for cross Government agency workshop on development of tool to survey pre-reform family law clients</td>
<td>Computer Associates House, Barton, Canberra</td>
<td>$135.73</td>
</tr>
<tr>
<td>7 August 2008</td>
<td>Dinner for Post Separation Cooperative Parenting Forum</td>
<td>Rydges, Capital Hill, Canberra</td>
<td>$1,909.09 *</td>
</tr>
<tr>
<td>14 – 15 August 2008</td>
<td>Catering for Remote Indigenous Communities Advisory Council - Culturally and Linguistically Diverse meeting</td>
<td>Elkira Resort Motel, Alice Springs</td>
<td>$718.18</td>
</tr>
<tr>
<td>20 August 2008</td>
<td>Catering for Emergency Warning Systems Working Group (all jurisdictions)</td>
<td>EMA, Bruce, Canberra</td>
<td>$265.00</td>
</tr>
<tr>
<td>23 August 2008</td>
<td>Dinner to farewell the former Secretary of the Attorney-General’s Department</td>
<td>The Lobby, Parkes, Canberra</td>
<td>$1913.00</td>
</tr>
<tr>
<td>26 August 2008</td>
<td>Catering for disaster relief and recovery and community resilience meeting with the Department of Families, Housing, Community Services and Indigenous Affairs</td>
<td>EMA, Bruce, Canberra</td>
<td>$206.50</td>
</tr>
<tr>
<td>3 September 2008</td>
<td>Catering for meeting with National Legal Aid</td>
<td>Artespresso, Kingston, Canberra</td>
<td>$1206.80</td>
</tr>
<tr>
<td>3 September 2008</td>
<td>Dinner for Australian Adoption Conference</td>
<td>Limoncello Restaurant, Sydney</td>
<td>$742.73 *</td>
</tr>
<tr>
<td>4 September 2008</td>
<td>Dinner for Australian Adoption Conference</td>
<td>Red Chille Restaurant, Sydney</td>
<td>$354.55 *</td>
</tr>
<tr>
<td>9 September 2008</td>
<td>Catering for Commonwealth Disaster Plan Review Workshop</td>
<td>EMA, Bruce, Canberra</td>
<td>$331.00</td>
</tr>
<tr>
<td>9 September 2008</td>
<td>Dinner for Family Relationship Centres’ Staff Orientation Training</td>
<td>The Lobby, Parkes, Canberra</td>
<td>$3,800.00 *</td>
</tr>
</tbody>
</table>
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.

<table>
<thead>
<tr>
<th>Date of function</th>
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</tr>
</thead>
<tbody>
<tr>
<td>10 September 2008</td>
<td>Catering for Hydration Status Monitor meeting (a joint project with USA)</td>
<td>EMA, Bruce, Canberra</td>
<td>$62.00</td>
</tr>
<tr>
<td>11 September 2008</td>
<td>Catering for Whole-of-Government Incident Management Facility Duty Manager Workshop</td>
<td>EMA, Bruce, Canberra</td>
<td>$159.00</td>
</tr>
<tr>
<td>12 September 2008</td>
<td>Catering for Urban Search and Rescue, Multi Jurisdictional Exercise, International Exercise Coordination - International Search and Rescue briefing</td>
<td>EMA, Bruce, Canberra</td>
<td>$47.00</td>
</tr>
<tr>
<td>16 September 2008</td>
<td>Catering for Evaluation Governance Committee meeting (evaluation of Family Law reforms)</td>
<td>Brassey Hotel, Barton, Canberra</td>
<td>$439.09</td>
</tr>
<tr>
<td>17 September 2008</td>
<td>Catering for Australian Disasters Conference 2009 - Steering Committee meeting</td>
<td>EMA, Bruce, Canberra</td>
<td>$152.50</td>
</tr>
<tr>
<td>18 September 2008</td>
<td>Catering for Nepalese/Maldivian Fellows - Health Disaster Management Fellows Program 2008</td>
<td>EMA, Bruce, Canberra</td>
<td>$188.50</td>
</tr>
<tr>
<td>23 September 2008</td>
<td>Catering for the Attorney-General’s Department’s Reconciliation Plan Launch</td>
<td>Attorney General’s Department, Robert Garran Offices, Barton, Canberra</td>
<td>$1218.00</td>
</tr>
<tr>
<td>2 October 2008</td>
<td>Catering for South African delegation wishing to learn more about disaster management policies and procedures, with specific attention to the principles of the All Hazards Approach, the Comprehensive Approach and the All Agencies Approach.</td>
<td>EMA, Bruce, Canberra</td>
<td>$338.00</td>
</tr>
<tr>
<td>4 October 2008</td>
<td>Light luncheon, catering and dinner for the 50th Anniversary of Australian Sovereignty for Christmas Island</td>
<td>Administrator’s residence, Hughes Dale waterfall car park and South Point historic railway station</td>
<td>$500.00 **</td>
</tr>
<tr>
<td>20 October 2008</td>
<td>Dinner for Family Pathways Network Forum</td>
<td>Kitschen Restaurant, Braddon, Canberra</td>
<td>$1,321.82 *</td>
</tr>
</tbody>
</table>
Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 October 2008</td>
<td>Dinner for National Peak Overseas Adoption Support Group meeting</td>
<td>Moorish Café, Darwin</td>
<td>$788.19 *</td>
</tr>
<tr>
<td>30 October 2008</td>
<td>Catering for Proceeds of Crime workshop</td>
<td>Solomon Kitano Mendana Hotel, Honiara, Solomon Islands</td>
<td>$1,875.30</td>
</tr>
<tr>
<td>5 November 2008</td>
<td>Lunch for Intercountry Adoption Harmonisation meeting</td>
<td>Hotel Kurrajong, Barton, Canberra</td>
<td>$432.73 *</td>
</tr>
<tr>
<td>6 – 7 November 2008</td>
<td>Lunch for Intercountry Adoption Central Authority meeting</td>
<td>Hotel Kurrajong, Barton, Canberra</td>
<td>$1,527.27 *</td>
</tr>
<tr>
<td>7 November 2008</td>
<td>Catering for official function for Proceeds of Crime workshop</td>
<td>Solomon Kitano Mendana Hotel, Honiara, Solomon Islands</td>
<td>$2,091.08</td>
</tr>
<tr>
<td>11 November 2008</td>
<td>Catering for Australian Safer Community Awards</td>
<td>Parliament House, Canberra</td>
<td>$1,784.09</td>
</tr>
<tr>
<td>14 November 2008</td>
<td>Dinner for Working Group on Legal Cooperation</td>
<td>Chairman and Yip Restaurant, Civic, Canberra</td>
<td>$733.64</td>
</tr>
<tr>
<td>20 November 2008</td>
<td>Dinner for Financial Intelligence Unit /Transnational Crime Unit</td>
<td>Torres Spanish Cellars, Sydney</td>
<td>$884.09</td>
</tr>
<tr>
<td>27 November 2008</td>
<td>Dinner for Administrative Review Council</td>
<td>The Realm, Barton, Canberra</td>
<td>$363.34</td>
</tr>
<tr>
<td>10 December 2008</td>
<td>Lunch for Senior Executive Staff conference (Alfred Deakin Lunch)</td>
<td>Australian Federal Police College, Barton, Canberra</td>
<td>$1,612.00</td>
</tr>
<tr>
<td>11 December 2008</td>
<td>Lunch for Indonesian delegation visit</td>
<td>Tims Chinese Restaurant, Forrest, Canberra</td>
<td>$280.00</td>
</tr>
<tr>
<td>17 December 2008</td>
<td>Catering and lunch for Parenting Advisors Training</td>
<td>Cliftons Training, Melbourne</td>
<td>$721.36 *</td>
</tr>
<tr>
<td>18 December 2008</td>
<td>Catering for Tsunami Operational Coordination Group meeting</td>
<td>EMA, Bruce, Canberra</td>
<td>$45.00</td>
</tr>
<tr>
<td>18 December 2008</td>
<td>Catering and lunch for Parenting Advisors Training</td>
<td>Cliftons Training, Melbourne</td>
<td>$627.27 *</td>
</tr>
<tr>
<td>19 December 2008</td>
<td>Catering and lunch for Parenting Advisors Training</td>
<td>Cliftons Training, Melbourne</td>
<td>$658.64 *</td>
</tr>
</tbody>
</table>
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 January 2009</td>
<td>Catering for visit of Senior officials from the Chinese Ministry of Civil Affairs</td>
<td>EMA, Bruce, Canberra</td>
<td>$40.00</td>
</tr>
<tr>
<td>22 January 2009</td>
<td>Lunch with the Director of the New Zealand Office of Film and Literature Classification and the Chief Executive Officer of the New Zealand Film and Labelling Office</td>
<td>Wharf Restaurant, Sydney</td>
<td>$221.36</td>
</tr>
<tr>
<td>17 February 2009</td>
<td>Dinner for Algerian delegation visit for mutual assistance and extradition treaty negotiations</td>
<td>Ottoman Restaurant, Barton, Canberra</td>
<td>$375.45</td>
</tr>
<tr>
<td>19 February 2009</td>
<td>Dinner for Inaugural Family Law System Conference</td>
<td>Parliament House, Canberra</td>
<td>$28,129.00</td>
</tr>
<tr>
<td>25 February 2009</td>
<td>Catering for Attorney-General’s Department/Department of Families, Housing, Community Services and Indigenous Affairs Executive Level 2 meeting</td>
<td>Auditor’s Department, Computer Associates House, Barton, Canberra</td>
<td>$39.09</td>
</tr>
<tr>
<td>26 February 2009</td>
<td>Catering and lunch for National Alternative Dispute Resolution Advisory Council Committee meeting</td>
<td>Auditor’s Department, Classifications Operations Branch, Sydney</td>
<td>$146.82</td>
</tr>
<tr>
<td>27 February 2009</td>
<td>Catering and lunch National Alternative Dispute Resolution Advisory Council 46th Council meeting</td>
<td>Auditor’s Department, Classifications Operations Branch, Sydney</td>
<td>$164.09</td>
</tr>
<tr>
<td>27 February 2009</td>
<td>Dinner for consultations on Home Office on Organised Crime Arrangements Lunch for Administrative Review Council meeting</td>
<td>Indian Diner, London Auditor’s Department, Robert Garran Offices, Barton, Canberra</td>
<td>$161.60, $297.73</td>
</tr>
<tr>
<td>13 March 2009</td>
<td>Lunch for Evaluation Governance Committee meeting</td>
<td>Hotel Kurrajong, Barton, Canberra</td>
<td>$318.19</td>
</tr>
</tbody>
</table>
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 March 2009</td>
<td>Lunch for Commonwealth Courts Forum meeting</td>
<td>Attorney-General’s Department Robert Garran Offices, Barton, Canberra</td>
<td>$128.45</td>
</tr>
<tr>
<td>23 March 2009</td>
<td>Morning tea to farewell Classification Board Member</td>
<td>Attorney-General’s Department, Sydney</td>
<td>$179.00</td>
</tr>
<tr>
<td>26 March 2009</td>
<td>Lunch for Department of Families, Housing, Community Services and Indigenous Affairs and Attorney-General’s Department, Family Pathways Branch Heads meeting</td>
<td>Attorney-General’s Department, Computer Associates House, Barton, Canberra</td>
<td>$103.09</td>
</tr>
<tr>
<td>27 March 2009</td>
<td>Lunch for Business-Government Advisory Group on National Security meeting</td>
<td>The Boat House By the Lake, Barton, Canberra</td>
<td>$1902.73</td>
</tr>
<tr>
<td>30 March 2009</td>
<td>Welcome function for delegates attending the Pacific Regional Workshop on International Crime Cooperation</td>
<td>Medina Executive Apartments, Brisbane</td>
<td>$721.90</td>
</tr>
<tr>
<td>30 March 2009</td>
<td>Welcome function for delegates attending the Pacific Regional Judicial Workshop on Proceeds of Crime and Money Laundering</td>
<td>The Quay West Suites, Brisbane</td>
<td>$547.27</td>
</tr>
<tr>
<td>31 March 2009</td>
<td>Catering and lunch for International Family Law Section Stakeholders meeting</td>
<td>Hotel Kurrajong, Barton, Canberra</td>
<td>$1,193.64</td>
</tr>
<tr>
<td>3 April 2009</td>
<td>Combined official dinner for delegates attending the Pacific Regional Workshop on International Crime Cooperation and the Pacific Regional Judicial Workshop on Proceeds of Crime and Money Laundering</td>
<td>Kookaburra Queen paddleboat, Brisbane River</td>
<td>$5,909.00</td>
</tr>
<tr>
<td>3 April 2009</td>
<td>Afternoon tea to farewell former Norfolk Island Official Secretary</td>
<td>Attorney-General’s Department Offices, Norfolk Island</td>
<td>$21.90</td>
</tr>
</tbody>
</table>
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question. Date of function

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 April</td>
<td>Official Dinner for the 10th Anniversary China-Australia Intercountry Adoption Program</td>
<td>Wangfujing Grand Hotel, Beijing, China</td>
<td>$2,147.07</td>
</tr>
<tr>
<td>20 April</td>
<td>Catering for Academics’ Roundtable to gain a clearer idea of existing research in the area of counter-terrorism, discuss research gaps and identify research priorities.</td>
<td>Hotel Realm, Barton, Canberra</td>
<td>$1,825.00</td>
</tr>
<tr>
<td>20 April</td>
<td>Official welcome dinner for Indonesian delegation – ‘Fighting Crimes through International Legal Cooperation’ Training Program Legal Training and Seminar Series</td>
<td>Harem Turkish Restaurant, Kingston, Canberra</td>
<td>$844.09</td>
</tr>
<tr>
<td>24 April</td>
<td>Official farewell lunch for Indonesian delegation – ‘Fighting Crimes through International Legal Cooperation’ Training Program Legal Training and Seminar Series</td>
<td>The Brassey of Canberra, Barton, Canberra</td>
<td>$785.45</td>
</tr>
<tr>
<td>29 April</td>
<td>Catering and lunch for Family Relationship Services Program Working Group</td>
<td>Holiday Inn, Melbourne Airport</td>
<td>$1,450.00</td>
</tr>
<tr>
<td>29 April</td>
<td>Catering and lunch for Family Relationship Centres Senior Executives meeting</td>
<td>Holiday Inn, Melbourne Airport</td>
<td>$1,033.00</td>
</tr>
<tr>
<td>30 April</td>
<td>Catering and lunch Family Relationship Services Program Senior Executives meeting</td>
<td>Holiday Inn, Melbourne Airport</td>
<td>$6,200.00</td>
</tr>
<tr>
<td>10 May</td>
<td>Arrival lunch for Indonesian delegation – ‘Prosecuting Transnational Crimes’ Training Program Legal Training and Seminar Series</td>
<td>Abell’s Kopi Tiam, Manuka, Canberra</td>
<td>$84.09</td>
</tr>
<tr>
<td>12 May</td>
<td>Hosted dinner for Madam Justice Louise Otis (retired judge of the Quebec Court of Appeal) and the Hon Justice Murray Kellam (judge of the Supreme Court of Victoria and President of the National Alternative Dispute Resolution Advisory Council) to discuss judicial mediation and alternative dispute resolution generally.</td>
<td>RACV Club – Melbourne</td>
<td>$171.50</td>
</tr>
</tbody>
</table>
Tuesday, 2 February 2010

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 May 2009</td>
<td>Lunch for Administrative Review Council meeting</td>
<td>Attorney-General’s Department, Robert Garran Offices, Barton, Canberra</td>
<td>$215.00</td>
</tr>
<tr>
<td>18 May 2009</td>
<td>Official welcome lunch for Indonesian delegation and Melbourne Commonwealth Director of Public Prosecutions – ‘Prosecuting Transnational Crimes’ Training Program Legal Training and Seminar Series</td>
<td>RACV Club Dining Room, Melbourne</td>
<td>$149.27</td>
</tr>
<tr>
<td>22 May 2009</td>
<td>Dinner for Meeting of Heads of the Attorney-General’s Portfolio Agencies</td>
<td>Ottoman Restaurant, Canberra</td>
<td>$1921.36</td>
</tr>
<tr>
<td>27-29 May 2009</td>
<td>Catering and lunch for the National Alternative Dispute Resolution Advisory Council (NADRAC) 47th Council Meeting</td>
<td>NSW Department of Premier and Cabinet</td>
<td>$692.00</td>
</tr>
<tr>
<td>2 June 2009</td>
<td>Working lunch for the National Alternative Dispute Resolution Advisory Council (NADRAC)</td>
<td>NSW Department of Premier and Cabinet</td>
<td>$78.55</td>
</tr>
<tr>
<td>2-3 June 2009</td>
<td>Catering for the Countering Violent Extremism Roundtable</td>
<td>NSW Department of Premier and Cabinet</td>
<td>$399.87 ***</td>
</tr>
<tr>
<td>4 June 2009</td>
<td>Dinner for National Intercountry Adoption Advisory Group Meeting</td>
<td>Mint Indian Gourmet Restaurant, Brisbane</td>
<td>$618.18</td>
</tr>
</tbody>
</table>

(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question. Date of function.
(b) Expenditure on alcohol is not generally disaggregated on invoices for these events. I am therefore not prepared to authorise the expenditure of time and money to collect and assemble the information sought after in the honourable senator’s question.

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<tr>
<th>Date of function</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-5 June 2009</td>
<td>Catering and lunch for the National Intercountry Adoption Advisory Group Meeting</td>
<td>Medina Executive, Brisbane</td>
<td>$2,103.18</td>
</tr>
<tr>
<td>15 June 2009</td>
<td>Dinner for meeting with representative from the Department of Homeland Security to discuss opportunities for further collaboration on chemical security issues between Australia and the United States.</td>
<td>Anise Restaurant, Civic, Canberra</td>
<td>$169.09</td>
</tr>
</tbody>
</table>

* Meals provided in lieu of meal allowance
** Funded from administered budget
*** Cost shared with NSW Attorney-General

<table>
<thead>
<tr>
<th>Date of function</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 July 2008</td>
<td>Meals and refreshments for Family Law System Roundtable</td>
<td>Parliament House, Canberra</td>
<td>$820.00</td>
</tr>
<tr>
<td>6 August 2008</td>
<td>Welcome function for new Secretary of Attorney-General’s Department</td>
<td>Parliament House, Canberra</td>
<td>$180.91</td>
</tr>
<tr>
<td>28 August 2008</td>
<td>Morning tea to farewell outgoing Secretary of Attorney-General’s Department</td>
<td>Parliament House, Canberra</td>
<td>$100.00</td>
</tr>
<tr>
<td>16 September 2008</td>
<td>Farewell dinner with Solicitor-General</td>
<td>Parliament House, Canberra</td>
<td>$225.45</td>
</tr>
<tr>
<td>21 October 2008</td>
<td>Welcome function for new Solicitor-General</td>
<td>Parliament House, Canberra</td>
<td>$54.55</td>
</tr>
<tr>
<td>26 November 2008</td>
<td>End of year Ministerial address to Departmental Senior Executive and Portfolio Agency Heads (total cost of event was $3,395.46, jointly paid for by Attorney-General and Minister for Home Affairs at $1,697.73 each)</td>
<td>National Gallery of Australia, Parkes, Canberra</td>
<td>$1,697.73</td>
</tr>
<tr>
<td>4 February 2009</td>
<td>Afternoon tea to welcome 2009 Attorney-General’s Department Graduates</td>
<td>Parliament House, Canberra</td>
<td>$329.55</td>
</tr>
<tr>
<td>Date of function</td>
<td>Purpose</td>
<td>Location</td>
<td>Total cost (excluding GST)</td>
</tr>
<tr>
<td>------------------</td>
<td>---------</td>
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<td>---------------------------</td>
</tr>
<tr>
<td>19 February 2009</td>
<td>Refreshments for meeting with judges from the Supreme Administrative and Administrative Courts of Thailand</td>
<td>Parliament House, Canberra</td>
<td>$153.64</td>
</tr>
<tr>
<td>23 February 2009</td>
<td>Morning tea for Pacific Pro Bono Roundtable</td>
<td>Parliament House, Canberra</td>
<td>$886.36</td>
</tr>
<tr>
<td>24 March 2009</td>
<td>Function with AFP secondees</td>
<td>Parliament House, Canberra</td>
<td>$72.73</td>
</tr>
<tr>
<td>1 June 2009</td>
<td>Afternoon tea for Australia-China Legal Profession Development Program</td>
<td>Parliament House, Canberra</td>
<td>$262.00</td>
</tr>
<tr>
<td>15 June 2009</td>
<td>Welcome function for newly appointed Minister for Home Affairs</td>
<td>Parliament House, Canberra</td>
<td>$253.85</td>
</tr>
</tbody>
</table>

**Minister for Home Affairs**

<table>
<thead>
<tr>
<th>Date of function</th>
<th>Purpose</th>
<th>Location</th>
<th>Total cost (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 January 2008</td>
<td>Meeting with representatives from National Aboriginal Justice Advisory Committee and Aboriginal and Torres Strait Islander Services</td>
<td>Parliament House, Canberra</td>
<td>$61.14</td>
</tr>
<tr>
<td>15 April 2008</td>
<td>Official reception on Cocos Island with officials and community leaders</td>
<td>Cocos Village Bungalows, Cocos Islands</td>
<td>$363.64</td>
</tr>
<tr>
<td>16 April 2008</td>
<td>Official reception on Christmas Island with officials and community leaders</td>
<td>Community Hall, Christmas Island</td>
<td>$1818.18</td>
</tr>
<tr>
<td>7 May 2008</td>
<td>Meeting with New Zealand Minister for Customs</td>
<td>Parliamentary House, Canberra</td>
<td>$39.32</td>
</tr>
<tr>
<td>7 May 2008</td>
<td>Dinner with New Zealand Minister for Customs</td>
<td>Ottoman Restaurant, Barton, Canberra</td>
<td>$620.10</td>
</tr>
<tr>
<td>6 August 2008</td>
<td>Joint meeting with Minister for Immigration and Citizenship and officials from the International Organisation for Migration and United Nations High Commissioner for Refugees</td>
<td>Ritz Carlton Hotel, Jakarta</td>
<td>$270.05 (GST exempt)</td>
</tr>
<tr>
<td>13 November 2008</td>
<td>Lunch for Indonesian Minister for Law and Human Rights as part of the Australasian Ministerial Forum</td>
<td>Watersedge Restaurant, Parkes, Canberra</td>
<td>$972.73</td>
</tr>
<tr>
<td>26 November 2008</td>
<td>End of year Ministerial address to Departmental Senior Executive and Portfolio Agency Heads (total cost of event was $3,395.46, jointly paid for by Attorney-General and Minister for Home Affairs at $1,697.73 each)</td>
<td>National Gallery of Australia, Parkes, Canberra</td>
<td>$1,697.73</td>
</tr>
<tr>
<td>1 December 2008</td>
<td>Morning tea with the Sporting Shooters and Firearms Advisory Council</td>
<td>Parliament House, Canberra</td>
<td>$304.55</td>
</tr>
</tbody>
</table>
Date of function | Purpose | Location | Total cost (excluding GST)
--- | --- | --- | ---
19 February 2009 | Afternoon tea briefing with AFP, two Parliamentary Secretaries and advisors | Parliament House, Canberra | $98.36
26 February 2009 | Lunch meeting with Chief Minister of Norfolk Island | Parliament House, Canberra | $95.45

Employment and Workplace Relations
(Question Nos 1911 to 1913, 1943 and 1946)

Senator Barnett asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008 09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008 09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008 09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active

Senator Arbib—The answer to the honourable senator’s question is as follows:

(1) (a) to (d)
<table>
<thead>
<tr>
<th>Minister/Parliamentary Secretary</th>
<th>(a) Number of positions as at 2 July 2009*</th>
<th>(b) Number of Staff employed as at 2 July 2009*</th>
<th>(c) Number of vacancies as at 2 July 2009*</th>
<th>(d) Level of positions as at 2 July 2009*</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Julia Gillard MP</td>
<td>23</td>
<td>21**</td>
<td>4</td>
<td>Principal Adviser x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Senior Adviser 2 x 2</td>
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<td></td>
<td></td>
<td>Senior Adviser 1 (Cabinet) x 2</td>
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<td></td>
<td></td>
<td>Adviser x 5</td>
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<td></td>
<td>Assistant Adviser x 5</td>
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<td>Executive Assistant/Office Manager x 5</td>
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<td></td>
<td>Secretary/Administrative Assistant x 1</td>
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<td>Departmental Liaison Officer x 2****</td>
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<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
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<td>Media Adviser x 1</td>
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<td>Adviser x 2</td>
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<td>Assistant Adviser x 1</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td>Secretary/Administrative Assistant x 1</td>
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<td></td>
<td>Departmental Liaison Officer x 1</td>
</tr>
<tr>
<td>Senator the Hon Mark Arbib</td>
<td>8</td>
<td>6</td>
<td>2</td>
<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
</tr>
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<td>Media Adviser x 1</td>
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<td>Adviser x 2</td>
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<td>Assistant Adviser x 1</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td>Secretary/Administrative Assistant x 1</td>
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<td>Departmental Liaison Officer x 1</td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>8</td>
<td>7***</td>
<td>2</td>
<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
</tr>
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<td></td>
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<td>Media Adviser x 1</td>
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<td>Adviser x 1</td>
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<td>Assistant Adviser x 2</td>
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<td>Executive Assistant/Office Manager x 1</td>
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<td>Secretary/Administrative Assistant x 1</td>
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<td></td>
<td></td>
<td></td>
<td>Departmental Liaison Officer x 1</td>
</tr>
<tr>
<td>The Hon Jason Clare MP</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>Assistant Adviser x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Executive Assistant/Office Manager x 1</td>
</tr>
<tr>
<td>Minister/Parliamentary Secretary</td>
<td>(a) Number of positions as at 2 July 2009*</td>
<td>(b) Number of Staff employed as at 2 July 2009*</td>
<td>(c) Number of vacancies as at 2 July 2009*</td>
<td>(d) Level of positions as at 2 July 2009*</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Senator the Hon Ursula Stephens</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>Assistant Adviser x 1 Executive Assistant/Office Manager x 1 Departmental Liaison Officer x 1</td>
</tr>
<tr>
<td>Parliamentary Secretary for Social Inclusion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* The above information refers to Government Personal Positions. It does not include electorate staff.

** This figure includes four part-time staff.
*** This figure includes a temporary employee replacing a full-time staff member on maternity leave.

**** This figure does not include a temporary Departmental Liaison Officer, approved by the PMO to assist with Workplace Relations Legislation from January 2008-April 2009.

(e) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2008-09 which is available on the Department of Finance and Deregulation website at http://www.finance.gov.au.

(2) As at 2 July 2009, the following assets were deployed:

<table>
<thead>
<tr>
<th>Ministerial office</th>
<th>Laptops</th>
<th>Mobile Phones</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Julia Gillard MP</td>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>Senator the Hon Mark Arbib</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>The Hon Jason Clare MP</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Senator the Hon Ursula Stephens</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

*The department defines a Blackberry device as a mobile phone with email capability. The department does not use PDAs.

(3) As at 2 July 2009, no departmental officers were on secondment in the offices of the Ministers and Parliamentary Secretaries.

(4) I refer the honourable senator to the answer to Parliamentary Questions on Notice 1785-1787, 1817, and 1820.

(5) I refer the honourable senator to the answer to Parliamentary Questions on Notice 1785-1787, 1817, and 1820.

(6) I am not prepared to authorise the diversion of resources to disaggregate this level of detail.

(7) As at 2 July 2009, the Department of Education, Employment and Workplace Relations has 4,545 credit cards on issue.

(8) (a) 37 credit cards have been reported lost since October 2006, the commencement of the current credit card provider. (b) (i) All reported lost cards are cancelled immediately. (ii) No reported lost cards remain active. (iii) All reported lost cards are cancelled immediately.

**Attorney-General**

(Question Nos 1927 and 1937)

Senator Barnett asked the Minister representing the Attorney-General and the Minister for Home Affairs, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are
employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

Senator Wong—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

(1) (a)-(d) As at 2 July 2009,

| Minis-  | (a) Number of | (b) Number | (c) Number | (d) Level of positions as at |
| Secretary | positions as at 2 July 2009* | of Staff employed as at 2 July 2009* | of vacancies as at 2 July 2009* |
|-----------|----------------|-------------|-------------|-----------------------------|
| The Hon Robert McClelland MP | 9 | 9 | 0 | Senior Adviser Chief of Staff (Cabinet) x 1 |
| Attorney-General | | | | Senior Adviser 1 (Cabinet) x 1 |
| Ministerial Staff | | | | Senior Media Adviser x 1 |
| | | | | Adviser x 2 |
| | | | | Assistant Adviser x 2 |
| | | | | Executive Assistant/Office Manager x 1 |
| | | | | Secretary/Administrative Assistant x 1 |

| | | | | Principal Legal Officer (Executive Level 2) x 1 |
| Departmental Staff | 2 | 2 | 0 | Senior Legal Officer (Executive Level 1) x 1 |

The Hon Brendan O’Connor MP, Minister for Home Affairs

QUESTIONS ON NOTICE
### QUESTIONS ON NOTICE

**Minister/Parliamentary Secretary**

<table>
<thead>
<tr>
<th></th>
<th>(a) Number of positions as at 2 July 2009*</th>
<th>(b) Number of Staff employed as at 2 July 2009*</th>
<th>(c) Number of vacancies as at 2 July 2009*</th>
<th>(d) Level of positions as at 2 July 2009*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ministerial Staff</strong></td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>Senior Adviser Chief of Staff (Non Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Media Adviser x 1</td>
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<td></td>
<td>Adviser x 1</td>
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<td></td>
<td>Assistant Adviser x 1</td>
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<td></td>
<td>Executive Assistant/Office Manager x 1</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Secretary/Administrative Assistant x 1</td>
</tr>
<tr>
<td><strong>Departmental Staff</strong></td>
<td>3</td>
<td>4#</td>
<td>0</td>
<td>Principal Legal Officer (Executive Level 2) x 1#</td>
</tr>
<tr>
<td>(including Portfolio Agency Staff)</td>
<td></td>
<td></td>
<td></td>
<td>Customs Level 5 Officer (Executive Level 2) x 1#</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Australian Federal Police Law Enforcement Liaison Officer (AFP) Superintendent x 1</td>
</tr>
</tbody>
</table>

* One additional Principal Legal Officer was engaged in a non-ongoing position in the Office of the Minister for Home Affairs for a period of nine weeks, during the transition period following the Ministerial change.

(e) Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au.

The 2008-09 budget for the Attorney-General’s Department Liaison Officers is $456,904 (including employee costs, DLO allowance and supplier costs). ¹

The 2008-09 budget for the Customs Departmental Liaison officer is $166,416 (including employee costs, DLO allowance and supplier costs).

The Australian Federal Police (AFP) Law Enforcement Liaison Officer (LELO) role is currently a Superintendent level. The published AFP Collective Agreement 2007/11 salary range for a Superintendent is $111,622 - $130,039 for 2009/10. The AFP LELO, consistent with public sector practice, is provided an allowance for the role which is currently $14,260.

(2) The Attorney-General’s Department makes available one laptop, one BlackBerry device, and one mobile phone to each personal staff member in the Offices of the Attorney-General and Minister for Home Affairs (used items from Departmental stores are provided if available). AFP and Customs make available one laptop and one mobile phone to their staff in the Minister’s Office.

(3) None.

(4) I refer the honourable senator to the answer provided in response to questions 1801 and 1811.

(5) I refer the honourable senator to the answer provided in response to questions 1801 and 1811.

(6) (a) For the 2008-09 financial year, the Attorney-General’s Department spent $114,887.48 on the hire of plants, including real and artificial. (b) The figure provided at (6)(a) is inclusive of plant maintenance. (c) For the 2008-09 financial year, the Attorney-General’s Department spent $12,261.82 (including $1,422.00 Norfolk Island Government Goods and Services Tax inclusive, charged at 9%) on water coolers. This figure comprises of water, cooler rental and hire, and water
(7) As at 2 July 2009, there were 961 credit cards issued to staff in the Attorney-General’s Department.

(8) (a)-(b) As at 2 July 2009, the Attorney-General’s Department had no active credit cards reported as lost. Over the last three years, 43 credit cards have been reported as lost or stolen. These cards were cancelled as soon as they were reported lost or stolen, in line with Departmental policy.

1 The actual cost may vary depending on the staff occupying the position.

**Competition Policy and Consumer Affairs**

(Question No. 1939)

Senator Barnett asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so, (a) how many; and (b) to whom.

(4) (a) how much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year, and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year, and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards for the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit limit liability from the lost cards that remain active.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

(1) The Minister has:

(a) Refer to Question on Notice 1940.

(b) 1 Treasury Departmental Liaison officer. Treasury’s Departmental Liaison Officer supports the Minister in his role as the Minister for Competition Policy and Consumer Affairs. For other staffing issues relating to this answer refer to the response to QoN 1940.

(c) For other staffing issues relating to this answer refer to the response to QoN 1940.

(d) Treasury’s Departmental Liaison position is an EL1. For other staffing issues relating to this answer refer to the response to QoN 1940.
(e) Total Treasury Departmental Liaison staff costs are $140,400. Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au. For other staffing issues relating to this answer refer to the response to QoN 1940.

(2) The Treasury has not provided to the Minister’s office any:
- Laptops
- Mobile Phones
- Personal Digital Assistants (PDA’s)

(3) There are:
(a) Refer response to QoN 1914.
(b) There are no Treasury staff on secondment to the Minister’s office.

(4) Refer response to QoN 1813.
(5) Refer response to QoN 1813.
(6) Refer response to QoN 1914.
(7) Refer response to QoN 1914.
(8) (a) and (b) Refer response to QoN 1914.

Small Business, Independent Contractors and the Service Economy: Staffing
(Question No. 1940)

Senator Barnett asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.
Senator Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

1. (a) 9
   (b) 9
   (c) 0
   (d) Senior Adviser Chief of Staff (Non Cabinet) x 1
       Media Adviser x 1
       Adviser x 2
       Assistant Adviser x 1
       Executive Assistant/Office Manager x 1
       Secretary/Administrative Assistant x 1
       Departmental Liaison Officer EL1 x 2*
   (e) Total annual cost for the DIISR DLO position is $123,307. For the annual cost of the Treasury DLO, please refer to question 1939. Information relating to the costs of Ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au.

* There are two DLOs within the Office, one from DIISR who supports the Minister in his role as Minister for Small Business, Independent Contractors and the Service Economy, and one from the Treasury who supports the Minister’s Competition Policy and Consumer Affairs portfolio responsibilities.

2. The Department of Innovation, Industry, Science and Research provides:
   six laptops
   six mobile phones
   six Blackberry handsets
   Please note that three staff members use their laptops at docking stations in place of desktop PCs.

3. No.

4. Please refer to the answer to Parliamentary Question on Notice 1798.

5. Please refer to the answer to Parliamentary Question on Notice 1814.

6. Please refer to the answer to Parliamentary Question on Notice 1924.

7. Please refer to the answer to Parliamentary Question on Notice 1924.

8. Please refer to the answer to Parliamentary Question on Notice 1924.

Families, Housing, Community Services and Indigenous Affairs: Water
(Question No. 1967)

Senator Abetz asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 21 July 2009:

For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:
Tables A, B and C below show a breakdown of drinking water expenditure for the 2008-09 financial years.

Table A - Expenditure related to the Department of Families, Housing, Community Services and Indigenous Affairs:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) bottled water*</td>
<td>$4,425.00</td>
</tr>
<tr>
<td>(b) bulk water</td>
<td>N/A</td>
</tr>
<tr>
<td>(c) cooler rental</td>
<td>$3,805.60</td>
</tr>
<tr>
<td>(d) cooler hire</td>
<td>N/A</td>
</tr>
<tr>
<td>(e) water delivery</td>
<td>$999.00</td>
</tr>
</tbody>
</table>

Table B – Expenditure related to the agencies of the Department of Families, Housing, Community Services and Indigenous Affairs:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) bottled water*</td>
<td>$6,345.78</td>
</tr>
<tr>
<td>(b) bulk water</td>
<td>$1,240.00</td>
</tr>
<tr>
<td>(c) cooler rental</td>
<td>$2,714.98</td>
</tr>
<tr>
<td>(d) cooler hire</td>
<td>N/A</td>
</tr>
<tr>
<td>(e) water delivery</td>
<td>$44.00</td>
</tr>
</tbody>
</table>

The Tiwi Land Council spent $120.00 on filter changes for a Department owned water cooler.

Table C - Expenditure related to the offices of the Hon Jenny Macklin MP and the Hon Bill Shorten MP:

<table>
<thead>
<tr>
<th></th>
<th>Minister Macklin</th>
<th>Parliamentary Secretary Shorten</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) bottled water*</td>
<td>$897.02</td>
<td>$259.77</td>
</tr>
<tr>
<td>(b) bulk water</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(c) and (d) cooler rental/hire and service fee</td>
<td>$220.00</td>
<td>$154.00</td>
</tr>
<tr>
<td>(e) water delivery</td>
<td>$205.04</td>
<td>$70.51</td>
</tr>
</tbody>
</table>

* 15 litre bottles for water dispensers.

**Housing, and Status of Women: Water**

(Question Nos 1982 and 1983)

Senator Abetz asked the Minister representing the Minister for Housing and the Minister for the Status of Women, upon notice, on 21 July 2009:

For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Wong—The Minister for Housing and the Minister for the Status of Women has provided the following answer to the honourable senator’s question:

Tables A and B below show a breakdown of drinking water expenditure for the 2008-09 financial years.

Table A - Expenditure related to the Department of Families, Housing, Community Services and Indigenous Affairs:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) bottled water*</td>
<td>$4,425.00</td>
</tr>
<tr>
<td>(b) bulk water</td>
<td>N/A</td>
</tr>
<tr>
<td>(c) cooler rental</td>
<td>$3,805.60</td>
</tr>
<tr>
<td>(d) cooler hire</td>
<td>N/A</td>
</tr>
<tr>
<td>(e) water delivery</td>
<td>$999.00</td>
</tr>
</tbody>
</table>

Table B – Expenditure related to the agencies of the Department of Families, Housing, Community Services and Indigenous Affairs:
Tuesday, 2 February 2010

(a) bottled water* $6,345.78
(b) bulk water $1,240.00
(c) cooler rental $2,714.98
(d) cooler hire N/A
(e) water delivery $44.00

The Tiwi Land Council spent $120.00 on filter changes for a FaHCSIA owned water cooler.

Table C - Expenditure related to the offices of the Hon Tanya Plibersek MP:

<table>
<thead>
<tr>
<th></th>
<th>Minister Plibersek</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) bottled water*</td>
<td>$489.16</td>
</tr>
<tr>
<td>(b) bulk water</td>
<td>N/A</td>
</tr>
<tr>
<td>(c) and (d) cooler rental/hire and service fee</td>
<td>$583.00</td>
</tr>
<tr>
<td>(e) water delivery</td>
<td>$156.42</td>
</tr>
</tbody>
</table>

* 15 litre bottles for water dispensers.

**Competition Policy and Consumer Affairs: Water**

(Question No. 1986)

Senator Abetz asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, on 21 July 2009:

For the department, each agency of the department and the offices of each Minister/Parliamentary Secretary, in the 2008-09 financial year, how much was spent on: (a) bottled water; (b) bulk water; (c) cooler rental; (d) cooler hire; and (e) water delivery.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

(a) Nil
(b) Nil
(c) Departmental expenditure – $2,458.16, Ministerial expenditure – Nil
(d) Nil
(e) Nil

The Treasury Agency’s responses have been provided in the Treasurer’s response to Question on Notice No. 1961.

**Education, Employment and Workplace Relations: Media Training**

(Question Nos 1995 to 1997, 2027 and 2030)

Senator Abetz asked the Minister for Employment Participation and Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion, Minister for Early Childhood Education, Childcare and Youth, upon notice, on 21 July 2009:

(1) Has the Minister undertaken any media training since 24 November 2007; if so: (a) when; (b) who was the provider; and (c) what was the total cost.

(2) Have any of the Minister’s staff undertaken any media training since 24 November 2007; if so: (a) who, including their Members of Parliament (Staff) Act 1984 classification; (b) when; (c) who was the provider; and (d) what was the total cost.

Senator Arbib—The answer to the honourable senator’s question is as follows:
From 24 November 2007 to 21 July 2009, the Department of Education, Employment and Workplace Relations was not requested to organise or pay for any media training for the portfolio ministers and/or their staff.

**Broadband, Communications and the Digital Economy: Media Training**

(Question No. 2007)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 21 July 2009:

1. Has the Minister undertaken any media training since 24 November 2007; if so: (a) when; (b) who was the provider; and (c) what was the total cost.

2. Have any of the Minister’s staff undertaken any media training since 24 November 2007; if so: (a) who, including their Members of Parliament (Staff) Act 1984 classification; (b) when; (c) who was the provider; and (d) what was the total cost.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The Department has not paid for media training for the Minister or any of his staff.

**Climate Change and Water**

(Question No. 2038)

Senator Bob Brown asked the Minister for Climate Change and Water, upon notice on 27 July 2009:

1. How many meetings in 2009 has the department, the Minister or her staff and the Minister Assisting the Minister for Climate Change or his staff, had with each of the following companies:
   (a) International Power Australia Pty Ltd (owners of Hazelwood Power and Loy Yang B power stations);
   (b) Great Energy Alliance Corporation or its shareholders;
   (c) AGL Energy Limited;
   (d) Tokyo Electric Power Company;
   (e) Transfield Services Infrastructure Fund;
   (f) Motor Trades Association of Australia Superannuation Fund;
   (g) Westscheme;
   (h) Statewide superannuation fund (owners of Loy Yang A power station); and
   (i) TRUenergy or its parent company CLP Power Asia (owner of Yallourn power station).

2. How many telephone conversations, emails or letters have been exchanged in 2009 between each of the companies or their lobbyists listed in (1) above and the Minister or her staff and the Minister Assisting the Minister for Climate Change or his staff.

3. Given that many of the companies listed in (1) above have participated in previous government climate change programs and have benefitted from in-kind or financial assistance from this participation:
   (a) approximately how much financial and in-kind assistance have these companies received; and
   (b) what kind of assistance has been provided.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) and (2) As would be expected, the department, my office, the Minister Assisting the Minister for Climate Change, his office and I have met with many companies in 2009. We have also had telephone conversations and exchanged emails and letters with many companies and lobbyists in 2009.
I am not prepared to authorise the expense of time and diversion of resources that would be re-
quired in assembling the information requested.

(3) While my department consults with industry and the community on climate change issues and pro-
vides policy advice to the Government, the majority of climate change programs are delivered 
through other portfolios. As such, I am not aware of any specific financial or in-kind assistance that 
has been provided to the listed organisations from climate change programs. This information 
would need to be sought from the relevant portfolios.

**Climate Change and Water**

(Question No. 2039)

*Senator Bob Brown* asked the Minister for Climate Change and Water, upon notice on 27 
July 2009:

(1) How many meetings in 2009 has the department, the Minister or her staff and the Minister Assist-
ing the Minister for Climate Change or his staff, had with each of the following:

(a) Companies or their industry representatives or lobbyists:

   (i) Rio Tinto,
   (ii) Alcoa of Australia Limited,
   (iii) BlueScope Steel Limited,
   (iv) BHP Billiton,
   (v) BP,
   (vi) Royal Dutch Shell plc,
   (vii) Chevron Corporation,
   (viii) Exxon Mobil,
   (ix) Woodside Energy,
   (x) Caltex Australia,
   (xi) Anglo Coal Australia Pty Ltd, and
   (xii) Adelaide Brighton Ltd; and

(b) industry associations:

   (i) the Australian Industry Group,
   (ii) the Australian Coal Association,
   (iii) the Business Council of Australia,
   (iv) the Australian Chamber of Commerce and Industry,
   (v) the National Generators Forum,
   (vi) the Energy Supply Association of Australia,
   (vii) the Australian Pipeline Industry Association,
   (viii) the Australian Aluminium Council,
   (ix) the Australian Petroleum Production & Exploration Association,
   (x) the Cement Industry Federation,
   (xi) the Minerals Council of Australia, and
   (xii) the National Farmers’ Federation.
(2) How many telephone conversations, emails or letters have been exchanged in 2009 between each of the companies, industry associations or their representatives listed in (1) above and the Minister or her staff and the Minister Assisting the Minister for Climate Change or his staff.

(3) Given that many of the companies and industry associations listed in (1) above have participated in previous government climate change programs and have benefited from in-kind or financial assistance from this participation:

(a) approximately how much financial and in-kind assistance have these companies received; and

(b) what kind of assistance has been provided.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) and (2) As would be expected, the department, my office, the Minister Assisting the Minister for Climate Change, his office and I have met with many companies, industry representatives, lobbyists and industry associations in 2009. We have also had telephone conversations and exchanged emails and letters with many companies, industry representatives, lobbyists and industry associations in 2009.

I am not prepared to authorise the expense of time and diversion of resources that would be required in assembling the information requested.

(3) While my department consults with industry and the community on climate change issues and provides policy advice to the Government, the majority of climate change programs are delivered through other portfolios. As such, I am not aware of any specific financial or in-kind assistance that has been provided to the listed organisations from climate change programs. This information would need to be sought from the relevant portfolios.

Broadband, Communications and the Digital Economy

(Question No. 2141)

Senator Ronaldson asked the Minister for Broadband, Communications and the Digital Economy, 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 itemized list be provided of; (i) production costs, and (ii) distribution costs.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) Yes.

(a) 41,000.

(b) $7620.00.

(2) $1613.81.
(3) (a) Nil, there were no 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.

(b) N/A.

Innovation, Industry, Science and Research
(Question No. 2142)

Senator Ronaldson asked the Minister for Innovation, Industry, Science and Research, 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 Carr—The answer to the honourable senator’s question is as follows:

(1) No.

(2) The total cost for Minister Carr was $3,108.13 (GST Exclusive).

(3) (a) The total cost, including production and distribution, of all direct mail pieces produced by the department where Minister Carr was the nominal author is $2,713.31 (GST Exclusive).

(b) (i) and (ii):

<table>
<thead>
<tr>
<th>Direct Mail Piece</th>
<th>Production Costs</th>
<th>Distribution Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biotechnology Business Indicators (Electronic mail piece)</td>
<td>$770.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Questacon 20th Anniversary Gala Dinner invitation</td>
<td>$434.22</td>
<td>$132.55</td>
</tr>
<tr>
<td>Green Car Innovation Fund mail out</td>
<td>$439.67</td>
<td>$248.60</td>
</tr>
<tr>
<td>Textile Clothing and Footwear Small Business Program</td>
<td>$439.67</td>
<td>$248.60</td>
</tr>
<tr>
<td>Round 4 mail out</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Invitation for briefing on AusIndustry programs</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Small and General Business Tax Break information mail out</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(Electronic mail piece)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministerial invitation to launch of the second round of the</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Geelong Investment &amp; Innovation Fund (Electronic mail piece)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Environment, Heritage and the Arts
(Question No. 2144)

Senator Ronaldson asked the Minister representing the Minister for the Environment, Heritage and the Arts, 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 Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) No.

(2) The Minister for the Environment, Heritage and the Arts does not have a departmental-funded franking machine.

(3) (a) The total cost of direct mail pieces produced by the department in the 2008-09 financial year was $5,726.00 (GST exclusive).
   (i) Production costs totalled $1,757.00 (GST exclusive)
   (ii) Distribution costs totalled $3,969.00 (GST exclusive)

Attorney-General, and Home Affairs
(Question Nos 2145 and 2155)

Senator Ronaldson asked the Minister representing the Attorney-General and the Minister for Home Affairs, 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 Wong—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

I have been advised by the Attorney-General’s Department of the following responses in relation to the question from Senator Ronaldson:

QUESTIONS ON NOTICE
(1) The Attorney-General and the Minister for Home Affairs did not have any ministerial letterhead produced during the 2008-09 financial year.

(2) The Attorney-General and the Minister for Home Affairs do not have a departmental-funded franking machine supplied by the Attorney-General’s Department.

(3) There have been no direct mail campaigns where the Attorney-General, the Minister for Home Affairs or the Prime Minister were the nominal author.

Human Services

(Question No. 2150)

Senator Ronaldson asked the Minister representing the Minister for Human Services, 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 Ludwig—The Minister for Human Services has provided the following answer to the honourable senator’s question as follows:

(1) No.

(2) Nil.

(3) In the 2008-09 financial year, the Child Support Agency sent three issues (issues 8, 10, and 11) of its regular customer newsletter, Child Support Matters, to my parliamentary colleagues, under the cover of a letter that I nominally authored and signed. These were sent in my capacity as then Minister for Human Services.

The total cost of producing and distributing these newsletters to my colleagues was $414.35. This cost comprised $43.10 for printing 675 copies of the newsletter and $371.25 in postage costs.

Note that the letterhead for these activities was embedded in electronic letter templates and printed internally within the Department onto blank paper along with the letter text. These letters were not produced in bulk by professional printers so there is no printing cost associated with them. Envelopes were provided by the Department of Human Services.

I sent copies of this newsletter to all Members of Parliament and Senators to keep my colleagues informed about changes to the Child Support Scheme and the work being undertaken within the Child Support Agency to improve the delivery of services to customers. This activity was also intended to help them deal with their constituents’ child support enquiries. This was particularly important in the lead up to and following the introduction of the new Child Support Scheme on 1 July 2008.

Financial Services, Superannuation and Corporate Law

(Question No. 2151)

Senator Ronaldson asked the Minister representing the Minister for Financial Services, Superannuation and Corporate Law, upon notice, on 10 September 2009:
(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 Sherry—The Minister for Financial Services, Superannuation and Corporate Law has provided the following answer to the honourable senator’s question:

(1) No.
(2) Nil.
(3) Nil.

Small Business, Independent Contractors and the Service Economy
(Question No. 2158)

Senator Ronaldson asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, 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 Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

(1) Yes, the Department of Innovation, Industry, Science and Research, as the home department, provides funding in relation to ministerial letterhead produced:
   (a) 3,000 sheets
   (b) $597.27 (GST Exclusive)

(2) $3,795.56 (GST Exclusive)

(3) (a) The total cost, including production and distribution, of all direct mail pieces produced by the Department of Innovation, Industry, Science and Research where Minister Emerson was the nominal author is nil.
   (b) (i) and (ii):
Senator Ronaldson asked the Minister representing the Prime Minister, 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 Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

Prime Minister and Cabinet
(Question No. 2165)
(1) (a) Brands and models of colour printers that were provided by the Department of the Prime Minister and Cabinet to ministerial offices for the 2008-09 financial year were as follows:

<table>
<thead>
<tr>
<th>Brand</th>
<th>Model</th>
<th>Number and type</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>HP</td>
<td>4700DN</td>
<td>1 x colour printer</td>
<td>Senator Arbib</td>
</tr>
<tr>
<td>HP</td>
<td>470B</td>
<td>1 x portable colour printer</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>HP</td>
<td>460</td>
<td>1 x portable colour printer</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>Ricoh</td>
<td>MPC5000</td>
<td>2 x colour multi-function device</td>
<td>Prime Minister; Senator Arbib</td>
</tr>
<tr>
<td>Ricoh</td>
<td>AF3260C</td>
<td>1 x colour multi-function device</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>Ricoh</td>
<td>AF5560</td>
<td>1 x colour multi-function device</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>Ricoh</td>
<td>MPC4000</td>
<td>1 x colour multi-function device</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>Xerox</td>
<td>Phaser</td>
<td>1 x colour printer</td>
<td>Prime Minister</td>
</tr>
</tbody>
</table>

Details of the colour printers provided for the Cabinet Secretary and Special Minister of State are provided in his answer to Question No. 2183. Under the terms of a memorandum of understanding between the Department of Finance and Deregulation and the Department of the Prime Minister and Cabinet, responsibility for the provision of home department services and support costs for the Cabinet Secretary and Special Minister of State is shared equally between the two portfolios. This reflects the dual responsibilities of the Cabinet Secretary and Special Minister of State.

No colour printers were provided to the Parliamentary Secretary to the Prime Minister.

(b) (i) and (ii) The total cost of toner cartridges and servicing for colour multi-function devices in portfolio ministerial offices other than the Cabinet Secretary in the 2008-09 financial year was $20,335. The cost of printer cartridges for the colour printers is included in the cost for office consumables in the response to (2) and (3) below. No servicing of colour printers was undertaken in 2008-09.

Details of the costs for the Cabinet Secretary and Special Minister of State are provided in his answer to Question No. 2183. Under the terms of a memorandum of understanding between the Department of Finance and Deregulation and the Department of the Prime Minister and Cabinet, responsibility for the provision of home department services and support costs for the Cabinet Secretary and Special Minister of State is shared equally between the two portfolios. This reflects the dual responsibilities of the Cabinet Secretary and Special Minister of State.

No colour printers were provided to the Parliamentary Secretary to the Prime Minister.

(2) and (3) The total cost of photocopy paper and other office consumables for the offices of the Prime Minister and Parliamentary Secretary, which includes toner/print cartridges, for the 2008-09 financial year was as follows:

<table>
<thead>
<tr>
<th>Office</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister’s Office</td>
<td>$49,670</td>
</tr>
<tr>
<td>Parliamentary Secretary’s Office</td>
<td>$5,397</td>
</tr>
</tbody>
</table>

To separate the costs for questions (2) and (3) would involve an unreasonable diversion of government resources.

There were no costs for the Office of the Minister Assisting the Prime Minister for Government Service Delivery.

Details of the costs for the office of the Cabinet Secretary and Special Minister of State are provided in his answer to Question No. 2183. Under the terms of a memorandum of understanding between the Department of Finance and Deregulation and the Department of the Prime Minister and Cabinet, responsibility for the provision of home department services and support costs for the Cabinet Secretary and Special Minister of State is shared equally between the two portfolios. This reflects the dual responsibilities of the Cabinet Secretary and Special Minister of State.
### QUESTIONS ON NOTICE

**4) —**

<table>
<thead>
<tr>
<th>Publication</th>
<th>(a) Cost</th>
<th>(b) No. of Physical Copies Distributed</th>
<th>(b) Distributed To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of Information (FOI) Reform Companion Guide</td>
<td>$1,445.40</td>
<td>Approximately 195&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Attendees at Australia’s Right to Know Freedom of Speech Conference</td>
</tr>
<tr>
<td>Families in Australia: 2008</td>
<td>$43,441</td>
<td>Approximately 550 hard copies and 700 CD ROMs of the full report, and 4000 Snapshots (a summary).</td>
<td>State Governments, Australian Government Departments and Members of Parliament as well as a range of non-government organisations, research institutions and individuals.</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet Annual Report 2008-09</td>
<td>$48,942</td>
<td>346</td>
<td>The following mandatory distribution sites (refers to the requirements listed in Tabling Circular 1/2009 – Tabling of 2008-09 Departmental Agency Annual Reports): President of the Senate (tabling copy); PM&amp;C Tabling Officer; House of Representatives Tabling Office; Senate Tabling Office; Parliamentary Press Gallery; Parliamentary Library; Parliamentary Paper Series and the Library Deposit Scheme.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Publication</th>
<th>(a) Cost</th>
<th>(b) No. of Physical Copies Distributed</th>
<th>(b) Distributed To</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Year Progress Report -November 2008</td>
<td>$14,315</td>
<td>9&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Physical copies distributed to Prime Minister’s Office and the Department of the Prime Minister and Cabinet. As at 31 October 2009, 9,438 copies of the One Year Progress report had been downloaded from the website.</td>
</tr>
<tr>
<td>Mid Term Progress Report - May 2009</td>
<td>$7,275</td>
<td>9&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Physical copies distributed to Prime Minister’s Office and the Department of the Prime Minister and Cabinet. As at 31 October 2009, 2,131 copies of the Mid Term Progress report had been downloaded from the website.</td>
</tr>
</tbody>
</table>

<sup>1</sup> Some copies (no more than five) were retained by officers in PM&C

<sup>2</sup> Professionally designed and prepared for on-line publication
The Prime Minister has a departmentally-funded and maintained website, www.pm.gov.au. The website of the Cabinet Secretary and Special Minister of State, Senator the Hon Joe Ludwig, is operated by the Department of Finance and Deregulation. Information about the website is provided in Senator Ludwig’s answer to Question No. 2183.

The Minister Assisting the Prime Minister for Government Service Delivery does not have a website funded or maintained by the Department of the Prime Minister and Cabinet.

The Parliamentary Secretary to the Prime Minister, the Hon Anthony Byrne MP, does not have a website funded by the Department of the Prime Minister and Cabinet. Information about Mr Byrne’s website as the Parliamentary Secretary for Trade is provided in the response of the Minister for Trade to Question Nos. 2172 and 2173.

(a) The Prime Minister’s website was developed in December 2007 following the election. All work on this design – which was minor – was undertaken by departmental staff.

(b) The Prime Minister’s website was redeveloped during 2008-09 and launched in July 2009 for a total cost of $160,496. The work included a strategic review of the website, website development and multimedia content handling.

(c) It is not possible to identify specifically the resources provided by the department to maintain the Prime Minister’s website. Staff responsible for the department’s website-related tasks, which include but are not limited to management of the Prime Minister’s website content and online engagement, also undertake other duties.

The department does not distribute media releases for the Prime Minister, Minister Assisting the Prime Minister for Government Service Delivery or the Parliamentary Secretary to the Prime Minister. Staff in the Prime Minister’s Office post media releases on the Prime Minister’s website, which are then automatically distributed via e-mail.

Information about media releases of the Cabinet Secretary and Special Minister of State is provided in Senator Ludwig’s answer to Question No. 2183.

(a) and (b) Not applicable.

Defence

(Question Nos 2171 and 2200)

Senator Ronaldson asked the Minister for Defence, 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 main-
tain, 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 distri-
bution.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) (a) Please see the table below.

<table>
<thead>
<tr>
<th>Location</th>
<th>Brand and Model</th>
<th>No. of printers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence - Drummoyne</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Minister for Defence Personnel, Materiel and Science - Cardiff</td>
<td>Lexmark C935</td>
<td>One</td>
</tr>
<tr>
<td>Primary Residence of the Minister for Defence Personnel, Materiel and Science - Newcastle</td>
<td>Epson TX300f</td>
<td>One</td>
</tr>
<tr>
<td>Commonwealth Parliamentary Office - Sydney</td>
<td>Lexmark C935</td>
<td>One</td>
</tr>
<tr>
<td>Parliament House Ministerial Offices</td>
<td>Konica Minolta C353 MFD</td>
<td>One</td>
</tr>
<tr>
<td></td>
<td>Xerox C450 MFD</td>
<td>One</td>
</tr>
<tr>
<td></td>
<td>Konica Minolta C352 MFD</td>
<td>One</td>
</tr>
<tr>
<td>Former Minister for Defence - Cessnock</td>
<td>Lexmark C782</td>
<td>Two</td>
</tr>
</tbody>
</table>

(b) (i) and (ii) The table below provides details of the total cost of printer cartridges and/or toner. The servicing of the printers listed in the table above is done under warranty. There are no associated servicing costs.

<table>
<thead>
<tr>
<th>Office</th>
<th>2008-09 Total Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence</td>
<td>Nil</td>
</tr>
<tr>
<td>Minister for Defence Personnel, Materiel and Science</td>
<td>$619.00</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>$1,517.10</td>
</tr>
<tr>
<td>Former Minister for Defence</td>
<td>$11,343.31</td>
</tr>
<tr>
<td>Former Minister for Defence Science and Personnel</td>
<td>$5,800.29</td>
</tr>
<tr>
<td>Former Parliamentary Secretary for Defence Procurement</td>
<td>$3,515.00</td>
</tr>
<tr>
<td>Total</td>
<td>$22,794.70</td>
</tr>
</tbody>
</table>

(2) Due to the manner in which Defence’s financial systems recorded paper expenditure for the Minis-
terial offices during 2008-09, an accurate figure for this part of the question cannot easily be pro-
vided. To research and calculate an answer would require an unreasonable diversion of resources. However, as of August 2009, these systems have been updated and are now able to provide an itemised account of Ministerial paper expenditure.

(3) Please see the table below.

<table>
<thead>
<tr>
<th>Office</th>
<th>2008-09 Total Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence</td>
<td>$3,655.30</td>
</tr>
<tr>
<td>Minister for Defence Personnel, Materiel and Science</td>
<td>$816.65*</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>$762.60#</td>
</tr>
<tr>
<td>Former Minister for Defence</td>
<td>$4,871.25</td>
</tr>
<tr>
<td>Former Minister for Defence Science and Personnel</td>
<td>$4,915.71</td>
</tr>
<tr>
<td>Former Parliamentary Secretary for Defence Procurement</td>
<td>$663.73</td>
</tr>
<tr>
<td>Total</td>
<td>$15,685.24</td>
</tr>
</tbody>
</table>

* This figure represents half of the costs for office consumables as per the 50 per cent cost sharing ar-
rangements with the Department of Climate Change.
# This figure represents half of the costs for office consumables as per the 50 per cent cost sharing arrangements with the Department of Environment, Water, Heritage and the Arts.

(4) Please see the table below.

<table>
<thead>
<tr>
<th>Title of Publication</th>
<th>Cost</th>
<th>Distribution (No. of copies and addressee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence Family Matters, Spring/Summer Edition 2008</td>
<td>Approximately $66,900.</td>
<td>Approximately 28,500 copies were distributed to ADF members’ with an additional 5,000 copies to bulk recipients such as parliamentarians, Defence Community Organisation offices, High Commissions, Defence Support and Family Organisations, and Defence Families Australia.</td>
</tr>
<tr>
<td>Defence Family Matters, Autumn Edition 2009</td>
<td>Approximately $64,600.</td>
<td>Approximately 28,500 copies were distributed to ADF members’ with an additional 5,000 copies to bulk recipients such as parliamentarians, Defence Community Organisation offices, High Commissions, Defence Support and Family Organisations, and Defence Families Australia.</td>
</tr>
<tr>
<td>A History of Australian Strategic Policy since 1945</td>
<td>Approximately $49,670.</td>
<td>Of the 1,000 copies printed, approximately 760 have been distributed to libraries, universities, think-tanks and related institutions, former Senior Defence officials and current defence employees, foreign embassies in Canberra and Australian missions overseas, other Australian Government agencies, members of Parliament, and media representatives. This publication was also made publicly available on the internet.</td>
</tr>
<tr>
<td>Defence White Paper 2009 – Defending Australia In The Asia Pacific Century: Force 2030</td>
<td>Approximately $41,266.</td>
<td>12,500 copies distributed to The Minister for Defence, Minister Assisting and Parliamentary Secretary and their staffs, other Ministers of the Government and their staffs, Parliamentarians, other government departments, Australian missions overseas, diplomatic appointees and staff in Australia, other nations, industry representatives, educational institutions, libraries, Defence analysts and commentators, media representatives, interested members of the public, and defence members. Additional copies remain in the Department of Defence for future use. These publications were also made publicly available on the internet.</td>
</tr>
<tr>
<td>Title of Publication</td>
<td>Cost</td>
<td>Distribution (No. of copies and addressee)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>-----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Going to the Next Level: The Report of the Defence Procurement and Sustainment Review (the Mortimer Review).</td>
<td>Approximately $9,354.</td>
<td>3,000 copies were distributed widely. This included, but was not limited to, distribution inside Defence, to other Government agencies, to members of Parliament and their offices and to individuals or organisations that had provided a submission to the Review. The report was also made available online via the Defence internet and intranet sites.</td>
</tr>
<tr>
<td>Defence Capability Plan 2009</td>
<td>Approximately $159,500.</td>
<td>8,000 copies plus 4,000 CDs and website design. Distribution was primarily to defence related industry. The report was also made available online via the Defence internet and intranet sites.</td>
</tr>
<tr>
<td>‘Inside the Defence Materiel Organisation’</td>
<td>Approximately $7,271.</td>
<td>4,000 copies. Distribution was primarily to defence related industry.</td>
</tr>
<tr>
<td>Defence Housing Australia (DHA)</td>
<td>Approximately $25,381.</td>
<td>Of the 1,000 copies printed, 150 were provided to parliamentary representatives as part of the required tabling process. Approximately 100 were sent to senior Defence officials and other key stakeholders to DHA. The remaining copies were distributed within the organisation and made available by request to members of the Australian public.</td>
</tr>
<tr>
<td>Defence Annual Report 2007-08 Volume 1 – Department of Defence</td>
<td>Approximately $32,598.</td>
<td>2,500 copies. Distribution included Parliament, public upon request, and general internal Defence distribution. It was also made available online.</td>
</tr>
<tr>
<td>Defence Annual Report 2007-08 Volume 2 – Defence Materiel Organisation</td>
<td>Approximately $20,871.</td>
<td>2,500 copies. Distribution included Parliament, public upon request, and general internal Defence distribution. It was also made available online.</td>
</tr>
</tbody>
</table>
Title of Publication | Cost | Distribution (No. of copies and addressee)
---|---|---
Defence Fast Facts 2009 | Approximately $11,370 | 7,000 copies. Distribution included Senators and MPs, general public and others who engage with Defence and its representatives, such as Defence Industry, Departmental training organisations, and general internal Defence distribution. It was also made available online.
Portfolio Additional Estimates Statements 2008-09 | Approximately $9,369 | 2,000 copies. Distribution included Parliament, public upon request, and general internal Defence distribution. It was also made available online.
Portfolio Budget Statements 2009-10 | Approximately $11,390 | 2,500 copies. Distribution included Parliament, public upon request, and general internal Defence distribution. It was also made available online.

(5) Yes. (a), (b) and (c). The Department of Defence hosts internet sites for the Minister for Defence, Minister for Defence Personnel, Materiel and Science, and Parliamentary Secretary for Defence Support in accordance with guidelines for Ministerial and Departmental Websites issued by the Australian Government Information Management Office (AGIMO). The Department and associated Ministerial internet sites were refreshed during 2008-09 and are regularly updated. Costs for management, refresh and upkeep of these specific sites can not accurately be apportioned as funds are allocated and expended against the entirety of the Defence presence on the World Wide Web.

(6) Yes. (a) Media releases and media alerts are issued to National, International and/or Regional media as required via Australian Associated Press MediaNet, publishing to the Defence and Ministerial Internet sites and dispatch to Defence Webmail subscribers. (b) $107,728

### Finance and Deregulation

**Question No. 2176**

Senator Ronaldson asked the Minister representing the Minister for Finance and Deregulation, 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 Conroy—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator’s question:

(1) (a) LEXMARK C534dn, and LEXMARK X945e. (b) (i) $8,501. (ii) Nil.
(2) $1,711.
(3) $5,732.
(4) 2007-08 Publications – Department of Finance and Deregulation

<table>
<thead>
<tr>
<th>Publication Title</th>
<th>Cost</th>
<th>No. of Copies Distributed</th>
<th>Recipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Finance and Deregulation Annual Report 2007-08</td>
<td>$24,000</td>
<td>1,200</td>
<td>Parliament, other stakeholders, educational and research institutions, the media and the general public</td>
</tr>
<tr>
<td>Commonwealth Procurement Guidelines – First Run</td>
<td>$15,950</td>
<td>9,900</td>
<td>Predominantly Commonwealth procurement officials and government bodies</td>
</tr>
<tr>
<td>Commonwealth Procurement Guidelines – Second Run</td>
<td>$3,078</td>
<td>0 - Pending exhaustion of first run</td>
<td>Expected to be predominantly Commonwealth procurement officials and government bodies</td>
</tr>
<tr>
<td>Selling to the Australian Government – A Guide for Business</td>
<td>$10,153</td>
<td>1,600</td>
<td>Centrum Der Buro and Information Technik (CeBIT Trade Show Sydney), the Procurement Discussion Forum, various Agencies and sellers</td>
</tr>
<tr>
<td>Campaign Advertising by Australian Government Departments and Agencies – half year Report 1 July to 31 December 2008</td>
<td>$14,410</td>
<td>550</td>
<td>Tabling in Parliament, Departmental Secretaries Commonwealth procurement officials and government bodies</td>
</tr>
</tbody>
</table>

   (a) $1,250.
   (b) No.
   (c) $7,067.
(6) (a) Users can subscribe to receive media releases from the Minister for Finance and Deregulation by registering online. Alerts are sent to the email addresses submitted by users during the online
registration process. Users can unsubscribe at any time. The Department is unable to provide details of subscribers as it could result in a breach of the Privacy Act 1988. (b) Distribution costs are included in the amount identified in answer 5(c) above.

**Broadband, Communications and the Digital Economy**

(Question No. 2178)

Senator Ronaldson asked the Minister for Broadband, Communications and the Digital Economy, 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 of 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 Conroy**—The answer to the honourable senator’s question is as follows:

(1) (a) —

<table>
<thead>
<tr>
<th>Make</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>RICOH</td>
<td>Aficio 3260C MFD</td>
</tr>
<tr>
<td>Lexmark</td>
<td>C782</td>
</tr>
<tr>
<td>Toshiba</td>
<td>Studio 451c MFD</td>
</tr>
<tr>
<td>Canon</td>
<td>iP 90</td>
</tr>
</tbody>
</table>

(b) (i) $4928.00. (ii) $5001.40 for copier charges for the MFDs which include toner cartridges and service fees.
QUESTIONS ON NOTICE

(2) $3421.00
(3) $7008.00
(4) (a) and (b) —

<table>
<thead>
<tr>
<th>Name</th>
<th>Cost</th>
<th>Number of Copies</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Broadband Network: Regulatory Reform for 21st Century Broadband discussion paper</td>
<td>$13170.00</td>
<td>3000</td>
<td>Telecommunications Industry carriers, peak bodies representing consumers and content service providers</td>
</tr>
<tr>
<td>ABC and SBS: Towards a digital future discussion paper</td>
<td>$3630.00</td>
<td>500</td>
<td>Members of the general public and interested broadcasting industry stakeholders</td>
</tr>
<tr>
<td>Strengthening our National Broadcasters</td>
<td>$3630.00</td>
<td>500</td>
<td>Budget press kits, limited numbers to the two national broadcasters and internal use</td>
</tr>
</tbody>
</table>

(5) Yes
(a) $1588.00
(b) No
(c) .04 of a full time equivalent staff member and $1104.54 for email distribution software.

(6) Yes
(a) Via Media Monitor’s press release system and the Minister’s media centre email subscription system. Media releases distributed via Media Monitors are sent to major metropolitan newspapers, regional newspapers and local or community newspapers. The distribution varies as decided by the Minister’s Media Adviser.
(b) Media Monitors cost: $13,293.64

Special Minister of State
(Question No. 2183)

Senator Ronaldson asked the Special Minister of State, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year:
(a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and
(b) what was the total cost of:
   (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including:
(a) the cost of producing each of these publications; and
(b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so:
(a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary;
(b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and
(c) what resources does the department provided to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so:
(a) how and to whom; and
(b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Ludwig—The answer to the honourable senator’s questions is as follows:

(1) (a) LEXMARK C534dn and LEXMARK X945e. (b)(i) $10,559*. (ii) Nil*.
(2) $1,996*.
(3) $5,396*.
   (a) $9,812.
   (b) 325 copies were distributed to the Parliament, educational and research institutions and the media (as per guidelines issued by the Department of the Prime Minister and Cabinet); and 175 copies were made available, upon request, to other stakeholders and the general public.
(5) Yes, the Special Minister of State’s website – http://www.smos.gov.au.
   (a) $1,250*.
   (b) No.
   (c) $5,858*.
(6) (a) Users can subscribe to receive media releases from the Special Minister of State by registering online. Alerts are sent to the email addresses submitted by users during online registration process. Users can unsubscribe at any time. The Department is unable to provide details of subscribers as it could result in a breach of the Privacy Act 1988. (b) Distribution costs are included in the amount identified in answer 5(c) above*.

*Finance invoices PM&C for 50 per cent of costs of these items. Under the terms of a MOU between the Department of Finance and Deregulation and the Department of the Prime Minister and Cabinet, the provision of home department services and support costs are equally shared between the two portfolios. This is to reflect the dual responsibilities of Senator the Hon Joe Ludwig as Cabinet Secretary and Special Minister of State.

Financial Services, Superannuation and Corporate Law
(Question No. 2188)

Senator Ronaldson asked the Minister representing the Minister for Financial Services, Superannuation and Corporate Law, upon notice, on 14 September 2009:

(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 Sherry—The Minister for Financial Services, Superannuation and Corporate Law has provided the following answer to the honourable senator’s question:

(1) No colour printers were provided to the Minister.

(2) Total cost of photocopy paper - $1,781.

(3) Total cost of office consumables - $4,150.

(4) —

<table>
<thead>
<tr>
<th>Publication</th>
<th>Cost of Production</th>
<th>Distribution Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Australian Consumer Law: Fair Markets – Confident consumers</td>
<td>$7,579</td>
<td>200 copies produced, 50 distributed at “National Consumer Law and Unfair Contract Terms” forum, copies sent to other ministers, media, and state, territory and New Zealand consumer affairs ministers. Also distributed on the Internet.</td>
</tr>
<tr>
<td>The Australian Consumer Law: consultation on draft provisions on unfair contract terms</td>
<td>n/a</td>
<td>Distributed through the Internet.</td>
</tr>
<tr>
<td>Consumer voices: Sustaining advocacy and research in Australia’s new consumer policy framework Issues paper</td>
<td>n/a</td>
<td>Distributed through the Internet.</td>
</tr>
</tbody>
</table>

(5) Yes. The Treasury maintains a ministerial website for the Minister for Financial Services, Superannuation and Corporate Law, the Hon Chris Bowen MP at mfsscl.treasurer.gov.au (a) The website was developed using internal Treasury resources. (b) No. (c) The Treasury’s Internet/Intranet Services Team provides web content managers to update and upload content to the website. The Treasury’s IT Production Support Team provides web developer resources to maintain the site.

(6) Yes. (a) An email subscription service is offered to users of the website. The service enables an email to be sent to subscribers of the service when new content is released on the website. (b) The subscription service is maintained using the internal resources of the Treasury’s Internet/Intranet Services Team.
Competition Policy and Consumer Affairs
(Question No. 2194)

Senator Ronaldson asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, on 14 September 2009:

(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 for 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 were they 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 Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

(1) No colour printers were provided to the Minister by the Treasury.

(2) Total cost of photocopy paper provided to the Minister by Treasury – Nil.

(3) Total cost of office consumables provided to the Minister by Treasury – Nil.

(4) The Treasury did not produce any publications with the Minister’s name or photograph.

(5) Please refer to the answers provided in part (5) of Question on Notice No. 2195.

(6) Please refer to the answer provided in part (6) of Question on Notice No. 2195.

(a) Please refer to the answer provided in part (6) of Question on Notice No. 2195.

(b) Three media releases have been distributed by the Department of Innovation, Industry, Science and Research on behalf of Treasury at a cost of $1377.95. This cost is attributed to the Treasury.

Small Business, Independent Contractors and the Service Economy
(Question No. 2195)

Senator Ronaldson asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, 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 Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

(1) (a) One Canon LBP5100 in Parliament House Office. (b) (i) Please refer to part (3) below. (ii) Nil. The printer is serviced in-house

(2) Costs for photocopy paper are not able to be provided separately and are covered within office consumables. Refer to answer to part (3) below.

(3) $7,929.21 (GST Exclusive). This is a total figure that includes stationery, photocopy paper, toner cartridges and other office supplies.

(4) (a) Below is a list of all departmental publications which contained the name and/or photograph of the Minister. The cost of producing each of the publications was:

<table>
<thead>
<tr>
<th>Name of Publication</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AusIndustry E-Bulletin - Issue 56 - 19/03/09</td>
<td>$0.00</td>
</tr>
<tr>
<td>What’s in the 2009-10 Budget for small business</td>
<td>$529.09</td>
</tr>
<tr>
<td>Five Budget Fact Sheets produced for 2009-10 Budget</td>
<td>$2,170.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,699.09</td>
</tr>
</tbody>
</table>

Note: The figures above are GST Exclusive. Where a cost of $0 is declared, the publication was produced by departmental officers and distributed by email or placed on the internet.

(b) The number of copies distributed and the category of persons to whom they were distributed was:
Name of Publication | Distribution | Categories of persons
----- | ----- | -----
AusIndustry E-Bulletin - Issue 56 - 19/03/09 | 5025 | E-Bulletin Subscribers - AusIndustry Stakeholders, Customers and Internal staff
What’s in the 2009-10 Budget for small business | 200 | Distributed by Minister Emerson’s Office to various stakeholders
Five Budget Fact Sheets produced for 2009-10 Budget. | 2500 (500 of each printed) | Industry and Business stakeholders, Internal Staff
TOTAL | 7725 | |

(5) Yes, there is a site maintained by the Department of Innovation, Industry Science and Research
   (a) The Site was developed in-house using existing resources so there was no direct cost to the department.
   (b) An updated version of the site went live in August 2008. The site was redeveloped in-house and there was no direct cost to the department.
   (c) The site is maintained and updated by 0.1 of a Full Time Equivalent APS 6.

(6) The Department of Innovation, Industry, Science and Research does distribute media releases for Minister Emerson in his Portfolio roles as Minister for Small Business, Independent Contractors and the Service Economy and Minister for Competition Policy and Consumer Affairs.
   (a) The department distributes media releases for Minister Emerson via Media Monitors, an external agency providing media and distribution services, and also via email. The recipients of the media releases are primarily journalists and media outlets.
   (b) For the 2008-09 financial year the cost of distribution for media releases was $3,782.95 (GST Exclusive).

Treasury
(Question No. 2196)

Senator Ronaldson asked the Assistant Treasurer, upon notice, on 14 September 2009:

(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 Sherry—The answer to the honourable senator’s question is as follows:

(1) No colour printers were provided to the Minister.
(2) Total cost of photocopy paper - $2,667.
(3) Total cost of office consumables - $5,665.

(4) —

<table>
<thead>
<tr>
<th>Publication</th>
<th>Cost of Production</th>
<th>Distribution Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>The National Consumer Credit Protection Bill 2009 (brochure)</td>
<td>$2,282</td>
<td>1500 brochures were printed, some provided directly to the Minister’s office for distribution to interested parties, and released at press conference. Approximately five copies each were sent to each Caucus member. Distributed through Internet.</td>
</tr>
<tr>
<td>Access to share registers and the regulation of unsolicited off-market offers</td>
<td>n/a</td>
<td>Distributed through Internet.</td>
</tr>
<tr>
<td>Options Paper</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improving Australia’s Framework for Disclosure of Equity Derivative Products</td>
<td>n/a</td>
<td>Distributed through Internet.</td>
</tr>
<tr>
<td>Improving accountability on executive pay: Reforming the remuneration arrangements for company directors and executives in Australia Proposals Paper</td>
<td>n/a</td>
<td>Distributed through Internet.</td>
</tr>
<tr>
<td>Discussion Paper – Superannuation Clearing House and the Lost Members Framework</td>
<td>n/a</td>
<td>Distributed through Internet.</td>
</tr>
</tbody>
</table>

(5) Yes. As with Ministers in the previous Government, the Treasury maintains a ministerial website for the Assistant Treasurer, Senator the Hon Nick Sherry at www.assistant.treasurer.gov.au. (a) The website was developed using internal Treasury resources. (b) No. (c) The Treasury’s Internet/Intranet Services Team provides web content managers to update and upload content to the website. The Treasury’s IT Production Support Team provides web developer resources to maintain the site.

(6) Yes. (a) An email subscription service is offered to users of the website. The service enables an email to be sent to subscribers of the service when new content is released on the website. (b) The subscription service is maintained using the internal resources of the Treasury’s Internet/Intranet Services Team.

Australian Federal Police

(Question No. 2205)

Senator Cash asked the Minister representing the Minister for Home Affairs, upon notice, on 15 September 2009:

With reference to the Australian National Audit Office audit report no. 53 of 2006-07, Australian Federal Police overseas operations:

(a) what action has been taken to comply with Recommendations 1 to 6; (b) what additional costs will be involved in implementing each recommendation; and (c) was any additional funding sought in subsequent budgets for any additional costs to be incurred in implementing each recommendation; if so, how much.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

QUESTIONS ON NOTICE
(a) **Recommendation 1** – For any future capacity development missions the ANAO recommends that the AFP:

(a) more closely focuses on early planning for that phase of the mission, ensuring that the development of strategic and operational plans takes appropriate account of local cultural issues, constraints and conditions;

(b) places greater emphasis on recruiting personnel with the appropriate capabilities and skills relevant to the phase of the mission prior to their deployment; and

(c) ensures stronger alignment of pre-deployment training to the emerging skill needs of the mission.

Within the Australian Federal Police (AFP) the International Deployment Group (IDG) has the lead responsibility for planning, recruiting and training AFP personnel for overseas peace and stability operations and capacity building missions.

i. The IDG structure includes a design and evaluation section that utilises both internal and external experts and practitioners in the early stages of planning to ensure strategic and operational plans take appropriate account of local cultural issues, constraints and conditions. Where possible the AFP conducts in country scoping and consults widely with recipient countries to draw upon local knowledge and identify strengths, weaknesses and mutual goals.

ii. Recruitment is a key to success of IDG capacity building and response deployments. The human resource recruitment process is an exhaustive one designed specifically to identify applicants with the requisite skills, capabilities and personal attributes necessary for a deployment. The IDG is committed to getting the right people to ensure it is able to deliver on directed objectives.

iii. Since the tabling of the ANAO report there has been continuous improvement in the Pre-Deployment Training (PDT) delivered by IDG’s Learning and Development section. The new program introduced in 2007 resulted in recognition of the PDT by the United Nations Department of Peacekeeping Operations as meeting its standards for United Nations Police deployments; the first such recognition to an international police training institution. A current review of the PDT is focussing on ensuring training is aligned with mission requirements. This involves conducting training needs analyses, engaging with mission commanders and their staff, PDT program evaluation, evaluating a restructuring of the PDT to a phased core and mission specific approach and post mission debriefs of personnel that will assist in identification of training gaps.

**Recommendation 2** – In respect of the AFP’s involvement in the Regional Assistance Mission to Solomon Islands, the ANAO recommends that the AFP ensures the capacity development phase is structured to provide the Solomon Islands Police Force with identifiable and measurable short and long term improvements in its personnel’s skill sets.

RAMSI’s Participating Police Force (PPF) has a Development Work Plan prepared in consultation with the Royal Solomon Islands Police Force (RSIPF) that defines specific outcomes for the PPF in its capacity development program. In addition to the specifics provided in the AFP response to the report, Outcome 3 Directions and Standards of the work plan, addresses some specifics of this recommendation. As an example, the leadership and development program, funded by the AFP, administered by the PPF and delivered by the Australian Institute of Police Management has conducted leadership training for 177 RSIPF officers. In many instances officers have undertaken this training at a range of levels.

Further, the Solomon Islands Government-RAMSI Partnership Framework is scheduled to be tabled in the Solomon Islands Parliament later this year. The Framework will form a new agreement between RAMSI and the Solomon Islands Government for the national development objectives for the RSIPF 2009-13.

**Recommendation 3** – The ANAO recommends that the AFP includes agreed parameters for secondments of personnel in formal agreements with State and Territory jurisdictions, and professional asso-

QUESTIONS ON NOTICE
ciations within the Disaster Victims Identification community, in readiness for any future crisis response situations.

The engagement of State and Territory police, medical and forensic personnel to assist in an AFP-led off-shore Disaster Victim Identification (DVI) operation is coordinated through the Australasian Disaster Victim Identification Committee (ADVIC). Agencies from Australia and New Zealand with a DVI capability are networked through ADVIC. ADVIC has agreed activation plans and standards that are initiated in large-scale mass casualty incidents, such as that encountered following the Boxing Day Tsunami in 2004. These instruments integrate under the relevant Commonwealth or jurisdictional disaster plans. In an off-shore incident where the AFP is the lead agency, DVI support is provided through ADVIC at no additional charge other than travel and accommodation expenses and a daily per diem. In some circumstances, for medical and dental practitioners, there is an agreed daily rate payable to off-set costs incurred by these professionals in relation to their loss of capacity to run their surgeries. These operational funding arrangements are managed by the AFP in accordance with commonwealth government guidelines.

In addition to the AFP’s participation in ADVIC, the AFP’s Forensic & Data Centres has a Memorandum of Understanding (MOU) with the Victorian Institute of Forensic Medicine (VIFM) through which forensic medical assistance can be sourced under agreed parameters. The acquisition of DVI professional support by the AFP through the ADVIC network or the VIFM MOU has proven a successful operational model that complies with the recommendations of the ANAO Audit Report No. 53.

The AFP has arrangements in place through a Memorandum of Understanding with Tasmania and Victoria Police for the secondment of police officers to the AFP for service on IDG deployments. This is not a new initiative and earlier this year all police services were approached regarding their interest in participating.

Recommendation 4 – The ANAO recommends the AFP reviews:
(a) its arrangements with neighbouring countries to ensure that the risks facing AFP personnel providing in country policing or humanitarian assistance are identified and adequately managed; and
(b) the basis and rationale for the approach to deploying staff on future crisis response missions to ensure that business planning and decision making processes are more clearly evidenced.

i. Acknowledging the AFP response to the report, the IDG continues to evolve in order to meet the expectations of Government and the safety and security of the AFP’s deployed personnel. When the IDG has lead responsibility its planning team continuously reviews doctrine and processes for deployment planning. The consideration of risks to achieving mission success and safety of AFP personnel is undertaken as part of the planning team’s mission analysis. This analysis includes the evaluation of Australia’s political and diplomatic arrangements with neighbouring countries and the host nation; the legal status of AFP personnel in the host country and countries transited; the capabilities of other participating countries to the response and a range of operational and environmental threats. Identified risks have mitigation strategies developed to remove or minimise them prior to deployment.

ii. The decision making process in order to deploy the AFP conforms to the Government’s National Crisis Management Machinery. Excluding the strategic engagement with whole of government partners through Inter-Departmental Emergency Task Forces, Strategic Planning Coordination Groups and other mechanisms; the AFP develops its strategic guidance and operational objectives for a response which in turn drives the IDG planning process. This process, whilst nascent produces a planning directive that provides the parameters for planning, concepts of operations are developed and agreed and mission commanders appointed and directives issued to them for the conduct of their operation.

Recommendation 5 – The ANAO recommends that the AFP should, in conjunction with other relevant agencies, work with the Department of Foreign Affairs and Trade to:
(c) take appropriate account of lessons learned from the deployment to Thailand; and
(d) develop a panel of providers able to offer
identified capabilities for the provision of a range of crisis response and longer term disaster management services and logistical support.

i. There were complex issues surrounding the use of an external provider in the DVI process in Thailand following the tsunami. An arrangement existed between the external contractor and Defence for the repatriation of deceased ADF personnel, and under this arrangement the Department of Foreign Affairs and Trade utilised the external contractor in Thailand. The AFP, while not a party to these arrangements, has been able to draw valuable knowledge from this experience and an awareness of the importance of early engagement with service providers and the establishment of formal contract arrangements.

ii. As noted in the AFP response to the report the IDG has established a panel of providers for the provision of International Deployment Logistic Services. There are five members on the panel who were selected as the result of a two-stage tendering process. Additionally, the AFP is currently in discussions with the Department of Defence to develop a Mutual Logistics Support Agreement which will govern the provision of support between the two organisations.

**Recommendation 6** – The ANAO recommends that the AFP places an increased emphasis on assisting personnel returning to mainstream policing duties from overseas deployments by providing targeted wellbeing and workplace support and assistance.

The International Deployment Group established a reintegration team to provide placement and welfare support to returning members.

A senior executive group has also been established consisting of all National Managers which considers a range of workforce planning issues on a monthly basis. This group actively considers the placement and development needs of staff returning from overseas liaison deployments.

(b) **Recommendation 1**

i. There are no additional costs to implement this recommendation as it falls within current business practices.

ii. In general terms, the Audit recommendation acknowledged a pattern of recruitment already underway in recognition of the nature and life cycle of IDG missions such as RAMSI. Whilst not in direct response to the recommendation, it is noteworthy IDG staffing is increasingly trending towards more experienced individuals with specific capability and skills relevant to their deployment. The employment of more experienced staff in capacity development roles by the IDG has resulted in salary costs exceeding that initially forecast in the funding model of the IDG capability. This gap between funding and capability is being considered via the independent review of the AFP/IDG Future Strategy. This review is currently being undertaken by Professor Peter Leahy and is scheduled to report to Government later this year.

iii. There has been no additional costs in implementing this recommendation, costs for reviewing training needs of missions is being achieved through usual deployment training and mission management budgeting.

**Recommendation 2**

Generally, there would be no additional funding required to implement the necessary steps to improve the standards of RSIPF personnel as funding exists through the monitoring and evaluation component of the mission. However, to implement the Leadership and Development Program additional funding of approximately $4.1m was provided for the period 2005-2009.

**Recommendation 3**

Existing Memoranda of Understanding with the State and Territory jurisdictions allow for additional parameters to be included and would be a matter of re-negotiation between the existing parties. Where existing arrangements expire new arrangements would be negotiated to meet ANAO recommendations.
There would be no additional costs to implement this recommendation as both occurrences would fall within current business practice

**Recommendation 4**
There would be no additional costs to implement this recommendation as it relates to business practices and procedures that already exist.

**Recommendation 5**
- i. There have been no additional costs.
- ii. No additional costs were incurred in establishing the panel of providers or in development of the Mutual Logistics Support Arrangements as this is considered part of normal business

**Recommendation 6**
There would be no additional costs to implement this recommendation as it relates to business practices and procedures that already exist.

(c) No.

**Education, Employment and Workplace Relations, Social Inclusion, Early Childhood Education, Child Care and Youth, Employment Participation: Websites**

(Question Nos 2217 to 2219, 2249, 2252)

Senator Abetz asked the Minister for Employment Participation and Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion and the Minister for Early Childhood Education, Child Care and Youth, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
   - (a) the total cost for each redevelopment;
   - (b) who undertook each redevelopment; and
   - (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:
   - (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and
   - (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Arbib—The answer to the honourable senator’s question is as follows:


(2) The department has advised that a simple ‘re-skin’ of the media centre website was undertaken in December 2007, following the change of government. The current media centre website was launched in December 2008, and updated in June 2009, following the ministerial changes. The department has indicated that there are no direct costs associated with the media centre website as its development and maintenance is undertaken within the department, as part of its ongoing business. No market testing has been conducted on the media centre website.

QUESTIONS ON NOTICE
(3) The department posts media releases, speeches and transcripts on the media centre website. This is actioned with appropriate regard to the Guidelines for ministerial and departmental websites issued by the Australian Government Information Management Office (AGIMO).

(4) The department has indicated that, to the best of its knowledge, it has not refused to post ministerial information to the media centre website.

**Immigration and Citizenship: Websites**

(Question No. 2221)

Senator Abetz asked the Minister for Immigration and Citizenship, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
   (a) the total cost for each redevelopment;
   (b) who undertook each redevelopment; and
   (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:
   (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and
   (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) Yes, they are:

(2) Changes occurred on:
   3 December 2007 - Website updated for Minister and Parliamentary Secretary
   New Minister - Senator Chris Evans
   New Parliamentary Secretary - Laurie Ferguson
   March 2008 - New design applied to Minister’s and Parliamentary Secretary’s websites
   (a) The total cost for each redevelopment was;
   3 December 2007 - Website updated for Minister and Parliamentary Secretary
   Site design updated, content published & old content archived - 3 days $1200
   March 2008 - New design applied to Minister’s and Parliamentary Secretary’s websites
   New design based on existing layout - 1 day $400
   (b) DIAC APS staff
   (c) No market testing was carried out on the Minister’s or Parliamentary Secretary’s websites.

(3) (a) The department posts all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites. (b) Guidelines are followed by web publishing through
documented publishing procedures for these websites, which include adherence to AGIMO’s guidelines for the posting of information on the Minister’s and Parliamentary Secretary’s websites.

(4) The department has never refused to post material on these websites due to their political nature.

Health and Ageing: Websites

(Question Nos 2225, 2244, 2248 and 2250)

Senator Abetz asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:

(a) the total cost for each redevelopment;

(b) who undertook each redevelopment; and (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:

(a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and

(b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Websites for the Ministers and the Parliamentary Secretary are contained in individual site areas within www.health.gov.au. There are not separate websites for each Minister/Parliamentary Secretary.


(2) (a) December 2007 – post election ministerial changes - $1436

       June 2009 – Ministerial reshuffle - $4552

(b) All work was done in house by departmental officers.

(c) No market testing was undertaken.

(3) (a) Ministers speeches, media releases and transcripts are posted on the website at the discretion of each Minister/Parliamentary Secretary office.

(b) In accordance with the guidelines published by the Australian Government Information Management Office (AGIMO) who reference section 10 of the Public Service Act 1999, departmental websites are required to be impartial and apolitical.


(4) No.
Environment, Heritage and the Arts: Websites
(Question No. 2232)

Senator Abetz asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
   (a) the total cost for each redevelopment;
   (b) who undertook each redevelopment; and
   (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:
   (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and
   (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

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 Department of the Environment, Water, Heritage and the Arts (DEWHA) maintains web pages (as a part of the environment.gov.au web site) for the posting of items such press releases, speeches and transcripts related to the Minister’s portfolio responsibilities. Minister Garrett’s pages are available at:

(2) (a) These pages were created in November 2007 based upon pages in use by the previous government. As a result the overhead to DEWHA was minimal, in the order of one day’s work.
   (b) Minister Garrett’s pages were created by DEWHA staff in consultation with Minister Garrett’s office.
   (c) There was no official market testing process undertaken in the creation of these pages.

(3) (a) The department posts all of Minister Garrett’s portfolio-related press releases, speeches and transcripts to these pages.
   (b) The department maintains the ministerial websites and its content under the general guidelines issued by the Australian Government Information Management Office (AGIMO).

(4) No.

Attorney-General: Websites
(Question Nos 2233 and 2243)

Senator Abetz asked the Minister representing the Attorney-General and the Minister representing the Minister for Home Affairs, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.
(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including: (a) the total cost for each redevelopment; (b) who undertook each redevelopment; and (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department: (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

**Senator Wong**—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:


(2) The following table details redevelopment costs for the Attorney-General and Minister for Home Affairs since 24 November 2007. All redevelopment work was performed by Attorney-General’s Department staff with no market testing performed.

<table>
<thead>
<tr>
<th>Site</th>
<th>(a) Cost</th>
<th>(b) Developed By</th>
<th>(c) Market-tested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General</td>
<td>$2,100</td>
<td>AGD Staff</td>
<td>No</td>
</tr>
<tr>
<td>Attorney-General (Redevelopment)</td>
<td>$9,200</td>
<td>AGD Staff</td>
<td>No</td>
</tr>
<tr>
<td>Minister for Home Affairs (Debus)</td>
<td>$2,100</td>
<td>AGD Staff</td>
<td>No</td>
</tr>
<tr>
<td>Minister for Home Affairs (O’Connor)</td>
<td>$2,300</td>
<td>AGD Staff</td>
<td>No</td>
</tr>
</tbody>
</table>

(3) All media releases and published speeches and transcripts for the Attorney-General and Minister for Home Affairs are published to their respective websites. The Attorney-General’s Department adheres to the Department of Finance guidelines for publishing Ministerial websites.

(4) The Attorney-General’s Department has never refused to publish content to these sites due to their political nature.

**Agriculture, Fisheries and Forestry: Websites**

(Question No. 2235)

**Senator Abetz** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 16 September 2009:

(1) Does the minister have a departmentally maintained website or websites; if so, can a list of these websites be provided?

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:

(a) the total cost for each redevelopment

(b) who undertook each redevelopment

(c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:

(a) post all of the minister’s press releases, speeches and transcripts on these websites; and

(b) have any guidelines of the posting of political material on these websites.
(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The department maintains one website for the minister: www.maff.gov.au

(2) The www.maff.gov.au website was developed in January 2008.
   (a) the total cost of development was $2025.
   (b) the department’s Information Services Branch.
   (c) no market testing was undertaken.

(3) (a) Yes. (b) The department maintains the ministerial website and its contents under the general guidelines of the Australian Government Information Management Office.

(4) No.

Financial Services, Superannuation and Corporate Law: Websites
(Question No. 2239)

Senator Abetz asked the Minister representing the Minister for Financial Services, Superannuation and Corporate Law, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including: (a) the total cost for each redevelopment; (b) who undertook each redevelopment; and (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department: (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Sherry—The Minister for Financial Services, Superannuation and Corporate Law has provided the following answer to the honourable senator’s question:

(1) Yes. The Treasury maintain a ministerial website for the Minister for Financial Services, Superannuation and Corporate Law, the Hon Chris Bowen MP at mfsscl.treasurer.gov.au.

(2) The website was developed when Minister Bowen became the Minister for Financial Services, Superannuation and Corporate Law in June 2009. No redevelopments or re-skins have occurred to the site since then. (a) Nil (b) N/A (c) The website was not market tested.

(3) (a) Yes.(b) Yes. The Internet/Intranet Services team maintains guidelines for posting of material on ministerial websites. These guidelines refer to the Australian Government Information Management Office’s guidelines for ministerial and departmental websites.

(4) No.

Veterans’ Affairs: Websites
(Question No. 2240)

Senator Abetz asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 16 September 2009:
(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
   (a) the total cost for each redevelopment;
   (b) who undertook each redevelopment; and
   (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:
   (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and
   (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) As the Minister for Veterans’ Affairs I have one departmentally maintained website: minister.dva.gov.au.

(2) (a) No redevelopments have occurred except for the re-skin of the website which occurred soon after the new Ministry was announced. This cost less than $1000.
   (b) This was performed by the Department’s web team.
   (c) No.

(3) (a) The Department posts all press releases, speeches and transcripts as requested by the Minister’s office.
   (b) The Department maintains the ministerial website and its content under the guidelines issued by the Australian Government Information Management Office (AGIMO).

(4) No.

Competition Policy and Consumer Affairs: Websites
(Question No. 2245)

Senator Abetz asked the Minister representing the Minister for Competition Policy and Consumer Affairs (Sherry), upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including: (a) the total cost for each redevelopment; (b) who undertook each redevelopment; and (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department: (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.
Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

1. Yes. The ministerial website for the Hon Dr Craig Emerson MP is maintained by the Department of Innovation, Industry, Science and Research.

2. Please refer response to QoN 2246.

3. Please refer response to QoN 2246.

4. Please refer response to QoN 2246.

Small Business, Independent Contractors and the Service Economy: Websites

(Question No. 2246)

Senator Abetz asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 16 September 2009:

1. Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

2. Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
   (a) the total cost for each redevelopment;
   (b) who undertook each redevelopment; and
   (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

3. Does the department:
   (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and
   (b) have any guidelines for the posting of political material on these websites.

4. Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:


2. The timeline for developments to the Minister’s site is as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 2007</td>
<td>The site was launched.</td>
</tr>
<tr>
<td>January 2008</td>
<td>Email update functionality added to site.</td>
</tr>
<tr>
<td>August 2008</td>
<td>The following enhancements added to site:</td>
</tr>
<tr>
<td></td>
<td>- redesigned homepage;</td>
</tr>
<tr>
<td></td>
<td>- improved search;</td>
</tr>
<tr>
<td></td>
<td>- separate sub sites within the site; and</td>
</tr>
<tr>
<td></td>
<td>- ability to browse by month for content items such as media releases.</td>
</tr>
</tbody>
</table>

(a) The site was developed and enhanced in-house using existing technology and resources so there was no direct cost to the department.

(b) Departmental IT and communications staff developed the site.

(c) No market testing was undertaken.
(3) (a) The department publishes all of the Minister’s media releases. The publishing of Minister’s speeches and transcripts is at the discretion of the Minister.
(b) The department maintains its websites and content under the guidelines issued by the Australian Government Information Management Office. In addition, the Department has media release style guidelines for internal use.

(4) No

Christmas Island Immigration Detention
(Question No. 2270)

Senator Johnston asked the Minister for Immigration and Citizenship, upon notice, on 17 September 2009:

1. How many people are currently detained at the Christmas Island Immigration Detention Centre (IDC).
2. How close to maximum capacity is the IDC.
3. For the period 1 March to 14 September 2009: (a) how many detainees at the IDC were released into the Australian community; (b) did any health checks of detainees detect any serious illnesses; (c) what was the cost of medical care; (d) how many detainees at the IDC were transferred to the Australian mainland; and (e) what proportion of detainees: (i) are being held in detention, and (ii) have been or will be released into the community.
4. For the period 1 August 2008 to 14 September 2009: (a) how many people were apprehended and detained at the IDC, and (b) of these: (i) what proportion have been granted permanent protection visas and what was the average processing time from receipt of application to the decision, and (ii) what proportion have been granted some other form of residence visa and what was the average processing time from receipt of application to the decision.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

1. On 17 September 2009, 543 people were detained at the Christmas Island Immigration Detention Centre (IDC).
2. On 17 September 2009, the Christmas Island IDC had a capacity of 800. Capacity at the IDC has since been increased.
3. For the period 1 March 2009 to 14 September 2009:
(a) 430 irregular maritime arrivals were granted permanent visas, transferred from Christmas Island to the Australian mainland and settled into the Australian community. Due to the regular, high number of client movements between facilities on Christmas Island, it is not possible to say how many clients were granted visas from the Christmas Island IDC itself.
(b) During this period, 45 irregular maritime arrivals were admitted to hospital with a range of medical conditions.
(c) The cost of medical care (including medical and hospital services, pharmaceuticals and mental health counselling) for all clients on Christmas Island between 1 March 2009 and 14 September 2009, based on invoices received and paid, for services up to and including 14 September 2009, was approximately $1.9 million.
(d) For the period 1 March 2009 to 14 September 2009, 430 irregular maritime arrivals were granted permanent visas, transferred from Christmas Island to the Australian mainland and settled into the Australian community.
Furthermore, a small number of clients would also have been brought to the mainland from Christmas Island prior to security checks being finalised and visas granted. Reasons for these
transfers have ranged from individual clients’ medical treatment or personal circumstances of their case, to transfer of some clients to Perth prior to their removal from Australia. All clients transferred to the mainland prior to their checks being completed remained in immigration detention throughout their time on the mainland.

Due to the regular, high number of client movements between facilities on Christmas Island, it is not possible to say how many clients were transferred to the mainland directly from the Christmas Island IDC.

(e) (i) For the period 1 March 2009 to 14 September 2009, all irregular maritime arrivals not granted a visa were in immigration detention.

(ii) The Department can not speculate on the number of clients likely to be granted visas.

(4) For the period 1 August 2008 to 14 September 2009:

(a) 1278 people were intercepted and then detained on Christmas Island. Due to the regular, high number of client movements between facilities on Christmas Island, it is not possible to say how many irregular maritime arrival clients were detained at the Christmas Island IDC during this period.

(b) Of these:

(i) 40 percent of those clients had been granted a visa. For those that were granted a visa up until 14 September 2009, the average processing time from arrival on Christmas Island to visa grant was 104 days.

(ii) None.

Papua New Guinea
(Question No. 2279)

Senator Barnett asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 17 September 2009:

With reference to general business notice of motion no. 130 given by Senators Barnett and McGauran and agreed to on 24 June 2009 (Senate Journals, p. 594-5):

(1) Can an update be provided on the status of the proposals to recognise the contribution of the Papua New Guinean nationals affectionately known as ‘Fuzzy Wuzzy Angels’ who saved the lives of many Australians during the Kokoda Campaign in the Second World War.

(2) Given that a medal in recognition of the Fuzzy Wuzzy Angels wartime contribution was announced by the Australian Government in 2009:

(a) how many medals have been awarded to date; and

(b) how many are likely to be awarded by 30 June 2010.

(3) What funding has been paid, and is expected to be paid by 30 June 2010, along the Kokoda Track.

(4) Can a status update be provided on the other recommendations in the motion, namely to:

‘(iii) consider any other appropriate initiatives including making a small ex-gratia payment to each Fuzzy Wuzzy Angel in recognition of their contribution over and above the call of duty, and

(iv) examine and, where appropriate, fund initiatives to upgrade the health and education status of the PNG people in the isolated villages along the Kokoda Track.’
Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

Answers to parts (3) and 4(iv) have been provided by the Department of the Environment, Water, Heritage and the Arts as it manages the funding aspects of the Kokoda Track.

(1) The unique contribution of Fuzzy Wuzzy Angels is being recognised through the awarding of commemorative medallions to surviving Fuzzy Wuzzy Angels or their widows. Current numbers are discussed at Question 2.

As an adjunct to the Kokoda Development Program (discussed at Question 4 (iv)), DVA has developed an informative commemorative website on the Kokoda Track and has provided funding for a documentary, both of which highlight the contribution of the Fuzzy Wuzzy Angels.

(2) (a) Answer provided at the Senate, Foreign Affairs, Defence and Trade Legislation Committee, Supplementary Budget Estimates Hearing of Wednesday, 21 October 2009. Reference Committee Hansard Page 107.

(b) It is unknown how many medallions are likely to be presented by 30 June 2010.

(3) Under a Joint Understanding between PNG and Australia, the Australian Government has committed $14.9 million over four years (2007/08 to 2010/11) to assist in the protection of the Kokoda Track and Owen Stanley Ranges and to improve the livelihoods of local communities.

As at 28 September 2009, $7.24 million has been expensed under the Kokoda Initiative, with a further $4.23 million allocated to the Initiative to June 2010. This commitment includes funding for activities along the Track Corridor, for example $2.67 million (to June 2010) for the Kokoda Development Program.

On 5 September 2009, Minister Garrett announced $1.8 million to implement the first tranche of activities under the Kokoda Track Safety Package. This funding will support priority activities to improve safety for trekkers and local communities, and builds on the original $14.9 million for the Kokoda Initiative.

(4) (iii) In 1986, the PNG Government announced that surviving Fuzzy Wuzzy Angels would be eligible for payments in the order of 1,000 Kina. This scheme was active for three years. Any consideration of a similar scheme would require further consideration by the PNG and Australian Governments.

(iv) The Kokoda Development Program (KDP), a component of the Joint Understanding between PNG and Australia on the Kokoda Track and Owen Stanley Ranges, is supporting the sustainable development of communities living along the Track corridor. The KDP was developed following extensive community consultation in late 2008 and early 2009 to identify priority needs. To date, $2.67 million has been allocated to the KDP to June 2010 to improve access to health, education, water and sanitation, and transport. AusAID is implementing this component of the program.

KDP Achievements to date include:

- Health—
  - renovation of the Efogi Health Centre
  - major clean up at the Kokoda District Health Centre and Sogeri Health Centre, including provision of additional medical & cleaning equipment
  - more than 250 children vaccinated
  - 44 Village Health Volunteers from Efogi and Kokoda catchment areas trained and providing health promotion activities within their communities
  - regular integrated health patrols reintroduced in the Efogi catchment and Kokoda catchment areas
- health workers trained in clinical and health facility management
- Clinical, STI and HIV training completed for Kokoda District Health Centre health workers who have since commenced monthly foot and overnight patrols.

*Education—*
- school curriculum materials distributed to 22 schools
- teachers flown into villages for the start of the 2009 school year
- training provided to schools’ Boards of Management in financial management and school improvement planning.

*Communications—*
- upgrading of the radio network in five villages along the track (Efogi, Naoro 1 and 2, Launumu, Enivilogo).

*Water and sanitation—*
- feasibility study for Naoro-Manari water supply. Water testing needs to be repeated before final scoping and costs are determined (construction schedule will then be set)
- toilet construction training for six community people to install toilets at all schools in Kokoda and along the Track.

*Transport—*
- commenced 12-month trial of a subsidised weekly flight service to remote villages along the Kokoda Track
- completed a transport feasibility study.

Planned activities:
- new school classrooms, teacher housing and a rural testing laboratory for malaria and STIs are due for completion by 20 December 2009.