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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—Senator Hon. Alan Baird Ferguson, 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

Printed by authority of the Senate
### Members of the Senate

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

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

[The above ministers constitute the cabinet]
Minister for Veterans’ Affairs
Hon. Alan Griffin MP

Minister for Housing and Minister for the Status of Women
Hon. Tanya Plibersek MP

Minister for Home Affairs
Hon. Brendan O’Connor MP

Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery
Hon. Warren Snowdon MP

Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs
Hon. Dr Craig Emerson MP

Assistant Treasurer
Senator Hon. Nick Sherry

Minister for Ageing
Hon. Justine Elliot MP

Minister for Early Childhood Education, Childcare and Youth and Minister for Sport
Hon. Kate Ellis MP

Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change
Hon. Greg Combet AM, MP

Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery
Senator Hon. Mark Arbib

Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government
Hon. Maxine McKew MP

Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water
Hon. Dr Mike Kelly AM, MP

Parliamentary Secretary for Western and Northern Australia
Hon. Gary Gray AO, MP

Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction
Hon. Bill Shorten MP

Parliamentary Secretary for International Development Assistance
Hon. Bob McMullen MP

Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade
Hon. Anthony Byrne MP

Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector
Senator Hon. Ursula Stephens

Parliamentary Secretary for Multicultural Affairs and Settlement Services
Hon. Laurie Ferguson MP

Parliamentary Secretary for Employment
Hon. Jason Clare MP

Parliamentary Secretary for Health
Hon. Mark Butler MP

Parliamentary Secretary for Innovation and Industry
Hon. Richard Marles MP
SHADOW MINISTRY

Leader of the Opposition
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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Thursday, 4 February 2010

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

PETITIONS

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

Mako/Porbeagle Shark Fishing

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned shows:

The concern of members of the Australian recreational and commercial fishing communities regarding the listing of Porbeagle, Shortfin Mako and Longfin Mako as migratory species under the Environment Protection and Biodiversity Conservation Act 1999.

Your petitioners ask/request that the Senate direct the Federal Environment Minister Peter Garrett to:

1. postpone any decision to implement any no-take policy shortfin mako, longfin mako and porbeagle sharks beyond this fishing season;
2. begin a genuine consultation process involving both the recreational and commercial fishing sectors, including game fishing clubs;
3. publish and explain, as part of the consultative process, the science relating to any shark fishing ban proposals including the status of the species in Australian waters; and
4. develop, with input and feedback from both the recreational and commercial fishing sectors, credible protocols for the management of the fishery prior to any bans being implemented.

by Senator Colbeck (from 5,935 citizens)

Petition received.

Senator COLBECK (Tasmania) (9.31 am)—Mr President, I seek leave to make a short statement in relation to the petition that was tabled on my behalf this morning.

Leave granted.

Senator COLBECK—Thanks to the chamber for allowing me to make a short statement. This petition was commissioned only on 18 December last year and is a clear demonstration of grassroots politics at work in relation to a decision the government made to ban longfin and shortfin mako and porbeagle shark fishing. For 5,935 people to sign this petition in this period of time, and two other documents, which I would like the opportunity to place on the record—one which has 1,079 signatures, and another one, an online petition, which has 1,863 petitioners—gives a demonstration of the public feeling about this matter.

Very quickly, I would like to pay tribute to a number of people who have played a specific part in this campaign: Mr Dale McClelland, who is president of the Bass Strait Game Fishing Club; Mr Grahame Williams, President of the Game Fishing Association of Australia; Ben Scullin from VRFish; Gary Kerr from the Victorian Surf Coast; John McGiveron, the President of the St Helens Game Fishing Club; Mark Nikolai from TARFish; and Greg Barea from the Shellharbour Game Fishing Club, and many other individuals who have taken the time out to participate in this process. It is really a victory for grassroots politics and campaigning. I also pay tribute to Sarah Henderson for the terrific work that she did in the Geelong region, around Corangamite. I thank the chamber for its indulgence.

The PRESIDENT—Senator Colbeck, are you seeking to table additional petitions which are nonconforming?

Senator COLBECK—I am seeking leave to table these other two documents, the additional petitions.

The PRESIDENT—All right. That is now clear. That is in addition to those that have already been tabled.
Senator COLBECK—That is correct.
Leave granted.

NOTICES

Presentation

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

That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 13 May 2010:

(a) the effectiveness of the Australian Government’s response to Australian citizens who are kidnapped and held for ransom overseas, including but not confined to the response of the Australian Federal Police, the Department of Foreign Affairs and Trade and the consular assistance in the relevant country;

(b) how the Australian Government’s response in these situations compares to the approach taken by other countries; and

(c) measures that could be taken by the Australian Government to improve the handling of its assistance to Australian citizens and their families.

Withdrawal

Senator WORTLEY (South Australia) (9.34 am)—On behalf of the Standing Committee on the Regulations and Ordinances, I give notice that on the next sitting day I shall withdraw business of the Senate notice of motion No. 1 standing in my name for 12 sitting days after today for the disallowance of Marine Order, Part 28, Operations Standards and Procedures, Issue 3, Marine Order No. 4 of 2009. I seek leave to incorporate in Hansard the committee’s correspondence concerning this instrument.

Leave granted.

The document read as follows—

Marine Orders Part 28 —Operations standards and procedures —Issue 3, Marine Order No. 4 of 2009
19 November 2009
The Hon Anthony Albanese MP
Minister for Infrastructure, Transport, Regional Development and Local Government
Suite MG43
Parliament House
CANBERRA ACT 2600
Dear Minister

I am writing in relation to Marine Orders Nos 4 and 7 of 2009 made under subsection 425(1AA) of the Navigation Act 1912. The Committee’s consideration of these Orders has raised the following matters.

Marine Order No. 4 of 2009 - Part 28 —Operations Standards and Procedures - Issue 3
Subclause 6.2.6 of this Order requires a company to arrange for records to be maintained of hours of work and rest in relation to watchkeeping duties. This is a penal provision. The provision does not give any indication as to the form in which records must be kept, the location in which they must be kept, nor the duration for which they must be kept. Given that this is a penal provision, the Committee would appreciate your advice as to why such detail is not specified.

Marine Order No. 7 of 2009 - Part 18 —Measures to Enhance Maritime Safety - Issue 4

The Order supplied to the Committee was not numbered correctly (it is described as Order No. xx). The instrument registered on the Federal Register of Legislative Instruments is, however, correctly numbered.

The Committee would appreciate your advice on Marine Order No. 4 as soon as possible, but before 22 January 2010, to enable it to finalise its consideration of this Order. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room 81.111, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley Chair
25 November 2009
Senator Dana Wortley
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Wortley
Thank you for your letter dated 19 November 2009 about Marine Orders Nos 4 and 7 of 2009.
Marine Orders are made by the Australian Maritime Safety Authority (AMSA). AMSA has provided the following advice.
The Standing Committee on Regulations and Ordinances (the Committee) noted that provision 6.2.6 of Marine Orders Part 28, which requires a company to arrange for records to be maintained of hours of work and rest in relation to watchkeeping duties, is a penal provision. The Committee seeks advice why the provision does not give any indication as to the form in which the records must be kept, the location in which they must be kept, nor the duration for which they must be kept.
The STCW Convention gives effect to the STCW Code, which is broken down into two parts, that is, mandatory provisions in Part A and recommendatory provisions in Part B. Provision 6 of Marine Orders Part 28 gives effect to this recommendation and an equivalent provision to that now in provision 6.2.6 has been included in Marine Orders Part 28 for some years.
AMSA has no record of the industry seeking clarification or surveyors having any difficulty with the application of this provision since it has been in operation. In addition, consultation with industry in relation to the proposed amendment did not result in any concerns being raised about this provision by any sector of the industry (including operators and the union sectors).
The recent amendment was made to the provision to recognise non-compliance as attracting a maximum penalty of 250 penalty units for failure to maintain records. This amendment was introduced during a review of Issue 2 of the Marine Order in light of the significance of seafarers’ fatigue on maritime incidents and the heightened international concern to maintain requirements for ensuring minimum hours of rest and limiting maximum hours of work for seafarers. In particular, the need to ensure minimum rest periods was a focus of significant discussion at the STCW subcommittee of the International Maritime Organization earlier this year.
I am advised that the Australian Workplace Relations Ministers have agreed to prioritise the consideration of the ratification by Australia of the International Labour Organization’s Maritime Labour Convention 2006 (MLC), which is likely to come into force internationally in late 2011. The MLC revises the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996. AMSA proposes to discuss compliance with the requirements for fatigue management of seafarers with the Department of Education, Employment and Workplace Relations (DEEWR) in the context of the ratification of the MLC with a view to either amending Part 28 of Marine Orders to include amendments relating to the maintenance of records of hours of work and rest, in relation to watchkeeping duties, or to remove the relevant penalty provision if covered by the DEEWR legislation implementing the MLC. I trust that this information will allay the Committee’s concerns.
In relation to Marine Orders Part 18, the error, and the cause for the error, has been identified and steps have been put in place to ensure that it will not occur again.
AMSA appreciated receiving the Committee’s request for advice on this matter and trusts that the background to both Marine Orders may mitigate the Committee’s concerns.
Thank you for raising this matter. Yours sincerely
Anthony Albanese
Minister for Infrastructure, Transport, Regional Development and Local Government

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CHAMBER
26 November 2009
The Hon Anthony Albanese MP
Minister for Infrastructure, Transport, Regional Development and Local Government
Suite MG43
Parliament House
CANBERRA ACT 2600

Dear Minister


Your letter raises some additional matters, specifically in relation to Marine Order No 4. Sub-clause 6.2.6 of this Order requires a company to arrange for records to be maintained of hours of work and rest in relation to watchkeeping duties. This is now a penal provision, subject to a significant penalty of 250 penalty units, and this may explain the absence of any concern previously. Given the significance of the penalty, the Committee would appreciate advice as to the form in which records must be kept; whether they must be kept on board or on shore; and for how long they need to be kept (eg, the duration of a voyage, for 5 years, or indefinitely). It is possible that these matters are covered by the Seafarers’ Training, Certificate and Watchkeeping Code, but the Committee has had difficulty accessing this document.

Secondly, in your letter you indicate that the penalty provision may be removed and replaced by a separate legislative provision. The timetable for this change is not clear.

The Committee would appreciate your advice on the above matters as soon as possible, but before 10 January 2010, to enable it to finalise its consideration of this Order. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley Chair
of the shipboard working arrangements. The keeping of these records on board is part of well accepted international practice. These records are subject to ship inspection of both Australian and foreign ships in Australian ports, as well as Australian ships in foreign ports, as part of the port State control regime adopted under agreements operating throughout the international maritime community.

Failure to carry these records as part of compliance with the ISM Code can give rise to port State action against a ship.

The third issue is the period for which the records must be kept. The international practice is that the records are kept on board for at least the full cycle of the seafarers’ shift. I acknowledge that there is no specific period prescribed for retention of the records and, in the absence of a total failure to produce any record of hours of work and rest, it would be difficult to establish the elements of the offence set out in provision 6.2.6 of Marine Orders Part 28. Consequently, the Australian Maritime Safety Authority (AMSA) has undertaken to prepare, by the beginning of April 2010, an amendment to Part 28 to require that records must be retained for a specified period.

Lastly, you have referred to difficulty with accessing the Seafarers Training, Certification and Watchkeeping Code. If it would be of assistance to the Committee, a hard copy can be obtained from Mr Brad Groves within AMSA who can be contacted on 02 6279 5656.

Thank you for raising this matter.

Yours sincerely

Anthony Albanese
Minister for Infrastructure, Transport, Regional Development and Local Government

AUSTRALIA’S FUTURE TAX SYSTEM REVIEW PANEL

Return to Order

Senator SHERRY (Tasmania—Assistant Treasurer) (9.34am)—by leave—I wish to make a short statement in reference to the Senate return to order motion from Senator Joyce for the production of the final report on Australia’s future tax system. The return to order specified that the production of the final report of the Australia’s Future Tax System Review Panel be no later than 9.30 am today. The return to order relates to the independent tax review. The government is currently examining the report of the independent tax review and, as we have previously indicated, we will release it at a later stage in early 2010 after due consideration and with an initial response.

The independent tax review panel received over 1,500 written submissions, over 4,700 letters, held public ‘town hall’ meetings and a tax conference, and had many discussions with various stakeholder groups. As the Liberal-National Party opposition are very aware from their time in government, a report of this size and magnitude requires extensive consideration and releasing the review without an initial government response would only serve to unnecessarily cause public uncertainty.

It is of course no surprise that the opposition are playing what is a political game—this time in the Senate—with something as important as tax reform. The government has always said it will release the independent tax review in early 2010, and that is what we will do. The government has only had the report of the independent tax review for six weeks, and that includes the Christmas and New Year period. We also note that the Liberal-National parties refused to release a report they received in 2008 on a comprehensive examination of Australia’s tax system, commonly known, I think, as the Ergas review. So, at the same time as demanding the government release its important review, they refused to do the same.

As an aside, and to provide some useful information to the opposition shadow finance minister, who has complained he wanted immediate access to the independent tax review report so that he can ‘better understand
the future revenue of the Commonwealth’, or words to that effect, for Senator Joyce’s benefit I have here copies of two important documents, the 2009-10 Budget Paper No. 2 and the Mid-Year Economic and Fiscal Outlook, which set out the forward estimates of Commonwealth revenue, which would be of assistance to the senator. These are the base documents for government economic data, particularly revenue in this case, which is of importance to Senator Joyce. They have the most comprehensive, up-to-date and detailed information, and these are the documents on which, certainly to my direct knowledge, all oppositions have at least based the initial workings for the calculation of government revenue going forward.

In conclusion, I inform the Senate the government will not release the final report of the independent tax review panel at this stage.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (9.38 am)—by leave—I move:

That the Senate take note of the statement.

We have asked, and rightly asked, for the tabling of the document that shows to the Australian people the revenue capacity of our nation and that was delivered to the government before Christmas. I thank the senator for offering us the MYEFO documents, which we already have, and the budget papers, which we have spent an inordinate amount of time going over in estimates, but this is yet another stunt. What we want, what is required, what is only right to be asked for, is the tabling of the Henry tax review. The document is there. They have it. We need it. And they cannot carry any plausibility whatsoever in arguments about costings or in arguments about finding over $3.2 billion when they hold back the premier document for the revenue structure of this nation into the future.

What is it about the Henry tax review that they are hiding from the public? What is it about this document that has now gone into that nebulous position of ‘we’ll release it at some time in the future’? Is this another part of the Labor Party’s Intergenerational report, so we will see it around 2050? We need that document, and until the Labor Party can table that document they do not hold any credibility whatsoever in being able to define the revenue structure of this nation and, by reason of that, to give us a position to start determining the costs.

This is all part of the Labor Party’s trajectory, the insanity, as they walk towards the largest debt—well, they are at the largest debt this nation has ever had. By reason of that debt, they are putting pressure for the future on all sections of expenditure. They have to acknowledge that as they walk forward past $120 billion, and on and on and on it goes. We hear Mr Swan talking about $315 billion peak debt. Now we hear a number of $256 billion peak debt. But they will not provide the document or say how we are going to finance it. Unless we understand where the money comes from and how we are going to finance it, then the debt is out of control. But I think that is the issue: the debt is out of control.

This government has got to be decisive. They lack decisiveness. They lack clarity. They lack transparency. And now they are sitting on the Henry tax review. Why? Is it unsavoury? What is in it? How can they come into this parliament in an election year and sit on the main document we have to deal with the major economic problem that this government has brought about, which is the debt of this nation. We have in excess of $1.4 trillion in expenses in the next four years.

Senator Crossin—Trillion, billion, million—what is it?
Senator JOYCE—It is not a case of what is it. It is a case, Senator, of where is it. Where is the Henry tax review? Why don’t you have the capacity to be transparent and open and table the document? Why are you hiding it? Where is it? Is it in the top shelf of Mr Swan’s desk? Whereabouts have you put it? Why can’t you be decisive and tell us when you are going to table it? Why do you lack the capacity to be decisive in the financial affairs of this nation? It is not as if you do not have the information. All you have to do is walk to Mr Swan’s office, pick it up and bring it in. It is as simple as that. But you do not want to do that—as if you do not have the information. All you have to do is walk to Mr Swan’s office, pick it up and bring it in. It is as simple as that. But you do not want to do that—as if it were too complicated. So we have to sit back here, while there is this veil of competence that you are in some way in control of where this nation is going, when the debt of this nation is just blowing out of the water and when you make statements asking, ‘How will you find $3.2 billion?’

Well, I put it back to you: how are you going to find the interest expense on your debt? If you are worried about $3.2 billion, then there are a lot of things out there that we should be concerned about. There are a lot of things that this nation is going to have a problem with if you, by your own statements, say that that is a problem. That makes Australians very concerned. The juxtaposition that you have the gall to talk about a con job is sitting on the Henry tax review, it is not being transparent to the Australian people, it is hiding behind the numbers, it is not being upfront and telling Australians exactly where we are. It is the Labor Party that just does not have the capacity to be honest and open and transparent. It is the Labor Party that received this document—

Senator Cameron—You’re the biggest con job!

The PRESIDENT—Order! Senator Cameron!

Senator JOYCE—Are you going to toss him out?

The PRESIDENT—Senator Joyce, continue.

Senator JOYCE—We are asking for something that has obviously been paid for by the Australian taxpayer. I think the Australian taxpayer has a right to say because they financed this document: ‘If you have this document that is vital for determining the finances of the nation, in this election year why don’t you table it? Why don’t you be upfront, honest and decisive?’

Senator Cameron—You won’t last long.

Senator JOYCE—Your only mechanism for trying to abscend from the process of transparency is to send—

Senator Cameron—The Libs will get you. You won’t last long.

Senator JOYCE—Senator Doug Cameron into the chamber to start carrying on like what you hear. Speaking there, people of Australia, is the financial brains of the Labor Party. Senator Doug Cameron is a great representation of the financial acumen of the Australian Labor Party. That is why we get so concerned about their lack of capacity to be decisive and their lack of capacity to be transparent. We are concerned about the arrogance they now have. They get a document that has been publicly paid for and they sit
on it. They go forward with grand statements of fiscal prudence yet they do not have the capacity to table the premier document.

This is the same Labor Party that said they were fiscally conservative. What an absolute joke. They say there is a problem finding $3.2 billion. I put to you: how are you going to pay off the $120 billion worth of debt you have now? How are you going to finance that? Where is that going to come from? If you have a problem with $3.2 billion, what are you going to do with an interest bill somewhere between $6 billion and $8 billion now? How are you going to finance that? If $3.2 billion is a problem, why on earth did you spend $3.2 billion on ceiling insulation?

This is the financial acumen of a party that is taking us to Hades in a basket because they just do not have the capacity to manage the numbers. This is the party that went to the Australian people with all the marvellous rhetorical statements, the guile, the cunning and the smoothness, but they just do not have the capacity to deliver. They cannot deliver the outcome; they cannot deliver the document; they cannot table the Henry tax review. They just do not have financial management in their DNA. Now we are seeing them.

What we have here is a clear expose that the finances of this nation are out of control. The finances of this nation are out of control and the Labor Party have not got a clue how they are going to pay back the debt. They are sitting on the Henry tax review trying to work out how the numbers all stick together, but they have not got a clue. It is panic stations in the Labor Party and they will not table the review. It has been delivered by the head of Treasury; it has been delivered by Dr Henry. Don’t they think he is competent? Don’t they think he was up to the job? What are they hiding? I think he is an immensely competent person. Why don’t you table the review? What are you trying to hide? What is the problem? What are you trying to hide?

What are we going to get instead of the Henry tax review? Senator Doug Cameron. There is the epistle of economic clarity—Senator Doug Cameron. That is what we get in place of the Henry tax review. We can listen to Senator Doug Cameron any day of the week if we turn on the radio.

**Senator Cameron**—How about some more gaffes? How about some more goofs? How about some more gibberish?

**The President**—What are we going to get instead of the Henry tax review? Senator Doug Cameron. There is the epistle of economic clarity—Senator Doug Cameron. That is what we get in place of the Henry tax review. We can listen to Senator Doug Cameron any day of the week if we turn on the radio.

**Senator Joyce**—You can hear him out the back barking like a rabid dog. So the metaphor of Labor Party management is Senator Doug Cameron. The Labor Party refuses to table the premier document on the revenue-raising capacity of this nation. The Labor Party refuses to engage in a proper, open and transparent debate about how we finance their massive debt. The Labor Party are hiding behind the fact that the finances of this nation are out of control. The Labor Party do not know how to finance $3.2 billion so you have no hope of financing your $120 billion of debt you have currently got. We heard Mr Swan, the Treasurer, last year talking about $315 billion peak debt. If you cannot manage $3.2 billion of debt how are you going to manage $315 billion? How are you going to do that?

Everything about the Labor Party is starting to mean we have absolutely no confidence in their deliveries and their projections. When it suits them or when they are scared of the truth they sit on the documents. These are the people who wanted transparency. These are the people who said they would be fiscally conservative. This is the management team that was going to deliver those outcomes. Before Christmas a document was handed to them yet they are still
sitting on it. Did they give us a decisive answer? They love the rhetoric of ‘decisive’. I have a very simple question: when are you going to table the document? You know what you get? Like the answer to all of the economic questions: ‘Sometime in the future. Somewhere out there it will be tabled.’ That is just not good enough.

Senator Sherry and Mr Swan must do the right thing by the Australian people. They must be transparent and open. It is no good to say you are decisive when you are not. It is no good to say you are fiscally conservative when you are not. It is no good to say you are open and transparent when you are not. Unless you decide to table this document, that is the metaphor of your management. That is what the Australian people think.

You have no credibility, zero credibility, in any discussions about finances, budgets or the aspiration to reduce your massive debt because you do not even have the capacity to table a document that you have in your possession. The reason you do not table it is that you cannot make the numbers add up. The numbers just do not stack up. For the Australian people that is a massive concern, because as your debt marches ahead, getting bigger and bigger and bigger, you put pressure on all expenditure and on all aspects of budgetary appropriations into the future. You are doing that. This debt will start to manage our nation. You are not managing the debt; the debt is starting to manage our nation and you have brought that about. It is totally your responsibility. Unless we see the document, you have zero credibility, you are not transparent, you are not decisive and your economic management is a complete and utter farce.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.52 am)—Just briefly, I remind the Senate that the Greens supported the opposition motion to have the Henry tax review tabled in the Senate. The minister, Senator Sherry, has said that the government has had this for six weeks now. There is no doubt that it was commissioned by the government, but that was on behalf of the people of Australia. Our job in the Senate is to ensure that government is not simply held by the executive. If you are going to discuss governance of the country you have to have the information upon which you base that discussion. As far as we are concerned, the Henry tax review is the property of the Australian people and should be available for analysis. If the government wants to take time to respond to the tax review—and I think that is in order—it simply has to say that. But the review should be available. For the minister to say, ‘Sometime in the early part of this year,’ without naming a date is totally unsatisfactory.

What we are seeing is a serial leaking of the contents, and presumably the recommendations, of the tax review by a government which is very closely managing the release of that information and is using it as a political mechanism for its own advantage, against the interests of the wider Australian populace. What the minister did not do was give the Senate any cogent reason at all for withholding this document—no reason whatsoever. The document should be available to the Senate. I take it as a great affront to the Senate that the government has said it is going to thumb its nose at a resolution of this Senate calling on that document to be tabled. The fact is that the government can sit on the document, but in doing so it is thumbing its nose not just at this Senate but at the Australian people. Sure, it is information control and management for political purposes, but I submit that it does the government no good. It is an affront to the Senate and the government is thumbing its nose at the Australian people. The government should reconsider
this decision to ignore a resolution of the Senate and should produce the document.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.55 am)—I move:

That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 8—Health Insurance Amendment (New Zealand Overseas Trained Doctors) Bill 2009 – Resumption of second reading debate
No. 9—Higher Education Support Amendment Bill 2009 – Resumption of second reading debate
No. 10—Safety, Rehabilitation and Compensation Amendment Bill 2009 – Resumption of second reading debate

Question agreed to.

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.55 am)—I move:

That the order of general business for consideration today be as follows:

1. general business notice of motion no. 696 standing in the name of Senator Parry relating to the cost of living pressures; and
2. orders of the day relating to government documents.

Question agreed to.

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.56 am)—by leave—I move:

That government business orders of the day relating to the following bills may be taken together for their remaining stages:

Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009, and

COMMITTEES

Community Affairs Legislation Committee

Meeting

Senator O’BRIEN (Tasmania) (9.56 am)—by leave—At the request of Senator Moore, I move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence 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.

Question agreed to.

Community Affairs References Committee

Meeting

Senator SIEWERT (Western Australia) (9.57 am)—by leave—I move:

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

Question agreed to.

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 25 February 2010.

General business notice of motion no. 685 standing in the name of Senator Scullion for today, proposing the introduction of the Wild Rivers (Environmental Management) Bill 2010, postponed till 23 February 2010.
General business notice of motion no. 694 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Protection of Personal Information Bill 2010, postponed till 22 February 2010.

COMMITTEES
Legal and Constitutional Affairs
References Committee

Senator SIEWERT (Western Australia) (9.58 am)—I move:
That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 September 2010:
(a) what compensation payments are made by Commonwealth, state and territory governments to people adversely affected by government policies, legislation or unlawful actions;
(b) what is the legal basis for payments; what defines their size and are there variations between the legal basis and amounts paid between state and federal governments;
(c) what are the principles on which compensation payments should be based in order that they are proportionate, appropriate and easily understood; and
(d) what opportunities are there for national coordination to ensure equity and consistency where people have been adversely affected by similar government policies, legislation or unlawful actions.

Mr President, I seek some guidance, please. I have circulated amendments to this under standing order 77. There is no reference to that, so I am just making sure that that is the one we are voting on.

The PRESIDENT—It is in the amended form in the Notice Paper, Senator Siewert, so it is quite in order.

Question agreed to.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (PROHIBITION OF SUPPORT FOR WHALING) BILL 2010
First Reading

Senator SIEWERT (Western Australia) (9.59 am)—I, and also on behalf of Senator Abetz, move:
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.

Question agreed to.

Second Reading

Senator SIEWERT (Western Australia) (10.00 am)—I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Once again this summer, Australians were outraged by the killing of whales in the Southern Ocean. Many Australians were further appalled when it was revealed that Australian air services were used by a company with connections to the whalers to assist in the slaughter.

The assistance provided to the whalers was to track the main protest vessel of the Sea Shepherd Conservation Society so that a ship from the whaling fleet could hinder the Sea Shepherd’s pursuit of the main fleet. Without the Sea Shepherd on its tail, the main whaling fleet could undertake its mission of killing whales more easily.
In response to the information that the Japanese whaling fleet had hired Australian planes from Hobart and Albany to track the Sea Shepherd ships’ movements, Senator Bob Brown announced that the Greens would introduce a bill banning activities associated with whaling in Australia.

The Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010 (the Bill) fulfills this commitment. The Bill amends the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to create a new offence related to providing assistance for whaling.

Currently the EPBC Act provides for a series of offences related to whaling. Division 3 of Part 13 creates the offences of:

• killing or injuring a cetacean,
• intentionally taking, trading, keeping, moving or interfering with a cetacean, and
• treating or possessing a cetacean that has been killed contrary to the Act or unlawfully imported.

The above offences are punishable by 2 years imprisonment or a maximum fine of $110,000.

However, there is no offence of providing services, support, or resources for the killing of whales. The Bill seeks to rectify this serious omission.

The Bill creates a new offence of providing any service, support or resources to an organisation engaged in whaling. Whaling is subsequently defined broadly to mean any activity undertaken as part of a venture, the intention of which is to kill, injure, take, trade, or treat whales for commercial purposes or other purposes. The definition includes the intention to contravene the offences already in the EPBC Act mentioned above and any activity undertaken by or on board a foreign whaling vessel.

The penalty for the new offence is consistent with the other penalties in the Division, that is, 2 years imprisonment or a maximum fine of $110,000.

The amendments will not make unlawful the provision of assistance to vessels in an emergency. The exemptions contained in section 231 of the EPBC Act relating to when certain actions are not offences will apply to the new offence. Section 231 includes circumstances such as where an action is reasonably necessary to deal with an emergency involving serious threat to human life or property, or an action reasonably necessary to prevent a risk to human health.

The intention behind the new section 229E is to make unlawful the provision of any assistance to a whaling venture, including surveillance information, communication, financial and material support. The provisions are designed to be sufficiently broad to capture the type of situation that prompted that Bill, that is, the hire of air services in Australia by a company which then provided the information gathered to a vessel which was part of the whaling fleet.

There is broad community support for the measures contained in the Bill. An on-line petition on the Australian Greens website received over 3500 signatures supporting the ban on activities associated with whaling. A number of signatories left comments on the website expressing their support. The depth of feeling on this issue is captured by comments such as:

“I still remember with horror inspecting the whaling station in Albany. Such slaughter now continuing with impunity in Australian Antarctic waters and in a whale sanctuary, at that, makes a mockery at any pretence that the Government is upholding relevant laws. Please ensure that the proposed law prohibiting support for whaling is passed, implemented and that compliance is monitored and enforced.”

“It is totally inappropriate and unacceptable for our country to provide any support to those carrying out such barbaric slaughter of whales.”

“I support the introduction of a bill banning activities associated with whaling in Australia - please ensure whales are protected in Australian waters.”

“To object to commercial whaling, but to continue to permit support to be provided from Australia for whaling activities would be the height of hypocrisy, I therefore fully support the proposed ban. I also feel that the government could and should be more pro-active in its opposition to whaling world-wide, and should take specific
action to prohibit whaling in waters over which it claims jurisdiction.”

“Please stop allowing the ongoing slaughter of whales in Australian waters and make it illegal for Australian businesses and organisations to be involved in supporting these activities either logistically or financially.”

“It should be illegal for any Australian national, either at home or abroad, to assist in the hunting of whales, no matter what the stated purpose of such activity, in any way. This should also include the leasing or use of assets such as aircraft and ships, or facilities, such as airfields and ports, to another individual or group for the potential use in aiding, either directly or indirectly, the hunting of whales.”

The Australian Government must do all it can to prevent the killing of whales in our territories. The Bill fixes a glaring gap in our current laws and is a necessary measure to ensure that those responsible for the slaughter of whales in our Southern Ocean receive no assistance from Australia.

I commend the Bill to the Senate.

Senator SIEWERT—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DR BRAD NORMAN

Senator SIEWERT (Western Australia) (10.00 am)—I move:

That the Senate notes that:

(a) on 3 February 2010 West Australian whale shark researcher Dr Brad Norman was named as one of National Geographic’s 2008 Class of Emerging Explorers;

(b) Dr Norman is the first Australian to be so honoured; and

(c) Dr Norman’s success has contributed to a national worldwide focus on the protection of the whale shark.

Question agreed to.
Senator O'BRIEN (Tasmania) (12.00 am)—by leave—I move:
(a) omit “30 April 2010”, substitute “30 June 2010”; and
(b) after paragraph (c), insert:
“(d) the history and timing of the laws, including the involvement of the Federal Government in supporting or facilitating the states’ introduction of these laws.”.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (10.02 am)—by leave—The final part of our motion mentions ‘any other related matter’, so I do not see the need for this.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.02 am)—by leave—I foreshadow that I will move:
At the end of the amendment, add:

(2) In conducting this inquiry, the committee must also examine the impact of the Government’s proposed Carbon Pollution Reduction Scheme and the range of measures related to climate change announced by the Leader of the Opposition (Mr Abbott) on 2 February 2010.

I will circulate that amendment now. I am sorry; I have just been talking to some people about getting this one through. I have a signed document of that amendment.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (10.03 am)—by leave—I indicate to Senator Fielding and the chamber that the coalition was supportive of his amendment as it stood alone but will not support it as an amendment to the government’s amendment.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.03 am)—by leave—Given that, would it be best for me to wait for the first amendment to be dealt with and then seek leave to move my amendment separately?

The PRESIDENT—It is best for you to withdraw by leave and then to do that.

Senator FIELDING—by leave—I withdraw my amendment to Senator O’Brien’s amendment.

Senator O’BRIEN (Tasmania) (10.04 am)—by leave—This is the first I have heard of this amendment. It may well critically affect our position in relation to supporting this motion. If there is an intention to proceed with this amendment, I am not sure we will be able to ultimately support the motion. It may be better that this matter be deferred until I get further instructions, because I am very uncomfortable in voting for the motion with that amendment.

The PRESIDENT—All I can act on is that there is a motion before the chair and that there is an amendment moved by Senator O’Brien.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (10.05 am)—by leave—It is our pleasure to defer this to allow time to have a discussion to sort it out. We intended to support Senator Fielding’s amendment, but if Senator O’Brien is not aware of Senator Fielding’s amendment and that is crucial to the passage of this then we are happy to discuss it, as we want passage of the motion. I move:

That business of the Senate notice of motion no. 2 be postponed till a later hour.

Question agreed to.

MR VIKTOR KAIKIEPO
Senator HANSON-YOUNG (South Australia) (10.06 am)—I move:
That the Senate—

(a) notes, with sadness, the recent passing of West Papuan activist Mr Viktor Kaisiepo in his hometown of Amersfoort, in the Netherlands, at the age of 61;
(b) acknowledges Mr Kaisiepo’s life-long commitment to raising awareness of the plight of West Papua; and
(c) extends its sympathy to the family and friends of Mr Kaisiepo and to the broader West Papuan community.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.06 am)—by leave—The Australian government is not in a position to support the motion in its current form. The Australian government again places on record its objection to dealing with complex international matters such as the one before us by means of formal motions. Such motions are, as people have heard me say before, blunt instruments. They force parties into black-and-white choices: support or oppose. They do not lend themselves to the nuances which are necessary in the area of policy. Furthermore, they are too easily misinterpreted by some audiences as statements of policy by the national government. We will not support motions in the Senate unless we are completely satisfied with their content.

The Australian government recognises that at one level this motion extends condolences at the time of a death. It also addresses a substantial policy issue, namely Papua and West Papua. Australia respects Indonesia’s territorial integrity including its sovereignty over Papua and West Papua. Effective implementation of special autonomy and development of the region is the best path to improving the situation in Papua and West Papua. We continue to urge Indonesia to investigate any allegations of human rights abuses and to hold the perpetrators to account. The Australian government continues to raise with Indonesia the importance of access to Papua and West Papua for credible observers, including non-government organisations and journalists.

Senator HANSON-YOUNG (South Australia) (10.08 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted to speak for two minutes.

Senator HANSON-YOUNG—I am extremely disappointed with the response given by the minister in relation to this motion. This motion is about reflecting on the death and extending condolences to the family of somebody who was a human rights activist in our region. I was very careful in drafting this motion not to inflame the government, because I know it does not have a clear position on West Papua despite the fact that it probably ought to. Australia is the wealthiest country in our region. We cannot continue to turn a blind eye to human rights issues in our region. We have to be a leader. I could have put that in the motion but I did not because I realised that the government was gutless on this. I realised the government did not want to deal with complex foreign affairs matters in this chamber. But this motion is about extending condolences to the family of somebody who worked very hard in our region. I think it is a totally gutless and cowardly act. It is about time the government started relating to foreign affairs matters in our region with some maturity and some responsibility.

Senator XENOPHON (South Australia) (10.09 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted to speak for two minutes.

Senator XENOPHON—in the event that there is not a division called on this, I indicate that I will be supporting this motion. I have had a number of discussions with the Australian businessman and human rights activist Ian Melrose, with whom I have had lengthy discussions. He has taken me through his concerns about what has oc-
curred in West Papua. I think this motion is entirely appropriate.

Question put:

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

The Senate divided. [10.14 am]

(The President—Senator the Hon. JJ Hogg)

Ayes………….  6
Noes………….  37
Majority…….  31

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

NOES
Arbib, M.V.    Back, C.J.
Bernardi, C.   Bilyk, C.L.
Birmingham, S. Bishop, T.M.
Boyce, S.      Bushby, D.C.
Cameron, D.N.  Cash, M.C.
Collins, J.    Crossin, P.M.
Farrell, D.E.  Feeney, D.
Ferguson, A.B. Fielding, S.
Fisher, M.J.   Forshaw, M.G.
Furner, M.L.   Hogg, J.J.
Hurley, A.     Hutchins, S.P.
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.    Ryan, S.M.
Sterle, G.     Williams, J.R.
Wortley, D.    

* denotes teller

Question negatived.

INTERNATIONAL STUDENTS

Senator HANSON-YOUNG (South Australia) (10.17 am)—I move

That the Senate—

(a) notes the string of recent attacks against international students studying in Australia;
(b) recognises:

(i) the important contribution international students make to Australia’s culture and economy, and
(ii) the growing concern over the safety of international students studying in Australia; and
(c) calls on the Government to:

(i) implement the recommendation from the Education, Employment and Workplace Relations References Committee report, Welfare of international students, to expand the jurisdiction of the Commonwealth Ombudsman to cover the international student sector; and
(ii) invest in support programs and anti-racism campaigns to raise community awareness of the positive contribution international students make to Australia.

Question put.

The Senate divided. [10.18 am]

(The President—Senator the Hon. JJ Hogg)

Ayes………….  7
Noes………….  34
Majority…….  27

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

NOES
Arbib, M.V.    Bernardi, C.
Bernardi, C.   Birmingham, S.
Boyce, S.      Cash, M.C.
Cameron, D.N.  Crossin, P.M.
Collins, J.    Farrell, D.E.
Ferguson, A.B. Bishop, T.M.
Fisher, M.J.   Forshaw, M.G.
Furner, M.L.   Hogg, J.J.
Hurley, A.     Hutchins, S.P.
Ludwig, J.W.   O’Brien, K.W.K.
Marshall, G.   Polley, H.
McLucas, J.E.  Ryan, S.M.
Nash, F.       Williams, J.R.
Parry, S. *    Wortley, D.

* denotes teller
Thursday, 4 February 2010

SENATE

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Polley, H. Pratt, L.C.
Ryan, S.M. Sterle, G.
Williams, J.R. Wortley, D.

* denotes teller

Question negatived.

DALAI LAMA

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.21 am)—I ask that general business motion No. 695, which welcomes the news that the President of the United States, Barack Obama, will be meeting the Dalai Lama, be taken as a formal motion.

The PRESIDENT—Is there any objection to this motion being taken as formal?

Senator FIELDING (Victoria—Leader of the Family First Party) (10.21 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator FIELDING—This notice of motion is just typical of the Greens wasting the Senate’s time. Maybe we should be moving a motion that says the Greens will not slag a US President when he arrives in Australia and embarrass the Australian people. Maybe the motion should read that we will gag them from being absolutely idiotic and embarrassing the Australian people like they have done in the past. This motion is a waste of our time. It is a joke.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.22 am)—I move:

That the Senate welcomes the news that the President of the United States of America, Barack Obama, will meet His Holiness the Dalai Lama.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.22 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—The Australian government cannot support the proposed notice of motion in its current form. The Australian government again places on the record its objection to dealing with complex international matters such as the one before us by means of formal motions. As I have said before in this place, such motions are blunt instruments. They force parties into black and white choices—support or oppose. They do not lend themselves to the nuances which are so necessary in this area of policy. Furthermore, they are too easily misinterpreted by some audiences as statements of policy by the national government. We will not support notices of motion in the Senate unless we are completely satisfied with their content.

Australia’s position regarding the Dalai Lama is clear. He is a respected religious leader and has visited Australia privately on several occasions over the years, most recently in December 2009. During those visits, he has had contact with members of the government of the day. During his most recent visit, he met with Mr Garrett, Minister for the Environment, Heritage and the Arts. The decisions other countries take about the Dalai Lama’s visits are matters for them. The Australian government does not engage in a running commentary on such decisions by means of formal motions. I thank the Senate.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.24 am)—I would prefer the statement to be read out.

Leave not granted.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.22 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—The Australian government cannot support the proposed notice of motion in its current form. The Australian government again places on the record its objection to dealing with complex international matters such as the one before us by means of formal motions. As I have said before in this place, such motions are blunt instruments. They force parties into black and white choices—support or oppose. They do not lend themselves to the nuances which are so necessary in this area of policy. Furthermore, they are too easily misinterpreted by some audiences as statements of policy by the national government. We will not support notices of motion in the Senate unless we are completely satisfied with their content.

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Mr President, I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—What a pathetic statement from the government. The minister has the arrogance to say that these are matters that should be dealt with by the government. In other words, the parliament should be disempowered from debating issues of international significance. Of course, that is a failure to understand the democratic system. Let me remind the government that it is the executive but it is not the parliament of this country, and nor does it have ownership of what should be debated or should not be debated—thank goodness—in the Australian parliament. This motion is to welcome the news that the President of the United States, Barack Obama, will be meeting with His Holiness the Dalai Lama, the spiritual leader of the Tibetan people in exile, in the coming weeks.

The difficulty here, to be blunt about this, is that when His Holiness was in Australia in December, while the Leader of the Opposition, Mr Abbott, met with him and I, as the Leader of the Greens met with him and introduced him to 3,000 or 4,000 people in Hobart, the Prime Minister of Australia declined to meet with the Dalai Lama. The reason for that is not that there is not respect for the Dalai Lama, as the minister says, but that there is a cowardice, a lack of courage, to simply say to the Chinese government, to the regime in Beijing, ‘We will not be coerced into having our relationships with people around the world dictated by you.’ Instead of that, the government, the Prime Minister, acquiesced and failed to meet His Holiness. Barack Obama is doing the right thing and that should be welcomed. That is what this motion is about.

Question put:

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

The Senate divided. [10.27 am]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 6
Noes............. 35
Majority........ 29

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

NOES
Adams, J. Back, C.J.
Bernardi, C. Bilyk, C.L.
Bishop, T.M. Boyce, S.
Cameron, D.N. Cash, M.C.
Collins, J. Crossin, P.M.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fielding, S.
Forshaw, M.G. Foster, M.L.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Kroger, H.
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. Ryan, S.M.
Sterle, G. Williams, J.R.
Wortley, D. * denotes teller

Question negatived.

The PRESIDENT—That for the moment concludes the consideration of formal business, but there is one matter that has been deferred for later consideration—that is, Senate notice of motion No. 2, standing in the name of Senator Joyce.

COMMITTEES

Regulations and Ordinances Committee
Delegated Legislation Monitor

Senator WORTLEY (South Australia) (10.30 am)—On behalf of the Standing
Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor for 2009 and volumes of ministerial correspondence relating to the scrutiny of delegated legislation for the period May 2008 to November 2009.

BUDGET

Consideration by Estimates Committees

Additional Information

Senator O’BRIEN (Tasmania) (10.31 am)—I present additional information received by committees relating to estimates hearings.

The list read as follows—

Budget estimates 2009-10—

Community Affairs Legislation Committee—Additional information received between—

29 October 2009 and 3 February 2010—Families, Housing, Community Services and Indigenous Affairs portfolio.
25 November 2009 and 3 February 2010—Health and Ageing portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 28 October 2009 and 3 February 2010—Attorney-General’s portfolio.

Budget estimates 2009-10 (Supplementary)—

Economics Legislation Committee—Additional information received between—


Education, Employment and Workplace Relations Legislation Committee—Additional information received between 11 December 2009 and 4 February 2010—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Additional information received between 28 October 2009 and 3 February 2010—

Broadband, Communications and the Digital Economy portfolio.
Environment, Water, Heritage and the Arts portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 11 December 2009 and 4 February 2010—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between—28 October 2009 and 3 February 2010—Attorney-General’s portfolio.
26 November 2009 and 3 February 2010—Immigration and Citizenship portfolio.

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES BILL 2009 [No. 2]

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009 [No. 2]

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009 [No. 2]

First Reading

Bills received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.31 am)—I move:

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

Senator Siewert—Mr President, the Greens will be asking that the question be put separately on the second procedural mo-
tion that these bills be taken together. We do not seek to have them taken together.

The PRESIDENT—I will put the question in respect of each of the bills separately—that they proceed without formalities, be taken together and be read a first time.

Senator Siewert—Mr President, the Greens ask that you put the questions separately. We do not support them being taken together.

The PRESIDENT—That is what I am doing. The question is that these bills may proceed without formalities.

Question agreed to.

Senator Siewert—Yes, and then I would like you to put the question.

The PRESIDENT—All right, I will then put the question again. That will clear things up.

Senator SIEWERT (Western Australia) (10.34 am)—The Greens are seeking that these private health insurance bills not be put together because we have separate positions on each of the bills and we do not think it is therefore appropriate that the bills be taken together. We want the ability to be able to comment and vote on these bills separately because they are dealing with two separate issues. One is about means testing the rebate, which the Greens have been very clear about supporting; the other is about the increase to the Medicare surcharge levy, which the Greens have a different opinion on and would like to discuss separately. By putting these bills together, the government forces the debate to be taken together. I can see what they are trying to do; however, the Greens believe differently. We would like to be able to comment and potentially vote on the bills differently. We have made no bones about the fact—and I said this last time in the chamber—that we support the concept of means testing the rebate. We have a different opinion on the surcharge and we would like to be able to comment and vote on that differently. Rather than cause confusion during the committee process by debating these bills together, it would be better to deal with them separately. We are seeking to split the bills so that they can be dealt with separately.

The PRESIDENT—Just so we understand where we are at: the question before the chair is that the bills be taken together.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.36 am)—I understand the process. The Greens are seeking to split the bills and deal with them separately. I do not believe that
that would then alter the way you would deal with it in committee, quite frankly. We would be able to deal with them. As we deal with all bills, we deal with them in seriatim and the Committee of the Whole process is designed to ensure that the questions are put separately in relation to amendments to each particular bill. So I think you would achieve the same objective. In dealing with them separately, it means that you would have three second reading debates and you would then extend the period because people could then choose to speak on each individual bill. You would then have three separate committees of the whole. It would take a significant time. The government does object to that. Where bills are related bills they can be dealt with concurrently and it is a more sensible process, in the government’s view, to deal with them in that way. You are now seeking to use up more of the time of the Senate—and we all know that the time of the Senate is precious to deal with the legislative program which we have before us. Without going into a full-blown debate on this, I have indicated that the government’s position is to oppose the matter.

Senator PARRY (Tasmania) (10.37 am)—The Greens had not alerted us to the fact but we have some sympathy with them wishing to vote separately on the bills, as presented by Senator Siewert. I think we are inclined to support Senator Siewert on the understanding that that is the only way the Greens will be able to vote separately on the bills. In light of that, we will support the Greens.

Senator XENOPHON (South Australia) (10.38 am)—Mr President, I seek leave to make a short statement.

The PRESIDENT—There is no need to seek leave. There is a motion before the chair, so you can speak to the motion.

Senator XENOPHON—Thank you, Mr President. I have a question I would like to put to you, if that is appropriate. Given the government’s concerns about having three separate committee stages and also the concerns of the Greens that there be a separate vote—given that they have, as I understand it, a different position in relation to one of the bills—is it possible under the standing orders for there to be a Committee of the Whole in respect of all the bills but then for there to be a separate vote with respect to the bills that are the subject of the Greens’ concerns?

The PRESIDENT—Senator Xenophon, it is a matter for the committee to determine how to handle them. They can determine that they are going to handle them together or individually. That is not a matter for me to determine from the chair. Senator Xenophon, you will need leave now.

Senator XENOPHON—I seek leave to make a short statement.

Leave granted.

Senator XENOPHON—Thank you for your guidance, Mr President. Can you confirm whether, at the third reading stage, it is possible for there to be a separate vote on the various bills?

The PRESIDENT—That is always possible at the third reading stage—that is, for the bills to be divided and put separately.

Senator IAN MACDONALD (Queensland) (10.39 am)—Mr President, to me the argument seems quite academic. If some senators—indeed the Greens and agreed to by us—want to deal with the bills separately, I do not see what the argument is about having the committee stage together. In any case, the committee stage will deal with each bill separately and, if there are amendments to each individual bill, they will be dealt with one after the other rather than all together. So I do not see that there is any problem with
dealing with the whole three bills quite separately but one after the other.

The PRESIDENT—The question is that the bills be taken together.

Question negatived

The PRESIDENT—The question now is that the bills be read a first time.

Question agreed to.

Bills read a first time.

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES BILL 2009 [No. 2]

Second Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.41 am)—I move:

That the bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Fairer Private Health Insurance Incentives Bill 2009 [No. 2] will amend various acts to give effect to the recent budget measure to introduce three new private health insurance incentives tiers.

The new arrangements will commence on the later of 1 July 2010; or the day on which the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Act 2009 receives royal assent; or the day on which the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Act 2009 receives royal assent. However, they will not commence at all unless both the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Act 2009 and the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Act 2009 also receive royal assent.

This Bill was previously introduced into the House of Representatives on 27 May, 2009 where it was passed on 2 June, 2009. This Bill was previously introduced into the Senate on 15 June 2009. On 9 September 2009 a motion moved in the Senate that this Bill be read a second time was defeated. This Bill is being reintroduced into the House of Representatives to make the private health insurance rebate fairer.

The government supports a mixed model of balanced private and public health services. The government is also committed to a sustainable private health system, and to ensure it remains sustainable, the government will rebalance support for private health insurance to provide a fairer distribution of benefits.

The new arrangements will make the private health rebate fairer. Firstly, singles earning $75,000 or less and couples and families earning $150,000 or less will received the same rebate as they currently enjoy and will not be adversely affected. Currently, however, approximately 14 per cent of single taxpayers who have incomes above $75,000 receive about 28 per cent of the total private health insurance rebate paid to singles—or twice their population share. Under the government’s reforms, these singles will receive about 12 per cent of the total private health insurance rebate paid to singles.

Similarly, approximately 12 per cent of couple taxpayers who have incomes above $150,000 receive about 21 per cent of the total private health insurance rebate paid to couples—almost twice their population share. Under the government’s reforms, these couples will receive about nine per cent of the total private health insurance rebate paid to couples.

These reforms will bring government support for private health insurance in line with the principle underpinning the Australian tax-transfer system—that the largest benefits are provided to those on lower incomes.

Spending on the current private health insurance rebate is growing rapidly and is expected to double as a proportion of health expenditure within the next 40 years.

Clearly this presents challenges in this fiscal environment. These reforms will result in a saving to government expenditure of $2.0 billion over four years, which will help ensure that government support for private health insurance remains fair and sustainable.
From 1 July 2010 the government proposes to introduce three new private health insurance incentive tiers. The tiers will mean high-income earners receive less government payments for private health insurance but will face an increase in costs if they opt out of private health cover.

The government’s commitment to retaining the private health insurance rebate remains. Rebates for low- and middle-income earners will be unchanged with the government continuing to pay 30 per cent of the premium cost for a person earning $75,000 or less and couples and families earning $150,000 or less. The existing higher rebates for older Australians will remain in place for people earning below these thresholds: 35 per cent for people aged 65 to 69 years and 40 per cent for people aged 70 years and over.

These people will continue to have no surcharge liability if they decide not to take out appropriate private health insurance.

The new tiered system will be introduced for higher income earners and will set three different rebate levels and surcharge levels based on income and age. The purpose of this is to reduce the carrot but increase the stick and ensure those who can afford to contribute more for their health insurance do so. The government does not believe it is appropriate for low-income earners to subsidise the private health insurance of high-income earners.

The first incentive tier will apply to singles with an income of more than $75,000 and couples and families with an income of more than $150,000. For these people the private health insurance rebate will be 20 per cent for those up to 65 years, 25 per cent for those aged 65-69, and 30 per cent for those aged 70 and over.

The Medicare levy surcharge for people in this tier who do not hold appropriate private health insurance will remain at one per cent.

Tier 2 applies to singles earning more than $90,000 and couples and families earning more than $180,000. The rebate will be 10 per cent for those up to 65 years, 15 per cent for those aged 65 to 69, and 20 per cent for those aged 70 and over. The surcharge for people in this tier who do not have appropriate private health insurance will be increased to 1.25 per cent of income.

Tier 3 affects singles earning more than $120,000 and couples and families earning more than $240,000 a year. No private health insurance rebate will be provided for people who fall within the third tier and the surcharge for avoiding private health insurance will be increased to 1.5 per cent of income for these people.

Annual indexation to average weekly earnings of the tiers will ensure that these changes remain equitable and can be maintained into the future. The increased surcharge for people on higher incomes will help ensure that about 99.7 per cent of insured people remain in private health insurance. This is because those high-income earners who receive a lower rebate will face a higher tax penalty for avoiding private health insurance.

By retaining this system of carrots and sticks the reforms are unlikely to affect private health insurance premiums.

It is estimated that approximately 25,000 people may no longer be covered by private health insurance hospital cover, and that it might therefore result in 8,000 additional public hospital admissions over two years. When considered against the fact that public hospitals have around 4.7 million admissions per year, the impact of the measure will be insignificant. And the measure will be particularly insignificant for public hospitals given the government’s investment under the new $64 billion COAG agreement, where hospitals receive 50 per cent over and above the old Australian healthcare agreements negotiated by the previous government.

Further, the historic $872 million investment in preventative health will assist in keeping people out of hospitals in the first place.

In summary, this measure will make private health fairer and more balanced, more sustainable into the long term, and by maintaining a carefully designed system of carrots and sticks, have a negligible effect on both premiums and the public hospital system.

At the same time, low- and middle income earners who chose to have private health insurance will continue to enjoy the benefit of a significant government rebate.

Debate (on motion by Senator Ludwig) adjourned.
FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009 [No. 2]
Second Reading
Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.41 am)—I move:

That the bill be now read a second time.

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

Leave granted.

The speech read as follows—
The Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2] will amend the Medicare Levy Act 1986 to give effect to the budget measure to introduce three new private health insurance incentives tiers. The bill will commence immediately after the commencement of the Fairer Private Health Insurance Incentives Act 2009. This Bill was previously introduced into the House of Representatives on 27 May, 2009 where it was passed on 2 June, 2009. This Bill was previously introduced into the Senate on 15 June, 2009. On 9 September 2009 a motion moved in the Senate that this Bill be read a second time was defeated. This Bill is being reintroduced into the House of Representatives to give effect to the budget measure to introduce the private health insurance incentives tiers that will make the private health rebate fairer.
The Medicare Levy Act 1986 determines whether an individual is liable to pay the Medicare levy surcharge in respect of their taxable income or that of their spouse. The individual’s income for surcharge purposes determines whether a person must pay the surcharge. If the individual’s income exceeds prescribed income thresholds they will need to pay the appropriate level of surcharge. This bill inserts the new tier system in order to determine which level of surcharge a person must pay where they do not hold appropriate private health insurance.

Debate (on motion by Senator Ludwig) adjourned.

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009 [No. 2]
Second Reading
Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.42 am)—I move:

That the bill be now read a second time.

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

Leave granted.

The speech read as follows—
The Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009 [No. 2] will amend the A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999 to give effect to the recent budget measure to introduce three new private health insurance incentives tiers. The bill will commence immediately after the commencement of the Fairer Private Health Insurance Incentives Act 2009. This Bill was previously introduced into the House of Representatives on 27 May, 2009 where it was passed on 2 June, 2009. This Bill was previously introduced into the Senate on 15 June, 2009. On 9 September 2009 a motion moved in the Senate that this Bill be read a second time was defeated. This Bill is being reintroduced into the House of Representatives to give effect to the budget measure to introduce the private health insurance incentives tiers that will make the private health rebate fairer.
The A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999 determines whether an individual is liable to pay the Medicare levy surcharge in respect of a reportable fringe benefits total they or their spouse may have. The individual’s income for surcharge purposes determines whether a person must pay the surcharge. If the individual’s income exceeds...
prescribed income thresholds they will need to pay the appropriate level of surcharge.

This bill inserts the new tier system in order to determine which level of surcharge a person must pay where they do not hold appropriate private health insurance.

Debate (on motion by Senator Ludwig) adjourned.

COMMITTEES
Finance and Public Administration References Committee
Reference
Debate resumed.

The PRESIDENT—We will now deal with the motion moved by Senator Joyce and the amendment to that motion standing in the name of Senator O’Brien. The question is that the amendments moved by Senator O’Brien be agreed to.

Question negatived.

Senator O’BRIEN (Tasmania) (10.44 am)—by leave—On the understanding that Senator Fielding will vote with the coalition, the vote would be tied. That is on the indications in the chamber. Therefore, my amendment motion would be lost. For the sake of not taking time for the division, the government will not call the division, recognising what would be the outcome of the chamber.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.00 am)—I move:

At the end of the motion, add:

(2) In conducting this inquiry, the committee must also examine the impact of the Government’s proposed Carbon Pollution Reduction Scheme and the range of measures related to climate change announced by the Leader of the Opposition (Mr Abbott) on 2 February 2010.

Question agreed to.

Senator SIEWERT (Western Australia) (10.45 am)—by leave—In all the going round this morning I did not get a chance to say I also wish to move amendments to this motion. I move:

Paragraph (a), after “diminution”, insert “or improvement”.

Paragraph (b), after “laws”, insert “and Commonwealth and state investment in land management programs”.

Omit paragraph (d), substitute:

(d) the benefits of such laws and abatement measures, including on longterm productivity;

(e) costs of land degradation and vegetation loss; and

(f) any other related matter.

Question negatived.

Senator XENOPHON (South Australia) (10.46 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator XENOPHON—I indicate that I will not be able to support the motion in the absence of the Greens amendments. I would have preferred the government’s amendments as well, but for me the deal breaker is that in the absence of the Greens amendments to this motion I cannot support it. I did welcome Senator Fielding’s amendments and I supported those, but I will not be supporting this motion in the absence of the Greens amendments.

Original question, as amended, agreed to.

COMMITTEES
Rural and Regional Affairs and Transport References Committee
Report
Senator NASH (New South Wales) (10.47 am)—by leave—I present the final report of the Rural and Regional Affairs and Transport References Committee, Natural resources management and conservation challenges, together with the Hansard record
Natural resource management and conservation are of great significance to a number of people across the country. We have a history of around three decades of Commonwealth investment in resource management. Firstly, I thank the secretariat for the work that they did in preparing the report. It was quite a lengthy period of inquiry and their attention to detail in working with the committee was very much appreciated. Also, I thank my colleagues. There was a very collective effort on this inquiry, as there is on many of our inquiries. I particularly want to acknowledge the expertise of Senator Ian Macdonald in this area and the contribution he made during the inquiry.

We looked at a range of areas. The terms of reference were rather lengthy, but we particularly looked at the history of Commonwealth involvement in the natural resource management area and the capacity of regional NRM groups and other organisations and networks to deliver the natural resource management outcomes they were trying to. We looked very closely at whether the Caring for our Country program was a comprehensive approach to meeting future NRM needs. The committee believed it fell well short in meeting those future NRM needs.

The Caring for our Country program has been described as aiming to ‘move to achieve an environment that is healthy, well managed and resilient’. The committee’s opinion is that falls well short in achieving those aims. The transition period to Caring for our Country really was a very anxious time for all involved in trying to work for better outcomes for natural resource management. It came through very clearly that there was a real struggle between trying to maintain the physical and human resources that had been built up over time in working in this area and trying to gain the financial resources to sustain them into the future. That created some real angst, because we are talking about people who cared very deeply about what they were doing in trying to reach these natural resource management outcomes. They felt that that transition period was not managed in an optimum way.

They worked very hard. It came through clearly that there had been a lot of hard-won gains out in the community in working with other groups and networks. They really believed that a lot of those project outcomes were going to be put at risk because of the disruption in the changeover to the program and the way the program itself was being managed. One real concern was around the business plan for Caring for our Country. Initially there was a delay in the release of the business plan itself. The program commenced on 1 July 2008 and the plan was not released until the end of November 2008. This created some real difficulties for people who were trying to put together those projects but did not have any kind of plan to work to. That created some real issues for them. Also, the priorities and targets that had been identified in the business plan had been developed in isolation, mostly with Commonwealth agencies. There was a feeling that those stakeholders who really had that practical, on-the-ground understanding of the best way strategically to make this work had not been consulted. There was a feeling that there had been a lack of a strategic approach and a lack of synergy between Commonwealth, state and regional bodies throughout all of this and that that had prevented an integrated landscape management approach.

There were nine recommendations in the end. We obviously felt that a more rigorous and comprehensive approach was important.
to make sure national priorities were identified that were going to be optimal in terms of Caring for our Country. There were a range of other recommendations that the committee believed would improve the management of these programs and ultimately lead to better delivery of natural resource management in the future. I will end with those brief comments. I know that my colleagues from the committee want to make some statements around this. I again thank the secretariat and my colleagues on the committee for the work that went into the inquiry.

Senator SIEWERT (Western Australia) (10.53 am)—The Greens moved to refer national resource management and conservation to the Senate Standing Committee on Rural and Regional Affairs and Transport because we felt it was so important that Australia had a proud legacy of funding to the National Soil Conservation program, the Landcare program, the Natural Heritage Trusts 1 and 2 and various smaller funding systems under that. We have developed a very proud tradition of land care. In fact, there are 56 regional natural resource management organisations around the country, in various states and under different management regimes.

We were very concerned about what we started to hear from the bush, in particular about the Caring for our Country program. Unfortunately, through the inquiry, those concerns were validated. I hold very deep concerns for the future of natural resource management in this country if Caring for our Country continues without substantive review and amendment. There were many problems raised with us during our inquiry—which took longer than was initially anticipated because we kept getting more feedback and because some of the implications of Caring for our Country did not become manifest until further into the process, particularly after the first transition year. Regional organisations around the country are starting to feel the impact of reduced funding. Their funding has been very significantly reduced. Although the government persists in saying that 60 per cent of historical funding is going to regional organisations, it is not going to each regional organisation. In fact, that funding is going as a piece of pie to the regional organisations, and some regional organisations have taken massive funding cuts. There has been a massive loss of staff and, therefore, expertise and capacity from natural resource management organisations in the bush because they have not had the funding to keep the staff on. So we have seen a draining of that expertise. Those staff not only are important for those regional organisations but also provide capacity that we might not get back.

I have been travelling around the country, separate from the committee process, speaking to a wide range of natural resource management organisations. They are deeply concerned. They talk to me about the loss of staff, the loss of projects and, most importantly, the loss of volunteers, including long-term volunteers. People I have personally known in natural resource management for nearly 25 years are dropping out. That is a tragedy for natural resource management in this country. People who have worked on land care, water protection and water quality issues are giving up because they feel there is a lack of support and a lack of funding. These people, who have been expert at cobbled together grants and various funding sources for decades, have now said, ‘That’s it; I’ve had enough.’

We have also heard of trouble with the regional organisations. The traditional partners—groups that have worked together with agribusiness and with state, local and federal governments—are now finding themselves in competition. Instead of being partners in projects, they are now finding themselves in
competition. So we have people competing for funds. In the past, we had groups cooperating to put in a joint funding application to get funding. But now they have to compete. So now they do not feel that they can talk to each other because the people they might be talking to may be competing for funds. Also, they cannot be involved as much in the consultation process, in the development of a business plan and in the development of targets because they may be applicants in the future and it will be claimed that they have a conflict of interest. That is a problem because the message from the ground is not getting through to the target centres or the people determining the business plan. So there is a very strong disconnect between the national targets for this program and the targets, programs and strategic plans of local and, importantly, regional natural resource management organisations.

In my home state of Western Australia the Northern Agricultural Natural Resource Management Group found it could apply for very little under Caring for our Country priorities. The essential priority in their region, salinity, is not a national priority. Salinity is still a priority in WA, despite the fact that the Commonwealth does not agree that it is a national priority. There is also the issue of wind erosion. They have a whole range of priorities that are not listed in the national targets, so they are unable to commit resources to those issues. That is a very significant fault in Caring for our Country.

One of the big issues is that the pie is being stretched further and further. The government committed the same amount of funding as was committed under NHT2. However, they made a series of election commitments that they squeezed into that pie, that they squeezed into that bucket of funding. In other words, it is being spread thinly. The term we used to use in natural resource management circles was that it was being ‘spread like vegemite’ over the landscape. What we are going back to is spreading like vegemite over the landscape a limited amount of funding so that the Commonwealth can feel good about doing stuff that does not actually achieve outcomes on the ground.

We also heard concerns around the application process. It is complex and lengthy. Thousands of hours are spent by voluntary organisations and volunteers generating applications that simply do not get funded, because there are thousands of applications for a very limited bucket of funding. So all those thousands of hours are for nought. So we need to change the application process and perhaps go to an initial expression of interest for those projects. People were very strongly concerned about the assessment process, saying that it lacks transparency and accountability. In general we have actually been able to find no rhyme or reason for some of the decisions that were made. The government said that they had to change the NHT2 process because of the Auditor-General’s report. They are seriously misusing, in my opinion, the Auditor-General’s report to justify going to a very centralised top-down approach that in itself lacks transparency and accountability.

The federal government and the department said that when organisations ask they give them a bit of a rundown on why their application was not successful. When you then ask regional organisations they say, ‘We got very little feedback. We did not get meaningful feedback. We do not understand why our application was not successful.’ And, as I mentioned earlier, those targets are not able to be translated to the local and regional level. Again, this disempowers groups and undermines essential work.
What we are failing to do here is appreciate that unless we can get these people supported, unless we provide essential funding to those regional organisations and empower the community and regional organisations, we are never going to address the huge land degradation, the landscape repair job that we have to do. It is absolutely essential that we work with the community; otherwise, we will fail. The money that has been invested, the billions of dollars that this country very rightly has invested in natural resource management and biodiversity protection, will be lost because Caring for our Country does not build on that work—it undermines that work.

I am the first to say that NHT1 and 2 were not perfect. I do not even think that the coalition argues that they were perfect. But each time one of those programs was developed we learnt from the lessons of the past. We learnt that we need to work in better cooperation. We learnt that we needed to have integrated projects. We learnt that we needed to be working at the landscape scale. This new program, Caring for our Country, has thrown those lessons out. It is undermining regional organisations.

Again, no-one says that the regional organisations were operating perfectly in the past. I am probably one of the first ones to be critical of some of their operations and to think that they needed improvement. But here they are throwing the baby out with the bath water, undermining the regional organisations that we have invested millions of dollars in and have been supporting. We have spent money training staff and building up their expertise and it has all been thrown to the wind. That expertise is slowly draining out of the regional communities and we are desperately afraid that we are never going to get it back unless this government acts pronto to review Caring for our Country, putting more funding into it to better deliver those resources on the ground, to better work with the community, to change the evaluation process for the next round, to better consult with the community and take on board what they say. (Time expired)

Senator IAN MACDONALD (Queensland) (11.03 am)—In addressing the tabling of this report on natural resource management and conservation, I agree entirely with the submissions made by both the chair and the deputy chair of the Regional Affairs and Transport References Committee before me in this debate today. Before I get onto the substantive part of the report, I congratulate the chair on the work she did with this committee and this inquiry. Senator Nash only came into the chairmanship of the group halfway through. Also, I might say, I congratulate the previous chairman—I think it was Senator Sterle—who operated the committee very well and ably. Senator Nash came in halfway through and picked up the idea of the inquiry very quickly and made a significant contribution not only to the report but also to natural resource management in Australia by her action on the committee. I also congratulate the deputy chairman, Senator Siewert, who has just spoken, and particularly thank the staff who were assiduous, as always, as we have perhaps come to expect. They were very professional in the way they assisted the committee in its hearings and in reaching the conclusions that the committee has made.

Senator Siewert is right: this whole natural resource management issue has had a long gestation period. It was an initiative of the coalition government in the Natural Heritage Trust program, which we initiated when we first came to government. NHT1, as it was eventually known, set the scene and went in the right direction, but it was not perfect. We then became involved in what was known as NHT2, where we did focus natural resource management on community groups who had a direct connection with the landscape and
with the particular environment in their region. We recognised that in a country like Australia one size does not fit all. We realised that, if natural resource management was to be effective in Australia, it really needed to be a grassroots, ground up sort of approach to the management of our natural resources. I was one of the two ministers responsible for NHT2 and I remember we had many arguments and many discussions with the Public Service and the people involved. We eventually came to the approach that was adopted by NHT2. Then there was a long gestation period in getting business plans and investment plans.

At that time, I acknowledge, we did lose some expertise that had been in the NRM management area. But I think we eventually got it right and, whilst nothing is ever perfect, it was going pretty well. It was entirely a catchment based program where money was given to, in most instances, community based resource management groups who knew and understood what needed to be done and could coordinate all the various environmental and landscape groups and people wanting to assist in their particular catchment. It was really working quite well. Regrettably, politics then intervened. The new government came in and did not like to pursue successful programs of the previous government. So they changed the name and changed the words and, at the same time, gathered back a bit of money so they could spend it on other promises the Labor Party had made when in opposition. So what we had was that Caring for our Country came into operation with great fanfare but, when you dug down beneath the spin and the hoo-ha, you found that there was actually less money going to natural resource management in our country. Other things that had been promised by the Labor Party were added into the Caring for our Country program, but what that did was diminish the money available for the NRM work.

Throughout this inquiry it became clear from talking to people who actually knew what they were talking about that the government through Mr Garrett had adopted this ‘we know best in Canberra’ approach. It became very much a top-down approach, which they disguised under the name ‘national priorities’. It was the minister and bureaucrats in Canberra telling everyone else in Australia what they needed to be doing. Senator Siewert is quite right in what she has said—there was an enormous amount of expertise that had built up around the country, and that expertise is now being put at risk as the money is now uncertain and people who can make a real difference are moving on because of fears for their own financial future. It is not only that; the whole process has had to be started again. I do not think the Labor Party or the bureaucracy intended the consequences of their change of direction. I think they were intending it to continue in a useful way, but what has occurred is enormous disruption to the contributions that have been made by thousands of committed individuals right around our country, many of them volunteers.

I urge the government to swallow their political pride and go back to a bottom-up approach to natural resource management, rather than the top-down approach that they have adopted. The committee heard concerns
from many witnesses about the cost of applying for programs, the lack of feedback, the uncertainty and the fact that groups were now competing with each other whereas in the past they had cooperated, and almost co-habitated, to get a good result for the landscape, the biodiversity and ecology of a particular catchment.

My interest in natural resource management has been around for a long time, since before I was one of the ministers involved. I want to pay tribute to all of those thousands and thousands of people who believe in what they are doing, who know what they are doing in their own area and who have a real commitment to Australia and its landscape. In Queensland I have formed very good friendships with a lot of people in the natural resource management area. I will mention a few up my way in the north: the Northern Gulf NRM and their CEO, Noelene Goss, who has been a great advocate for the environment, the Terrain NRM in Far North Queensland, the Burdekin Dry Tropics NRM and the Whitsunday group. In Queensland they have a collective of NRM bodies which is very professional and does a fantastic job of promoting the environment and resource management. That has been duplicated right across Australia. In commending this report to the Senate and urging the government to carefully consider the recommendations and to act upon them, I want to pay tribute to all those thousands of people around Australia who make a genuine commitment to the future of our great country. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUSINESS

Rearrangement

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery) (11.13 am)—I move:

That government business order of the day no. 1 (Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009) be postponed till after consideration of the government business order of the day relating to the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and a related bill and government business order of the day no. 4 (Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009).

Question agreed to.

CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL 2009

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

Second Reading

Debate on Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 resumed from 23 November 2009 and debate on Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009 resumed from 19 November 2009, on motions by Senator Sherry and Senator Ludwig:

That these bills be now read a second time.

Senator BRANDIS (Queensland) (11.15 am)—I rise to speak on the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009. These bills are very important and are intended to implement a national response to organised crime. All members of the coalition are acutely aware of the great cost, including the great human cost, that organised crime imposes on society. Our record is a proud one of developing and implementing innovative methods to defeat this national scourge. However, we are also conscious that the measures used to combat or-
ganised crime have the potential to sweep up the innocent in their net. Great powers given to our law enforcement authorities, despite our best intentions, are also capable of producing injustice and oppression if the use of those powers is not properly circumscribed and subject to effective oversight. When introducing significant new anticrime measures we as legislators must always weigh up the potential for, and consequences of, the abuse of those measures. The key proposals of the bills are criminal asset confiscation and unexplained wealth.

Schedule 1 amends the Proceeds of Crime Act by introducing unexplained wealth orders for the confiscation processes. This targets wealth that a person cannot demonstrate to have been lawfully acquired. If a court is satisfied that an authorised officer has reasonable grounds to suspect that a person’s total wealth exceeds the value that has lawfully been acquired, it can compel the person to attend court to prove on the balance of probabilities that the wealth was not derived from offences with a connection to Commonwealth power. If the person fails to meet this onus, the court may order them to pay to the Commonwealth the difference between their total wealth and their legitimate wealth. Restraining orders are available in aid of this order and in advance of such an order—such orders being, by way of analogy, with injunctions available in civil proceedings.

At the time of applying for a restraining order, the DPP need not prove that the property is subject to the person’s effective control but must state the grounds for such a suspicion. If these requirements are met, the restraining order must be made even if there is no risk that the property will be disposed of or otherwise dealt with. It may also apply in relation to property that is not yet in the possession of the suspect. Property may be excluded from the scope of the order if the court is satisfied that it belongs to another person and is not under the suspect’s effective control.

A restraining order will cease to apply if the DPP has not applied for an unexplained wealth order within 28 days or if an unexplained wealth order is refused and avenues of appeal are closed or otherwise disposed of. The bill also provides for time limited asset-freezing orders in aid of the Proceeds of Crime Act—as, again by way of analogy, with civil injunctions. These apply for three days and are directed to accounts held by financial institutions.

Schedule 2 amends the regime applicable to non-conviction based orders. Currently there is a limitation period that precludes confiscation if offences are not detected until more than six years after the offence was committed. The review recommended extension of the limitation period to 12 years, but the bill proposes removing this time limit altogether. Amendments are also proposed to ease the recovery of legal costs by legal aid commissions from restrained assets.

Secondly, the bills deal with controlled operations, assumed identities and witness identity protection. The bills propose amendments to the Crimes Act 1914 in response to the High Court’s decision in Gedeon v the Commissioner of the New South Wales Crime Commission in 2008, which placed in doubt the protection of participants in a controlled operation. A ‘controlled operation’ is one in which undercover law enforcement officers are authorised to do certain things that would otherwise be illegal in order to obtain evidence of a serious offence. The amendments to the assumed identities regime will introduce mutual recognition provisions to permit undercover officers lawfully to obtain identity documents in other jurisdictions. The witness identity protection scheme applicable to undercover officers will enable certificates issued in one
jurisdiction to be recognised in other jurisdictions.

Thirdly, the bills cover telecommunications interception and criminal organisations. The bills propose to amend the Telecommunications (Interception and Access) Act 1979 to include in the definition of ‘serious offence’ associating with, contributing to, aiding and conspiring with a criminal organisation or a member of that organisation for the purpose of supporting the commission of prescribed offences. The prescribed offences are the recently introduced state and territory offences commonly known as the bikie laws. Telecommunications interception will be made available to state and territory law enforcement agencies for investigation of these offences.

The provisions of the bills relating to undercover operations and joint commission of offences make relatively technical amendments. However, the provisions relating to unexplained wealth do raise significant civil liberties concerns and have generated substantial criticism. The unexplained wealth provisions are invasive. These bills have been placed under close scrutiny to ensure that adequate safeguards exist and that the arguments in favour of the proposals are properly articulated and justified. I can tell the Senate that the bills were considered by the shadow cabinet no fewer than three times and by the coalition party room on no fewer than three occasions, so concerned were we to ensure that the government got the balance right between effective law enforcement and empowering law enforcement agencies with sufficient apparatus to deal with serious and organised crime in the more sophisticated culture of the early 21st century on the one hand and protecting the citizen from invasive and arbitrary exercises of policing power on the other hand.

The Crimes Legislation Amendment (Serious and Organised Crime) Bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee, which delivered its report on 17 September. The evidence to the committee included detailed submissions from the Law Council of Australia and all of the principal Commonwealth law enforcement and prosecution agencies. Significant concerns were expressed in particular about the unexplained wealth provisions by the Law Council, Civil Liberties Australia and members of the committee across party lines. Particular concerns were that an unexplained wealth order was mandatory rather than discretionary, which is in the initial draft of the bill; that the only link to any wrongdoing was an authorised officer’s suspicion that a person’s wealth was linked to a Commonwealth offence, a state offence with a federal aspect or a foreign offence; and that the safeguards against abuse of these powers were very limited.

The committee recommended extensive amendments to the bill. The most important of the committee’s recommendations were as follows. Firstly, a court should have a discretion to refuse to make an unexplained wealth order. In the initial iteration of the bill there was no discretion and, upon the court being satisfied as to certain stated criteria, the making of such an audit was mandatory. Secondly, the grounds upon which an officer suspects that a person’s wealth exceeds his or her lawfully acquired wealth must be specified in any supporting affidavit—a safeguard that was absent from the initial iteration of the bill. Thirdly, in relation to the joint commission of offences, there should be safeguards where an accused person terminated his or her participation and took reasonable steps to prevent the commission of an offence. The government has circulated amendments which purport to give effect to some of these recommendations. However,
the coalition does not believe that those amendments are adequate. The sole ground for the exercise of any discretion by a judge to make an unexplained wealth order, as the bill stands at present, is that it is not in the public interest to do so.

Despite the coalition’s heartfelt support for measures designed to combat organised crime and the fact that these measures will undoubtedly assist our law enforcement agencies in that vital task, there is still a real risk that these laws could be open to abuse if not amended. In the course of consultations on the bill, we have had many examples of the great benefit the measures would have in the investigation of the kingpins of organised crime. That is not in dispute. We could hear many more examples and we would agree in each case that unexplained wealth orders would be extremely useful. What we need to hear is what would happen if the innocent were caught up in the process by an over-zealous prosecutor. These things can happen. Those of us who have practised law, as I did for many years, have seen them happen. We live in a society where the right to privacy is respected and where ordinary people have the right to live their lives without explaining their lifestyle to the authorities or anyone else, or having their assets frozen or confiscated on nothing more than an officer’s suspicion. This is a society which operates on the rule of law. We on the coalition side will ensure that the rule of law is respected. Organised crime must and will be brought to heel, but it must not be done at the cost of ruining innocent lives.

We are confident that the appropriate balance can be struck. The government amendments are a welcome start. The coalition has further amendments. I am pleased to say that I had a very useful meeting with the Attorney-General, Mr McClelland, and I want to take this opportunity to thank him for his courtesy and the spirit of cooperation with which he dealt with the coalition. The coalition’s amendments, which I foreshadow, are directed to ensuring that the court has a discretion in relation to any unexplained wealth application. This is the single most important safeguard against abuse. In November, in the case of International Finance Trust Company Ltd & Anor v New South Wales Crime Commission & Ors, the High Court struck down the provisions of the New South Wales Criminal Assets Recovery Act, in part because the act provided no discretion in relation to orders similar to those we are considering here. The High Court’s decision in the IFT case illustrates, as well as one could imagine, the importance of ensuring that there are safeguards in this legislation, not merely to protect the rights of the innocent but also to ensure that the legislation is efficacious in its objective of combating serious organised crime. Further amendments will provide for cost orders and undertakings as to damages as a deterrent against bringing ill-founded applications or applications for insufficient reason.

The regime introduced by this bill will be expressly subject to the supervision of the Parliamentary Joint Committee on the Australian Crime Commission. I understand that the government will not oppose these amendments, and I thank them for taking that course. In addition, I will propose amendments that would permit a court to quarantine assets from the scope of an unexplained wealth order or a restraining order so that the respondents can meet reasonable legal costs of resisting an application. The regime proposed by the government would permit only legal aid representation if an order left insufficient funds to pay for the lawyer of a respondent’s choice. I appreciate that the amendments which I am foreshadowing differ from that regime, which is also applicable to general proceeds of crime matters. However, in the coalition’s view, unex-
plained wealth applications are very materially different in that no specific crime needs to be alleged. Let me emphasise that point: for a person to be subject to an order under this legislation, no specific crime needs to be alleged. That is why the coalition, while of course supporting the sentiment and objective of the bill, approaches the issue of safeguards with particular caution. In these circumstances, where a person is compelled to explain their financial affairs on pain of forfeiture, justice demands that appropriate legal assistance be reasonably available. Subject to those matters, on which I will speak further at the committee stage, the coalition supports the bill.

I will say a word now about the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009. This bill contains a large number of amendments covering proceeds of crime, search warrants, witness protection, criminal association, money laundering, Australian Crime Commission powers, bribery and drug trafficking. Time will not permit me to discuss these in any detail at this stage of the debate. A significant number of the proposed amendments have their genesis in reports commissioned by the previous government and have the coalition’s support.

However, certain provisions do raise misgivings. For example, as the bill is drafted, the fact that an impugned relationship is that of lawyer and client is only a defence to a criminal association charge in limited circumstances. That is clearly oppressive. There is also provision for the operation of electronic equipment to obtain access to data on premises entered under a warrant, whether or not the officers suspect that the data contains evidential material. Perhaps most importantly, the offence of criminal association in support of serious organised criminal activity may include facilitating an offence by another person without any intention of doing so, so that the requirement of subjective guilt is absent from the offence.

This bill was considered by the Senate Legal and Constitutional Affairs Legislation Committee in its report of 16 November last year. The committee identified certain matters that required amendment, including those to which I have referred. I am pleased to observe that the government has adopted a number of the committee’s recommendations. The coalition will therefore support the government amendments in the committee stage. However, as the Liberal senators on the Legal and Constitutional Affairs Legislation Committee pointed out, the amendments proposed by these bills ‘ought to be viewed as being at the outer limits of the powers the parliament will countenance for law enforcement agencies’.

The coalition is acutely conscious of the very real danger posed to our society by organised crime. The relevant agencies are convinced that these powers are necessary to tackle that threat. That may well be the case. Coalition senators will be watching carefully, including through close scrutiny at estimates, to ascertain whether that concern is verified in practice so as to justify the unprecedented expansions of police power which this legislation prescribes.

**Senator LUDLAM** (Western Australia)  
(11.30 am)—I rise to add some comments to those of Senator Brandis on the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009. I listened to his speech with interest and find that the Greens share many of the concerns that the shadow Attorney-General has just expressed. The Australian Crime Commission estimates that organised crime costs Australia in excess of $10 billion every year, placing an enormous burden on our economy and community. Those
raw numbers expressed as financial resources go no way towards hinting at the extraordinary human and social cost of organised crime in this country. We share the concern of all parties in this parliament that organised crime should be pursued to the best of our resources and expertise.

We must therefore continually investigate and debate new approaches to combating organised crime. We know that these organisations and networks are continually evolving in line with developments in technology and communications. Our law enforcement agencies must obviously be equipped to respond to these developments and, as such, law reform is warranted to take an adaptive approach to the evolution of criminal networks.

Of course, the severity of organised crime does not warrant undue encroachment on judicial discretion or on fundamental legal principles such as the presumption of innocence, the right to silence and the onus of proof. Nor does the severity of organised crime justify inadequate consultation and rushed reform. Instead, the seriousness of organised crime should provoke model reform practice like that which led to the initial drafting of the Criminal Code.

As everybody in here would agree, we need to strike the right balance. It is just a matter of to what degree we agree on whether that balance has been struck. The fundamental importance of our criminal law principles and the threat of organised crime require adequate debate and consideration by the parliament and indeed in the broader community.

The scope of the reform proposed in this legislation is too broad to be adequately dealt with in a single bill. That is why there is not one but two very complex, detailed and extremely long omnibus bills. They make amendments collectively to the Crimes Act 1914, the Criminal Code Act 1995, the Customs Act 1901, the Family Law Act 1975, the Proceeds of Crime Act 2002 and the Telecommunications (Interception and Access) Act 1979. There is nothing really that collectively binds this legislation together. It is a loose umbrella grouping of a range of unrelated provisions within the undefined rhetoric of ‘organised crime’.

The proposed amendments alter the core of Commonwealth criminal law and criminal responsibility. In my view, quite inadequate justification has been given for why some of these reforms are needed and why the current law is inadequate. Obviously, with a range of provisions like this coming before the Senate, some of these amendments are technical, some of them are entirely appropriate and innocuous and some of them make good sense. Those are not the ones that I will be concentrating on this afternoon.

The importance of the Senate committee process was demonstrated with the referral of the bill to the Legal and Constitutional Affairs Legislation Committee. We received 13 submissions from diverse groups and we held a public hearing in Melbourne. In our final report, the committee made 13 recommendations. It is disappointing to see the continuation of what is emerging as fairly common practice, in that the government has cherry-picked recommendations of the committee. It has taken up some of them — and we see some of them as amendments today — and it has ignored some of the others.

Since the committee process, the government has introduced 64 amendments to the bill. Some of these are very substantial amendments that require attention and review. A handful of the amendments that the government has brought forward do relate to the work of the committee. Many of them come completely out of left field. The com-
mittee has not had time to review them, and now the Senate will be considering and debating these extremely complex provisions that came out of the blue without being subject to the dignity of review by the Legal and Constitutional Affairs Legislation Committee. This has left several key recommendations of the committee completely unaddressed.

I will speak briefly to some of our particular concerns. We welcome supplementary amendments (27) and (28), which require the authorising agency of a controlled operation to provide additional information in its reports to the Ombudsman and to the responsible minister. That is a sensible transparency measure which we support. However, these amendments ignore recommendation 6 in the committee report. This would have required the principal law enforcement officer with respect to a controlled operation to make a report to the chief officer of the law enforcement agency within two months of the completion of the operation. This has not been taken up. This additional reporting requirement would have been an important safeguard and would have better reflected the fact that police corruption is a real issue—it does exist in this country—particularly where controlled operations involve law enforcement officers dealing with illicit drugs or large amounts of money.

The government has also ignored recommendation 10 of the committee’s report, which responds to the joint commission of an offence. Senator Brandis raised this, and it is one of the most important and gravest concerns that we have expressed about this legislation. The committee recommended that an individual not be liable for the joint commission of an offence provided that they have terminated their involvement in the agreement and taken reasonable steps to prevent the commission of the offence. A key part of our concern is that schedule 4, part 1, of the bill, the ‘Joint commission’ chapter, alters chapter 2 of the Commonwealth Criminal Code. This bill therefore alters criminal responsibility at the Commonwealth level, which has flow-on effects for every offence in the Criminal Code, not simply matters limited to organised crime.

These provisions have extremely far-reaching consequences for how the code will be used and interpreted from this day forward across the entire range of offences contained in the code. This is a fundamental alteration of the Criminal Code. It requires further consultation. The government is well aware of the range of highly reputable expert organisations that submitted their concerns on the way through the committee process and outside that process. The proposed amendments go beyond the common-law interpretation of ‘joint criminal enterprise’ and, as such, the significance of these amendments should not be dismissed. I suspect, as we see this debate go forward, that the concerns of those organisations will be dismissed by the government. They are concerns that the government ignores at its peril.

With regard to the threshold for obtaining a preliminary unexplained wealth order, the bill proposes that the court must simply be satisfied that the authorised officer has reasonable grounds to suspect the person has unexplained wealth. It has been suggested that this threshold be raised to ‘reasonable grounds to believe’. This is a strong recommendation, given that the person subject to the order has the burden of proving that his or her wealth was not derived from criminal activity. The supplementary explanatory memorandum states the amendments respond not only to the committee report but to ‘issues identified as a result of ongoing discussions between the Attorney-General’s Department and portfolio agencies’. The parliament is not privy to those discussions that go on behind closed doors and neither is the
Legal and Constitutional Affairs Committee nor the community. So many of those amendments have not been through any process of review, and we are now confronting them for the first time.

We have seen a pattern of the Rudd government—and it probably is a holdover from past governments—where on the really difficult issues, whether they be organised crime networks, international terrorism or issues that we will confront when we debate the Crimes Amendment (Working With Children—Criminal History) Bill, there has been a disturbing trend towards the almost casual erosion of fundamental principles of the rule of law. It is the work of this parliament and the work of law reform agencies to confront those difficult issues without necessarily eroding the principles of the rule of law. I foreshadow support for the opposition amendments. The Greens do not believe that they go far enough, but they have been thought through and I do believe they go some way to addressing some of the concerns we have raised here. As the debate progresses, I just indicate that we will be supporting those opposition amendments. Lastly, I would like to thank the Attorney-General and his staff for briefing us in late 2009. That was greatly appreciated and I look forward to the conclusion of the debate.

Senator XENOPHON (South Australia) (11.39 am)—Organised crime is becoming more and more difficult to detect as crime bosses learn and find new ways to outsmart the law. Over 200 years ago Edmund Burke, the great English philosopher and statesman, said, ‘The only thing necessary for the triumph of evil over good is for good men to do nothing.’ The Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009 do something, and I indicate my support for them. During my time in the South Australian parliament I was regularly approached by police officers who were frustrated because South Australia’s weak asset confiscation laws were allowing too many criminals to get away with profiting from their crimes.

As far back as June 2007 I called for the South Australian government to get on its bike and to move for asset confiscation laws that were closer to the Western Australian and Northern Territory legislation, which would make it easier for unexplained wealth declarations to be made. Effectively, this is what the government is doing. I note your role, Mr Acting Deputy President Hutchins, in the fine work that your committee, the Joint Committee on the Australian Crime Commission, did in analysing and robustly looking at these proposals. I note at the time, back in June 2007, I was supported in this by the now opposition leader in South Australia, Isabel Redmond, who joined me in a media conference calling for reforms. It is good to see that the South Australian government has recently moved to reform the law on this.

I think it is important in dealing with organised crime that these laws are not only enacted but enforced. I do note with interest that in a report in the Australian last Monday the AFP will be reorganising a push to fight organised crime. One of the concerns that has been expressed is that AFP resources have been diverted as a result of the emphasis on the fight against terrorism, which is entirely appropriate, but it is clear there have not been the resources to fight organised crime. Unexplained wealth declarations are an important tool and an important weapon to attack organised crime in this country.

These bills also grant the police power to seek unexplained wealth orders based on reasonable suspicion. Some would argue that, when it comes to dealing with organised crime, it is as big a problem and as big a
threat to the community as terrorism. In fact, it is more of a real and present threat when you consider the pernicious effect of some of these organised crime gangs, the outlaw motorcycle gangs and those that deal in illicit drugs, particularly crystal methamphetamine and heroíne, and the way they can hide their wealth and get away with what they do.

I am pleased to see that the government has addressed the concerns from the Senate Legal and Constitutional Affairs Committee in this area by stating that an officer must include his or her reasonable suspicion in an affidavit. Reasonable suspicion allows police to obtain an unexplained wealth order against someone who may not be obviously involved in criminal activity but who is reasonably expected to be. This will cover, for example, major crime figures who leave no trace of their criminal involvement but who, through their associations or actions, can reasonably be linked to illegal activity.

The committee’s recommendations also included that the courts should have the discretion to revoke or refuse a preliminary unexplained wealth order if it is in the public interest to do so. I am pleased to see that the government has also included this recommendation because, while it is necessary for police officers to have the option of using the orders, it is equally necessary to ensure that they are not abused.

I note the comments of Senator Ludlam expressing his reservations and the reservations of the Greens about corrupt police officers. I think what Senator Ludlam says is important in the context of ensuring that, given the enormous amounts of money involved and given the potential for corruption, we have effective controls to monitor corruption and it is weeded out in our law enforcement agencies. I do not think that in itself is a reason not to ensure that we go down this path in respect of unexplained wealth orders. Senator Ludlam is right in the sense that, if you have legislation such as this, it is important that we also have strong measures in place to deal with the issue of the potential for police corruption and the actuality of it occurring. I know that in my home state many years ago the former head of the South Australian drug squad spent a considerable period of time in jail—some would say not enough—for trafficking in heroin and behaving corruptly.

I believe the freezing orders included in these bills are another important tool for investigators. The shortened application process is important when it is likely that a suspect will move or transfer the funds or other proceeds of their crimes. These bills also allow property that is either used or intended to be used in a crime to be confiscated and used as evidence. It is important to note that property from indictable offences can only be confiscated after a person is convicted.

I support these changes but I believe that we may need to go further, depending on how effective they are. I appreciate the contribution of the shadow Attorney-General in relation to this. I would like to put these questions on notice to the government. Perhaps they can be dealt with in the committee stage or be put on notice. What is the government proposing to do in the context of monitoring the effectiveness of this legislation? To what extent does this legislation differ from legislation overseas in relation to unexplained wealth orders and in its effectiveness in dealing with organised crime? When does the government propose to report back to the parliament? Does it have any proposed reporting mechanisms to look at the efficacy of this legislation?

Essentially, the question is: are we doing everything possible to deal with unexplained wealth in the most effective way possible, taking into account the concerns expressed
by the committee, and are we doing it in a way that will actually make significant inroads into unexplained wealth declarations? Unless this is an effective law, we will continue to see organised crime syndicates. The outlaw motorcycle gangs will continue to prosper and continue to have their corrosive and destructive influence on society.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (11.46 am)—Serious and organised crime costs Australia more than $10 billion a year. Serious and organised crime also undermines the safety and security of all Australians. Everyone here would remember clearly the horrific incident at Sydney airport last year, when two motorcycle gangs had a violent brawl and a man was bashed to death. This violence took place in front of innocent bystanders, with many women and children caught up only metres from the violence and only a few steps away from where the bikie member was killed. If ever the government needed a wake-up call that it was losing its grip on the fight against organised crime then that violent brawl in Sydney airport was it. Family First believes that outlaw motorcycle gangs are serious criminal organisations; to believe otherwise is a dangerous misconception. Outlaw motorcycle gangs are a major player in serious and organised crime in Australia, particularly in the illegal drug trade, but the Rudd government has decided to go soft on outlaw motorcycle gangs as it refuses to act on anti-association laws and/or laws aimed specifically at dismantling organised crime groups. Family First strongly believes that anti-association laws and/or laws specifically aimed at dismantling organised crime groups are a crucial element of legislative arrangements to control organised crime groups involved in serious and organised crime.

Internationally, laws targeting criminal associations have been used with great effect. In Italy anti-association laws in conjunction with unexplained wealth provisions have been pivotal in prosecuting major figures in the Mafia. In the United States the Racketeer Influenced and Corrupt Organizations Act, the RICO Act, has been used effectively to prosecute major figures in organised crime, including the heads of the Gambino and Genovese crime families and their known associates. In Canada the Royal Canadian Mounted Police used very effectively laws targeting specific offences for participating with a criminal organisation in order to control outlaw motorcycle gangs, in particular the Hells Angels. In Hong Kong anti-association laws were used with great effect against the triads.

Whether the Prime Minister likes it or not, organised crime is a national issue that does not recognise state boundaries, but instead of dealing with this very real problem the Rudd government has left it up to the states. The Serious and Organised Crime (Control) Act 2008 in South Australia includes anti-association provisions, as does the Crime (Criminal Organisations Control) Act 2009 in New South Wales, and the Queensland government has signalled its intention to implement similar anti-association laws. The Rudd government has missed a good opportunity to tackle organised crime groups. Family First strongly supports national anti-association laws that would target known criminal associates involved in organised crime. For too long, the police have been fighting with one hand tied behind their backs because of outdated laws that do not give them enough power to take these violent criminals off our streets and put them into the jails where they belong. Australians want to feel safe and secure when they leave their homes and go outside. They do not want to feel like they could be walking to the next crime scene, as we saw at Sydney airport.
Australians must not be terrorised by outlaw gangs that refuse to operate within the boundaries of our society. The two bills before us today, the Crimes Legislation Amendment (Serious and Organised Crime) Bill and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2), are an important step in the right direction and finally deliver national unexplained wealth laws in Australia, which Family First strongly supports. Family First believes that both anti-association laws and unexplained wealth provisions are necessary in targeting serious and organised crime.

Organised crime does not just include outlaw bikie gangs; it includes other sophisticated groups that engage in criminal activity and cost this country billions of dollars each year. As I said, the Australian Crime Commission estimates organised crime costs Australia more than $10 billion a year. That is $10 billion dollars this country is losing because of criminals who believe that, unlike all other Australians, they do not have to play by the rules. That is $10 billion dollars that could be spent on improving our health system, on securing our water supplies or on investing in the education system. We are not talking about some petty thieves here. These are well organised criminals who engage in all sorts of activities: drug trafficking, money laundering, identity theft and cybercrime. These are people who have no respect for the law and who inflict substantial harm on our community.

As a kid growing up in Reservoir I saw a lot of things, but the one thing that riled me the most was seeing people not playing by the rules and taking advantage of those weaker than themselves. That is why I made a point of becoming a full member of the Parliamentary Joint Committee on the Australian Crime Commission and the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity. I see how serious organised crime is like a social cancer that undermines the safety and security of all Australians.

The bills that we are debating contain a number of important measures, particularly those regarding unexplained wealth. The laws about unexplained wealth should be pretty simple and easy to understand. If you are involved in or connected to crime and you have unexplained wealth then you cannot keep it. I think that is a very good message. Of course, some people will be concerned about how unexplained wealth laws are against people’s civil liberties, but I do not see that as a problem. Unexplained wealth laws are straightforward and simple. If you have not done anything wrong then you have got nothing to worry about. There are serious criminals out there making millions of dollars from illegal activities, and some of them flash it around with fancy cars and fancy houses. It is outrageous. There are idiots out there, and some people are concerned about their civil liberties—what a joke! Who are these people trying to protect? Sometimes I think people forget which side they are supposed to be on.

Family First supports measures to crack down on unexplained wealth because this is another powerful weapon that the police can use to stop organised crime happening in Australia. Family First believes that both anti-association laws and unexplained wealth provisions are necessary and vital in targeting serious and organised crime in Australia and also in making sure that Australians are safe and secure. I believe that most Australians would be pretty peeved with the Rudd government if they knew that the government did not have the guts to introduce national anti-association laws when it had the chance to do so at this time.

Senator WONG (South Australia—Minister for Climate Change and Water)
I thank all senators for their contributions to the debate on the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009. I note also that the opposition, through Senator Brandis, has indicated the coalition’s support for the bills, and I thank the opposition for taking that view.

There were some issues raised in the debate that we may deal with in more detail in committee, but I did want to briefly respond to some of them now. In relation to some comments made by Senator Brandis in which he raised the issue of appropriate safeguards for unexplained wealth orders, the government believes that it has included checks and balances that ensure that these measures operate safely. There is a gatekeeping requirement to trigger the application of the provisions, and a preliminary unexplained wealth order cannot be made unless law enforcement agencies satisfy the court that there are reasonable grounds to suspect that a person’s total wealth exceeds the value of lawful earnings. I am also advised that there are potentially some amendments from the opposition on this matter, and I understand there have been satisfactory negotiations on that point.

Senator Ludlam raised concerns about the consultation on and time for consideration of the bills. I would make the point that these bills were introduced into the parliament last year, in June and September. The parliament has had some months to consider each of them and the Senate committee has also inquired into and reported on the bills. Public hearings were held in the context of these hearings, and the government has given careful consideration to all of the recommendations of the committee. The senator also raised the concern that the joint commission provisions go further than the common law. The government’s view is that the provisions are consistent with the common law and ensure that the Commonwealth Criminal Code reflects that common law.

The senator also questioned why the government will not be implementing one of the recommendations of the Senate Legal and Constitutional Affairs Legislation Committee, namely recommendation 6, in which the committee recommended that principal law enforcement officers be required to report to the chief officer on each operation within two months of its completion. I am advised that these reports would largely duplicate information, recording and reporting requirements set out under other provisions. For example, details about the nature and quantity of illicit goods and the route through which they are passed are already required of both chief officers’ reports and the general register. To address the Senate committee’s concerns, the amendments will ensure law enforcement agencies are required to include information about the controlled conduct engaged in, the outcomes of each operation and both chief officers’ reports and the general register. The government has also made amendments in the other place to require additional reporting to be undertaken if an operation involves narcotic goods.

This government takes very seriously its responsibility for ensuring a safe and more secure Australia. These bills are a significant step toward that goal. As senators know, organised crime inflicts substantial harm on our community as well as on business and government. Organised crime networks are extensive, entrepreneurial and adaptive. They are involved in a range of criminal activities, from illicit drug trafficking and money laundering to identity theft and cybercrime. The increasingly aggressive nature of organised crime requires a more aggressive response. It is important that there are strong laws in place to combat this national security threat.
Passage of these bills will represent a significant advance in the tools available to fight serious and organised crime. The bills implement resolutions agreed by the Standing Committee of Attorneys-General in April and August of last year for a comprehensive national response to organised crime. At that meeting, Commonwealth, state and territory governments committed to decisive action to address the threat of organised crime and to ensure that there were no safe havens in Australia for organised criminal groups. These bills also deliver on the Prime Minister’s assurance in his inaugural National Security Statement, delivered at the end of 2008, that the government would act to address the threat posed by organised criminal activity by further strengthening the laws necessary to combat organised crime.

There is a range of government amendments which will be moved in the committee debate and I propose to address them at that stage. They are amendments that are designed to clarify and ensure that the provisions in the bill and existing legislation operate as intended, as well as more substantive amendments. The measures in both the bills as amended represent another significant step as part of a coordinated national effort to more effectively prevent, investigate and prosecute organised crime activities in this country and to improve laws that target the proceeds of organised crime groups. Both sets of reforms are an important part of the government’s commitment to keeping Australia safe and secure, and I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

In Committee

Senator WONG (South Australia—Minister for Climate Change and Water) (12.01 pm)—I table a replacement explanatory memorandum relating to the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009. I also table two supplementary explanatory memoranda relating to government amendments to be moved to these bills. The memoranda were circulated in the chamber on 25 November 2009 and 3 February 2010.

The CHAIRMAN (12.03 pm)—I wish to make the following statement. Government amendment (3) on sheet AF230 has been circulated as a request for the reasons given in the circulated statements. The amendment would enable payments to be made out of the confiscated assets account to a broader class of persons than may currently make claims. The confiscated assets account established under the Proceeds of Crime Act 2002 is a special account under section 21 of the Financial Management and Accountability Act 1997. Recovered proceeds of crime are paid into the account and payments from it may not exceed amounts paid into it by the affected person. The amendment would allow dependants of the affected person to make claims on the money, but payments are made only if a court orders them. The possible effect on the appropriation is therefore only indirect.

In the past, the Senate has regarded only a very direct effect on an appropriation as an increase in a charge or burden on the people within the meaning of section 3 of the Constitution. It is also apparent that the amendment will not increase the total amount of money available to be paid to claimants. The precedents of the Senate do not support the amendment being moved as a request and, therefore, it will be treated as an amendment. With the concurrence of the committee, the statement of reasons in relation to this matter will be incorporated in Hansard. There being no objection, it is so ordered.

The document read as follows—
Parliamentary Counsel

Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009

Statement of reasons: why certain amendments should be moved as requests

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation
53. Proposed laws appropriating revenue or monies, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or monies, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or monies for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Amendment (3)

The effect of this amendment is to extend the purposes in respect of which money may be debited from a special account. This may increase the amount that may be paid from the Confiscated Assets Account established by section 295 of the Proceeds of Crime Act 2002, with those payments being made out of the Consolidated Revenue Fund under the standing appropriation in section 21 of the Financial Management and Accountability Act 1997.

It is covered by section 53 because:

(a) laws which cause money to be expended out of a standing appropriation are a charge or burden on the people (within the meaning of the third paragraph of section 53); and

(b) it is likely that the amendment will have the effect of increasing the amount that may be paid out of a standing appropriation and therefore of increasing such a proposed charge or burden, which is prevented by the third paragraph of section 53.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000

Amendment (3)

This amendment provides for compensation payments to be made to eligible dependants of persons subject to unexplained wealth orders. These payments would be made from the Confiscated Assets Account (CAA) established by the Proceeds of Crime Act 2002. The CAA is a special account by virtue of section 21 of the Financial Management and Accountability Act 1997. All proceeds recovered under the Proceeds of Crime Act 2002 are paid into the CAA.

Although this amendment enables payments to be made to a broader class of people (the dependants), there is no increased appropriation required from the CAA. Dependants can only claim an amount equal to or less than that paid by the person subject to the unexplained wealth order and held in the CAA.

Further, a dependant must make application for a court order when making a claim of compensation. The court then orders the Commonwealth to make the required compensation payment from the CAA.

The Senate has long held the view that only a very direct effect on an appropriation is regarded as an increase in a charge or burden (Odgers' Australian Senate Practice, 12th edition, p. 297). Possible expenditure from the CAA on the basis of possible court orders in response to applications by dependants does not meet the test of directness. In any case, nothing in the amendment would have the effect of increasing the total amount available under the appropriation (which is limited by the amount of proceeds recovered).

Amending a bill to change the allocation of proposed expenditure and the purposes for which money is to be appropriated has long been considered to be within the power of the Senate, provided that the total proposed (or available) expenditure is not increased. Moreover, it could be
argued that, given that the appropriation is ‘self-funded’ from the proceeds of crime, there is indeed no actual charge or burden on the people. For these reasons the amendments would not be regarded as requests under the precedents of the Senate.

**CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL 2009**

Bill—by leave—taken as a whole.

**Senator WONG** (South Australia—Minister for Climate Change and Water) (12.03 pm)—by leave—I move government amendments (1) to (6) on sheet AF236 together:

1. Clause 2, page 2 (table item 5), omit “Part 6”, substitute “Parts 6 and 7”.
2. Schedule 1, item 13, page 9 (line 32), omit “so.”, substitute “so; or”.
3. Schedule 1, item 13, page 9 (after line 32), at the end of subsection 179C(5), add:
   (c) it is otherwise in the interests of justice to do so.
4. Schedule 2, item 3, page 31 (lines 7 to 17), omit section 15J, substitute:

**15J Service of freezing order etc. on financial institution and account-holder**

1. If a magistrate makes a "freezing order relating to an "account with a "financial institution, the applicant for the order must cause the things described in subsection (2) to be given to:
   (a) the financial institution; and
   (b) each person in whose name the account is held.
2. The things are as follows:
   (a) a copy of the order (or of a form of the order under section 15E);
   (b) a written statement of the name and contact details of the "enforcement agency mentioned in the paragraph of the definition of authorised officer in section 338 that describes the applicant.

**Note:** If the copy of the order is given to the financial institution after the end of the first working day after the order is made, the order does not come into force: see subsection 15N(1).

5. Schedule 2, item 3, page 34 (after line 27), at the end of Part 2-1A, add:

**Division 6—Revoking freezing orders**

**15R Application to revoke a freezing order**

1. A person may apply to a magistrate to revoke a "freezing order.
2. The applicant for the revocation must give written notice of the application and the grounds on which the revocation is sought to the "enforcement agency mentioned in the paragraph of the definition of authorised officer in section 338 that describes the "authorised officer who applied for the "freezing order.
3. One or more of the following may adduce additional material to the magistrate relating to the application to revoke the "freezing order:
   (a) the "authorised officer who applied for the freezing order;
   (b) the authorised officer whose affidavit supported the application for the freezing order;
   (c) another authorised officer described in the paragraph of the definition of authorised officer in section 338 that describes the authorised officer mentioned in paragraph (a) or (b) of this subsection.
4. The magistrate may revoke the "freezing order if satisfied that it is in the interests of justice to do so.

**15S Notice of revocation of a freezing order**

1. If a "freezing order relating to an "account with a "financial institution is revoked under section 15R, an "auth-
orised officer (the notifying officer) described in the paragraph of the definition of authorised officer in section 338 that describes the authorised officer who applied for the freezing order must cause written notice of the revocation to be given to:

(a) the financial institution; and
(b) each person in whose name the account is held.

(2) However, the notifying officer need not give notice to the applicant for the revocation.

(3) Subsection (1) does not require more than one authorised officer to cause notice of the revocation to be given.

(6) Schedule 2, page 51 (after line 19), at the end of the Schedule, add:

Part 7—Other amendments

Proceeds of Crime Act 2002

106 Subsection 42(5)

Repeal the subsection, substitute:

(5) The court may revoke the *restraining order if satisfied that:

(a) there are no grounds on which to make the order at the time of considering the application to revoke the order; or
(b) it is otherwise in the interests of justice to do so.

107 Application and transitional

(1) The amendment of section 42 of the Proceeds of Crime Act 2002 made by this Part applies in relation to the revocation of a restraining order on or after commencement, whether the application for that revocation was made before, on or after commencement.

(2) If an application under section 42 of the Proceeds of Crime Act 2002 for the revocation of a restraining order has been made but not determined as at commencement:

(a) the applicant may vary the application to take account of paragraph 42(5)(b) of the Proceeds of Crime Act 2002 as in force at commencement; and
(b) if the application is varied under paragraph (a) of this subitem—the applicant must give a copy of the application as varied, and written notice of any additional grounds that he or she proposes to rely on in seeking that revocation, to the DPP and the Official Trustee;
(c) the DPP may adduce additional material to the court relating to those additional grounds.

(3) In this item:

commencement means the commencement of this item.

The amendments insert further safeguards that enable a person affected by a preliminary unexplained wealth order, restraining order or freezing order to apply for revocation on the grounds that it would be in the interests of justice to revoke the order. The amendments respond to the High Court’s decision in International Finance Trust Co. Ltd v New South Wales Crime Commission 2009.

Amendment (1) is a minor amendment required to clarify that parts 6 and 7 of the bill will commence on the day after royal assent. This is necessary because amendment (6) introduces part 7. I will come to that issue again shortly. Amendment (2) is a minor amendment to proposed paragraph 179C(5)(b), which deals with applications to revoke a preliminary unexplained wealth order. It adds the word ‘or’ to the end of the paragraph to allow for the inclusion of an additional ground for revoking a preliminary unexplained wealth order to be inserted. Amendment (3) adds an additional ground. The court may revoke the order if it is in the interests of justice to do so. It inserts the ad-
ditional ground on which the court may grant revocation of a preliminary unexplained wealth order. Currently, the proposed paragraph 179C(5)(b) states that a court may revoke such an order on application if it is satisfied that there are no grounds on which to make the order at the time of considering the application to revoke the order or it is in the public interest to do so.

Amendment (4) finetunes the service requirements set out in proposed section 15J that apply to freezing orders to ensure that financial institutions and account holders are notified that a freezing order has been made. The new section states that if a magistrate makes a freezing order the authorised officer that applied for that order must provide a range of things to the financial institution and to each account holder. These include a copy of the freezing order and a written statement of the name and contact details of the enforcement agency with which the officer that applied for the said order is associated as defined under the Proceeds of Crime Act.

Amendment (5) inserts a new division 6 to enable a person to apply to have a freezing order revoked and sets out the process for doing so. Amendment (5) allows a court to revoke a freezing order if it is in the interests of justice to do so. This will ensure that a court that is hearing a revocation application can have regard to matters relevant to the administration of justice.

Amendment (6) repeals existing section 42(5) of the Proceeds Of Crime Act 2002, which sets out the current test for revoking a restraining order and replaces it with a new section setting out a broader test for revoking a restraining order. Under the current test, such an order can only be revoked if the court is satisfied there are no grounds on which to make the order. Under this new section, the court will be able to revoke a restraining order if it is satisfied that there is no basis on which to make the order at the time the revocation application is to be considered or if it is satisfied it is otherwise in the interests of justice to do so. Amendment (6) also provides application and transitional provisions which will allow all people to access the new expanded grounds for revocation, regardless of whether the application was made before, on or after commencement.

Senator BRANDIS (Queensland) (12.07 pm)—The opposition supports these amendments. Some of them are of a technical character. The expansion of the grounds for the revocation of unexplained wealth orders are, however, of a more substantive character and they reflect the outcome of the discussions between the Attorney-General and me. The opposition thanks the government for taking into account the opposition’s concerns in this regard. As I have indicated, the opposition will support the amendments.

Question agreed to.

Senator BRANDIS (Queensland) (12.08 pm)—I foreshadow opposition amendment (1) on sheet 6018 revised:

(1) Schedule 1, item 5, page 3 (line 23), omit “must”, substitute “may”.

Opposition amendment (1) would substitute for the word ‘must’ the word ‘may’ in what would be section 20A of the act. As the bill currently stands, the scheme of the act would be to deny a court with proceeds jurisdiction—that is, the jurisdiction to make an unexplained wealth order—any discretion to refuse to do so, so long as the conditions set out in subsection (1) are satisfied. Those conditions, and there are five of them in subsections (c) through to (g), are of an essentially formal character. By subsection (c) it is required that:

the DPP applies for the order—
That is a procedural issue only. Subsection (d) reads:

(d) that there are reasonable grounds to suspect that a person’s total wealth exceeds the value of the person’s wealth that was lawfully acquired …

I will come back to (d), which is a substantive matter. Subsection (e) reads:

(e) that affidavit requirements in subsection (3) … have been met …

That is a formal matter of proof. Subsection (f) reads:

(f) the court is satisfied that the authorised officer who made the affidavit holds the suspicion or suspicions stated in the affidavit on reasonable grounds …

That is a threshold requirement, and subsection (g) reads:

(g) there are reasonable grounds to suspect either or both of the following:

(i) that the person has committed an offence against a law of the Commonwealth, a foreign indictable offence or a State offence that has a federal aspect;

(ii) that the whole or any part of the person’s wealth was derived from an offence—

That is a substantive matter as well. When one then examines the way in which the substantive matters are to be proved—that is, the matters in subsections (d) and (g)—they are to be proved by way of an affidavit. These applications are, of course, ex parte applications, so the person against whose interests such an order would be made does not have a right to be heard at that stage of the proceeding and there is, therefore, no opportunity for the deponent to the affidavit which proves up the substantive matters concerning which the court is required to be satisfied to cross-examine that deponent on their affidavit. Given that the substantive matters in (d) and (g) will, as a matter of course, have been sworn to and there is no capacity to test the matters deposed to in the applicant’s affidavit, it seems to the opposition that it is necessary that the court should have a discretion to refuse to make an order if it is not satisfied sufficiently that it is a proper case.

The analogy in unexplained wealth applications is with applications in civil proceedings for injunctions called Mareva injunctions and Anton Piller orders, which are different but somewhat related species of order, which are sought, in the first instance, ex parte. It is unthinkable that a civil court to which application is made for an ex parte injunction to tie up a person’s assets should not have a discretion to refuse to make the order in its general jurisdiction—for example, if the court were not satisfied that the application had been made in a timely fashion, if the court were not satisfied as to the sufficiency of the material placed before it, if the court were concerned that there had been abusive or inappropriate conduct so that there was an issue as to the good faith in which the application were brought, and there are various other discretionary grounds as well. It is intrinsically in the nature of an injunction as an equitable remedy that it is a discretionary order of the court and an extraordinary order of the court. Although this legislation deals with the criminal law rather than the civil law, it seems to the opposition that a fortiori if a court would be so circumspect and concerned to inform itself of the sufficiency of the material before it before making a civil order tying up a person’s assets on an ex parte basis, in a criminal case particularly, as I said in my speech in the second reading debate, where the commission of no offence is proved or required to be proved but merely the holding of a suspicion by the complainant, it is even more necessary that the discretionary safeguards, which courts always have when orders of this kind are made, should be preserved in this legislation as well.

As I said in my speech in the second reading debate, one must always be conscious of
the unusual and draconian power which a court is being asked to exercise and, in the first instance in an application under what would be section 20A of the act, is being asked to exercise in circumstances where the person against whose interests the order is made does not have the opportunity to be heard at that stage of the proceedings to test the sufficiency, strength or accuracy of the allegations made against them. The opposition is strongly of the view that the discretion of the court should be protected, as the discretion of the court always ought to be protected, particularly when ex parte applications are made to it.

Senator WONG (South Australia—Minister for Climate Change and Water) (12.15 pm)—I indicate for the efficacy of the chamber and to Senator Brandis that my instructions, as the Minister representing the Attorney-General, are that the government will accept all of the opposition’s amendments. I will flag also—and, obviously, it is entirely a matter for Senator Brandis as to how he chooses to run the debate—that we would have no objection, subject to the chamber obviously, if he wished to move his amendments by leave together, insofar as he was able to do so. I propose, if I may, Senator Brandis, to just indicate broadly and to make a couple of points about the government’s view about the amendments, which may be of assistance.

I am advised that the government is prepared to accept the opposition’s amendments in the interests of ensuring passage of this important legislation. I indicate we have some reservations about the effect of the opposition’s amendments and the effectiveness of the proposed reforms. For example, amendments (1), (4), (6) and (7), to provide the court with a discretion to make unexplained wealth restraining orders, preliminary orders and final orders, are arguably inconsistent with the existing asset confiscation provisions in the Proceeds of Crime Act.

Amendments (2) and (9), allowing a person to use their restrained assets to pay for legal representation, have the potential to create loopholes in the unexplained wealth scheme. Legal advisers have been known to assist their clients to launder the proceeds of crime. That is why the existing act, which was introduced by the coalition when in government, does not allow access to restrained assets for private legal representation. However, as I have already indicated, the government is keen to see passage of these amendments to ensure significant reforms to the bill and in that context is willing to agree to the position put by Senator Brandis through the amendments.

Senator BRANDIS (Queensland) (12.17 pm)—I thank the minister for her indication of the government’s willingness to accept the entirety of the opposition’s amendments. In order to save the time of the chamber I therefore seek leave to move all of the opposition’s amendments together.

Leave granted.

Senator BRANDIS—I move:

(1) Schedule 1, item 5, page 3 (line 23), omit “must”, substitute “may”.

(2) Schedule 1, item 5, page 5 (after line 19), after subsection 20A(3), insert:

**Legal expenses**

(3A) Without limiting the manner and circumstances that may be specified in an order under paragraph (1)(b), the court may order that specified property may be disposed of or otherwise dealt with for the purposes of meeting a person’s reasonable legal expenses arising from an application under this Act.
(3B) The court may make an order under subsection (3A) despite anything in section 24.

(3C) The court may require that a costs assessor certify that legal expenses have been properly incurred before permitting the payment of expenses from the disposal of any property covered by an order under subsection (3A) and may make any further or ancillary orders it considers appropriate.

(3) Schedule 1, item 5, page 5 (after line 25), after subsection 20A(4), insert:

(4A) If the court refuses to make a *restraining order under subsection (1), it may make any order as to costs it considers appropriate, including costs on an indemnity basis.

(4) Schedule 1, item 5, page 5 (line 27), omit “must”, substitute “may”.

(5) Schedule 1, item 12, page 7 (after line 33), at the end of section 45A, add:

(4) If a *restraining order ceases under subsection (1) or (2), the court may, on application by a person with an *interest in the property covered by the restraining order, make any order as to costs it considers appropriate, including costs on an indemnity basis.

(6) Schedule 1, item 13, page 8 (line 14), omit “must”, substitute “may”.

(7) Schedule 1, item 13, page 10 (line 23), omit “must”, substitute “may”.

(8) Schedule 1, item 13, page 11 (after line 24), after section 179E, insert:

**179EA Refusal to make an order for failure to give undertaking**

(1) The court may refuse to make a "preliminary unexplained wealth order or an "unexplained wealth order if the Commonwealth refuses or fails to give the court an appropriate undertaking with respect to the payment of damages or costs, or both, for the making and operation of the order.

(2) The "DPP may give such an undertaking on behalf of the Commonwealth.

**179EB Costs**

If the court refuses to make a "preliminary unexplained wealth order or an "unexplained wealth order, it may make any order as to costs it considers appropriate, including costs on an indemnity basis.

(9) Schedule 1, item 13, page 17 (after line 18), after section 179S, insert:

**179SA Legal expenses**

(1) If the court considers that it is appropriate to do so, it may order that the whole, or a specified part, of specified property covered by an order under subsection 179S(1) is not available to satisfy the "unexplained wealth order and may instead be disposed of or otherwise dealt with for the purposes of meeting a person’s reasonable legal expenses arising from an application under this Act.

(2) The court may require that a costs assessor certify that legal expenses have been properly incurred before permitting the payment of expenses from the disposal of any property covered by an order under subsection (1) and may make any further or ancillary orders it considers appropriate.

(10) Schedule 1, item 13, page 17 (after line 33), at the end of the Part, add:

**Division 5—Oversight**

**179U Parliamentary supervision**

(1) The operation of this Part and section 20A is subject to the oversight of the Parliamentary Joint Committee on the Australian Crime Commission (the Committee).

(2) The Committee may require the Australian Crime Commission, the Australian Federal Police, the "DPP or any other federal agency or authority that is the recipient of any material disclosed as the result of the operation of this
In the time available I will speak quickly to the amendments merely to outline what they are. Before doing so, I will deal with the last point made by Senator Wong, that some of the opposition’s amendments—particularly those providing for the discretionary scheme—are arguably inconsistent with the existing scheme in the proceeds of crime legislation. They are. They provide for greater discretion than is available to courts under the proceeds of crime legislation but, as I indicated in my speech on the second reading, there is a very good reason for that. The proceeds of crime legislation assumes that there has been a conviction and that the purpose of that legislation is to forfeit to the Crown the ill-gotten gains of a person who has been convicted of the crime. This legislation proceeds on the basis that there has not been a conviction of any crime or, indeed, even a prosecution of any crime—merely, that the complainant has a reasonable suspicion as to the matters set out in section 20A of the act. So there is a very important material difference between the two. There is therefore no logical inconsistency between this legislation containing a safeguard in circumstances where the Proceeds of Crime Act contains none.

Let me deal quickly—just for the record—with what the opposition amendments do. I have dealt with the first opposition amendment—that is, the provision for a discretion in relation to the making of a restraining order. Opposition amendments (2) and (9) provide that a court may quarantine assets the subject of an unexplained wealth application in order for the respondent to obtain legal advice. I went to the reasons for those amendments in my speech on the second reading. The regime as initially proposed by the government would permit only legal aid representation if an order left insufficient funds to pay for the lawyer of a respondent’s choice. Unexplained wealth applications, as I said before, differ from proceeds of crime matters generally, as no specific crime needs to be alleged in this case whereas under proceeds of crime legislation it does. Where a person is compelled to explain their financial affairs on pain of forfeiture of their assets, justice demands that they should be able to fund an appropriate and sufficient defence against such a consequence.

Opposition amendments (3) and (5) provide the court with a discretion to make an appropriate costs order, including an order for indemnity costs if an application is unsuccessful. If an application for an unexplained wealth order is fundamentally misconceived or abusive, it is expected that a court will reflect its disapproval of the application with an appropriate costs order. That is a sanction available generally in the civil courts in relation to inappropriate applications. As I said earlier, this legislation—which proceeds by way of analogy with civil injunction proceedings for the arrest and detention of the assets of a defendant—should, in the opposition’s view, also provide for a costs regime equivalent to the costs regime and the capacity for a court in a proper case to order indemnity costs as well.

Finally, opposition amendment (4) provides for the discretion of the court to be instated in the legislation, and opposition amendments (6) and (7) reinstate the court’s discretion on the occasion of an application, inter partes, for a final order. I will leave it at that. There are some other technical amendments as well. I once again thank the government for conceding the points the opposition has raised for the reasons I outlined in the second reading debate. In particular, I thank the Attorney-General and his advisers, some of whom I see in the advisers box, for their consideration of the opposition’s position.
Senator WONG (South Australia—Minister for Climate Change and Water) (12.23 pm)—I will not repeat the position that I have already put on Hansard, on behalf of the government, in relation to the opposition amendments. On a slightly different matter, I would like to briefly put on record a response to a question raised earlier by Senator Xenophon, who is not in the chamber. He asked how the government would monitor and report on the effectiveness of the measures in the bill. I want to indicate on Hansard that the government obviously accepts the opposition amendment which provides for the oversight of unexplained wealth measures by the Parliamentary Joint Committee on the Australian Crime Commission. I am also advised that the Attorney-General’s Department will monitor the effectiveness of the measures in consultation with law enforcement agencies. The second bill also provides that the minister must cause a review of the operation of the Australian Crime Commission Act every five years.

Senator BRANDIS (Queensland) (12.24 pm)—There is one other point I want to make in relation to the opposition amendments. Opposition amendment (8) provides for a requirement that there be an undertaking as to damages by the Commonwealth in relation to an application for a preliminary unexplained wealth order or a final unexplained wealth order. The undertaking as to damages is another mechanism by which civil courts protect against and penalise parties for the consequences of bringing inappropriate applications which have significantly deleterious consequences for the person who suffers the order of the court. By analogy, it is appropriate that that scheme be introduced into this legislation, hence opposition amendment (8).

Question agreed to.

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

Bill—by leave—taken as a whole.

Senator WONG (South Australia—Minister for Climate Change and Water) (12.25 pm)—by leave—I move government amendments (1) to (10) on sheet AF230:

(1) Schedule 1, Part 5, page 40 (after line 30), at the end of the Part, add:

158A Subparagraph 266A(1)(a)(i) Omit “39(1)(d)”, substitute “39(1)(ca), (d) or (da)”.

(2) Schedule 1, page 51 (after line 11), after item 200, insert:

200A Subsection 298(1) Omit “in a particular financial year”.

(3) Schedule 1, item 207, page 52 (line 11), omit “or subparagraph 102(d)(ii)”, substitute “, subparagraph 102(d)(ii) or section 179L”.

(4) Schedule 2, item 16, page 65 (line 23), at the end of subsection 3L(1), add “if he or she suspects on reasonable grounds that the data constitutes evidential material”.

(5) Schedule 4, item 1, page 100 (after line 19), after subsection 390.3(3), insert:

Intention fault element for paragraphs (1)(c) and (2)(d)

(3A) The fault element for paragraphs (1)(c) and (2)(d) is intention (by the first person).

(6) Schedule 4, item 1, page 101 (lines 6 to 28), omit paragraphs 390.3(6)(d) to (f), substitute:

(d) the association is only for the purpose of providing legal advice or legal representation in connection with judicial or administrative proceedings under a law of the Commonwealth, a State, a Territory or a foreign country; or

(e) the association is reasonable in the circumstances.

(7) Schedule 4, item 1, page 101 (after line 30), after subsection 390.3(6), insert:
(6A) Paragraphs (6)(a), (b), (c), (d) and (e) do not limit one another.

(8) Schedule 4, item 1, page 101 (line 32), omit “under subsection (1)”, substitute “against subsection (1) or (2)”.

(9) Schedule 4, item 1, page 101 (line 34), omit “under subsection (1)”, substitute “against subsection (1) or (2)”.

(10) Schedule 7, item 18, page 127 (line 2), omit “ACC”, substitute “examiner”.

Senator BRANDIS (Queensland) (12.26 pm)—The opposition supports these amendments.

Senator WONG (South Australia—Minister for Climate Change and Water) (12.26 pm)—I thank Senator Brandis for that indication. I will make some very brief points about these amendments. The government amendments will implement three of the six substantive recommendations of the Senate Legal and Constitutional Affairs Legislation Committee and also address issues identified by the Senate committee, the Attorney-General’s Department and portfolio agencies. I can provide much more detail to the Senate, but I think Senator Brandis is well aware of the content of the amendments.

Question agreed to.

Bills, as amended, agreed to.

Bills reported with amendments; report adopted.

Third Reading

Senator WONG (South Australia—Minister for Climate Change and Water) (12.27 pm)—I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION OF PROVIDERS AND OTHER MEASURES) BILL 2009

In Committee

Consideration resumed from 3 February.

(Quorum formed)

The TEMPORARY CHAIRMAN (Senator Troeth)—The committee is considering schedule 1, item 11, moved by the opposition, on sheet 5969 revised. The question is that the amendment be agreed to.

Question negatived.

Senator CORMANN (Western Australia) (12.31 pm)—I move opposition amendment (2) on sheet 5969 revised:

(2) Schedule 2, item 4, page 15 (after line 23), after paragraph 21A(1)(a), insert:

(aa) employ or engage only an agent who is:

(i) a Qualified Education Agent Counsellor who has completed the Education Agents Training Course or a recognised equivalent as specified in the regulations; and

(ii) a member of a professional body for education agents if such a body has been specified in the regulations in relation to the area in which the agent operates; and

I previously explained what we are seeking to achieve with the amendment. The opposition is of the view that education agents should at least have a requirement to receive training and be aware of Australian requirements regarding matters such as attendance, work permits, migration et cetera—in fact, that there ought to be a more professional approach than is currently the case. With those few words, I commend the amendment to the Senate.

Question negatived.
Senator CORMANN (Western Australia) (12.32 pm)—Perhaps I could get some clarification about the status of the Greens' amendment and Senator Xenaphon’s amendments in light of the fact that neither the Greens nor Senator Xenophon are in the chamber at present.

The TEMPORARY CHAIRMAN—Unless you want to move them on their behalf, Senator Cormann, the fact that those parties are not in the chamber would mean that the amendments lapse.

Senator CORMANN (Western Australia) (12.33 pm)—Thank you for that clarification, Madam Chair. I will not be moving those amendments on their behalf. This will be my final contribution. Yesterday, during the second reading debate, I asked some questions as to the current financial situation of the ESOS Assurance Fund. The last piece of information available to the opposition was to 31 December 2008. In that year the fund lost, from memory, $1.3 million. The last piece of information was that there was about $1.8 million in that fund at the end of 2008. Given the events of last year, could we get some indication from the government as to the current circumstance.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (12.34 pm)—I am advised that the minister has made arrangements to ensure that the assurance fund will not be allowed to become insolvent.

Senator CORMANN (Western Australia) (12.34 pm)—Thank you for that assurance, Minister. I will not be moving those amendments on their behalf. This will be my final contribution. Yesterday, during the second reading debate, I asked some questions as to the current financial situation of the ESOS Assurance Fund. The last piece of information available to the opposition was to 31 December 2008. In that year the fund lost, from memory, $1.3 million. The last piece of information was that there was about $1.8 million in that fund at the end of 2008. Given the events of last year, could we get some indication from the government as to the current circumstance.

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people be reminded why the Australian Building and Construction Commission was set up: corruption, illegality, and thuggery were rife throughout the building and construction sector in Australia.

Indeed, in my home state of Tasmania, having listened to the plight of small business contractors, who have to try to do deals with trade unions and big builders so that they could come on site, I was convinced—as were many other Australians—that a royal commission into this sort of behaviour was necessary. That royal commission was held. It was the Cole royal commission. When I read its findings, I was horrified to learn that that which I thought was horrific in my home state of Tasmania was in fact like a Sunday school picnic in comparison to what was occurring elsewhere, especially in Victoria and Western Australia.

The people of Australia, quite rightly, fully supported the Howard government’s establishment of the Australian Building and Construction Commission. We said we needed somebody to enforce law and order so that law-abiding citizens could actually get onto building and construction sites all around Australia. The Labor Party were shamed into basically saying at the last election: ‘Well, yeah, somehow, sort of, we’ll keep that legislation; we’ll keep a tough cop on the beat.’ But it is very interesting to have a look at some of the donations made to the Australian Labor Party before the last election. We had the CFMEU meeting with the now Prime Minister, Kevin Rudd, with them believing that they had walked away with an assurance that the ABCC would be emasculated. As a result, it is interesting to learn, $500,000—half a million dollars—went from that union’s kitty to the Australian Labor Party to help fund those dishonest advertisements about the Howard government. Of course, this bill before the Senate today, the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 is the reward to the CFMEU for that payment and support at the last election.

Ms Gillard and Mr Rudd are past masters at this. The Prime Minister says one day, ‘I’ve never been a socialist,’ and then the next day is able to say, ‘Well, I’m a Christian socialist.’ In his very first speech to the parliament he said that Margaret Thatcher’s economic policies were horrific and then a few years later appeared on pay-TV advertisements, hand on heart, saying, ‘Guess what—I’ve always been an economic conservative.’ The man will do anything for the sake of power. The man who promised the Australian people he would retain the Australian Building and Construction Commission as a tough cop on the beat quietly, behind the scenes, accepted the invitation for a meeting from the CFMEU—

Senator Fierravanti-Wells—And took their money.

Senator ABETZ—and took their money—Senator Fierravanti-Wells, you are quite right—and we are now seeing the legislation. So I suppose anybody around Australia can now buy this government for half a million dollars—

Senator Fierravanti-Wells—Or less.

Senator ABETZ—or less, indeed, Senator Fierravanti-Wells—for a change in legislation.

Having said all that, this bill is designed to restrain the activities of the Australian Building and Construction Commission. Indeed, there are senators in this place that have little posters up in their windows condemning the ABCC. Let us just put it on the record: the man that is in charge of the ABCC has had to put up with people spitting at him in public, and I do not hear many public statements from those opposite condemning that sort of behaviour. They have to be asked; it has to
be probed out of them. They do not voluntarily say, ‘This is the sort of activity which we want to outlaw and get rid of.’ My view is that that sort of behaviour has no place in Australian society. In particular, the thuggery, the vandalism and the assaults—you name it—that occur on building and construction sites in Australia, especially in Western Australia and Victoria, need a tough cop on the beat.

So what does Labor want to do? Instead of having an independent body administering these laws, an independent policeman, or an independent, tough cop on the beat—listen to this—the independence is going to be removed by giving the minister the capacity to issue directions to the director about the policies, the programs, the priorities and the manner in which the powers and functions of the building industry inspectorate are exercised and performed. Would that be acceptable for any other police force in the Western world, for a police force that exists in a society where the rule of law should be in prime position? Just imagine it: halfway through an investigation, the minister could say, ‘Well, I’m sorry, Mr Building Industry Inspectorate, but I’m going to change your priorities and the way you exercise your powers and functions.’ That is the rule of law, that is the tough cop on the beat according to Mr Rudd, the economic conservative—say one thing and do another, and this is a classic case.

The Australian people have just recently witnessed what the trade union movement is willing to do in Western Australia with the Maritime Union of Australia.

Debate interrupted.

HEALTH INSURANCE AMENDMENT (NEW ZEALAND OVERSEAS TRAINED DOCTORS) BILL 2009

Second Reading

Debate resumed from 2 December 2009, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (12.45 pm)—I rise to speak on the Health Insurance Amendment (New Zealand Overseas Trained Doctors) Bill 2009. This bill proposes to modify the operation of section 19AB of the Health Insurance Act 1973. This section of the Health Insurance Act came into force through an amendment made to the act in 1996. In the early to mid-1990s the prevailing view within the Hawke-Keating government was that Australia produced enough medical graduates to meet the nation’s health needs. Indeed some, including the then health minister, Graham Richardson, thought that there were too many doctors when in fact shortages were emerging.

When the Howard government came to power in 1996 it set out to correct those problems and section 19AB was one of the changes implemented. The change meant that overseas trained doctors who started work in Australia from 1 January 1997 and who wished to access Medicare benefits for their services needed to practise in rural and remote areas, areas of health workforce shortages, for a period of 10 years. It became known as the 10-year moratorium. The purpose was, and remains, to influence distribution of the medical workforce in rural and remote areas of Australia, ensuring communities in remote locations have access to a GP.

It is generally agreed that the requirements have been successful and have had significant and beneficial impacts on workforce outcomes. Indeed, overseas trained doctors have been fundamental to the continued delivery of healthcare services in many remote communities and have become valued members of those communities. The government’s audit of the rural health workforce showed that this policy had made a differ-
ence to health services being provided in the bush. Many communities are reliant on these medical practitioners and would not have practising GPs without the action of the Howard government.

The main provision of this bill will make it easier for New Zealand doctors to work in Australia. It will remove the 10-year moratorium restrictions on New Zealand citizen and permanent resident doctors trained at New Zealand or Australian medical schools. The change effectively removes these doctors from the classification of ‘overseas trained doctor’ and ‘former overseas medical student’ in section 19AB of the Health Insurance Act. The other significant change in this legislation is to the commencement date of the 10-year moratorium on overseas trained doctors. It will also remove the requirement for overseas trained doctors to have both Australian permanent residency or citizenship and medical registration in order for the 10-year moratorium period to commence. The changes will see the moratorium commence from the time a medical practitioner is first registered, to recognise that some overseas doctors work in Australia for several years on a visa before seeking residency or citizenship. The government makes these changes at the same time as it intends to scale back the moratorium, with 3,600 overseas trained doctors able to shorten the term of the moratorium from July by serving in the most remote locations. The coalition will be watching the impact of this measure very closely.

The coalition has long been concerned with ensuring the provision of medical services in regional and remote areas of Australia. The Howard government established essential and innovative programs to encourage medical professionals to train and establish practices in regional areas. Indeed, in the first budget of the Howard government in 1996-97, the then government established University Departments of Rural Health programs. They exist now in 11 regional locations, and an evaluation showed that they have made a significant contribution to rural health outcomes and influenced rural and remote practitioners to remain in practice.

The Rural Clinical Schools Program followed in 2000, and 10 of these schools were established in that first year. Another four were launched in 2006-07. Clinical schools enable medical students to undertake extended blocks of training in regional areas. Again, the review of these programs commissioned by the Department of Health and Ageing found that the RCS Program has delivered convincingly and with the university rural health program was contributing to enhancing the rural health workforce. The full worth of the RCS Program will only start to become evident in the next few years as its early cohort start establishing themselves in medical practice. The rural health workforce will also be boosted by students assisted under the Bonded Medical Places Scheme. Hundreds of medical students have been provided with financial help, which will see them work for six continuous years in rural and remote areas.

The current government, as much as it seeks to denigrate the former coalition government, will in fact reap the benefits of the forward-thinking policies of the Howard government. Generally across the health workforce increasing numbers of health professionals will be graduating from the nation’s medical schools over the next few years. All of these students will have begun their career path under the coalition government. It is hoped that significant numbers of them will consider practising in regional Australia and thus contribute to alleviating the uneven distribution of the health workforce which unfortunately disadvantages those living outside major centres. This bill has wide support across medical representa-
tive bodies. The coalition supports these changes to the legislation.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.51 pm)—In summing up the debate on the Health Insurance Amendment (New Zealand Overseas Trained Doctors) Bill 2009, I thank Senator Fierravanti-Wells and other speakers in the debate.

I want to make some short points about this particular piece of legislation to remind those listening to the debate of what we are actually doing here under this bill. It does, as Senator Fierravanti-Wells so rightly said, actually have an impact on and give effect to some changes to the 10-year moratorium. The reasons for that are very clear. Ours is a government that is determined to ensure that we develop a more transparent and fairer and consistent health system. That includes all of those considerations that are given to our rural health workforce. Those who were affected by the 10-year moratorium, which was put in place in 1997, and have been restricted from providing professional services that attract Medicare benefits for that period of 10 years are now coming out of that cycle and so the government is considering how we can continue to manage this issue. That is what this bill is all about.

I do want to say, though, that the way in which the 10-year moratorium is currently counted actually excludes years of tenure as a temporary resident, so overseas trained doctors may be prevented from providing professional services which attract Medicare benefits for longer than 10 years, which hardly seems fair. So the amendments propose that the 10-year restriction will commence from the time that a medical practitioner is first registered as a medical practitioner in Australia and will cease after that 10 years, providing that the medical practitioner has gained Australian permanent residency or citizenship during that period. The 10-year moratorium will continue to be used, along with the other reforms that are being implemented under the Rural Health Workforce Strategy, to recruit GPs for and retain GPs in rural and remote Australia. But, as I said, the measures make sure that the system is much fairer and recognises the services to districts of workforce shortage. So, as part of our $134 million rural package in the 2009 budget, the 10-year moratorium will also be scaled so that the more remote you go the shorter the moratorium. From 1 July 2010 more than 3,600 overseas trained doctors who have restrictions on where they can practise now will be able to discharge their obligation sooner according to the remoteness of the locations in which they choose to work. This is the way in which we want to incentivise overseas trained doctors to actually come into some of the harder to service areas of our country. The 10-year moratorium therefore will not be as stringent as it has been since its introduction under the previous government in 1997.

The package of reforms to this section of the act completes the significant workforce reforms already underway, as I have said, and to date it has delivered the biggest investment in our workforce through a $1.6 billion Council of Australian Governments partnership that will help to deliver training for the huge increase in Australian-trained graduates, which will actually increase from 12,700 this year to 14,700 in 2013. That funding will also help support undergraduate clinical training for 13,800 medical students and, importantly, 38½ thousand nursing students and 18,000 allied health students in 2010. We are also providing $28 million to help train around 18,000 nurse supervisors, 5,000 allied health and VET supervisors and 7,000 medical supervisors. Along with this we are increasing the availability of specialist workforce places by boosting the total
number of GP training places to more than 800 from 2011 onwards, a 33 per cent increase on the cap of 600 places imposed by the former government, and we are providing specialist training places outside of the traditional public hospital settings.

This year’s budget delivers more than $200 million to help tackle the shortage of doctors and health workers in rural and remote Australia and to improve the access to health and medical services of the seven million Australians who live in regional and remote Australia. At the same time we are streamlining the multiplicity of rural health programs to make it easier for doctors and, much more importantly, easier for communities to understand and access the initiatives that will help to build the rural health workforce of the future. New access to choices as to maternity services and nurse practitioner services will also be enabled through bills which are currently before the Senate. The commencement date for the provisions is 1 April 2010 or on royal assent, whichever is the later date. It is very pleasing to have this particular bill before the Senate today. It complements, as I have said, significant workforce reforms and commitments by this government. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

HIGHER EDUCATION SUPPORT AMENDMENT BILL 2009

Second Reading

Debate resumed from 17 September 2009, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator MASON (Queensland) (12.57 pm)—The coalition support the Higher Education Support Amendment Bill 2009. This bill provides for some new minor administrative efficiencies in the operation of FEE-HELP and VET FEE-HELP, the assistance schemes for students attending university or vocational education and training courses. Specifically, the amendments will allow higher education and vocational and education training providers to lodge their applications for approval to offer FEE-HELP and VET FEE-HELP before having their tuition assurance arrangements in place. This will speed up the approval of providers and access to loans. According to the government, the implementation of this bill will result in the streamlining of the application and assessment process as well as the elimination of current duplications between the Commonwealth and state and territory agencies. It is good news for the providers and also for the students. The amendments also broaden the conditions under which the minister may be satisfied that a VET provider is able to meet the VET quality and accountability requirements and so qualify to offer VET FEE-HELP. The new conditions include that the minister may be satisfied by a recommendation of a body that is approved under the VET provider guidelines. The coalition are always happy to support greater administrative efficiency in every aspect of government work and service delivery. We support this bill.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.59 pm)—I thank Senator Mason for indicating the opposition’s support for the Higher Education Support Amendment Bill 2009. As he so clearly outlined, this bill provides for technical amendments to further streamline the operation of FEE-HELP and VET FEE-HELP assistance schemes. The amendments deliver efficiencies in the administration of the schemes and
ensure faster access to financial assistance for students choosing to pursue higher levels of qualifications. On that note, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

SAFETY, REHABILITATION AND COMPENSATION AMENDMENT BILL 2009

Second Reading

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

That this bill be now read a second time.

Senator ABETZ (Tasmania) (1.00 pm)—The coalition does not oppose the Safety, Rehabilitation and Compensation Amendment Bill 2009. In saying that, the legislation does prevent non-government employers from seeking access to the Comcare scheme. That is a matter of concern to us in the coalition, because it removes an option for employers in their ability to access safety rehabilitation and compensation type schemes and, especially, requires employees to go back to their state schemes. It seems that Labor simply dislikes flexibility and options—everybody has to fit into their straitjacket. Of course, we now know what happens with these sorts of straitjackets in state jurisdictions, and one wonders what the pressure was on federal Labor not to allow employers into the Comcare scheme if they wanted to so move, given that the scheme was providing appropriate support and protection. Indeed, to all intents and purposes it is run by the Commonwealth government. So why would you try to get private employers out of this scheme and back into their state jurisdictions? I have no doubt where the pressure came from on this: it clearly would have been New South Wales Labor, against whom, thank goodness, the High Court of Australia yesterday ruled seven to nil while making very condemnatory comments about their occupational health and safety scheme. Indeed, one of the judges, Justice Hayden, went so far as to say that the authority that sought to prosecute a Mr Kirk and his company did so ‘very unjustly and in a manner causing them much harm’. His Honour also said:

It is absurd to have prosecuted the owner of a farm and its principal on the ground that the principal had failed properly to ensure the health, safety and welfare of his manager, who was a man of optimum skill and experience—skill and experience much greater than his own—and a man whose conduct in driving straight down the side of a hill instead of on a formed and safe road was inexplicably reckless. It is time for the WorkCover authority of New South Wales to finish its sport with Mr Kirk.

Those are pretty damning comments about a New South Wales scheme set up by New South Wales Labor in 2001. As an aside, I say to some of the employer organisations in this country that it may be worth while to get a bit of backbone and stand by your principles. This corrupt scheme started in 2001, but it took one man—a small business man, Mr Kirk—to have the courage to take this all the way to the High Court to finally get the result that all of us who believe in the rule of law, natural justice and fair procedure wanted.

Where were these organisations in championing the rights of small business especially against this sort of outrageous authority and the actions referred to by His Honour Justice Hayden? Where were they? Indeed, where were the civil libertarians? You know the ones: those who always have so much to say about our border protection policies but who are deafeningly silent when it comes to Australian citizens being abused by a New

CHAMBER
South Wales Labor authority—and, might I add, with unions as well, because unions themselves could bring prosecutions under this legislation. Quite frankly, some of those civil libertarians are only civil half the time, and I am not sure about their libertarian nature the other half of the time, but I say to those employer organisations—

**Senator Stephens**—On a point of order, Madam Acting Deputy President: I draw the attention of the chamber to the fact that the bill before it today is a non-controversial bill called the Safety, Rehabilitation and Compensation Amendment Bill and that it relates to harmonisation in the Commonwealth jurisdictions and to the issue of Comcare; it does not relate to civil libertarians and Senator Abetz’s nonsense about New South Wales.

**The ACTING DEPUTY PRESIDENT** (Senator Troeth)—There is no point of order, Senator Stephens.

**Senator ABETZ**—In case the minister at the table—who is very sensitive, having come from New South Wales Labor herself—does not understand that the legislation that we are debating does in fact to get into the area of occupational health and safety, what this legislation does is to deny private employers the chance to get out of that corrupt system that her state Labor government had in New South Wales and into the Comcare system. So I can understand the sensitivity.

Getting back to these civil libertarian organisations, I suppose one should not be surprised, because they always come out on one side of the ledger—there is no balance to their concern. If I were to really think about it, that would not surprise or concern me, but the thing that does concern me is that it took so long for a group of organisations and others to come together to back Mr Kirk all the way to the High Court. That this legislation was allowed to exist in Australia for nearly a decade is, I have to say, a disgrace and it will be seen as a blot on the Australian industrial landscape, and New South Wales Labor and their trade union movement have nothing to be proud of. I simply say to people, ‘If you think Senator Abetz and the coalition are ranting a bit about this, fine—believe that—but just read the judgment of Justice Heydon of the High Court and you will see what New South Wales Labor presided over for so long.’ I have to say I am astounded that so many business organisations did not come together for a High Court challenge immediately and I wonder why it had to wait for nearly a decade before the outrageousness of some aspects of the scheme were knocked out by the High Court, which happened only yesterday.

Labor, for whatever reason, does not want small businesses or other businesses to opt out of their state schemes into the Comcare scheme. This is, once again, ideologically driven—union driven. It does not make any sense, but we accept the reality in this chamber. Therefore, I indicate that the coalition will not be opposing the legislation.

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.09 pm)—in reply—I thank Senator Abetz for his contribution to the debate and for stating the opposition’s support for the Safety, Rehabilitation and Compensation Amendment Bill 2009. In summing up this debate, I want to remind people, in case they were listening to Senator Abetz and wondered what this legislation is all about, that its purpose is actually to amend the Safety, Rehabilitation and Compensation Act 1988 to maintain the moratorium that was put in place while the Commonwealth, states and territories have been working towards the harmonisation of national health and safety legislation. It seems
perfectly reasonable to me that we would have a uniform system of occupational health and safety laws and a nationally consistent approach for those people who are employed in our country. The extent to which this work can reduce the number of workplaces where dual jurisdiction exists seems to me to be common sense prevailing. With those comments, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

STATUTE LAW REVISION BILL 2009

Second Reading

Debate resumed from 30 November 2009, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (1.11 pm)—The Statute Law Revision Bill 2009 corrects technical errors in a number of acts, modernises language and repeals a number of obsolete acts. Bills of this nature are traditionally non-controversial and receive the support of parliament because they are regarded as an essential tool in the process of keeping the Commonwealth statute books accurate and up to date. The acts to be repealed are self-evidently obsolete and have been superseded by other legislation. Of the acts to be amended, most of the proposals relate to spelling, grammatical and technical errors and the removal of gender specific language. Schedule 1 to the bill contains amendments to 33 principal acts. Schedule 2 amends 22 amending acts. Schedule 3 repeals five acts. The remainder of the bill makes bulk amendments in respect of spelling and capitalisation. The coalition supports the bill.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.12 pm)—I thank Senator Fierravanti-Wells for indicating the opposition’s support for the Statute Law Revision Bill 2009. This is a housekeeping bill. It does not change the substance of the law, but it corrects some minor drafting and clerical errors and does what needs to be done—it removes expired laws from the statute books. The amendments also ensure that our laws reflect contemporary social standards by amending statutes containing gender specific language to produce a statute book that is gender neutral and more inclusive. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (TRANSITION TO FAIR WORK) BILL 2009

Second Reading

Debate resumed.

Senator ABETZ (Tasmania) (1.13 pm)—Before the debate on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 was adjourned, I was about to get onto the Maritime Union of Australia case in Western Australia, which highlighted that certain unions were, yet again, on the rampage. What the unions got was a $50,000 per annum wage increase for people already earning $130,000—so they will now be taking home $180,000.

Yesterday at question time I asked about that outcome and Senator Arbib in this place said that federal Labor welcomed the outcome, even though there were no productiv-
ity offsets. We in the coalition are all in fa-
vour of wage increases, especially if there
are productivity offsets, because that way
everybody is a winner. But when a trade un-
ion uses raw industrial muscle to force out-
comes that are just unconscionable—and Ms
Gillard and Mr Rudd sit idly by—one does
fear for the future industrial relations culture
of our country.

How can such a wage increase be justi-
fied, and what do we know about those sorts
of wage increases? They lead to wage infla-
tion. Wage inflation leads to cost of living
increases, which lead to job losses. When
that was put to Senator Arbib, Labor repudi-
ated it. They rejected my analysis. Well, it
was a former Labor Treasurer, Mr Frank
Crean, who said that one man’s pay rise is
another man’s job. He said that in the context
of discussing wage inflation such as we have
just witnessed in Western Australia.

So not only do Mr Rudd and Ms Gillard
barrack the MUA to get these outrageous
decisions, they also pull the teeth from the
industrial watchdogs to make sure that they
become toothless tigers and ineffective so
that the unions can go on the rampage—as
the MUA has done in Western Australia. Of
course, Western Australia is the hotbed of
corruption and illegality, with the likes of
Kevin Reynolds and Joe McDonald. They
are there, and they are so happy that they are
back in town courtesy of Mr Rudd and Ms
Gillard.

So what is Labor going to do with this ins-
pectorate? As I indicated previously, the
independence of the inspectorate will be re-
moved and Ms Gillard will be able to pull
the strings when and as she likes. Labor will
be tying up the watchdog in red tape, which
goes against the independent report which
they commissioned—the Wilcox report. So,
in hoping to get the right answers they com-
misioned somebody—and I must say I was
concerned and still have some concerns
about the recommendations—but even on
this Justice Wilcox could not agree and said
that they should not be tied up with red tape.
But, no, Ms Gillard knows best; she will
even overturn Mr Wilcox’s considerations!

They want to impose a five-year sunset
clause on the compulsion powers, without
review. There are some compulsory powers
that the inspectorate can use. They are
needed to shift the culture, but Ms Gillard is
going to remove them irrespective of
whether or not there has been a sufficient
change in culture—which means, of course,
that the government never had any intention
of keeping its promise to keep a strong cop
on the construction beat.

What did Labor promise? They promised:
there will always be a strong cop on the beat.
Well, not if this bill gets passed—another
broken election promise—because they are
proposing to switch off, site by site, the coer-
cive powers of the construction cop. So some
sites will be removed from the scope of the
inspectorate.

This broken promise is supported by an
ALP national conference resolution that La-
bror ‘does not believe these powers should
have a continuing role’. So Ms Gillard is
confronted with a solemn promise that she
made to the people of Australia and a dictate
from the national conference of the ALP
dominated by the trade union movement.
Guess who wins. Each and every time it will
be the union dominated Labor Party national
conference and not the promise she and Mr
Rudd made so solemnly to the Australian
people.

If you are concerned about what she is do-
ing wait for this: all the penalties will be re-
duced by two-thirds. The penalties are going
to be like petty cash, especially for those
unions like the CFMEU, which gave Mr
Rudd and the Labor Party $500,000 during
the 2007 federal election campaign. They will now think that these fines are just laughable. What is a $6,600 fine to a trade union official or individual when he is handing over $500,000 cheques to the Labor Party for their use in election campaigns? They will be laughing all the way, and Ms Gillard knows it.

Then, just to make sure that this so-called tough cop on the beat has absolutely nothing left to do, they have also narrowed the definition of ‘industrial action’. The bill also removes the coercion and undue pressure provisions which provide protection from such behaviour greater than under the Fair Work Act 2009. These provisions are designed to stop bullying of companies and workers. Why would you remove those sorts of provisions? Everybody knows that bullying occurs on the work sites. The stories are there for all to read in the Herald Sun and other newspapers as to what happens at the West Gate Bridge and the Royal Children’s Hospital construction site in Victoria and what happens in Western Australia. We know what goes on. We know that bullying occurs. So why would you remove provisions that deal with exactly that issue? It is so that people like Joe Macdonald and Kevin Reynolds can do as they want in exchange for the policy considerations that they obtain, no doubt, in their discussions with Mr Rudd, after Labor’s $500,000 gift from the CFMEU.

This means that a building company or their employees can be subjected to coercion or undue pressure from militant unions without that behaviour being illegal. In other words, the culture of bullying will be allowed to exist by removing this provision from the legislation. You have to ask why Labor wants to give a green light for these practices to return. Why do they say that bullying people in workplaces should be acceptable? It is because the people who do the bullying are the people who bankroll the Australian Labor Party. Sure, Mr Rudd was meek and mild. He appeared on these TV advertisements saying, ‘I’m an economic conservative.’ But what we did not see on those TV advertisements was the secret meeting that he had with the CFMEU where certain undertakings were given. Nor did we find out before the election that the CFMEU had quietly slipped $500,000 to the ALP campaign kitty. I trust that this year, an election year, Mr Rudd will have TV advertisements showing that secret meeting with the CFMEU and the handing over of the money, with him saying, ‘Yeah, I’ve changed my mind on all that.’ But of course he will not. He just hopes that these issues will go away.

We on the coalition side will stand up for individual workers and will stand up for the small contractors. It has been interesting in this debate on the ABCC that in general terms big business and big unions do not seem to mind that sort of a culture. They are big and ugly enough to look after themselves. There is an African proverb that says that when two elephants mate the grass gets trampled. When big unions and big business get together, it is the individual workers and the small business contractors who get trampled. We in the coalition stand on the side of individual workers. We stand on the side of small, independent contractors. That is why we will be opposing this bill with all the vigour that we can muster. We invite the crossbenchers, especially Senator Fielding and Senator Xenophon, to join with us in the rejection of this legislation, which is a complete and utter breach of the election promise taken to the Australian people by Mr Rudd and Ms Gillard and which will see the reintroduction of even worse bullying and thuggery and the sorts of items that the MUA have been able to force out of employers. We will be opposing this legislation every step of the way.
Senator SIEWERT (Western Australia) (1.25 pm)—The Australian Greens have been consistent in our opposition to the Building and Construction Industry Improvement Act and the operations of the Australian Building and Construction Commission. We do not accept that it is necessary to have workplace relations laws that take away the right to silence, deny people their choice of lawyer, provide powers to compel evidence with the penalty of jail for non-compliance and impose strict restrictions on the rights of workers to organise and bargain collectively. We have been utterly consistent in that stance. We remain committed to these principles and to the principles that there should be one workplace relations law and that building and construction workers should not be singled out for more punitive treatment. People who work in the building industry are not so different from workers in other industries that they should be singled out by laws based on the presumption of criminality and the need for a tough cop on the beat.

Building workers have a strong sense of acting collectively. They have needed to. They work in one of our most dangerous industries, with a high rate of fatalities and serious injuries. Building workers rely on each other and have fought hard for and won rights to safer work places. The BCII Act, including the act as amended by the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009, is a direct attack on the rights of building workers to act together for their collective interests.

At the core of this act and this bill lies an assumption that individual workers in the building industry are inherently bad, cannot be trusted, have no integrity and en masse deserve to be considered criminals for sticking up for their mates. This is a belief that the ALP government and the opposition apparently share. This is the belief that justifies in their minds the use of coercive powers in relation to civil workplace relation matters. It is not a belief shared by the Australian Greens. Our position always had been and continues to be that the ABCC should be abolished immediately and that coercive powers of the nature contained in the BCII Act and in this bill have no place in our workplace laws. In line with our position, I introduced a private senator’s bill to repeal the BCII Act last year.

We do not accept that the government’s continued rhetoric about a tough cop on the beat for the building industry justifies the continuation of coercive powers. Universal industrial, civil and criminal laws should be complied with and enforced on building sites as in any other workplace. Unlawful industrial action should be dealt with under our workplace relation laws with an emphasis on resolving disputes, not criminalising workers for their collective actions. As the commissioner reminded us in the committee hearings on this bill late last year, the coercive powers at the heart of this bill are not directed at wrongdoers but at people who are not suspected of doing anything unlawful. This is an important point. The BCII Act and this bill provide for persons to be imprisoned for not complying with directions to attend interviews or produce documents in relation to suspected breaches of industrial laws committed by someone else.

We note the comments of Dave Noonan of the CFMEU that these laws are not directed at the types of behaviour that are used to justify their application. He said:

The argument that is made in favour of these laws constantly reverts back to often unsubstantiated and hysterical allegations about criminality, violence, corruption and so on … yet these laws have absolutely nothing to do with any of those matters and are incapable of being used to prosecute any of those matters, and my view is that
those who are the proponents of these laws continue to refer to those matters because they are unable to articulate an argument as to why industrial laws should require the removal of the right to silence and the imprisonment of working people for six months for attending a union meeting. If people could justify that, they would not be continually returning to matters which are disconnected, unrelated and incapable of being prosecuted under this law.

These laws are about bullying, harassing and intimidating building workers and damaging and eventually destroying the building unions. Such an aim has no place in a democratic nation that recognises the fundamental right of freedom of association.

But more than that, the act and the ABCC targets the unions through their members—ordinary Australian workers. Back in November 2005 I moved a motion to disallow the Building and Construction Industry Improvement Regulations. In the course of that debate I outlined some of the ways in the ABCC was using its powers to intimidate workers and their families, for example, inspectors who appear to have waited until a worker has set off to work to serve his wife or partner with a notice, putting out in a heavy-handed manner that they are liable to a large fine or a jail term if they do not fully cooperate. I have heard stories of apprentices of migrant workers for whom English is a second language, being picked on, intimidated and tricked into answering questions without being informed of their legal rights. I have heard about workers being invited to have an informal conversation by an ABCC inspector only to learn that the discussion has been recorded without their knowledge or consent.

Such behaviour in this country is unacceptable. Workers have been and are being denied the basic democratic rights to procedural fairness and natural justice that all of us take for granted. These workers, who have not been charged with anything and may only be suspected of knowing about a criminal offence by somebody else, are being treated with fewer rights than someone who has committed a very serious criminal offence. While we appreciate the safeguards that the government is seeking to introduce to this bill in an attempt to ensure greater probity in the use of the coercive powers—such as the need for a presidential member of the AAT to approve the use of coercive powers, the oversight of the Ombudsman, the specific provisions allowing people a lawyer of their choice, and the addition of legal professional privilege and public interest immunity—and while we understand the intention behind the ‘switching off’ mechanism and the role of the independent assessor, all these measures do not solve our fundamental objection that these coercive powers have no place in the regulation of industrial relations matters. As Professor Williams and Ms McGarrity concluded in their article on the investigatory powers of the ABCC:

It is wrong as a matter of legal policy to confer a draconian, overbroad and inadequately checked investigatory power on a body whose principal function is to investigate civil breaches of federal industrial law in a single industry ....Given such fundamental concerns, our view is that the ABCC should be abolished. We further believe that it is inappropriate to create any other body to deal only with the building and construction industry. Contraventions of industrial law by participants in that sector should be investigated by a single body with a brief to apply its powers in a non-discriminatory manner to all employers and employees across all industries.

We consider that the potential for a penalty of imprisonment for a worker not complying with a request under the coercive powers remains objectionable. We agree with the ACTU, which said:

Our view is that, before imprisonment could become a penalty, you would have to be found to be in contempt of either a court or an institution. The
problem with the regime, even with the safeguards that are proposed, is that the person is not heard until they are prosecuted for failure to appear, with a penalty of imprisonment hanging over their head. In industrial law, for all other workers in the country, there is no prospect of imprisonment unless you are in contempt of court. We think that the same regime should apply to construction workers and construction employers and that imprisonment should only be available, as it is to all other citizens, if they are in contempt.

The problem with this regime is that you move to imprisonment without having an opportunity to be heard or having an opportunity to explain why you do not wish to comply with the orders.

We believe that if these powers are to remain, the penalty of imprisonment must be removed, and we will move an amendment to that effect.

The Australian Greens do not accept the argument that the BCII Act, and the retention of the coercive powers by the bill, is justified on the ground of perceived economic benefit. Professor David Peetz comprehensively demolished the argument that the operations of the ABCC contribute to productivity gains in his submission to the Senate inquiry into this bill. He concluded:

... if there are to be any economic effects from the operation of the ABCC, they are more likely to be increasing profits than increasing productivity.

Profits above people is not something the Greens can support. We do not believe that economic gains can justify the assault on fundamental human rights that the BCII Act perpetrates.

A key concern for me in the operation of the ABCC has been its impact on occupational, health and safety in the building and construction industry. This is an industry that suffers around 50 deaths a year— and many more serious injuries. The intimidating tactics of the ABCC have a detrimental effect on safety. Workers are less likely to report unsafe situations and they are less likely hold meetings to discuss safety issues or stop work in dangerous circumstances for fear of a heavy-handed visit from the ABCC. It is unacceptable in an industry as dangerous as the building and construction industry for legislation to act counter to achieving the highest possible standards of health and safety practice. The provisions of the bill before us do not satisfy my concerns about occupational health and safety. It is the presence of the coercive powers that cause this concern.

Having outlined our continued opposition to the very existence of the coercive powers, I do want to briefly mention why we will be supporting the bill at the second reading stage. The bill does introduce important safeguards on the use of the coercive powers, which we hope will go some way to ensuring the new inspectorate does not behave in a similar way to the ABCC. We welcome the explicit acknowledgement for the rights of people to be represented by a lawyer of their choice. We labelled the ABCC as a ‘star chamber’ from the beginning; the restoration of the basic rights of legal representation is long overdue.

Importantly, the bill removes chapters 5 and 6 of the BCII Act. These chapters provide specific and harsher prohibitions on industrial action and increased penalties for unlawful industrial action and coercive behaviour in the building industry. The removal of these provisions means that building and constructions workers are covered by the same prohibitions as all other workers and, importantly, the same penalties as other workers.

Building and construction workers will still face unnecessary restrictions on collective bargaining and freedom of association through the application of the Fair Work Act. The Australian Greens believe strongly that
freedom of association is a fundamental right and that an integral part of that right is the right to take industrial action. With the Fair Work Act now containing the substantive rights and obligations for all workers, the logical step is for all breaches of those laws to be dealt with by the Fair Work Ombudsman, without a separate compliance agency for one section of the workforce. This would also go a long way to changing the culture of enforcement in the building industry.

It has become clear that the ABCC has not been impartial in exercising its responsibilities and in fact has been turning a ‘blind eye’ to unlawful employer actions. The Federal Court has found in a particular case that the ABCC turned a blind eye to dishonest employer behaviour and failed to act in an even-handed way in its pursuit of the plumbers union. In fact, 66 per cent of its investigations have been targeted at unions while only 25 per cent have been targeted at employer actions—and many employers have been contacted by the ABCC because of their relationships with unions. An impartial enforcement culture is critical to the success of the new inspectorate, particularly if it is to carry out its functions with regard to ensuring compliance by employers with their obligations.

I also take this opportunity to note that the bill will still be in breach of Australia’s international obligations. There is little doubt that the retention of the coercive powers will breach the labour inspection and the freedom of association and right to organise conventions. Australia is a signatory to these conventions which signals that we as a nation accept the principles found in those documents. The ILO conventions are important as representing the framework for fair and balanced industrial relations. If we are in breach of these conventions we are failing outside what is acceptable international practice.

The Australian Greens believe that the government should endeavour to ensure we live up to the international standards that we have signed on to, not ignore them. The Greens will not shrink from defending the basic human rights of workers in the building and construction industry. The bill before us today is an inadequate compromise. We will continue to advocate to ensure that the building industry is regulated just like any other industry—in a fair and just manner that balances the needs of productivity and the economy with the health, safety and democratic rights of workers.

Senator BACK (Western Australia) (1.39 pm)—I rise to contribute to this debate on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 and to state what is obvious to everyone, with the possible exception of this Labor government. If ever there was legislation which should be defeated, it is this legislation; and if ever there was a time when the ABCC should remain firmly in place on the Australian industrial scene, it is now. Only this week have we seen the Treasurer, Mr Swan, make the astounding statement that Australians need to increase our productivity in the workplace, as if he suddenly discovered this fact. Already, Labor’s new so-called fair work legislation is failing miserably to deliver on this demand of the Treasurer, and any attempt to water down the ABCC will only serve further to decrease productivity.

Why was it necessary in the first place, contrary to what we have just heard from my learned colleague Senator Siewert, for the Building and Construction Industry Improvement Act to come into existence? As we all know, it had its origins under the last government, the Howard coalition government, as a result of thuggery, poor productivity, corruption and everything that went with it in the building industry. It was this that led
to the Cole commission of inquiry in 2003, and it was from that inquiry that the BCII Act came into existence. What led to that inquiry was the widespread sabotage of industry productivity through strikes, intimidation, illegal payments, violence threats, failure to honour binding agreements, contempt for the commission and court rulings, regrettably in my state of Western Australia, where it was made into an art form, and also principally in Victoria.

Clearly what was needed then, and is needed now even further, was structural and cultural change. That has been delivered to the benefit of everybody: workers, employers, investors in the building and construction industry, and the wider community. In Western Australia, following new Labor legislation, it is already evident from a series of industrial events that that culture returned in spades late last year and in the last few days.

The Howard government inherited a problem and it devised a solution which has stood us in good stead. We all know that the outcome of that solution was a spectacular success for all concerned including, of course, for the workforce, but with the exception of the militant unions and the potential union donations to this Labor government. By contrast, we have seen the Rudd government inherit that solution and now set about dismantling it. We are heading inevitably back to the problem—and at what speed, as we have seen only in the last few days.

Let us examine the indicators of industrial action over time, and remember that the ABCC came into existence in 2005. In 2004 there were 550,000 working days lost in that industry. In 2005 it halved, to 243,000. By 2006, it was 188,000. By 2007, it was down to 88,000. Then we saw this government come into existence in 2007. By 2008 it had increased to 165,000. In Victoria, one building company alone in 2003 saw 20,000 hours lost in productivity from strikes in that company. In the next year, 2004, 26,500 hours were lost. In 2007, zero hours were lost. For the first two months of 2008, the figure was 1,840. The writing is on the wall. The figures are there for everyone to see.

Failure to retain a tough regulator with strong investigative powers sees a return to the non-productive and undesirable behaviour which was the necessary beginnings of the royal commission in the first place. What would be the effect on the Australian economy if the ABCC is neutered and the amendments to the legislation go through? Let me give you an indication of history, because the best predictor of future behaviour, as we all know, is past behaviour.

What did we see as a result of that legislation coming into place in 2004 and being implemented in 2005? A 7.3 per cent productivity gain in commercial building compared to residential building since 2004—there is that word ‘productivity’, Treasurer, Mr Swan—a 10 per cent addition to labour productivity in the construction industry as a direct result, 10.5 per cent increased performance in the construction industry labour productivity compared to predictions that were made in 2002 and, most importantly, an increase in average weekly earnings per worker in that sector between 2004 and 2007 of 25.5 per cent compared to 15 per cent in all industries. The workforce enjoyed a 10 per cent increase in income over all industries.

In the 2008 report the ABCC’s role in improved productivity was estimated to yield: a 1.5 per cent increase in Australia’s GDP, a 1.2 per cent reduction in the CPI, the price of dwellings driven down by 2.5 per cent, and a gain of $5.1 billion for the economy. Why would anybody be contemplating a change in that circumstance? Costly strikes on industrial action had all but disappeared. Projects
were being completed on time and on budget. Once again we were enjoying our international reputation, to which I will return. Importantly again, aggregate earnings by workers increased during that period by $18 million per annum. Of course, we ended up with a far more harmonious industrial relations environment, and we have the Treasurer calling for increased productivity.

Why would the government want to dismantle or to neutralise the ABCC? There are three reasons: first of all, payback for the unions—GST or ‘get square time’, as we were told by Kevin Reynolds and Joe McDonald in 2007-08—secondly, to weaken the highly effective penalty process; and, thirdly, to emasculate the investigative service, to which I will respond.

The amendment bill proposes a switching-off clause under the new investigative powers of the commission. That means that, if an individual union does not misbehave for a certain time, it will no longer be subject to investigation by the investigators. What is the point of having that sort of legislation in place? If it is to prevent unlawful industrial action, why is there the capacity to switch it off? There is no precedent in Westminster law for the switching off of that provision. Is the government contemplating it for the ATO, for ASIC or for the ACCC? Of course, it is not. Why would it be creating a precedent by introducing a switching-off clause in this legislation?

As we can all see, all of these changes, as pointed out earlier by my colleague Senator Abetz, are simply the Rudd Labor government paying the piper. We know, therefore, who has been calling the tune. Regrettably, this government is inextricably linked to the trade union movement and it has a vested interest in seeing once again an increase in union membership. The union movement provided some 25 per cent of the funds of the ALP in the financial year 2007-08, and they will be looking once again for a return on that investment.

What have we seen in Western Australia in the last couple of months? People tend to forget that this state is the economic powerhouse of the nation. We have seen this month a return to union thuggery in the maritime industry. Companies have been forced to pay increased incomes of up to $50,000 per year with no increase—I stress ‘no increase’, Mr Swan—in productivity. On the Woodside Pluto project we saw before we rose at the end of last year workers going on strike, and they have resumed that strike—this time with the intervention of the CFMEU. People on salaries far higher than we in the Senate enjoy are demanding that their accommodation be left vacant when they are not working. Imagine the scenario where any one of us here in Canberra say to the hotel management as we leave to go back to our own state, ‘Don’t rent out my room because I need it on my return.’

I want to refer to and quote former Labor finance minister and Western Australian senator Peter Walsh. Mr Walsh believes that the $50,000 pay rise without productivity trade-offs won by offshore oil and gas workers could lead to a repeat of the 1974 wages outbreak. Mr Walsh, a finance minister in the Hawke government, said that the agreement could lead to a wages outbreak similar to that experienced in the last years of the Whitlam government. He stated:

I think it’s potentially very dangerous, leading to a more general wages breakout like 1974-75. If they get away with a wage increase of that size with no offsets, it is potentially dangerous.

You do not need our side of the chamber to be telling people what will inevitably happen in this scenario. We in the west watched with concern last week as we saw the MUA and others undertake this bullying activity. We
looked to see what the minister, who has this fresh new legislation in place, would do. I heard her to say that she believed it was the legislation working at its best. If the minister thinks that workers getting a $50,000 a year increase, staggered in over a three-year period, is legislation working at its best, one can only despair about what will happen in the industrial scene in our state and across the nation. If ever there were a time that the ABCC should continue in its present form it is now.

I would like to draw attention to some of the comments made by the previous speaker, Senator Siewert. I refer now to the occupational health and safety fears of the union movement when the ABCC came into place. There was an assertion naturally that we would see an increase in occupational injuries et cetera. It is a well-stated fact that no unlawful act has ever led to increased safety on a workplace. There are many mechanisms which employers and employees can use. I can assure you as an employer of some 30 years experience that a harmonious workplace—where there are good relations between employers and employees—is the way to increase occupational safety and wellbeing, and it is to the benefit obviously of all parties.

Let me quote some of the statistics and put them on the record. These are stats from Safe Work Australia, from only August of last year. They show that not only has there been no increase in injuries in the building and construction industry since the ABCC’s inception; they have in fact gone down. Per 1,000 workers, in 2003-04 there were 27.7 incidents of injury to construction workers. That went down in 2004-05 to 26. It went down further in 2005-06 to 24. It reduced again in 2006-07 to 22. In 2007-08, the last year for which I have statistics, it was 21. That debunks the theory that the introduction of the ABCC would increase unsafe practices in workplaces. It has not. Neither should it and neither would it.

I will speak, if I may, on the concept of industrial harmony. I made the observation earlier that, as an employer of some 30 years experience, in two states of Australia, I know that we must have a harmonious workplace to get productivity gains and to reduce any sort of industrial accident. I have always taken the view that any accident in a workplace is preventable. It should always be the case that employers and employees, management and workers, sit down together to ensure that practices are such that accidents will be minimised.

It was only in November of last year that Westpac produced very, very interesting figures relating to the preceding 12 months, when there was obviously a downturn in employment. Their figures indicated that in the Australian workplace, and in industry in particular, there had been a decrease of only 0.1 per cent in employment whilst there had been a decline of some 2.3 per cent in hours worked. What this indicates is that employers were doing their best to keep employees in the workplace, and because of good bargaining, good relations and industrial harmony they were able to negotiate for people to work fewer hours. That is exactly what we should be looking for in Australia. Nobody wants to put competent workers off, particularly at a time when—as in our state and, I hope, the rest of the nation—we are starting to see an increase in demand.

Speaking again of industrial harmony, I note that surveys undertaken by the Australian Constructors Association four years after the introduction of the building and construction industry improvement legislation indicate that three-quarters, 75 per cent, of employees had a positive reaction to the changes in that industry, 15 per cent indicated no change and only 10 per cent—one
in 10—indicated that the changes had been negative. I cannot see why we need to modify or water down this legislation. It has never been my experience that industrial ill will in a workplace has done anything for employers, workers or the bottom line. I can point to innumerable instances in industries with which I have been associated where the reverse is true and where good negotiation, liaison and confidence in a workforce have led to immeasurable gains for everybody.

I conclude with the concept of encouraging overseas investment in Australian industry. The industry in which I was engaged prior to coming into the Senate was the oil and gas industry. It is of enormous importance to our productivity and our long-term commercial wellbeing that we are judged internationally to be responsible in our industrial relations. One need only look at when there was industrial turmoil in the Pilbara. Our overseas trading partners had enormous concerns. I refer also to the lamentable situation in the construction industry in Melbourne when the Japanese company Saizeriya walked away from its intention to invest in that industry. That resulted in the loss of tens of millions of dollars and up to 3,000 jobs.

I know from my own contacts in the oil and gas industry offshore that at this very moment they are watching with increasing concern what is happening in the Maritime Union situation in Western Australia and of course the situation in the Pilbara. These are the people who are shipowners. These are the people who may or may not allow the use of their vessels in our waters. I hope the Minister for Immigration and Citizenship is listening, because they are also the people who may or may not bid on contracts involving our oil and gas industry in our waters. I can tell you from personal experience of the last few days that they are increasingly saying, ‘We are not interested,’—

Senator Marshall interjecting—

Senator BACK—I say to my colleague Senator Marshall that they are not interested in placing their vessels or their personnel in Australian waters if indeed we see the industrial action that is likely to happen. I request that Senator Sterle take his colleague to Western Australia, where he can see the powerhouse of the nation and where he can see all of this falling apart.

I conclude with the comment that these amendments must be defeated, the BCII legislation must remain in place unchanged and the commission must be allowed to continue its excellent oversight of the construction industry and related industries. It is regrettable that my Western Australian colleague Senator Siewert did not see what happened in the building and construction industry to cause the Cole commission to come into existence in the first place.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Senator BIRMINGHAM (2.00 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Does the minister stand by his statement to the Senate yesterday:

We have undertaken to fully compensate Australian families for the costs of our ETS and 92 per cent of the families will receive full compensation and working families in Australia will have those costs met.

Senator CHRIS EVANS—I am pleased to get my third question this week from Senator Birmingham on climate change issues. I suspect they get him to ask the questions because he is the only one who believes that climate change is a problem, whereas the rest of the frontbench of the Liberal Party in the Senate, of course, are all climate change deniers. If they were not before the election of Mr Abbott, they certainly are
now. But I will certainly have a look at the *Hansard* from yesterday and see what point Senator Birmingham is trying to make. I will check the *Hansard* and see if his claims are correct and if anything needs to flow from that.

But can I indicate that our scheme, the government's serious attempt to deal with the threat of climate change, includes compensation for Australian families. It includes a system of providing compensation for Australian families and pensioners. I would remind Senator Birmingham and the Senate, through you, Mr President, that in fact Mr Abbott's plan not only does not do anything to put a cap on pollution but provides no compensation for Australian families and pensioners. What it does is take $11 billion worth of their money over the next 10 years. It takes that money from taxpayers. The opposition do not have a compensation package; they have a huge call on Australia taxpayers.

So I can confirm there is a compensation scheme available to Australian families and pensioners. That was revealed in October, I think, of 2008. Senator Wong can correct me if the timing is wrong there, but I think it was in October. It was available when we last debated the legislation, Senator Birmingham, when you in the Liberal Party changed your mind and decided not to honour your election commitments to the Australian people. But I will check the *Hansard*. If there is anything that I need to correct, I will do so.

**Senator BIRMINGHAM**—Mr President, I ask a supplementary question. Is it true that, according to the government's own estimates, around 4.2 million of the estimated 8.5 million Australian households—that is, just under half, or around half, of Australian households—in 2011 will receive less than full compensation or will receive nothing at all? Doesn't that mean that, far from 92 per cent of households receiving full compensation, around half of Australian households and working families will actually be worse off?

**Senator CHRIS EVANS**—I do not know why Senator Birmingham persists in highlighting the fact that, under the government's scheme, there is compensation to Australian families and under the Liberal Party's proposal there is no compensation. As we have made clear—and we have debated this bill twice—

*Honourable senators interjecting—*

**The PRESIDENT**—Order! The time for debating this is at the end of question time. When there is silence on both sides, we will proceed.

**Senator CHRIS EVANS**—As I pointed out, Senator Birmingham's question only goes to highlight the fact that this government, the Rudd Labor government, has a serious plan for tackling the impact of climate change on our environment, has a plan to put a cap on pollution and is making a serious effort at tackling the problems associated with climate change, and the Liberal opposition have come up with a con job that does not put a cap on pollution, that spends $11 billion of taxpayers' money and that provides no compensation at all. So, yes, Senator, you are right: we provide compensation for families. We actually make polluters pay. Your scheme makes the taxpayers pay.

**Senator BIRMINGHAM**—Mr President, I ask a further supplementary question. Does the minister accept that he misled the Senate yesterday by claiming that 92 per cent of Australian families would be fully compensated for the ETS? Will he apologise to the Senate and to the millions of Australian families who will be worse off under the government's big new tax?

**Senator CHRIS EVANS**—I thought for a moment the senator was suggesting that mil-
lions of Australian families were listening to the Senate yesterday. I am sure, despite how interesting it is, that is not quite correct. I indicated to Senator Birmingham at the start of his original question that, if there was something in the <i>Hansard</i> that needed correcting, I would correct it—absolutely. I will go back and read the <i>Hansard</i>. But the key point to make is—

<i>Senator Abetz interjecting—</i>

<i>Senator CHRIS EVANS—</i>Senator, it has been brought to my attention. If there is an issue, it will be addressed—no problem at all.

<i>Senator Abetz—</i>When?

<i>Senator CHRIS EVANS—</i>Following it being brought to my attention, Senator Abetz—and I will not get lessons on appropriate behaviour from you, Senator Abetz. You should still hang your head in shame.

<i>The PRESIDENT—</i>Order! Ignore the interjections. Address your comments to the chair.

<i>Senator CHRIS EVANS—</i>I made it clear that the key point was: there is compensation payable to Australian families and pensioners under the government scheme; there is no compensation payable under Mr Abbott’s scheme.

<i>Climate Change</i>

<i>Senator LUNDY (2.06 pm)—</i>My question is to the Minister for Climate Change and Water, Senator Wong. Minister, what is the ultimate test of the effectiveness of any policy on climate change?

<i>Senator WONG—</i>I thank Senator Lundy for the question because I have been waiting with bated breath for those opposite to ask the relevant minister about their policy. I have been waiting for the people on that side in this chamber to defend the great policy that Mr Hunt drafted for them, but I have been waiting in vain. Perhaps it is because they do not like it themselves. Senator Lundy asked what the test was.

<i>Opposition senators interjecting—</i>

<i>The PRESIDENT—</i>Order! To both sides: the time for debating this is at the end of question time. When there is order we will proceed. I draw the attention of senators to the fact that I am waiting for there to be silence so that the answer can be given by Senator Wong.

<i>Senator WONG—</i>Senator Lundy asked what the ultimate test was of the effectiveness of climate change policy. Surely we in this chamber would agree that ultimately the test is whether it reduces the risk for our children, because that is what this debate is about. You reduce the risk of climate change for future generations by reducing the carbon pollution that actually causes climate change. It is quite extraordinary that we see from the Leader of the Opposition, Mr Abbott, a climate con job that not only does not reduce carbon pollution but actually ensures that carbon pollution will grow. That is extraordinary. The people who do not believe in climate change have, as the alternative government, put forward a policy to the Australian people that actually says: ‘Guess what? We’re going to spend billions of dollars but emissions will actually grow. We’re going to spend billions of dollars of taxpayers’ money to ensure that by 2020 Australia’s contribution to climate change will actually get worse.’ That is the opposition’s position on climate change. Rather than achieving the five per cent emission reduction that they
have already signed up to, the Liberal climate change con job will actually see emissions increased—(Time expired)

Opposition senators interjecting—

The PRESIDENT—Order! When there is silence I will ask you to proceed, Senator Lundy.

Senator LUNDY—Mr President, I ask a supplementary question. Can the minister advise the Senate whether there is a cost-free way to tackle climate change?

Senator WONG—There is no cost-free way to tackle climate change. As former Prime Minister Howard said three years ago:

... the idea that you can bring about the changes that are needed ... without there being any impact at all at any time on the cost to the consumer, is quite unrealistic.

On that occasion at least Mr Howard was telling the truth, unlike the current Leader of the Opposition. The fact is that, under the government’s scheme, polluters pay and we help Australian families and Australian businesses. Under Mr Abbott’s scheme—his climate con job—taxpayers are slugged instead of the big polluters.

Senator Bernardi interjecting—

Senator Ian Macdonald interjecting—

The PRESIDENT—Order! Senator Wong, resume your seat. Senator Bernardi and Senator Macdonald, constant interjection is disorderly. When we have silence we will proceed.

Senator WONG—This climate con job simply proves that Mr Abbott is dishonest when it comes to this policy. He has put forward a policy which will ensure Australia’s emissions grow by 13 per cent by 2020. But what are you supposed to expect from a man who believes that climate change is absolute crap?

Senator Abetz—Mr President, on a point of order: referring to somebody in the other place as being dishonest is clearly a reflection. I am astounded that it was not noted. In the event that it was not, I draw it to your attention. The minister should withdraw it.

The PRESIDENT—Senator Abetz, that was not what I heard. I thought I heard the words ‘not dishonest’. I might be incorrect.

Senator Abetz—Could I invite Senator Wong to actually be honest and tell us.

The PRESIDENT—Wait a minute. I am just saying what I heard. Senator Wong, resume your seat. One of the difficulties I have up here is the fact that there is constant interjection, which makes it difficult to hear on some occasions. I am just saying what I thought I had heard and I did not think that what I heard from here was an improper reflection. I ask Senator Wong to make the point clear as to whether there was an improper reflection on a person in another place.

Senator WONG—Mr President, I did assert that Mr Abbott was dishonest in relation to this policy. If it offends, I withdraw.

The PRESIDENT—It is withdrawn.

Senator Abetz interjecting—

The PRESIDENT—It was withdrawn.

Senator Abetz interjecting—

The PRESIDENT—I understood it was an unconditional withdrawal.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Wong, have you withdrawn?

Senator WONG—I have withdrawn.

Senator LUNDY—Mr President, I ask a further supplementary question. Minister, would you advise the Senate on funding for climate change policies?

Senator WONG—Mr Abbott and Senator Joyce have confirmed that their climate change con job will in fact cost Australian taxpayers some three times more than the
government’s policy. It will cost three times more over the next 10 years. In fact, Mr Abbott’s own apparent adviser, Mr Price from Frontier Economics, confirmed that this would involve either changing taxes or changing expenditure. I note that Mr Abbott has refused to rule out cutting funding to hospitals and cutting funding to defence, and Senator Joyce has refused to rule out cutting funding to schools. The challenge for the opposition, for a policy that is three times more expensive and that ensures that emissions keep rising, is to tell the Australian people which school, which hospital or which defence program they are going to cut to pay for their policy—a policy that slugs taxpayers and lets polluters off scot-free.

Emissions Trading Scheme

Senator FIFIELD (2.14 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Minister, will the impact of the government’s ETS on prices be a one-off event or will it vary with changes to the carbon price?

Senator CHRIS EVANS—I thank the senator for this question. The government has supplied the information on the modelling of the impact on households and on prices. The government’s commitment was that it would structure the compensation package to meet those costs. That modelling was released when we debated this legislation twice in this parliament—I do not quite understand how it is that the opposition now wants to debate it again before the bill actually comes back to the Senate.

As I say, the opposition have had two chances to debate the bill, to seek to amend it if they thought it needed improving and to pass the bill, but now it seems they are more interested in discussing it, having already defeated it twice. The parliament will get the chance to vote on this legislation again and I hope the interest they are now showing in our legislation will be represented in their approach to it when it comes back. The package of compensation was announced by the government, it was made clear that it was focused on—

Senator Abetz—Mr President, I rise on a point of order on relevance. Sessional orders require that the minister be directly relevant to the question. There was no mention of compensation in the question, it was simply whether the ETS on prices would be a one-off event or would it vary with changes to the carbon price. The answer is either that, yes, it is a one-off event, or it will vary—just tell us. The compensation is nowhere near the issue.

The PRESIDENT—I cannot instruct the minister on how to answer the question and I cannot ask the minister to give you necessarily the answer that you may desire, but I can draw the minister’s attention to the question, which I am going to do, and advise the minister that he has 47 seconds left to address the question.

Senator CHRIS EVANS—I am doing my best to help the senator. As I said, the compensation package was outlined by the government based on the modelling. As part of that—

Senator Abetz—How is this relevant?

Senator CHRIS EVANS—Senator Abetz, if you would just stop interjecting I would actually give the answer that the senator wants, but you are determined to be the star of question time, apparently. I am happy to help, if I can be heard over the interjections.

The PRESIDENT—Order! Return to the question, Senator Evans.

Senator CHRIS EVANS—In announcing the compensation package, the government committed to an annual review of its household assistance package, so the compensa-
tion is ongoing. The government committed to an annual review of its household assistance package to make sure that it was meeting the needs outlined by the government in terms of the compensation targets. *(Time expired)*

**Senator FIFIELD**—Mr President, I ask a supplementary question. Given that it stands to reason that if the carbon permit price changes then prices on basic goods may vary, which I think the minister was on the verge of conceding, how does the minister explain the Prime Minister’s statement on the *Today* show on Tuesday that there is a one-off adjustment to the price? Minister, did the Prime Minister get it wrong?

**Senator CHRIS EVANS**—I have to confess to missing the *Today* show that morning.

**Senator Abetz**—How convenient!

**Senator CHRIS EVANS**—Well, some of us have got a real job, Senator Abetz, so we are busy.

**The PRESIDENT**—Order! Just answer the question, Senator Evans.

*Honourable senators interjecting—*

**The PRESIDENT**—Senator Evans, ignore the interjections and just answer the question.

**Senator CHRIS EVANS**—I am trying to assist the senator by giving him the answer. As I said, the government committed to an ongoing compensation package and the figures were calculated according to the Treasury analysis to provide that compensation. The government has already committed to the annual review of its household assistance package which I understand from Senator Wong will be adjusted in the budget context. So there is ongoing compensation that will be adjusted as part of an annual review. The key point is this: under the government’s scheme we seriously tackle climate change, we compensate Australian families and we make the polluters pay. Mr Abbott’s scheme does not cap pollution and does not compensate families; it makes taxpayers carry the burden. *(Time expired)*

*Honourable senators interjecting—*

**The PRESIDENT**—Order! The time for debating it is at the end of question time. I am waiting to call the next person.

**Indigenous Communities**

**Senator SIEWERT** *(2.22 pm)*—My question is to Senator Evans, the Minister representing the Minister for Families, Housing, Community Services and Indigenous...
Affairs, Ms Jenny Macklin. I refer to the minister’s comments today on income quarantining. Does the minister consider that all welfare recipients squander their payments on alcohol, drugs and gambling? On what evidence does the minister make the claim that income support recipients are wasting their money on alcohol, gambling and drugs?

**Senator CHRIS EVANS**—That was not what Ms Macklin was suggesting at all, I am sure. Ms Macklin was indicating, which I think all senators in this place know, that there has been serious concern and evidence over many years that payment of welfare to families does not necessarily improve the conditions and the lot of that family, particularly their children, and that the payment system does not necessarily result in the sort of care and support that we expect it to provide. That is not true of everybody. Not all people receiving income support from the Commonwealth are reliant on alcohol and drugs or are serious gamblers. But it is the case—and all the state welfare agencies will tell you—that there are large numbers of children who are in families on welfare support and who are not getting the care and support they need. They are not attending school often enough, they are not getting fed properly and they are often not living in safe environments. This government is trying to ensure that those kids get a much better chance, and it is trying to find new ways of ensuring that the support that taxpayers provide, through the Commonwealth government, goes to those kids and helps those families have a lifestyle that gives those kids an opportunity in life.

It is true that we have identified in a large number of families who are dependent on welfare or income support measures issues of alcohol and drug abuse and gambling that have resulted in serious damage to those family units. This measure is a serious attempt to try and tackle that problem—a problem that the previous government was very much aware of and was trying to confront. I would urge all senators to treat this measure as a very serious attempt to deal with a very serious problem. *(Time expired)*

**Senator SIEWERT**—Mr President, I ask a supplementary question. I thank the minister for his answer. Does the government think that only children in families who are dependent on income support have problems with drugs, alcohol and gambling? If they do not believe that, what are they doing about families who are not dependent on income support?

**Senator CHRIS EVANS**—It is clearly not the case that these problems are confined to people who are on welfare or income support. No-one has ever asserted that. The Commonwealth and state governments as well as community groups run a range of programs to try and deal with these serious social issues. I actually think alcohol abuse is a more major problem in our society than most people acknowledge. It is often used to point the blame at young people. I think a lot of young people learn the habit from very mature people. It is not the case that it is restricted to those families. We are trying to use these measures to attack it in that way. We run education programs. We pass legislation. People like Senator Xenophon are focused in on things like gambling. These are problems of society. But income support is one of the ways we seek to support those families—*(Time expired)*

**Senator SIEWERT**—Mr President, I ask a further supplementary question. Does the minister believe that the statements by the minister reported in the media today imply that all income recipients are squandering their money? Does the minister feel that it demonises those who are on income support?

**Senator CHRIS EVANS**—I must admit that I find that a bit offensive. I do not think
anyone, Senator, would suggest that Ms Macklin is not serious about these issues, that she is not concerned about the families affected or that somehow she has this attitude that all persons who are on welfare have these problems. That is certainly not her attitude. She has been interested in this sort of public policy for all of her life. She is very concerned about families on welfare but she is also concerned about the broader community. What she is doing is highlighting the fact that the welfare system has not achieved the objectives that were set for it and that the straight payment of moneys to these families is not meeting the objectives we set. So we have to do something different. This is an attempt to do something different with those families to improve their lot. Other things need to be done as well, but it is in no way seeking to denigrate people on income support. (Time expired)

Broadband

Senator MINCHIN (2.27 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Why did the minister mislead the Senate on 3 February 2009 by restating his ambition to sign an NBN contract the following month when it has now been revealed in the Auditor-General’s damning report on the failed NBN RFP process that he knew by then his tender process was already doomed to fail?

Senator CONROY—Thank you for that question, Senator Minchin, and for your ongoing lack of interest in your former shadow portfolio.

The PRESIDENT—Senator, just address the question.

Senator CONROY—This is a very serious accusation being made by Senator Minchin so I want to make it very, very clear: I utterly reject your allegation and for the following reasons. I know that Senator Minchin enjoyed the portfolio and that he had other things on his mind. On 9 April last year, we revealed the secret that the evaluation panel recommended no-one was value for money. It has taken nearly nine months for you to allege that what I said in February of last year was misleading the parliament. Now either it was a serious mislead nine months ago and you were not paying attention, or you are simply so empty—

The PRESIDENT—Order! Senator Conroy, address your comments to the chair and not across the chamber. Shouting across the chamber at any time in the Senate is completely disorderly.

Senator CONROY—Let me be clear: I utterly reject this assertion. If you wanted to make this assertion, the time to do it was nine months ago. I appreciate that you were not paying any attention to the portfolio nine months ago. We revealed on April 9 that there was no value for money in any of the recommendations and that it was given to us on January 20. Either it was a serious mislead back then, Senator Minchin—

Senator Minchin interjecting—

Senator CONROY—No, that is not at all the case.

Senator Abetz interjecting—

Senator CONROY—I am glad Senator Abetz is interjecting, Mr President, because I want to take you to the Auditor-General’s report. Under the heading ‘Conclusion’, here is what the Auditor-General said— (Time expired)

Senator MINCHIN—Mr President, I ask a supplementary question. Given the Auditor-General’s finding that non-Telstra proposals were likely to present significant risks, including the payment of billions in compensation to Telstra, why did the minister tell the Senate in February that he was still confident of signing a contract when
Telstra had been excluded from the tender in the previous December?

Senator CONROY—If I can just go to the Auditor-General’s report that Senator Minchin is selectively quoting from, here is the conclusion on page 86:

The Panel, assisted by the department, specialist advisers and other Australian Government departments and agencies, assessed NBN proposals in accordance with the evaluation plan. The Panel’s Evaluation Report is an accurate reflection of the proposal assessments, which have been adequately documented. Despite the RFP process’ complexity and short timeframe, the Panel and the department conducted the formal process well, and in accordance with the CPGs. However, the Panel did not recommend any proposals to the Minister.

The danger of reading the commentary here is that you do not bother to go and read the actual report. When you read the conclusions of the Auditor-General’s report, he gives a complete exoneration of the process. (Time expired)

Senator MINCHIN—Mr President, I ask a further supplementary question. Given the Auditor-General’s damning indictment of the minister’s handling of the NBN mark 1 RFP process, which wasted $30 million of taxpayers’ and bidders’ money, how can the parliament and the public have any confidence in this minister’s ability to deliver the $43 billion NBN mark 2?

Opposition senators interjecting—

The PRESIDENT—Order! When the commentary finishes, I will give the minister the call.

Senator CONROY—Again, the conclusion does not support the question you have just put. It is very simple. Even more informative is that the Auditor-General did not recommend one single thing. He made a number of recommendations after you had completed the T3 float, Senator Minchin, and on a whole range of other government programs that had been completed, but he did not make one single recommendation. There is no basis for you to make the claims you have made in these questions. You continue to be out of your depth and it is a relief you have been moved.

Honourable senators interjecting—

The PRESIDENT—Order! When we have silence, we will proceed. I remind senators that the time for debate across the chamber is at the end of question time.

Climate Change

Senator STERLE (2.33 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister inform the Senate of what the government’s approach to climate change means for industry? What role do research and innovation play in the government’s approach? How is the government addressing the challenge of climate change while keeping our economy strong?

Senator CARR—I thank Senator Sterle for this very important question. You cannot tackle climate change by sticking to business as usual. You cannot tackle climate change by planting a couple of trees. You can only tackle climate change by transforming the economy, by creating a market based framework that will encourage people to find new and better ways of doing things.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Carr, resume your seat. When we have silence, we will proceed. It is as simple as that.

Senator CARR—I thank Senator Sterle for this very important question. You cannot tackle climate change by sticking to business as usual. You cannot tackle climate change by planting a couple of trees. You can only tackle climate change by transforming the economy, by creating a market based framework that will encourage people to find new and better ways of doing things.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Carr, you have the call.
that process. We are investing in science and research to give us the data we need to understand climate change and the technologies that we will need to combat it. We are supporting the efforts of Australian innovators to develop and commercialise low carbon products and services. We are taking a high-tech path to a low carbon future by promoting innovation, attracting new investment, building infrastructure—

Senator Ian Macdonald—Kim, this is so bad that Penny has had to leave!

The PRESIDENT—Senator Carr, resume you seat. Senator Macdonald, constant interjecting is disorderly; you know that.

Senator CARR—We are attracting new investments. We are building new infrastructure. We are reinventing existing industries and we are developing new ones. Our emphasis is on innovation because it is only by changing the way we do things that we can hope to meet the challenge of climate change. Innovation will give us the answers that we need. It will also make us more productive and more competitive. (Time expired)

Senator STERLE—Mr President, I ask a supplementary question. I thank the minister. Can the minister advise the Senate what action the government has taken to prepare Australian industry for the very different operating conditions which will prevail as the world moves to reduce carbon pollution? What further action does the government propose to take after the Carbon Pollution Reduction Scheme has been introduced?

Senator CARR—Innovation is the key to maintaining our living standards in a carbon constrained world. The opposition might have started thinking about climate change this week but the government has been acting on it for two years. In my portfolio, Clean Business Australia has already increased the energy and efficiency of existing businesses and it is stepping up Australian innovation to address climate change. A New Car Plan for a Greener Future has already secured new investments in local production for greener vehicle technologies. When the CPRS legislation is passed, we will roll out a further $1.97 billion climate change action fund to help industry, to help workers and to help communities to adjust to the demands of a carbon constrained world. The fund will support a new innovation in climate change program which will build on the success— (Time expired)

Senator STERLE—Mr President, I ask a further supplementary question. Can the minister explain to the Senate why the government has opted for an approach to climate change based on emissions trading through the Carbon Pollution Reduction Scheme? In what way is the approach superior to the possible alternatives?

Senator CARR—Emissions trading is the only way to bring about the fundamental transformation that this economy needs. Thirty-five countries have reached exactly the same conclusion and so did Mr Howard, Mr Costello and Mr Turnbull, but the temporary Leader of the Opposition, Mr Abbott, thinks he knows a lot better than that. He thinks that climate change is all ‘crap’. He says he will conduct the greatest challenge of our time by a giant con job. The opposition’s plan does less and costs more and it is taxpayers who will be footing the bill. It will do nothing to transform Australian industry, it will do nothing for the millions of Australians who depend on industry for their livelihood and it will do nothing to stimulate new technology. The choice is very clear. A Carbon Pollution Reduction Scheme that will help us build a better future— (Time expired)

Economy

Senator JOYCE (2.40 pm)—My question is to the Minister representing the Minis-
ter for Finance and Deregulation, Senator Conroy. How much of the stimulus package, in dollar terms, is currently unspent?

Senator CONROY—I understand it is around half, but I am happy to come back if I have inadvertently misled you, Senator Joyce.

Senator JOYCE—Mr President, I ask a supplementary question. I thank the minister for his incredibly concise answer to that question. Like Mr Tanner, the minister is unable to give a straight and decisive answer to this question. Can the minister advise how the Labor Party intends to reduce debt, seeing that it cannot find savings?

Senator CONROY—A quick bit of maths to help Senator Joyce: half of 42 is 21. I think that stands up. I understand that Mr Tanner indicated that just recently. So I am happy to remain as concise as I was in the previous answer.

Senator JOYCE—Mr President, I ask a further supplementary question. Is the minister now saying that the amount unspent, the number you have given, is $21 billion? And, if you cannot be decisive in that answer, how can we take anything you say with regard to costing as credible?

Senator CONROY—I think if you subtract 21 from 42 you get 21 as well, Senator Joyce—just to help. Let me be very clear. As I said, if that number varies slightly I am happy to come back to give you an update and to correct any misapprehension. As you would know, the first phase of the stimulus—the cash payments—has all been spent. We are in the process of and work is underway on medium- and long-term infrastructure. At the end of November 2009: 64 per cent of major building construction projects had commenced, almost 6,000 projects had been completed, 93 per cent of funds for infrastructure projects had been approved and 31 per cent had been paid, two science and language centres had been completed in New South Wales and Queensland and another 109 centres commenced on-site construction. Also, 607 school projects had been completed at the end of 2009 and around $3.7 billion had been paid across the Building the Education Revolution program. (Time expired)

Education Funding

Senator FIELDING (2.44 pm)—My question is to Senator Carr, Minister representing the Minister for Education. Given the results from the Australian Early Development Index, which compared how children were faring in different communities across the country, found that Shepparton schoolchildren were at the greatest risk of having trouble at school, what is the government doing to fix this alarming finding and to make sure that Shepparton schoolchildren get the same opportunities as children in the rest of the country?

Senator CARR—I thank the senator for his question. The government will be investing $63.7 billion in education for the period of 2009-12. I understand that is a figure that Senator Joyce is targeting for his savings adventure. The $63.7 billion that this government is spending compares with the $33 billion that the Liberals invested between 2005 and 2008. So this government is doubling the amount of money we are spending on school education in this country.

The students in Shepparton will see their share of that money, by which they will see huge benefits for every student in every school in Shepparton. It is the Liberal Party that wants to take that money away from them. It is the Liberal Party that is saying that those facilities that this government is building in Shepparton should be stripped from those students. It is the Liberal Party that is saying that the people of Shepparton are not entitled to a fair go when it comes to
education. So, Senator Fielding, I trust you will ask the Liberal Party how much money they are taking out of schools in the electorate of Shepparton, from the people of Shepparton, from one of the most disadvantaged communities in the state of Victoria.

Senator FIELDING—Mr President, I ask a supplementary question. Drawing attention to the four public schools in the Shepparton region—Wanganui Park Secondary College, Mooroopna Secondary College, McGuire College and Shepparton High School—and given that they are substantially below the Australian school national average, how much exactly will be going to those schools over those years? (Time expired)

Senator CARR—I will seek advice from the education department officials as to precisely the amounts of money that have been spent in those specific schools from the Commonwealth appropriations. But again I would ask the Liberal Party: can you please tell the parents of students at those schools how much money you are going to take off them, what services you are going to take away from them, what levels of disadvantage you are prepared to accept as a legitimate part of the way this country operates. Because that is the view that Senator Joyce is trying to put to the people of this country—that education can be cut to finance your crazy, wide-eyed schemes.

Council of Australian Governments

Senator PAYNE (2.49 pm)—My question is to the Minister representing the Prime Minister. What is the government’s No. 1 priority for COAG in 2010?

Senator CHRIS EVANS—COAG has a huge agenda for this year, as the senator would be aware. The COAG has been working very well and we have seen some real progress in improved Commonwealth-state relations.

Senator Fifield interjecting—
would think governments are not capable of doing more than one thing at a time! But this is a reformist government. When we came into office, there was a lot that had to be done, there was a lot that had been ignored over many years. We make no apology for saying there was an enormous investment required in the education system. We make no apology for recognising that reform was required in the health industry. We have a large number of projects and reform agendas underway—that is right. We make no apology for that because, frankly, there was a lot that needed to be fixed following the end of the Howard government.

Senator PAYNE—Mr President, I ask a further supplementary question. Can the minister advise whether the lack of output from COAG requires him to answer the question properly—perhaps with the formation of a committee or another review—and can he also advise whether he agrees with former Victorian Premier Steve Bracks’s statement that the COAG reform agenda is too big?

Senator CHRIS EVANS—I am a bit surprised that Senator Payne, who has spent the last 15 years working very effectively on committees, would criticise the role of committees in the Australian political environment. The Senate committees are one of the most constructive things the Senate does. The answer to the question is this: we make no apology for having a big agenda. There is a lot to be done. It does not matter whether it is education, health or Indigenous affairs; there is a lot that needs to be done. Sure, COAG has a busy agenda—and long may it be the case because, frankly, federal-state relations in this country under the Howard government were ground down to a point where there was little that was constructive, little that was positive and little in the way of goodwill. We are trying to get goodwill. We are trying to work with the states for much better outcomes for Australia.

Apprenticeships

Senator MARK BISHOP (2.54 pm)—My question is to the Minister Assisting the Prime Minister on Government Service Delivery, Senator Arbib. Can the minister advise the Senate on the efforts the government is making to increase apprenticeship numbers in the wake of the global financial crisis? Can the minister outline the Apprentice Kickstart program and provide the Senate with information on how the program is progressing? Can the minister further advise why the government introduced Apprentice Kickstart and what its desired outcomes are?

Senator ARBIB—I am happy to update the Senate on the progress of Apprentice Kickstart. Last year the government took the opportunity to re-tailor the stimulus package to support the economic recovery. Part of that was putting together Apprentice Kickstart, where we more than tripled the first-year bonus for employers who took on an apprentice in one of the traditional trades over the summer period. We did this with the support of Senator Bob Brown and the Greens, and Senator Fielding, and I thank them for their support in re-tailoring the Jobs Fund. Apprentice Kickstart means employers will receive almost $5,000 in the first year to take on an apprentice. We did this following extensive feedback from industry, from business. We also kept in mind the number of major projects in the pipeline—LNG and mining projects—and the number of construction workers that were going to be required.

I am happy to inform the Senate that, in the first seven weeks of Apprentice Kickstart, 6,400 young apprentices have taken up the tools already. That is a fantastic result. This not only prepares us for the skill needs of this country but also helps us to fight
youth unemployment, one of the downsides of the global recession. We are very proud of that.

On behalf of the government, I thank the Australian Chamber of Commerce and Industry for their support for Apprentice Kickstart. They have been very supportive and they have done a great deal of work. I thank the AiG for their work. I thank the Master Builders Association and the Housing Industry Association for their support.

We are working towards 21,000 apprenticeships by the end of February. I urge businesses to take this opportunity right now. There has never been a better time to take on an apprentice. It will be good for their business, good for the Australian economy and good for the future. (Time expired)

Senator MARK BISHOP—Mr President, I ask a supplementary question. Can the minister explain to the Senate how Apprentice Kickstart is working hand-in-hand with the rest of the government’s stimulus package and stimulus spending? Can the minister outline any feedback he has received from employers about the value of Kickstart? What is the feedback from young people—

Senator ARBIB—Senator Macdonald might not care what is happening in Central Queensland with regard to apprentices, but a lot of people do. A lot of young people care because this is their big opportunity to get a job and training for the future. This is something that the Liberal Party and Senator Macdonald could not care less about. (Time expired)

Senator MARK BISHOP—Mr President, I ask a further supplementary question. Can the minister update the Senate on any other support for the Apprentice Kickstart program? What has been the community reaction to Apprentice Kickstart? Is the minister aware of any further local success stories and, most importantly, what is the feedback from young people who have been given an opportunity to get a start under this particular program?

Senator ARBIB—Senator Macdonald may not care about Apprentice Kickstart, but there are members of the opposition who do—at least one of them anyway. The member for Murray has been out in force. She has been touring her electorate, pushing Apprentice Kickstart. She has had almost blanket media coverage on Goulburn Valley radio, the Loddon Times and the Riverine Herald, talking about the incentives for apprenticeships. So I thank her for the good work that she has been doing. I congratulate her.

But sadly, Mr President, she is the only one. Sadly, I have to say, the shadow minister for apprentices and training did not seem to know that Apprentice Kickstart existed. On ABC South Coast in Western Australia, what did he say with regard to apprenticeships, training and job creation? He said, ‘I guess what I am looking for is to see how we can best support, from a federal and state government point of view, those employers to provide incentives to ensure that invest-
ment in training happens today.’ That is exactly what we have done. (Time expired)

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Climate Change

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (3.01 pm)—Mr President, I have checked the record Senator Birmingham so helpfully pointed out, and he is correct. I misspoke yesterday in answer to a question of his. I got excited, obviously, and in my enthusiasm to answer Senator Birmingham’s question on one occasion I used the words ‘fully compensated’ and on the other occasion the term ‘full compensation’. Both are wrong, as I have indicated to him, in terms of the compensation. So describing it as ‘fully’ compensated and ‘full compensation’ was not right. I should have used the word ‘compensation’ without those two words. I apologise to the Senate and therefore seek to correct the record.

Green Loans Program

Senator WONG (South Australia—Minister for Climate Change and Water) (3.01 pm)—Yesterday in question time Senator Milne, I believe, asked me a question in relation to Green Loans. I have some additional information which I propose to read. The senator asked me about a cap on the number of Green Loans assessors. This is not correct. I have received advice that indicates as follows: Fieldforce is the single largest operator under the Green Loans Program. To accommodate this—

The DEPUTY PRESIDENT—Order!

Would senators please refrain from conducting conversations in the aisles. If you want to have a conversation, would you please leave the chamber. Order, senators on my left! Sorry, Senator Wong, I could not hear you.

Senator WONG—Yes, thank you. I am a bit lost as to where I was. Fieldforce is the largest single operator under the Green Loans Program. To accommodate this they make bulk bookings, which are processed by the department once a week. These bookings are subject to a weekly limit in order to ensure there is adequate work for all assessors. These arrangements were put in place to minimise the impact on the department’s booking process that would occur if Fieldforce were to book their jobs every day. Fieldforce are required to generate this work themselves. They are not provided any guarantee or level of work through the department. Jobs are available to all assessors whether they are individuals or part of a company. Assessors employed by Fieldforce are bound by the same terms and conditions as every other assessor working under the program, including in relation to the promotional canvassing of other products and services and there is no special treatment or exception in this regard. Thank you.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Emissions Trading Scheme

Broadband

Senator BARNETT (Tasmania) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship
(Senator Evans) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senator Birmingham and the Leader of the Opposition in the Senate (Senator Minchin) today relating to the emissions trading scheme and to the proposed national broadband network.

What we have had confirmed today is that the NBN tender process was entirely flawed. In addition to that we have seen that Minister Conroy has misled the Senate. The evidence is on the record—it is on the Hansard. This process went for some 18 months and we know that it was canned as of April last year. We also know that in February last year the minister, Senator Conroy, misled the Senate when he specifically said that the process was going well. He specifically said that the process was successful. He specifically said, ‘I am very confident it will be successful.’

The minister knew in February last year—that is on the public record—that the process was flawed and yet he came into this chamber and said specifically that the process was in fact not flawed but successful and that, indeed, the outcome would be successful. We know exactly what happened some two months later—it was canned.

As a result, $30 million of taxpayers’ money has been wasted. It has gone down a big black hole, down the gurgler in Canberra, so no taxpayers, no Australian people, will benefit from that whatsoever, apart from of course the many consultants and lawyers—and we do not know how many lawyers’ opinions have been obtained in this process.

The process is set out in this Auditor-General’s report—and as a member of the Joint Standing Committee of Public Accounts and Audit I know that the Auditor-General’s reports are held in high regard. The Auditor-General is a man worthy of great respect and, indeed, those in the Auditor-General’s office know what they are doing. They are credible. This report I have in my hand right now is a damning indictment of Senator Conroy. It confirms that he has misled the Senate and it also confirms on the public record that $30 million has gone down the drain.

Government senators interjecting—

Senator Barnett—It says that the process is flawed.

Senator Ludwig—it doesn’t say that! Where does it say that?

Senator Barnett—It does not say specifically that Senator Conroy has misled the Senate.

Senator Ludwig interjecting—

The Deputy President—Order on my right!

Senator Barnett—What we can say based on the Hansard of what he said in this parliament in February, that the process is successful and will be successful, is that it has been confirmed today that he misled the Senate. Senator Conroy should come in here and apologise to the Senate. He should say sorry to the Australian taxpayers for the $30 million that has gone down the tube and specifically for misleading the Senate.

In this National Broadband Network process, the $30 million was over an 18-month period. In terms of the costs, that is simply disgraceful. The report talks about the costs and the possibility that, if the process continued, there would be a potential payment of just terms compensation to Telstra for the compulsory acquisition of the right to use its assets, should a non-Telstra proposal be successful. That is set out in the report at page 18. So it was flawed from the beginning, and we know that billions of dollars may have been required to be paid to Telstra as a result. The process was flawed from the beginning, yet it was not canned until 18 months later, in April last year. We know that much.
What else do we know? We know that the government have a history of waste and mismanagement—this comes on the back of GROCERYchoice, Fuelwatch and the schools stimulus debacle in terms of the blow-out in spending. We know that they have spent $1 billion—in fact, it would be in excess of $1 billion now in their more than two years in government—on consultants, when they said they would be cutting consultant expenditure by hundreds of millions of dollars over those years. So the waste and mismanagement is shocking. But today what has been revealed, thanks to the questions from Senator Minchin, is that Senator Conroy has been unable to answer questions put to him in the Senate. It is a great shame. He should hang his head in shame and apologise to the Senate for misleading the Senate and for the gross waste of taxpayers’ money.

Senator JACINTA COLLINS (Victoria) (3.09 pm)—I am glad that the opposition has chosen to take note of the answers to these two questions because it demonstrates that this new opposition under yet another new opposition leader has not really changed that much. We saw a demonstration in question time today of the climate change sceptics, reinforced again by the behaviour of the new opposition leader, not only with his new policy but by the sceptics with whom he is still happy to associate. We also saw the same global financial crisis scepticism they have demonstrated for the last 12 months. Despite the fact that about half of the opposition’s front bench in the Senate were with us here today, we still saw that very sloppy and audacious approach to policy, and I will deal with part of that when I deal with Senator Evans’s discussion about the issue of compensation that was before us in the Senate today.

Looking at the week, we have had the very sloppy approach to policies that this opposition might take forward in an election year. We have had talk about the very successful My School website, yet a very unclear position and, if I recall the behaviour of the shadow parliamentary secretary for education, some disquiet as to how the nature of the questions being asked in this place reflects the ultimate policy position that this opposition may take. The next day we dealt with workplace relations, and once again there was the approach of trying to have it both ways about how industrial relations arrangements should work in this country. Finally, today, there was again the approach of trying to have things both ways about how we tackle and deal with climate change. There was a failure, as Senator Wong highlighted, to accept what even the previous Prime Minister accepted, that there is a cost that needs to be managed, and that the lack of any compensation arrangements in the coalition’s policy means that cost will need to be borne elsewhere. Even Senator Fielding has acknowledged that it is going to be a cost to our schools, to our education system, to our health system, if we go down the path that is being proposed by Mr Abbott.

Let me deal briefly with the NBN issue. What the audit report did highlight, as Senator Conroy pointed out when he welcomed the report, was that the global financial crisis was a factor in the aborted request for proposals process. This was something Senator Barnett failed to mention at all when he sought to pretend and put into the report comments that simply do not exist. The report does not at all indicate that Senator Conroy misled the Senate. As was highlighted this morning by the Prime Minister when he also dealt with this report, the $17 million needs to be considered not only in the context of what occurred last year with the global financial crisis—which this government has managed in a world-first, successful and enormously creditable process—but also in the context of the overall cost of this
program. These are again points that Senator Barnett did not raise.

Let me conclude briefly with some points about the compensation arrangements. The Carbon Pollution Reduction Scheme is designed to limit Australia’s carbon emissions—something that Tony Abbott’s program will not be able to do, and certainly not to the magnitude necessary to reach our targets. It does this by making polluters pay for the pollution they produce and rewarding those who reduce their carbon pollution. The scheme includes direct cash assistance for nine out of 10 Australian households, and low-income families are expected to receive 120 per cent of any anticipated costs in direct cash assistance. So there is not only full compensation but more than full compensation. What the opposition failed to understand today was that you can have a tandem approach in relation to compensation. You can have this direct cash assistance but also an ongoing process, which is the annual review of household assistance packages as part of the budget process. So we are saying that not only have we made assessments that we believe will be able to provide adequate compensation but we have also built in a mechanism which will enable us to review that and ensure that Australian households, Australian families, are properly compensated into the future.

Senator BIRMINGHAM (South Australia) (3.14 pm)—I am pleased to take note of the answers given to questions today by Senator Conroy and Senator Chris Evans. These answers demonstrate that, when it comes to the big issues and when it comes to their massive expenditure, this government does not understand the detail of its own plans or policies. They have no idea how to administer them. They have no idea how they work. They simply waste taxpayers’ money time and time again and hurt the Australian public in the process.

With the release of the Auditor-General’s report yesterday we have seen yet more damning evidence that Senator Conroy and the government have messed up the implementation of the National Broadband Network. It was their big election policy promise. They promised at the time to build a $4.7 billion fibre-to-the-node network and they promised that construction would start within 12 months of their being elected. Instead, we saw delay upon delay upon delay in the way the network tender process was handled. We saw a blow-out in all of the costs related to that network tender process.

We have seen some $30 million of taxpayers’ money wasted by the tender process, a damning report from the Auditor-General and the government in a humiliating back-down saying it would not back down from a policy that it could not achieve but it would up the stakes—double or nothing; in fact, in this case it was 10 times or nothing. They turned it into a $43 billion promise to build a fibre-to-the-home network. That is right: they could not get a tenderer, they could not get the project off the ground to actually build fibre to the node in a $4 billion to $5 billion promise so they times it by 10, decided to roll it around the country and are going to spend $40 billion plus. It is unbudgeted and has no business plan. Quite clearly, this will end up being as unsuccessful as their first failed attempt and will waste many millions of dollars more of taxpayers’ money on lawyers, accountants, consultants and all of those people who did very well out of the tender process—everyone except the Australian taxpayer.

We have evidence within this that Senator Conroy, in promising they would deliver a successful tender right up until the time when it was revealed that they could not, in effect misled this house. He said, ‘We will announce a successful tenderer within the month,’ when he knew full well at that stage...
they had no capacity to announce a successful tenderer.

We then had Senator Evans having to come in here in a humiliating way at the end of question time and confirm that he too misled the house. Just yesterday he misled the house when he tried to tell the Australian people that 92 per cent of all households would be compensated under the government’s great big new tax, the emissions trading scheme. He said yesterday ‘92 per cent of all households’, claiming of course that basically everyone would be fully compensated. Well far from it that everyone will be fully compensated—far from it indeed. Under the government’s own rather dodgy estimates we will see at least half of all Australian households left worse off as a result of the big new tax, having to fork out more from their own pockets to maintain their standard of living and to pay for their electricity and for all of the consumer goods that that will flow through to.

This government does not know how it is administering its own policies. Senator Evans was deliberately misleading the house, attempting to mislead the Australian people or simply did not understand his own policy. That is the reason he was caught out today and had to come into this chamber and acknowledge that he said the wrong thing yesterday, that he got it wrong.

Then we have the Prime Minister himself being caught out. The Prime Minister in his usual morning television appearances tried to convince the Australian people that he understands the detail of the scheme. He said there would be a one-off adjustment to the price of consumer goods. What rot. If you are having a market system with a variable price for carbon, surely there will be a variable impact flowing through to the price of consumer goods. That is why the government has not promised an annual review of its compensation. It is yet another example of this government—Senator Conroy, Senator Evans and the Prime Minister—getting it wrong on the details of their big picture policies. (Time expired)

Senator PRATT (Western Australia) (3.19 pm)—I welcome the opportunity to take note of the answers given by Ministers Chris Evans and Conroy today. I begin by highlighting that Senator Evans’s response was quite clear that we recognise the Carbon Pollution Reduction Scheme will indeed have a modest impact on prices but the government is providing substantial assistance to help households adjust. In contrast, what the coalition has put before us is a giant climate change con job. We know that sceptics have beaten a path to their door. The coalition have tried to argue that the CPRS is a giant climate change con job. We know that sceptics have beaten a path to their door. The coalition have tried to argue that the CPRS is a giant tax on households. Nothing could be further from the truth.

The coalition’s policy is certainly a tax. How will it get funded? Certainly that revenue will have to come from the taxpayer. The coalition’s policy completely fails the test. It does not reduce pollution. We know that pollution may indeed grow under the opposition’s policy while billions of dollars of taxpayers’ money—money the government will have to find and taxpayers will have to pay—will be spent on this scheme, and for what? For no outcome. It is a Liberal climate change con job. There is no cost-free way of tackling climate change, as Senator Evans highlighted in question time today.

Who should pay: the taxpayer or the polluter? You say the taxpayer; we say the polluter. Australian emissions under the coalition’s plan will grow and Australian households, who you purport to be so concerned about, will be no better off. Unless you put a hard legislative limit on carbon pollution, polluters will keep polluting and climate change will just get worse. That is why the
CPRS puts a limit on emissions. That is why the CPRS charges polluters. If they in turn need to pass costs on to consumers then we compensate them.

By contrast, the climate con job put forward by Mr Abbott does not put a limit on pollution. Mr Abbott thinks climate change is crap, and he has confirmed that again and again. The opposition leader’s climate change plan is nothing more than a climate con job. It does less, it costs more and it will mean higher taxes for Australian families. The opposition’s scheme has three key problems. Firstly, it does not work, it does not require anything of the polluters and it has no cap on pollution. Secondly, it will slug taxpayers instead of big polluters. Thirdly, it is unfunded and it will mean big cuts in services, or higher taxes.

To tackle climate change we know that we need a CPRS or an ETS to transform our economy and to drive pollution down. We have to get on with the job of getting our pollution sources under control, for a greener and more sustainable Australia. The sooner we do this, the less it will cost Australian households. Abbott’s plan will cost this country. Why? Because big polluters will not have a framework to drive down their emissions. Our industry will fall behind what the global effort requires. The coalition has shown that it is out of touch on this issue. The sceptics have beaten a path to the coalition’s door.

We know that more than 30 countries already have emissions trading schemes like the CPRS in operation, and others are working towards schemes of their own. Why? Because they know that these schemes are the most efficient. These schemes will reduce costs for their citizens and their families. We are in step with the rest of the world. There is one lone wolf in this scenario, and that is the Leader of the Opposition. His approach is not being taken by anyone in the world. On the other hand, the Rudd government’s Carbon Pollution Reduction Scheme is fully costed and funded. We know how much it is going to cost: $3.3 billion over 10 years. The cost is to be met by polluters and, where the cost is passed on to consumers who buy those goods and services, the Commonwealth government will compensate the consumers. By contrast, Mr Abbott’s costings, his climate con job— (Time expired)

Senator FISHER (South Australia) (3.24 pm)—With some pleasure, I rise to take note of answers given by Minister Conroy to questions asked by Senator Minchin. The Auditor-General’s report released yesterday unfortunately shows that not only did the Rudd government waste money with round 1 of the National Broadband Network promise but they deferred getting the expert advice that would have told them that the process was essentially doomed to failure from the start. So they got away with doing just that—wasting money—for a period of time. What has happened? In the process, millions of dollars have been wasted and Australians have come to expect from the Rudd government promises without delivery. Look at the waste of money: megabucks for not one extra megabit under NBN round 1. Unfortunately, history is repeating itself with NBN round 2.

The Auditor-General said of NBN round 1 that the one-stage tender process was ‘not conventional for a competitive assessment process of this size, nature and risk’ and made a complex commercial transaction considerably more complicated. The Auditor-General criticised the prescription of fibre-to-the-node technology in NBN round 1 and noted that it was ‘limited in potential scalability’. The Auditor-General concluded that, while the Rudd government was made aware of key risks and their broad significance in
early advice that it received from the department, the consequences of some of these key risks were not fully assessed until late in the request for tender process.

History is repeating itself. The best that the minister can say about the Auditor-General’s report is, ‘No recommendations.’ The minister is like a naughty schoolboy who has been rapped over the knuckles. In fact, he has had ‘the cuts’. The Auditor-General has given Minister Conroy the cuts, but Minister Conroy is trying to say, ‘But it’s okay. He didn’t expel me from school, so I should be able to chance repeating the same mistakes with NBN round 2.’ And NBN round 2 is repeating the same mistakes: megabucks for not one new megabit. There is not one new customer under NBN round 2. There is not one new internet connection. But there is a CEO of NBN Co. who is being paid $1.95 million a year. There is a government relations manager who is being paid almost $500,000. The company has not yet delivered one new internet connection, one new megabit, one new customer or one new service. History repeats itself.

History repeats itself again with the minister deferring getting expert advice until it is arguably too late. The minister has again and again deferred answering questions about who will get what, when they will get it, where they will get it and how they will get it under NBN round 2 until the implementation study is delivered. We are led to believe that that will be delivered at the end of February this year. The government is again seeking to defer the gaining and release of independent and external advice as to the risks of its NBN round 2. So history is repeating itself with NBN round 2. Megabucks were spent for not one new megabit under NBN round 1. Thus far the situation is exactly the same under NBN round 2: megabucks being spent and not one new megabit. We look forward to seeing history not being repeated post the receipt of the implementation study. We look forward to seeing Australians getting the national broadband network that they deserve.

Question agreed to.

MINISTERIAL STATEMENTS

National Road Safety Council

Senator WONG (South Australia—Minister for Climate Change and Water) (3.30 pm)—I table a ministerial statement on the National Road Safety Council.

COMMITTEES

Reports: Government Responses

Senator WONG (South Australia—Minister for Climate Change and Water) (3.30 pm)—I present four government responses to committee reports as listed at item 13 on today’s Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The documents read as follows—

Senate Legal and Constitutional Affairs Legislation Committee

Personal Property Securities (Consequential Amendments) Bill 2009

Government Response

Recommendation 1

That the government continues to provide transparency about policy decisions in relation to PPS reform by making public its response to all concerns raised about the reform brought to its attention in writing and by providing as much information as possible about the reasons for the policy choice in each instance.

Government response:

Accepted. The government will make public its responses to concerns raised about PPS reform in writing through the Attorney-General’s Department website, including through the provision of a ‘frequently asked questions’ page.
Recommendation 2
The committee recommends that the government continue its approach of completing the majority of the PPS reform while continuing discussions on the outstanding issues and undertaking further legislative action where this is needed.

Government response:
Accepted.

Recommendation 3
That the government considers mitigating the severity of the consequence of a defective PMSI registration in goods.

That this issue is the subject of consideration during the (proposed) statutory review of the PPS legislation.

Government response:
Accepted. The Government will consider the appropriate balance for the consequences of a defective PMSI registration in consultation with the PPS Consultative Group. The consequences of a defective PMSI registration in goods will also be considered as part of the statutory review of the PPS scheme.

Recommendation 4
The committee recommends that the operation of section 14(2)(c) is the subject of particular consideration during the (proposed) statutory review of the PPS legislation.

Government response:
Accepted.

Recommendation 5
The committee recommends that the government assess and respond to the issues raised by the combined law firms in relation to proposed sections 101 and 102 of the PPS Bill 2009.

That this issue is the subject of consideration during the (proposed) statutory review of the PPS legislation.

Government response:
Accepted. The Government has responded to the concerns raised by the law firms in its answer of 18 November 2009 to a question on notice posed by the Committee. The operation of clauses 101 and 102 of the PPS Bill will be considered by the statutory review of the PPS scheme.

Recommendation 6
That the government regularly provides information to stakeholders about the progress of the Corporations Act amendments relevant to the personal property securities reform.

Government response:
Accepted. The Government will provide information to stakeholders about the progress of amendments to the Corporations Act required as a result of PPS reform through the Attorney-General’s Department website and other PPS publications, such as the PPS newsletter.

Recommendation 7
The committee recommends that the concerns of the Office of the Victorian Privacy Commissioner submitted to the committee be considered in detail by the government.

Government response:
Accepted. The Government will liaise with the Office of the Victorian Privacy Commissioner and the federal Privacy Commissioner to consider the concerns raised.

Recommendation 8
That the government consider and respond to all of the issues raised in the submissions made to this inquiry to which it has not already responded.

Government response:
Accepted.

Recommendation 9
The committee recommends that the Senate pass the Bill and urges the government to act on the other recommendations in this report.

Government response:
Noted.

Liberal Senators’ Recommendation
Recommendation 1
Liberal Senators repeat their recommendation from the August 2009 report, that the government and the department release the revised draft regulations for public consultation as soon as possible.

Government response:
Accepted. The Attorney-General’s Department has published a revised paper outlining the proposed PPS Regulations. The Government will
make draft regulations publicly available in early 2010.

AUSTRALIAN GOVERNMENT RESPONSE
REPORT OF THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES INQUIRY INTO THE IMMIGRATION BRIDGE PROPOSAL
MINISTER FOR HOME AFFAIRS
JANUARY 2010

Introduction
On 25 February 2009, the then Minister for Home Affairs, the Hon Bob Debus MP, requested the Joint Standing Committee on the National Capital and External Territories to inquire into and report on:

1. The process adopted by Immigration Bridge Australia (IBA) to settle the design for the Immigration Bridge (the Bridge) taking into account:
   a. the heritage values of Lake Burley Griffin and its foreshore, and
   b. the interests of users of the Lake.
2. The process that has been adopted by IBA to raise funds for the construction and ongoing maintenance of the Bridge.
3. The approval process required under the Australian Capital Territory (Planning and Land Management) Act 1988 if an application for approval of the Bridge were received by the National Capital Authority.

The Committee tabled its report on 29 May 2009.

Government Response

Recommendation 1
The Committee recommends that in the interest of improving its transparency and accountability Immigration Bridge Australia:

• clarify its refund policy in relation to the History Handrail program; and
• make its financial documents publicly available on its website.

The Government notes this recommendation.

Recommendation 2
The Committee recommends that if the proposed IBA bridge is ceded to the Commonwealth, then the government should ensure that agreement to receive the bridge is met by increased funding to the NCA to manage its ongoing maintenance.

The Government notes this recommendation. If the IBA proposal proceeds and the Commonwealth Government were to agree to accept the proposed bridge as an asset gifted to the nation, any financial implications would be considered as part of the normal budget processes.

Recommendation 3
The Committee recommends that Immigration Bridge Australia seeks to reconcile competing issues relating to Lake users, vista and heritage value of the Lake and its foreshores.

If IBA finds that this challenge cannot be met or its development application for the proposed bridge is unsuccessful then IBA should consider:

• changing the location of the proposed bridge; or
• proposing an alternative memorial to migration.

The Government notes this recommendation.

JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
GOVERNMENT RESPONSE TO REPORT 413
‘THE EFFICIENCY DIVIDEND AND SMALL AGENCIES: SIZE DOES MATTER’
JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
(JCPAA) REPORT NO. 413
‘The efficiency dividend and small agencies: size does matter’

Recommendation No. 1
The Committee recommends that, in addition to being adequately funded for other assurance activities, the Australian National Audit Office be funded to conduct the number of performance audits that is determined by the Auditor-General and endorsed by the Joint Committee of Public Accounts and Audit.
Not agreed. In the 2009-10 Budget, the Government announced that it will provide an additional $20.1 million over four years to increase the resource base of the Australian National Audit Office (ANAO). This will allow the ANAO to enhance its auditing activities, including performance audits, information technology audits and other specialist audit activities and increase technical support and quality assurance capability.

The Government considers it appropriate that decisions on the future funding for the ANAO continue to be subject to the usual budgetary processes in which proposals for additional funding are considered against other competing priorities.

Recommendation No. 2
The Committee recommends that the Government establish a parliamentary commission co-chaired by the Speaker of the House of Representatives and the President of the Senate and comprising elected representatives to recommend funding levels for the parliamentary departments in each Budget

Noted. The Government considers it appropriate that decisions on the future funding for the parliamentary departments continue to be subject to the usual budgetary processes in which proposals for additional funding are considered against other competing priorities.

The Speaker of the House of Representatives and the President of the Senate are, of course, still able to put forward funding proposals in accordance with the budgetary rules and processes in place at the time. It is open to the Speaker and President to make arrangements to increase the input by elected representatives into such proposals as they see fit.

Recommendation No. 3
The Committee recommends that the Department of Finance and Deregulation, the Australian Public Service Commissioner and each cultural agency jointly develop a new funding model for cultural agencies. This model should recognise the importance of funding the mandate for growth and development of collections and the proportion of their expenses apportioned to depreciation.

The Committee notes that recommendation 8 will also apply to these agencies

Agreed in principle. The Minister for Finance and Deregulation announced on 9 December 2008, as part of Operation Sunlight, that the Government would phase out funding of depreciation and other non-cash items and introduce the appropriation of general government sector agencies on the basis of net cash requirements. The new arrangements have been introduced from the 2009-10 Budget for Collecting Institutions (such as the National Library of Australia, the Australian War Memorial, and the National Gallery of Australia) which have been provided with a Collection Development Acquisition Budget for Heritage and Cultural assets.

This revised funding model provides greater transparency of appropriations to agencies and their use in the acquisition, maintenance, replacement and disposal of assets.

The Government does not consider that the development of funding models for cultural agencies requires the direct involvement of the Australian Public Service Commissioner.

Recommendation No. 4
The Committee recommends that the Attorney-General establish an independent body to recommend funding levels for the Commonwealth courts. The courts should be treated as a separate ‘portfolio’ under the Attorney-General in the Budget process and in the Budget papers.

Not agreed. The Government considers it appropriate that decisions on the future funding for the courts continue to be subject to the usual budgetary processes in which proposals for additional funding are considered against other competing priorities and in light of prevailing budget constraints.

The Government notes that ‘courts and tribunals’ are one of fifteen matters listed under the mantle of ‘law and justice’ within the Attorney-General’s Department (according to the Administrative Arrangements Order dated 25 January 2008). The Government does not consider there to be a case for the excision of this one function over the fourteen others for the purposes of the budget process. Such action could also set an undesirable precedent in relation to the functions of other Depart-
ments of State. Furthermore, as the courts are already appropriated on an individual basis within the Attorney-General’s portfolio, the Government is unable to discern that any advantage would be achieved by treating the courts as a separate portfolio under the Attorney-General.

Recommendation No. 5

The Committee recommends that the Government investigate whether the courts’ appropriations should be included in the appropriation bills for the ordinary annual services of the Government.

Noted. The Government considers that establishing separate appropriation bills for the courts would not, in itself, lead to increased efficiency or enhanced transparency nor provide any additional financial benefits to the courts. The courts would remain subject to the Government’s normal budgetary processes and practices, including the new policy proposal process, the efficiency dividend, and parameter indexation arrangements.

This recommendation is being further considered by the Government in relation to the High Court.

Recommendation No. 6

The Committee recommends that, where Finance generates savings through coordinated procurement, 50 per cent of the savings should be made available to the agencies for investment in projects designed to lift their efficiency and effectiveness.

Noted. The Government realises savings through both agency and program specific measures, and through whole of government measures. It determines the allocation of all resources, including those savings generated by coordinated procurement in the context of its overall fiscal strategy and objectives.

For example, in January 2009, the Government established a Volume Sourcing Arrangement (VSA) with Microsoft, as the first of several initiatives to be completed under the Government’s Coordinated Procurement Contracting Framework. The Microsoft VSA is expected to deliver annual savings of at least $15 million, for four years commencing in July 2009. Under the VSA, agencies retain any savings made, less a small administration fee.

Similarly, the Government has developed Guidelines on Recruitment Advertising that will specify the maximum size and placement of recruitment advertisements. The use of these guidelines is expected to result in more efficient recruitment advertising expenditure across FMA Act agencies, delivering value for money for taxpayers. The Government has decided that any savings achieved by a department or agency from applying the Guidelines on Recruitment Advertising may be retained by the relevant department or agency.

Recommendation No. 7

The Committee recommends that the Department of the Prime Minister and Cabinet convene a taskforce with membership from key agencies, including the Australian Public Service Commission, to conduct and publish further analysis on:

- the relationship between gender wage disparities and agency size and function;
- the relationship between wage disparities generally and agency size and function; and
- whether staff classifications continue to represent equivalent levels of skills, responsibility and experience across agencies.

If collecting further data or enhancing databases is required, the agencies involved should receive supplementary funding.

Agreed in part. A Working Group, comprising the Departments of: the Prime Minister and Cabinet; Education, Employment and Workplace Relations; Treasury, and Finance and Deregulation; and the Australian Public Service Commission will undertake further work in this area including an examination of the relationship between wage disparities and agency size and function and the adequacy of classification management arrangements (within and across agencies).

Consideration will be given to the publication of the Working Group’s findings following completion of this work. Any need for supplementary funding for additional data collection by Australian Public Service agencies will be considered as part of the normal budget processes and subject to budget constraints.
Recommendation No. 8

The Committee recommends that the Government either:

- exempt the first $50 million of all agencies’ appropriations from the efficiency dividend, excluding departments of state (the preferred option); or
- exempt the first $50 million of the appropriations of all agencies that have departmental expenses of less than $150 million, excluding departments of state.

These benchmarks to be indexed over time.

Not agreed. While the Government appreciates the work of the Committee in the formulation of the above recommendations, it notes that the efficiency dividend framework has been an integral part of successive governments’ efforts to introduce an effective mechanism to secure public service efficiencies, thus allowing the Australian taxpayer to share in these gains. It also reiterates that the efficiency dividend is intended to provide an ongoing incentive for agencies to operate efficiently and make further productivity gains, irrespective of their size.

The Government considers that it is reasonable to expect agencies to pursue efficiencies which enable the Government to consider priorities for reallocating resources. In response to the claim that efficiencies have generally been delivered by small agencies and that the impact of the efficiency dividend is now resulting in reductions in outputs, the Government considers that the pursuit of efficiencies is an ongoing process, and there is an imperative for both small and larger agencies to contribute.

The Government accepts that, from time to time, circumstances may arise in individual smaller agencies that magnify the impact of the efficiency dividend. The Government believes that, where this does occur, the situation should be addressed individually on its merits, rather than by a blanket exemption. To this end, in the 2009-10 Budget the Government provided an additional $20.1 million over four years (including capital funding of $0.9 million) to the Australian National Audit Office for enhanced professional capability.

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 representa-
tives 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.

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.

AUDITOR-GENERAL’S REPORTS

Report No. 21 of 2009-10


COMMITTEES

Selection of Bills Committee

Report

Senator McEWEN (South Australia) (3.31 pm)—by leave—At the request of Senator O’Brien, I present the first report of 2010 of the Selection of Bills Committee. I move:

That the report be adopted.

Senator PARRY (Tasmania) (3.31 pm)—by leave—I move:

At the end of the motion, add “but, in respect of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010, the Legal and Constitutional Affairs Legislation Committee report by 15 March 2010”.

Question agreed to.

The DEPUTY PRESIDENT—The question is that Senator Parry’s amendment be agreed to.

Question agreed to.

The DEPUTY PRESIDENT—The question now is that the amended motion of Senator McEwen, that the report be adopted, be agreed to.

Question agreed to.

Senator McEWEN (South Australia) (3.31 pm)—I seek leave to have the report, as amended, incorporated in Hansard.

Leave granted.

The report, as amended, read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2010

1. The committee met in private session on Thursday, 4 February 2010 at 11.51 am.

2. The committee resolved to recommend—

That—

(a) the provisions of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 March 2010 (see appendix 1 for a statement of reasons for referral); and

(b) the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 30 June 2010 (see appendix 2 for a statement of reasons for referral).

3. The committee resolved to recommend—

That the following bills not be referred to committees:

• Australian Climate Change Regulatory Authority Bill 2010
• Britt Lapthorne Bill 2009
• Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2010
• Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2010
• Carbon Pollution Reduction Scheme (Charges—General) Bill 2010
• Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2010
• Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2010
• Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2010
Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2010
Carbon Pollution Reduction Scheme Bill 2010
Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2010
Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010
Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2010
Fisheries Legislation Amendment Bill 2009
Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009
Higher Education Support Amendment (University College London) Bill 2010
Indigenous Education (Targeted Assistance) Amendment Bill 2010
Protection of the Sea Legislation Amendment Bill 2010
Therapeutic Goods (Charges) Amendment Bill 2009

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

Australian Research Council Amendment Bill 2010
ComSuper Bill 2010
Governance of Australian Government Superannuation Schemes Bill 2010
Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009

(Kerry O’Brien)
Chair
Committee to which bill is to be referred:
Senate Legal and Constitutional Affairs (Legislation) Committee

Possible hearing date(s):
May 2010

Possible reporting date:
End-June 2010

Whip/Selection of Bills Committee member
(signed)
(Stephen Parry)

Treaties Committee

Report

Senator PARRY (Tasmania) (3.32 pm)—I present, on behalf of Senator McGauran, the Deputy Chair of the Treaties Committee, the 108th report of the Joint Standing Committee on Treaties, Treaty tabled on 25 November 2009.

Membership

The DEPUTY PRESIDENT—The President has received letters from party leaders seeking to vary the membership of committees.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.33 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—
Appointed—Substitute member: Senator McEwen to replace Senator Carol Brown for the consideration of the 2009-10 additional estimates from 10 February to 12 February 2010

Legal and Constitutional Affairs Legislation Committee—
Appointed—Substitute member: Senator McLucas to replace Senator Marshall for the consideration of the 2009-10 additional estimates on 8 February and 9 February 2010

Legal and Constitutional Affairs References Committee—
Appointed—
Substitute member: Senator Siewert to replace Senator Ludlam for the committee’s inquiry into the review of government compensation payments
Participating member: Senator Ludlam.

Question agreed to.

NATIONAL BROADCASTING LEGISLATION AMENDMENT BILL 2009

First Reading

Bill received from the House of Representatives.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.34 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator WONG (South Australia—Minister for Climate Change and Water) (3.35 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The purpose of the National Broadcasting Legislation Amendment Bill 2009 is to amend the Australian Broadcasting Corporation Act 1983 (ABC Act) and Special Broadcasting Service Act 1991 (SBS Act). The amendments would also reinstate the ABC staff-elected Director.

This Bill fulfils two important and longstanding commitments by the Labor Party. We undertook in our National Platform in 2007 to end political interference in the ABC by introducing a new
transparent and democratic board appointment process in which non-executive Directors are appointed on the basis of merit. We promised to deal with SBS Board appointments in the same way, and to restore the staff-elected director on the ABC Board. Labor took these promises to the 2007 election and is now delivering on them with this Bill.

The intention of these amendments is to achieve better long term outcomes for both Boards and consequently improve governance in our national broadcasters.

At present, ABC and SBS Board appointments are made by the Governor-General on the recommendation of the Government of the day, in accordance with provisions in the ABC and SBS Acts. While these Acts specify generic criteria against which candidates are to be assessed prior to appointment, they establish no formal process for appointments and do not require any degree of transparency in relation to how candidates are selected.

In practice this lack of due process has resulted in long-running concerns that ABC and, to a lesser extent, SBS Board appointments have been politically motivated. Commentators have also raised concerns that perceived political appointments have diminished the level of expertise which particular Board members can bring to bear on the range of complex technological and financial issues facing the national broadcasters.

There is no doubt the media landscape is undergoing a period of rapid change and that the ABC and SBS will face significant challenges over the coming years. Our national broadcasters need to have the best qualified and most experienced Board members available to meet these challenges. A transparent and arm’s length Board appointment process is essential to strengthen the independence and impartiality of our national broadcasters.

In order to address the perceived lack of transparency and to ensure the best candidates are available, the Government has developed a new appointment process whereby an independent panel will conduct a merit-based selection process for non-executive Directors to the ABC and SBS Boards and provide advice to the Government on suitable appointments.

Guidelines were released in October 2008 and four appointments were made in March 2009 under the new process. The Nomination Panel was convened to assess the applications and provide a short-list of recommended candidates to the Minister from an outstanding field of over three hundred applicants from across the community.

This large number of candidates expanded the field and improved the number of candidates available for selection. The Governor-General subsequently appointed four exceptional new Directors, two each to the ABC and SBS Boards.

The merit-based selection process takes the politics out of the appointment process and puts the focus where it should be, on getting the best candidates for the Boards.

The amendments will formalise this new merit-based appointment process in the legislation of both broadcasters and ensure it is used consistently to fill all future non-executive Director vacancies. The legislation is also drafted to ensure that the Nomination Panel conducts its selection process at arms-length from the Government of the day.

Transparency is a key feature of the new arrangements. Consistent with this principle, the incumbent will be advised in writing at least four months before the expiry of their appointment whether it is intended to reappoint them, or not reappoint them and advertise the position to test the field and commence a merit-based selection process.

Features of the new process include:

- The assessment of applicants’ claims will be undertaken by an independent Nomination Panel established at arm’s length from the Government;
- Vacancies will be widely advertised, at a minimum in the national press and/or in major State and Territory newspapers, and the website of the Department of Broadband, Communications and the Digital Economy;
- The assessment of candidates will be made against a core set of published selection criteria which may be supplemented by additional criteria where appropriate for specific
positions, for example to address particular skill gaps;

- The Nomination Panel will provide a report to the Minister with a short-list of at least three candidates for each vacant position.

- The Minister will select a candidate from the short-list and will write to the Governor-General recommending the appointment as required under the ABC and SBS Acts.

- In accordance with the Government’s election commitment, the appointment of current or former politicians or senior political staff will be prohibited.

- Where the vacancy is that of the Chair of the ABC Board, the selection process would follow all aspects of the merit selection process as it applies to non-executive Board appointment with two exceptions. The Prime Minister would select the preferred candidate in consultation with the Minister. The Prime Minister would then confer with Cabinet and once Cabinet approval was granted, the Prime Minister would consult with the Leader of the Opposition before making a recommendation to the Governor-General.

The legislation provides for the Nomination Panel to be appointed by the Secretary of the Department of the Prime Minister and Cabinet and sets out processes for its operation. The Nomination Panel is independent and the legislation states it is not subject to direction by the Government.

The role of the Nomination Panel is to invite written applications by persons seeking to be appointed as a Director of the ABC or SBS Board and to conduct a merit-based assessment process for all applicants against the selection criteria. The Panel is to provide a written report to the Minister (or in the case of the Chair of the ABC Board, the Prime Minister) on the outcome of the selection process that contains a list of at least three candidates who are nominated for each appointment.

While the Minister (or in the case of the Chair of the ABC Board, the Prime Minister) may select a candidate who has not been recommended by the Nomination Panel, they are required to table a statement of reasons in both Houses of Parliament within 15 sitting days of the announcement of the appointment.

This mechanism would enable the Minister or Prime Minister to recommend the appointment of an individual not nominated by the Nomination Panel, for example in the case where there is an exceptional candidate. This approach recognises that it is the relevant Minister, or Prime Minister in the case of the ABC Chairperson, that has the statutory obligation to ensure that the candidates are suitable for appointment having regard to the basic criteria set out in the respective Acts.

It is consistent with the principle of Ministerial Responsibility whereby the ultimate responsibility for government appointments is with the relevant Minister.

The new legislation will provide increased certainty for the Boards regarding appointments and tenure. It will strengthen the process and entrench clear rules of appointment and security of tenure for the Nomination Panel. It will set out how they function and underscore the independence of the Panel from Government.

Prior to 2006, the ABC Act provided for the inclusion of a staff-elected director on the Board. The previous Government abolished this position—its rationale for removing the position was to remove a perceived potential conflict that occurred in 2004 between the statutory duties of the staff-elected director to act in good faith and in the best interests of the ABC, and the appointment of that director via election by ABC staff.

The Government does not believe there is any inherent conflict of interest, and we made a commitment in the context of the 2007 election to restore the staff-elected Director position on the ABC Board.

The staff-elected Director plays an important role in enhancing the ABC’s independence by providing the Board with a unique and important insight into ABC operations. The staff-elected Director will often be the only individual with the expertise to question the advice coming to the Board from the ABC’s Executive.

While there was a perception in 2004 of a conflict of interest between the staff-elected Director’s duties to the Board and to the staff members who elected them, in fact no such conflict existed. The
staff-elected Director has the same duties, rights and responsibilities as all other non-executive Directors. Like any other ABC director, the staff elected Director’s primary duty is to act in the best interests of the corporation. The only difference between the staff-elected Director and other ABC directors is their means of appointment.

The ABC is a ‘Commonwealth authority’ for the purpose of the Commonwealth Authorities and Companies Act 1997. This Act imposes a number of obligations on officers (directors and senior managers) of Commonwealth authorities, including requirements to act with due care and diligence, to act in good faith in the best interests of the Commonwealth authority, and to not improperly use their position to gain an advantage to themselves or someone else, or to cause detriment to the Commonwealth authority. These obligations apply equally to the staff-elected Director and to all other Directors.

There is nothing in the present Act or amendment that says the duties of the staff-elected Director are different to those of the other non-executive directors on the board.

The Government’s expectation is that the staff-elected Director will act in the interest of the Corporation as a whole, not in the interest of one particular group; they will be obliged to comply with all legal duties and obligations that apply to directors generally and to adhere to best practice corporate governance.

It is the responsibility of the Board to ensure that all Directors are aware of their primary duty to act in the interest of the Corporation as a whole. This point was made by the Australian National Audit Office in 1999 when it noted in its discussion paper about corporate governance that a written code of conduct, approved by the Board, setting out ethical and behavioural expectations for both directors and employees was a “better practice” governance principle for the Board of a Commonwealth authority or company.

The measures in this Bill deliver on the Government’s election commitments to introduce a new merit-based appointment process for the ABC and SBS Boards and to restore the position of staff-elected Director on the ABC Board. They will increase the transparency and democratic accountability of the ABC and SBS Boards and will strengthen our national broadcasters and assist in ensuring they continue to provide Australians with high quality broadcasting services, free from political interference.

Debate (on motion by Senator Wong) adjourned.

EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION OF PROVIDERS AND OTHER MEASURES) BILL 2009

Recommittal

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (3.35 pm)—I seek leave to move a motion to provide for the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 to be recommitted immediately to enable the reconsideration of amendments and consideration of further amendments.

Leave granted.

Senator PARRY—I move:

That the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 be recommitted immediately and that the committee reconsider amendments and consider further amendments.

I thank the minister for allowing this to take place. Earlier today this bill proceeded to its third reading stage. Because of a misunderstanding in the minister’s office—which we understand; there are busy times in ministers’ offices—regarding the nonmovement of an amendment by Senator Xenophon and an indication that we would not divide on a particular amendment moved by the coalition, we feel it necessary to recommit the bill. I understand the government are going to cooperate and be understanding with the recommittal. Once we move back into the committee stage, Senator Cormann will be asking the chamber to consider schedule 1, item 11, as per sheet 5969 revised. Senator Xenophon will be moving amendments that
he did not have an opportunity to move in the earlier session. They will be amendments (1) and (2) on sheet 6041 revised. I believe he will be seeking leave to move those together.

The rearrangement of the order of business today was done quite rapidly at times and that did not facilitate the smooth passage of the legislation. We understand the government needs to do that from time to time. That would be a fairly significant reason as to why the government is cooperating with the recommittal of this bill. Because of the misunderstanding and because of the confusion that has arisen, mainly emanating from the minister’s office, we feel this is the best course of action so that the full function of the Senate is preserved and the will of the Senate in relation to all amendments is properly considered and properly voted on.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.37 pm)—I would like to speak to that proposition, Mr Deputy President. There is no confusion in the minister’s office, none whatsoever.

Senator Parry—Don’t go there.

The DEPUTY PRESIDENT—Order!

Senator CARR—I will be very clear about this, Senator Parry. The government are agreeing to the recommittal of this matter because we have a longstanding principle here that there is no point carrying a proposition which does not reflect the will of the Senate. But let us be clear about the circumstances. This morning Senator Xenophon and the Greens were not present in the chamber when the matter came before the chamber. Senator Cormann was asked whether he wished to move the amendment in their stead. He chose not to. I understand that senators are busy; I understand that they may well have other commitments. But there was no confusion, on behalf of the government, about this matter. There was none whatsoever. We do not support this amendment. We still do not support this amendment. If this amendment is carried, which I believe it will be according to the numbers people have indicated, this bill as a consequence will have to return to the House of Representatives and the international student colleges and the international providers will not have the protection of this bill.

Senator Parry—That is your issue.

Senator CARR—It might be your attitude that it is our issue. It is your irresponsibility that is going to force this industry to be without protection. That will be the point that we will make very loudly and very clearly. There will be no confusion on our part about your responsibility in this fiasco.

Senator CORMANN (Western Australia) (3.40 pm)—I am surprised that I am now in a position where I have to participate in this debate at this point in time. The opposition was going to facilitate, as we were keen to facilitate this morning, the easy passage of this legislation in the public interest. Senator Parry was very generous with the minister. Talking about confusion in the minister’s office was a very generous way of describing what happened today. If I can advise the Senate, I received a call from the minister this morning and he advised me that this legislation would come up after non-controversial legislation. But, rather than coming up after non-controversial legislation, it came up at 12.30 pm, when neither Senator Hanson-Young nor Senator Xenophon were in the chamber. I understand that both Senator Hanson-Young and Senator Xenophon were advised the same. Now I see them nod so I assume that they were advised by the government along the same lines.

Not only that but in that conversation this morning Senator Carr told me that Senator Xenophon would not be supporting our
amendment. On that basis and in the spirit of facilitating passage of this legislation, given that the Greens had given me an indication that they would not be supporting our amendment, I did not call for a division because I did not want to waste the Senate’s time. That was based on the advice from Senator Carr in the conversation this morning. When I arrived in this chamber at 12.30 it was a coincidence. I did not know that this legislation would be coming up at 12.30 pm, because we had been advised that it would be coming up sometime after non-controversial legislation and that it should come up at a quarter past one. I had a private conversation across the chamber with Senator Carr, during which he advised me very explicitly that Senator Xenophon would not be proceeding with his amendment either. As it turns out that was untrue.

That is why I am putting it to the chamber that Senator Parry was being very generous by talking about the misunderstanding. We have had a history of this. This minister is so arrogant, is such a bully and is so aggressive that he cannot help himself. Even today, when we are here to help him facilitate this, he has come in as a bully boy again. Yesterday he was abusing my staff from this chamber. He was talking about people in my office not returning phone calls. That was untrue. I went back to my office and confirmed this, and I was very surprised but I was not going to pick on it again.

The first conversation my office had with anybody from the government on this legislation was on Tuesday night this week, when a lady called Rhonda—and I cannot remember her surname—called my office and ended up talking to an electorate officer. Because the electorate officer was not able to give a detailed explanation on the intent and breadth of the amendments we were about to make, she became quite rude and offensive and off she went. My chief of staff rang her back and there was never any suggestion that we would not be proceeding with the amendments, like the minister suggested. There was never any suggestion that we would be dealing with this matter in non-controversial legislation, because we think the amendments that we are moving and the amendment that Senator Xenophon is moving are important amendments that have to be properly considered. So there have been a lot of dodgy conversations going on, a lot of dodgy misrepresentation going on and a lot of bully tactics going on.

Minister, this is not the way to get cooperation in this chamber. We think it is an important piece of legislation. We are surprised that you are not prepared to entertain amendments that will make this better legislation. We understand that the way this legislation was introduced, all the way back in August last year, was as part of a political strategy for the Deputy Prime Minister. That legislation was introduced two days before she announced her trip to India. We know that was part of the political strategy. You have not progressed this over the last six to seven months. You have wasted weeks and weeks in this chamber with legislation you knew would never have the support of the Senate when you could have been dealing with this, which was much more important.

These are amendments which will be quite important to improve this piece of legislation. Clearly, your attitude to all of this is that you want to pass this legislation so you can be seen to be doing something without doing anything. The reason you will not be supporting these amendments is that you think it is going to cost us some money. You do not want to do anything that is going to cost the government some money. This is going to make a difference and protect overseas students who are stranded across Australia because of colleges that are collapsing on your watch, Minister. You do not want to
put anything into this legislation that will actually make a tangible difference and ensure that the education providers out there are proper, professional providers—and not those cowboys that seem to collapse every couple of months—or to ensure sure that students who are caught up with cowboys are properly protected.

Minister, you can carry on with your bullying tactics. We were going to deal with this quite nicely, quite gently and in a speedy fashion; but if this is the way you want to play it, keep on playing and we will keep on playing with you. But I do not know that it is going to do you any favours and I do not think it is in the interests of the Australian people.

**Senator XENOPHON** (South Australia) (3.45 pm)—I do not intend to take more than about two minutes of the Senate’s time and I hope that what I have to say is seen as conciliatory by both sides of the chamber. I think it would be fair to say that, through a series of unfortunate events, the will of the Senate was not properly reflected in the vote in respect of this bill. I am not criticising anyone for that. I can say in relation to my not being in the chamber that I wrongly assumed that this matter was coming up after non-controversial business. I am not criticising anyone for that. I have learnt some lessons from today about trying to manage things better but I think there were some genuine misunderstandings all round and I do not ascribe any malice or bad faith on the part of anyone in this chamber leading to that series of events.

I respect Senator Carr’s position—that he does not agree with these amendments—but I think the process is important, that we deal with this. Also, as Senator Carr acknowledged, I think, quite fairly, this is about reflecting the will of the Senate and that is why the government has not taken issue with this. I hope we can move on with this debate without ascribing any blame, so that we can deal with the substance of the amendments; then, of course, the government is entitled to reject them and we will deal with them in two or three weeks time.

**Senator HANSON-YOUNG** (South Australia) (3.46 pm)—I do not intend to take up too much of the Senate’s time this afternoon either. I thank the Senate for its cooperation in allowing this discussion and, hopefully, recommitting the bill to the committee stage so that we can have the will of the Senate reflected appropriately. It was very clear, in this chamber last night, where the Greens stood on all the amendments. I made that very clear in my speech in the second reading debate and I made that clear in the last committee stage.

I must say that the Greens have had a good relationship with the Deputy Prime Minister’s office through negotiating on this bill, trying to strengthen it, and that is why I tabled the agreement that I did yesterday. There was always the option of being able to strengthen the bill beyond that, and that is what the amendment put forward by Senator Xenophon and me is doing. I am sad, I must say, to hear that the same type of cooperation and good faith was not necessarily presented to us here in the chamber this afternoon when it was assumed across the chamber, whether it was in a private conversation or not, that perhaps Senator Xenophon and I were withdrawing that amendment. We were very clear last night that we would not be doing that and there was no indication that we would be doing that. In reconciliation, wanting to step forward and give international students the protection they deserve, let us move forward in good faith, recommit to the committee stage and get on with it.

Question agreed to.
In Committee

Bill—by leave—taken as a whole.

Senator CORMANN (Western Australia) (3.48 pm)—I move opposition amendment (1):

(1) Schedule 1, item 11, page 5 (after line 7), after subsection 9A(1), insert:

(1A) A designated authority for a State must use a risk-management approach when considering whether to recommend that an approved provider should be re-registered.

I talked about this earlier so I will not hold up the Senate much longer, except to draw the attention of the Senate to a passage in the letter from the Deputy Prime Minister to Senator Sarah Hanson-Young, which she tabled yesterday, in which the Deputy Prime Minister talked about the draft guidelines being finalised with states and territories in developing a risk management approach to re-registration as agreed by the Ministerial Council for Tertiary Education and Employment in September 2009. So I repeat the point that I made yesterday: the government, the rhetoric from the government, is telling us that they are already doing it and that they will be doing it. We think it is important enough for it to be enshrined in the legislation and we do not really understand why the government have a problem with this, given that the government have said on many occasions now that they actually agree that this is something that should happen. Combined with the second reading amendment which the Senate supported yesterday, which was moved by Senator Hanson-Young for the Greens, as well as the statement that was made by the Deputy Prime Minister in the letter to Senator Hanson-Young, I think it is an absolute no-brainer. I strongly commend this amendment to the Senate.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.50 pm)—The government will not be supporting this. I understood that we were re-committing only Senator Xenophon’s amendments, so this is a further breach of the undertakings. This morning, Senator Cormann, you were provided with a series of documents by the minister’s office for out-of-session consideration providing guidance to the state and territories designated authorities on a nationally consistent approach implementing the re-registration measures introduced through the education services for overseas students amendment bill and related forms. Now, perhaps they have not reached your hands, but it is my information that that information was provided to you this morning.

Senator, the whole issue here is, as I indicated to you yesterday—

Senator Cash—Your incompetence.

Senator CARR—I’m sorry; what was that?

Senator Cash—Your incompetence!

Senator CARR—My incompetence! Well, Senator Cash, what would you know!

The CHAIRMAN—Order! Senator Carr, you will address your remarks through the chair and not to senators across the chamber.

Senator CARR—the opposition here does not seem to know who its spokespersons are. It does not seem to know what its officers are actually doing. You make allegations that I have abused your staff. I have never spoken to your staff. The fact remains that information has been provided to me about the contact between the minister’s office and your office, and it would appear that that communication is not reaching you, Senator. That is not the responsibility of the government. We have acted in good faith. We have provided you with the assurances
you wanted. We have provided you with the documentation you wanted. You have sought, therefore, to break an arrangement with us in terms of the recommitment of this amendment. You are now adding another amendment, which will have to go back to the House of Representatives and, in due course, be dealt with in the normal way.

Senator CORMANN (Western Australia) (3.52 pm)—Senator Carr—

The CHAIRMAN—Order! You must make your remarks through the chair.

Senator CORMANN—Mr Chairman, maybe Senator Parry did get it wrong: it was not the minister’s office that was confused; rather, we have a very confused minister here. Senator Carr sat in the chamber and listened to Senator Parry outline what he was seeking leave to achieve. Senator Parry very clearly spelt out the two amendments that the opposition would be recommitting, and Senator Carr sat in this chamber and still could not follow the program. No wonder this government cannot manage a legislative program. If Senator Carr had listened to what Senator Parry had said just 10 minutes ago, he would have known that the first thing that would happen would be the recommitment of this amendment on behalf of the opposition. In my little contribution earlier, I confirmed that the only reason I did not call for a division then was that the minister had given me an indication that Senator Xenophon would not be supporting the amendment. Also, based on the Greens’ earlier position, I was not going to press the point through a division.

I have never reached an agreement with the minister’s office in relation to anything to do with this amendment. Minister, you might be sending paperwork to my office—that is fine—but I can tell you very clearly, through you, Mr Chairman, that the opposition has always been committed to this amendment. Dr Andrew Southcott, as the shadow minister, was committed to it. I was committed to it. Senator Mason was committed to it. All of us have been committed to it. At no point in time have we ever given an indication that we would not proceed with this amendment. This morning we put it to a vote, but it was defeated because we did not call for a division.

Minister, given your state of confusion in this chamber, I am not surprised about the events over the last couple of days. Clearly, you do not follow what is going on. Given this state of affairs, it is very difficult to have a proper line of communication with the government on this particular piece of legislation. I have moved the amendment. I commend it to the Senate. It is a very important amendment and it will ensure that state training authorities will appropriately prioritise and risk manage the re-registration process.

Senator XENOPHON (South Australia) (3.54 pm)—With respect to Senator Cash and Senator Cormann, I do not think throwing barbs at the minister is particularly helpful to the debate. In terms of the process, there have been some genuine misunderstandings—again, without any bad faith. At the end of the committee stage debate yesterday, I spoke to Senator Cormann about this amendment, and I have had further discussions with him today. I want to put on the record that I wish to support this amendment on the basis that I believe it sets some parameters for the government in considering the issue of risk management and, therefore, I am prepared to support it. Again, I do not think it is helpful to accuse other senators of not doing their job properly. I do not think that is borne out by a series of events where I think people have acted in good faith. We have come to the stage where we are now trying to sort through this.

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

The committee divided. [4.00 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes...........  34
Noes............  33
Majority........  1

AYES
Abetz, E. Adams, J.
Back, C.J. Boswell, R.L.D.
Boyce, S. Brown, B.J.
Bushby, D.C. Cash, M.C.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Hanson-Young, S.C. Humphries, G.
Johnston, D. Joyce, B.
Kroger, H. Ludlam, S.
Mason, B.J. McGauran, J.J.
Mihe, C. Minchin, N.H.
Nash, F. Parry, S. *
Payne, M.A. Ronaldson, M.
Ryan, S.M. Scullion, N.G.
Siewert, R. Troeth, J.M.
Trood, R.B. Williams, J.R.
Xenophon, N.

NOES
Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Cameron, D.N.
Collins, J. Crossin, P.M.
Farrell, D.E. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Lundy, K.A.
Marshall, G. McEwen, A. *
McLucas, J.E. Moore, C.
O’Brien, K.W.K. Polley, H.
Pratt, L.C. Sherry, N.J.
Stephens, U. Sterle, G.
Wortley, D.

PAIRS
Barnett, G. Carr, K.J.
Bernardi, C. Faulkner, J.P.
Birmingham, S. Evans, C.V.
Brandis, G.H. Conroy, S.M.
Eggleston, A. Wong, P.
Heffernan, W. Ludwig, J.W.
Macdonald, I. Brown, C.L.

* denotes teller

Question agreed to.

Senator XENOPHON (South Australia) (4.03 pm)—by leave—I move amendments (1) and (2) on sheet 6041 together standing in my name and in the name of Senator Hanson-Young:

(1) Schedule 2, page 16 (after line 11), after item 5, insert:

5A  Paragraph 29(1)(a)
Omit “less”, substitute “plus (aa) the total of the prescribed amounts relating to expenses incurred by the student in connection with the course; less”.

5B  Subsection 29(2)
Omit “paragraph (1)(b)”, substitute “paragraphs (1)(aa) and (b)”.

(2) Schedule 2, page 16 (after line 16), after item 6, insert:

6A  Section 46
After “course money”, insert “and certain consequential costs”.

These amendments provide the minister with the power to make regulations to provide for consequential losses for students where there has been a collapse of a college. At the moment, only direct losses of fees paid can be compensated under the fund. This regulation would give the minister the power to make regulations to cover consequential losses—that is, those incidental losses with respect to a student being here when the college collapses that cannot be recovered. I want to make it absolutely clear that this does not require the minister to set the level of compensation, but it does give the minister the power to do so. I think it is important, in the context of strengthening confidence in the overseas student sector, that in certain cases the minister ought to have the power to make
regulations to provide additional levels of compensation in respect of consequential losses.

Senator HANSON-YOUNG (South Australia) (4.04 pm)—We have heard time and time again that, when colleges have closed, students struggle to get their fees refunded, let alone get their visas extended because the next appropriate course may not start until six months later. These are obviously times when extra costs are incurred by those students through no fault of their own. In light of us wanting to move forward and reinvigorate our international student sector by giving it the respect and attention it deserves, it is important we also understand that students who are caught in the middle of these collapses should not be left out in the cold. I think giving the minister the discretion to draft regulations that would help cover some of those extra costs is important. Yes, that would mean that there needs to be more money put in the kitty from the insurance fund, which would mean that providers need to be more responsible with the types of levies they are charged.

Senator CORMANN (Western Australia) (4.05 pm)—The opposition will be supporting these amendments. We think they are an important improvement to this legislation. If the government were fair dinkum about providing some appropriate protections for students that are caught up in these sorts of collapses, then they would be supporting these amendments as well.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.06 pm)—This is a measure to give ministers power to define regulations for any consequential expenses that a defaulting provider should pay back to a student in addition to any course money. We have heard from Senator Hanson-Young that the government should put some more money in. We have heard from Senator Cormann that, if the government were fair dinkum, we would pay more money as well.

Senator Cormann—I didn’t say ‘pay more money’.

Senator CARR—What do you suggest would be the consequence of this amendment? What is the consequence of your vote for this amendment? When it comes to drawing up that big list of the things the Liberal Party will be supporting in the run-up to the next election, this will of course have to go on your list of commitments because you are now committing to spend an unlimited amount of money. It is not costed; it is uncapped, an unlimited amount of money which you are now proposing, which you are committing to. By voting for this, you are committing the Liberal Party to this position. There are no costings here. There is no detail provided here as to what consequential amendments you think are legitimate. It is reasonable to conclude that all consequential costs should be funded through this measure. Would they include, for instance, the initial cost of travel to Australia, accommodation and food costs and education agents’ costs? Perhaps travel, perhaps medical insurance, perhaps airport taxes should be included. Perhaps there are some domestic travel costs. Perhaps there are books that need to be compensated for. Perhaps there are computers that we need to fund. Perhaps there are other educational expenses. Then there is the $18,000 which each student must provide to show that they can support themselves while they are in the country. Is that part of the consequential costs of undertaking education in this country?

I would have thought, on any normal reading of any way in which an education system actually operates, that that is what you are signing up to. You are signing up to a Liberal government funding all of those things. That
is what you are committing to. You are asking that taxpayers should refund any of these items. Perhaps there are others I have missed, because I bet there are enough shonky agents out there who can come up with other items which I have not included here.

Would Australian students studying overseas have access to such a refund? Would this be a result of Australian taxpayers' money being sent back to overseas countries to fund these measures? Is that what you are proposing? It would seem a reasonable conclusion to draw that you are asking this government and presumably committing a future Liberal government to support an amendment—uncosted and such an ill-defined proposition—for which you have absolutely no idea of the full economic consequences of what you are saying. This is an example of economic irresponsibility. This shows why the Liberal Party is so risky when it comes to managing the affairs of this country.

The key element of the review which is being undertaken right now is about how consumer protection frameworks might be better reformed and how we might provide better protections to ensure the sustainability of the industry in this country. It is grossly premature to prejudge that measure by putting up this half-baked, ill-conceived measure, this uncosted, ill-defined, ill-considered proposition by which you are seeking to have the Commonwealth committed to an unlimited amount of funds. Given the circumstances, this Labor government will not be accepting it. Given the concern we have heard from senators about the delay in the passage of this legislation and despite the fact you denied passage of this legislation last year, I find it odd that you are now telling us that perhaps it is okay if this legislation comes back in the next sitting period because that is what you are voting for.

Senator Cormann—We absolutely did not. You never brought it on.

Senator CARR—You denied it being treated last year. You refused it last year.

Senator Cormann—You never brought it on.

Senator CARR—Senator, I sought to have it incorporated last year within the list of bills. You refused to have it. So some time, we presume, in the next sitting period, we are expected to bring this bill back. I trust it will be only three weeks, but we all understand how this place works. We all understand what you do to the legislative program in this chamber. You cannot guarantee it will be three weeks. You could take weeks and weeks to get around to coming up to having the will, the whim or the otherwise inclination to deal with this matter again. So the industry may well be without protection for weeks and weeks while you rethink your irresponsible position.

We have a situation where the current arrangement for the re-registration of colleges is underway. We have a series of measures being undertaken by this government to tighten up the regulations in this industry and to strengthen the quality assurance regime in this country—and what is happening? The Liberal Party are frustrating those measures. You are moving to protect the shonks once again, as you did in government. You refuse to act because you saw it was in your interests to play these silly games.

The government has moved quickly to address the problems which are emerging in the industry. We have sought a series of measures through the states to enforce a tougher regime to protect students. We will not, however, be getting out a blank cheque to fund shonky dealers whose colleges collapse, leaving us totally exposed when it comes to the question of consequential expenses. Imagine what a rorter could do with that.
What an amazing proposition! Senator Xenophon, this morning you were offered a proposition in my presence by the Deputy Prime Minister about having these matters dealt with—

Senator Cormann—It was this afternoon, actually.

Senator CARR—Well, in my presence, by the Deputy Prime Minister—that these matters would be dealt with through Baird and dealt with properly, efficiently and thoroughly so that the matter would be back here within six months. In fact, the Deputy Prime Minister said that she could have a bill ready to introduce to the parliament by June, but that is not good enough for you. That is fine. You understand that is what you have rejected. What we will have to do is have the matter dealt with in the House of Representatives and have it recommitted to the Senate at some point in the coming period. I trust you will have the interest to get around to dealing with it, since you think you can run the government from the opposition benches, since you believe your mission in life is to oppose. Your view is that you must be as unconstructive as you can be and you are proving it once again. I look forward to the public debate on this question. I look forward to you explaining how you can vote for totally uncapped, unfunded propositions of this type. Such economic irresponsibility, I am sure, will be a matter of interest not just to this industry but to the public at large.

Senator XENOPHON (South Australia) (4.15 pm)—I am very pleased that the Minister for Innovation, Industry, Science and Research is talking about consequences. What are the consequences of having colleges collapse and overseas students lose confidence in our education system? The consequences are that there has been a significant drop in enrolments. The consequences are that one of our biggest export industries is suffering, costing the Australian economy billions of dollars. If we, through this amendment, can give greater comfort to our overseas students of knowing that consequential losses will be covered to some extent, then that is a good thing in determining that we do not have any adverse consequences in having to deal with a loss of confidence in our overseas student sector.

Senator Carr needs to understand, and he needs to acknowledge, that these amendments make it absolutely clear that the minister has the discretion to determine the extent of the regulations. So for the government to say that this is an uncapped, uncosted proposal is absolutely wrong. The minister can determine the extent of any consequential losses to the fund and the minister can determine what the extent of compensation will be in any individual case as well as the total fund. To say that it is uncapped and uncosted is completely wrong and is fundamentally unfair.

This is about strengthening confidence in this education sector, which has taken a battering. It is costing the Australian economy billions of dollars in its loss of reputation. This is about the students and their families having greater confidence in the system—they often mortgage everything and borrow to the hilt, particularly in countries such as India—so that they know there is a greater level of comfort and greater consumer protection. We all agree this is about consumer protection. I urge the government not to misrepresent this to say that it is uncapped and uncosted because the Minister for Education can determine the extent to which this fund will operate—a cap on the overall fund, a cap on individual compensation. But there is an important principle here at stake in consequential losses.

Senator HANSON-YOUNG (South Australia) (4.17 pm)—I think it is fairly clear
that the Minister for Innovation, Industry, Science and Research, Senator Carr, who is representing the Minister for Education, Julia Gillard, is not across this portfolio. If he were, he would understand that these amendments do not allow for an uncapped, unruly amendment that is going to do anything with the budget that he was talking about. He clearly does not understand how the insurance fund works at the moment. He does not understand that these amendments are about expanding and enforcing and giving the minister more leeway to ensure that we are able to insure students the way they need to be in order to give them protection. He does not seem to understand that it is the levy that is paid for by the providers—perhaps even those dodgy providers, as he puts it, that, as we know, are out there.

At the end of the day it is fairly clear right around the country—you do not have to be an educational expert to see it—that the international education sector in Australia is at the crossroads. We need to do something to put confidence back into the sector. It is the third largest export Australia has—almost half a million students in Australia and thousands upon thousands of Australian workers in these colleges and institutions. They deserve the full attention of the government and the discretion of the minister to enable their protection.

The issue deserves a bit more attention than the desk-thumping, bravo behaviour of Senator Carr. I would like to know what the cost to the Labor Party and of all of the work that Minister Gillard has done will be of Senator Carr’s behaviour. It is really important that the government get out there the important things that they have done—the positive things they have done—for the sector. It only works if the Senate gets behind it. The comments made by Senator Carr, which have been misrepresentative of the amendments, of what Senator Xenophon and I are trying to do and of what the opposition have now supported, are very disingenuous in trying to score some political points in the chamber.

I do not even know whom you are talking to. It is not even broadcast day. It is not fair to Minister Gillard to be behaving like this. We have been able to work quite constructively and we need to keep working constructively across all sides of the chamber if we are to protect this international sector, which is very important to not just the Australian export industry but also the reputation of even our domestic students who want to be able to travel overseas and have people understand that our education sector is world class. How do we do that? We have to build confidence within our international student market, within the international student sector and within the community. It is not good enough to simply say: ‘Colleges have rolled over. Pick yourself up, dust yourself off—go.’ They deserve better than that. Senator Carr needs to think about his comments very, very carefully. We have probably wasted enough time in the chamber. We know that these amendments are going to pass. Let us get on with it.

**Senator CORMANN (Western Australia)**

(4.21 pm)—A final and very short contribution: if I had to describe the statements of the Minister for Innovation, Industry, Science and Research in this debate today, Mr Chairman, you would pull me up as being unparliamentary, so I will not go there. There is a serious question mark around the truthfulness and the accuracy of many of the statements that the minister has made today. I understand that we have to get this moving, because we have to have divisions completed by 4.30, but let me remind the chamber again that this legislation has been in the parliament since 19 August. Not once did the government bring it up in the Senate. The government controls the legislative agenda of
the Senate and the government did not bring it up once.

We are dealing with this now. We would have facilitated easy passage, but we are faced with a government that is not serious about putting appropriate safeguards in place to ensure that the people who are caught up in the collapse of colleges are properly protected and that there is an appropriate level of scrutiny of those shonky providers, who none of us want to see continuing in this industry. Senator Xenophon is quite right. This is a very important export industry for us—with $15.5 billion of export income, it is Australia’s third-largest export industry—and it is important that people overseas can have confidence in the quality and integrity of our education system. Furthermore, any of the statements the minister has made about this being an open-ended, unfunded commitment are absolute garbage. The minister is completely out of his depth. The minister has been misled by the people advising him, or he genuinely does not know what he is talking about, or he is intent on misleading the Senate. This is not an open-ended, uncapped commitment; this is something that is important, and I commend it to the Senate.

Question put:
That the amendments (Senator Xenophon’s) be agreed to.

The Senate divided. [4.27 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

Ayes............. 37
Noes............. 25
Majority......... 12

AYS
Abetz, E.  Adams, J.
Back, C.J.  Boswell, R.L.D.
Boyce, S.  Brown, B.J.
Bushby, D.C.  Cash, M.C.
Colbeck, R.  Coonan, H.L.

NOES
Arbib, M.V.  Bilyk, C.L.
Bishop, T.M.  Cameron, D.N.
Collins, J.  Crossin, P.M.
Farrell, D.E.  Feeney, D.
Forshaw, M.G.  Furner, M.L.
Hogg, J.J.  Hurley, A.
Hutchins, S.P.  Lundy, K.A.
Marshall, G.  McEwen, A.
McLucas, J.E.  Moore, C.
O’Brien, K.W.K.  Polley, H.
Pratt, L.C.  Sherry, N.J.
Stephens, U.  Sterle, G.
Wortley, D.

PAIRS
Barnett, G.  Carr, K.J.
Bernardi, C.  Faulkner, J.P.
Birmingham, S.  Evans, C.V.
Brandis, G.H.  Conroy, S.M.
Eggleston, A.  Wong, P.
Heffernan, W.  Ludwig, J.W.
Macdonald, I.  Brown, C.L.

* denotes teller

Question agreed to.
Bill, as amended, agreed to.
Bill reported with amendments; report adopted.

Third Reading
Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.30 pm)—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

COST OF LIVING PRESSURES

Senator KROGER (Victoria) (4.31 pm)—At the request of Senator Parry, I move:

That the Senate notes the substantial increases in cost of living pressures on ordinary Australian families under the Rudd Labor Government. The substantial increase in cost of living pressures on everyday Australian families is directly related to the ineffective decision-making of the Rudd Labor government. Australian families are feeling the pinch like never before. Amidst the increasing pressure on mothers and fathers to make ends meet, the Rudd Labor government continues to waste taxpayer money. Ironically, Kevin Rudd came to power claiming to be an economic conservative—just one of his many political manifestations—but in just over two years he has racked up billions of dollars in debt, most of it with borrowed money and much of it wasted. This is after he has irresponsibly spent the $96 billion surplus gifted to him by the former Howard government in the blink of an eye.

In breaking one of its election promises, the Rudd government has hit the jackpot, awarding an extraordinary $1 billion in consultancy contracts since coming to power in November 2007. Kevin Rudd and his fellow so-called 'economic conservatives' have now awarded over 8,400 consultancy contracts worth over $1 billion, despite pre-election promises to cut spending on consultants by $400 million by 2009-10.

So what do we have to show for this? Sadly, not too much. Nothing but government by review, talkfests and a failure to make the hard decisions! The *Australian Financial Review* reported on the 12 January this year that record spending on legal fees by the Rudd Labor government may be worse than actually first thought. Spending on lawyers in 2007-08 rose by $100 million to $510 million and again to $555 million in 2008-09. This is despite the pre-election promise to cut spending by $15 million per year after the first budget.

Just yesterday in this place, an ANAO report was tabled, revealing that this government wasted $17 million on a failed National Broadband Network proposal. The *Age* reports today that Minister Conroy received repeated warnings from his department to abort the proposal. By the time Minister Conroy responded, $17 million had been spent and wasted. The *Age* today reports that this proposal:

... points to a minister so determined to fulfil the government's $4.7 billion election promise that he dismissed advice throughout 2008 to slow down the process determining which private company would be selected to build the network.

Labor has now committed taxpayers to a $43 billion broadband project without even a business plan. Even the smallest business operator could advise him to be more careful and cautious in determining the investment of money for future return.

Prime Minister Rudd does not govern by making the tough decisions needed to govern Australia, but governs by review. Under this government we have seen more than 170 reviews instigated at taxpayer expense. That equates to one review every 4.6 days of being in office, an achievement that, I hate to say, only a Labor government could be proud of, that has ensured that Labor’s wasteful spending is now systemic.

After two years in government, what have we seen: GROCERYchoice, $8 million; broadband, a $43 billion rollout without a business plan; consultancies, $1 billion in contracts in just two years; the education stimulus with a $1.7 billion blowout; pink batts, $200 million wasted; laptops in schools, another blowout, $800 million; the
tax bonus—$46.6 million, where some of that money was directed to overseas Australians, that saw the economies of other countries boosted. Kevin Rudd has followed the historical precedence of so many other Labor governments and is squandering the hard-earned cash of Australian people.

In December last year he refused to disclose the cost of taking 114 people to Copenhagen. But it has been well and comprehensively tabled in this place just what the cost of that has been. The total bill was $1,429,707—it is a mouthful to even get out! It is a staggering amount for three pages of a non-binding agreement.

The Rudd government’s ETS is magic-pudding economics because it relies on driving up the price of electricity to drive down people’s consumption. The scheme does not provide a single dollar for direct action, yet it will cost every Australian household $1,100. To date we have heard nothing from Prime Minister Rudd nor Minister Wong about the real cost of the ETS to Australian families. I would even suggest that they probably do not know that themselves.

It was interesting to read the transcript of the Prime Minister’s interview on the Today program on Tuesday this week. May I suggest that the interview demonstrates just how out of touch this Prime Minister is. With the indulgence of the Senate I would like to quote a couple of things that were said. The anchor, Karl Stefanovic, said:

Okay, see there seems to be some confusion here, a lot of confusion over just how much goods will increase. Can I use this as a basic example—can I ask you this question? How much for example will the price of bread increase under your ETS?

The Prime Minister in response:

Well, if you look at the way in which the Consumer Price Index is calculated Karl, it takes together the whole basket of goods. What’s a loaf of bread at the moment—$2.40.

STEFANOVIC: $4.
PM: No, $2.40 at the no brand level, up to $4, $4.80 for some of the better brands.
I have to say he obviously does not shop in the supermarket that I have near my electorate office in Deakin. He continued:

That’s the range, approximately. So you apply the increase in the cost of living to that as part of an overall basket, you will see an increase.

STEFANOVIC: But do you know how much?
PM: Well, Karl, I don’t run every bread manufacturing outfit in the country. That is the bottom line …

To me, this is typical of the Rudd-speak that we hear all the time. He does not ever directly address the question and answer with a clear, distinct response so that everybody can understand what he is talking about. The interview went on to petrol, with Karl Stefanovic asking how much petrol will go up, but I have to say that if the implication of what the Prime Minister was saying was not so tragic it would actually be quite funny.

There is a lot of pressure on family budgets. In the lead-up to the last election Mr Rudd suggested that running the economy would be reasonably easy. He has discovered that it is not easy at all, and he has not delivered to the Australian people the prosperity that they have every right to expect. According to a survey commissioned by Hanover, a Melbourne based agency for the homeless, a large number of Australians remain concerned that they will not be able to meet housing and living costs. The survey, of more than 1,000 Australians, showed that close to 85 per cent of people worry about meeting general living costs and a further 70 per cent were particularly concerned about the cost of housing.

We had three interest rate rises in the last three months of last year. There is no doubt that the Rudd government’s refusal to pull back on its spending is putting upward pres-
sure on interest rates. Rising interest rates will cause more pain for all Australians who are facing higher costs as a result of the government’s failure to deliver on its promise to lower the cost of living for working families. Figures released by the ABS on 27 January this year clearly show that the cost of living for Australian working families is on the rise, and dramatically at that.

The consumer price index shows that home-grown inflation is rising fast. Over the year to December 2009, education costs rose by 5.6 per cent, housing costs rose by 5.5 per cent and health costs increased by 4.7 per cent. This is despite the promise that the Rudd government would ‘assist working families’ dealing with all these concerns but, in particular, with the housing affordability crisis. Over 2009, the increases have included: electricity prices up 15.7 per cent, water and sewerage up 14.1 per cent, gas up nine per cent, and pre-school and primary education up 7.5 per cent. We saw in the paper a couple of weeks ago that at a primary school in Victoria the parents were being asked to pitch in to help pay for the maintenance of the toilets. There is a lot of stress on the system at the moment. Another example of increases is motor fees—charges have gone up six per cent. In 2007 Mr Rudd pledged to Australians that he would do something about household costs. Over the last 12 months alone, we have seen the inflationary pressures in all these areas. Public transport is up by 4.5 per cent. Hospital costs are up 6 per cent. It amounts to a massive burden on Australian families.

In November 2009, Fujitsu Australia and New Zealand released its Mortgage Stress-O-Meter monthly update which found that housing affordability and mortgage repayments leave people under increased levels of stress. I mentioned the electorate of Deakin before. I shall return to it because it is an electorate which one would consider on all measures to represent heartland middle-class Australia. It is certainly not home to any millionaire’s row. Yet last week we saw, in figures for two of the biggest suburbs in the electorate, that Burwood has become the epicentre of the housing boom. So here is heartland middle-class Australia suffering a huge housing boom. In Burwood alone the average house price has increased 23.1 per cent, with the median house price $810,000. In Ringwood there has been a 16.2 per cent increase in the average house price. These are huge prices and huge inflationary pressures. I feel very sorry for those young family householders who are seeking to enter the property market and have to come up with essentially half a million dollars to even consider being able to enter that market. The report went on to say that house prices will rise by up to eight per cent over the next 12 months and suggested that this further stress on affordability for many will continue.

Just last week the Prime Minister was once again exposed as being all talk and no action on putting downward pressure on the cost of living through childcare fees. Revelations indicated that they will rise by up to $200 per week. Media reports revealed how the Rudd government changes to childcare standards will see parents slugged up to $40 extra a day, with 42 per cent of metropolitan centres and 79 per cent of regional childcare centres admitting they would be forced to increase charges.

It is interesting to note that with all these inflationary pressures there is no assurance for Australian families as to what they can expect over the next 12 months. If they reflect on the last 12 months, in the proverbial shopping basket the cost of cheese has gone up by 9.9 per cent, bread by 11.2 per cent, meat and seafood by 7.2 per cent, fruit by 8.6 per cent, and tea and coffee by 8.2 per cent. Critically though, the cost of primary education has risen by over 11 per cent and the
cost of secondary education by close to 15 per cent. The Prime Minister promised to keep a lid on the cost of living. This broken promise is one all Australians are paying for every day.

Senator HURLEY (South Australia) (4.46 pm)—This government has made significant headway in helping Australians manage cost of living pressures. I am pleased to speak on both the broad and specific measures we have undertaken to support Australian families, particularly the most vulnerable, to keep their heads above water. I think it is extremely important to recognise that these achievements have been made in the face of the greatest challenges a federal government has had to tackle in many decades: firstly, the most significant global financial crisis since the Great Depression and, secondly, 11 long years of neglect and inaction by the previous government, which withdrew millions of dollars from our hospitals and schools, refused to tackle the need for investment in infrastructure and skills, and refused to embark on the reforms desperately needed in our taxation and welfare systems.

The global financial crisis was averted by the swift and decisive actions of the government. There is nothing like unemployment or underemployment to really reduce the standard of living and to increase the net cost of living for Australian families. It was action by the Rudd government—in the teeth of opposition by the coalition parties—that averted the very imminent threat that has had a great impact on countries in Europe and on the United States. The reality is that this government has not only faced these things but overcome them since being elected to government. I proudly stand here and defend this government’s actions to support Australians and their families in these difficult times. This government has been willing to make difficult decisions, as opposed to the ‘do nothing’ response in the face of the global recession and the ‘climate change is crap’ mantra of the opposition.

Senator Kroger mentioned there are high inflation and high interest rates under this government. That is extremely rich coming from the Liberal opposition—the Liberal Party that left Australia with the highest inflation in 16 years. In the last quarter of the Liberal government, underlying inflation had risen to its highest level in 16 years. The average increase in the Reserve Bank of Australia’s measure of underlying inflation reached 3.7 per cent in the year to the December quarter 2007. There were 10 straight interest rate rises. Under the Liberal government, standard mortgage interest rates rose from 6.05 per cent in April 2002 to 8.55 per cent in November 2007. This rise cost families $484 more a month, or $5,805 a year, on a standard $300,000 mortgage. That cost of living increase really affects your standard of living. Even after recent increases, a family with a $300,000 mortgage is still paying around $600 a month less than they were 18 months ago under the Howard Liberal government. That is the kind of thing that the Rudd Labor government has done about inflation rates, whereas the Liberal government ignored 20 warnings from the Reserve Bank of Australia about inflation.

The Howard government left us with twin deficits—a skills deficit and an infrastructure deficit—and declining productivity growth. When we are talking about standards of living we need to acknowledge that productivity, innovation and infrastructure are intertwined as a means of improving the future for Australians. The coalition parties have always been poor at looking at the future, at looking ahead, and considering how macro-economic policies will impact on ordinary working families.

Currently inflation is subdued. The CPI figures from last week show that inflationary
pressures in our economy remain subdued. They reflect an economy that is, unfortunately, still operating below its capacity. CPI inflation was 2.1 per cent through the year to the December quarter and at the lower end of the RBA’s two to three per cent target band.

So there is that macroeconomic setting, but the government has also helped working families directly. There are of course two parts to cost of living pressures. One is the income side and one is the expenditure side. On the income side, the government has recognised that working families face rising prices. It has also taken steps to help on the income side. The government has delivered not only at an interest rate level but on its promise of tax cuts for Australians. This means that a person earning $50,000 a year pays 14 per cent less tax in 2009-10 than they did in 2007-08. Further tax cuts in 2010-11 mean that they will be paying 18 per cent less than in 2007-08. That is a tax cut of $1,750. Other measures include increasing the childcare rebate from 30 per cent to 50 per cent, improving affordability for parents. So, recognising that there are price increases, the government has taken action to improve income and benefits.

We have introduced paid parental leave, which will provide up to $9,788 for around 48,000 mothers and primary carers each year. We have also introduced the 50 per cent education tax refund, which provides up to $750 per primary school child and $1,500 per high school child to help with the costs of education. Again, recognising that there will be, in the nature of things, cost increases, the government have taken steps to offset those increases. Very importantly, we have also delivered a historic pension increase of $32.50 a week for single pensioners, costing $14 billion over four years. Cost of living pressures were increasing under the Howard Liberal government, but did the coalition take any measures to improve the lot of ordinary people? Not many, and not at all for pensioners. They took no steps to help those on low fixed incomes to cope with cost of living increases. And the Liberal opposition have the temerity to come in here and move a motion like this! They did nothing for people on low fixed incomes. Also on the pension side, we have increased the utilities allowance from $170.20 to $500 a year.

Senator Williams—Who introduced it?

Senator HURLEY—The Liberal coalition might have introduced the utilities allowance, but they left it at a level that meant that increased costs—which is what we are talking about now—left pensioners way behind. We have increased it from $170 to $500 a year. Did the Howard government increase that utilities allowance? No. We have increased the telephone allowance from $88 to $132 a year. We have indexed the pension to the pensioners’ cost of living, so pensioners are now much better off. An important cohort of our population is much better off. You ask them about the cost of living and see what the response is.

On the income side, Senator Kroger mentioned housing. This government has taken action on housing affordability. The National Rental Affordability Scheme offers $6,500 per dwelling, plus at least $2,168 from the states, to build affordable housing and rent it out at 20 per cent below market rate. The Housing Affordability Fund is a five-year, $512 million investment to help address barriers to new housing development by streamlining planning and approval processes and reducing infrastructure costs. Also, the First Home Saver Accounts have proved very popular and very useful for new homeowners.

The government has delivered on its election promises and has provided for both aspects of the cost of living. It has increased income and benefits and it has taken steps to
reduce the other side of it, which is expenditure. On expenditure, I want to talk a little about what the government has done on competition to help drive down grocery prices across the sector. The government is committed to promoting competition in the grocery and retailing industry, which I think everyone recognises is the most effective means of exerting downward pressure on grocery prices. In the past, both state and federal barriers have impeded the entry of competitors into local and national grocery markets. The government is currently working on policy measures to introduce more competition by lowering the barriers to entry and expansion in both retailing and wholesaling for independent supermarkets and potential new entrants.

The ACCC has reached an agreement with Coles and Woolworths to end restrictive provisions in leases. I welcome the agreement between the ACCC and Coles and Woolworths to bring in such measures. Active restrictive leases will cease immediately in 602 out of 750 cases. The remaining 20 per cent will be phased out within five years. Both companies have also agreed that they will not include restrictive provisions in any new supermarket leases. This has been a long-running issue. It is not one that is out there on the front page of the paper, but it has been a key reason for reduced competition. We have finally reached agreement with the two major retailers to ensure that it is phased out. What is the opposition policy on that? I have not heard one at all.

Senator Williams—We’re not in government, you know.

Senator Hurley—No, you are not in government, and for good reason. It is because these kinds of key steps were not taken by the Howard government. The Rudd government has had to take these steps to ensure that there is additional competitive pressure on prices.

Before my time concludes, I would like to address at least one more area that is important on the income side of things in terms of cost of living pressures. Let us talk a bit about how the coalition addressed the income side of things. Given that Senator Kroger is a senator from Victoria, I would like to talk about the VCOSS state budget submission for this year. It talks about the disparity between wages and the growing cost of living, certainly, but VCOSS does not seem to put the focus on the last two years, on the time of the Rudd government being in power. It talks about 2001 to 2006, which of course was when the Howard government was in office. A lot of these pressures take some time to come through the economy. The VCOSS report says that, while gross average Australian household income grew by 31 per cent between 2001 and 2006, incomes in the wealthiest areas grew by 36.5 per cent and incomes in the poorer suburbs grew by only 29 per cent. While the average income of Sydney households increased by 22 per cent after housing costs, after factoring in the cost of food, petrol, education and child care the annual increase was only around 1.5 per cent. The situation in Melbourne was found to be similar.

So we had the pattern from 2001 to 2006 of, yes, increasing wages, but, at the same time, greatly increasing cost pressures. What was the Howard government’s response to that? The Howard government’s response was to introduce Work Choices, which seemed almost specifically designed to drive down people’s wages even more. It removed penalty rates, annual leave loadings, the right to collectively bargain and the right to unfair dismissal provisions for small business employees, casual employees and seasonal employees. That was the Howard government’s response: ‘Okay, the well-off people are do-
ing reasonably well. The middle classes and lower income groups are really struggling. Let’s squash them even more. Let’s squash their income even more. Let’s leave them even more exposed to increases in the cost of living.’

It amazes me, when we have seen decreased taxes and increased wages under this Rudd government, that a Liberal opposition member can come in here and talk about cost of living pressures. If we are talking about cost of living pressures, we cannot ignore Work Choices and what that would have meant for the cost of living for ordinary families struggling along under the burden of Work Choices and trying to meet those increased costs. It was not only the pensioners that were struggling under the Howard government; it was also working families. That is why people turned against the Howard government in a big way—because they could see the future; they knew where it was heading.

So I welcome this motion from the opposition, because it gives us a chance to talk about the significant improvements brought about by the Rudd government. Hopefully there will be even more in the future, because, as I said before, that is the difference between a Labor government and a coalition government: the Labor government looks to the future. We are looking to the future in terms of productivity, skills improvement and how we enable families not only to cope with the cost of living but to look forward to a higher standard of living in the future.

That higher standard of living will be brought about by productivity, which the former, Howard government neglected shockingly, despite calls from the business community, from economists, from academics, to pay attention to that area. The Howard government let the productivity agenda just drop off. It was all too hard. The decisions that had to be made were hard, so they were not made at all, and we saw productivity drop off shockingly. Also, we saw an appalling problem with skills development in the time of the former government, which meant that a lot of projects in that boom time that the Howard government enjoyed did not proceed as well as they might have, because of dramatic skills shortages.

Although we have had the global financial crisis, although we have seen recession around the world so that there has been a drop-off in new projects and start-up activities, that does not mean that the Rudd government has dropped the ball on issues like productivity and skills development. The Rudd government was pushing ahead in the last budget, despite the crisis which impacted on the budget, to make sure that, as we come out of this recession, we will be well placed and not have those blocks in our path to improving productivity in the future—hopefully in the next few years. It really stuns me that the coalition members raise this issue, because it just gives a chance for members on this side to once again highlight the appalling record—with high inflation and low productivity—of the former government and to point out the positive steps that this government has taken.

Senator HUMPHRIES (Australian Capital Territory) (5.06 pm)—It is hard, after that confused mishmash of information and half-truths, to identify exactly what Senator Hurley asserts are the significant improvements effected by the Rudd government in the area of household incomes and the cost of living. Whatever the significant improvements are, they seem to be overwhelmed by the evidence that in fact the standard of living is declining for Australians and the cost of living is rising at an unprecedented rate.

We are told, on the evidence of bodies such as the Australian Bureau of Statistics,
that household costs such as for groceries are rising precipitately. We have seen, according to the ABS, that the cost of a standard basket of groceries in Sydney has risen by something like $10 in just three months. Exactly which of the Labor Party’s significant improvements, in the areas of which Senator Hurley spoke, are impacting on that kind of rise? We have seen rises in house prices, we have seen rises in rental prices, we have seen rises in the cost of fuel and we have seen rises in almost every area in which the consumer might measure the standard of living that they enjoy. What exactly is the basis on which Senator Hurley argues that there have been significant improvements? What is more, we not only are seeing at this stage significant increases in the cost of living across Australia in most of the indicators we care to look at but have the prospect of further increases coming down the line with the advent of the Rudd government’s ETS and the admitted extra costs that that will impose on Australian consumers across the board as an intrinsic part of it.

Senator Cameron—You supported it before you backflipped.

Senator HUMPHRIES—I saw the light, Senator Cameron. Maybe you will one day as well if you have a hard enough look at the evidence. The fact is that grocery costs have been soaring. Labor promised to keep a lid on the cost of living, to do something about the rising cost of living, and they have utterly failed. Mr Rudd went on TV yesterday—on the Today program, which Senator Kroger has already referred to—and tried to justify what he thought were modest increases in the cost of living that would be caused by his emissions trading scheme. He postulated that the cost of living would only increase, according to Treasury calculations, by 1.1 per cent. He then failed to distinguish himself by being able to indicate in any way what the actual increases would be on things like milk, bread and petrol, when asked by the presenter of that program but continued to assert that that was the case.

I do not think the Prime Minister was well briefed when he made those comments. In fact the Prime Minister has already, in the course of this week, had to adjust his statements to the community about what exactly the higher costs would be as a consequence of his ETS. For example, he told the community a few days ago that there would only be a seven per cent increase in the cost of electricity prices attributable to his ETS. That sounds fairly modest—a bit more than 1.1 per cent, yes, but only seven per cent. Perhaps we could deal with that for the sake of the planet. But in fact, no, that was not the case. He had to come back and correct the record on that statement. In fact he admitted that electricity prices would rise by 19 per cent in the first two years alone of the operation of the emissions trading scheme. There will be a 19 per cent increase. That is in line with what the New South Wales independent regulator said when he reported that there would be, over the next three years, an increase of 62 present in electricity prices, of which more than one third would be attributable to the emissions trading scheme. There will be something like a 25 per cent increase in electricity prices. Electricity makes up a large proportion of household costs, both directly in the costs that consumers pay and indirectly in the input it has into all the other things that consumers use such as food and groceries. To see there will be a 25 per cent increase in electricity costs—in New South Wales at least—does not make one confident that the government will be able to contain increases under the ETS to just 1.1 per cent.

Another important point I think is worth adding to the mix is this: the government have calculated what they see as the increase in food and grocery prices as a result of the ETS. I understand that one of the factors that
they have used to calculate that increase is that over a period of time people will begin to purchase more and more of their groceries in the form of imported goods. You might ask, ‘Why would people be purchasing more imported goods in the mix of their household basket of weekly purchases?’ The answer is this: imported goods are not subject to the ETS tax. Goods produced overseas and sold to Australia are not subject, at least at this point in time, to the inflationary effects of an ETS. The government’s own calculations are predicated on an increase in the cost of Australian made foodstuffs and a smaller increase in the cost of goods produced overseas. The government’s own calculation is dependent on more Australians buying imported foodstuffs and goods in their supermarket basket. That is one way of controlling the increase in costs, yes, but it is hardly a very encouraging way from the point of view of Australian primary producers. There is very disturbing logic at work there.

I mainly want to draw attention to the Rudd government’s failures with respect to the cost of housing. That is a very significant part of any household budget in Australia today. Perhaps we can look to that to see whether the Rudd government has been able to contain the cost of housing. Mr Rudd said, in the lead-up to the 2007 election, that the issue of housing affordability was a barbecue stopper affecting all Australians. He said he wanted to open a dialogue and find real solutions in holding the states to account for their contribution towards the cost of land and housing and wanted to make sure that this was an issue kept under control by his government. Again, let us look at the evidence. Senator Hurley spoke about the significant improvements by the Rudd Labor government. What have they been and how have they affected the price of housing? According to the survey of median house prices in eight capital cities around the country of the Real Estate Institute of Australia, in the first 18 months of the Rudd government the price of housing increased by 9.9 per cent. A rise of 9.9 per cent in 18 months is a much higher increase than the rate of inflation. House prices have risen faster than incomes. House prices have meant a lower level of affordability for Australians seeking to buy a home.

In rental housing, the situation is not much better. Again, the REIA calculates that over eight capital cities the prices of rents have increased by 8.9 per cent since the Rudd government was elected. So if you cannot afford that house you want to buy—because your first home is less affordable as a result of the policies of the Rudd Labor government—you are not going to get much relief by moving into rental accommodation, because the price of rental housing is increasing at a faster rate than it was supposed to.

The Rudd government promised that it would do something about bringing down the cost of family homes by introducing the National Rental Affordability Scheme to ensure that households paid less—20 per cent less—on rent than they had done previously. That scheme is still in the process of being rolled out, so at this point in time we cannot form any definitive judgment about how effective it will be, but it is worth remembering that at this stage very few of the supposed 50,000 Australian families meant to benefit from the scheme have actually obtained any benefit whatsoever. Even if they do enter into rental arrangements under that scheme with, supposedly, a 20 per cent reduction on the market rate in the rent that they pay, they are of course already half of that 20 per cent behind because rents have increased by 8.9 per cent in the course of the last 18 months. There is not much point in decreasing rents by 20 per cent if every 18 months or so there is an overall increase in rents in the order of eight or nine per cent.
The evidence of increasing housing 'unaffordability' in this country mounts day by day. Only this week, Fujitsu Australia, which provides business and information services, issued its monthly survey of 2,000 households and focus groups which looked at the evidence of household stress caused by the cost of housing. It found that high interest rates and rising costs of living were pushing up household stress in Australian families. For example, it found in respect of Canberra that 23 per cent of young, growing families will experience mortgage stress by the end of this year. It said that severely stressed households—those facing a potential sale or foreclosure as a result of factors such as rising costs and rising interest rates—were affected such that short-term relief through the government’s cash stimulus had dwindled and that net hours worked and falling household incomes were actually contributing to the extent of household stress.

The executive director of Fujitsu, Martin North, said most people in severe mortgage stress escape their predicament by selling their home, masking the full extent of the problem. The ratio of average incomes to average house prices was more extreme in Australia than in comparable Western countries. He said it would take 7.15 average annual incomes to pay for the cost of an average house, compared with 6.2 times that amount in Britain and 3.5 times that amount in the United States. Disturbingly, Fujitsu estimated that 747,000 Australian households would be in some discomfort by December of this year and 307,000 households would be under severe mortgage stress.

How does that justify the claims of the Rudd government that it is doing something about the cost of living if that very important component of almost every household income, the cost of housing, is rising at such a rate that it puts 700,000 Australian households under some form of housing stress? In what way is the Rudd government effecting significant improvements, to quote Senator Hurley, in dealing with that particular pressure point for Australian families? It clearly does not stack up. For the 8.8 million Australian families who are experiencing pressure as a result of this government’s policies, whether it be from rising grocery prices, rising rental prices or rising house purchase prices, nothing that the Rudd government is doing is having any particular positive effect.

The fact is, the ETS will make the situation much worse and it is very clear that the government just does not have any clear picture of what is going on in that area or how it is going to affect Australians. There was evident confusion in question time today from the government about exactly what the effect of the ETS would be on household incomes. Senator Evans claimed just yesterday that 92 per cent of families would receive full compensation and that working families would have those costs met. Today he had to admit that he was wrong and retract that claim. The fact is that the government’s position is anything but clear. The Prime Minister’s own confusion on the Today program this week illustrates that.

I think it is fair to estimate, as Senator Birmingham did in question time today, that something like half of Australian households will in fact be worse off after the compensation mechanisms are put in place. Something like 4.2 million of the estimated 8.5 million households in Australia by 2011 will receive less than full compensation or no compensation whatsoever. That is based on the calculation made by Senator Birmingham. You might ask on what basis Senator Birmingham has made that calculation. Senator Birmingham is entitled to ask: on what basis does the government calculate that 92 per cent of families will receive some measure of compensation or that the burden of the ETS will not be significant on Australian house-
holds? In question time in the last week, Senator Birmingham and others have asked the government to indicate what the extent of cost increases on those vital purchases by Australians will be, but they have not received an answer. We do not know what those cost pressures will be because the government cannot tell us. We have asked that question in question time—and the question has been asked in the other place—but no answers are forthcoming. In those circumstances, I think the government is open to the criticism that it just does not know to what extent Australians’ standard of living is going to be adversely affected by the decisions that the government is making with this ETS and other things that are impacting adversely on Australians.

I will conclude by taking up another point that Senator Hurley made, about rising prices under the coalition—how these made Australians go backwards and indicated our failure in the task of sustaining the standard of living of Australians when we were in office. The statistics are very clear. If members want an illustration of how governments—coalition governments versus Labor governments—have performed in this country, then they need look only at the last 25 years to see their records on the question of the cost of living. In the 11 or 12 years of the Howard government, real wages in Australia—that is, the amount that Australians receive in wages over the costs that they have to meet—improved by 20 per cent. That is our record in government. That is what we were able to achieve—a 20 per cent increase in real terms.

Senator Cameron interjecting—

Senator Mason—It fell under you lot, and it went up under us by 20 per cent.

Senator Humphries—As Senator Mason has indicated, the record of the preceding 13 years of the Hawke and Keating governments was a fall in real wages of 1.2 per cent. That is what the ABS will tell you. If you want to find some other figures, Senator Cameron, you find them. That is the record of coalition governments versus Labor governments. If the first two years of the Rudd government are any indication, that comparison will continue, because clearly pressures on Australian families, through rising costs, have increased in the last two years. It ought not to be the case. To add to those pressures, as this government is contemplating by adding a new tax onto the shoulders of Australians in the form an ETS, is, I think, utterly irresponsible. That is the clear evidence of the gatekeepers, the monitors of these things—bodies like the Australian Bureau of Statistics—and the government must be held to account for its failure to deal with these issues comprehensively and properly by those sorts of measures.

If the government can satisfy this community that it has a plan to reduce those cost pressures on Australian families, we would like to hear it. We have not heard it in this debate, and the evidence of the last two years is that we are going backwards, not forwards.

Senator Cameron (New South Wales) (5.24 pm)—I certainly cannot accept being lectured by Senator Humphries on anything.

Senator Humphries—Get used to it.

Senator Cameron—It has to be a better lecture than that, Senator Humphries. You see, you have abandoned your values, you have abandoned your beliefs and you have abandoned your mates. Do not come in here lecturing the Labor party about what we should do when you have abandoned your values and beliefs and then left a couple of senators in here to stand up for the values you know you should stand up for—and that is to do something constructive and real about climate change. That is the biggest economic challenge that this country faces. It
is the biggest challenge in terms of putting pressure on ordinary working families. Yet what do you do? You backflip. You backflip with Senator Birmingham—‘Backflip Birmingham and ‘No heart’ Humphries. We see that as your position.

And do not come in here lecturing the Labor party about how good you were when you were in government and about what you would do now. We have seen what you would do: you would abandon your mates and not stand up for anything. You did not stand up for workers during the WorkChoices campaign. You did not stand up for your own mates against the crazies in your party. So do not come in here lecturing the Labor party about what should be done on anything.

The coalition has abandoned any pretence of having good economic credentials or good economic management. You did not have it in the first place. You pretended that it was there. During all the time of Howard and Costello in government, what we saw was lazy, incompetent and ineffectual economic management. History shows us what you did. It was absolutely pathetic. No voice was raised then by Senator Humphries about workers and their living standards. No argument was raised then when you were ripping rights away.

It is no surprise that the coalition are looking for any opportunity to promote a scare campaign, because they have not got much else left. All they have is scare campaigns. They are on to their fourth leader since Labor came to power. We have a temporary leader in their current leader. When you talk about a Liberal leader, you have to talk about the current leader because you do not know who is going to be their next leader or when that will occur. The Liberals hate the Nationals, the Nationals hate the Liberals and the Liberals hate each other. That is the reality. You are an absolute rabble. You were a rabble before Christmas and you are a rabble after Christmas—new leader, same rabble. That is the reality for the coalition.

Do not pretend that you have any credentials when it comes to economic credibility, because the coalition’s only credential is in running scare campaigns. You are the geniuses of scare campaigns. You ran scare campaigns on asylum seekers. They are people who need help, people who need assistance, people who need asylum, yet what does this coalition do? It vilifies them. It uses them in a scare campaign. That is the type of action we get from the coalition. You ran fear campaigns on interest rates, yet your record on interest rates was pathetic. You ran fear campaigns on terrorism. You ran fear campaigns on anything to try and scare the community into supporting the Howard government. You ran a scare campaign on the union movement. It was the union movement who stood up for workers rights against the attacks of the coalition, yet you have the hide to come in here and talk about living standards and pressures on ordinary workers. The hypocrisy just drips from every one of you. It drips from every orifice of the coalition. It is everywhere, pouring out of you. It is pathetic.

You have had some success in one fear campaign. You have instilled absolute fear and loathing in the business community. Business are petrified at the thought of Senator Joyce ever ending up as finance minister. Business are petrified that the Nationals will be given the purse strings of the nation. Imagine giving the Nationals the purse strings of the nation. Imagine giving the National Party, the supreme pork-barrellers, the funds of this country—and they talk about economic credibility. I will tell you about economic credibility: giving the Nationals and giving Senator Joyce the purse strings of the nation demonstrates that you have got absolutely no economic credibility. The ap-
pointment of Senator Joyce as the shadow finance minister rips away any pretence of economic credibility that the coalition claim to have. Let me tell you: it is a claim; it is not a fact.

Barnaby Joyce’s first major address as shadow minister was at the National Press Club, and how was it described in the Australian today? Let me tell you that Senator Joyce, the man who could have the purse strings of the nation, gave an address that was described as ‘gaffes, goofs and gibberish’. You have only got to see Senator Joyce in action to know that that is a very good description of how he operates. Senator Joyce’s appointment was about trying to paper over the divisions in the coalition. It was about trying to give some veneer of substance to the false argument that they are together. They are not together; they are split apart. That is the reality. We cannot afford to have Senator Joyce and the National Party in charge of the purse strings.

Senator Coonan, who was ditched to put Senator Joyce in as the spokesperson on finance, must have had a wry smile on her face when she watched Senator Joyce on Lateline and at the Press Club. She must have said, ‘I’m glad it’s him and not me,’ because putting the National Party in charge of the purse strings of this country was an absolutely pathetic example of the economic irresponsibility of the Leader of the Opposition, Tony Abbott. This is Senator Joyce, who does not believe in climate change, who does not believe in the market and who wants to hand over money based on greed. His argument is that the coalition environmental policy will work because business will be greedy and they will want the money. I for one have had enough of big-business greed. I for one have had enough of the nonsense that is being perpetrated on the opposite side as economic policy. Arguing that greed will drive your environmental policy after the global financial crisis is absolutely ridiculous. What an absolute fraud of a coalition you lot are. What an absolute disgrace—no economic credibility at all.

Do not talk about workers, do not talk about interest rates and do not talk about pressure on workers until you get rid of Senator Joyce. I will tell you what is going to happen: the Liberal Party will demand that Senator Joyce goes anyway, because it is unsustainable for Senator Joyce to continue the gaffes, the goofs and the gibberish between now and the election. You know that and you know that will have to change.

We cannot afford an economic policy based on an environmental policy—and I use the word loosely when it comes to the coalition—that puts pressure on ordinary working families, and that is what your policy does. Your policy takes the money out of the public purse. It is unfunded. You claim you will find the money, but we know where you think the money is going to come from. In my view, it will come from ordinary working families. You know that is what is going to happen. We cannot afford a coalition government that increases the cost of living for all Australians through its con job of an environmental policy. What a con job it is. You bow at the knee to big business every day in the Senate. You say to them that they can continue to rip away at the profitability of this country. Executive salaries can go through the roof and there is not a murmur from the coalition, not a murmur about massive executive salaries and not a murmur about ripping profits and wealth out of shareholders and the community and putting it back into the executives’ pockets. Your economic credibility is not there. When you start raising that issue of the rip-offs against shareholders by executives in this country, you might start having some economic credibility. You have let big business and those executives off the hook. The polluters
will pay nothing under your policy. Under your economic policy and your environmental policy, it is business as usual, and you hope that greed will mean that the environmental policy will work. What a pathetic lot you are.

You cannot really be an alternative government when you have no economic policy of any substance and when you have no environmental policy of any substance either. You have a responsibility as an alternative government to explain where the money will come from for your pathetic environmental policy. You call it ‘direct action’. I have heard that name before. Direct action will be a direct hit on working families in this country because they will have to pay for your policy. Also, to pay for your policy there will have to be service cuts. What services will you cut to fund your pathetic environmental policy?

You have to tell Australians which cuts will be made to the health system, the education system, the welfare system and infrastructure spending. We know that the shadow Treasurer, Mr Hockey, wants to cut support for the car industry. This is typical of the coalition: attack workers in industries where they have high skills, decent wages and unionised employment. You hate unions so you go for the jugular. And Mr Hockey can do that quite easily because there are not many car workers in the northern suburbs of Sydney. There are not many car workers on the northern beaches of Sydney, so he can say: ‘We don’t care what happens to working-class people in Geelong, in Albury-Wodonga and in other areas around the country. It doesn’t matter because I’m in the leafy suburbs of North Sydney. I can nip up to the northern beaches. I don’t have to worry because I’m okay. I’m in a safe electorate. We can discard car workers, we can discard industry policy and we can rely on being a quarry, a farm and a tourist destination.’ That is the Liberals’ approach to policy. It has never worked in the past and it will not work in the future. It is typical—attack working people.

You talk about the increased cost of living. It is about time the coalition understood that, simply by ripping away support for our key industries, the cost of living and the stress on the workers who lose their jobs is massive. They are not workers who can move easily into another job. They are not workers who can easily pick up their commitments. They are workers who live week to week, but you do not understand about workers living week to week. You do not care about them because that is what Work Choices was all about. You do not care one iota about ordinary workers. Having introduced Work Choices, your hypocrisy in coming here and talking about the pressure on workers is absolutely mind boggling.

There is another thing I want to say. Apart from your uncaring, unthinking policies and the devastation that they would bring to ordinary working families, I abhor the dismissive attitude that the coalition has to employment in the Commonwealth public sector. Since I have come to Canberra—it has not been that long—I have met people in Canberra, hardworking public servants who are putting in the hours day in, day out for this nation and day in, day out for this parliament. They are highly competent professional public servants. I would not include Godwin Grech in that description but I certainly would describe the majority of public servants as highly competent, good Australians who are doing their best. Yet what do we see from the coalition to fund this mickey mouse con job of a policy? They are going to cut back on the Public Service. When you cut back on the Public Service you cut back on services to the public. This lot do not care because they are still leaderless. You could not call the current Leader of the Opposition
a leader, because he was never good enough to have a leadership position in the Howard government. He was never in cabinet. He was never a leader.

Senator Mason—Yes, he was! He was a cabinet minister, Minister for Health and Ageing, and he was Leader of the House.

Senator CAMERON—I retract that then, but he was not much of a performer. He was never at the cutting edge of the Howard government. You now have the C grade of the Liberal Party in the leadership position. Do you know why? Because the lunatics have taken over the asylum. That is why. They are the madmen of the Liberal Party—and it is mostly men, although there are some mad women. There are real problems here which the Australian public are onto. They know what you are about and they know that you are a huge problem to this economy. To come here and argue that you care about ordinary working Australians is the height of hypocrisy.

Let us have a look at what the Liberal Party were really about in government. They have a ‘Direct Action Plan’—they are really good at names—for a policy that does nothing and they had ‘Work Choices’ for a policy which gave workers no choices. It gave them nothing, no choices at all. That is what they gave workers. Where were the voices for the workers on the other side, the champions of the workers we are supposedly hearing from now? Where were their voices when Senator Minchin crawled down to the HR Nicholls Society and apologised for not taking enough rights away from workers? They apologised for not taking enough rights away from workers? They were silent—no heart, no capacity to understand what workers need. Where were the voices in the coalition when Senator Minchin was talking about pulling down the whole edifice of the awards system, including the industrial commission? Those voices were silent, the same as the backflippers on your side of the Senate who know that we should have a decent environmental policy. They backflipped and left their mates in the lurch. They left them on their own when the crunch came, when the loonies took over the asylum. That is what has happened over on the other side.

(Time expired)

Senator WILLIAMS (New South Wales) (5.44 pm)—I must comment on some of the remarks made by Senator Cameron. He talks about working families. It is amazing how these union reps refer to working families. As I have said before in the Senate, it was the shearsers that started the Labor Party under the Tree of Knowledge at Barcaldine, but not one member of the Labor Party would know how to load a handpiece, let alone knock the wool off a sheep. Perhaps Senator Stephens would. We look through the list of all the Labor MPs here and all the senators and they could not even shear a sheep. They talk about sticking up for the workers. They could not even shear a sheep. That is where they come from, that is where they have lost it and that is where the roots are for the working man. Remember the days when it used to be ‘One man, one job’. The wife could not work, but that has been changed now, thank goodness.

Senator McEwen—They can change it back.

Senator WILLIAMS—No, we are not going to change it back. We would all go broke! I want to refer to Senator Cameron’s contribution about the cost of living. He mentioned interest rates—so did Senator Hurley—and how they were 8.55 per cent under the Howard government. They had risen to 8.55 per cent. They must think that
we do not have memories. They must think I cannot remember back to the 1992-93 days when I was paying 25.25 per cent under the so-called ‘World’s Greatest Treasurer’, then to become Prime Minister, Mr Keating. And what did it bring on? It brought on the ‘recession we had to have’, as Mr Keating said. ‘We have got to have it,’ Mr Keating said, when we buried the nation in debt, when unemployment rose to 11 per cent and when we were trying to survive in drought and times of low commodity prices on 25.25 per cent.

Senator Cameron talks about the so capable way that the Labor Party can manage the economy. Perhaps he thinks we have forgotten back to the late 1980s when the state of South Australia went broke, as did Victoria, as did Tasmania and as did Western Australia, while Canberra was going down the tube of debt as well. Who managed all of that huge debt-building policy right through then? It was all under Labor governments. Then we had the $96 billion debt the Howard government inherited. After that time what happened? We were debt free. The Rudd government wins in November 2007. It inherits a debt-free government with a $22 billion budget surplus in the first year and record employment with unemployment at the four per cent level. What have we got now? The federal government now owes $120 billion—$120 billion in that short a time. Let us do some figures: $120 billion at seven per cent—$8.4 billion a year interest only. To make it a little bit simpler, $700 million a month to pay the interest only. And they say what a great job they have done with the economy. Of course, that has contributed to the rise in interest rates of late as well.

Let us get back to the real crux of the motion today moved by Senator Parry. Let us go back to before the last election when Mr Rudd said to the Australian people, ‘In government we will fix our hospitals and the buck will stop with me, and if it is not fixed by the middle of 2009 we will take the correct action to fix it.’ Righto, we will move on to the next issue: ‘When in government we will put downward pressure on grocery prices.’

Senator McEwen—And we have.

Senator WILLIAMS—‘And we have.’ I hear. I do not know where the senator on the other side of the chamber shops, but where I shop they certainly have not gone down. So what method did the government take to put downward pressure on grocery prices? It brought in GroceryWatch. The first time I went to the website, I saw some grocery prices for Tamworth and Grafton in northern New South Wales. Is that not great for the people who live in Inverell, Armidale, Glen Innes or Tenterfield? Are they expected to drive down to Tamworth to save 5c on a packet of biscuits because it said it on the website? It was a waste of $10 million. It was thrown in the bin—thank goodness for that. But that was the Prime Minister’s way of putting downward pressure on grocery prices.

Then what was the next step? Mr Rudd said to the Australian people, ‘In government we will put downward pressure on fuel prices.’ Thank goodness we did not blow another $10 million on Fuelwatch. You can imagine the same scenario: there is the fuel price in Tamworth and the fuel price in Grafton. Someone lives in Inverell, about 250 kilometres away, and petrol is 2c a litre cheaper in Grafton and Tamworth and they say: ‘I’ll drive to Grafton. By the time I get there I’ll run out of petrol anyway to save 2c a litre.’ How ridiculous! Thank goodness it never got wings.

I will go back to the promises the government made. All the computers we were going to have in our schools for year 9 stu-
dents are still on their way. Then we had the magnificent successful 2020 Summit. It brought everyone down here and what a great talkfest it was. What was derived out of that summit? Nothing at all. So the promises of Mr Rudd to the Australian people go on with how we are going to put downward pressure on the cost of living. Let us have a look at childcare costs. If you are going to cut the cost of living for working families, the best place to start would be child care. We have just found out that childcare fees will rise by up to $200 per week. The Rudd government changes to the childcare standard will see parents slugged up to $40 a day extra, with 42 per cent of metropolitan centres and 79 per cent of regional childcare centres admitting they will be forced to increase their charges. Let us get it straight: we have not had any downward pressure on groceries or fuel and childcare costs are going in only one direction.

The big issue here is that the Prime Minister is saying we must improve productivity in our nation by 2050—he plans a long way ahead. How can we improve productivity when we have the classic situation of mum wanting to go back to work but not being able to afford child care? So what does she do? She is forced to stay at home. It is not worth going to work because all the money she earns is paid to childcare facilities. Let us go a bit further. The electricity bill is there every three months. On 1 July last year, in New South Wales there was a 21 per cent increase in the cost of electricity. That was the state government of New South Wales, of course. Obviously, Mr Rudd’s downward pressure on the cost of living never flowed through COAG; it was just a case of jamming the price up.

So what is the next solution? The emissions trading scheme. This is a farce. Let me give you a few figures. For a $114 billion tax on our nation the proposed emissions trading scheme is going to reduce Australia’s emissions by 30 million tonnes a year by 2020. We expel around 550 million tonnes a year now, and we are going to reduce that to 520 million tonnes. That will save the globe for sure! But hang on, will it? By 2020, China and India combined will be expelling an extra five billion—‘b’ for billion—tonnes of greenhouse gases. The government says that if we reduce emissions by 30 million tonnes—which is a drop in the ocean compared to five billion—we are going to cool the globe and stop the seas from rising. They use all these sorts of scare campaigns. Senator Cameron referred to the coalition’s fear campaign on this issue. This is outrageous. There is a $114 cost to reduce CO2 emissions by 30 million tonnes when the rest of the world has done nothing. They had a talkfest at Copenhagen that achieved nothing, but the government still want to take Australia down this road of destruction. Our industries will shift overseas. The cement industry will be the first to go. Senator Cameron was talking about jobs in Australia. It will be goodbye to 1,870 jobs in the cement industry in regional Australia because, under the emissions trading scheme, by 2014 those 14 factories will have to pay an extra $20 million a year. They will not survive; they cannot survive. This is how the government intend to keep downward pressure on the cost of living. It is simply farcical.

I want to move on to another area that is a huge threat, as far as costs go in this nation, as a direct result of the Rudd Labor government. I refer to our aged-care facilities and the aged-care industry. We have just seen a splash of some $15 billion into Building the Education Revolution in our schools. We have heard of some of the classics. Abbotsford Primary School, in Sydney, got $4 million to pull down four perfectly good classrooms and replace them with four new classrooms. Is that spending the nation’s money
wisely? We have a $15 billion splash around the nation on building in schools—which is the responsibility of the state governments because they run the schools. But aged care is a federal responsibility. How much of the $42 billion stimulus package went into aged-care facilities to help that industry? The answer is: not a cent. We have facilities like St Anne’s out at Broken Hill. Senator Cameron might be interested in this. Broken Hill is a mining town that has wound down its mining compared to many years ago, and the average age there is much higher than for most of Australia. But they cannot afford to expand their aged-care facility because they do not have the funds. The Grace Munro aged-care facility at Bundarra, just south of Inverell, is being threatened with closure because the providers, McLean retirement village, were simply losing too much money. They have lost up to $600,000 to keep the small facility open. But what did the government do to help the aged-care industry? The answer is: nothing. The government are worried about the percentage of the population that is going to need aged care in years to come, but they have neglected aged care and simply borrowed and wasted so much money.

Senator Cameron asks us how we are going to get $3.2 billion over four years for our environmental plan. We can find it easily—just through the waste of this government. That money over four years is less than this government has spent on pink batts in ceilings. It is as simple as that. It is less than the money you committed to pay people to put pink batts in the ceiling. Over four years the coalition will spend $3.2 billion on an environmental package to look after our soil—the very soil that grows the food that keeps us all alive—but the Labor Party will be spending $40 billion and inflicting $40 billion of debt on the nation. That is the forecast for the first four years of your emissions trading scheme: $40 billion, compared to the coalition’s $3.2 billion. That is a big difference, and those are the facts of the budgets.

The government has not put any downward pressure on the cost of living at all. It was all talk. It was all political statements to gain support for the election in November 2007. They have now tried to cut costs by halving the rebate to ophthalmologists for carrying out cataract surgery. Thank goodness there has been some common sense brought about there. How can someone in a regional area travel long distances, employ staff, rent facilities and remove cataracts for $300? A vet quotes $3½ thousand to remove a cataract from your pet dog! It is crazy. As far as the cost of living goes, under this government nothing has gone down.

When we look back on the coalition’s history—as Senator Cameron leaves the chamber—we see a real increase in wages of 20 per cent over the time of the Howard government, but, when we go to the government before that, there was a reduction in real wages. When it comes to cutting costs, when it comes to cutting interest rates over the long term, when it comes to the future of our nation and controlling debt and paying off debt and simply not building debt, there is one side of politics that you can trust.

The cost of living has not come down. Mr Rudd made promises. We know that many of the promises he made prior to the 2007 election—for example, the downward pressure on grocery prices—were a farce. Even the staunchest on the other side would have been embarrassed about the GroceryWatch website. Fuelwatch never eventuated, thank goodness. The cost of transport is going up. I could go on more about the cost of insurance and what is happening in New South Wales with an increase in fire levies and stamp duty et cetera, compounding on the ordinary household.

Debate interrupted.
The ACTING DEPUTY PRESIDENT (Senator Ryan)—Order! The time allotted for the debate having expired the Senate will proceed to the consideration of government documents listed on page 11 of the Notice Paper.

Australian Electoral Commission

Senator RONALDSON (Victoria) (6.01 pm)—I move:

That the Senate take note of the report.

In relation to that report honourable senators will be aware of my comments earlier in the week about the influence of the trade union movement on the ALP. The figures released by the commission on Monday showed that a staggering $4.65 million was paid by unions directly to ALP coffers. On top of that massive $4.65 million there was a further $6.1 million spent on direct political campaigning by the unions on behalf of the Labor government.

I have done a bit of work in relation to this and I have been asking myself for some time, ‘What’s the relationship between the Labor members and senators and their particular unions?’

Honourable senators interjecting—

Senator RONALDSON—It was actually $5.1 million directed to the ALP. I looked at where the greatest union representation was in these chambers and where the dollars from the unions came from. The only one, interestingly, that seems to be getting a pretty fair deal is the TWU; the TWU is getting a lot of representation for not many dollars. But if you look at the graph it is quite remarkable; you can see the similarity between the graph showing the donations and the graph showing the membership of the trade unions. If you have a look at it you will see the shoppies, the TWU, the miscos, the AWU, the AMWU and the ASU and you will see that the two graphs are almost identical. So what this is telling us is that the influence of the union movement is directly related to the membership of the unions in this place. As I said, it seems that the TWU, for some particular reason—I am not entirely sure why!—is getting a fairly free run.

I want to talk about media reports on the influence of the trade union movement in relation to campaign finance reform. Just before I get onto that, the research that I did showed that the unions which have the largest number of affiliated senators in this place are the ones making the biggest donations.

I want to talk about the influence of the trade union movement on the Australian Labor Party, particularly in reference to the matters shown in that AEC report and in a general sense. Everyone, in this place and outside, knows that the Australian Labor Party owes—o-w-e-s—the trade union movement. And everyone knows that the Trade union movement owns—o-w-n-s—the Australian Labor Party. They are a wholly owned subsidiary of the Australian Labor Party. And the line that is run—that historically the corporate sector were bigger donors to the conservative side of politics, and that that was squared up by the donations of the unions—is now simply not true. If honourable senators want to look at the report they will see that it shows a consistent trend over recent times that the corporate dollars are flowing almost equally to the conservative side of politics as they are to the Labor Party.

During January it was reported, quite clearly, that something is going on in relation to campaign finance reform. Someone is trying to stop this occurring. There is a lot of media speculation—not driven by me but certainly supported by me—that the union movement had stepped in to ensure that campaign finance reform was put on the backblock because the union movement is
not prepared to see its influence diminished by campaign finance reform.

I just want to quote from Eric Roozendaal, who was then the New South Wales Labor Treasurer. He said:

Severing financial ties would be a prelude to severing institutional ties between the Labor Party and unions. Unions and the Labor Party were forged together and we will stand together—no matter what.

He went on to say:

I understand the need to reform political fundraising and deal with the challenge of corporate donations ... but I’m concerned that when you start tampering with the relationship between the union movement and the Labor Party—

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! Senator Ronaldson, your time has expired. I was trying to understand your earlier joke so I let the time run on a little bit. I am sorry. There are a lot of documents on the Notice Paper, and I understand there may be other senators wishing to speak. You can seek leave to continue your remarks, which keeps it on the Notice Paper.

Senator RONALDSON—I seek leave to continue my remarks for a period of no longer than one minute.

Leave granted.

Senator RONALDSON—Thank you, Mr Acting Deputy President, and I thank those opposite. It is the first week, and I think it is a marvellous gesture. I want to finish on this basis—and I will requote Mr Roozendaal:

I understand the need to reform political fundraising and deal with the challenge of corporate donations, but I am concerned that when you start tampering with the relationship between the union movement and the Labor party it becomes a precursor to eventually dismantling that relationship. These, as well as my earlier quote about the severing of the financial ties, are the key words. The trade union movement is not prepared to sever these ties. Mr Roozendaal is happy to attack corporate donations but is not prepared to attack union donations. This is dangerous. We are now seeing campaign finance reform potentially being put on the backburner because the trade union—(Time expired)

Question agreed to.

COMMITTEES
Privileges Committee
Report

Senator BRANDIS (Queensland) (6.10 pm)—by leave—I present the 143rd report of the Senate Standing Committee of Privileges, entitled Persons referred to in the Senate—Vicki Dunstan on behalf of the Church of Scientology.

Ordered that the report be printed.

Senator BRANDIS—by leave—I move:

That the report be adopted.

This is the 58th in a series of reports of the Senate Privileges Committee recommending that a right of reply be afforded to persons who claim to have been adversely affected by being referred to, either by name or in such a way as to be readily identified, in the Senate.

On 11 January 2010 the President received a submission from the Reverend Vicki Dunstan, President, Church of Scientology, Australia, relating to comments made by Senator Xenophon in the Senate on 17 November 2009 during the adjournment debate. The President referred the submission to the committee under Privilege Resolution 5. The committee considered the submission today and recommends that the Reverend Dunstan’s proposed response, as agreed by the committee, be incorporated in Hansard. The committee reminds the Senate that in matters of this nature it does not judge the truth or otherwise of statements made by honourable senators or the persons referred to. Rather, it
ensures that these persons’ submissions, and ultimately the responses it recommends, accord with the criteria set out in Privilege Resolution 5. I commend the motion to the Senate.

Question agreed to.

The response read as follows—

Appendix One
Response by Vicki Dunstan on behalf of the Church of Scientology
Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988
Reply to comments by Senator Nicholas Xenophon in the Senate – 17 November 2009

Pursuant to resolution 5 (7) (b) of the Senate of 25 February 1988 I make this submission on behalf of the Church of Scientology regarding comments made in the Senate concerning the Church by Senator Nicholas Xenophon on the evening of 17 November 2009.

At the outset, the Church of Scientology notes that Senator Xenophon’s statements under Parliamentary privilege were false and unsubstantiated, and that they were apparently designed to adversely affect the reputation of the Church of Scientology, its staff and their association with others.

The Church of Scientology is a worldwide religion comprising over 8,000 Churches, Missions and affiliated groups, made up of millions of members in 165 countries of the world. The Church and its members are globally recognized sponsors of successful humanitarian programs addressing societal ills such as drug abuse, illiteracy, human rights and intolerance.

The Church’s more than 200,000 Volunteer Ministers are an active force in disaster relief efforts worldwide. Scientologists volunteer their help, both in times of major disasters, such as the Victoria Fires, and in times of more personal disasters that befall all of us. The Church’s bright yellow Volunteer Minister tents can be seen in such diverse locations as the Sydney Metropolitan area to Alice Springs. When the devastating Asian Tsunami of 2004 struck, more than 500 Volunteer Ministers worked for six months in India, Sri Lanka, Indonesia and Thailand. When huge bushfires occurred in the Blue Mountains in January 2002, our Volunteer Ministers worked 24/7 assisting community authorities and helping victims and disaster relief workers cope with the trauma associated with such a major event.

This amount of growth in a religion only a little beyond its first half-century of existence has only been possible through the dedicated support of members of the religion. Scientologists sincerely believe in their religion and they are active supporters of the Church and its humanitarian initiatives.

Courts and governmental agencies in the United States, Europe and other countries have repeatedly acknowledged Scientology’s religiosity. In October 1983, The High Court of Australia in Church of the New Faith v. Commissioner of Payroll Tax (Vic) recognised Scientology. That decision adopted criteria for determining religiosity that have since become generally accepted by courts and religious scholars around the world:

1. a belief in some Ultimate Reality, such as the Supreme or eternal truth that transcends the here and now of the secular world;

2. religious practices directed toward understanding, attaining or communing with this Ultimate Reality; and

3. a community of believers who join together in pursuing this Ultimate Reality. These criteria have become the standards for determining religiosity throughout Australia and New Zealand.

In April of 2007, and again in October 2009, the European Court of Human Rights held that Scientology churches must be afforded the same rights as any other religious institutions throughout the 47 countries that comprise the European Community.

Senator Xenophon’s 17 November presentation misrepresented Scientology’s true status while ignoring the above decisions and acknowledgements. Instead, the presentation focused on unfounded and unproven allegations from overseas newspaper reports and other sources whose accu-
racy cannot be confirmed and in many instances have been proven as false.

The bulk of the Senator’s presentation relied on letters containing unsubstantiated allegations made by a few disgruntled apostates. No religion can possibly satisfy everyone, and the Church regrets that these individuals did not find what they were seeking in Scientology.

Such bitter testimonials have at their root a common phenomenon attributable to apostates of any faith. An essay on apostates by Lonnie D. Kliever, Ph.D., Professor of Religious Studies Southern Methodist University, describes it as follows:

“There is no denying that these dedicated and diehard opponents of the new religions present a distorted view of the new religions to the public, the academy, and the courts by virtue of their ready availability and eagerness to testify against their former religious associations and activities.

“Such apostates always act out of a scenario that vindicates themselves by shifting responsibility for their actions to the religious group. Indeed, the various brainwashing scenarios so often invoked against the new religions have been overwhelmingly repudiated by social scientists and religion scholars as nothing more than calculated efforts to discredit the beliefs and practices of unconventional religions in the eyes of governmental agencies and public opinion.

“Such apostates can hardly be regarded as reliable informants by responsible journalists, scholars, or jurists. Even the accounts of voluntary defectors with no grudges to bear must be used with caution since they interpret their past religious experience in the light of present efforts to re-establish their own self-identity and self-esteem.”

Many of the apostates upon whom the Senator relied have gone even further and have publicly supported the cyber-hate group, Anonymous, a group whose members boasted about their unlawful attacks on the Australian Prime Minister’s website earlier this year, and whose members have been prosecuted criminally in the United States for illegal attacks on Church of Scientology websites.

The Church has no desire to air in public the personal experiences of members of the Scientology religion—even former members such as these who have chosen to attack their previous faith. That said, nevertheless, the Church vigorously denies the claims of these former members. Had Senator Xenophon sought confirmation of any of the allegations with the Church, we would have provided to him factual documents, including coronial reports, refuting them and endorsements of the Church by numerous community groups and countless individuals, including former members.

For example, Kevin Mackey stated publicly that he attributed his success in life to what he learned from Scientology. Dean and Anna Detheridge similarly voiced positive opinions of their Scientology experiences. Such positive statements are consistent with the experiences of millions of other parishioners of Scientology. That these people now hold a different view is entirely their own personal affair.

The allegations of Aaron Saxton and Carmel Underwood regarding forced abortions are untrue. The Church of Scientology does not counsel expectant mothers to have abortions and has never forced anyone to obtain one. Sworn statements have been obtained from numerous female Church staff members who served during the same time as Carmel Underwood, all of whom became pregnant while on staff, some as many as three times, and all of whom state that they were never encouraged, pressured or even suggested to have an abortion. They all state that they were well cared for and given time off as needed to care for their children, as was Carmel Underwood.

The Church is very reluctant to bring the Schofield family more pain than they have already suffered over the loss of two of their children, but public records in both cases starkly contradict Senator Xenophon’s claims. Both deaths were determined by the proper authorities to have been tragic accidents. Moreover, sworn witness statements confirm that, in the case of the first daughter, Paul Schofield was himself looking after his child and was a short distance from her when she accidentally fell down a flight of stairs at the Church and was mortally injured.

In the case of his second daughter, she was in the full care of both parents at home when she ingested over 30 tablets of a potassium chloride
supplement called "Slow K" that her parents kept in the home within reach of the child. Potassium chloride is not part of any Church program or service in Australia or internationally. The subsequent coronial inquest found that the parents’ misunderstanding of the risks accompanying an overdose of "Slow K" led to the girl’s death and recommended greater precision in the product’s warning label. In both instances, the Church assisted the family during this time of great loss.

Aaron Saxton and Peta O’Brien claim they were denied medical treatment. They both know it is a fact that all Scientologists are not only encouraged to seek medical attention to address physical ailments and injuries: they are required to do so by Church policy. And without going into the nature of their medical problems, records indicate that both of them received extensive and regular medical treatment while on Church staff.

Aaron Saxton went so far as to falsely allege he participated in a "cover up" of financial misdealing by an individual whom Church executives not only dismissed from staff when they discovered his activities but diligently reported to the police and successfully prosecuted.

All of these matters are the subject of documented evidence and sworn witness statements that the Church was prepared to provide to Senator Xenophon had he asked for them. Yet, Senator Xenophon never responded to the Church’s request for a meeting with him prior to his parliamentary speech on 17 November 2009.

We regret that this matter has come before the Senate in this manner and seek only to correct the record.

Thank you for your consideration.

**DOCUMENTS**

**Australian Crime Commission**

**Senator PARRY** (Tasmania) (6.12 pm)—

I move:

That the Senate take note of the document.

The Chief Executive Officer’s overview in the introduction on page 6 of the Australian Crime Commission’s annual report indicates—and this is a figure that would be astounding to most Australians listening—that the Australian Crime Commission conservatively estimates that organised crime in Australia costs in the order of $10 to $15 billion annually. It is a significant figure, and I think it demonstrates the need for the legislation that was passed through this chamber today—the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009—and the prudent moves by the government, which are very strongly supported by the opposition, in adapting to organised crime in Australia. With figures like that, it is a warranted measure by the Australian government, with the great support of the opposition. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Australian Electoral Commission**

Debate resumed from 2 February, on motion by **Senator Parry**:

That the Senate take note of the document.

**Senator RONALDSON** (Victoria) (6.14 pm)—I rise to speak on the Australian Electoral Commission report 2009 redistribution of Queensland into electoral divisions. I note that that includes the Prime Minister’s seat of Griffith. I would like to talk about the Prime Minister and his seat and what might possibly occur in relation to that redistribution.

What we have seen is a Prime Minister who in my view is becoming increasingly desperate. He is a Prime Minister who has failed the test of governmental legitimacy. He has failed that because he has promised big and delivered little.

If you look at the details in the Daily Telegraph and in other papers today, you will see what the promises have been and what has actually been delivered on the way through. This is only a first-term government. It will be judged on the back of what it promised to deliver for the Australian community and
what it has in actual fact delivered. If you look at the boxes comparing promises to delivery, it is quite clear that this is a government that has completely and utterly lost control of the reform agenda.

If you look at the management of government by the Prime Minister, you will see a Prime Minister who is micromanaging his own government. It is no secret round this place, as you, Deputy Speaker Forshaw, and my colleagues well know, that one of the biggest complaints against the Prime Minister from his own colleagues—and his ministerial colleagues particularly—is that he micromanages this government. If something goes into that office, if you get it back out in five months you have done well; you are the teacher’s pet if you get something out of the Prime Minister’s office within five months of it being put in.

This has now stretched to the point of disbelief. This government is pushing a line that it is a reformist government that is taking action. It is quite clear to everyone that they indeed are not. If you look at the whole debate in relation to the ETS, you see a Prime Minister who knows that the public has turned against him. You see a Prime Minister who knows that he has lost this debate. You see a Prime Minister who went to Copenhagen on the back of an outcome that he said that he would be driving, because he was indeed a friend of the chair. Everyone knows that the member for Griffith went there expecting an outcome and came home with nothing. Everyone is acutely aware that the member for Griffith, who will be the subject of this redistribution, as indicated in document No. 65 on today’s Notice Paper, cannot explain to the Australian community why they should be paying the penalty of a very large tax.

Over the next two months, the Australian community will come to understand that there are two choices. One is a tax and one is a plan for action against climate change. I made it quite clear in this chamber before Christmas that there are response that are inappropriate and that there are real responses. (Time expired). Question agreed to.

Consideration

The following orders of the day relating to government documents were considered:

Great Barrier Reef Marine Park Act 1975—Great Barrier Reef outlook report 2009. Motion of Senator Adams to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

NBN Co Limited—Report for the period 9 April to 30 June 2009. Motion of Senator Birmingham to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2008-09. Motion of Senator Boyce to take note of document agreed to.

Department of Families, Housing, Community Services and Indigenous Affairs—
Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account. Motion of Senator Boyce to take note of document agreed to.


Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2009. Motion of Senator Parry to take note of document agreed to.


Australian Broadcasting Corporation (ABC)—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Director of National Parks—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Centre for International Agricultural Research—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2008-09. Motion of Senator Boyce to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Australian Institute of Marine Science (AIMS)—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Wet Tropics Management Authority—Report for 2008-09, including State of the Wet Tropics report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Department of Climate Change—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Rural Industries Research and Development Corporation (RIRDC)—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.
Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Sugar Research and Development Corporation—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Australian Fisheries Management Authority—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Tourism Australia—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Skills Australia—Report for 2008-09. Motion of Senator Barnett to take note of document agreed to.


Australian Rail Track Corporation Ltd (ARTC)—Report for 2008-09. Motion of Senator Macdonald to take note of document agreed to.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Grains Research and Development Corporation (GRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Mid-year economic and fiscal outlook—2009-10—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner). Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.


High Court of Australia—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.


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

International Commission on Nuclear Non-proliferation and Disarmament—Eliminating nuclear threats: A practical agenda for global policymakers—Report, November 2009 and Synopsis. Motion of Senator Ludlam to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.


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

Communications—Digital dividend—Green paper by the Minister for Broadband, Communications and the Digital Economy, dated January 2010. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Regional Forest Agreement between the Commonwealth and Tasmania—Report—Inquiry on the progress with implementation of the Tasmanian Regional Forest Agreement (1997)—Second five yearly review—Joint Australian and Tasmanian government response, January 2010. Motion of Senator Parry to take note of docu-
ment called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.


Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Order for production of documents—Documents—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Response to part (2) (see entry no. 38, 2 February 2010). Motion to take note of document moved, by leave, by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Order for production of documents—Documents—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Response to part (3) (see entry no. 38, 2 February 2010). Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

General business orders of the day nos 37, 38, 40 to 42 and 44 to 50 relating to government documents were called on but no motion was moved.

**COMMITTEES**

**Education, Employment and Workplace Relations References Committee**

**Report: Government Response**

**Senator JACINTA COLLINS** (Victoria)

(6.23 pm)—by leave—I move:

That the Senate take note of the document.

I would like to take note of a government response presented earlier this week entitled *Response to the Education, Employment and Workplace Relations References Committee’s report: DEEWR tender process to award employment services contracts*. The Senate committee inquiry into this matter verified the probity of the competitive tender process run by the Department of Education, Employment and Workplace Relations. Based on the evidence before the inquiry, it is clear that the department was well equipped and experienced in carrying out this tender process.

That is not to say there were no valid issues raised, and the government in its response has accepted, at least in principle, many of the recommendations made by the committee majority. In fact, possibly the only reflection of the committee that the government has not accepted was in a recommendation that, aside from other further work, matters should be forwarded to the Productivity Commission for further review. I must say—possibly more as a quip than anything else at this stage—that, since the Productivity Commission’s review of maternity benefits, this seems to have become a very popular approach in dealing with various policy issues. In this particular matter, I think the government quite rightly reflects that that is not the best path. It has indicated in its response the other approaches that are being undertaken to address the issues raised by the committee, and I think the response on this point is quite adequate.
In relation to this report and also the government’s response, the opposition’s attempt to undermine the probity of the tender process has left the opposition somewhat red-faced. What we now know about the inquiry is that it was more of a political stunt by the opposition. The opposition was more interested in wasting time and resources than helping job seekers find work and redesigning a competent system, whereas the government was focused on delivering a simpler, more effective and more personalised service for people looking for a job. The government had to make changes, and an independent review, as championed by the opposition, has now been proven not to be needed.

Government senators on the inquiry, however, do acknowledge that the not-for-profit organisations raised valid concerns with the tender process. That is why the government asked the Productivity Commission last year to undertake a study into improving the measurement of the not-for-profit sector’s contributions. This study is now completed. The research report was provided to the government on 29 January 2010. The government recognises that not-for-profit organisations are critical to building a fairer and stronger Australia and to enhancing the economic, social, cultural and environmental wellbeing of society. It was also noted that work was already underway by an industry reference group on alternative purchasing and incentive models. These findings are likely to be taken into consideration for future arrangements and will address issues that were raised before the Senate inquiry.

Providers, employers and job seekers told the government during the nine-month consultation process that the old system, Job Network, was confusing, fragmented and laden with red tape. Under the old Job Network system there was no provision to extend 95 per cent of existing contracts beyond 30 June last year. During difficult economic times, with the global financial crisis, it is critical that job seekers remain connected to the labour market and can access training so we can enhance the nation’s skills base for when the economy recovers. The government recognises that some organisations were unsuccessful in the tender process, which has resulted in disappointment for some tenderers. This is an obvious consequence of this type of tendering process.

However, this government made provisions to help these organisations readjust. Such organisations were able to apply to a $3.5 million business adjustment fund to help them realign their organisation and identify new activities and income streams. The government provided funding to enable service provider employees affected by the new tender outcomes to register with the National Employment Services Association if they would like work in the area. The new register was a useful tool for successful tenderers to find new staff. The government believes the new Job Services Australia will
deliver a better, more personalised service that responds to all economic conditions.

Let me address some of the process issues that the opposition sought to highlight in this inquiry that the government has now responded to in a fulsome and timely fashion. The government’s consultation process included the conduct of the tender process and the purchasing arrangements, and changes were put in place as a result of the feedback that the government had received. The entire tender process was scrutinised by an independent, external probity adviser. The independent probity adviser was satisfied that at all stages the assessment process followed by the department met all the requirements. In fact, the probity adviser gave an unqualified sign-off on the tender process, describing the conduct of the process as, ‘A high benchmark for the conduct of the Commonwealth procurements in that DEEWR not only met but exceeded relevant probity principles and standards.’ The tender process was conducted at arm’s length from government at all times. It resulted in a diverse range of national and local providers, as well as a significant number of providers delivering specialist services. As noted in the government’s response to the inquiry’s report, ‘For the first time since 1988 community based organisations feature significantly in the profile of providers of employment services placing them in the 20 largest employment service providers.’

In conclusion, I would like to reflect that the new Job Services Australia design is to save job seekers running from door to door. It is a simpler, more effective and more personalised service for people looking for a job, which is more important than ever in these tough global economic conditions. The system also provides for an increased opportunity for training and skill development and greater assistance for disadvantaged job seekers and those who have recently lost their jobs, aligned with measures that the Rudd government introduced during the financial crisis.

Despite this balanced approach and the unqualified support and sign-off of the process by an independent probity adviser, there are those who sought to undermine the probity of the tender process for, what can be seen in retrospect, no good reason. The opposition made extravagant claims about the probity of the process. For instance, on 17 June 2009 the then opposition employment participation spokesperson, Andrew Southcott, claimed that the Job Services Australia tender had thrown the entire employment services system into chaos. This has obviously not been the case. But the opposition is stuck in the old paradigm of the Howard government that it is only ever about delivering the cheapest option rather than the most effective outcome.

The committee’s report and the government’s response debunk the opposition’s attempt to undermine the probity of the department’s tender process to award employment contracts. The outcomes of the tender process resulted in a diverse range of national and local providers, including a large number of providers delivering specialist services. The implementation of Job Services Australia has seen the rollout 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. This smooth transition was a direct result of effective planning and preparation.

Question agreed to.

Treaties Committee Report

Debate resumed from 19 November 2009, on motion by Senator McGauran:
That the Senate take note of the report.

Senator PRATT (Western Australia) (6.36 pm)—This evening I rise to speak on the report of the Joint Standing Committee on Treaties into Nuclear Non-Proliferation and Disarmament. It is of grave moral concern that humankind has the capacity to destroy entire communities, entire cities, even entire societies with a single act—the use of a single nuclear weapon. It is time to renew global efforts to rid the world of these profoundly immoral weapons. We must work to reduce the unacceptable risk these weapons pose to global security.

As the report of the Joint Standing Committee on Treaties makes clear, if we fail to tackle this problem it will simply continue to grow and grow. It has been clear for some time now that states seek to acquire nuclear weapons in response to other states having them. The more weapons that exist and the more actors that carry them, the greater the risk of accident, the greater the risk of intentional use and, most chillingly of all, the more opportunity for such weapons to fall into the wrong hands— the hands of non-state actors and terrorists groups with no respect for human life.

There is a global arsenal of some 23,000 nuclear weapons. We have over the years been on the brink of nuclear disaster, with some very narrow escapes. In many instances weak command and control systems regarding the use of nuclear weapons have caused legitimate unease. It is of considerable concern that North Korea claims to have withdrawn from the Treaty on the Non-Proliferation of Nuclear Weapons, while Iran is also refusing International Atomic Energy Agency inspections. Meanwhile, there is increasing civilian demand for nuclear energy. All of this represents a nuclear proliferation risk, especially if there are not adequate restrictions on reprocessing and enrichment.

US President Barack Obama had this to say about the risk facing the globe on this front:

Today, the Cold War has disappeared but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black markets trade in nuclear secrets and materials. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered in a global non-proliferation regime, but as more people and nations break the rules, we could reach the point when the center cannot hold.

I find it heartening to know that the President of the United States so fully and clearly comprehends the threat that nuclear weapons pose to global security, especially when the United States has a large arsenal of its own.

There is a growing global commitment to a world without nuclear weapons. However, making good on this commitment is going to take considerable political will and practical steps over many years. There are many instruments that already seek to limit weapons proliferation. The international community must work together to strengthen and renew these instruments and to set new binding goals. We should be moving towards the ratification of the comprehensive test ban treaty. For this to happen, the United States must sign, and hopefully other nations will follow suit. The existing nuclear non-proliferation treaty needs to be enforced and new goals need to be set for it. A treaty banning the production of fissile materials for nuclear weapons is also vital. There is a significant need to properly resource the International Atomic Energy Agency because this agency currently cannot do its job properly. The doctrine of ‘no first use’ also needs to be en-
trenched. The committee’s report outlines the importance of these and other instruments. Instruments like these could see the world take substantial steps towards disarmament in coming years. It will require strong political will from leaders of governments, an engaged civil society that pushes individual governments and global forums working for strong commitments.

The end goal is a world without these heinous weapons. Reaching this end will require a substantial global commitment, including a commitment to addressing the many geopolitical tensions besetting our world, so that nations feel that they can disarm. This will not be easy, but it is imperative, as the existence of even a single weapon can motivate further proliferation through a defensive reaction. I would support our aiming towards a nuclear weapons convention that firmly expresses this end goal. For this to happen, parliamentarians around the globe must be more involved in these debates. In its report, the Joint Standing Committee on Treaties called on parliamentarians to play a role in supporting a national and global commitment to this important issue.

I would like to acknowledge the hard work on this issue that was undertaken by the committee chair, Kelvin Thomson. His leadership on this report has demonstrated his deep personal resolve to make a contribution to nuclear disarmament. We must, I think, all join him to make every endeavour to disarm the globe. We must do all we can to reduce this colossal risk. We must confront this evil. Should any city or community ever experience the unthinkable—the use of a nuclear weapon against its people—we will surely despair and wonder why we had not done all within our power to prevent such a catastrophe.

**Senator PARRY** (Tasmania) (6.43 pm)—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:

Legal and Constitutional Affairs References Committee—Report—Australia’s judicial system and the role of judges. Motion of the chair of the committee (Senator Barnett) to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Report—Access to justice. Motion of the chair of the committee (Senator Barnett) to take note of report agreed to.

Finance and Public Administration References Committee—Report—Independent arbitration of public interest immunity claims. Motion of Senator Bernardi to take note of report agreed to.

Agricultural and Related Industries—Select Committee—Second and third interim reports—Food production in Australia. Motion of Senator O’Brien to take note of reports agreed to.

Finance and Public Administration References Committee—Report—Relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd. Motion of Senator Parry to take note of report agreed to.

Education, Employment and Workplace Relations References Committee—Report—DEEWR tender process to award employment services contracts—Government response (see entry no. 34, 2 February 2010). Motion to take note of document moved, by leave, by Senator Collins and agreed to.

Regional and Remote Indigenous Communities—Select Committee—Third report. Motion of Senator Parry to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

National Broadband Network—Select Committee—Third report. Motion of the
chair of the committee (Senator Fisher) to take note of report called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Education, Employment and Workplace Relations References Committee—Report—Welfare of international students. Motion of the chair of the committee (Senator Humphries) to take note of report agreed to.

Privileges—Standing Committee—142nd report—Matters arising from the Economics Legislation Committee hearing on 19 June 2009 (referred 24 June and 12 August 2009). Motion of the chair of the committee (Senator Brandis)—That:

(a) in respect of the matters referred on 24 June 2009:

(i) the Senate endorse the committee’s findings in paragraph 6.5 and the conclusion in paragraph 6.6 of the report,

(ii) the President of the Senate resume consideration of an appropriate response to flagrant breaches of the Presiding Officers’ guidelines on filming and photography in Parliament House by members of the media on 19 June 2009, noting the committee’s suggestion in paragraph 3.23 of the report, and

(iii) the Chairs’ Committee established under standing order 25(10) consider model practices for handling the media at committee hearings, and the inclusion of additional information about witnesses’ rights under the broadcasting resolutions in the standard information provided to all witnesses, as discussed in paragraphs 3.14 and 3.15 of the report; and

(b) in respect of the matters referred on 12 August 2009, the Senate endorse the committee’s findings in paragraph 6.8 and the conclusion in paragraph 6.9 of the report—called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Report—Inquiry into financial products and services in Australia. Motion of Senator Parry to take note of report agreed to.

Education, Employment and Workplace Relations References Committee—Report—Provision of childcare. Motion of the chair of the committee (Senator Humphries) to take note of report agreed to.

Privileges—Standing Committee—141st report—Possible interference with, or imposition of a penalty on, a witness before the Legal and Constitutional Affairs References Committee. Motion of the chair of the committee (Senator Brandis)—That:

(a) the Senate endorse the finding in paragraph 1.25 of the report, that no contempt should be found in respect of the Chief Executive Officer, or another staff member, of the Aboriginal Legal Service of Western Australia; and

(b) that the Chairs’ Committee, established under standing order 25(10), consider the adequacy of information provided to witnesses on the subject of possible intimidation or imposition of a penalty in consequence of a witness’s evidence to a Senate committee—agreed to.


Foreign Affairs, Defence and Trade References Committee—Report—Economic challenges facing Papua New Guinea and the island states of the southwest Pacific. Motion of the chair of the committee (Senator Trood) to take note of report agreed to.

CHAMBER
AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Orders of the day nos 1 to 8 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT

(Senator Forshaw)—Order! It being 6.45 pm, I propose the question:

That the Senate do now adjourn.

Australia Day

Senator BILYK (Tasmania) (6.45 pm)—I rise tonight to speak on Australia Day and citizenship and how important that is for Australia, especially with regard to my home state of Tasmania. I will refer specifically to some of the southern municipalities and events that took place on Australia Day, as they were some of those that I could attend.

Australia celebrates its national day on 26 January. It is a very important day. It is the day when we welcome new citizens to this country. This year on Australia Day, almost 300 Tasmanians became Australian citizens. They were part of a record 16,698 people, from 130 countries, taking the pledge to become Australian citizens across the nation. These people join approximately four million migrants from 200 countries who have made the decision to uproot their lives and start again in Australia.

Our new citizens have come to Australia for many reasons, but, to put it simply, they have come here because they think Australia will provide them with a happy, safe and better life. They want a home where freedom of speech is not only allowed but encouraged. They want a home that provides them with the opportunity to get an education and achieve their dreams, whatever they may be. They want a home where they feel they belong.

We should feel honoured that there are so many people wanting to join us as Australians. Australia is the country it is today because of its diversity. There are people who were born here and there are those who came from abroad. There are people who came to escape war and poverty and those who had a safe home but were still intrigued by the Australian way of life. There are people who arrived in Australia as children and those who joined us later in life. We are all different but we share one thing: our love for Australia.

Becoming an Australian citizen is an important commitment. As part of the citizenship ceremony, a pledge to Australia is taken to affirm a person’s commitment and loyalty to the nation. As an Australian citizen, a person must obey the law, defend Australia if necessary, serve on a jury if requested and vote at federal, state and territory elections and referendums. They have the right to apply to work in the Australian Public Service, join the Australian Defence Force or, indeed, be elected as a member of parliament. In the parliament there are a number of members and senators who were not born in Australia. Australian citizens can also apply for an Australian passport, re-enter Australia freely and register children born overseas as Australian citizens by descent. Consular assistance is available for people experiencing difficulties while overseas if they are Australian citizens.

Australia Day is always an exciting day with a variety of events taking place as peo-
people reflect on our great nation, as it is today, following the changes that have occurred, and as it will change into the future. This year, I had the honour of representing the Minister for Immigration and Citizenship, the Hon. Chris Evans, at the Kingborough Council Australia Day awards and citizenship ceremony. Thirty-four people became citizens. They hail from countries such as China, Malaysia, Pakistan, Indonesia, Canada, the United States, the Federal Republic of Germany and the United Kingdom. The citizenship ceremony was followed by the council’s Australia Day awards and then a morning tea, where I had the opportunity to meet the new citizens and recipients of the Australia Day awards. I thank the Kingborough Council for all the work they put into this event. I also thank those who worked behind the scenes to ensure that all went smoothly.

Following these events, I attended the Kingston Beach regatta, known now as ‘A Day on the Beach’, which was very well attended with an estimated 10,000 people expected to attend throughout the day. This was the third year this event had been held. It included activities such as competitive sandcastle building, tug of war, kayaking, beach cricket, volleyball and soccer, as well as a concert. Access to all of these things was free, making it a very popular event and allowing everyone in the community to join in.

I would like to take this opportunity to thank Stuart Harris and Brendan Charles, the chairman and the secretary of the volunteer group, who worked tirelessly for months before and on the day to make sure this event was even better than in 2009. They are already working towards running this event in 2011. I thank all the people who contributed in so many ways. I say a very sincere thank you to those people for believing in and supporting their local community. It is undoubtedly a fantastic way to bring people together and, to me, it encapsulates the true meaning of community.

I had the privilege for the second year in a row to be asked to judge the Tasmanian Cricket Association’s classic catches competition. This was great fun. Along with Chris Rawson and some members of the Tasmanian Cricket Club, we managed to choose the winners. Basically, the entrants had three balls batted to them—one high, one low and the third one of their choice—and we judged the catch technique, including how entertaining the catch was and whether the ball was caught or dropped. We also took into account different age groups. This year there were a number of entrants in that competition. The eldest participant this year was only 14. We had many young children taking part, getting out on the beach and having a great day. It encapsulated what it means to be Australian.

I was also invited to the Clarence City Council Australia Day awards and citizenship ceremony. I was unfortunately unable to attend, but I would like to acknowledge that the Clarence municipality welcomed 16 new citizens to its community and the nearby Huon Valley Council welcomed nine new citizens. These awards recognised the huge efforts put into the community by people who want to help others, to ensure that they live in a place where people care for others as well as encouraging the new immigrants to take that final step and become Australian citizens. The Huon Valley Mayor, Robert Armstrong, said it all when he stated: ‘I know that many of you do your work without seeking recognition. But what you do makes a real and important difference and for that we thank you.’

Awards included Citizen of the Year, Young Citizen of the Year and Junior Citizen.
of the Year, as well as acknowledging volunteer work. As an example, I mention Sophie Allwright. Sophie is only 15 years old and she was recognised as the Huon Valley Council’s Young Citizen of the Year. Sophie is involved in Scouts, and is always willing to help out her leader and to help the younger members. She is involved in National Tree Planting Day and Clean Up Australia Day, and she is also on the student representative council at her school. Sophie also has a younger brother with Down syndrome and has become actively involved with the Down Syndrome Association. It is wonderful to know that young people such as Sophie are so committed to achieving their best in all aspects of their lives. Our community is certainly in safe hands as we move to the future in the next generation.

I would like to quickly mention Hobart City Council too. Hobart City Council’s Citizen of the Year award went to Mr Nicola Ranalli. His award was for his hard work and dedication to the Italian community in Hobart, including fostering a sister city relationship between Hobart and L’Aquila. Mr Ranalli was responsible for raising more than $50,000 for L’Aquila last year following the devastating earthquake there. Mr Ranalli is a wonderful role model to others.

Another fantastic role model is Clarence City Council’s Citizen of the Year, Sydney McClymont. Mr McClymont is a former police officer, and was recognised for more than 35 years work with the community on Hobart’s eastern shore, including charity. I congratulate Sophie, Nicola, Sydney and all the others who were recognised by their local councils.

Of course, we had Tasmania’s Australia Day honours, so to everyone who received honours—Order of Australia Medals, Officer of the Order of Australia Medals and Member of the Order of Australia Medals—I offer my congratulations. Tasmania has some wonderful attributes, but I think the best attribute that Tasmania has is its people, and the people that make up the community of Tasmania.

Dr David Gillespie

Senator WILLIAMS (New South Wales) (6.56 pm)—I rise to talk about a man that I am very proud of, gastroenterologist Dr David Gillespie from Port Macquarie. So many times I and many of us are critical of the health system, mainly because of people being overworked and overloaded with double shifts—perhaps there are too many desks and not enough beds and a lack of local management et cetera. Dr David Gillespie is a gastroenterologist based at Port Macquarie.

I am pleased to say that my chief of staff, Greg Kachel is back in Canberra now. Greg is a well-known man in Inverell. He had 32 years up there at the local radio station, 2NZ, providing magnificent service for the community in Inverell and the wider area in many of his fields as race caller and charity worker et cetera. For nine years Greg has had a medical problem where he would have attacks of excruciating stomach pains. He saw specialists—I think five in total, some in Brisbane—but he could never really sort out the problem, and in the last couple of weeks these attacks became worse and worse. He had to leave my office for a couple of days and go to hospital. Last Friday was one of those days. On the weekend my wife was talking to Dr Gillespie, and explained how Greg was not well and suffering these attacks, and no-one seemed able to find the problem. He said, ‘I know what that problem would be, and I can fix that.’

As an emergency case, Greg was transferred from Inverell District Hospital to Port Macquarie, and the doctor’s words were true. Greg is now back in my office as of a couple of hours ago, fit as can be after putting up
with this problem for nine years. I would like to thank Dr Gillespie for his professional work—basically to diagnose over the phone.

I would like to say more about Dr Gillespie because last Saturday he was preselected as the National’s candidate for the seat of Lyne. He is a man that is very dedicated to his profession, helping others in his field of surgery with his knowledge of gastroenterology. My chief of staff is one example—after nine years his problem is now solved. This is typical of Dr Gillespie. He has been a health professional for 29 years, is a father of three and has the ability to relate with all members of the community. David is across the regional issues that are important to the people in the electorate of Lyne—particularly health. We all know that the most important and pressing need for the people of Port Macquarie is the building of the fourth pod of the Port Macquarie Base Hospital. No doubt if David is elected in the seat of Lyne come the next federal election, one of his key issues will be to push for the upgrade of the Port Macquarie Base Hospital.

David is excited to be the Nationals candidate and is looking forward to the task ahead of him. Most voters in the electorate want a representative who knows what life in the real world is about. David started his business in Port Macquarie. He knows the cost of employment, the cost of running a business, the hard work that you have to put in and the responsibility of his position to deliver the services that we so desperately need right around our nation. To be a specialist he had to do years and years of study at university and then of course go out into the hospitals, practising and learning. He has the experience of carrying on his own profession as a qualified gastroenterologist to deliver the services that we so desperately need.

David, we welcome you as the Nationals candidate for the seat of Lyne. We know it is a tough job. We know that the current member is a popular member, but David will certainly get out on the front foot, listen to the people of Port Macquarie and I am sure will do a magnificent job come next election. As I said, David has been a real employer. He knows what business is about as he has done that for some 29 years. His success and professional reliability will transfer to the representative and advocacy role that he will play for the Lyne electorate. Dr Gillespie counts the federal opposition leader, Tony Abbott, amongst his friends. They have known each other since 1970. In fact, Mr Abbott told the Port News that Dr Gillespie is ‘just the most fabulous person and he has been a terrific friend.’

It is important when people put their hands up for election to be people from on the ground who have real-life experience: to understand what running business is about, to know the cost of employment, to look after staff, to be respectful and courteous to staff and to understand what workers need—but also for the workers to realise that they have to play a part in the business as well. David Gillespie has real experience. He knows the regional areas. He understands what regional Australia goes without. Even though regional Australia builds the wealth cake of our nation, many people in regional Australia believe that the slice of the cake they get—sometimes just the crumbs—is simply unfair. This is certainly a case that we in the Nationals push all the time. David will be a magnificent member for Lyne. I commend him for putting his hand up. As I said, he is a terrific bloke. He is so professional. I thank him sincerely for sorting Greg’s problems out after many years—nine years, in fact—of putting up with an intermittent medical problem that caused so much excruciating pain. It is typical of David Gillespie to help where he can. We are very pleased with his attitude to people. He never puts
himself first. He is a father of three. Charlotte, his wife, is also a very decent lady and a very decent person.

I take these few minutes to thank Dr David Gillespie for the work he has done for my chief of staff. The relief is huge for Greg, and we are very pleased to have him back here. There is nothing worse than having something that can come along at any time and disrupt your work. Greg was often concerned about what he would do if he had one of these attacks while, for example, he was calling a race—and, likewise, if he was on radio. He has put up with this for many years now. Thanks to Dr Gillespie for bringing a return to Greg’s good health.

I thank David Gillespie for what he has done and I also wish him well in the upcoming federal election. I know he is a very proud member of the Port Macquarie community. I am sure the Port Macquarie community will give him a lot of support come election time. If elected, he will do a magnificent job, especially in the field of health. He is a person who, as I said, has real-life experience and who knows and has worked in the health industry for 29 years. He can see at the coalface the good parts and the not-so-good parts of the health system and will offer answers to questions that we often ask to build a better health system in Australia. To Dr David Gillespie: I wish you well and look forward to seeing you in the near future.

Dr Patricia Giles AM

Senator PRATT (Western Australia) (7.04 pm)—It is my great pleasure tonight to speak about the enormous contribution made by former Senator Pat Giles. Last week, Dr Giles’s contribution was recognised through her inclusion in the Australia Day honours list. She was appointed a Member of the Order of Australia last Tuesday for services to the community through a number of organisations that promote the interests of women, including the Women’s Electoral Lobby, through the union movement and as a senator for Western Australia for 12 years. As a fellow Western Australian and as someone lucky enough to know Dr Giles, I am delighted that her service to the Australian community and her advocacy on behalf of Australian women has received this recognition.

Pat Giles is part of a powerful network of feminists in the Labor Party who paved the way for the next generation of women, including women parliamentarians like myself. These women were at the forefront of critical campaigns for women’s rights at work, women’s leadership in the trade union movement, abortion law reform, improved education for girls, women-friendly health services, adequate support for single mothers and women’s representation in parliament. I, for one, will never forget that Pat Giles and others like her are behind many of the rights we take for granted today. She is an inspiration to me and a role model. Without her and her sisters in the labour movement, women like me would not be sitting in the chamber today.

It is easy with the passage of time to underestimate the barriers and challenges these women faced and, therefore, to underestimate the extent of their achievement. They made extraordinary progress. When Pat Giles helped establish the Women’s Electoral Lobby in WA in 1973 there were only two women in this chamber. Only seven had ever been elected to the Senate—and, I regret to say, only one of those women came from the Labor Party. Only seven women in over 70 years—an average of less than one a decade. Yet by the time Pat Giles entered this chamber in 1981 there were 10 women in the Senate. Now there are 26—and half of us are Labor women. Since WEL was formed in the early seventies, 67 women have been elected
to this chamber, almost 10 times the number elected in those first 70 years.

From our position of relative strength, it is easy to fail to recognise what it must have been like to struggle to break into bastions of male privilege, this chamber included, and then to sit there, among a sea of faces, almost all of them male, and try and find your voice and try and find space for new issues and novel propositions that mattered to you and those you sought to represent. Pat Giles knew what this meant when she sat in her first few ALP National Executive meetings feeling, as she describes it, ignored, invisible and inaudible or when she spoke at her first ACTU Congress in 1977, at a time when, in her words, ‘women were rarely seen and hardly ever heard’ in union forums. As feminist sisters and as daughters of the labour movement, these women knew that the solution to the barriers they faced lay in solidarity, in working with other like-minded women to overcome the obstacles, challenge the conventions and shift the agenda.

Pat embraced this principle of progress through collective action as the inaugural convener of the Women’s Electoral Lobby in Western Australia and of the WA Abortion Law Reform Association, as the chair of the first-ever ACTU women’s committee and as the inaugural chair of the first Labor Caucus Committee on the Status of Women. And these new organising committees were very effective. Two years after Pat Giles first spoke at the ACTU Congress, she was part of a team running maternity leave cases coordinated by the ACTU. Now we are lucky enough to have women in key portfolios. A large proportion of the Labor caucus are women, there are women in cabinet and we have two Labor women as state premiers. So it is easy to underestimate the importance of these women’s committees: the power they gave women in these early years to share insights, organise, be heard and have influence when the numbers were stacked up against them.

Like many of the women of her generation elected to parliament, Pat Giles brought with her a wealth of life experience. She was over 50 when she arrived in this place. She was a mother of five, a qualified nurse and midwife, a successful mature-age university student and a single parent for the last five years. And like many feminist activists of her generation, her first involvement in public life stemmed from and drew on that life experience as an activist for public education, first on her children’s school committees and then on the WA Council of State School Parents and the Australian Council of State School Organisations. Her work as a union organiser for the Liquor, Hospitality and Miscellaneous Union, or LHMU, also drew on this life experience as she fought for a better deal for so-called ‘unskilled’ nursing home and private hospital workers. And it was this experience that informed and motivated her work as a parliamentarian whether she was working for the establishment of the Women’s Education, Employment and Training Group within the Department of Education, Employment and Training or chairing the Select Committee of Inquiry into Aged Care, which exposed the appalling working conditions and inadequate standards of care in nursing homes, or in the international arena, representing Australia at the UN General Assembly on people with a disability, aging and Indigenous people.

When the reactionaries amongst us allege that feminists are only interested in the rights of white middle class women, I see red because, as Pat Giles’s life and work exemplify, nothing could be further from the truth. Her work before, during and after her time in parliament was all about advocacy on behalf of those without a voice—the disempowered, the disadvantaged and the dispossessed, being children, nursing home patients, pregnant
women in the workplace, impoverished single mothers, unskilled workers, Aboriginal people and people with a disability. It was the lived experience of caring for the vulnerable and campaigning for the disadvantaged that drove women such as Pat to seek public office. They were convinced by this experience, not only that more women deserved to be in parliament, but also that the community would benefit from having more women in decision-making roles.

Today, women in general and women politicians in particular have all kinds of advantages and protections that women lacked when Pat Giles helped establish WEL in 1973. Pat and her Labor sisters began with little and achieved a great deal and, like many other Labor women of her generation, she has kept on putting back, through the Labor Party, through community organisations and through Emily’s List. It is sobering to realise that with twice the privileges I would be personally proud to achieve half as much. So I offer Pat the warmest congratulations on becoming a Member of the Order of Australia, an honour she so very thoroughly deserves. And I commit myself anew to trying to live up to the legacy left by her generation of Labor feminists.

The PRESIDENT—The Senate stands adjourned until Monday—Sorry, Senator McGauran, you were not on the list.

Senator McGauran—Quite correct.

Senator Sherry—Oh, you’re not on the list. Well, sit down.

Senator McGauran—I am not on the list.

The PRESIDENT—But you are entitled to speak, Senator McGauran. You are in order.

Climate Change

Senator McGauran (Victoria) (7.13 pm)—I will try not to take the whole 10 minutes because I can see Senator Sherry champing at the bit as he has had such a bad week. In fact, the other side has completely had a bad week. It has been a shocking week for the government and they want to get out of the chamber very quickly and catch the plane to get away from this place. I am sorry to delay you another five minutes.

Senator Sherry interjecting—

Senator Pratt interjecting—

Senator McGauran—It’s called democracy. That’s what it’s called. I am entitled to stand up and speak in the adjournment debate. There is a vacancy here and I am getting yelled down by Labor from having my own right to be able to stand up and speak. What I have to say they probably will not like and the interjections will start again.

The PRESIDENT—Senator McGauran, ignore the interjections.

Senator Sherry interjecting—

Senator McGauran—However, I am going to exercise my right, Senator Sherry.

The PRESIDENT—Senator McGauran, continue. You are entitled to speak, Senator McGauran. That has been established.

Senator Pratt interjecting—

Senator Sherry interjecting—

Senator McGauran—The President has given me the clearance. I am entitled to speak. You wouldn’t think so from the other side’s comments.

The PRESIDENT—Those on my right will be quiet, please.

Senator McGauran—Mr President, through you: you wouldn’t think so from the other side’s comments, but that is the game they play here—belittle, ridicule, keep you from speaking, intimidation.

The PRESIDENT—Senator McGauran, just address your comments to me.

Senator McGauran—I will not be intimidated, nor will anyone else from this
side, from speaking on the issue of the week that they have not addressed well at all—and, again, that probably explains why they are trying to get out of here as quickly as they can—climate change.

My intention in raising this issue, if the other side can just hear me out, is just to walk through the science of it calmly and quietly, because we have to bring credibility and honesty to this issue so that we can have a rigorous debate. For so long, the Minister for Climate Change and Water, Senator Wong—once dubbed ‘the high priestess of climate change’ by Senator Bushby, who is in the chamber—has taken absolutely extremist positions. She was always pointing the figure at this side, calling us a bunch of sceptics and a bunch of know-nothings, but the point is that the whole tide, particularly over the summer, has turned against the government. They have got problems and Senator Wong has got problems.

What really prompted me to jump up was that on Wednesday we had a debate on a matter of public importance. For those listening on radio, this is a very crucial and important debate that we have in the Senate from time to time. It is rigorous and it is an exchange of policy based on research where credibility is expected from those in the debate. It is expected in any debate, but particularly in that debate, which is very focused on the issue of the day. I listened to that debate intently. I heard the presenters from the other side. They were Senator Cameron—I say that with an emphasis because we all know what Senator Cameron is like in any debate—

**Senator Sherry**—A great contributor.

**Senator McGauran**—‘A great contributor,’ says the Labor interjector. Senator McLucas also spoke, and both of them addressed the climate change issue. The debate was on the policies of the respective parties. Fair enough! Let us have that debate. I more than welcome the debate. Quite frankly, I would more than welcome having an election on it. But both Cameron and McLucas saw fit to introduce the old argument—

**The President**—Senator McGauran, you should refer to them by their correct titles. They are senators. They are entitled to their correct title.

**Senator McGauran**—Yes. Senator McLucas and Senator Cameron both introduced the science of the issue into their contributions to the debate. I do not know what they were doing over the summer, whether they are just in denial or whether they seek to misrepresent things—I do not know what it is—but what they said about the science is utterly wrong and misleading and must be corrected. I am not the only one saying this. The British government’s Chief Scientific Adviser has been saying that we now have to have a bit of honesty in this debate on the science. He said:

The impact of global warming—

... been exaggerated by some of the scientists and there—

was—

... an urgent need for more honest disclosure of the uncertainty of predictions about the rate of climate change.

Australia’s Chief Scientist told the Australian newspaper that she supported the British Chief Scientific Adviser; that we ought to have more honesty in this debate—at least a little more research that is not coming from the other side. Senator McLucas spent some time in her contribution to the debate on climate change policies talking about the Great Barrier Reef. She said that it was bleaching and she claimed that we would not have a Great Barrier Reef if the current conditions continued. That has been utterly debunked. Moreover, the very day she made that speech...
it was debunked in the *Australian* newspaper by the Australian Institute of Marine Science, which reported that mass coral bleaching was ‘unlikely this summer’, had not occurred the previous summer and that they could not see it into the future. That is my summary of the matter. Time does not permit me to go through the whole article laying down the science. The Great Barrier Reef is not in danger.

We all know that Senator Cameron will say anything at any time, but what was he doing? He raised the issue of the melting glaciers. We know that was debunked. That was clearly debunked over the summer, so much so that the IPCC, which ran on this issue, has issued an apology on the matter. Yet those two leading speakers for the government raised two questions of science—icons, if you like, of the climate change debate—in their speeches and expected to get away with it. They expected those listening to believe that these are still issues on the agenda. But the glaciers in the Himalayas are not melting, certainly not by 2035; nor is the Great Barrier Reef under threat from climate change. And so it goes on, as we all know, with the debunking of the so-called science.

The claim that the Amazon would be reduced by 40 per cent under current climate change conditions by 2035 has also been debunked. There has been another IPCC withdrawal on that issue. It is the same with the sea levels. I could go on and on, but time does not permit me. I have the science on these matters and it is accepted. Senator Cameron mentioned in his contribution to the debate that the Antarctic is melting, but it is not. Our own Curtin University of Technology has proved that. I have material here as high as this ceiling to debunk any of these claims coming from the other side.

The point is that Minister Penny Wong comes in here along with those who support her—that is, all of those from the other side—ridiculing the science that we put forward. It is not so much that they support her; it is more that they just will not speak out. But it is all coming out now. I am challenging the extremism that comes from the government. The evidence is highly credible, and it is coming from scientists of great credibility.

Take the sea-level issue. Kevin Rudd says 200,000 houses on the eastern seaboard of Australia are in danger of being swamped. That is backed up by the New South Wales government, so it sounds more like a good idea for a coastal tax from them. That is their claim: the eastern seaboard is in danger of being swamped, probably by 2035. But that is debunked. Who has debunked it? I can tell you: someone a bit more credible than Kevin Rudd and the New South Wales government.

**The PRESIDENT**—Senator, you will refer to people by their correct titles.

**Senator McGAURAN**—The Prime Minister, Kevin Rudd—it is hard to believe, isn’t it?

**Senator Sherry** interjecting—

**Senator McGAURAN**—Someone more credible is Nils-Axel Morner, a Swedish geologist and the former president of the sea-level commission—it is surprising there is one, but he is the leading scientist on the matter. The real point is: do your research, Senators Cameron and McLucas. Senator Sherry, force your speakers to do their research. Have a bit of credibility, have a bit of honesty and be aware that the climate change scare tactics and extremism that they bring into the chamber are in complete tatters.

**The PRESIDENT**—I remind senators that legislation committees will meet from 9 am on Monday, 8 February for the consideration of additional estimates.

**Senator adjourned at 7.23 pm**
The following documents were tabled by the Clerk:


Sydney Airport Curfew Act—Dispensation Report 01/10.

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—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Agreement between the Commonwealth and South Australian governments—Response to part (3).
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Employment and Workplace Relations: Websites
(Question Nos 1649 to 1651, 1677 and 1682)

Senator Minchin asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 3 June 2009:

Since 1 January 2008, has the department or any of its agencies expended any funds on advertising or sponsored links on a search engine such as www.google.com for any government websites administered within the Minister’s portfolio (i.e. websites with ‘.gov.au’ domain names); if so:

(a) which websites have been or are being advertised/sponsored on each search engine;
(b) what was the cost of establishing the advertisement/sponsorship;
(c) what was/is the daily cost of sponsorship;
(d) what was/is the fee that is charged each time an advertised/sponsored site is selected through the search engine;
(e) which words or phrases have been included in the advertisement/sponsorship (i.e. ‘digital television’);
(f) which additional, subcategories or combinations of words have also been included in the advertisement/sponsorship;
(g) how many variables or combinations were entered into the purchase equation;
(h) for how long has the advertisement/sponsorship been running or is intended to run; and
(i) what is the total cost to the department (or the costs to date if the expense is ongoing) of each website advertisement and/or sponsored link.

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

As at 3 June 2009, the department and agencies had spent approximately $99,454 since 1 January 2008 on advertising or sponsored links on search engines such as www.google.com for government websites administered within the portfolio:

(a) Websites that have been or are being advertised/sponsored on Google:
   - Child Care Rebate (CCR): www.childcarerebate.gov.au

(b) Cost of establishing the advertisement/sponsorship:
   - There is no establishment fee for the service.

(c) Daily cost of sponsorship:
   - ES: maximum of $100 per day
   - ABCC: maximum of $160 per day
   - AYF: cost depends on how many impressions were made
   - FWO: charged on a monthly basis
CCR: data specific to the daily cost of sponsorship is not available

(d) Fee charged each time an advertised/sponsored site is selected through the search engine:

Fees are not charged on a per selection basis. Total budget costs are spent in a demand driven matrix determined by Google Analytics.

(c) Words or phrases included in the advertisement/sponsorship:

ES: The campaign includes 20 ad groups with up to 40 relevant keywords and phrases attached to each ad group. The ad groups are based on general jobs, industry and location. Keywords include employment, recruitment, job vacancies, training, vacancy, careers, work, part-time jobs, employment in Australia, return to work, graduate jobs, indigenous jobs, jobs in Queensland, jobs in WA, employment in TAS, accounting jobs, jobs in accounting, construction jobs, building work, jobs in construction, factory job, machine vacancies, factory work, factory vacancies, restaurant jobs, restaurant employment, hospitality jobs, jobs in hospitality, food jobs, restaurant work, labouring work, labouring jobs, labouring career, jobs in labouring, management jobs, career management, management positions, management vacancies, management recruitment, manufacturing job, manufacturing jobs, manufacturing position, manufacturing positions, manufacturing openings, mining jobs, mining employment, mining vacancies, mining vacancy, jobs in mining, banking jobs, it jobs, sales jobs, cleaning jobs, retail job, retail work, retail jobs, retail vacancies, jobs in retail, store jobs, shop jobs, jobs in Adelaide, Adelaide work, Adelaide recruitment, Adelaide vacancies, jobs Brisbane, Brisbane jobs, Brisbane employment, Brisbane vacancies, jobs in Canberra, Canberra employment, Canberra jobs, Canberra recruitment, Canberra career, jobs in Darwin, Darwin jobs, Darwin Employment, Darwin recruitment, Darwin job, Darwin recruit, jobs in Hobart, Hobart jobs, Hobart employment, Hobart recruitment, jobs Hobart, Melbourne jobs, jobs in Melbourne, Melbourne career, Melbourne job, Melbourne recruitment, career, Melbourne, jobs in Perth, Perth career, Perth employment, Perth vacancy, Perth positions, Perth vacancies, Perth jobs, Sydney jobs, Sydney work, jobs in Sydney, Sydney recruitment, Sydney employment, Sydney vacancy, Sydney career

ABCC: Keywords include right of entry permit, what is a subcontractor, enterprise agreement, construction agreement, building contracts, collective agreement, federal award, workplace policies, workplace agreements, construction projects, state awards, building code, workplace policy, federal awards, workplace legislation, building industry, building laws

AYF: Keywords include youth forum, government, Australian Youth Forum, 20 February, government discussion, young people forum, you THINK, violence, safety, democracy

FWO: Keywords include Australian workplace ombudsman, casual, employee rights, fair work, fired, freedom of association, laid off, pay slip, holiday job, holiday pay, redundancy, redundant, termination of employment, salary slip, unfair dismissal laws, unlawful termination, workplace conditions, workplace inspectors, young workers, casual jobs

CCR: The following words and phrases were included in the advertisement:

There’s more financial assistance for Child Care. The Child Care Tax Rebate has increased to 50% and it’s not income tested.

CCR keywords include:

Climate Change and Water: Legislation
(Question No. 1704)

Senator Minchin asked the Minister for Climate Change and Water, upon notice, on 10 June 2009:

(1) How many and which:
   (a) Acts; and
   (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.
(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) In my capacity as the Minister representing the Attorney-General, I will provide in a separate answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) No legislative instruments in the Climate Change and Water portfolio have been identified as redundant or potentially-redundant.

Environment, Heritage and the Arts
(Question No. 1926 amended)

Senator Barnett asked the Minister representing the Minister for the Environment, Heritage and the Arts, 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 Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) (a) There are 10 Ministerial staff positions and two Departmental Liaison Officer (DLO) positions in the office of the Minister for the Environment, Heritage and the Arts.

(b) There are 10 Ministerial staff and two DLO staff employed.

(c) There are no ministerial staff or DLO vacancies.

(d) The levels of ministerial staff positions are:
- Senior Adviser Chief of Staff (Cabinet) x 1
- Senior Adviser 1 (Cabinet) x 1
- Senior media Adviser x 1
The levels of DLO staff are:
- Executive Level 1 x 2
- Executive Level 2 x 1

The Department of Finance and Deregulation advises that information relating to the costs of ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled on 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au.

The total cost of the provision of DLOs to the Minister’s office for 2008/09 was $246,582.53.

(2) The department has provided 12 laptop computers, three mobile phones and 13 personal digital assistant devices to the office of the Minister for the Environment, Heritage and the Arts.

(3) No departmental officers are on secondment to the office of the Minister for the Environment, Heritage and the Arts.

(4) (a) (i) In the 2008 calendar year, the official hospitality spend for the environment, heritage and arts elements of the department was $148,880.29
(ii) In 2008/09, official hospitality expenses for the environment, heritage and arts elements of the department totalled $152,064.09
(b) I refer the Honourable Senator to the response provided to Senate Question 1800 from Senator the Hon Eric Abetz for details of dates, locations, purpose and costs.

(5) (a) (i) Official hospitality expenses for the Office of the Minister of the Environment, Heritage and the Arts for calendar year 2008 totalled $367.39.
(ii) Expenses for 2008/09 total $151.57. The 2008/09 expense is related to an event in Paris which was held in 2007/08 but not invoiced until 2008/09.
(b) I refer the Honourable Senator to the response provided to Senate Question 1800 from Senator the Hon Eric Abetz for details of dates, locations, purpose and costs.

(6) During the 2008-09 financial year, the department spent:
(a) and (b) $74,119.35 on the hire of plants, including the cost of maintenance of these plants
(c) $11,009.63 on water and water coolers
(d) $4,036.66 on television subscriptions

(7) The department has issued 188 credit cards to staff in the environment, heritage and the arts elements of the department.
(8) (a) Five credit cards have been reported lost
(b) (i) All credit cards reported lost have been cancelled
(ii) No credit cards reported lost remain active
(iii) Not applicable

**Attorney-General’s, and Home Affairs: Media Training**  
(Question Nos 2011 and 2021)

**Senator Abetz** asked the Minister representing the Attorney-General and the minister representing the Minister for Home Affairs, upon notice, on 21 July 2009:
(1) Has the Minister undertaken any media training since 24 November 2007; if so: (a) when; (b) who was the provider; and (c) what was the total cost.

(2) Have any of the Minister’s staff undertaken any media training since 24 November 2007; if so: (a) who, including their Members of Parliament (Staff) Act 1984 classification; (b) when; (c) who was the provider; and (d) what was the total cost.

Senator Wong—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

(1) Since 24 November 2007, the Attorney-General and Minister for Home Affairs have not undertaken any media training provided by the Commonwealth.

(2) No staff from the Attorney-General’s Office, or Minister for Home Affairs’ Office, including the staff from the previous Minister’s Office, have undertaken media training since 24 November 2007.

Treasury

(_question_no: 2169)

Senator Ronaldson asked the Minister representing the 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 Treasurer has provided the following answer to the honourable senator’s question:

(1) (a) 1 - Lexmark C782DTN, 1 - Lexmark C502DN, 4 – Canon ip100 portable inkjet printers. (b) (i) cost of all printer cartridges and/or toner for all printers (including black and white) - $19,099, (ii) cost of servicing for all printers (including black and white) - $4,549.

(2) Total cost of photocopy paper - $5,061.

(3) Total cost of office consumables - $10,429.
QUESTIONS ON NOTICE

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<th>Cost of Production</th>
<th>Distribution Details</th>
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<td>$13,354</td>
<td>750 Printed copies, distributed to: Senate 150, House of Representatives 25, Budget Lockup 80, Department of Finance 45, Parliamentary Library 4, Parliamentary Committee 8, Library Deposit 39, Treasury staff 399,</td>
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<td>Portfolio Supplementary Additional Estimates Statement (6 February 2009)</td>
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<td>Portfolio Supplementary Additional Estimates Statement (27 February 2009)</td>
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<td>$15,631</td>
<td>4000 Printed copies, with 1623 distributed to, individuals and stakeholders who made submissions to the review, government departments (Commonwealth and State) with an interest in the review, and in response to requests from the general public.</td>
</tr>
</tbody>
</table>

(5) Yes. The Treasury maintains a ministerial website for the Treasurer, the Hon Wayne Swan MP at www.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.

Nation Building Program
(Question No. 2255)

Senator Abetz asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 17 September 2009:
(a) Can a list be provided of all projects under the Nation Building Program, and (b) for each of these projects, can a breakdown be provided of the cost estimates and budget allocations for the following financial years: (i) 2008-09, (ii) 2009-10, (iii) 2010-11; (iv) 2011-12, (v) 2012-13, and (vi) 2013-14.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:
Detailed information on projects funded under the Australian Government land transport infrastructure programs can be found on the Department of Infrastructure, Transport, Regional Development and Local Government’s websites.

Swine Influenza
(Question No. 2396)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 November 2009:
QUESTIONS ON NOTICE

(1) (a) What is the evaluation process for the pandemic (H1N1) 2009 influenza vaccine (commonly known as the swine flu vaccine); and (b) were there any adverse reports at any stage of the evaluation process.

(2) Has the Therapeutic Goods Administration (TGA) received any adverse reports or concerns about the safety of the swine flu vaccine.

(3) (a) Have there been any adverse reports in Australia to the swine flu vaccine; and (b) will information be made publicly available about adverse reactions to the swine flu vaccine; if so, when will this information be made available.

(4) (a) Is the TGA monitoring adverse events occurring overseas; and (b) are other regulators such as the Food and Drug Administration, the European Medicines Agency and the TGA collaborating and sharing information about adverse events to the swine flu vaccine.

(5) (a) What has been the reported rate of adverse reaction from Tamiflu in Australia; and (b) is this broadly consistent with the international experience.

(6) Is the department aware of comments in The Lancet, of 17 October 2009, stating that despite ‘these inadequate data, the consistent reports of potential serious harms in adolescents, and the projected future heavy use of oseltamivir [Tamiflu], make it imperative to quickly establish large multicentre studies to test any possible associations’; if so: what system is in place to ensure the reporting of such events.

(7) Has the department assessed international concerns over the adjuvant used in the swine flu vaccine.

(8) (a) Does the swine flu vaccine vary when used in people at special risk (i.e. with a compromised immune system or if pregnant); and (b) what is the increased risk of adverse effects for these patients.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) CSL applied to register CSL H1N1 pandemic influenza vaccine as a major variation to the trivalent seasonal influenza vaccine FLUVAX®. Quality and biopharmaceutical data and clinical study data were evaluated. (b) In clinical study CSLCT-CAL-05-09 there were no reports of serious adverse events after first dose of the CSL H1N1 pandemic influenza vaccine in adults. Adverse events reported within seven days after vaccination were typical of those reported after seasonal influenza vaccines with headache (25.8%), myalgia (15.8%) and malaise (11.7%) the most common systemic events. Tenderness (30.8%), pain (20.8%) and induration (10%) were the most common injection site adverse events.

(2) As at 29 October 2009 a total of 654 suspected adverse reactions to Panvax had been reported in Australia and approximately 3.75 million doses had been distributed. The great majority have been mild and common problems such as headache, gastrointestinal upset, soreness, swelling or redness at the injection site. Most of the suspected adverse reactions that have been reported are well recognised and listed in the Panvax Product Information.

(3) (a) See answer to Question (2). (b) It is anticipated that a summary of reports of suspected adverse events following immunisation with Panvax that were received by the Therapeutic Goods Administration (TGA) during the first month of the immunisation program will be posted on the TGA website.

(4) (a) and (b) The TGA is not responsible for monitoring adverse events that occur overseas. However, the TGA has well-established arrangements for sharing information with other regulators including those in the USA, Canada, Switzerland, Singapore, New Zealand, Europe and China. Information regarding adverse reactions to medicines including Panvax is shared between the TGA and overseas regulators on a routine and regular basis. A dedicated secure website has been estab-
lished on which adverse event information can be shared between the TGA, Health Canada, Swissmedic and the Health Sciences Authority, Singapore. This arrangement is possible because of mutual confidentiality arrangements between these four organisations. Other international information sharing occurs on a bilateral basis.

CSL (the sponsor of Panvax), as part of its post-market risk management requirements, will undertake fortnightly signal detection and provide the TGA with monthly simplified Periodic Safety Update Reports outlining all serious adverse events associated with the vaccine reported to CSL both within Australia and internationally, thereby providing comprehensive international safety information.

(5) (a) Tamiflu (oseltamivir phosphate) has been registered in Australia since November 2000. At the end of October 2009 the TGA had received 89 reports of suspected adverse reactions to Tamiflu. The TGA has received 48 reports since 24 April 2009 (the date that the World Health Organization notified the outbreak of the 2009 H1N1 Influenza), indicating that the majority of these reports have occurred since the onset of the H1N1 influenza pandemic.

Overall the most commonly reported reactions to Tamiflu are vomiting (13 cases), headache (5 cases), diarrhoea (4 cases), nausea (4 cases), urticaria (7 cases), rash (11 cases) and hypersensitivity reaction (5 cases).

As Tamiflu is not subsidised under the Pharmaceutical Benefits Scheme, it is not possible to determine the number of doses of Tamiflu that have been administered in Australia.

(b) The Australian experience with Tamiflu is broadly consistent with international experience. There have been postmarketing reports (mostly from Japan) of self-injury and delirium with the use of Tamiflu in patients with influenza. The reports were primarily among paediatric patients. The relevant contribution of the drug to these events is not known.

(6) The TGA is aware of the article in the Lancet of 17 October 2009 which suggests that further studies need to be undertaken in regard to the safety of Oseltamivir (Tamiflu) in young adults following reports in Japan of a possible association between this medicine and unusual behaviour in adolescents. This follows a report published in the British Medical Journal on 10 August 2009 of seven clinical trials involving approximately 2500 children. This issue has been under consideration in Japan and by other regulatory authorities since 2005.

The Lancet paper cites a 3% incidence of behavioural change in children with influenza treated with Oseltamivir. No similar incidence has been observed in clinical studies in other countries. A second more definitive Japanese epidemiological study did not find a positive association.

The US Food and Drug Administration (US FDA) Paediatric Advisory Committee met in 2007 to reconsider reports of neuropsychiatric events associated with Tamiflu. It remains unclear whether the neuropsychiatric adverse events reported with Tamiflu use represent a true drug reaction, an unusual manifestation of influenza, or a drug-disease interaction.

The TGA has received 89 reports of suspected adverse reactions to Tamiflu, including 12 reports containing neuropsychiatric symptoms. Of the 12 neuropsychiatric reports, the ages ranged from 4 years to 85 years. Six of these reports (50%) were in children less than 18 years. The symptoms reported in these cases are consistent with the known safety profile included in the Performance Indicators (PI) for Tamiflu. There is no evidence of suicide or suicidal behaviour in any of the 12 neuropsychiatric reports.

The TGA has considered a review carried out by the US FDA, together with the recommendation of the US FDA Paediatric Advisory Committee, information provided by Roche and Australian adverse event experience, and has concluded that the Australian Tamiflu product information currently contains appropriate precautions.
The Australian approved PI notes that “convulsions and delirium (including symptoms such as altered level of consciousness, confusion, abnormal behaviour, delusions, hallucinations, agitation, anxiety, and nightmares) have been reported during Tamiflu administration in patients with influenza, predominantly in children and adolescents. These events often had an abrupt onset and rapid resolution. In rare cases these events resulted in accidental injury and some resulted in a fatal outcome. The contribution of Tamiflu to those events is unknown. Such neuropsychiatric events have also been reported in patients with influenza who were not taking Tamiflu.

Patients with influenza should be closely monitored for signs of abnormal behaviour throughout the treatment period.”

(7) There is no currently registered adjuvanted swine influenza vaccine in Australia. Should an application for registration of an adjuvanted swine influenza vaccine be received, information relating to the safety and efficacy of the vaccine and adjuvant will be evaluated.

(8) (a) Swine flu vaccine, like regular seasonal influenza vaccines, acts by promoting a rapid immune response to help the individual fight off the influenza virus if they are exposed. This response also occurs in pregnant and immune compromised patients. (b) There is a greater risk of swine influenza infection in these patients, hence it is important they are vaccinated. The TGA is unaware of any data to suggest such patients have higher rates of adverse events than others.

Swine Influenza
(Question No. 2397)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 November 2009:

With reference to the pandemic (H1N1) 2009 influenza vaccination program:

(a) what approach has been taken to post-marketing surveillance of the vaccination program;

(b) what resources have been allocated to this surveillance;

(c) what is expected to be the total cost of this surveillance;

(d) how does this compare to other post-marketing surveillance programs; and

(e) who will conduct this surveillance.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(a) In line with usual practice for monitoring new drugs and vaccines, the Therapeutic Goods Administration (TGA) is responsible for monitoring the safety of Panvax vaccine. The TGA’s routine pharmacovigilance mechanisms and processes are in place to monitor and respond to reports of adverse events experienced with Panvax. To facilitate this, a dedicated call centre has been established within the TGA to receive reports of adverse events made by telephone, via the Pandemic hotline. In addition, a simplified web reporting form can be accessed from the homepage of the TGA website. Promotional information disseminated to health professionals and consumers about the vaccine encourages the reporting of adverse events and provides information about the different ways these can be reported.

In addition to routine pharmacovigilance, a number of additional activities are being undertaken in association with the rollout of the Panvax vaccine.

CSL (the sponsor of Panvax) has agreed to undertake fortnightly signal detection and provide the TGA with monthly simplified Periodic Safety Update Reports outlining all serious adverse events associated with the vaccine reported to CSL both within Australia and internationally, thereby providing comprehensive international safety information.
Where spontaneous reports of adverse events of special interest, such as anaphylaxis, convulsions or Bell’s palsy are received, these will be actively followed up to determine the relationship between the adverse event and the use of the vaccine.

Following any reported exposure of pregnant women to the vaccine, CSL will follow up the case to pregnancy outcome and report these outcomes to the TGA.

An active surveillance system is being established through neurologist networks, with support from the Australian and New Zealand Association of Neurologists, to assist in the detection of any cases of Guillain-Barré Syndrome (GBS). The surveillance system will be supported by both CSL and the TGA. This will reflect a model similar to that of the Australian Paediatric Surveillance Unit which has been successful in evaluating specific vaccine safety concerns such as the association between acute flaccid paralysis and polio vaccine.

To ensure that reported cases of the adverse events of special interest are true cases of the conditions, internationally agreed case definitions are used in assessing all cases reported in association with the vaccine. These have been distributed to the relevant areas of State and Territory health departments and should be used in assessing these cases. Clinical follow up forms have also been developed and provided.

The TGA has also established a panel of experts in pharmacoepidemiology who have reviewed the safety monitoring framework and will provide advice on methods for further evaluation of any emerging signals. Also, the TGA has established a panel of experts in neurology to review any suspected neurological adverse events such as GBS.

In addition weekly review of adverse event reports is being undertaken by the Adverse Drugs Reactions Advisory Committee, augmented by the expertise of additional vaccine experts, an immunologist/allergist and an obstetrician.

(b) The Department has committed staff and funding resources to this activity.

(c) The total costs will be dependent on the nature and number of suspected adverse events reported and any additional activities, that may or may not arise, as the consequence of any potential safety concerns, therefore the total cost of this surveillance is unknown.

(d) This cannot be estimated. The total costs of the TGA’s medicines safety monitoring programs are fully recovered from the regulated industry through annual charges.

(e) The surveillance is being conducted by the TGA.

Secure Schools Program
(Question No. 2407)

Senator Cash asked the Minister representing the Minister for Home Affairs, upon notice, on 12 November 2009:

With reference to the Federal Government’s Secure Schools Program (the program):

(1) How much funding is allocated to the program for each of the following financial years: (a) 2008-09; and (b) 2009-10.

(2) (a) Can a list be provided of the successful first round schools and the funding allocated to each school; and (b) have any additional schools been successful in their application for funding.

(3) Can a breakdown be provided of how funding will be spent at each of the successful first round schools.

(4) How much of the Schools Stimulus Package funding is allocated to each of the successful first round schools.

(5) Can an outline be provided of each step of the application process to receive funding under the program.
(6) What is the program’s definition of a security need.

(7) What criteria must be met for a school’s funding application to be successful on the grounds of assessed security needs.

(8) Has additional funding been sought for any additional costs likely to be incurred in implementing the program.

(9) Does the program address security issues such as bullying, student violence and child protection: (a) if so, how; and (b) if not: (i) why not, and (ii) what measures does the Federal Government have in place to counter these issues and what additional funding has been allocated to such programs.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

(1) The allocation for (a) 2008-09 was $6 million and (b) for 2009-10 is $8 million.

(2) (a) Twenty nine schools were awarded funding under Round 1 of the Secure Schools Program. These are listed at Attachment A. (b) No

(3) See Attachment A.

(4) Questions about the allocation of funds under the Economic Stimulus Plan for schools should be referred to the Deputy Prime Minister and Minister for Education, the Hon Julia Gillard, MP.

(5) To help determine which schools might appropriately benefit from this program, the then Minister for Home Affairs wrote to State and Territory Attorneys-General asking them to consult with their ministerial colleagues with responsibility for Police and for Education to identify which schools might be considered at risk in their jurisdiction. The Minister also wrote to independent schools bodies advising them of this process and welcoming any views they may have. Nominated schools were then invited to apply for funding. Applications were assessed by an Advisory Group comprising representatives from the Department of Education, Employment and Workplace Relations, ASIO, the Australian Federal Police, and the Attorney-General’s Department. Decisions regarding the award of grants were made by the Minister for Home Affairs.

(6) The program guidelines do not explicitly define “a security need” as different types of schools have different security needs. The self-assessment questionnaire enables schools to detail their individual protective security needs by documenting threats, security risks, the security measures currently in place and the measures proposed to mitigate the identified security risks.

(7) The criteria which must be met for a school’s funding application to be successful on the grounds of assessed security needs are: the quality of available evidence to support the existence of a security risk; demonstrates how the proposed project will address the identified security risk; and the applicant’s capacity to deliver the project and administer the grant. In addition, an application must: be consistent with the program’s objectives; reflect evidence based good practice; and comply with Australian Government policy. No projects are automatically guaranteed funding on meeting the criteria alone. Applications are ranked in priority order based on the assessment of their security needs and grants are awarded until funds have been fully committed.

(8) No.

(9) No.

(a) n/a

(b) (i) Consistent with the Government’s election commitment, the program guidelines state “[t]he program will not provide funding for security measures to deal with issues surrounding student bullying, harassment, student violence and child protection, or with opportunistic acts of vandalism or other property crime in schools that are appropriately dealt with by education authorities and local police.”
(ii) Questions regarding children’s services programs and educational programs should be directed to the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin, MP and to Deputy Prime Minister and Minister for Education, the Hon Julia Gillard, MP.

Attachment A

Secure Schools Program — Round 1

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<tr>
<th>School</th>
<th>State</th>
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<th>Purpose of the grant</th>
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<td>$483,000</td>
<td>Fencing, gates, CCTV</td>
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<td>Al Faisal College</td>
<td>NSW</td>
<td>$599,000</td>
<td>Fencing, lighting, windows and CCTV</td>
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<td>Al Noori Muslim Primary</td>
<td>NSW</td>
<td>$45,000</td>
<td>CCTV</td>
</tr>
<tr>
<td>Al Sadiq College</td>
<td>NSW</td>
<td>$181,000</td>
<td>Fencing, Doors and Gates</td>
</tr>
<tr>
<td>Al-Hidayah Islamic School</td>
<td>WA</td>
<td>$109,000</td>
<td>Fencing, CCTV and Window Protection</td>
</tr>
<tr>
<td>Arthur Phillip High School</td>
<td>NSW</td>
<td>$340,000</td>
<td>Security fencing, CCTV other security related infrastructure</td>
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<td>NSW</td>
<td>$260,000</td>
<td>Improve fencing, CCTV, security windows.</td>
</tr>
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<td>Belmore Boys High &amp; Belmore North Primary</td>
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<td>$260,000</td>
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<tr>
<td>Carmel School</td>
<td>WA</td>
<td>$510,000</td>
<td>CCTV and fencing</td>
</tr>
<tr>
<td>Damla College</td>
<td>WA</td>
<td>$119,500</td>
<td>CCTV and fencing</td>
</tr>
<tr>
<td>Emmanuel School</td>
<td>NSW</td>
<td>$54,000</td>
<td>CCTV and other security improvements</td>
</tr>
<tr>
<td>Emanuel School</td>
<td>NSW</td>
<td>$54,000</td>
<td>CCTV and other security improvements</td>
</tr>
<tr>
<td>ELMSTERNWICK VIC</td>
<td>VIC</td>
<td>$249,000</td>
<td>CCTV and fencing</td>
</tr>
<tr>
<td>Eastmeadows VIC</td>
<td>VIC</td>
<td>$60,000</td>
<td>CCTV and improved coverage for school security</td>
</tr>
<tr>
<td>Kesser Torah College</td>
<td>NSW</td>
<td>$455,000</td>
<td>Security fencing, CCTV and a number of other security measures.</td>
</tr>
<tr>
<td>Randal ACT</td>
<td>VIC</td>
<td>$500,000</td>
<td>Fencing, posts, CCTV, doors, PA, panic buttons</td>
</tr>
<tr>
<td>Masada College</td>
<td>NSW</td>
<td>$117,500</td>
<td>Security fencing and other security measures</td>
</tr>
<tr>
<td>ST IvES NSW</td>
<td>SA</td>
<td>$300,000</td>
<td>Fencing, gates, alarms, CCTV</td>
</tr>
<tr>
<td>Merrylands High School</td>
<td>NSW</td>
<td>$195,000</td>
<td>Better surveillance and measures designed to make the school safer</td>
</tr>
<tr>
<td>Merrylands NSW</td>
<td>NSW</td>
<td>$195,000</td>
<td>CCTV, additional fencing and lighting</td>
</tr>
<tr>
<td>Minaret College</td>
<td>VIC</td>
<td>$100,000</td>
<td>CCTV, additional fencing and lighting</td>
</tr>
<tr>
<td>Moriah War Memorial College</td>
<td>NSW</td>
<td>$750,000</td>
<td>Strengthen fencing, Upgrading CCTV</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Table:

<table>
<thead>
<tr>
<th>School</th>
<th>State</th>
<th>Grant</th>
<th>Purpose of the grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mount Scopus College</td>
<td>VIC</td>
<td>$600,000</td>
<td>Fencing, guard box and CCTV</td>
</tr>
<tr>
<td>Mount Sinai College</td>
<td>NSW</td>
<td>$120,000</td>
<td>Perimeter fencing and a number of other security measures.</td>
</tr>
<tr>
<td>Punchbowl Boys High</td>
<td>NSW</td>
<td>$180,000</td>
<td>CCTV and fencing</td>
</tr>
<tr>
<td>Rissalah College</td>
<td>NSW</td>
<td>$10,000</td>
<td>Risk assessment</td>
</tr>
<tr>
<td>Sholem Aleichem College</td>
<td>VIC</td>
<td>$280,000</td>
<td>Fencing, gates, CCTV, alarm and access control</td>
</tr>
<tr>
<td>Sinai College</td>
<td>QLD</td>
<td>$340,000</td>
<td>CCTV and fencing</td>
</tr>
<tr>
<td>The King David School</td>
<td>VIC</td>
<td>$250,000</td>
<td>CCTV and fencing</td>
</tr>
<tr>
<td>Yesivah College</td>
<td>VIC</td>
<td>$360,000</td>
<td>Window strengthening, CCTV and alarms.</td>
</tr>
<tr>
<td>Yesodei HaTorah College</td>
<td>VIC</td>
<td>$325,000</td>
<td>Fencing and security measures</td>
</tr>
</tbody>
</table>

**Telstra**

*(Question No. 2408)*

**Senator Marshall** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 12 November 2009:

(1) What percentage of complaints to the Australian Communications and Media Authority concerning Telstra:

(a) cite that more than one call was made to Telstra in an attempt to resolve the issue;

(b) cite being transferred multiple times before the complainant could speak to somebody who could assist them;

(c) cite being on hold for an excessive length of time as the reason for the complaint;

(d) cite that a product or service that was received by the customer was not solicited and had in fact been refused by the customer;

(e) cite that delivery of a product or the application of a service to their telephone account was substantially different (either in pricing or product performance) to the product or service represented by the sales person;

(f) claim that contractual terms were misrepresented during their first interaction with the sales person; and

(g) (i) cite that the Telstra bill is incorrect, and (ii) how many of these complaints areResolved in the customer’s favour.

(2) In regard to Telstra’s undertakings to the Telecommunications Industry Ombudsman to improving customer service and complaint resolution:

(a) how are these undertakings verified; and

(b) is there any oversight concerning these undertakings.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

(1) Under the Telecommunications Act 1997, individuals can refer complaints in relation to telecommunications services to the Telecommunications Industry Ombudsman (TIO) if the complainant is...
unable to resolve the matter directly with the provider. The TIO is an independent alternative dispute resolution scheme for small business and residential consumers. Therefore the TIO would be best placed to respond to the questions raised. Information made public by the TIO provides some broad indication of Telstra complaint levels.

In its 2009 Annual Report, the TIO has published general information relating to complaint handling. During 2008-2009, the TIO recorded 17,377 landline 10,595 mobile and 7,242 internet complaint issues against Telstra and Telstra BigPond. The TIO notes that this represents a significant increase relative to the 2007-2008 year where the TIO recorded 4,860 landline 3,637 mobile and 2,478 internet complaint issues against Telstra and Telstra BigPond.

The TIO has made a report available relating to its Connect. Resolve Campaign, (http://www.tio.com.au/members/connect-resolve/ConnectResolvePublicReport2009_WEB.PDF). The campaign covered a six month period (January to June 2009) and focused on the TIO and its members working collaboratively to connect with their customers and resolve complaints.

The TIO may be able to provide more detailed information on request.

The role of the Australian Communications and Media Authority (ACMA) is to deal with issues of widespread concern at an industry, rather than individual complaint level. The ACMA is aware of strong concern in regard to the customer service practices of telecommunications companies. It is currently considering possible regulatory options to address such concerns.

(2) This is a matter for the TIO.

Broadband, Communications and the Digital Economy: Program Funding
(Question No. 2409)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 12 November 2009:

Which funding programs or funding agreements that are administered within the Minister’s portfolio will lapse or terminate at the end of the following financial years: (a) 2009-10; and (b) 2010-11.

Senator Conroy—The answer to the honorable senator’s question is as follows:

(a) By the end of 2009-10, the Department of Broadband, Communications and the Digital Economy will have:

(i) one terminating administered program (Television Towers);
(ii) no lapsing administered programs; and
(iii) eight terminating administered funding agreements (Attachment A), in addition to 51 projects funded under the Connect Australia – Clever Networks Program that are expected to be completed by the end of June 2010.

(b) By the end of 2010-11, the Department of Broadband, Communications and the Digital Economy will have:

(i) two terminating administered programs (ABC/SBS Digital Interference Scheme and Connect Australia – Clever Networks);
(ii) no lapsing administered programs; and
(iii) at this time, two terminating administered funding agreements (Attachment A), in addition to the remaining one deferred project funded under the Connect Australia – Clever Networks program that is expected to be completed by the end of June 2011.

There are no lapsing or terminating administered programs and, therefore, funding agreements for the other agencies in the Portfolio.
ATTACHMENT A

Administered funding agreements which terminate by the end of 2009-10:

<table>
<thead>
<tr>
<th>Program</th>
<th>Funding Recipient</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer Representation Grants Program</td>
<td>Deafness Forum Ltd</td>
<td>Consumer representation 2009-10</td>
</tr>
<tr>
<td>Consumer Representation Grants Program</td>
<td>Internet Society of Austra-</td>
<td>Consumer representation 2009-10</td>
</tr>
<tr>
<td></td>
<td>lia (CAUS)</td>
<td></td>
</tr>
<tr>
<td>Consumer Representation Grants Program</td>
<td>Deaf Australia Inc.</td>
<td>Consumer representation 2009-10</td>
</tr>
<tr>
<td>Community Broadcasting Program</td>
<td>Community Broadcasting</td>
<td>Community Broadcasting Foundation</td>
</tr>
<tr>
<td></td>
<td>Foundation1</td>
<td>2009-10</td>
</tr>
<tr>
<td>Community Broadcasting Program</td>
<td>RPH Australia Cooperative</td>
<td>Funding Transmission cost for Radio</td>
</tr>
<tr>
<td></td>
<td>Limited1</td>
<td>for the Print Handicapped</td>
</tr>
<tr>
<td>Community Broadcasting Program</td>
<td>Community Broadcasting</td>
<td>Digital Radio Project Community</td>
</tr>
<tr>
<td></td>
<td>Foundation1</td>
<td>Broadcasting Foundation 2009-10</td>
</tr>
<tr>
<td>National Transmission Network Residual</td>
<td>North West Radio Network1</td>
<td>National Transmission Network Resi-</td>
</tr>
<tr>
<td>Funding Pool</td>
<td></td>
<td>d-ual Funding Pool (Transmissions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Support Funding) – North West Radio</td>
</tr>
</tbody>
</table>

Ongoing funding is provided to these recipients through annual funding agreements.

Administered funding agreements which terminate by the end of 2010-11:

<table>
<thead>
<tr>
<th>Program</th>
<th>Funding Recipient</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digital Switchover Program</td>
<td>Mildura Rural City Council</td>
<td>Community Liaison Officers Program</td>
</tr>
<tr>
<td>Regional Telecommunications Review Response -</td>
<td>Telstra Corporation</td>
<td>Supply of Community Phones</td>
</tr>
<tr>
<td>Indigenous Communications Program</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Prime Minister and Cabinet

(Question No. 2410)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 12 November 2009:

With reference to the new unit created within the Department of the Prime Minister and Cabinet for the purpose of boosting press coverage of the Australian Government’s policies by foreign media outlets and coordinating Australian diplomatic involvement in global fora and international organisations:

(1) (a) What is the title of the unit; and (b) when was it created.
(2) Where is the unit physically located.
(3) (a) How many staff have been allocated to this unit since its inception; and (b) how many staff are currently working in the unit.
(4) (a) How many of the staff working in the unit since its inception are: (i) Australian Public Service (APS) staff, and (ii) employed under the Members of Parliament (Staff) Act 1984 (MoPS); and (b) what are the classification levels for each of these staff members.
(5) (a) What is the annual budget of this unit; and (b) can an itemised list be provided of the budgets for: (i) total remuneration packages, including both salaries and additional non-salary benefits,
(ii) travel and travel allowance, (iii) local and overseas transportation, and (iv) entertainment, gifts and miscellaneous items.

(6) (a) How many overseas trips have been taken by members of this unit during the course of their duties; (b) what was cost to the Commonwealth for these trips; and (c) can an itemised list be provided for each trip, including: (i) dates, (ii) destinations, (iii) purpose, (iv) number of participating staff, (v) APS/MoPS levels of participating staff, (vi) travel and travel allowance costs, (vii) local and overseas transportation, and (viii) entertainment, gifts and miscellaneous items.

(7) Which unit within the Department of Foreign Affairs and Trade was previously responsible for the execution of the foreign media relations duties that are now assumed by this new unit.

(8) Which unit within the Department of Foreign Affairs and Trade was previously responsible for the execution of the international diplomatic coordination duties that are now assumed by this new unit.

(9) Has the budget for the Department of Foreign Affairs and Trade been cut to offset the costs of this new unit; if so, by how much.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) The Global and Regional Architecture Section coordinates advice to the Prime Minister on global and regional architecture issues, including international advocacy and engagement with key decision makers in relevant countries on key foreign policy priorities. It brings together in a new section issues on which the department was already actively engaged, with a strengthened focus on advocacy and engagement. The establishment of the section thus represents an enhanced focus rather than a new function.  (b) The section was established on 19 October 2009.

(2) 1 National Circuit, Barton ACT.

(3) (a) Four staff have been allocated to the unit (that is, selected for current or future work in the unit) since its inception. (b) Two staff are currently working in the unit.

(4) (a) (i) 2; (ii) n/a; (b) EL2 and APS6.

(5) (a) The section has been established in the department’s International Division. No additional budget funding has been provided by the Government for this function. (b) The section’s budget is absorbed within the International Division’s budget. Remuneration for staff is as per the department’s collective agreement.

(6) (a) As at 10 December 2009, no overseas travel has been undertaken by staff of the section. (b) n/a. (c) n/a

(7) No unit.

(8) None.

(9) No.

Mr Richard Woolcott

(Question No. 2412)

Senator Abetz asked the Minister representing the Minister for Foreign Affairs, upon notice, on 16 November 2009:

With reference to the answer to question on notice no. 2123, in particular, the answer to part (8) which referred to reports provided by the Special Envoy to the Asia Pacific Community, Mr Richard Woolcott, to the Prime Minister: (a) can a copy of these reports be provided; and (b) on what date were these reports provided to the Prime Minister.
Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(a) No. Mr Woolcott reported in confidence to the Prime Minister. His interim and final reports contain information relating to discussions held in confidence with senior representatives of foreign governments.

(b) Mr Woolcott provided an interim report to the Prime Minister on 11 November 2008 and a final report to the Prime Minister on 19 March 2009.

Standards Australia Limited

(Question No. 2413)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 16 November 2009:

(1) With reference to Standards Australia Limited:
   (a) (i) how much does the department contribute to Standards Australia Limited annually, and (ii) has there been a request to increase this contribution; if so, by how much;
   (b) does the Government monitor the financial viability of Standards Australia Limited;
   (c) what is the role of Standards Australia Limited;
   (d) do individual board members influence policy;
   (e) does Standards Australia Limited have an annual $3 million shortfall; if not, what is their annual shortfall; and
   (f) what has caused Standards Australia Limited’s shortfall.

(2) With reference to the Green Car Innovation Fund (the fund):
   (a) how many grants have been made from the fund;
   (b) for each grant made from the fund: (i) on what date was the grant made, (ii) what was the amount of the grant, (iii) who was the recipient of the grant, and (iv) if the grant is to be paid in instalments, what is the schedule;
   (c) what are the differences in design between the Toyota Camry Hybrid to be built in Australia and those already being assembled overseas;
   (d) what are the differences in design between the Holden Cruze to be built in Australia and those already being assembled overseas; and
   (e) in regard to the $42 million Ford Green Car grants: is the Government pulling back any monies from the previous grant announcement to Ford for the Focus.

(3) With reference to the Structural Adjustment Program:
   (a) to date, how many: (i) grants have been paid, and (ii) applications have been made;
   (b) how many grants have been for mergers as opposed to exceptional circumstances;
   (c) how much is left in the fund;
   (d) how much money has been spent on mergers; and
   (e) has any money been spent solely on closures where there is no other producer in Australia.

(4) With reference to the Automotive Envos – Automotive Market Access program:
   (a) to date: (i) how much has been paid to Mr John Conomos AO for his work as envoy for the Australian automotive industry, and (ii) can details be provided of how many days he has worked, including: (A) travel locations and costs (airfares, allowance, incidentals etc), and (B)
with whom he has met, including the times and dates of these meetings and a list of stakeholders;

(b) to date: (i) how much has been paid to the Honourable Steve Bracks for his work as envoy for the Australian automotive industry, and (ii) can details be provided of how many days he has worked, including: (A) travel locations and costs (airfares, allowance, incidentals etc), and (B) with whom he has met, including the times and dates of these meetings and a list of stakeholders; and

(c) in regard to the car industry trade ‘missions’: (i) what was the total cost of each mission, (ii) who went on each mission, (iii) who did each mission meet, including place, times and dates of meeting, and (iv) what are the outcomes from each mission.

(5) With reference to the Australian Industry Participation Plans:
   (a) what exactly is an ‘Australian Industry Participation Plan’;
   (b) what sectors are to be covered by these plans;
   (c) who is to develop these plans;
   (d) what is the cost of these plans; and
   (e) are these plans currently in place.

(6) With reference to the Enhanced Project By-law Scheme ‘crack down’:
   (a) (i) are the new guidelines currently in place, and (ii) can copies of the guidelines be provided; and
   (b) what will the scheme achieve.

(7) With reference to space science:
   (a) how many people are currently employed in the Space Policy Unit; and
   (b) what are their Australian Public Service classifications.

(8) With reference to Enterprise Connect:
   (a) what is the difference between the annual operating costs of Enterprise Connect in the 2009-10 Budget as opposed to when first budgeted in 2008-09; and
   (b) are all the Enterprise Connect centres now up and running; if not, when will they be.

(9) With reference to the Commonwealth Commercialisation Institute:
   (a) what is the status of the program;
   (b) when will the program commence;
   (c) what will the program do;
   (d) how many staff will the program have;
   (e) how many offices will the program have;
   (f) how much funding is committed to this program; and
   (g) for how long will the funding be available.

(10) With reference to the Australian Research Council Centres of Excellence:
    (a) (i) how many centres does the Australian Research Council fund, and (ii) which centres are so funded; and
    (b) are any centres up for renewal in 2009; if so, can a list be provided of the names of those centres and the status of their renewal.
Senator Carr—The answer to the honourable senator’s question is as follows:

(1) (a) (i) Standards Australia Limited applies for financial assistance under the Support for Industry Service Organisations Program each year. Standards Australia Limited has an approved grant of $2.327 million (GST exclusive) in 2009-10.

(ii) Standards Australia Limited applies annually for assistance based on an annual plan of activity, not a standing dollar value. The value of assistance requested has been the same in the past two years.

(b) No. Standards Australia Limited is a public company limited by guarantee and is not within the direct control of the government.

(c) Standards Australia Limited is Australia’s peak non-government standards development body and prepares most voluntary technical and commercial standards in Australia.

(d) As noted above, Standards Australia Limited is a public company limited by guarantee. The company’s Board of Directors is responsible for managing the business of the company.

(e) This question should be directed to Standards Australia Limited.

(f) This question should be directed to Standards Australia Limited.

(2) (a) Three grant agreements had been signed as at 16 November 2009

(b) For the three grants referred to in (2)(a) above:

(i) The grant agreements were executed on 30 June 2009, 22 July 2009 and 23 July 2009.

(ii) The grants are for $163.9 million, $38.5 million, and $46.2 million respectively (GST inclusive).

(iii) The grant recipients are GM Holden Ltd, Toyota Motor Corporation Australia Ltd and Ford Motor Company of Australia Limited respectively.

(iv) Payments against each grant are subject to the recipient making progress against contractual milestones, the details of which are commercial-in-confidence.

(c) This question should be directed to Toyota.

(d) This question should be directed to GM Holden.

(e) No grant was paid to Ford Australia to produce the Focus.

(3) At 16 November 2009:

(a) (i) Five companies have received grant funding. (ii) Twenty applications have been received.

(b) Two grants have been approved under the provisions relating to mergers and acquisitions and six grants have been approved under the exceptional circumstances provisions

(c) $28.14m has been committed leaving $49.87m in the structural adjustment grant fund (figures are GST inclusive).

(d) While two applications have been approved under the provisions relating to mergers and acquisitions, as at 16 November 2009, no payments have been made.

(e) No – assistance is not provided for closures.

(4) (a) As at 16 November 2009:

(i) No payments have been made to Mr John Conomos AO for the Automotive Envoy role.

(ii) Mr Conomos has worked 19 days as Automotive Envoy.

(A) Travel locations and costs (airfares, allowances and incidentals)

| 15 October 2009 | Sydney to Canberra, Canberra to Melbourne, Melbourne to Sydney |
B) With whom he has met including the times and dates of these meetings, and a list of stakeholders.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
</table>
| 15 October 2009| 10:00 Consultations with DIISR officials in Canberra  
16:00 Meeting with Jianghuai Automotive Co (China) in Melbourne, including representatives from DIISR, Futuris Automotive Interiors, Imatech, MtM, Super Trim and CSIRO. |
| 23 October 2009| 11:00 Launch of the AutoLink automotive cluster in Melbourne, officiated by the Hon Simon Crean MP, Minister for Trade  
14:00 Shooting of a promotional DVD for the AutoLink group  
14:30 Feedback and advice to AutoLink group on the itinerary for 8-14 November 2009 visit to Thailand. |
26 October 2009 meeting with Akira Okabe, Toyota Senior Managing Director for Asia, Oceania and Middle East  
28 October 2009 Visit to Tokyo Motor Show |
| 30 October 2009| FAPM annual dinner in Melbourne |
| 2 November 2009| 11:00 Meeting with Mr Peter O’Byrne, CEO, Austrade in Sydney. |
| 5 November 2009| 14:00 Automotive Industry Innovation Council meeting in Melbourne |
| 8–14 November 2009| Mr Conomos led a delegation of Australian component suppliers to Thailand comprising Futuris Automotive Interiors, Air International Thermal Systems, Ai Automotive, MtM, INC Corporation, Diemould, CMI Industrial, Austrade and DIISR |
| 9 November 2009| Bangkok, Thailand  
9:30 Australian Ambassador to Thailand at Australian Embassy  
13:30 Superat Sirisuwanngkura, President, Thai Automotive Industry Association  
15:30 Vallop Tiasiaria, Executive Director, Thailand Automotive Institute |
### QUESTIONS ON NOTICE

**10 November 2009 Bangkok**

10:00 Joe Goh, Director-Operations and Marketing, APPICO Plastics Public Company and John Raymond Drew, Project Director  
14:00 Thanit Dhanasunthorn, Executive Director, Yarnapund Public Company and Kongphan Phanpanit, Executive Coordinator-Purchasing and Manufacturing

**11 November 2009 Bangkok**

9:00 Boonchuay Choakdeewanidhumrong, Operations Director, Summit AutoSeats Industry Co Ltd  
15:30 Denny Lang, Operations Control for Asia Pacific, Ford Motors Company-Operations (Thailand) and Madhaven P.B, Senior Regional Commodity Purchasing Manager—Interior Asia Pacific and Africa Purchasing  
18:00 AutoLink welcome reception

**12 November 2009 Chachoengsao and Rayong, Thailand.**

9:30 Ninnart Chaithirapinyo, Vice Chairman, Toyota Motor Thailand Co Ltd  
13:30 Kiyotaka Shobuda, President, Auto Alliance (Thailand)  

**13 November 2009 Rayong and Chonburi, Thailand**

10:00 Raymundo Garza, Vice President, Global Purchasing and Supply Chain, ASEAN/Thailand, General Motors (Thailand)  
13:30 Takeshi Ando, Executive Vice President and Compliance Officer Mitsubishi Motors (Thailand), Takafumi Tominaga, Vice President, Office of Research and Development  
15:30 Chartchai Jiravicha, Managing Director, Thai Summit Laemchabang AutoParts Co Ltd.

**14 November 2009 Bangkok, Thailand. 11:00-12:00 Takayuki Sugiyama, President, Suzuki (Thailand)  
13:30 Ajit Venkataraman, Chief Executive Officer, TATA Motors, and Shiriram Deshpande, General Manager Purchasing.**

(4) (b) As at 16 November 2009:

(i) No payments have been made to Hon Steve Bracks for the Automotive Envoy role.

(ii) Mr Bracks has worked 9 days as Automotive Envoy.

(A) Travel locations and costs (airfares, allowances and incidentals)

<table>
<thead>
<tr>
<th>Date</th>
<th>Travel Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 August 2009</td>
<td>Melbourne to Sydney return</td>
</tr>
<tr>
<td>4 October 2009</td>
<td>Zurich, Switzerland to Detroit, USA</td>
</tr>
<tr>
<td>7 October 2009</td>
<td>Detroit to Washington DC</td>
</tr>
<tr>
<td>8 October 2009</td>
<td>Washington DC to Los Angeles</td>
</tr>
<tr>
<td>9-11 October 2009</td>
<td>Los Angeles to Melbourne, Australia</td>
</tr>
</tbody>
</table>

Estimated domestic air and ground travel, accommodation and incidental costs: $1,347 (GST inclusive)

Estimated air and ground travel, accommodation and incidental costs for the US visit: $21,969

(B) With whom he has met including the times and dates of these meetings, and a list of stakeholders

5 October 2009  Detroit - Mr Bracks accompanied Minister Carr for meetings with:
07:30 Breakfast meeting with Australian delegation
10:00 Allan Robins, Air International Thermal Systems
12:30 Aric Rusk, Team Australia Automotive/Kenmar Corporation
15:00 Dr Jay Baron, Centre of Automotive Research at Ann Arbor

6 October 2009  Detroit - Mr Bracks accompanied Minister Carr for meetings with:
09:00 Ford Motor Company senior executives including Alan Mulally, President and CEO and Steve Biegun, Corporate Officer and Vice President-International Government Affairs
16:00 Australian industry delegates
17:00 Informal reception for US and Australian automotive industry representatives.

7 October 2009  Detroit - Mr Bracks accompanied Minister Carr for meetings with:
09:15 General Motors senior executives including Fritz Henderson, President and CEO and Bob Socia, Vice President-Global Purchasing and Supply Chain;
15:15 GM Technical Center

8 October 2009  Washington DC - Mr Bracks accompanied Minister Carr for meetings with:
09:30 Representative Bart Gordon, House Committee on Science and Technology
10:30 Sally Miksiewica, Vice Chairman, East Penn Battery Company.

9 October 2009  Los Angeles.
09:30 Elon Musk, CEO, Tesla Motors
14:00 Joe Thorburn, Chief Financial Officer, Fisker Automotive
16:00 Kevin Czinger, President and CEO, Coda Automotive.

(4) (c) (i) The total estimated cost of Mr Bracks' visit to the US is $27,469. The total estimated cost of Mr Conomos' visit to Thailand is $14,993.

(ii) For the visit to the USA, Mr Bracks' industry delegation comprised representatives from Futuris Automotive Group, Air International Thermal Systems, INC Corporation, AiAutomotive, Orbital Engine Company, MtM Pty Ltd, Grant Thornton, AutoCRC, CSIRO, Victorian Government, Austrade and a Department of Innovation, Industry, Science and Research officer.

For the visit to Thailand, Mr Conomos’ industry delegation comprised representatives from Futuris Automotive Interiors, Air International Thermal Systems, Ai Automotive, MtM, INC Corporation, Diemould, CMI Industrial, Austrade and a Department of Innovation, Industry, Science and Research officer.
### Industry Delegation to the US

<table>
<thead>
<tr>
<th>Date</th>
<th>City</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 October 2009</td>
<td>Detroit</td>
<td>07:30 Breakfast meeting with Senator Carr, then accompanied him for meetings with: 10:00 Allan Robins, Air International Thermal Systems 12:30 Aric Rusk, Team Australia Automotive/Kenmar Corporation 15:00 Dr Jay Baron, Centre of Automotive Research at Ann Arbor</td>
</tr>
<tr>
<td>6 October 2009</td>
<td>Detroit</td>
<td>AM - John Thomas, CEO, Alt-e 13:00 Ford Motor Company senior purchasing executives Tony Brown, Vice President-Global Purchasing, Steve Jones-Global Purchasing, Paul Stokes-Americas, Burt Jordan-Powertrain 16:00 Senator Carr 17:00 Informal reception for US and Australian automotive industry representatives.</td>
</tr>
<tr>
<td>8 October 2009</td>
<td>Detroit</td>
<td>09:30-11:30 John Van Alstyne, Vice President-Marketing, Fisher Coachworks.</td>
</tr>
<tr>
<td>9 October 2009</td>
<td>Los Angeles</td>
<td>9:30 Elon Musk, CEO, Tesla Motors 14:00 Joe Thorburn, Chief Financial Officer, Fisker Automotive 16:00 Kevin Czinger, President and CEO, Coda Automotive.</td>
</tr>
</tbody>
</table>

### Industry Delegation to Thailand

<table>
<thead>
<tr>
<th>Date</th>
<th>City</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 November 2009</td>
<td>Bangkok</td>
<td>9:30 Australian Ambassador to Thailand at the Australian Embassy 13:30 Superat Sirisuwanangkura, President, Thai Automotive Industry Association 15:30 Vallop Tiasiaria, Executive Director, Thailand Automotive Institute.</td>
</tr>
<tr>
<td>10 November 2009</td>
<td>Bangkok</td>
<td>10:00 Joe Goh, Director-Operations and Marketing, APPICO Plastics Public Company and John Raymond Drew, Project Director 14:00 Thanit Dhanasunthorn, Executive Director, Yarnapund Public Company and Kongphan Phanpanit, Executive Coordinator-Purchasing and Manufacturing.</td>
</tr>
</tbody>
</table>
### Industry Delegation to Thailand

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Time</th>
<th>Speaker/Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 November 2009</td>
<td>Bangkok</td>
<td>9:00</td>
<td>Boonchuay Choakdeewanidhumrong, Operations Director, Summit Auto Seats Industry Co Ltd</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15:30</td>
<td>Denny Lang, Operations Control for Asia Pacific, Ford Motor Company–Operations (Thailand) and Madhaven P.B. Senior Regional Commodity Purchasing Manager–Interior Asia Pacific and Africa Purchasing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18:00</td>
<td>AutoLink welcome reception.</td>
</tr>
<tr>
<td>12 November 2009</td>
<td>Chachoengsao and Rayong, Thailand</td>
<td>9:30</td>
<td>Ninnart Chaithirapinyo, Vice Chairman, Toyota Motor Thailand Co Ltd</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13:30</td>
<td>Kiyotaka Shobuda, President, Auto Alliance (Thailand)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16:15</td>
<td>Ray D’Silva, Operations Manager, Bosch Chassis Systems (Thailand)</td>
</tr>
<tr>
<td>13 November 2009</td>
<td>Rayong and Chonburi, Thailand</td>
<td>10:00</td>
<td>Raymundo Garza, Vice President, Global Purchasing and Supply Chain, ASEAN/Thailand, General Motors (Thailand)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13:30</td>
<td>Takeshi Ando, Executive Vice President and Compliance Officer, Mitsubishi Motors (Thailand), Takafumi Tominaga, Vice President, Office of Research and Development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15:30</td>
<td>Chartchai Jiravicha, Managing Director, Thai Summit Laemchabang AutoParts Co Ltd.</td>
</tr>
<tr>
<td>14 November 2009</td>
<td>Bangkok, Thailand</td>
<td>11:00</td>
<td>Takayuki Sugiyama, President, Suzuki (Thailand)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13:30</td>
<td>Ajit Venkataraman, Chief Executive Officer, Tata Motors and Shriram Deshpande, General Manager Purchasing</td>
</tr>
</tbody>
</table>

(4) (c) (iv) The October 2009 car industry ‘mission’ to the US effectively promoted the innovative capabilities of Australia’s automotive industry, and the Australian Government’s support for it, to key US corporate and government decision makers. The visit obtained intelligence on the future of the US and global automotive industry and its overseas affiliates, including priorities for future investment and product sourcing and key trends and priorities in automotive research over the next decade. Australian industry delegates have followed up business prospects identified on the visit. Mr Bracks reported on the visit to the 5 November 2009 meeting of the Automotive Industry Innovation Council.

The November 2009 car industry ‘mission’ to Thailand, effectively promoted the innovative capabilities of the AutoLink group to key Thai and international corporate and government decision makers. The visit demonstrated the commitment of the Australian Government to supporting development of innovative automotive technologies. Australian industry delegates are following up business prospects identified on the visit. Mr Conomos will host a workshop with senior executives of AutoLink firms to discuss approaches to overseas market access. Mr Conomos has also agreed to participate in a ‘lessons learned’ activity following this visit, to be hosted by Austrade.

(5) (a) An Australian Industry Participation Plan demonstrates how a company will provide Australian industry, especially SMEs, full, fair and reasonable opportunity to supply goods and services and access supply chains.
(b) Australian Industry Participation Plans are required by applicants seeking to access duty concessions through the Enhanced Project By-law Scheme. The Enhanced Project By-law Scheme is restricted to the following sectors:

- mining
- resource processing
- agriculture
- food processing
- food packaging
- manufacturing (within the meaning of the Australian and New Zealand Standard Industrial Classification (ANZSIC)).
- gas supply
- power supply
- water supply

Australian Industry Participation Plans will also be required for large Commonwealth Government tenders and infrastructure projects.

(c) All applicants seeking duty concessions through the Enhanced Project By-law Scheme are required to develop and implement an Australian Industry Participation Plan. Tenderers for large Commonwealth procurement and Commonwealth-funded infrastructure will be required to submit Australian Industry Participation Plans.

(d) Many companies incorporate elements of an Australian Industry Participation Plan in their existing procurement processes. We expect minimal additional cost to companies to develop an Australian Industry Participation Plan.

(e) For the Enhanced Project By-law Scheme, Australian Industry Participation Plans have been required since the Scheme’s introduction in 2002. Tenderers for large Commonwealth tenders and infrastructure projects will be required to develop and implement an Australian Industry Participation Plan from 1 January 2010.

(6) (a) (i) No. New Guidelines are yet to be issued.

(ii) As noted above, the new guidelines are yet to be issued. The Department has issued a Consultation Paper on proposed changes to the Enhanced Project By-law Scheme (EPBS) Policy and Administrative Guidelines. This can be accessed at:


(b) The policy objectives of the Enhanced Project By-Law Scheme are to:

- encourage and enhance investment in the establishment of world class operations;
- encourage the involvement of Australian industry in supplying goods and services;
- lower input costs for industry where there are sound reasons for doing so;
- facilitate Australian industry participation in domestic and international supply chains.

(7) (a) 7

(b) EL2 – Manager x 2
EL1 – Assistant Manager x 2
APS6 – Policy Officer x 2
APS2 – Graduate x 1
(8) (a) There is no difference between the annual operating costs of Enterprise Connect in the 2009-10 Budget as opposed to when first budgeted in 2008-09. The figures in the 2008-09 Portfolio Budget Statements (PBS) included both the Departmental and Administered allocations as per Table 1 below:

<table>
<thead>
<tr>
<th>Year</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administered</td>
<td>$65.912m</td>
<td>$59.00m</td>
<td>$50.801m</td>
<td>$50.801m</td>
</tr>
</tbody>
</table>

The figures for Enterprise Connect shown in the 2009-10 PBS are only the Administered Allocations. The balance between the figures shown in the 2008-09 PBS and the 2009-10 PBS comprises the Departmental allocation for the program – see Table 2 below.

<table>
<thead>
<tr>
<th>Year</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administered</td>
<td>$18.4m</td>
<td>$26.0m</td>
<td>$24.0m</td>
<td>$24.4m</td>
</tr>
<tr>
<td>Departmental</td>
<td>$47.5m</td>
<td>$33.0m</td>
<td>$26.8m</td>
<td>$26.4m</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$65.9m</td>
<td>$59.0m</td>
<td>$50.8m</td>
<td>$50.8m</td>
</tr>
</tbody>
</table>

(b) Yes, all Enterprise Connect centres are up and running.

(9) (a) Commercialisation Australia (previously known as the Commonwealth Commercialisation Institute) is being implemented.

(b) CA opened for applications on 4 January 2010.

(c) CA will provide multi-tiered assistance to researchers, entrepreneurs, and innovative firms to take their ideas to market. Successful applicants will have access to:

• Specialist advice and services to build the skills, knowledge and linkages necessary to successfully commercialise their ideas
• Funding of up to $250,000 for proof of concept activities
• Funding up to $2 million for early stage commercialisation activities.

(d) The total number of staff will vary as CA develops. Initial staffing numbers are being finalised.

(e) CA will be virtual with no new offices created. State and Territory based personnel will utilise existing infrastructure in AusIndustry and/or Enterprise Connect offices. The CA will be delivered with the assistance of a national network of professional Case Managers. The Case Managers will be mobile and based in major metropolitan centres and key regional locations across Australia.

(f) $196.1m over the first 4 years to 2012-13, and then $82m per year thereafter.

(g) The CA has ongoing funding.

(10) (a) (i) The ARC currently funds 23 ARC Centres of Excellence.

(ii) The funded ARC Centres of Excellence are:

<table>
<thead>
<tr>
<th>Advanced Silicon Photovoltaics and Photonics</th>
<th>Integrative Legume Research</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimatter-Matter Studies</td>
<td>Kangaroo Genomics</td>
</tr>
<tr>
<td>Autonomous Systems</td>
<td>Mathematical and Statistical Modelling of Complex Systems</td>
</tr>
<tr>
<td>Bioinformatics</td>
<td>Ore Deposits</td>
</tr>
<tr>
<td>Biotechnology and Development</td>
<td>Plant Energy Biology</td>
</tr>
</tbody>
</table>
Senator Bob Brown asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 17 November 2009:

For 2009 in Tasmania, how much Australian Broadcasting Corporation television and radio news time and other coverage was given to the annual state conferences of the:

(a) Australian Labor Party;
(b) the Liberal Party of Australia; and
(c) the Australian Greens.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(a) Two television stories, 10 radio stories;
(b) Two television stories, 15 radio stories; and
(c) One television story, 4 radio stories

The Australian Greens’ conference was held over one day, while the Labor and Liberal Parties’ conferences were held over two days.

Ministerial Council for Federal Financial Relations

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 17 November 2009:

With reference to the Ministerial Council for Federal Financial Relations meeting on Friday, 23 October 2009, to consider a report from the heads of treasuries on the benchmarks for sectors to receive additional Commonwealth funding: (a) why is the report not publicly available; and (b) under what circumstances would the report be made public.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

At the Ministerial Council for Federal Financial Relations meeting on Friday, 23 October 2009, the Council considered the Heads of Treasuries report on States’ performance against the benchmarks.

Under the National Partnership Agreement on the Nation Building and Jobs Plan, one of the sanctions the Commonwealth can impose on a State for failing to meet benchmarks is to make the Ministerial Council’s assessment public.

Therefore, under the Agreement, the Ministerial Council’s assessment in respect of a particular State could be made public if the Commonwealth imposed a sanction on that State for failure to meet its benchmarks.
Cataract Surgery
(Question No. 2418)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 18 November 2009:

(1) Has the Minister, her office or the department received or compiled any information, or commissioned any research, on cataract surgery times in Australia since the Senate disallowed the reduced rebates for cataract surgery on 28 October 2009; if so, can details of that information be provided (including its origin and when it was compiled).

(2) Is the Minister aware that the updated National Procedure Banding List has not altered the procedure band for cataract surgery, indicating that no significant reductions in the average cost/time for this procedure have occurred.

(3) Does any of the information received by the Minister, her office or the department indicate average times for cataract surgery well in excess of the 15 to 20 minutes asserted by the Minister to justify cutting cataract surgery rebates first by 50 per cent and now by 46 per cent.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Minister for Health and Ageing’s office has received information detailing the theatre time for cataract surgery from the Australian Health Service Alliance (AHSA). They provided information from their database of Australian private hospital interactions which detail the length of time that cataract operations (MBS item 42702) have taken.

No other information has been received, compiled or commissioned on cataract surgery times in Australia by the Minister for Health and Ageing, her office or the Department since 28 October 2009.

(2) The National Procedure Banding Committee is an industry based body and no information is held by the Government in relation to procedure bands for cataract surgery on the National Procedure Banding List.

(3) No. The data indicates that 42% of cataract procedures had a total theatre time of 20 minutes or less.

Bovine Spongiform Encephalopathy
(Question No. 2419)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 November 2009:

With reference to the recent decision to allow the importation of beef from countries with bovine spongiform encephalopathy (commonly known as mad cow disease):

(1) Was the Minister, the Parliamentary Secretary and/or officers from the department involved in the decision to allow imports of beef from countries with mad cow disease; if so:

   (a) who was involved; and

   (b) what was the decision-making process.

(2) (a) When was the review of the ban initiated; and

   (b) by whom was the review initiated.

(3) Was the Australian beef industry consulted about this decision; if so:

   (a) who in the industry was consulted; and

   (b) when were they consulted.
(4) (a) Has the department reviewed the test for mad cow disease presence in beef; and 
(b) what is the margin for error in the testing process.

(5) (a) Who conducted the independent review of safety for the proposed lifting of import restrictions; and 
(b) what costs were involved with the review.

(6) When are the first imports of beef from countries with the presence of mad cow disease expected to 
arrive in Australia.

(7) Under current country of origin labelling laws, would beef imported from countries with the pres-
ence of mad cow disease and processed into cooked foods be able to be labelled as being made in 
Australia; if so, does the Government support this aspect of Australia’s food labelling laws.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Yes. 
(a) The Hon Nicola Roxon MP, the Hon Mark Butler MP, and senior officials from the Depart-
ment of Health and Ageing.

(b) The Government requested that a review of the policy be undertaken. A committee led by the 
Department of Foreign Affairs and Trade which included senior officials from the Departments 
of Agriculture, Fisheries and Forestry, Health and Ageing, the Prime Minister and Cabinet and 
Food Standards Australia and New Zealand was established to review the import food policy 
and report back to Government for their consideration. The Government decided to change the 
policy.

(2) (a) The review of the policy was initiated in 2009. 
(b) The Government initiated the review.

(3) (a) and (b) The matter of beef industry consultation falls more directly within the portfolio respons-
bilities of the Minister for Agriculture, Fisheries and Forestry. These questions should be directed 
to the Hon Tony Burke MP.

(4) (a) and (b) No. The Department commissioned Professor John Mathews to undertake a review of 
the current scientific evidence on BSE, particularly in relation to food and the flow on implications 
to human blood, human blood products and other human therapeutic goods. A copy of the terms of 
reference for the review is attached.

(b) The total amount payable under Professor Mathews contract is up to a maximum of $24,500 
(including GST).

(6) The process for considering applications from countries, including countries that have reported 
cases of BSE, seeking an assessment of their eligibility to export beef and beef products to Austra-
lia, will commence on 1 March 2010. Each country that makes an application will undergo an as-
essment by Food Standards Australia New Zealand to determine whether the beef and beef prod-
ucts from that country represent a risk to the health of Australian consumers and what import condi-
tions would need to be imposed by Australia, before beef and beef products could be imported 
into Australia from that country. Beef and beef products from countries that have not applied to 
Australia for assessment or cannot demonstrate through the risk assessment effective implementa-
tion of, and compliance with, appropriate measures to control the BSE risk are considered to pose the highest level of risk and Australia will not import products from these countries.

(7) The conditions relating to the labelling products with ‘Product of’ and ‘Made in’ statements are set out in the Trade Practices Act 1974. Questions on these statements fall more directly within the portfolio responsibilities of the Minister for Competition Policy and Consumer Affairs. Questions should be directed to the Hon Dr Craig Emerson MP.

In addition to the Trade Practices Act 1974, the Australia New Zealand Food Standards Code sets out mandatory labelling Country of Origin labelling for packaged foods and certain unpackaged foods (Standard 1.2.11). A copy of this standard is available from the Senate Table Office.

On food labelling in general, the Australia and New Zealand Food Regulation Ministerial Council (made up of Ministers from the Commonwealth, State and Territory Governments of Australia and from New Zealand) and the Council of Australian Governments have agreed to undertake a comprehensive review of food labelling law and policy. The Ministerial Council released the Terms of Reference for the review on 23 October 2009 and announced the appointment of Dr Neal Blewett AC to head up the independent review panel. Dr Blewett is joined on the panel by public health law academic Dr Chris Reynolds, economic and consumer behaviour expert Dr Simone Pettigrew, food and nutrition policy academic Associate Professor Heather Yeatman and food industry communications, marketing and corporate affairs professional Nick Goddard.

The review has commenced and an initial public consultation period called for submissions about issues that are within the scope of the Terms of Reference, for consideration by the panel as part of the review process.

Information about future public consultation as well as general information about the review can be found on the Department of Health and Ageing website:


by contacting the Secretariat by email (FoodLabellingReview@health.gov.au) or via post to: Food Labelling Review Secretariat, Department of Health and Ageing, MDP 150, GPO Box 9848, Canberra, ACT 2601.

Oil and Gas Industry
(Question No. 2420)

Senator Siewert asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 19 November 2009:

Does the Minister support the plan by the Western Australian State Government to convince Japanese energy company Inpex Corporation to spend up to $750 million developing a major port at Derby to service the Browse Basin oil and gas industry:

(a) if not, why not; and

(b) if so, does the Minister agree that this contradicts the Minister’s and the Western Australian State Government’s rationale for an agreement on a single hub and the shared objective as stated in a joint media release on 5 February 2008 between the Minister and the Western Australia Acting Minister for State Development, Mr John Kobelke, that neither ‘government wants piecemeal project development, with multiple ports and processing plants along the Kimberley coast. So rather than dealing with a growing number of development proposals in an ad hoc way and risking the slow destruction of our environment and heritage, we will proactively use federal environment law to ensure that any future development has a minimal impact on the things we love and value’.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:
(a) Any plan by the Western Australian State Government to convince Inpex to develop a major port at Derby is a matter for the Western Australian State Government.

(b) I do not agree with this proposition. The current strategic assessment of the impacts of proposed actions under a plan for a Browse Basin Liquefied Natural Gas (LNG) common user precinct relates primarily to LNG processing activities. I understand that the port facilities that may be constructed at Derby do not relate to LNG processing by Inpex, which would occur in Darwin. I will of course continue to administer the EPBC Act consistently with its objects and to minimise the impact on matters of national environmental significance of proposals that are assessed under the Act.

Special Minister of State

(Question No. 2421)

Senator Ian Macdonald asked the Special Minister of State, upon notice, on 19 November 2009:

(1) (a) Since 1 January 2008, on how many occasions has the Minister exercised his discretion to approve changes to electorate office staff allowance allocations; and (b) can a list be provided of the name and political party representation of those staff.

(2) (a) Since 1 January 2008, on how many occasions has the Minister refused to exercise his discretion to alter electorate office staff allowance allocations; and (b) can a list be provided of the name of the member and/or senator and the political party representation of that person.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) (a) Six.

(b) The approvals were given by the current and then Special Minister of State under clause 31.6 (e) of the Members of Parliament Staff Collective Agreement 2006-2009 (Collective Agreement), which allows the Special Minister of State the discretion to agree to a reallocation of electorate staff allowance where special circumstances exist, for the following:
- Mrs Kay Hull MP, The Nationals
- Mr Chris Hayes MP, Australian Labor Party
- The Hon Bruce Scott MP, The Nationals
- Senator the Hon Alan Ferguson, Liberal Party of Australia
- Senator the Hon Christopher Evans, Australian Labor Party
- Ms Jodie Campbell MP, Australian Labor Party

(2) (a) 29.

(b) Requests received to reallocate electorate staff allowance to which the relevant Special Minister of State did not agree satisfied the special circumstances criterion, under clause 31.6 (e) of the Collective Agreement, came from the following offices:
- Senator Bob Brown, Australian Greens
- Senator Rachel Siewert, Australian Greens
- Senator Dana Wortley, Australian Labor Party
- Dr Andrew Southcott MP, Liberal Party of Australia
- The Hon Peter Garrett AM MP, Australian Labor Party
- Senator Cory Bernardi, Liberal Party of Australia
- Senator Annette Hurley, Australian Labor Party
- Senator Mark Bishop, Australian Labor Party
Senator Bob Brown asked the Minister for Innovation, Industry, Science and Research, upon notice, on 19 November 2009:

With reference to the answer to question on notice no. 2370 (Senate Hansard, 18 November 2009, p. 118P):

(1) Who is the Co-Deputy Chair mentioned in part (b)(i) of the answer.
(2) Which member received the payment mentioned in (b)(ii) of the answer.
(3) Who are the staff mentioned in part (b)(iii) of the answer.
(4) In regard to part (b)(iv) of the answer: (a) which consultants were employed; and (b) what were they asked to consult on.
(5) Can an update be provided of all parts of question on notice no. 2370 to cover the period 12 August to 23 November 2009.

Senator Carr—The answer to the honourable senator’s question is as follows:

(1) Mr Michael O’Connor, National Secretary, Forestry and Furnishing Products Division, CFMEU.
(2) Dr Nafty Vanderhoek, Research Group Leader, CSIRO.
(3) Staff of the Manufacturing Division of the Department of Innovation, Industry, Science and Research.

Pulp and Paper Manufacturing Industry
(Question No. 2422)
(4) (a) and (b)—

<table>
<thead>
<tr>
<th>Company</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poyry Forest Industry</td>
<td>Undertake a study to benchmark the Australian pulp and paper industry against its regional competitors to identify its strengths and weaknesses.</td>
</tr>
<tr>
<td>IndustryEdge</td>
<td>Data collection relating to the pulp and paper industry</td>
</tr>
<tr>
<td>Fitzpatrick Woods Consulting and Fifth Estate</td>
<td>To undertake a peer review of the PPISG Draft Report</td>
</tr>
</tbody>
</table>

(5) Since 12 August 2009 until 23 November 2009, $258,309 has been expended on the Pulp and Paper Industry Strategy Group. This amount includes:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and allowances for each executive</td>
<td>$3,542: consisting of $1,791 (sitting fees for Deputy Co-Chair), and $1,751 (airfares and ground transport costs for Deputy Co-Chair).</td>
</tr>
<tr>
<td>Allowances for each of the group’s members</td>
<td>$331 (airfares and ground transport costs for one member).</td>
</tr>
<tr>
<td>Salaries and allowances of each staff member</td>
<td>$137,187: consisting of $123,537 (IISR actual staffing costs for two EL2, one EL1, two APS 6), and $13,650 (IISR staff travel, including airfares and ground transport costs).</td>
</tr>
<tr>
<td>Other costs</td>
<td>$117,246 (includes expert consultancy costs)</td>
</tr>
</tbody>
</table>

*All figures are GST exclusive

Jobs Fund

(Question No. 2424)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 19 November 2009:

With reference to the answer to question on notice no. 2110 (Senate Hansard, 18 November 2009, p. 106P):

(a) of the 33 projects announced by the Minister for the Environment, Heritage and the Arts, how many were preceded by an Australian Greens senator being notified as early as the attending Minister, as guaranteed by the Prime Minister; and

(b) how many of these announcements, or any other announcements by the Minister since 1 July 2009 (please detail), involved 24 hours notice to an Australian Greens senator.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(a) and (b) Each media release relating to the below Jobs Fund heritage project was provided to the office of Senator Brown prior to announcement:

2008-09

7 May - Old Government House
22 May – John Curtin’s House
29 May - Fraser Island World Heritage Area – Lake McKenzie
5 June – Grand Canyon Walking Track - Blue Mountains
5 June – Catfish Creek Walkway Bridge, Access Track and Viewing Area Lower Gunlom Plunge Pool; Access Path Uluru Cultural Centre
9 June - Ballarat Town Hall
19 June - Everglades House and Garden
19 June - Tuxworth Fullwood House

QUESTIONS ON NOTICE
19 June - Hartley Street School
19 June - Wolston House
19 June - Patrick Taylor Regional Park
19 June - Audit House
19 June - Franklin House and Penghana
19 June - Tuggeranong Schoolhouse
19 June - Dundullimal Homestead
19 June - Wellington Courthouse, Collingrove Homestead and Naracoorte Mill
19 June - Burra National Trust sites
19 June - Mulberry Hill
19 June – Rippon Lea
19 June – Grossman and Brough House
1 July – Woodbridge River Access

2009-10
2 October – WA projects
6 October – ACT projects
10 October – SA projects
12 October – VIC projects
13 October - TAS
13 October - Australian Antarctic Territory projects
14 October – QLD projects
16 October - NSW projects

Each of these media releases included a reference to the role of Senator Brown in negotiating the heritage component of the Government’s Jobs Fund.

Building the Education Revolution
(Question No. 2425)

Senator Milne asked the Minister representing the Minister for Education, upon notice, on 19 November 2009:

With reference to the $14.7 billion in federal funding for school infrastructure, for each state and territory:

(1) (a) How many school building projects have been approved; and (b) what energy efficiency standards did the Commonwealth require the relevant state or territory department to include in any tender and contractual documents for these projects?

(2) Did the Commonwealth check that the tender and contract documents complied with these requirements?

(3) Were these standards adhered to in the completed projects?

(4) What was the auditing process to determine whether the standards had been adhered to?

(5) If the standards were not adhered to: (i) why not, and (ii) what action will the Minister take to rectify this?
Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

(1) (a) and (b) Funding of $16.2 billion for the Building the Education Revolution (BER) has been approved for 24,382 projects in 9,526 schools. This includes:
- 13,148 National School Pride projects;
- 10,697 Primary Schools for the 21st Century projects; and

The BER Guidelines state that education authorities must ensure sustainable building principles will be incorporated into Primary Schools for the 21st Century projects and Science and Language Centres for 21st Century Secondary Schools construction and refurbishment projects. Sustainable building principles aim to maximise energy efficiency by including insulation, energy efficient solar hot water (where appropriate), energy efficient lighting, energy efficient glazing, energy efficient heating and cooling, and a water tank as part of design and construction.

Attachment A provides details of sustainability measures for Primary Schools for the 21st Century projects which shows, for example, 92.2 per cent of projects have building insulation, 81.8 per cent have energy efficient lighting and 59.6 per cent have shading.

For the Science and Language Centres for 21st Century Secondary Schools projects, 97.2 per cent have energy efficient lighting, 91.6 per cent have building insulation and 64.4 per cent have water tanks.

(2) The Commonwealth, states, territories and Block Grant Authorities (BGAs) have agreed to work in partnership to deliver the BER in accordance with the National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now.

In context of the National Partnership Agreement, states, territories and Block Grant Authorities are responsible for implementing the BER program, including undertaking application and assessment processes, tendering and procurement activities and reporting requirements.

The Department of Education, Employment and Workplace Relations' program assurance framework includes monitoring of projects. Education authorities are required to report monthly to the Department of Education, Employment and Workplace Relations on project progress, including commencement and completion dates. Education authorities also report on sustainability measures implemented for their BER projects once the construction or refurbishment project is completed.

(3) (4) and (5) (i) and (ii) Education authorities identified sustainability measures in the application phase for Primary Schools for the 21st Century projects and Science and Language Centres for 21st Century Secondary Schools projects. They are also required to report on sustainability measures included in their BER projects when the construction or refurbishment project is completed.

As advised in Question 2 above, the Department of Education, Employment and Workplace Relations' program assurance framework will be used to monitor implementation and education authorities will report on sustainability measures implemented for their BER projects once the construction or refurbishment projects is completed.

Should the Commonwealth become aware that a BER project is not being constructed within the parameters of the project as approved, appropriate action will be taken in accordance with the funding agreement.

Attachment A
Sustainability measures by project
Primary Schools for the 21st Century - All Rounds

Note — projects may have more than one sustainability measure
Sustainability measures by project
Science and Language Centres for 21st Century Secondary Schools

Note – projects may have more than one sustainability measure

<table>
<thead>
<tr>
<th>Sustainability measure</th>
<th>Number of projects</th>
<th>Percentage of total projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy efficient lighting</td>
<td>522</td>
<td>97.2%</td>
</tr>
<tr>
<td>Building insulation</td>
<td>492</td>
<td>91.6%</td>
</tr>
<tr>
<td>Water tanks</td>
<td>346</td>
<td>64.4%</td>
</tr>
<tr>
<td>Energy efficient glazing</td>
<td>323</td>
<td>60.2%</td>
</tr>
<tr>
<td>Shading</td>
<td>273</td>
<td>50.8%</td>
</tr>
<tr>
<td>Solar panel</td>
<td>148</td>
<td>27.6%</td>
</tr>
<tr>
<td>Other</td>
<td>144</td>
<td>26.8%</td>
</tr>
<tr>
<td>Recycled/grey water</td>
<td>63</td>
<td>11.7%</td>
</tr>
</tbody>
</table>

Australian Maritime Safety Authority
(Question No. 2426)

Senator Siewert asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 20 November 2009:

(1) Of the approximate 150 000 litres of dispersant used in the Montara oil spill clean-up, how many litres of each dispersant product was used, including Ardrox 6120, COREXIT EC9500A, COREXIT EC9527A, Tergo R-40 and Slickgone LT SW.

(2) (a) What monitoring was done to assess the level of toxicity in the water from the oil and the use of dispersants; and (b) can a copy of the results be provided.

(3) Is there a detailed map showing where the dispersants were sprayed; if so, can a copy of the map be provided.

(4) Was any modelling done that shows where the dispersants might end up in the ocean (as was done to predict the movement of the oil).

(5) Who made the decision to use dispersants: (a) the first time; and (b) on an ongoing basis after that.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) This information is not currently available. It is expected that the information will be available once equipment is demobilised and records of individual vessels and daily operations are collated.

(2) (a) The Australian Maritime Safety Authority (AMSA) conducted regular monitoring during the incident to determine the behaviour and consistency of the oil in order to direct AMSA’s operational efforts. All dispersants approved for use within Australian waters undergo rigorous laboratory toxicity testing requirements as specified by a protocol applied under the 1973 National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Sub-
stances (the National Plan). The dispersants approved for use in Australian waters are less toxic than the oil. The longer term monitoring of any impact of the oil or dispersants on the environment, falls within the portfolio responsibility of the Minister for the Environment, Heritage and the Arts.

(b) AMSA is providing all requested information to the Commission of Inquiry into the incident.

(3) Yes; the attached map (available from the Senate Table Office) displays some 90 per cent of dispersants applications; some data is still being collated.

(4) Yes. Modelling included the likely distribution of the dispersant when mixed with oil both before and after the application of dispersants.

(5) (a) and (b): Decisions to use dispersants were made by AMSA’s Incident Controller following daily assessment of the situation and taking into account the overall objective of the response to prevent oil from impacting on sensitive marine resources, in particular the marine parks of Cartier and Ashmore Reefs, and the north-west coast of Western Australia.

Health and Ageing: Program Funding
(Question Nos 2436, 2455, 2459 and 2461)

Senator Ronaldson asked the Minister representing the Minister for Health and Ageing, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program:

(a) overspends and their costs; and

(b) underspends and their costs.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The Department of Health and Ageing top five program overspends in 2008-09 were:

<table>
<thead>
<tr>
<th>Program name</th>
<th>2008-09 Budget’ s’000’s</th>
<th>2008-09 Actual’ s’000’s</th>
<th>Overspend Variance s’000’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1 Private Health Insurance</td>
<td>3,876,510</td>
<td>3,992,927</td>
<td>116,417</td>
</tr>
<tr>
<td>3.1 Medicare Services</td>
<td>14,119,772</td>
<td>14,200,153</td>
<td>80,381</td>
</tr>
<tr>
<td>4.7 Flexible Aged Care</td>
<td>405,474</td>
<td>431,090</td>
<td>25,616</td>
</tr>
<tr>
<td>5.4 Primary Care Practice Incentives</td>
<td>309,236</td>
<td>320,345</td>
<td>11,109</td>
</tr>
<tr>
<td>4.4 Community Care</td>
<td>1,395,876</td>
<td>1,405,346</td>
<td>9,470</td>
</tr>
</tbody>
</table>

The Department of Health and Ageing top five program underspends in 2008-09 were:

<table>
<thead>
<tr>
<th>Program name</th>
<th>2008-09 Budget’ s’000’s</th>
<th>2008-09 Actual’ s’000’s</th>
<th>Underspend Variance s’000’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2 Pharmaceuticals and Pharmaceutical Services</td>
<td>7,892,563</td>
<td>7,832,617</td>
<td>-59,946</td>
</tr>
<tr>
<td>13.2 Medical Indemnity</td>
<td>91,600</td>
<td>43,269</td>
<td>-48,331</td>
</tr>
<tr>
<td>14.1 Health Emergency Planning and Response</td>
<td>129,081</td>
<td>86,047</td>
<td>-43,034</td>
</tr>
<tr>
<td>5.2 Primary Care Financing, Quality and Access</td>
<td>319,561</td>
<td>299,186</td>
<td>-20,375</td>
</tr>
<tr>
<td>3.6 Targeted Assistance - Medical</td>
<td>44,302</td>
<td>28,895</td>
<td>-15,407</td>
</tr>
</tbody>
</table>

Note: ’Budget’ and ‘Actual’ figures refer to the amounts published in the Department of Health and Ageing Annual Report 2008-09.
Finance and Deregulation: Program Funding
(Question No. 2438)

Senator Ronaldson asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program: (a) overspends and their costs; and (b) underspends and their costs.

Senator Conroy—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator’s question:

In response to your question, my Department has provided data from the 2008-09 financial year. Finance had four defined programs in 2008-09:

- Insurance and Risk Management
- Ministerial and Parliamentary Services
- Property and Construction
- Superannuation

A full breakdown of each program budget, actual and overspend/underspend is as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>2008-09 $000’s</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td>Budget</td>
<td>Variance ($)</td>
<td>Variance (%)</td>
</tr>
<tr>
<td>Insurance and Risk Management</td>
<td>183,909</td>
<td>151,713</td>
<td>32,196</td>
<td>21.2%</td>
</tr>
<tr>
<td>Ministerial and Parliamentary Services</td>
<td>337,183</td>
<td>332,869</td>
<td>4,314</td>
<td>1.3%</td>
</tr>
<tr>
<td>Property Management</td>
<td>204,577*</td>
<td>54,407</td>
<td>150,170</td>
<td>276.0%</td>
</tr>
<tr>
<td>Superannuation</td>
<td>5,317,170</td>
<td>5,316,932</td>
<td>238</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

* Includes unrealised investment property revaluation decrement of $143.4m.

Infrastructure, Transport, Regional Development and Local Government: Program Funding
(Question No. 2439)

Senator Ronaldson asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program: (a) overspends and their costs; and (b) underspends and their costs.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

Full details of financial performance of programs administered by the Department of Infrastructure, Transport, Regional Development and Local Government are available in the Department’s 2008-09 Annual Report.

Broadband, Communications and the Digital Economy: Program Funding
(Question No. 2440)

Senator Ronaldson asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program: (a) overspends and their costs; and (b) underspends and their costs.
**Senator Conroy**—The answer to the honourable senator’s question is as follows:

In 2008-09, comparison of actual expenditure for the Department of Broadband, Communications and the Digital Economy’s administered programs to revised budgeted expenditure published in the 2009-10 Portfolio Budget Statements, shows that:

(a) the Department had only two administered programs that were over-expensed:

1. National Transmission Network Residual Funding Pool, by $51,000; and
2. E-Security, by $71,000; and

(b) the top five under-expensed programs were:

1. Connect Australia, by $2.1m;
2. Australian Broadband Guarantee, by $1.6m;
3. International Organisations Contributions, by $0.6m;
4. Cyber-Safety, by $0.4m; and
5. Consumer Representation Grants Program, by $0.1m.

Actual expenditure by program is published in the 2009-10 Portfolio Additional Estimates Statements.

**Environment, Heritage and the Arts: Program Funding**

(Question No. 2443)

**Senator Ronaldson** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program:

(a) overspends and their costs; and (b) underspends and their costs.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Top 5 Program Overspends in 2008-09 Financial Year</th>
<th>$\text{'}000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tackling Climate Change - Solar Homes and Communities Plan</td>
<td>(34,446)</td>
</tr>
<tr>
<td>Point Nepean Heritage Program</td>
<td>(16,800)</td>
</tr>
<tr>
<td>Solar Hot Water Rebate Program</td>
<td>(14,856)</td>
</tr>
<tr>
<td>Energy Efficiency and Climate Change Action (HIP)</td>
<td>(10,481)</td>
</tr>
<tr>
<td>NT Flexible Funding Pool</td>
<td>(3,748)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Top 5 Program Underspends in 2008-09 Financial Year</th>
<th>$\text{'}000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art indemnity Australia</td>
<td>2,083</td>
</tr>
<tr>
<td>Kokoda Track</td>
<td>1,393</td>
</tr>
<tr>
<td>Securing Australia’s Energy Future – Solar Cities</td>
<td>1,205</td>
</tr>
<tr>
<td>Tackling Climate Change – Green Loans</td>
<td>1,034</td>
</tr>
<tr>
<td>Cultural Development Programme</td>
<td>864</td>
</tr>
</tbody>
</table>

**Special Minister of State: Program Funding**

(Question No. 2445)

**Senator Ronaldson** asked the Special Minister of State, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program:

(a) overspends and their costs; and (b) underspends and their costs.

**QUESTIONS ON NOTICE**
**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

Please refer to the response provided by the Minister representing the Minister for Finance and Deregulation to Question No: 2438.

**Agriculture, Fisheries and Forestry: Program Funding**

(Question No. 2446)

**Senator Ronaldson** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 November 2009:

For the financial year 2008-09, what is the department’s top 5 program: (a) overspends and their costs; and (b) underspends and their costs.

**Senator Sherry**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Detail of amounts relating to overspending and underspending programs is in the following table.

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Actual Expenses 2008-09</th>
<th>2008-09 Budget*</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overspending programs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horticulture Marketing and Research and Development Services Act 2000</td>
<td>75 630</td>
<td>63 600</td>
<td>12 030</td>
</tr>
<tr>
<td>Primary Industries and Energy Research and Development Act 1989 - Grains R and D Corp - Grains - Wheat</td>
<td>78 726</td>
<td>67 792</td>
<td>10 934</td>
</tr>
<tr>
<td>Primary Industries and Energy Research and Development Act 1989 - Grains R and D Corp - Other Grains</td>
<td>54 472</td>
<td>48 234</td>
<td>6 238</td>
</tr>
<tr>
<td>Australian Meat and Live-stock Industry Act 1997- payments to the industry research body</td>
<td>23 840</td>
<td>19 420</td>
<td>4 420</td>
</tr>
<tr>
<td>Dairy Produce Act 1986</td>
<td>51 099</td>
<td>47 571</td>
<td>3 528</td>
</tr>
<tr>
<td><strong>Underspending programs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drought assistance – Murray-Darling Basin Grants to Irrigators</td>
<td>60 382</td>
<td>87 931</td>
<td>(27 549)</td>
</tr>
<tr>
<td>Drought assistance – Re-establishment Assistance</td>
<td>17 614</td>
<td>35 660</td>
<td>(18 046)</td>
</tr>
<tr>
<td>Farm Household Support Act 1992 - Exceptional Circumstances Relief Payment</td>
<td>337,425</td>
<td>352,673</td>
<td>(15,248)</td>
</tr>
<tr>
<td>Australian Meat and Live-stock Industry Act 1997 – Commonwealth contribution to industry research body</td>
<td>29 412</td>
<td>39 000</td>
<td>(9 588)</td>
</tr>
<tr>
<td>Dairy Produce Act 1986 - Dairy Industry Adjustment Program</td>
<td>211,795</td>
<td>218,829</td>
<td>(7,034)</td>
</tr>
</tbody>
</table>

* Full-year budget, including any subsequent adjustments made to the 2008–09 Budget.

These are administered item programs.

**Housing, and Status of Women: Program Funding**

(Question Nos 2452 and 2453)

**Senator Ronaldson** asked the Minister representing the Minister for Housing and the Minister for the Status of Women, upon notice, on 23 November 2009:

For the 2008-09 financial year, what is the department’s top 5 program:

(a) overspends and their costs; and (b) underspends and their costs.
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:

(a) No Annual Appropriations programs were overspent.
(b) This information can be found in tables 4.2 – 4.5 in Part 4 Appendices of the Department’s Annual Report 2008-09.

**Bringing Nurses Back into the Workforce Program**

(Question No. 2467)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 24 November 2009:

With reference to the Bringing Nurses Back into the Workforce program: can a breakdown be provided, by state and territory, of how many nurses took up the community sector positions under the program for each of the following periods:

(a) 2007-08 financial year;
(b) 2008-09 financial year; and
(c) 1 July to 23 November 2009.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The number of nurses returning to work under Bringing Nurses Back into the Workforce (BNBW) for:

(a) the 2008 calendar year was 366;
(b) the 2009 calendar year was 73, noting that this figure is partial only to April for the hospital and health sector and subject to update; and
(c) from 1 July to 23 November 2009 is not known at this stage.

It is not currently possible to provide uptake data on a financial year basis as data is currently reported in aggregate form covering periods that do not align with financial years. Negotiations are underway to refine reporting requirements.

BNBW started in January 2008. The latest available data on the hospital and health sector is April 2009. Updated information is currently being received, aggregated and verified.

Figures for the aged care sector are available to 20 November 2009.

Currently there is no break down of data for nurses returning to the community sector.

**Aged Care**

(Question No. 2468)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 24 November 2009:

From 2004 to date, can a breakdown be provided, by state and territory in each aged care allocation, of how many high and low care places that were allocated but are still not operational.

Senator Ludwig—The Minister for Ageing has provided the following answer to the honourable senator’s question:

The following table identifies all high care and low care residential aged care places, as at 30 June 2009, which are not operational from the 2003 Aged Care Approvals Round (ACAR) (in February 2004) to the 2008-09 ACAR (in June 2009) by state and territory.
### QUESTIONS ON NOTICE

**State/Territory** | **2003 ACAR** | **2004 ACAR** | **2005 ACAR** | **2006 ACAR** | **2007 ACAR** | **2008-09 ACAR**
--- | --- | --- | --- | --- | --- | ---
Qld | 37 | 29 | 165 | 237 | 270 | 341
NSW | 68 | 241 | 401 | 735 | 432 | 894
Vic | 90 | 33 | 222 | 221 | 288 | 196
Tas | 25 | 0 | 0 | 0 | 0 | 15
SA | 0 | 0 | 0 | 14 | 21 | 80
WA | 20 | 0 | 155 | 91 | 40 | 130
NT | 0 | 0 | 0 | 0 | 0 | 33
ACT | 12 | 4 | 51 | 115 | 59 | 86

### Aged Care

**Question No. 2469**

**Senator Cormann** asked the Minister representing the Minister for Ageing, upon notice, on 24 November 2009:

With reference to the provision of zero interest loans to aged care providers for the construction of new facilities, by state and territory, what is:

(a) the total number of loans provided to 23 November 2009; and

(b) the total value of the loans.

**Senator Ludwig**—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(a) and (b) As at 23 November 2009, the Department has provided 21 loans for $56.5 million. State and territory break down follows.

<table>
<thead>
<tr>
<th>State</th>
<th>No of Loans</th>
<th>Loan Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>7</td>
<td>$14,430,000</td>
</tr>
<tr>
<td>QLD</td>
<td>2</td>
<td>$4,930,000</td>
</tr>
<tr>
<td>SA</td>
<td>3</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>TAS</td>
<td>4</td>
<td>$10,316,000</td>
</tr>
<tr>
<td>VIC</td>
<td>3</td>
<td>$6,430,000</td>
</tr>
<tr>
<td>WA</td>
<td>2</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Total</td>
<td>21</td>
<td>$56,506,000</td>
</tr>
</tbody>
</table>