INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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

SITTING DAYS—2010

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

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

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Temporary Chairs of Committees—Senators Guy Barnett, Suzanne Kay Boyce, Thomas Mark Bishop, Carol Louise Brown, Michaelia Clare Cash, Patricia Margaret Crossin, Michael George Forshaw, Annette Kay Hurley, Stephen Patrick Hutchins, Gavin Mark Marshall, Julian John James McGauran, Claire Mary Moore, Stephen Shane Parry, Hon. Judith Mary Troeth and Russell Brunell Trood

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Stephen Shane Parry

Senate Party Leaders and Whips

Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of the Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator Robert James Brown
Deputy Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Family First Party—Senator Steve Fielding
Chief Government Whip—Senator Kerry Williams Kelso O’Brien
Deputy Government Whips—Senators Donald Edward Farrell and Anne McEwen
Chief Opposition Whip—Senator Stephen Shane Parry
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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<tr>
<td>Prime Minister</td>
<td>Hon. Kevin Rudd, MP</td>
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<tr>
<td>Deputy Prime Minister, Minister for Education, Minister for Employment</td>
<td>Hon. Julia Gillard, MP</td>
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<td>and Workplace Relations and Minister for Social Inclusion</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Immigration and Citizenship and Leader of the Government</td>
<td>Senator Hon. Chris Evans</td>
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<td>in the Senate</td>
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<tr>
<td>Minister for Defence and Vice President of the Executive Council</td>
<td>Senator Hon. John Faulkner</td>
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<tr>
<td>Minister for Trade</td>
<td>Hon. Simon Crean MP</td>
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<td>Minister for Foreign Affairs and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Jenny Macklin MP</td>
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<td>Minister for Finance and Deregulation</td>
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<td>Hon. Anthony Albanese MP</td>
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<td>Senator Hon. Stephen Conroy</td>
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<td>Senator Hon. Kim Carr</td>
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<td>Minister for Climate Change and Water</td>
<td>Senator Hon. Penny Wong</td>
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<tr>
<td>Minister for the Environment, Heritage and the Arts</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Attorney-General</td>
<td>Hon. Robert McClelland MP</td>
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<tr>
<td>Cabinet Secretary, Special Minister of State and Manager of Government</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>Business in the Senate</td>
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<td>Hon. Martin Ferguson AM, MP</td>
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<td>and Minister for Human Services</td>
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[The above ministers constitute the cabinet]
RUDD MINISTRY—continued

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

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

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

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

Shadow Minister for Tourism and the Arts and Shadow Minister for Youth and Sport  Mr Steven Ciobo MP
Shadow Minister for Employment Participation, Apprenticeships and Training  Senator Mathias Cormann
Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House  Mr Luke Hartsuyker MP
Shadow Assistant Treasurer  Hon. Sussan Ley MP
Shadow Minister for COAG and Modernising the Federation  Senator Marise Payne
Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women  Hon. Dr Sharman Stone MP
Shadow Minister for Justice and Customs  Mr Michael Keenan MP
Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence  Hon. Bob Baldwin MP
Shadow Minister for Veterans Affairs  Mrs Louise Markus MP
Shadow Minister for Ageing  Senator Concetta Fierravanti-Wells
Shadow Minister for Seniors  Hon. Bronwyn Bishop MP
Shadow Special Minister of State and Scrutiny of Government Waste  Senator Hon. Michael Ronaldson
Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Infrastructure and Population Policy  Senator Cory Bernardi
Shadow Parliamentary Secretary for Northern and Remote Australia  Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for Roads and Transport  Mr Don Randall MP
Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets  Mr Mark Coulton MP
Shadow Parliamentary Secretary for Tourism  Mrs Jo Gash MP
Shadow Parliamentary Secretary for Education and School Curriculum Standards  Senator Hon. Brett Mason
Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action  Senator Simon Birmingham
Shadow Parliamentary Secretary for Public Security and Policing  Mr Jason Wood MP
Shadow Parliamentary Secretary for Defence  Mr Stuart Robert MP
Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing  Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector  Senator Mitch Fifield
Shadow Parliamentary Secretary for Families, Housing and Human Services and Shadow Parliamentary Secretary for Citizenship  Senator Gary Humphries
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**THURSDAY, 25 FEBRUARY**

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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 125 citizens)

Petition received.

NOTICES

Presentation

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the Federal Government’s aim to implement through the Council of Australian Governments a seamless economy,
(ii) that the Australian building industry is facing a crisis because of the impending withdrawal of four insurers from the home builders warranty insurance market and the requirement by all state governments, except Tasmania, that this insurance be mandatory,
(iii) that the remaining insurers are unlikely to be able to meet the market demand post the end of the 2009-10 financial year with the result that many builders will be forced out of business or forced to work illegally,
(iv) the failure of the New South Wales, Victorian, South Australian, and Western Australian state governments to address the ongoing performance problems with this insurance product in spite of 56 inquiries and failed interventions, and
(v) the need for nationally consistent laws that protect consumers and builders alike; and

(b) calls on the Government to:

(i) immediately intervene with the states to remove the mandatory requirement for this insurance product as a short-term measure, and
(ii) facilitate the development of a national regime that gives genuine protection to consumers and the building industry.

Withdrawal

Senator WORTLEY (South Australia) (9.32 am)—On behalf of the Senate Standing Committee on Regulations and Ordinances, I give notice that, on the next day of sitting, 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 the A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1). I seek leave to incorporate
in *Hansard* the committee’s correspondence concerning the instrument.

Leave granted.

*The correspondence read as follows—*

**A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1).**

26 November 2009
The Hon Kate Ellis MP
Minister for Early Childhood Education, Childcare and Youth Suite M1.44
Parliament House
CANBERRA ACT 2600

Dear Minister

I am writing in relation to the A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1) made under subsection 162(3) of the A New Tax System (Family Assistance) (Administration) Act 1999. This instrument specifies additional purposes relating to the Support for the Child Care System Program for which protected information may be obtained, recorded, disclosed or otherwise used.

The Explanatory Statement that accompanies this instrument notes that consultation was not considered necessary because the Determination is beneficial in nature. The Committee draws to your attention section 18 of the Legislative Instruments Act 2003 that does not exhaustively define instances where consultation may be unnecessary or inappropriate. It is arguable that the beneficial nature of an instrument is not a sufficient reason to dispense with consultation (for example, consultation may produce feedback that improves the beneficial effect of the instrument).

The Committee would appreciate your advice on the above matter as soon as possible, but before 22 January 2010, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Senator Dana Wortley Chair

22 February 2010
Senator Dana Wortley
Chair
Senate Standing Committee on Regulations and Ordinances Room SG49
Parliament House
CANBERRA ACT 2600

Thank you for your letter of 26 November 2009 on behalf of the Australian Senate Standing Committee on Regulations and Ordinances concerning A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1) made by me under subsection 162(3) of the A New Tax System (Family Assistance) (Administration) Act 1999 (Administration Act). I have noted the Committee’s feedback that beneficial instruments may still benefit from consultation. I apologise for the delay in responding.

Information about child care vacancies has been collected from services and disseminated to the public via the Child Care Access Hotline since 2006. Under the previous Government, there was no consistency in the information provided to families as vacancies were reported based on the business model of individual services.

This Government is committed to improving the information available to families about child care. The quality and consistency of information on child care availability has been improved through issuing a standard definition of a child care vacancy. In August 2009, the Department of Education, Employment and Workplace Relations also wrote to child care services notifying them that vacancy information was expected to be disclosed on the mychild website later in the year. This step was taken to increase transparency of the child care market and to improve the accessibility of information that assists families to make informed decisions. A determination was issued as this was the first time that vacancy information collected by the Department would be available via a website. The letter advised services to contact the
Child Care Management System Helpdesk if they had any enquiries.

Given the contact that was made with child care services prior to publishing vacancy information on the mychild website, as well as the beneficial nature of the determination, I considered further specific consultation was not required.

Thank you for bringing the Committee’s concerns to the Government’s attention. Yours sincerely

Kate Ellis
Minister for Early Childhood Education, Child Care and Youth

**BUSINESS**

**Rearrangement**

*Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.33 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:

National Consumer Credit Protection Amendment Bill 2010 – Resumption of second reading debate *subject to exemption from the bills cut-off order*

No. 7—International Tax Agreements Amendment Bill (No. 2) 2009—Resumption of second reading debate

No. 8—National Health Security Amendment (Background Checking) Bill 2009—Resumption of second reading debate

No. 9—Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009—Resumption of second reading debate

Australian Astronomical Observatory Bill 2009

Australian Astronomical Observatory (Transitional Provisions) Bill 2009 *subject to introduction*

No. 10—Tax Laws Amendment (Political Contributions and Gifts) Bill 2008—Consideration in committee of the whole of message no. 361 from the House of Representatives

**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 15 March 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 9 March 2010.

**COMMITTEES**

**Scrutiny of Bills Committee**

*Senator PARRY (Tasmania) (9.34 am)—At the request of Senator Coonan, I move:* 

That—

(1) The following matter be referred to the Standing Committee for the Scrutiny of Bills for inquiry and report by 12 May 2010:

The future direction and role of the Scrutiny of Bills Committee, with particular reference to:

(a) whether its powers, processes and terms of reference remain appropriate;
(b) whether parliamentary mechanisms for the scrutiny and control of delegated legislation are optimal; and
(c) what, if any, additional role the committee should undertake in relation to human rights obligations applying to the Commonwealth.

(2) In undertaking this inquiry, the committee should have regard to the role, powers and practices of similar committees in other jurisdictions.

(3) The committee be authorised to hold public hearings in relation to this inquiry.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.35 am)—I move:

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

Corporations Amendment (Financial Market Supervision) Bill 2010
Corporations (Fees) Amendment Bill 2010
National Consumer Credit Protection Amendment Bill 2010.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Meeting

Senator PARRY (Tasmania) (9.35 am)—At the request of Senator Nash, I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 February 2010, from 5 pm, to take evidence for the committee’s inquiry into import restrictions on beef.

Question agreed to.

RADIOACTIVE WASTE

Order

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

That there be laid on the table by the Minister representing the Minister for Resources and Energy, no later than 4 pm on 11 March 2010:

(a) all reports submitted to the Federal Government by Parsons Brinkerhoff assessing and characterising proposed sites for a Commonwealth radioactive waste dump in the Northern Territory, including the final report submitted to the department on 18 March 2009, the CH2M HILL’s peer review and the Parsons Brinkerhoff’s response to that peer review;

(b) the anthropological report prepared by consultants, Mr Kim Barber, Mr Robert Graham and Dr Brendan Corrigan, for the Northern Land Council (NLC) and provided to the then Minister for Education, Science and Training (Ms Bishop) in 2007; and

(c) the June 2007 site nomination deed signed between the Commonwealth, the NLC and the Muckaty Land Trust, agreeing to a process for the site nomination and a schedule of payments totalling $11 million in a charitable trust plus $1 million in education scholarships.

Senator Parry—Pursuant to standing order 84(3), I ask that paragraphs (a) and (b) of this motion be taken together and that paragraph (c) be put separately.

The PRESIDENT—That will be done; the question will be divided. The question is that paragraphs (a) and (b) be agreed to.

Question agreed to.

The PRESIDENT—The question now is that paragraph (c) be agreed to.

Question negatived.
NATIONAL INDUSTRIAL MANSLAUGHTER LAWS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.37 am)—I move:
That, with regard to the comments made by the Leader of the Opposition (Mr Abbott) on industrial manslaughter, the Senate accepts the need for strong national industrial manslaughter laws.

Question put.
The Senate divided. [9.41 am]
(The President—Senator the Hon. JJ Hogg)

Ayes............ 7
Noes............. 39
Majority....... 32

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

NOES
Adams, J. Back, C.J.
Barnett, G. Bernardi, C.
Bilyk, C.L. Bishop, T.M.
Boyce, S. Brown, C.L.
Cameron, D.N. Colbeck, R.
Collins, J. Cormann, M.H.P.
Crossin, P.M. Farrell, D.E.
Feeney, D. Ferguson, A.B.
Forshaw, M.G. Furner, M.L.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McGauran, J.J.
McLucas, J.E. Minchin, N.H.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S. *
Polley, H. Pratt, L.C.
Ronaldson, M. Ryan, S.M.
Sterle, G. Trood, R.B.

* denotes teller

Question negatived.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee
Extension of Time

Senator PARRY (Tasmania) (9.44 am)—by leave—At the request of Senator Trood, I move:
That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia’s administration and management of the Torres Strait be extended to 13 May 2010.

Question agreed to.

Publications Committee
Report

Senator O’BRIEN (Tasmania) (9.45 am)—On behalf of Senator Carol Brown, I present the 16th report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

BUDGET

Consideration by Estimates Committees
Additional Information

Senator O’BRIEN (Tasmania) (9.45 am)—I present additional information received by committees relating to estimates hearings:

The list read as follows—

Community Affairs Legislation Committee—4 volumes
Economics Legislation Committee—1 volume
Education, Employment and Workplace Relations Legislation Committee—1 volume
Environment, Communications and the Arts Legislation Committee—2 volumes
Foreign Affairs, Defence and Trade Legislation Committee—1 volume
Legal and Constitutional Affairs Legislation Committee—3 volumes
AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2009

First Reading

Bills received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.46 am)—I move:

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

Question agreed to.

Bills read a first time.

SECOND READING

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.46 am)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Australian Astronomical Observatory Bill 2009

The purpose of this bill is to establish the Australian Astronomical Observatory as an Australian owned and operated facility when the joint Australia-UK Anglo-Australian Observatory winds up on 1 July 2010.

Australia and the United Kingdom have been partners in the AAO for over 35 years. Unfortunately, science budget cuts in the UK have lead to the UK Government’s decision to focus its astronomy resources on fewer facilities. In 2005 the Australian and UK governments agreed that on 1 July 2010 the Anglo-Australian Telescope Board would be disbanded, and the AAO handed over to the Australian Government.

The Australian Astronomical Observatory Bill is one of two bills being introduced today, to give effect to the 2005 agreement. The other is the Australian Astronomical Observatory (Transitional Provisions) Bill.

The UK withdrawal provides an opportunity for Australia to take over a world-class facility that is still producing leading-edge science. The observatory is an iconic facility with a strong record of scientific achievement and major discoveries. The 4-metre diameter Anglo-Australian Telescope provides over half of our national telescope capability in optical astronomy, and was ranked by a recent independent international survey as the world’s most productive telescope in its class.

Innovative astronomical instruments, designed and built by the observatory, are installed not only on the Anglo-Australian Telescope, but also on other major telescopes around the world, including the European Southern Observatory’s Very Large Telescope and Japan’s Subaru Telescope in Hawaii. They are an important demonstration of Australia’s technological capabilities.

These are some of the reasons why the Government announced, as part of the Super Science Initiative for Space and Astronomy in the 2009-10 Budget, that the observatory will continue to operate under new governance arrangements, with additional funding of $20.9 million over four years.

This Bill gives effect to those new governance arrangements, including establishing the facility, renamed the Australian Astronomical Observatory, as a business unit of the Department of Innovation, Industry, Science and Research.

The Bill also establishes the position of the director of the Australian Astronomical Observatory. The intention is that the director will be a person with appropriate expertise both in astronomical science and in the leadership and management of a world-class science facility.

The Bill formally confers astronomical functions on the secretary of the department, but provides for these to be delegated to the director, or to a suitable APS employee within the observatory.

The main functions will be to operate Australia’s national observatory for optical astronomy, to undertake, support and report on astronomical research, and to develop and manufacture astronomical observing instruments. The observatory
will also serve the optical astronomy community in other ways, including by supporting Australia’s participation in future world-leading astronomical facilities.

The director will be supported by the Australian Astronomical Observatory Advisory Committee, which will provide independent expert advice on how the astronomical functions are to be performed.

This Bill, together with the new funding announced by the Government in the 2009-10 Budget, will help to ensure that the observatory continues to host and support world-class astronomy, to be an innovative source of new astronomical instruments, and to provide the expertise Australia needs to participate in international scientific collaborations.

Further details of the Bill are contained in the Explanatory Memorandum.

Australian Astronomical Observatory (Transitional Provisions) Bill 2009

The purpose of this bill is to provide for transitional arrangements relating to the proposed establishment of the Australian Astronomical Observatory within the Department of Innovation, Industry, Science and Research.

This is the companion to the Australian Astronomical Observatory Bill.

Together, these Bills provide for disbanding the Anglo-Australian Telescope Board, which operates the Anglo-Australian Observatory, and for the observatory to be re-established within the department as the Australian Astronomical Observatory, to take effect from the transition date of 1 July 2010.

Schedule 1 of this Bill repeals the Anglo-Australian Telescope Agreement Act 1970, which established the Anglo-Australian Telescope Board as a bi-national authority to operate the Anglo-Australian Observatory, funded jointly by the governments of Australia and the United Kingdom. One effect of this provision is to dissolve the Anglo-Australian Telescope Board.

Schedule 2 to the Bill contains the transitional provisions for establishing the Australian Astronomical Observatory as a unit within the department. These include provisions for the transfer of assets, liabilities, legal arrangements and other matters from the Anglo-Australian Telescope Board to the Commonwealth.

The observatory’s employees are to be transferred into the department under the provisions of the Public Service Act 1999. The bill provides for the transfer of their terms and conditions of employment and the maintenance of their accrued entitlements.

Schedule 2 also provides for the preservation of existing powers and obligations of the Auditor-General to audit the board’s financial records after the dissolution of the board. There are also provisions relating to the furnishing and tabling in the Parliament of the final annual report and financial statements of the Anglo-Australian Telescope Board after the transition date.

This Bill will facilitate the smooth transfer to the department of the employees, assets and other matters of the board, so that the observatory can continue its important work without interruption, while maintaining transparency, accountability and continuity of corporate and Commonwealth responsibilities.

Further details of the Bill are contained in the Explanatory Memorandum.

Debate adjourned.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE REFORM AND REINSTATEMENT OF RACIAL DISCRIMINATION ACT) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.47 am)—I move:

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

Question agreed to.

Bill read a first time.
Second Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.47 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009

This bill amends the social security law, the Northern Territory National Emergency Response Act 2007 (NTNER Act) and other laws giving effect to the Northern Territory Emergency Response (NTER).

It introduces landmark reforms to the welfare system which, over time, will see the national roll out of a new scheme of income management of welfare payments in disadvantaged regions across Australia.

Income management is a key tool in the Government’s broader welfare reforms to deliver on our commitment to a welfare system based on the principles of engagement, participation and responsibility.

Welfare should not be a destination or a way of life.

The Government is committed to progressively reforming the welfare system to foster individual responsibility and to provide a platform for people to move up and out of welfare dependence.

The reforms included in this bill tackle the destructive, intergenerational cycle of passive welfare:

- By quarantining 50 per cent of regular welfare payments and 100 per cent of lump sum payments, to make sure money is spent on life’s essentials and in the best interests of children.

- By setting objective and clear criteria that will determine if an individual is subject to income management.

- By offering evidence-based incentives, and responsibility targeted exemptions to families who demonstrate responsible parenting and to young people and long-term unemployed who take personal initiative through participation in education or training. Personal money management and saving will also be rewarded.

Individuals will also be able to voluntarily sign up to the new income management scheme and will be eligible for incentives when they do so.

From 1 July, 2010, the new scheme will start in urban, regional and remote areas of the Northern Territory, which has the highest proportion of severely disadvantaged communities in Australia.

Existing powers for income management in prescribed Indigenous communities will be repealed.

This bill honours the Government’s commitment to reinstate the Racial Discrimination Act 1975 (Racial Discrimination Act) in relation to the NTER legislation.

The bill also provides the legislative basis to underpin the sustainable, long-term development phase of the NTER. The Government will continue to take strong action to close the gap in the NT, working in partnership with Indigenous Australians recognising that they are central to developing effective solutions and driving change.

Since November 2007, the Australian Government has strengthened and expanded the allocation of resources to the NTER, investing more than $1.2 billion extra to help overcome decades of government failure.

However, the NTER will never achieve robust long-term outcomes if measures rely on the suspension of the Racial Discrimination Act.

Aboriginal people across the Northern Territory were consulted on eight measures outlined in the Government’s Future Directions Discussion Paper: income management, alcohol and pornography restrictions, five-year leases, community stores, controls on the use of publicly funded computers, law enforcement powers, and business management areas powers.

The consultations were unprecedented in scale and conducted intensively over more than three months. More than 500 meetings were held.
The Government has listened to what people had to say and has considered their extensive and valuable feedback. The consultations have informed our approach to the changes proposed through this bill.

The Government believes that the NTER has improved the well-being of Aboriginal Territorians living in the prescribed areas. Nevertheless, the Government recognises that much more needs to be done. The bill will strengthen the NTER by re-instating the Racial Discrimination Act. The Government believes that all NTER measures are either special measures under the Racial Discrimination Act or non-discriminatory and thus consistent with the Racial Discrimination Act.

Restrictions on alcohol and pornography will remain. The evidence shows that community solutions to restrict alcohol can be more effective than blanket restrictions and, for this reason, the Government has decided to allow evidence-based variations to the alcohol restrictions at the request of a community under certain circumstances.

The five year leases under the NTER have been adjusted to ensure the areas involved are minimised, compensation is paid, and to ensure they are utilised in beneficial ways.

The community store licensing regime has been strengthened to further enhance food security in remote communities.

The law enforcement powers of the Australian Crime Commission will be adjusted so the use of the special powers under the NTER is for the benefit of Indigenous victims of crime.

The Government has decided to continue with the controls on the use of publicly funded computers and business management areas powers without change. The Government considers these to be special measures.

While the consultations revealed a variety of views about income management, many participants reported that income management had delivered discernible benefits, particularly to children, women, older people and families.

More money was being spent on food, clothing and school-related expenses; people were saving for large purchases such as fridges and washing machines; less money was being spent on alcohol, gambling, cigarettes and drugs; and ‘humbugging’ had decreased.

From 1 July 2010, a new income management scheme will start across the Northern Territory – in urban, regional and remote areas – as a first step in a future national roll out of income management to disadvantaged regions. It will apply to all welfare recipients within the specified categories, and is thus a non-discriminatory measure and consistent with the Racial Discrimination Act.

**The Racial Discrimination Act 1975**

This bill meets the Government’s commitment to introduce legislation into the Parliament in 2009 so that the Racial Discrimination Act applies to the NTER.

A key feature of the bill is the repeal of provisions that modify the application of:

- the Racial Discrimination Act in relation to the NTER, the Queensland Family Responsibilities Commission and approved programs of work for income support;
- Northern Territory anti-discrimination laws in relation to the NTER and approved programs of work for income support; and
- Queensland anti-discrimination laws for the purpose of the Queensland Family Responsibilities Commission.

This bill also contains a number of amendments to the existing NTER measures. Apart from the income management scheme, which is designed to apply in a non-discriminatory fashion to any citizen in the Northern Territory within the specified categories, the Government has redesigned a number of the other measures dealt with by this bill so they are more sustainable and more clearly special measures under the Racial Discrimination Act.

The bill removes the provisions that deem the legislation and acts done under the legislation to be special measures, as those provisions could be said to have the indirect effect of suspending parts of the Racial Discrimination Act. However, this does not alter the fact that the Government considers that the re-designed measures are special measures under the Racial Discrimination Act.

Special measures help people of a particular race to enjoy their human rights equally with others.
They are an important part of the Racial Discrimination Act because they allow governments, when it is necessary, to make special laws to ensure the protection of the human rights of the people who need it most.

The Government understands the important decisions that need to be made before introducing special measures. The Government has given careful consideration to the need for these laws as a necessary and appropriate way to address the challenges facing Indigenous people in the Northern Territory and as part of the transition of the NTER to the long term development phase. The NTER measures that are special measures are all time-limited.

**Alcohol Restrictions**

Alcohol misuse continues to be a threat to the safety of Aboriginal women, children and the elderly and is one of the most serious issues facing Aboriginal people in the Northern Territory.

Under the NTER, new laws were introduced to ban drinking, possessing or supplying alcohol in, or transporting alcohol into a prescribed area. There were a small number of exceptions to allow licensed premises with controlled drinking hours to continue to operate; and provisions to monitor take-away sales of alcohol across the whole of the Northern Territory.

Overall, a strong view emerged from the consultations that alcohol controls are required. Some communities wanted the existing strong restrictions to remain in place but there was a widespread view that the current one-size-fits-all approach to alcohol restrictions may not be the most effective way to minimise alcohol harm.

The Government will retain the existing alcohol restrictions but, with the Northern Territory Government, will work with communities to implement locally negotiated alcohol management plans which meet a number of criteria. These include hard evidence in each community that the proposed changes will lead to a reduction in the level of alcohol-related harm in that area.

The Government will closely monitor trends in alcohol-related harm in communities and, if it is necessary, will have the capacity to reimpose alcohol measures.

The consultations showed also that many people felt a sense of shame and humiliation about signs relating to alcohol restrictions and prohibited material placed outside their communities. The Government agrees that a more flexible approach to the placement and wording of signs is required and the proposed changes to the NTNER Act reflect this approach. The proposed changes to the Act remove the existing rigid requirements on where signs are erected and allow more discretion on the wording used.

Northern Territory Police were given the authority to, without warrant, enter a private residence and apprehend and take into custody a person who was believed to be intoxicated. In response to community concerns about these powers, the NTNER Act will be amended. Police will only have that power in a particular prescribed area if someone from that area has requested that police be allowed that power.

The existing provisions in the NTNER Act that relate to record-keeping for take-away sales exceeding $100 or of more than five litres of wine will be repealed because they have not been effective.

**Restrictions on Pornography**

The NTER also placed restrictions on the possession and supply of sexually explicit and very violent films, publications and computer games in prescribed areas of the Northern Territory.

These prohibitions have been retained following consideration of the views expressed during the consultations. Many respondents said that they did not want pornography in their communities and they wanted some form of restriction left in place.

This bill provides that, if people living in prescribed areas believe that the restrictions are no longer necessary, an application can be made to remove them.

Lifting restrictions will require consultation by the Minister with law enforcement agencies and the Minister for Home Affairs. The history of violence or sexual abuse in the community will be taken into account, as well as any evidence that children have been exposed to pornography and whether residents believe that existing restrictions should continue to apply.
A declaration to remove the restrictions on prohibited material under the NTER legislation would mean that these areas would be subject to the same restrictions on sexually explicit and violent material as in other parts of the Northern Territory.

**Law Enforcement Powers**

The current provisions enable the Australian Crime Commission to use its powers in relation to serious violence or child abuse committed by or against, or involving, an Indigenous person.

The bill will restrict the use of powers to where serious violence or child abuse is committed against an Indigenous person.

This will ensure the Australian Crime Commission’s use of its special powers in relation to violence and child abuse is for the benefit of Indigenous victims of crime.

**Five-Year Leases**

The Government currently holds five-year leases over 64 Northern Territory communities. All leases expire by the end of August 2012.

This bill confirms the beneficial intent of the five-year leases to improve the delivery of services and promote economic and social development.

The bill ensures that the leases are permitted to be used for these purposes and not for other uses such as mining. It also ensures that administration of the leases must also follow guidelines on the use of land and be conducted in a manner which respects Aboriginal people and culture.

The Government is committed to the progressive transition of the five-year leases to voluntary leases and the bill obliges the Commonwealth, at the request of land owners, to negotiate voluntary leases in good faith. The leases have already been improved by a substantial reduction in lease boundaries and the payment of rent has commenced, based on independent valuations undertaken by the Northern Territory Valuer-General.

**Community Stores**

This bill supports the Government’s ongoing commitment to build a best practice model for the operation of community stores, reflecting their contribution to the health and well-being of Aboriginal people.

Under the NTER, community stores in prescribed areas of the Northern Territory are able to be assessed and licensed if they meet requirements.

This bill provides an explicit food security objective for stores licensing and establishes a legislative link between community store licensing and the eligibility of a store to participate in the income management arrangements.

The new provisions strengthen the governance of community stores and provide a wider range of options to intervene where stores are not meeting licensing requirements. The amendments also provide for review of key licensing decisions by the Administrative Appeals Tribunal.

**Income Management**

Income management helps people to order their lives and provide for their children. It operates at the day-to-day level of people’s lives, giving them access to the basics of life by reducing the amount of welfare funds available for substance abuse and other risky behaviours. This in turn provides a pathway for their participation in the broader economy and society.

The Government has already implemented a range of strategies in the interests of children including:

- the Cape York Welfare Reform trial in Queensland;
- income management for Child Protection in Western Australia;
- the School Enrolment and Attendance Measure in the Northern Territory and Queensland;
- voluntary Income Management in Western Australia; and
- the Learn or Earn strategy, which puts requirements on parents and young people to participate in education, training or employment.

The measures included in this bill build on and expand these strategies.

In the Northern Territory, more than half of parents interviewed in four prescribed areas for an evaluation of income management compiled by the Australian Institute of Health and Welfare (AIHW) reported that their children were eating more, weighed more and were healthier.
The Northern Territory Emergency Response Redesign consultations identified that income management had delivered discernable benefits. While there was a divergence of views, the majority of comments said that income management should continue. In the tier two meetings, people frequently said that income management should apply to all welfare recipients across Australia.

The Government recognises the benefits that income management can have in other disadvantaged regions.

From 1 July 2010, a new scheme of income management will begin to be implemented, as a first step, in the Northern Territory. The Northern Territory has the highest proportion of severely disadvantaged locations in Australia.

The categories of people that the new income management arrangements will apply to are:

- people aged 15 to 24 who have been in receipt of specified payments for more than three months such as Youth Allowance and Parenting Payment;
- people aged 25 and above on specified payments such as Newstart Allowance and Parenting Payment for more than 12 months;
- people referred for income management by child protection authorities; and
- people assessed by Centrelink social workers as requiring income management due to vulnerability to financial crisis, domestic violence or economic abuse.

The Government has chosen these groups based on their need for support due to their high risk of social isolation and disengagement, poor financial literacy, and participation in risky behaviours.

In addition, people can choose to voluntarily opt-in to the income management arrangements.

The new scheme allows people in the first two categories to seek exemptions from income management by providing evidence that they are undertaking responsible parenting, or, for those without children, engaging in study, or participating in employment. The new scheme will also include incentives for voluntary income management, and a matched savings scheme for participants in compulsory income management. This reflects our commitment to using income management as a tool to assist people.

The operation of the new scheme of income management in the Northern Territory will be carefully evaluated. The first evaluation progress report is expected in 2011/12. The other income management trials currently underway in Western Australia and Queensland will also continue to be evaluated. Future roll out elsewhere in Australia will be informed by the evidence gained from this evaluation activity. Future implementation will also be informed by other criteria, including evidence of disadvantage in Australia and consideration of where income management could benefit individuals and families.

To assist future decision making, the Government will also be offering a limited number of interested Aboriginal communities in the Northern Territory the opportunity to consider the development of an additional community-based approach to re-establishing social norms, drawing on the learnings from the Cape York Welfare Reform Trial.

The new scheme of income management has been designed to be non-discriminatory for the purposes of the Racial Discrimination Act. The Racial Discrimination Act will apply in relation to the new scheme of income management from commencement of implementation in July 2010.

The Government has set out its approach to the legislation in a Policy Statement. The measures contained in this bill give effect to the Government decisions outlined in that Statement.

Conclusion

This bill meets our commitment:

- to re-instate the Racial Discrimination Act and its application to the Northern Territory Emergency Response;
- retain the benefits of welfare reform; and
- to extend the benefits of income management to the wider community.

It provides a stronger legislative basis for the current NTER measures and lays the foundations for sustainable development across remote communities in the Northern Territory.

It demonstrates our commitment to sustained, long term action in the Northern Territory, work-
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ing in partnership with Indigenous Australians to develop and drive policies and programs to close the gap.

The bill tackles, on a national scale, the entrenched cycle of passive welfare through a new system of income management and incentives to support people moving from welfare to personal responsibility and independence.

The bill reflects the Government’s determination to put children and families at the centre of our welfare reform agenda.

Debate adjourned.

HEALTH INSURANCE AMENDMENT (COMPLIANCE) BILL 2009

Consideration of House of Representatives Message

A message has been received from the House of Representatives returning the Health Insurance Amendment (Compliance) Bill 2009, informing the Senate that the House has insisted on disagreeing to amendments Nos 1 and 10 made by the Senate, but has made an amendment and requests the reconsideration of the bill in respect of the amendments disagreed to and the concurrence of the Senate in the amendment made by the House.

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

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Reference

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.48 am)—I, and also on behalf of Senator Milne, move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 17 June 2010:

The toxicity of the George River in north-east Tasmania, with particular reference to:

(a) possible causes, including the potential impact of leachate from Eucalyptus nitens plantations;

(b) the impact of the toxicity on human health, wildlife and regional oyster farms;

(c) previous investigations into the toxicity of the George River and any consequent actions, including whether the actions of local, state and federal governments and the private sector have been adequate;

(d) whether past selective breeding or genetic modification of plantation trees has deliberately or inadvertently increased the trees’ toxicity and whether any risk assessments or monitoring of impacts have been conducted;

(e) the current breeding programs for eucalyptus species and any ecological and human health implications of current research into reducing foliage palatability;

(f) possible short- and long-term mitigation measures; and

(g) any related matters.

This is now a matter of intense national interest following the Australian Story episodes in the last two weeks on the work of Dr Bleaney, a GP in St Helens in Tasmania, and Dr Marcus Scammell, a scientist from Sydney, pointing to the potential impact of toxins from Eucalyptus nitens plantations being a factor in the death of fisheries, particularly shell fisheries in the George River, and the intake of water from that river to the citizens of St Helens potentially causing a rise in cancer and other health issues in St Helens, which is Dr Bleaney’s concern.

Added to that is speculation that the facial tumour disease which is now ravaging and decimating Tasmania’s Tasmanian devil population began in the north-east of Tasmania and has spread rapidly to much of the rest of the state, excepting now the south-western and western corners.
We do not know—it has not been established—what the cause of these problems is. But we do know that, for example, in 2004, following a flood tide down the George River, 90 per cent of the shellfish died. There has been speculation about atrazine and other spray-on chemicals, both for agricultural and forestry purposes, being the culprit. But now the very logical case is that it may be toxins coming from *Eucalyptus nitens*, an imported eucalypt species from Victoria, the grandchildren of which are in these plantations in the St Helens catchment.

We cannot prejudge this issue, but it is a time-honoured role for the Senate to investigate such matters when they are of such national interest. An inquiry has been established under the Environment Protection Authority in Tasmania but, once again, people in St Helens, including Dr Bleaney, have expressed some reservation about that inquiry being too close to government. Similar inquiries have never stopped the Senate investigating such critical matters as this in the past. It is a logical and simple concept that the Senate and its committee system are very well placed, and in fact have an obligation and a responsibility if the issue is raised in here, to undertake such an inquiry. Senator Milne and I are asking the Senate to refer this matter to the Senate Rural and Regional Affairs and Transport References Committee.

I have no doubt that we will hear from Labor, if not Liberal, that this is a stunt—the usual terminology used to dismiss it. But studied ignorance is never excusable. If there is not support from the bigger parties, there can be no other argument than studied ignorance here. It is the right of the citizens who are concerned about the impacts of toxins on their water, whatever the cause may be, to have the Senate committee system come to their assistance to help sort that out. I would think the Senate committee system has the reach not only to get to the science of this—local, national and international—but to ensure through its own processes or recommendations that, where there are gaps in the science, they too are looked at.

I note that the industry in Tasmania has welcomed a proper inquiry into this matter. I therefore can see no argument against it. My ear to the ground tells me that the government and the opposition may well be wanting to obstruct this matter. I am sure that if that happens there will be a bit more in the public arena about it, because it is just not sensible to do so. It is not responsible to do so. In my opinion—I am being very serious about this—it would be a crude and rude political obstruction of the public’s right to know through the Senate committee system. This is a search for knowledge. It is not prejudging what the case is. On the information we have, it would be welcomed by the industry, by the citizens who live in the north-east region, by Tasmanians generally and, I have no doubt, Australians generally. It is a also a very serious matter if there are toxins coming from plantations, whether they be from what is applied to them or from the trees themselves that have been planted—and I do not call that natural, because plantations are not natural. We should be looking at that.

This is a copybook case of a matter of public interest that the Senate committee system should be looking into. It would be quite irresponsible for senators to simply dismiss this as a political matter that should not be looked into. This is a real matter affecting the health of real people, affecting the livelihoods of real people, affecting the jobs of real people and concerning many, many people in the community. Of course, if there is no answer to be forthcoming from it, let us find that out. If there is a genuine culprit for the disturbing effects on the shellfish alone, let us find that out. None of us can say that has not happened and is not continuing to
happen and that it is not continuing to worry the shellfish producers in this region. If we cannot find the culprit let it be so. If we can help to find it through the Senate committee system, we should responsibly be moving to do that.

I congratulate *Australian Story*. I congratulate Dr Bleaney and Dr Scammell and the oyster farmers and mussel growers, the people who have put so much effort into trying to find out what it is that is so clearly and definitely troubling them. It has been a long, long road. They deserve now to have not just an airing of the claims they are making but a testing of the science which goes with those claims and a look at the alternatives. That is what our Senate system does, that is what our Senate system is set up to do and that is the responsible course of action for us to be taking in this Senate.

**Senator COLBECK** (Tasmania) (9.58 am)—Senator Brown is correct when he says that this is a serious matter, although I have to reject the assertions that he makes about the motives of the opposition. He is quite free in his attribution of motive. It is a regular thing that he does in this place and it is the way that he plays his politics. But I have to say, on behalf of the opposition, I utterly reject the assertions that he ascribes to the opposition in this matter. Obviously he is quite free to make them. That is part of the process that occurs here. But this is a serious matter and the opposition’s view on this is that we ought to put the science before the politics.

The allegations that were raised in the *Australian Story* programs over the last two weeks are quite serious, but the science on that is quite new. It is not something that has been put in the public arena before and it has not been peer reviewed. Like the industry in Tasmania, I welcome the process that has been put in place through the Environment Protection Authority in Tasmania to conduct a proper review of the circumstances that are occurring in the George River, including doing some testing in other rivers around Tasmania so that they can have something to compare it to and so that some comparative testing can be done. I think that is more than appropriate. But, unlike Senator Bob Brown, I would like the Environment Protection Authority in Tasmania to be able to conduct its review, and the Director of Public Health in Tasmania has indicated his willingness to have an independent panel with people from outside Tasmania, outside Australia if necessary, to bring in the necessary skills and qualifications to properly assess this matter.

Let us get that done. Let us investigate the science. Let us investigate the allegations that are being made. I note that Senator Brown and Senator Milne are making accusations of genetic modification of the trees. We know that is not true. Those allegations are out there broadly in the media that the trees are being genetically modified. We know though, and the reality is, that it is a matter of selection of strong-growth trees from progeny that are brought through the breeding programs. This is a breeding program that has led to high-growth trees to bring high productivity to an industry that is an important one to Tasmania and an important one to the country.

There is already an enormous amount of hyperbole. Suppositions have been drawn from the results of the research which were put to air on *Australian Story* last week. Links have not been proven but allegations have been made, and I for one think that it is quite reasonable for the Senate to see what the science says. I think Senator Brown’s comments are quite correct. If gaps in the science are identified following that process, I think it is quite appropriate that the Senate, having done that, moves to investigate the issue.
But this is a very new allegation. It has not yet been peer reviewed. It has not been considered on a broader scale. You can go to almost any river in Tasmania and see colour and foam. They are a feature of the rivers in Tasmania. In fact the west coast of Tasmania is well known for the tea-coloured water in its rivers, the tannins that come from the natural countryside. There are scientists in Tasmania talking today about the fact that there will be natural chemicals in the waterways in Tasmania based on the run-off and leaching from the natural environment.

As Senator Brown correctly says, plantations are a change in the environment. But it is quite interesting to note that going back into the 1990s Senator Brown and the Greens were telling us that we should get out of native forests and move to plantations for our forestry. They have been saying that for a long time, that we should get out of native forests and into plantations for our forestry. Senator Milne said yesterday in this place that up to 80 per cent, she believed, of the George River catchment was planted in plantations. My understanding is that it is five per cent. So here we have another example of the hyperbole being brought into argument already by the Greens.

So I think that it is more than reasonable to get some verification of the science, and that independent assessment has been welcomed by the industry in Tasmania. They understand that if there is a problem there it needs to be managed and it needs to be dealt with. The Director of Public Health in Tasmania understands that if there is a problem there it needs to be considered and dealt with. We likewise understand, and we welcome that the Tasmanian government has, quite rightly, put in place this process that will bring in the best experts to consider the issues that are being raised.

Senator Brown says that this is an urgent issue and it needs to be dealt with straightaway. Why haven’t the Greens brought a motion into this place to deal with toxic run-off or alleged toxic issues in Rosebery in Tasmania? They are quite selective in the issues that they bring forward. There is equal community concern in that community about toxicity in the groundwater from the mining industry, yet nothing has been heard from the Greens about that. They have been telling us for 10 years that we should get out of native forests and into plantations for our forestry. In fact in November at estimates Senator Milne alleged that we could move all of our forestry needs to plantation timbers. She asked questions of the department about moving all of our forestry operations out of native forests and into plantations. That was the point she was making. Yet here they are saying that we should not have plantations and making allegations against plantations and their damage to human health.

There is a real inconsistency to the arguments that the Greens bring forward. Senator Brown asked questions about the Forest Stewardship Council at estimates back in February. Quite fairly, I think, he asked about funding for the Forest Stewardship Council certification system. The council will not certify anything but plantation forestry in Australia, basically because of the political process that is involved with that.

**Senator Bob Brown**—No, the logic and science.

**Senator COLBECK**—Senator Brown, I am pleased that you mentioned the science, because the science shows that if you want to look after biodiversity, if you want to look after carbon sequestration—which I know that you are quite passionate about—you will have long-term rotation in native forests. That is what the science says. The science is correct and the science is quite clear: if you
want to look after biodiversity, if you want to look after sequestration of carbon, you will have long-term rotation in native forests. The science is very clear. Yet we have this confused and conflicting position from the Greens continuously on this issue. The only conclusion that you can come to is that they are anti-forestry.

I did not want to get this into an utterly political process here this morning, but I have because of the assertions and allegations that were made by Senator Brown about the motives of the coalition. We support fully a thorough investigation of this by the Environment Protection Authority in Tasmania, utilising the best scientists, and understanding the science which, as we all agree, is quite new. These are new developments. So I support that process and it should be allowed to run its course. If then there are proved to be issues that need to be dealt with by this place, come back and have a talk to us, because I am more than happy to talk to you about it. I think that is appropriate. But let us get the science dealt with before we deal with the politics.

Senator MILNE (Tasmania) (10.07 am)—I rise today to support the motion standing in the names of Senator Brown and me. Very clearly there needs to be an independent inquiry into what is causing the toxicity in the George River in the north-east of Tasmania. That is very clear. What is also clear is that you cannot trust the Tasmanian government to oversee an inquiry into the toxicity of that river. Why is that? It is because the allegations of toxicity in the river are not new. These have been going on for a very long time, and the Tasmanian government is condemned by its own ministers who appeared on national television saying that it is not a problem and who accused Dr Bleaney and Dr Scammell of quackery. Minister Kons at that time said ‘quackery’. Minister Llewellyn, who has overseen some of the worst environmental disasters in Tasmania in his long career, continues to say it is fresh water—fresh water killed the oysters in George Bay, says Minister Llewellyn, who has blocked at every single opportunity, as has Premier Bartlett, as has the Liberal Party in Tasmania, the move to end the use of triazines in Tasmania. Back in the early nineties when Forestry Tasmania poisoned Olivers Creek at Lorinna in northern Tasmania, atrazine in the water was coming out of the taps in that community. Full responsibility was taken, in the end, after a considerable argument, and recompense was made, tanks were put in and various other things occurred in communities around Tasmania.

For Senator Colbeck to suggest that the Greens have not been working on issues of water quality in relation to forestry activity is ludicrous. Go back to the *Hansard*. It is years and years and years, and it is still my view that triazines should be banned. We did finally achieve a moratorium in Tasmania for a short while when Evan Rolley, who was head of Forestry Tasmania, was forced into it. Then, eventually, they said, ‘Oh no, we have to go back to the use of triazines.’ Now we still have atrazine used in private forestry in Tasmania. Europe has banned these chemicals for a long time.

What is the relevance of this to the toxicity of the George River in north-east Tasmania? The relevance is that had the Environment Protection Authority in Tasmania ever had the will to investigate, had Dr Taylor ever had the will to investigate, they would have found that there are pulses of pesticides coming down that river. We do not know what the chemical cocktail of that river is, nor do we know what the combination of the herbicides and pesticides used in the catchments and the toxicity coming from the non-native to Tasmania, *Eucalyptus nitens*, is actually doing. We do not know what the combination is doing. Have we had the op-
opportunity find out? Oh, yes we have. But the problem here is that the director of the EPA, Warren Jones, was also the general manager of the environment division and under Warren Jones’s authority there was a study into the water quality in the George River in 2005. That investigation discovered toxins. But what did it do? Absolutely nothing. It decided not to investigate further. So why would I trust an inquiry from the Environment Protection Authority in Tasmania under the jurisdiction of the Tasmanian government that in 2005 decided, when it knew there were toxins in the water, that it would not investigate further? That is what it decided to do—the environment division simply concluded in 2005, on the basis of no evidence at all, that the toxins ‘are produced by native forests’ and therefore okay. We find that the toxins being referred to at the moment are not caused by native forests; they are caused by a eucalypt that is not native to Tasmania, *Eucalyptus nitens*.

Now to the issue of genetic improvement. There is some confusion in the community about the difference between genetic improvement and genetic modification.

**Senator Colbeck**—Which you are happy to exploit.

**Senator MILNE**—Senator Colbeck just accused me of having said that these trees were genetically modified. I have never said that. What I said was that they have been selectively bred—genetically improved—in order to address issues that the forest industry thought it needed to address, including palatability, no doubt, to browsing species and insect attack. That is why one of the issues in the inquiry that I would like to look at is the current breeding programs for eucalyptus species and any ecological and human health implications of current research into reducing foliage palatability. We know that research is going on in the hope, from forestry’s point of view, that they can increase the level of unpalatable leaves to browsing animals. That is part of research is currently ongoing and I would like to know about that because I want to know about the impacts—not just on human health but also on wildlife. What public interest tests and what wildlife tests are there?

But the issue here is that we need to know what is going on in the George River and in catchments around Tasmania. We have been pushing for groundwater assessments in every Tasmanian catchment for I cannot tell you how long, and that has been blocked by the minister in Tasmania and the Tasmanian cabinet with the support of the Liberal Party for the last 20 years. That is why the Commonwealth is not signing off on a lot of the water initiatives in Tasmania—there is no monitoring of water quality in a lot of the groundwater in Tasmania.

**Senator Colbeck**—That’s not true; we funded it.

**Senator MILNE**—We do not know what is in that groundwater around Tasmania. I challenge Senator Colbeck to produce any results that show water quality assessment of groundwater—consistently taken and monitored—in Tasmania over the last 20 years. That has only started in the last couple of years under pressure. You cannot get water quality groundwater testing consistently conducted across Tasmania.

I want to get to the Director of Public Health, Roscoe Taylor, who has said consistently since the *Australian Story* broadcast: ‘I need to see your results. Send them to me.’ Well, they were sent. A paper published at a scientific conference held in Spain on the impact on human cell lines was sent to Dr Taylor in 2008 by Dr Bleaney and Dr Scammell. Dr Taylor had that in 2008 but he did not open the file. When he said this week, ‘Oh, well, I will look at it, I need to see the
research,’ he did not have to look any further than his own files to find that research. It has been there since 2008. So why would I trust an inquiry set up by the Tasmanian government, overseen by an Environment Protection Authority which looked at this in 2005 and said, ‘There is no problem, it comes from native forests, it is natural, therefore even though there are toxins we are not going to investigate further’? Why would I think that that was going to come to any other conclusion than that presided over by the current minister, who says the problem is caused by fresh water—‘There is too much fresh water; that is what kills oysters, all that fresh water going down the George River’?

There is a real problem in Tasmania. There is no transparency. There is a far too close relationship between the Tasmanian government, Forestry Tasmania and the private forest industry and there is no independence. Why should a community have had to fight so hard to have an investigation of toxicity in their water supply? You would think that was basic human health delivery and service from a government. But, no, not in Tasmania. If it comes to a choice between seriously looking at the forest industry and banning the chemicals on which it relies or actually exposing the human health consequences, then it will not happen in Tasmania. It did not happen under the previous premiers of Tasmania—Premier Bacon, Premier Lennon—or now Premier Bartlett. It is not happening, it will not happen and you could not trust it to happen because of their relationships with the forest industry.

We have heard Premier Bartlett saying now he is concerned. Where was the concern in 2005 when the EPA discovered there was toxicity but there was no need for further investigation? Where is the concern now when we discover that the file exists in the public health offices, that nothing has been done about it and that it was not opened until the media ran this story and shocked people? Quite apart from all this, the reason an investigation by the Senate is absolutely necessary is that now the whole country knows that the George River in north-eastern Tasmania has high levels of toxicity. The country will know, when the research comes out, that there are pulses in that river of a chemical cocktail going down. It will also know, contrary to what is being said, that the toxicity will be found right through the water column, not just on the surface, as has been suggested.

When the whole of Australia finds all that out, the reputation of Tasmania will be on the line. It should be in the interests of this parliament to clarify this as soon as possible and address it in a transparent and open way. I can tell you, whatever the EPA in Tasmania finds out, nobody is going to believe it because of their history of failure to address this issue in the past. That is why it needs to be an independent inquiry. What the community wants is an independent inquiry, not one under the auspices of people who have failed the community in the past and who have demonstrated a complete lack of concern about the impacts of forestry, chemical use in the forest industry, the breeding programs by forestry and so on.

Tasmania prides itself on a reputation of clean, green and clever. It prides itself on a reputation of clean air, clean water and uncontaminated soil—no thanks to either the coalition parties or to the Labor Party. That positioning has come from the Greens. That positioning has come from the campaign essentially to save the Franklin River. It was out of that that the global reputation began to be established and it was throughout the Wesley Vale campaign that I coined the phrase ‘clean and green for Tasmania’. We brought out our business and industry strategy saying Tasmania’s future reputation should be based on high-quality products,
clean air, clean water, uncontaminated soil, an island where human potential knows no bounds, where creativity comes from the natural environment, where protection of the natural environment builds for the future. That was the Greens positioning, Greens business modelling and positioning, and now every export market out of Tasmania depends on that modelling, thanks to the Greens. It has been Liberal and Labor in Tasmania who have been jeopardising the branding for years because they continually undermine the authenticity of the brand by overlooking the pollution that goes on, whether it is from the mining industry or from the forest industry or from the widespread use of chemicals, and because of the refusal to have an open and transparent regime.

The reason we need this inquiry, and we need it to be fast, comprehensive and independent, is that this has to be clarified as a matter of urgency. Our export markets are going to be saying now, ‘Tasmanian product is dependent on a clean brand internationally and now we have evidence to show that the George River in north-east Tasmania has a high level of toxicity.’ We also want to know from the point of view of the people in St Helens. This is a small fishing town in Tasmania. It has no heavy industry. There is no reason you would expect why there is a cancer cluster of the nature that there is in this town. You cannot explain it. How can you explain all these cancers occurring in a fishing village where there has been no history of those cancers, where there is no heavy industry and no obvious forms of contamination? Why are cancers that you would never never see as a doctor all turning up in one community?

This has to be investigated for public health reasons. It has to be investigated for the sake of people who live in that community now and want to know what the future is for their water supply. But it also has to be investigated because of the reputation of Tasmanian product—everything from oysters through to beer. One of the ads for one of the breweries is ‘There’s something different about the water in Tasmania’. That is going to turn on that company very fast unless we get an inquiry to find out what is going on.

There is confusion about the genetic processes and what has been going on in the research. On 9 November 2000, Senator Brown asked about this issue. On that particular day, Senator Herron, the then Minister for Health and Aged Care, confirmed the Forestry Tasmania website statement by telling the world that research by the University of Tasmania was genetically transforming Eucalyptus nitens and Eucalyptus globulus. Since then they have talked about their genetic improvement programs. So it is hardly surprising that people have become confused about what genetic improvement is as opposed to genetic modification. The industry has said it is involved not in genetic modification but in improved selective breeding—genetic enhancements, if you like—which is normal in all agricultural production processes. The issue here is: what are they being improved to do? Is that increasing toxicity? Is that toxicity impacting on human health and wildlife and ecosystem health? As they are spraying triazines in Tasmania, in combination with other chemicals, what impact is that chemical cocktail having? That is why we need this inquiry.

Senator Colbeck says, ‘Let’s put the science before the politics.’ One could almost choke hearing him say that, given the behaviour of the coalition when it comes to climate change. The world’s leading scientists everywhere are telling us about the impacts of climate change and Senator Abetz declared yesterday that he is an agnostic on the science. There are plenty on that side denying the science—denying, denying, denying.
They are most certainly not putting the science before politics when it comes to their position on global warming. That is pretty evident. They have not done so on just about every other issue and they are not doing it now. If they were genuinely interested in getting to the facts of the matter as quickly as possible, they would be calling on the Tasmanian government to institute an independent inquiry—indeed independent of government.

The reason the government in Tasmania is so on the nose is the lack of transparency. For years and years people have wanted to know what is going on in the little cabal between the Tasmanian government and the bureaucracy. We saw it with the grants in the forest industry. The Department of Economic Development, Tourism and the Arts got together with the Forest Industries Association of Tasmania and recommended who should get the grants. In fact, the Forest Industries Association of Tasmania managed to get some of the grants for themselves through that process. There is no line in the sand, as the Premier of Tasmania put it, between him, his office and Evan Rolley in his department. Then there is a link from Mark Addis, from the Forest Industries Association, straight across to the bureaucracy that is heading up resources. They are all there, all mates together. They are all one phone call away.

There is no degree of separation in Tasmania when it comes to the forest industry, the Tasmanian government, the bureaucracy and the Premier’s office. That is why you cannot trust the EPA in Tasmania to conduct an investigation of the kind that needs to be made. The Senate should start that process. Tasmania’s producers deserve it. Tasmania’s community deserves it. Public health deserves that we have an inquiry as quickly as possible but also that we insist that there be an independent inquiry. As I indicated earlier, why would you trust the EPA to look into this now when the EPA said in 2005 that although there was toxicity it was from native forests—which it clearly is not—and therefore they would not investigate further? I think it really demonstrates who is calling the shots here.

Senator Heffernan was running around after the program aired the other night, saying, ‘We have to have an inquiry!’ Clearly, he was quashed by Senator Abetz and Senator Colbeck from Tasmania. He is not in here now, but he was absolutely motivated about it. He rang the other night and said, ‘We have to have an inquiry.’ I hope Senator Heffernan comes in here in a moment to tell us about how the Liberal Party and Senator Abetz prevented him from coming in here to speak or to support an inquiry. Where is he? He is quoted in some of the media on this, which says that people must support Senator Heffernan’s inquiry. Where is his inquiry? It is nowhere, because Senator Abetz is taking his directions from the forest industry in Tasmania. No doubt Senator Colbeck is too. No doubt Senator O’Brien will be taking his directions from the Tasmanian Premier. They will be hoping that all this suddenly goes quiet until 20 March, when the election will be held in Tasmania. They will not want to see an independent inquiry getting started in that time. This Senate has an obligation to public health, to the health of our wildlife and to the health of the ecosystem to do something about it. (Time expired)

**Senator O’BRIEN** (Tasmania) (10.27 am)—The government do not rule out the concept of an inquiry into issues relating to the George River in Tasmania or other related matters. But we do think that it is appropriate that there are proper scientific examinations before this thing becomes the political football that, clearly, if you listened to Senator Milne’s speech, it would be intended to be, were the Senate to initiate the inquiry. There are a few points that I want to
touch on. Suffice to say we will not be supporting this motion at this time.

I noted from Senator Milne’s speech that we are enjoined not to trust the Tasmanian government. I thought there was a democratic process going on there at the moment, an election campaign in which the Greens were campaigning to become the government. So do I take it from the speech that Senator Milne has given up on the chances of the Greens becoming part of the, if not the, government? Is that what I should take from the speech? Or is this part of the campaign leading up to the Tasmanian election on 20 March? I am not sure what to make of it. I do not want to jump into the bed of conspiracy theorists, but you would have to say that Senator Milne and Senator Bob Brown agree with all of the suggestions that were made in Senator Milne’s 20-minute contribution.

She talked about cancer clusters, which I understand have been the subject of an examination by Dr Roscoe Taylor. Despite the attempts to blacken Dr Taylor’s name, he is a fairly respected practitioner and the Chief Medical Officer in Tasmania. I understand he has looked at medical records held by Dr Bleaney. He or members of his department are on the public record as saying that there is no evidence that can be ascertained from Dr Bleaney’s records that shows a disproportion of particular types of cancers there compared to anywhere else. But I am no expert on that and, if we are going to start examining that, how do we examine it without access to all the medical records in that area? It is a very difficult problem and something that I suggest the Senate committee would not be able to do.

On the question of the coalition’s position on climate change, I share Senator Milne’s concerns that, on the one hand, talking about carbon sequestration in trees, as Senator Colbeck did, and, on the other hand, voting against the motion is a bit hypocritical. But didn’t the Greens also vote against the bill? If the five Greens sitting in that corner had crossed the chamber and voted with the government, we would have passed the legislation, but they chose not to. So I think it is a bit rich for the Greens to talk about hypocrisy on climate change when that was the Greens position on that vote.

On the question that was raised about triazines, the fact is that some sections of both forestry and agriculture use triazines on genetically modified canola, and there is a fair bit of that in Tasmania. There is also a fair bit of that in other parts of the country. On the other hand, there is a significant part of the green movement that says, ‘We should not have GM canola; we should only have non-GM canola.’ But the regime for that uses triazines. So there are a lot of points of difference that I could raise with the contribution that has just been made.

I go back to what Senator Colbeck said earlier. This matter has been put in the public domain by the Australian Story program. My understanding of the reports is that there was an allegation on the program that there is a toxic cocktail which is attributable to plantation Eucalyptus nitens in the foam on the Georges River and that that is having deleterious effects on both the oysters in Georges Bay and human beings. This is a very serious allegation. Quite properly, the Chief Medical Officer, on behalf of the Tasmanian government, has said, ‘I’d like to look at this, and we’re prepared to investigate it.’ I am told that, according to reports, the response was, ‘We’ll go and see our lawyers.’

I have said in this place that I find that to be a remarkable response from a group who have been prepared to go public with an allegation which damages the reputation of Tasmania while saying: ‘We won’t give you
our research; go and see our lawyers. You’ll also have to satisfy the third party involved before we’ll give you the research.’ Until and unless there is a preparedness to share their research and allow it to be investigated, as Senator Colbeck said, not just by scientists and medical practitioners in Tasmania but also by those in other parts of the country or even internationally, I would be very reluctant to support the idea of jumping into what is clearly going to be a very political exercise on behalf of the Greens, pursuing their opposition to forest industries generally and besmirching the reputation of Tasmania, before we have had a chance to have access to some peer reviewing of the allegations that have been made and some proper scientific assessment of this catchment and others. Eucalyptus nitens are not only in the Georges River catchment. The suggestion in the allegation is that this will be a very widespread problem if it is a problem in that catchment.

I would much rather we have the benefit of properly conducted research if the Senate committee is going to have a look at this. What is the next step in the proposition that we have an inquiry—that somehow the Senate funds the research? At the end of the day, maybe that would be necessary, but I would much prefer that the public health bodies around this country were involved in that before it became a political football.

The government will not be supporting the reference to a committee of this matter at this time. We do not reject the concept in the future after those steps have been taken. If Senators Milne and Brown are worried about what the Tasmanian government might do, I guess they are giving up on Mr McKim’s chances of being part of the Tasmanian government in any capacity following the election on 20 March.

Senator ABETZ (Tasmania) (10.35 am)—It seems that there is always a convenient ABC story when there is an election in the air, and this edition of Australian Story is one of those. In the run-up to the last federal election, the ABC had a story on the 7.30 Report, if I recall correctly, about forestry and the impact of that and the Gunns mill on Bass Strait. The ABC was later reluctantly forced to put some corrections on the website. Before that, I recall that the ABC had a segment called Lord of the Forest, for which they were dragged kicking and screaming until they finally had to air an apology and a correction. The ABC has a very sad and sorry history in this space, so I would caution the Senate against relying on ABC stories for a Senate inquiry. Having said that, I do not prejudge that edition of Australian Story. There may well be some basis to it and it may be completely correct. All I am saying is that the track record of the ABC in this space ain’t great and I therefore question it.

The Greens are always keen on accountability and administration for others, but they have been strangely silent about the expensive brawl going on within the Wilderness Society as we speak. There have been court challenges, and, of course, we know that the Wilderness Society is the industrial arm of the Australian Greens and that there is a cross-pollination between those two organisations like you would not believe. Indeed, Senator Brown was a former director of it, if I recall correctly. What you have is the old guard fighting the new guard, with people claiming the democratic processes are not being followed—but do you know what? There has been not a peep out of the Australian Greens as to the terrible administration within the Wilderness Society, with court brawls, internal brawls, the leaking of minutes and all sorts of things. They have been strangely silent because they are partners with the Wilderness Society.

In relation to the quite outrageous allegation by Senator Milne about Senator Heffer-
nan, I simply say: Senator Heffernan and I have not even discussed the matter. Yet she comes in here and seeks to impugn the integrity of both me and Senator Heffernan. I should not take exception to it, because that is the modus operandi of the Greens. They will say anything and do anything regardless of the facts and the circumstances. They do not need facts for their public statements and press releases. If it sounds good, just say it and, of course, never apologise afterwards. But I can say on the record here and now: Senator Heffernan and I have not discussed the Australian Story program, and why Senator Heffernan is not in the chamber I do not know.

What I do know is that, if we want to talk about the science, there are very credible scientists such Professor Gordon Duff, Dr Chris Harwood, Dr Julianne O’Reilly-Wapstra, Professor Brad Potts and Professor Jim Reid, all of whom have contributed a scientifically rigorous statement to my local paper today. They say:

No eucalypt plantations in the catchment, or anywhere else in Australia, use trees altered through genetic engineering.

I either believe the Greens’ assertion on this or these highly eminently qualified professors and doctors. At this stage of the proceedings, chances I prefer the professors and the doctors over the Greens, who are ramping up their exposure in the lead-up to the state election in Tasmania. And let’s make no bones about this: that is what this is all about, and part of—the campaign in Tasmania. These good professors and doctors also tell us that the trees that are grown come from seeds that are grown in seed orchards and:

… have been selected in field trials for their superior growth and wood quality. They have not been selected for increased toxicity.

Whom should I believe? The professors and the doctors or the Australian Greens in here with a political agenda? I would simply commend the article. It is on page 19 of the Hobart Mercury.

I say, with respect to all honourable senators here: why should this Senate be engaged in this inquiry? There are issues of toxicity in my home state of Tasmania at Rosebery in relation to the mining industry. There are these issues all around Australia. So the question has to be asked: why this one in Tasmania now? The answer: state election, 20 March, and the Greens are simply trying to ramp it up to secure their position in Tasmania.

Let the science take its course. Let the investigations continue. For Senator Milne to basically besmirch everybody in the EPA in Tasmania does her no credit and, of course, is a very unfortunate reflection on people who are professionals. You might disagree with their science; you might disagree with the way they go about their business; but the personal reflections on them—that you would not trust them et cetera—as is always the wont with the Greens, go not a step but a leap too far. We in the coalition will be opposing the motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.42 am)—I thank those who have contributed to this debate. To comment on that contribution from Senator Abetz, the view that the ABC in some way or another concocted this to be a pre-election program of course is absurd. Anybody else but Senator Abetz would know that. You might ask, Senator Abetz: who was it, then, that got involved in rigging the Black River bombing two days before the 1993 election? It had a big impact on that election and came from the forest industry. The culprits were never found, of course, but it was a massive, direct and planned attack on the Greens, who were doing extremely well at that time—it was nothing to do with
the Greens. But Senator Abetz has never called for an inquiry into that.

When we get real evidence of a planned effort to intervene in politics and to set people up and it comes from the philosophical side that Senator Abetz is on, you never hear the call for an inquiry. But, when the Australian Broadcasting Corporation comes up with a program like this, which has obviously been a long time in the making, he immediately fits it out as being political intervention. That is politics, but it does nothing for the argument, and nor was there any cogent argument from Senator Abetz—or Senator Colbeck or Senator O’Brien—that this inquiry that Senator Milne and I are requesting the Senate refer to the Rural and Regional Affairs and Transport References Committee should not go ahead. The argument, of course, that it is pre-election is very much in their minds, both the Labor Party and the Liberal Party. They do not want an inquiry in the run to the election because they do not want a proper public expose of the processes and the cover-ups that have occurred as citizens like Dr Bleaney and scientists like Marcus Scammell have tried to get assistance, the assistance they should have got, from departments, governments and industry to try to work out what is affecting the ecosystems downstream of the plantations in the George River basin.

This is a classic case of an area where the Senate inquiry would do best. It is not that a Senate inquiry might uncover the causal agent—the actual toxin—but it is that a Senate inquiry can see where there are gaps and where there are questions to be answered and it can put those recommendations to government so that the information can be found out. The other thing about a Senate inquiry is that it can open doors. When you hear that the health department in Tasmania was given a report from Dr Bleaney in 2008 and it had not been opened until very recent times, you wonder how on earth you can have advocates now saying that all the documents from the scientists that she has been working with should be given for peer review but we keep a closed door on the information held by government, not least by industry, because there is a lockdown on information in Tasmania.

Senator O’Brien referred to the smearing of the reputation of Tasmania. The logging industry in Tasmania, with its destruction of ecosystems, including the habitat of rare and endangered species, with its pollution of waterways and with its massive contribution—in fact, more than the rest of the Tasmanian economy put together—to greenhouse gas pollution of the atmosphere, which is all unpaid for and at great cost to taxpayers, including more than $1 billion in handouts from state and federal governments in the last two decades, has of itself been the biggest cause of the smearing of the reputation of Tasmania that one can discover. This industry needs cleaning up; this industry needs opening up; this industry needs to pay its way for the damage it does. But you get cover-up and you get the sort of situation we see now where citizens are trying to find out what it is that ails them or their water or their industries and they simply get condemned, by implication, that they do not have peer review. It is said that all their information should be handed to the loaded, biased industry boffins in government, like Minister Llewellyn—one of the most hopeless and destructive. Talk about smirching the reputation of Tasmania! Can there ever have been a minister who has so shepherded the destruction of what is good for Tasmania? There was the clean, green image and the right of new clean, green and organic agriculture, which finds itself in the vicinity of highly polluting industries like forestry, which sprays atrazine and other toxins into the air and the water catchments. The use of 1080
by this industry brought dreadful publicity worldwide and it continues in Tasmania. It results in the long and painful death of marsupial species, including those that are rare and endangered.

The smearing of the reputation of Tasmania by that industry and the damage done by it—so high-handedly and arrogantly, with weak and spineless politicians in Tasmania from the big parties shepherding it all away—speaks for itself. It is time we got past that. No wonder the Greens are indeed at 29 per cent, when you distribute preferences in the polls in Tasmania. No wonder people are looking for an alternative. No wonder they are looking for more security about the future economy of Tasmania through the Greens. We have seen such serial failure by Labor and Liberal governments.

I come back to the case in point. We do need to find out what is in the water of not only the St Helens catchments but also other catchments across Tasmania. It comes from a change in the natural ecosystems which provide clean, fresh water to people downstream, farmlands and aquatic industries. We should be monitoring that all the way, but you cannot have that where you have closed industries, secrecy and failure of openness to the public. There is the forest industry and Forestry Tasmania. Corporations like Gunns, of course, have a very unenviable record in high-handedness, obfuscation and cover-up when the public have a right to know.

Senator Colbeck said that the Greens have said that we should get out of native forests and move to plantations. He is a new player, relatively speaking, in this place. He sits on the second row and is unable to get the story straight. The Greens have always condemned the destruction of native forests and their replacement with plantations since the 1970s when the woodchip industry brought such carnage to Tasmania, and we continue to do so. If the Greens had had their say, there would be no Eucalyptus nitens plantations replacing old-growth forests and native forests in the George River catchment and we would have a North East Highlands National Park instead of the continued erosion and destruction at a rapid rate of the native forest ecosystems and the habitats of rare and endangered species in the hinterland of St Helens, Swansea, Bicheno and the whole of the east coast of Tasmania.

One only has to think about the rapid destruction of the habitat of the swift parrot, the fastest parrot on earth. This parrot is now down to a thousand pairs, which are just now preparing, after their breeding season in Tasmania, to come back to the mainland. Forestry Tasmania, aided by the parties of Senator Abetz and Senator O’Brien, is in the business of destroying the nesting sites which this rare species depends upon if it is going to survive. You cannot destroy the nursery if you are going to move to recover such a species from destruction.

I laud Dr Alison Bleaney, Dr Marcus Scammell and all the other scientists who have had their work displayed by Australian Story. This is not just a story of citizens who had a hunch, a worry or a phobia. This is a story backed up by the work of more than half-a-dozen laboratories in Australia and New Zealand. It is a story of scientists who are prepared to go on the record and talk about a toxin which is killing human cells in the laboratory. It does not necessarily mean that it will be injurious to health if it is drunk in water coming down a river, but given that there is a toxin which is going to kill skin and liver cells, is it not right that this Senate should hold an inquiry to find out if it is affecting the citizens of St Helens and citizens further downstream, and not only concerning Eucalyptus nitens, whether it is growing in plantations or naturally on the mainland—because it does not occur naturally in Tas-
mania—but other eucalypt species as well? Of course we should be. Of course it is a time for the airing of the very serious concerns that people have about their health, their natural environment and their future ability to be free of fear from the hidden toxins which so far have not been exactly identified.

And what if you are a blue mussel farmer in the George River catchment and you have a flood pulse come down the river and 90 per cent of your stock is killed? Don’t you have a right to be worried about that? And do you worry when it is just dismissed by a health authority who says, ‘Oh, it is fresh water’? Of course you do, and of course, for the sake of those small businesses, we should be having an inquiry into this. This is an abrogation of responsibility by the Labor and Liberal parties. Senator Heffernan has called for this Senate inquiry and has called, responsibly, for a scientific inquiry; but he has not prevailed with his Liberal colleagues. I will say this of Senator Heffernan: he has taken a keen interest in plantations, whether they be in Tasmania or on the mainland, not only because of their potential indirect effects, as in this case, on water systems, but also because of the direct effects, such as the plantations taking water out of catchments further down. He is concerned about this issue but, of course, in our party system the person who knows the most is very often the person who has the least say when it comes to an issue like having an inquiry.

Senator Heffernan has called for an inquiry, and I think he is right. Senator Abetz says, ‘We oppose an inquiry.’ I think he is wrong. Senator Colbeck says, ‘Let us not have an inquiry.’ I think he is wrong. Senator O’Brien says, ‘We won’t support an inquiry; we’ll put it off until some other time.’ We have heard that before, and he is wrong as well. Senator Milne and I are serious about this inquiry. It is the logical and responsible thing for political representatives, not least those of us from Tasmania, to be undertaking. For the citizens and the industries and scientists involved it is an abrogation of responsibility by the Labor and Liberal parties that they are going to block a simple inquiry into a very serious matter.

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

The Senate divided. [11.00 am]
(The President—Senator the Hon. J J Hogg)

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

**NOES**
Abetz, E.
Arbib, M.V.
Bilyk, C.L.
Bishop, T.M.
Bushby, D.C.
Cash, M.C.
Collins, J.
Cormann, M.H.P.
Evans, C.V.
Faulkner, J.P.
Ferguson, A.B.
Furner, M.L.
Hurley, A.
Ludlam, S.
Milne, C.
O’Brien, K.W.K.
Parry, S.
Polley, H.
Sherry, N.J.
Troeth, J.M.
Wortley, D.

* denotes teller

Question negatived.
Pursuant to order and at the request of the chairs of the respective committees, I present reports from legislation committees in respect of the 2009-10 additional estimates, together with the Hansard record of the committees’ proceedings and documents received by committees.

Ordered that the reports be printed.

Senator FARRELL (South Australia) (11.06 am)—On behalf of the Chair of the Environment, Communications and the Arts Legislation Committee, Senator McEwen, I present the report of the committee on the provisions of the Do Not Call Register Legislation Amendment Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MARK BISHOP (Western Australia) (11.06 am)—I present the report of the Foreign Affairs, Defence and Trade Legislation Committee on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2], together with submissions received by the committee.

Ordered that the report be printed.

Senator MARK BISHOP—It is unusual to be able to speak to a bill as presented to the parliament at this stage on the basis that normally discussion on bills occurs at either the second reading stage or the in-committee stage. The reason that I have made the request today is that this bill, having been brought to a Senate committee by the Greens, is essentially the bill of a minor party and, subject to later decision by government, is unlikely to proceed, so this would be the only opportunity to speak to the bill. I wish to speak for only five minutes to make a few remarks about the background to the inquiry.

The purpose of the bill, as it identifies itself, seeks to authorise members of the Australian Defence Force to serve within the territorial limits of Australia but they may not serve beyond these limits except in accordance with a resolution authorising such service passed and carried by each house of the Australian Parliament. Essentially, the bill seeks to alter the longstanding practice of this country whereby the executive arm of the government, through a national security subcommittee of cabinet, as I understand it, authorises the dispatch of troops of Australia to either warlike or non-warlike service, certainly being service outside the territorial limits of Australia. So the question before the committee was not whether parliament should debate or engage in discussion in its various forms on the merits or otherwise. The question before the committee, in its examination of the bill, was whether the bill provided a credible alternative to the practice that has developed in this country since Federation of the executive arm of government making the decision to commit troops overseas, along with the usual discussion in the community and often with, as of late, discussion in both houses of the parliament.

The committee, in taking that tack, was primarily concerned about how the provi-
sions of the bill would operate in practice and it examined and analysed the bill from that perspective. The report of the committee outlines that there is extensive background to this particular bill going back something of the order of 25 years. It is the third or fourth time that such a bill, if not almost certainly identical in substance then certainly very similar in substance to this bill, has been brought to the parliament by either the Greens or minority party senators of different persuasions over the years. The content of the bill has been regularly examined by ministers and shadow ministers alike and on each occasion it has been examined by relevant committees of the parliament and there has been extensive discussion in the wider community. So the content of the bill is well known.

I offer a few brief comments in passing. There was something in the order of 30 or 31 submissions only to the bill. Almost 11 or 12 of those were pages of one submission only which indicated support for the bill. In that context the committee had written to hundreds and hundreds of bodies seeking submissions and to have had such a poor response, albeit all of those who did take the trouble to respond provided worthy submissions, made it clear that perhaps we did not get the widespread debate within the committee and within the wider community that might have been sought by those who were interested in the passage of the bill.

The committee has identified a number of deficiencies in the bill that need to be attended to by those who are interested in this debate if the bill is going to be brought forward this time or some time in the future for passage. Firstly, there is the treatment of classified material and, secondly, the constraint on the ability of Defence to mobilise its forces safely and effectively is so limited. There are serious problems with definitions within the bill and inconsistencies between the explanatory memorandum and the bill itself. Because of those inconsistencies, clearly the bill had the potential to capture routine or non-warlike military activities including activities such as peacekeeping, capacity building in other countries, humanitarian assistance, antipiracy, the rescue or extraction of Australian citizens from threatening situations overseas, covert operations such as those involving submarines and responses to maritime incidents such as harassment, sabotage and the like. Those sorts of definitional deficiencies distract from

Senator LUDLAM (Western Australia) (11.12 am)—I seek leave to make a short statement of no more than five minutes.

Leave granted.

Senator LUDLAM—I thank the Senate for flexibility in being given leave to make a couple of brief remarks. The Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2] is a bill that I took carriage of as one of the first things that I did when I got here. As Senator Bishop has indicated, it does have a long history. It was first moved by Senator Colin Mason of the Democrats in the early 1980s and there has been nearly a quarter of a century of Senate consideration in one form or another of the proposition that the prerogative power of the executive to unilaterally put Australian men and women in harm’s way should perhaps be moderated in some form by the parliament. It was first moved by Senator Colin Mason of the Democrats in the early 1980s and there has been nearly a quarter of a century of Senate consideration in one form or another of the proposition that the prerogative power of the executive to unilaterally put Australian men and women in harm’s way should perhaps be moderated in some form by the parliament. It was originally put forward in amendments to the Defence Act and then down the track it was formalised as a private senator’s bill. It has been amended a couple of times down the track.

The bill that I inherited was substantially similar to what Senator Andrew Bartlett last introduced in 2003 or a little later. Since the last substantive debate on this bill was had, we have had a very interesting object case
study of what happens when the executive puts Australian troops in harm’s way—in the Iraq deployment—against the popular will. I was one of the hundreds of thousands of Australians who marched against the Iraq deployment for the reasons that even the government’s own intelligence agencies were telling the executive at the time: ‘This deployment is unwise. The reasoning is unfounded. We are even potentially being misled by some of our closest allies.’ If all that is not enough of a reason to reconsider the idea, then consider that a handful of people or constitutionally potentially even the Prime Minister alone can make one of the most important and grave decisions of all. The parliament debates many issues and it is still unknown to me why we have the principle that the parliament should not have some role in decision making to reflect popular will through this place, as imperfect as this building’s representation of popular will can sometimes be. At the very least, the Iraq deployment should teach us something about leaving these decisions in the hands of the executive alone.

The major parties, with some notable exceptions, appear to have bipartisan consensus that now is not the time. One notable exception is Melissa Parke, the federal member for Fremantle who put a submission into the bill to register her belief that the party’s policy should change in this regard. Some of the language in the committee suggests, as I think the chair, Senator Bishop, intimated earlier, that the principle is not completely without merit and that essentially this is an argument about detail, not intent. I do not intend to verbal Senator Bishop at this point, but I think the wording of the inquiry document that we are tabling this morning is great. It is a very useful, critical examination of the issues of some of the things that have been raised over time, but it does not go down the second step of reflecting on solutions, ideas, answers or propositions. If the bill is flawed but the basic principle is sound, then it is the work of this parliament and the obligation of this parliament to improve the bill and move it forward. If that initiative will not be coming from the major parties, then it will certainly be coming from us.

The principle is that Australia would not be alone in moving towards some form of parliamentary oversight of the deployment of troops into war-like situations or into wars. It is not something that should simply remain with the executive. Many of our closest allies, including the Westminster parliament upon which our foundation and precedent is based, are moving in this direction, and the debate in the United Kingdom is vastly more mature than it is here in Australia. So it is not a tradition that we wish to simply follow blindly.

On the basis of the small number of submissions—but acknowledging that many were of very high quality—the committee decided not to hold a formal parliamentary hearing but a hearing that was extremely valuable. I encourage all senators to read the transcript which we have appended as our dissent to the majority report. We spoke to senior ADF personnel, a former defence secretary, UN peacekeepers, ambassadors and advocates. We deliberately invited people who would not agree with us on all the issues, but they certainly brought something new to the debate and I encourage senators to look at that transcript.

There is not time now to rebut point by point the issues that have been raised by the chair, but we think this is only the beginning. This is something that will need to be debated further by the parliament. As former Clerk of the Senate Harry Evans said of the bill, its chances may be slim but its time will come. (Time expired)
Senator FERGUSON (South Australia) (11.18 am)—I seek leave to make a short statement of no more than five minutes.

Leave granted.

Senator FERGUSON—I rise to speak in support of the remarks made by the Chair of the Senate Foreign Affairs, Defence and Trade Legislation Committee, Senator Bishop, on the private member’s bill, the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2], and on the report. I repeat what has been said before: there is no more serious decision taken by governments or executives than to send Australian troops overseas or to deploy them overseas in a war-like situation. Unfortunately, over the past 100 years or more governments have made that decision. If someone would like to look at the history, while there might be arguments in a couple of cases, in most cases Australian troops have been deployed with the general support of the Australian people.

In his speech, Senator Ludlum talked about a decision being made by a handful of people. That handful of people he refers to are the executive of the government of Australia. They are people who are informed and base their decisions on some information that is not readily available to other members of parliament—and neither should it be. If we are to have an effective security and intelligence organisation and effective intelligence and security advice given to the government of the day, no matter who that government might be, it is not information that is publicly available. What you are asking is for the parliament to be able to make a decision as to whether or not this country should send troops away to war without being in possession of all of the facts. We know it is impossible to get all of the facts.

I have served on intelligence and security committees and on foreign affairs, defence committees for a number of years, as have Senator Bishop, my friend Senator Trood and others. Governments are in the position where they make the decision and they bear the responsibilities of those decisions. If the public does not agree with the decision that has been made by an executive or a government, then the democratic will of the people can be shown at any future election, and we have seen that happen. Winston Churchill, regarded as a hero in Great Britain, was turfed out before the Second World War had even finished by the people of that country. So executives and the executive arm of government do not make these decisions lightly. They make these decisions in what they hope are full possession of the facts. They listen to other points of view.

For us to change a system that throughout history has served Australia very well is not something that many of us would want to do. There will always be those who are opposed to war under any circumstances. They would do everything and use every means possible to prevent Australian troops going into battle overseas or fighting in causes outside of Australia’s shores. In fact, sometimes, as has been proved in the past, the best way to preserve our own security from within Australia is to make sure that we attack the cause of the problems if they happen to be outside of Australia, and we have done that in the defence of our country now for a number of years.

I totally support the remarks made by Senator Bishop and the report of the committee in the recommendations or the statements that they make in their report. I hope that decisions such as this, regardless of who will be in government in the future, are left to those who have the most information at their fingertips—the intelligence information and all matters pertaining to Australia’s security. I welcome the report and welcome the com-
ments that were made before by Senator Bishop.

Economics Legislation Committee

Reports

Senator FARRELL (South Australia) (11.22 am)—Pursuant to order and at the request of the Chair of the Economics Legislation Committee, Senator Hurley, I present reports on legislation from the committee, as listed at item 8, as orders of the day Nos 4 and 5, on today’s Order of Business, together with submissions received by the committee.

Ordered that the reports be printed.

Education, Employment and Workplace Relations Legislation Committee

Report

Senator MARSHALL (Victoria) (11.23 am)—I present the report of the committee on the provisions of the Occupational Health and Safety and Other Legislation Amendment Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Rural and Regional Affairs and Transport References Committee

Report

Senator NASH (New South Wales) (11.24 am)—I present a second interim report of the Rural and Regional Affairs and Transport References Committee on import restrictions on beef. I seek leave to move a motion in relation to the report.

Leave granted.

Senator NASH—I move:

That the Senate adopt the recommendation of the report relating to an extension of time for the inquiry to 11 March 2010.

This issue surrounds the relaxation of the rules for the importation of beef from countries that have had bovine spongiform encephalopathy, BSE, or mad cow disease. There is no legislation or regulation that is required for this change in the rules, so it was entirely appropriate that the Senate Rural and Regional Affairs and Transport References Committee embarked upon an inquiry to look more closely at those changes and the basis for those changes. One of the concerns that has arisen before the committee is the fact that there has been no import risk analysis. As we go through the inquiry, that is one of the key issues that has arisen in terms of determining the appropriateness of the changes to these laws.

The reason for extending the period of time relates to the protocols that have been developed by Food Standards Australia New Zealand. These are the only protocols that will be used as the guidelines to determine the appropriateness of the importation of this beef. The protocols were released only the day before yesterday, so it was prudent, in the view of the committee, to extend the time for the final reporting date so that there could be the appropriate scrutiny of those protocols. A hearing will take place later today with the departments, and those issues that are of concern to the committee will continue to be explored.

As I say, there has not been an import risk analysis associated with this ministerial decision to change the importation rules, and, as far as we can see, to date within the protocols there is not a requirement for equivalence with the National Livestock Identification System that we have here in Australia. One would expect, at the very least, that when we are looking to import beef from other countries we would seek equivalence with the requirements we have for our own producers in this country.

Madam Acting Deputy President, I thank you for the opportunity to make these few comments and explain to the Senate why we have required an extension of time to report.
This is a very serious issue. People around Australia are questioning the process through which the government has gone to arrive at the decision to relax these rules. Given that this ministerial decision will allow importation of beef from countries that have had mad cow disease, the Australian public deserves to have proper scrutiny of the decision. Given that there is no legislation or regulation required, the Senate committee’s inquiry really has become the only avenue for the Australian people to have their voice heard on this issue.

This will mean potentially a very serious change in what we require from countries that have had outbreaks of mad cow disease in the past. Concerns around the science have been put forward. Some say that the science is settled, but the committee is hearing as well from those who do not believe that there is a sound scientific basis to say that there is now negligible risk.

Through the process of this inquiry, we hope to ensure for the Australian people that a proper process is in place for the determination to change the rules. The committee is not convinced at this stage that there has been that proper process. As I said at the outset, there has been no import risk analysis undertaken into the importation of beef to guide and inform the minister’s decision on whether or not this is appropriate. The committee views that very seriously. We will continue to explore the evidence brought before us with the extension of time the Senate has granted us. I thank the Senate.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Report

Senator TROOD (Queensland) (11.29 am)—I present the final report of the Foreign Affairs, Defence and Trade References Committee on security challenges facing Papua New Guinea and the island states of the southwest Pacific.

Ordered that the report be printed.

Senator TROOD—by leave—I move:

That the Senate take note of the report.

This report is the second volume of the committee’s inquiry into Australia’s relations with Papua New Guinea and the islands of the southwest Pacific. Volume 1 was tabled on 19 November 2009 and dealt with the economic challenges facing the Pacific. This volume focuses on the security challenges facing the region.

In its inquiry the committee found that there were many causes of instability, insecurity and sometimes conflict within the Pacific island states. Among the most important domestic contributing factors are interethnic tension, insecure land tenure, access to weapons, gender inequality, corruption and unemployment. And underlying many of these problems is the issue highlighted in the committee’s report: economic underdevelopment.

The persistence of these problems has bred various insecurities among island states—not least, political instability—in part, because governments, and often local politicians, enjoy only short-term, and sometimes truncated, terms of office. The committee found:

... such stability makes it difficult for governments to pursue a sustained policy agenda; it erodes public confidence in government and creates a culture of shorttermism which may encourage corrupt practices ...

And:

... this history of political instability has significant implications for Pacific security.

The list of security challenges now faced by the countries of the region is depressingly long. It includes: the breakdown of domestic law and order; transnational crime, including
smuggling and money laundering; illegal fishing resulting in serious resource depletion; a high vulnerability to natural disasters and a potentially wide exposure to the dangers of climate change.

The committee found that the island states had a limited capacity to respond effectively to many of these challenges. Their law enforcement mechanisms are limited, their capacity for effective border control is overstretched, regulatory and administrative frameworks are underdeveloped, and their ability to respond to natural emergencies is limited by weak infrastructure and an absence of financial reserves. Transnational criminal activity offers a useful example of the challenges faced by island states. The committee found that most do not have the capacity to police their vast oceanic borders effectively. Nor do they have the sophisticated tracking, surveillance and policing capabilities required to address transnational criminal activity.

Australia, as the main source of aid to the Pacific, actively supports Pacific island states through an extensive range of security focused assistance programs. When taking evidence for the inquiry, the committee examined in detail the assistance provided by the Australian Federal Police, through the Pacific Police Development Program; the Department of Defence, through the Defence Cooperation Program; the Attorney-General’s Department, through its commitment to building legislative capacity; work undertaken by the Australian Transaction Reports and Analysis Centre—AUSTRAC—and the Australian Customs and Border Protection Service; and, as noted in the committee’s earlier report, the many Pacific programs administered through AusAID.

In spite of the assistance provided by Australia, many Pacific island states still struggle to deal adequately with the domestic and external threats to their security. The committee has therefore made a series of recommendations which focus on how Australia can better contribute to the security and stability of the region and of these states. These recommendations underscore the close connection between development and enhanced security for island states. Indeed, the committee is strongly of the view that were all of the recommendations in volume 1 of its report to be implemented it would greatly enhance their security and improve their capacity to meet security challenges that they will face in the future.

Beyond that, the committee’s recommendations focus on the need to develop security partnerships which, first, offer improved integration, collaboration, coordination and interoperability between Australia’s various security-related initiatives; second, focus on Pacific states’ needs, are appropriate to Pacific nations’ level of development and are commensurate with their technical and material capacity; and, third, complement the work of regional organisations’ aims to forge much closer cooperation and coordination with other donors to the region. As an example of the need for greater regional cooperation, the committee has adopted a recommendation that the Australian government explore with Pacific states the development of a regional maritime coordination centre as the foundation for improving the capacity of island states to protect, surveil and police their Exclusive Economic Zones and maritime territories.

In this volume, the committee underlined the findings in volume 1 which stressed the importance of building the self-sufficiency and resilience of Pacific island states so that they are able to take advantage of economic opportunities and deliver essential services. In that context it noted the potential for the Rudd government’s Pacific Partnership for Development programs to contribute to these
objectives. In this report the committee notes that the government’s complementary policy of Pacific Partnerships for Security may in time offer some similar potential.

A key challenge for island states is the need to develop communities that are better able to withstand the adverse effects of natural disasters and climate change. At the moment these countries are under-prepared for these challenges. The challenges are not likely to diminish and accordingly will probably demand considerable attention of external partners such as Australia.

In conclusion, the island states of the Pacific face some very difficult security challenges. In many cases they lack the capacity to deal effectively with these challenges. The long-term solution is to promote prosperity and economic development throughout the region. As volume 1 of the committee’s report makes clear, Australia can make an important contribution to this objective. The committee is also strongly of the view that Australia—together with other external countries; not least, New Zealand—has an important contribution to make to the region’s security.

Question agreed to.

Economics Legislation Committee
Proposed Reference of Carbon Pollution Reduction Scheme Bill 2010 and Related Bills

Senator BERNARDI (South Australia) (11.38 am)—In my brief remarks last night, if I recall correctly, I concluded by saying that the Carbon Pollution Reduction Scheme is not, in fact, an environmental bill. The government understands that. It knows the CPRS is going to have zero environmental impact; it is not going to reduce global warming, which has not, of course, occurred since 1995. Even the alarmist IPCC scientist Phil Jones has conceded that point. If we can only get Tony Jones to concede it, what great inroads will have been made. It is not an environmental bill; it is a tax bill. It is a $120 billion, 10-year tax grab by this government, who are desperate to prop up a Treasury bucket that is empty. There is a hole in the bucket. It is haemorrhaging money—taxpayers’ money wasted on so many programs—and this government is desperate to plug that hole by shoving more taxpayers’ cash into it.

I understand perfectly why the government does not want this suite of bills that will change forever the face of the Australian economy to go through any further scrutiny and why they do not want to refer the bills to a Senate committee that will examine their impact on the Australian economy and may even examine whether they will have any effect other than a negative one on the environment. Senator Wong, the Minister for Climate Change and Water, as the minister responsible for this abomination of bills, does not want the legislation to go through any further scrutiny.

Senator Wong is in absolute denial about what has changed from last year, when she was fuelling a pandemic about global warming, and what is happening in 2010. Last year, we did not know about the deceit and the fraud and the rent seeking and the nonsense that was coming out of the Intergovernmental Panel on Climate Change which Senator Wong has hung so much of her ministerial star on.

What we do know is that the IPCC has been absolutely discredited by its own actions. To Senator Wong and others who are caught up in this entire catastrophe of trying to foist these bills on the Australian people, I relate an old proverb that says that a frog that lives in a well is not aware of the ocean. Senator Wong is the frog that is living not in a well but in a hole. She has dug a hole with the IPCC, and she needs to poke her head up above that hole and have a look around and
see that there is a completely different landscape than the one she has been blinded by. The hole that has been dug by the IPCC is a grave for global warming. Almost every claim that they have made is becoming discredited.

Senator Chris Evans—Is it a well or a hole or a grave? You are sounding like Barnaby Joyce.

Senator BERNARDI—Senator Evans interjects and wants to know about whether it is a well or a grave. Senator Evans, you can keep digging. Keep digging the hole or the grave or the well or whatever you want to describe it as for your government. You are discredited, and everyone knows it but you. Although there are those on your side who know it—not the leftists, but those with common sense.

This well, this hole, this grave for global warming that is being dug by the IPCC relates to the frauds that have gone on there. The IPCC have misled the public with their climate data, they have manufactured data, they have made outlandish claims that glaciers are going to disappear in 25 years and that the Amazon rainforest is going to disappear and that there are going to be massive droughts in Africa as a result of carbon dioxide being emitted into the air. We have discovered in 2010 and late 2009 that most of these outlandish claims, which were supported and taken to the bank of the taxpayer by the Labor government, were based on flimsy science, false science, dodgy science, student newspapers, WWF funding and claims in Greenpeace’ extremist publications.

It simply beggars belief that the government wants us to accept and adopt this suite of bills without scrutiny of what has come to light. It goes to the desire of Senator Wong and those of her ilk to see world socialism or some sort of evening body across all countries so that we can redistribute wealth to help those who are going to be affected. As I said last year, I do not know how redistributing wealth to corrupt regimes or compensating people for things that they have never had and never will have is going to save the environment. The people who are advocates for this approach are mostly rent seekers who are reliant on the largesse of this redistribution of wealth—hundreds of millions of dollars flowing into dodgy environmental programs. The head of the IPCC’s own institute is benefiting. I understand that our government has sent the IPCC $1 million to further these outlandish claims. By the way, that institute, TERI, far from being a bastion of environmental greatness, is, I think, now building golf courses—those things that require lots of water—in India and nine-hole golf courses on public land. That seems a good use of environmental money!

Anyway, I digress. There are a bunch of rent-seekers involved in this, and we need to identify that. We need to make sure the Australian public truly understand that what the government is trying to sell them is not what the environment needs and is not justified by the actual, credible science that has come in. It is justified by the discredited science that the government chooses to use. But, in doing so, we are subject to all sorts of abuse and personal attacks. They say, ‘Al Gore must be right because he won a Nobel Prize.’ If there were a Nobel Prize for fiction, Al Gore would deserve it, he really would—but not for science, not for a peace prize and not for drawing the attention of the Australian people to problems with global warming. This is nonsense. It is rent-seeking. It is further grandiosity by an elite who wants to tell the Australian people and the rest of the world how we should be running our lives—and it has been rejected, again and again. You would think a government that really considered what was in the best interests of the
Australian people, what was in the interests of our industry, what was in the interests of our families, would actually say, ‘Hey, we got this wrong; let’s take some direct action on it rather than create a massive bureaucracy’. There are 150-or-so people administering something that does not yet exist. It is quite extraordinary. Do you want to know why they want to pursue that? There are 150 people there who are zealots, advocating for something that is unnecessary and ineffective.

This is a range of inconvenient truths for those who are watermelons: they are green on the outside—we know that—and they are Marxist red on the inside. These are the people who are trying so hard to re-engineer our economy and to put themselves at the very epicentre of it. It is an inconvenient truth. I say to the emperor and the empress of the ETS: what has happened with the IPCC has shown that you have no clothes. And the Australian people know that; they know it—it is not just one small boy, one man or one scientist. The Australian people are waking up to the fact that the emperor and the empress of the ETS have no clothes—and it is not a pretty sight. They continue to come in here and say, ‘We’ve got to take action to save the world.’ Well, the rest of the world is not taking action.

I hear all the time, from Senator Wong and others, that there are 30 or 35 countries that have an ETS. What they do not disclose is that all bar one of those countries is associated with the European Union trading scheme. And what they will not tell you about the European Union trading scheme is that an estimated 80 to 90 per cent of the trades that take place on their carbon exchange are based on frauds. It is pass the parcel: everyone wins a prize and gets a government grant along the way, until some bogus company at the end has all the liability and shuts itself down. This is happening again and again. It has had no impact on carbon dioxide emissions in Europe. It has had no impact on stopping global warming, which they have conveniently ignored now and call ‘climate change’. It has had no impact on stopping cyclones or extreme weather events, or any of these things that they attribute to climate change—which, once again, have been debunked as myths—yet they want to impose it on the Australian people.

If they want to impose this on the Australian people, why will they not allow it to be scrutinised? Why will this government not allow us to examine the data that they have relied on? Or to examine the modelling, and the implications for the Australian economy? What do they have to hide? Clearly, they have a great deal to hide. Their modelling last year—they would not release a lot of it—assumed that all other countries in the Western world, or the major emitters at the very least, were going to introduce an emissions trading scheme of their own. This refers to China, the United States, India—and yet none of them are going to introduce and emissions trading scheme. It is all on the backburner. They have realised the folly of their ways—that this is an imposition on industry, it is an imposition on human progress and it will make no difference to the climate. All have woken up to that falsehood, except the 1950s Stalinist regime that is running this country now, that wants to put the Australian government at the very epicentre of the economy and redistribute the wealth—take from those who produce and give to those they deem worthy. There are laudable aims in government, in making sure that people have opportunities, but you do not give people opportunities by shutting down industry and denying them a job. That is exactly the consequences of this ridiculous legislation that they call the Carbon Pollution Reduction Scheme.
I know that Senator Wong has this like an albatross around her neck. We heard about dead cats hanging around people’s necks yesterday. Well, we have a stinking albatross hanging around Senator Wong’s neck on this. I know that she is desperately hoping for a reshuffle so she can ditch this poisoned chalice of a portfolio, and perhaps give it to one of her factional rivals—Senator Arbib would probably be good for this one, because he is in bad-land as well at the moment. What we have is a policy that is entirely friendless. Last year’s friends, from industry groups and other organisations that were supporting this government because they thought these bills were going to get through, have suddenly turned on them and have distanced themselves from them. They have said, ‘No, we really don’t want this legislation.’ Everyone is walking away from it except Senator Wong, the emperor and the Labor Party. This is where the Australian people are being dunned. Last year, if you recall, Mr Acting Deputy President, how to address climate change was the ‘greatest moral challenge of our time’. And yet, for some strange reason they will not allow the ‘greatest moral challenge of our time’ to be examined in a prudent and appropriate manner, so that their bills and their legislation are truly accountable to the Australian people.

Why? We keep coming back to that question—what have they got to hide? We have seen this government’s cover-ups. We have seen that they do not want to be accountable for the mistakes they have made. But one of the hallmarks of great leaders, of good governance, is that when they get it wrong they say, ‘Look, we got it wrong,’ and they shut down ridiculous and silly programs. Let’s take one example, and I will give credit to this government. After wasting some $20 million or $30 million of taxpayers’ money on their GROCERYchoice website, they walked away from it. It is awful that it cost nearly a million dollars a week for the seven months or so of development, but at least they walked away from it rather than continuing to pile many more millions of dollars into it.

But how many jobs are they prepared to sacrifice on their green altar? How many industries are they prepared to send over to China, India or somewhere else in the world? How many people are they prepared to put out of work, to disadvantage? How many businesses are they prepared to close down to pursue an extremist, nonsensical, unaccountable and inefficient climate change agenda? There is something really wrong with this.

Senator Wong maintained yesterday, if I recall correctly, that there have been 15 different inquiries into the Carbon Pollution Reduction Scheme. That may be right, but things have changed. Things have changed since we saw that disaster that was Copenhagen, where every radical green group got together to have a love-in and say, ‘We can change the world.’ They cannot change the world because they were all exposed as not having a legitimate claim or justification for what they wanted to implement. It turned to custard. Yet our Prime Minister, Senator Wong and others wanted us to go there with one of only two emissions trading schemes outside of the European Union.

The other country outside of the European Union that has introduced an emissions trading scheme is New Zealand. The scheme was introduced by a Labor government there and, finally, when a new government was elected, they started to roll back some of the outrageous impositions on their economy. We were going to be the second one. We have a much larger economy than New Zealand. We would be the major country outside of the European Union to implement a trading scheme. It has not done the European Union
any favours. It has not done the world any favours. Yet Mr Rudd wanted us to introduce it here and disadvantage ourselves ahead of all our competitors.

It is a bad policy. We know that. We know the science has moved on. We know that the Australian public no longer want it; they want direct action on climate change. We should put this CPRS to bed forever and a day. But the government will not. So we hope that, by referring it to a committee, which Greens, coalition and Labor senators can be on, we can find a general consensus that is in the best interests of the world and of Australia. That committee would examine the implications of what Labor proposes. I believe it would discredit it instantly and, hopefully, Labor would come to their senses and save the Australian people from the nonsense that they want to impose.

Senator XENOPHON (South Australia) (11.56 am)—Can I indicate that I will not be supporting this motion. I would like to outline my reasons for doing so. I think, as a general principle, that the Senate ought to inquire into important pieces of legislation and that it ought to do so through the committee process. But let us put this in perspective. What has happened here. This bill has already been debated in this chamber—and I am waiting for the interjections of Senator Bernardi. I must say, Senator Bernardi, you perhaps overreached when you accused this government of being Stalinist. The last time I checked, this government does not have any gulags—

Senator Bernardi—Did you listen to Kim Carr yesterday, mate?

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Senator Xenophon, you have the call—

Senator XENOPHON—Yes, I was just making the comment that I thought that some people might find comparing this government to Stalinists overreaching—colourful but overreaching!

This is a very important issue. The question before us is not whether this is a good or bad piece of legislation. I happen to be in the camp that says that this is a bad piece of legislation—I have already outlined why during the debate—and I am relieved that the legislation was defeated at the end of last year. But the debate on the merits or otherwise of the legislation should occur at another time during the second reading stage, the committee stage, of this bill. The fact is that there have been two extensive Senate inquiries on these bills and on the issue of climate policy generally. I sat on both of those inquiries for many, many hours. They were useful inquiries. Reports were produced. The Greens produced a minority report, as did I, outlining alternatives.

A few things have changed. Firstly, the leadership of the Liberal Party has changed. And last year a deal was done between Mr Turnbull and the government, and history shows what occurred with that particular deal. But let us put this in perspective. The bill that is before us is substantially the same as the bill that was put before this parliament previously and debated extensively at an exhaustive committee stage. Many amendments were put up by the coalition, the Greens, me and, I think, Senator Fielding—I am not sure of that, but he certainly played an active role in that debate—and were debated. We went through an exhaustive committee stage where these issues were ventilated.

Whilst there is a difference between the compensation package that was negotiated by Mr Turnbull and Mr Macfarlane with the government and the provisions of the Carbon
Pollution Reduction Scheme Bill 2010, the architecture of the scheme is fundamentally the same. I say again that I consider this scheme to be fundamentally flawed in its current form, that I do not believe it will deliver the requisite cuts to emissions to make a difference and for Australia to have a real leadership role in the region and also that it comes at a very heavy economic cost. So I cannot support these amendments.

In looking at where we go now and whether we agree to this bill being referred to a committee, it is fair to say that these bills have been exhaustively dealt with by the Senate and its committees. The only difference between the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and the present one is in the additional levels of compensation—some would say, ‘tinkering around the edges’—offered by what remains a fundamentally flawed scheme. I think that the deal that was struck last year, and I say this with due respect to Mr Turnbull and Mr Macfarlane, made a bad scheme even worse, and the architecture is still the same.

We will have an opportunity for a committee stage to exhaustively go through these bills again if that is what the Senate decides to do, but I cannot in good conscience see the benefit of having another inquiry when we have already had two exhaustive inquiries into this process. That is my fundamental difficulty. In a sense, I do not agree with the process that the opposition has sought to pursue in opposing this bill, but I do think that these bills are so flawed that the government needs to go back to the drawing board. That, to me, is the key issue here.

Given that the architecture is effectively the same and that we have dealt with these extensively in two Senate committees, I cannot in good conscience support this proposal for referral to a committee. I say this, however, in the belief that the debate is finely balanced; it is not a black-and-white issue. But I believe it is not appropriate for these bills to be referred to a committee given the history of the matter’s having been extensively canvassed in two Senate committees.

Frontier Economics, which has been advising me and which for some time advised the coalition, did provide papers which I tabled in relation to the amendments to this bill that were proposed. But, again, the architecture is the same, and I do not think there is any point in going further with this motion for the bill to go to a committee. We should just get on with this bill, and I hope that the Senate will again vote it down because, given its current structure, it will have a negative impact on Australia’s economy and a negligible impact on the environment.

The Greens will not be supporting this inquiry into the legislation either. I am surprised that the coalition now wants to have this inquiry, because the proposed changes to the Carbon Pollution Reduction Scheme Bill 2009 were agreed to by Mr Macfarlane with Minister Wong and the government last year. They were agreed. They went to the coalition party room and the coalition party room agreed with them. They were fully explained to the coalition party room at that time and there was support for them until there was a change of leadership—

Senator Abetz—No, there wasn’t.

Senator Milne—in which case the coalition decided that it was not going to support the changes. Those changes were negotiated by the coalition with the government. So if Senator Abetz does not understand them now then it demonstrates that he was going to vote for something he did not understand, which is a reflection on how he deals with legislation.
The fact of the matter is that the changes that were negotiated by the then shadow minister for resources and energy, Mr Macfarlane, with Minister Wong made the legislation even more flawed than it had been previously. As we know, it was the coalition that insisted on an increase in the compensation to the coal fired generators, which went up from some 25 per cent to 75 per cent as a result of the coalition’s changes. There were many other changes, and some of them were just ridiculous in the sense that the compensation for the emissions-intensive trade-exposed industries went on for 10 years. There were all sorts of unjustified changes, and I come back to the fact that there is no economist anywhere who believes that there is economic justification for the compensation levels that were agreed to with the coal fired sector. As Professor Garnaut said recently, they are an ‘abomination’ in terms of public policy.

That is one of the reasons why the Greens do not support this legislation in its current form. We do not support the government’s low targets in the legislation agreed to by the coalition. They are very well argued and canvassed. They have been to numerous inquiries. The 5 per cent to 25 per cent target range is one of the reasons why Copenhagen failed, because the developing world pointed out, quite rightly, that the level of ambition from developed countries like Australia was not high enough. In the Copenhagen Accord, which is now on the table and was in part Australia’s construct, there was a deadline of 31 January for countries to sign on with obligations. That is a soft deadline. Even people who agreed with the Copenhagen Accord now seem to be pulling out of it, and there is no certainty about where that is going to go. Indeed, with the recent resignation of Yvo de Boer from the UNFCCC, it is very hard to see where and what progress is going to be made globally in the next 12 months coming into Mexico, let alone after Mexico.

The Greens have said all along that the government’s legislation was flawed. It became even more flawed after the deal with Mr Macfarlane, and it is our view that it is unsupportable. It is unsupportable because its targets are too weak and because it locks in failure. It locks in those weak targets and the lack of transformation in the Australian economy into the future. It locks in the fact that Australia’s energy sector is not going to reduce its emissions until 2034, if ever, because the target of 2034 is based on an assumption that carbon capture and storage will be in place by then, and the reality is that it is hardly likely to be. So Australia’s energy emissions would go up while we were supposedly reducing our emissions by importing permits from overseas. But we ought to be reducing our emissions at home.

There are many reasons why the legislation is flawed, but, fundamentally, it does not drive the transformation to the low-carbon economy, to renewables and away from the old fossil fuel sector. It does not do it in many areas and it does not meet the scientific imperative in terms of the targets. That is clear to everybody. You take one position or another in relation to this. We do not need another inquiry to go over this ground over and over again. The ground has been clearly debated. I think the minister said in her contribution to this debate that there had been 15 inquiries. I have not actually counted them, but I think she is probably correct—at the least there have been very many Senate inquiries by various committees. All these aspects have been looked at and, more particularly, the coalition seemed satisfied with the arrangements it made and seemed to understand the changes it made to the bill as a result of the government’s discussions with Mr Macfarlane. Suffice to say, we will not be supporting this motion or the amendment.
proposed by Family First. I do not think we need the Productivity Commission to come back with yet another model in the scheme of things or, indeed, that it would be able to complete that in the time frame we are talking about.

The Greens have said that our fundamental problem with the legislation is the targets. They are too low and the reduction in emissions is dependent on the import of overseas permits. We want to see transformation of the Australian economy and that is why we have put an interim measure on the table to defer the issue of targets until the international scenario is clearer. Let us adopt an interim carbon price so that we actually put a price signal in for the longer term, and then wait to see what the target should be when it becomes clearer internationally. But we do need a price signal in the economy in order to start driving the transformation. The advantage of what we have put on the table about an interim measure is that it gives certainty for the long term that there will be a carbon price. It is a hybrid measure whereby we can put the price in via the architecture of an emissions trading scheme so that the architecture is in place. When we agree on targets as a result of the international scheme becoming clearer, then we can push the button and transfer from an interim carbon price set in this way to trading. You would be able to make a relatively seamless transition if you have the architecture in place to do so.

We have also recognised that, by putting in place an interim carbon price now in the absence of international trading, you do not import permits from overseas, so the transformation would have to occur in Australian industry. It is absolutely critical to the Greens that the transformation begins here at home and is not dependent on the import of foreign permits. That is a critical issue; the targets are a critical issue. Our proposition avoids having to deal with the target issue until it becomes clearer into the future and it overcomes the difficulty we have at the moment of a lack of a clear price signal—and people cannot make investments in the absence of a clear price signal.

For people who say that the renewable energy target issue—the wind farms et cetera—would be fixed if we had the emissions trading scheme in place, that is clearly not the case. The industry itself will say that it would not make an iota of difference. You actually need to fix the renewable energy target flaws in order to drive the kind of transformation we are talking about. Let us not hear any more nonsense that we do not need to fix the renewable energy targets because if the CPRS were passed it would overcome the problems for wind farms. That is simply not the case. The government cannot continue to arrogantly state that the renewable energy target is fine and not flawed and so on—it is flawed. People are losing their jobs as we speak, for instance in Tasmania at the Musselroe wind farm. There was an announcement in South Australia of no new wind farms until the RET is fixed and an announcement in Victoria at Portland that people will be losing their jobs by the end of the month. They have been on enforced leave for the last couple of weeks and, if this matter is not resolved by the end of the month, those people will be facing redundancy.

Come on now. This is an opportunity for the government to admit that what I said in the debate on the renewable energy target and what the industry said at the time has come to pass. Although the government pretended that they got it right, their modelling was wrong. The criticism made at the time has come to pass and it needs to be fixed. I plead with the government to fix this problem as quickly as possible because it is an issue concerning the transformation to renewable energy, and that is a critical strategic
issue for Australia into the future. But at the moment this is about jobs. This is about livelihoods in rural and regional Australia, and you cannot just keep saying it is not happening—because it is happening. Profit results and industry results will be out this week saying that there will be no further investment. What a tragedy that is when it is simply a matter of a minister and a government just admitting that they got it wrong and that they will move to fix it. They said they got it wrong on insulation—that was obvious to all and sundry—and are now moving to fix it. I am not confident that the fix that is in place will be enough, but at least it is a start. They need to admit they got the Green Loans Program wrong and move to fix that. But, in the absence of that, we are going to see people unemployed by the end of the month, in addition to those in Tasmania who have already lost their jobs because the Muscelroe wind farm is stalled. It is directly attributable to a failure of federal government policy. You cannot look at it any other way.

To conclude, as far as the Greens are concerned with this inquiry, we would like to see the proposal that we have on the table as a way forward considered. The opportunity that we are offering to broker a compromise position to get a carbon price in Australia as soon as possible should be taken up because there is no prospect of the Carbon Pollution Reduction Scheme being passed in the Senate. That has been obvious time and time again. I do not think another inquiry is going to change what people think, because nothing is changing in terms of the fundamental architecture of the scheme as was proposed by the government in the first instance and nothing is going to change on the targets or the way that the compensation provisions are constructed. There is no way that the Greens are going to support a piece of legislation which locks us into low targets and a failure on the science and locks us into not transforming the Australian economy but keeping the old coal sector, the fossil fuel sector, longer than is necessary and actually preventing the transformation that we desperately need. So, as soon as the legislation comes back, we will not be supporting it for all the reasons we have articulated time and time again. We do not think there is a need for another inquiry, because we think the ground has been covered many, many times.

Senator ABETZ (Tasmania—Deputy Leader of the Opposition in the Senate) (12.16 pm)—There is no doubt that we are debating a very serious issue. It is the big new tax on everything: the so-called Carbon Pollution Reduction Scheme, which deals with $114 billion being churned. It is a big issue in anybody’s language. Secondly, it is clearly within the province of the Commonwealth parliament. It is something which we are responsible for dealing with. So I say to those senators, like Senator Xenophon and the Greens, who do not seem to be interested in another Senate inquiry: that is fine, there is no compulsion—you do not have to go—but do not deny those of us who actually want to engage in the detail of this matter the opportunity to further inquire into and deal with the issues that have arisen since the last inquiry. It is dissemblance at its worst, with respect to both Senator Xenophon and the Greens, to assert that this area has been dealt with time and time again. Certain aspects have been dealt with previously, but I will remind honourable senators and read into the record the terms of reference. What we want to know about is:

... the outcome of the United Nations Framework Convention on Climate Change held in Copenhagen in December 2009 ...

Has that ever been inquired into? Absolutely not. It is a completely new term of reference. Why is it that the Greens in particular, and
Labor as well, do not want to know about the failure of Copenhagen? We also want to inquire into:

... the current state of progress of other countries in implementing emissions and abatement measures to meet non-binding emissions reduction targets ...

Has that been inquired into? Absolutely not. So, with respect to Senator Xenophon, the Greens and the Labor Party, saying these things have previously been inquired into is just wrong. How you can assert it so blandly is beyond me. These things have not been inquired into. There is another clause:

... the status of, and likely prospects for, the United States of America’s emissions trading legislation.

Since the last inquiry, this issue has moved a long way, especially on the international scene. The importance of that is—and again I say this with respect to Senator Xenophon, the Greens and Labor—sure, we have inquired into the architecture of the scheme, but there have been underpinnings in relation to the scheme which have been relied upon. There were underpinnings such as: we would be part and parcel of the global action which would come out of Copenhagen. That was one of the fundamental underpinnings. We now know that Copenhagen has been a complete failure, yet Labor are desperate to push it along despite the fact that one of the fundamental underpinnings has been taken away. Sure, the architecture remains the same, but you are now building a house—if I can extend the analogy—in a completely and utterly different environment. Therefore, if that is the case, you might have to address the architecture as well when you know that the underpinnings are so substantially different. That is why we, as an Australian community, should be informed as to whether the United States are going to go ahead.

I recall Senator Wong time and time again telling us that she had the support of the Business Council of Australia, the Australian Industry Group and the Australian Chamber of Commerce and Industry, and that the United States were moving down the track. She could no longer say that in the Senate today. That is the reality. She knows that the United States are running a hundred miles an hour from an emissions trading scheme and she knows that those business groups that she used to quote no longer support the government’s emissions trading scheme. The underpinnings have changed. The question then is: why have those organisations changed their position? Why has the United States changed its position? Are those matters worthy of inquiry? Of course they are.

We are dealing with a fundamental change to the Australian economy—$114 billion worth. Regarding the scheme, the Prime Minister cannot tell the Australian people how much it is going to impact on a litre of milk or a loaf of bread. We do know it will impact; we just do not know how much. You know what? I reckon the average Australian is interested in knowing how much it is going to impact on a litre of milk, especially in circumstances where other people around the world will not be having a similar emissions trading scheme to our own.

This is a fundamental change that is being proposed by Labor. It used to be dressed up as the greatest moral challenge of our time. Now Labor has gone very quiet on it. It did not even put it on top of the Senate agenda for consideration when we resumed. The Prime Minister no longer talks about it, but somehow it is still allegedly the greatest moral challenge of our time. That is how it was uber hyped, overhyped, by the Prime Minister. It was so very important, yet now Labor no longer wants to have an inquiry. I can understand why because it is a dog of a scheme. But why Senator Xenophon and the Greens would not want an inquiry does beggar belief. If they are not interested, fine; no
compulsion, don’t come along. But some of us are genuinely interested in what has happened to the underpinnings of this scheme.

Indeed, another underpinning of this scheme was Australia’s projected population by the year 2050. In the 12 months since the legislation was first introduced, that figure has now changed by about two million or three million people. When you have got a population of what, 21 million or 22 million people, such a change in the population projection is a 10 per cent change in one of the underpinnings, and that within 12 months.

The questions have to be asked: how were the underpinnings of this scheme obtained; who was responsible; and how come these underpinnings are now being pulled out or collapsing and no longer sustainable? Sure, the architecture might still be the same, as Senator Xenophon and Senator Milne told us. But a house is not only the architecture that you see, it is also the foundations—and the foundations are being pulled out, time and time again, in this scheme. It is vitally important that we see what happens in that regard.

I do not know why I bother because I trust not many people believe what Senator Milne and the Greens assert in this place, but she asserted that a deal was done with the coalition. No deal was done with the coalition other than to explore opportunities and possible amendments, but the coalition did not sign off on those amendments. Even if we would have, which of course is incorrect, the opportunity for community organisations and experts to put on the public record their views of the changes that are now in this legislation would have been of great benefit, I would have thought, for everybody.

In relation to the amendment that Senator Fielding has moved, in general terms it is similar to that which we have in our motion. I say to Senator Fielding: unfortunately we cannot support it, for reasons that I have explained privately but also put on the public record. Our wording is that the committee should ‘seek’ evidence from, amongst others, the Productivity Commission; Senator Fielding says the committee ‘must invite’. I am not sure that there is much difference, but we as a Senate cannot direct the Productivity Commission and therefore we cannot support Senator Fielding’s amendment, albeit that overwhelmingly it is moving in the same direction as we have moved for this inquiry.

To sum up: to assert that this inquiry is the same as those gone by is just false because subclauses (b), (c), (d) and (e) of our motion deal with that which has occurred since the last inquiries, like the failure of Copenhagen. I do not know how the Greens do it—straight-faced, they get up and say, ‘We’ve inquired into all these things previously.’ Well, I would like the Greens to tell us: when did the Senate inquire into ‘the outcome of the United Nations Framework Convention on Climate Change held in Copenhagen in December 2009’? We never have. Yet she stands here, hand on heart, and asserts that we have. It is just false.

I must say one of these days I might think of transforming into a Green. You would not have to worry about truth. You would not have to worry about robustness. You would not have to worry about intellectual rigour in your contributions here. Just make the assertion and then, when somebody pings you on it, just move on to the next assertion. But enough of that.

The point has been made that there are new matters in this inquiry. This inquiry would not delay the legislation because under the Senate’s own rules—and, might I add, a very good point made yesterday by Senator Fielding—this legislation cannot be debated until May. So we now have a window of opportunity of two months plus to
look at this. It will not delay the legislation in any way, shape or form by having such an inquiry, yet we are being told we should not have one. I do not understand that. It will not delay. It will be looking at new matters.

I see Senator Xenophon coming into the chamber—my good friend. I just remind him, in the closing stages of this debate, with a view that he might change his mind, that the Senate has never inquired into the outcome of the United Nations Framework Convention on Climate Change held in Copenhagen. We have never done that. Have we inquired into ‘the current state of progress of other countries in implementing emissions and abatement measures to meet non-binding emissions reduction targets’? No, we have not. Have we looked at ‘the status of’—and that is the current status—‘and likely prospects for, the United States of America’s emissions trading legislation’? No, we have not. These are all new areas, all worthy of investigation, and as a result I ask all honourable senators to support the proposal.

The ACTING DEPUTY PRESIDENT (Senator Hurley)—The question now is that the amendment moved by Senator Fielding be agreed to.

Question negatived.

The Senate divided. [12.33 pm]

The President—Senator the Hon. JJ Hogg

Ayes……………… 33
Noes……………… 34
Majority……….. 1

AYES

Bushby, D.C.        Cash, M.C.
Colbeck, R.         Cormann, M.H.P.
Fielding, S.        Ferguson, A.B.
Fisher, M.J.        Fifield, M.P.
Humphries, G.       Heffernan, W.
Joyce, B.           Johnston, D.
Mason, B.J.         Macdonald, I.
Minchin, N.H.       McGauran, J.J.J.
Parry, S.           Nash, F.
Ronaldson, M.       Payne, M.A.
Scullion, N.G.       Ryan, S.M.
Trood, R.B.         Troeth, J.M.

NOES

Bilby, C.L.        Bishop, T.M.
Brown, B.J.        Brown, C.L.
Cameron, D.N.      Carr, K.J.
Collins, J.        Conroy, S.M.
Farrell, D.E.      Faulkner, J.P.
Feeney, D.         Forshaw, M.G.
Furner, M.L.       Hanson-Young, S.C.
Hogg, J.J.         Hurley, A.
Hutchins, S.P.     Ludlam, S.
Ludwig, J.W.       Lundy, K.A.
Marshall, G.       McEwen, A. *
McLucas, J.E.      Milne, C.
Moore, C.          O’Brien, K.W.K.
Polley, H.         Pratt, L.C.
Sherry, N.J.       Siewert, R.
Sterle, G.         Wong, P.
Wortley, D.        Xenophon, N.

PAIRS

Kroger, H.        Stephens, U.
Williams, J.R.    Evans, C.V.
Fierravanti-Wells, C.  Crossin, P.M.
Coonan, H.L.    Arbib, M.V.

* denotes teller

Question negatived.

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

Second Reading

Debate resumed from 4 February, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (12.38 pm)—Here we go again. The Labor
government do not take no for an answer. Here they are again playing politics with our health system. They are playing politics to hide their failures in the health portfolio. Before the last election they promised the world, but they have delivered next to nothing. We have had review after review, reviews of the reviews and photo opportunities around Australia. We have had budget cuts to the health portfolio while the Rudd Labor government have been going on spending spree after spending spree in other parts of government. We have had cuts to chemotherapy treatment which, only because of the scrutiny of the Senate, we have had put on the backburner. We have had cuts to patient rebates for cataract surgery which, only because of the scrutiny of the Senate, the government have had to do a backflip on. We have had cuts to the Medicare safety net even though the government promised before the election that they would not cut the Medicare safety net. We have had a $740 million cut to spending on private health insurance rebates.

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Order! Senator Cormann, I will ask for the conversations around the chamber to cease as I am having difficulty hearing you.

Senator CORMANN—Madam Acting Deputy President, it would be an absolute tragedy if you could not hear what I have to say in relation to Labor’s health portfolio failures because this is a very important contribution and I hope that people right across Australia hear what I have to say here today on behalf of the opposition. This government has failed the Australian people on health. This government has failed patients across Australia. Before the election Labor promised they had a plan to fix public hospitals. But what did we get after the election? Nothing. We got reviews, more reviews and reviews of the reviews.

Why are we wasting a whole week on yet again debating a piece of legislation for which this government knows it does not have the support of the Senate? Its so-called Fairer Private Health Insurance bills have been defeated before. Equally, this bill will be defeated. The government knows this, yet we are spending hours and hours debating this. Do you know why the government is wasting this time? Because it is playing politics and wanting to set itself up for a campaign in the lead-up to the next election whereby it can blame everybody else, except its own incompetence, for its failure with the health system. It knows that it has overpromised. It knows that it has underdelivered. It knows that patients across Australia have been let down by the Rudd Labor government.

Those opposite know that there is a serious risk that they will be punished for their failure with the health system at the ballot box come the next election. So they are trying to set themselves up for the excuses that they are going to roll out. Just wait for the Prime Minister to come out, in the lead-up to the next election, and blame their failure to fix the health system on the fact that this legislation did not go through the Senate, even though it was Kevin Rudd himself who gave before the last election to the Australian people an ironclad guarantee and a most emphatic commitment—an absolutely ironclad commitment—that they would retain and not do away with the existing private health insurance rebates. But what have we got in front of us? We have got an unfair private health insurance incentives bill. We have got before us a piece of legislation which is going to be bad for our health system and bad for patients across Australia.

We on this side are committed to a strong and well balanced health system. We are committed to a health system in which all Australians can have timely and affordable
access to quality hospital care. We are committed to a health system which has both a strong and well-funded public system and a strong and well-supported private system. We are committed to sensible, strong incentives that encourage Australians who can afford to do so to take responsibility for their own health care needs, to put additional resources into our health system. What have we got with this government? We have a government that has done absolutely nothing in health, that has wasted two years and that is looking for a political strategy to save its bacon in the lead-up to the next election. Who is caught up in the middle of that? Patients across Australia. Millions of patients will see their private health insurance rebates reduced or scrapped altogether as a result of this measure. Even more patients will have to compete, with all the people leaving private health over a period of time, in trying to get access to our public hospital system.

If this legislation were to be passed, it would be yet another part of Labor’s constant ideological war against private health. Labor have form on this, and they are at it again. They have never liked private health. They have never liked the important role that private health has to play as part of our overall health system. They thought before the last election that it was important, in order to win votes, that they convince the Australian people that they had learnt the lessons of the past. Before the last election Labor went out of their way to convince the Australian people that they would no longer pursue their ideological crusade against Australians with private health insurance, yet here they are at it again. So, rather than fixing the health system, Labor’s actions will make our health system worse. They will put further pressure on our health system at the same time as they will be doing nothing to fix the public health system issues that they have previously identified. This is an absolute disgrace, Madam Acting Deputy President, and I do think it is important that you can hear what I have to say on behalf of the opposition in relation to this issue, so I thank you for having asked my colleagues to quieten down so that you could listen very carefully, particularly to the very important point that I had to make in relation to this piece of legislation.

The ACTING DEPUTY PRESIDENT—Order! It being 12.45 pm, we now move on to non-controversial bills.

NATIONAL CONSUMER CREDIT PROTECTION AMENDMENT BILL 2010

Second Reading

Debate resumed from 24 February, on motion by Senator Wong:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (12.45 pm)—The coalition will be supporting the National Consumer Credit Protection Amendment Bill 2010. The bill was introduced on 10 February 2010 and amends the Commonwealth national consumer credit legislation, the National Consumer Credit Protection Act, which was passed by the parliament last year to ensure the constitutional soundness of referring power from the states to the Commonwealth in relation to consumer credit.

Last year’s credit act implemented a number of reforms, including a national licensing regime for all providers of consumer credit and services across Australia and responsible lending conduct requirements for licensees. In principle, the coalition supported the credit act and the efforts to enhance the national regulation of consumer credit by harmonising laws across states and territories.

I would like to point out that the Howard government recognised the need for and importance of standardising credit regulation, and started the process of uniformity by re-
leasing the national consumer credit code in March 2006. Uniformity of credit regulation is the next step after the introduction of the credit code and COAG discussion under both the Howard and Rudd governments. We in the coalition worked with the government to enhance the operation of the credit act by making amendments in the Senate. These amendments require credit providers to verify information provided in a preliminary credit assessment and to provide reasons for rejecting applications for hardship variations and stays of enforcement.

Consumer credit is important to the Australian economy. It is estimated that consumer spending accounts for around 70 per cent of demand in the economy. A strong national regulatory system is needed and will boost the confidence of consumers to borrow and purchase. This is important because demand for credit has dropped significantly over the course of the global financial downturn. Statistics from the Reserve Bank of Australia on personal lending show a drop in demand of around 10 per cent since the peak in May 2008, a drop of some $16.4 billion over the 19 months to December 2009.

A stable regulatory environment for credit is needed, particularly when the government’s spending—and massive debt—threatens to push up interest rates and limit the ability of consumers to afford credit. The amendment bill allows the Commonwealth to assume responsibility for national credit regulation by allowing the referral of state powers. The legislation will come into effect on 1 July 2010. The states will have the option of adopting the Commonwealth’s legislation or enacting their own referral bill. It is important to note that certain subject matter will be excluded, allowing the states to protect their constitutional rights over certain powers such as state taxes, duties and real property registration.

Under the amendment bill, a state’s referral will remain effective if the referral act provides that the referral will terminate in certain circumstances, where the uniform regulation will impede upon state powers or where amendments to the credit act do not include excluded items. This will ensure that the states can refer their powers without limitation, whilst ensuring their constitutional rights are protected. The amendments have no impact on the operation of the credit act and will simply allow an effective referral.

As the shadow finance minister, I am pleased to see that this bill will not have any financial impact on the federal budget. The coalition supports a national credit regime and we support this bill, which allows the regime to operate effectively. I commend the bill to the Senate.

Senator SHERRY (Tasmania—Assistant Treasurer) (12.49 pm)—in reply—I thank Senator Joyce for his contribution to the debate. This is an uncontroversial piece of legislation. It will amend the Commonwealth’s consumer credit legislation to ensure an effective referral of power from the states to the Commonwealth in relation to consumer credit. As senators may be aware, last year the government enacted legislation to implement phase one of the national consumer credit reform package, delivering on the Rudd Labor government’s commitment to modernise Australia’s consumer credit laws.

This credit reform package will, for the first time in Australia, provide for a single standard national regime for the regulation of consumer credit, replacing the state based regimes which operate inconsistently across eight jurisdictions. It is a landmark reform and has only been possible through the strong commitment of the Commonwealth, state and territory governments, working in a spirit of cooperation to realise the COAG’s reform vision for a single uniform national
credit law. This was evidenced by the signing of the intergovernmental National Credit Law Agreement by the Commonwealth, state and territory governments in December last year, and by a commitment of all governments to commence the national credit law at the same time later this year.

With other legislation, this represents the final move of state regulation of financial services, consumer credit, trustee companies and, interestingly, margin lending, which is a state responsibility. There has been a good deal of controversy about margin lending in the context of Storm Financial, and I pay credit to some of Senator Joyce’s colleagues who have been active in focusing attention on that. This is the final transfer of the remaining powers of the states in respect to financial regulation to the Commonwealth and, as such, it represents an important final chapter—a single standard national regulation.

This bill amends the National Consumer Credit Protection Act 2009, the credit act, to recognise certain exclusions to the scope of the amendment power in the referral bill and to enable an effective reference of state power to be made either with or without any exclusions to that power. I thank Senator Joyce for the Liberal-National Party support of the legislation. I commend it to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

BUSINESS

Rearrangement

Senator SHERRY (Tasmania—Assistant Treasurer) (12.53 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 8 (National Health Security Amendment (Background Checking) Bill 2009).

Question agreed to.

NATIONAL HEALTH SECURITY AMENDMENT (BACKGROUND CHECKING) BILL 2009

Second Reading

Debate resumed from 22 February, on motion by Senator Carr:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (12.53 pm)—I rise today to speak on the National Health Security Amendment (Background Checking) Bill 2009. Security sensitive biological agents, SSBAs, can be of benefit in medical, health and scientific research but can also pose a significant risk to human health. Bacterial and viral pathogens and toxins derived from living organisms have the potential to do harm through unintentional release, careless handling or, worse, malicious intent—for example, with anthrax. It is important that regulation of SSBAs is effective, consistent and provides appropriate safeguards in the interests of national security.

The bill before us today continues the reforms in this area made by the coalition government. The coalition government provided an investment in national health security capability in the 2004 budget. The coalition action strengthened national health security, preparedness and response capability in the event of a national health emergency or terrorist attack. The budget measure included provisions for a national register of laboratories that use or store high-risk pathogens and toxins.

In 2007, COAG agreed to the recommendations of the report on the regulation and control of biological agents. The report analysed the effectiveness of Australia’s existing regulation of SSBAs and ASIO’s assessment
of threats to Australian institutions and entities storing and handling high-risk biological agents. COAG agreed to a nationally consistent scheme to regulate all aspects of the supply chain for SSBAs.

The National Health Security Act, which this bill seeks to amend, was introduced by the now Leader of the Opposition. The scheme introduced under the National Health Security Act aimed to ensure that national health security was maximised whilst minimising the regulatory and administrative burden on affected institutions. The National Health Security Act targeted security risks by consolidating the regulation and monitoring of facilities that handle SSBAs across all jurisdictions.

The risks identified as a result of a lack of nationally consistent legislation included: limited physical security requirements for facilities and entities holding SSBAs; lack of monitoring of the location, nature or destruction of SSBAs; no requirement for checking of facility and entity employees with access to SSBAs to ensure that they did not have criminal or terrorist links; and facilities and entities not uniformly reporting access to SSBAs. The National Health Security Act addressed these risks.

In relation to the bill before us today, section 35 of the National Health Security Act provides for the minister by legislative instrument to set requirements relating to the security status of the individuals who are entitled to handle or dispose of SSBAs. This bill explicitly provides that the minister may require background checks in setting those requirements for individuals involved in handling and disposing of such biological agents. The bill further provides that background checks be conducted under AusCheck for individuals who handle or dispose of SSBAs.

The AusCheck Amendment Bill 2009 sought to expand the range of background checks that AusCheck was authorised to undertake. The original expansion was to include matters related to Australia’s national security, the defence of Australia, a national emergency, the prevention of terrorism offences and executive power of the Commonwealth. A Senate Legal and Constitutional Affairs Legislation Committee inquiry recommended, amongst other things, that, in order for AusCheck to conduct background checks for individuals, there must be provision made in the principal act. The coalition also noted the concerns of the committee in relation to the lack of consultation by the Rudd government prior to the proposed expansion of AusCheck’s role. The government subsequently amended the AusCheck bill to account for the committee’s recommendations.

The bill today complies with the Senate committee’s recommendation and the subsequent amendment to the AusCheck bill for authorisation for such background checks to be included in the principal act, in this case the National Health Security Act. Background checking for individuals involved in handling and disposing of SSBAs is consistent with the intention of the national health security reform process. The coalition accepts that there has been consultation throughout this process. The coalition supports measures which provide sensible safeguards to human health and the environment as provided for in this bill. The coalition will not be opposing the bill.

Senator SHERRY (Tasmania—Assistant Treasurer) (12.58 pm)—I thank Senator Fieravanti-Wells for her contribution to the debate on the National Health Security Amendment Bill 2009. The bill amends the National Health Security Act 2007 to enhance Australia’s obligations for securing certain biological agents that could be used
as weapons, known as security sensitive biological agents, or SSBAs. As Senator Fierravanti-Wells has discussed, the bill enables the relevant minister to set standards to require background checking of persons who handle or dispose of SSBAs. The bill strengthens Australia’s security against potential threats and delivers on the Rudd government’s commitment to protect all Australians.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 2) 2009

Second Reading

Debate resumed from 22 February, on motion by Senator Carr:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.00 pm)—I rise once again to speak on the International Tax Agreements Amendment Bill (No. 1) 2009. This bill was introduced on 18 March 2009 and amends the International Tax Agreements Act 1953 to incorporate into Australian law the two separate tax agreements signed with the British Virgin Islands and the Isle of Man. The agreement with the British Virgin Islands was signed in London on 27 October 2008 and the agreement with the Isle of Man was signed in London on 29 January 2009. The provisions in these agreements are consistent with other bilateral tax treaties that Australia has signed with other countries.

I would like to say at the outset that the coalition will be supporting the passage of this bill through the Senate. The agreement with the British Virgin Islands provides for a complete exchange of tax information between the two countries in both criminal and civil tax matters. This will remove the ability for Australian taxpayers to use the British Virgin Islands as a tax haven. This expands the existing relationship, where both countries only share tax information for criminal matters. In addition to the exchange of tax information provisions, this agreement also ensures that certain income is not subject to double taxation.

Specifically, this applies to ensure that those employed by governments are not subject to double taxation. Under this agreement any income received from government service is taxable only by the country to which the services were provided. Currently, such income would be taxed in Australia and by the British Virgin Islands. This provision does not apply to those earning income from private business or commerce.

This agreement also ensures that education related payments received by students are exempt from taxable income. It also ensures that students from Australia or the British Virgin Islands do not have to pay income tax on any payments made from their resident country for the purpose of education and maintenance.

The agreement with the Isle of Man provides for a complete exchange of tax information between the two countries in both criminal and civil tax matters. This will remove the ability for Australian taxpayers to use the Isle of Man as a tax haven. Currently both countries only share tax information for criminal matters. This agreement also commits the revenue agencies in each country to assist taxpayers in resolving any disputes relating to transfer pricing.

In addition to the exchange of tax information provisions, this agreement also ensures that certain income is not subject to double taxation. It ensures that income received from pensions and retirement annui-
ties will only be taxed in the individual’s country of residence. Currently, income received from a pension or retirement annuity may be taxed in the country of residence and in the country where the income is sourced.

As in the agreement with the British Virgin Islands, this agreement also ensures that those employed by governments are not subject to double taxation. Currently, such income would be taxed in Australia and by the Isle of Man. Again, as in the agreement with the British Virgin Islands, this provision does not apply to those earning income from private business or commerce. This agreement also contains the same exemption provisions relating to education purpose payments as the agreement with the British Virgin Islands. I commend the bill to the Senate.

Senator SHERRY (Tasmania—Assistant Treasurer) (1.03 pm)—The International Tax Agreements Amendment Bill (No. 2) 2009 gives force to a new tax treaty with New Zealand, a second protocol to the tax treaty with Belgium and an agreement on the allocation of tax rights over certain income with Jersey. Tax treaties facilitate trade and investment by reducing barriers caused by double taxation. The extremely close and significant economic relationship between Australia and New Zealand increases the importance of maintaining up-to-date tax arrangements between both countries. The new tax treaty, signed in Paris on 26 June 2009, strengthens and improves this relationship. The treaty updates and modernises the bilateral tax arrangements between Australia and New Zealand. The bill will insert the text of the new treaty into the International Tax Agreements Act 1953 and repeal the existing treaty.

Key outcomes from the treaty include: reduced withholding taxes on certain intercorporate dividends and the complete removal on others; the removal of withholding tax on interest payments made to unrelated financial institutions or to the Australian and New Zealand governments; lower royalty withholding tax; the extension of treaty benefits to Australian managed investment trusts; the cross-recognition of the tax exempt status of pensions in both Australia and New Zealand; and a short-term secondment provision which will preclude individuals from being caught up in the other country’s tax system when they are seconded to that other country for fewer than 90 days.

Integrity provisions in the treaty will ensure that the reduced withholding tax rates are only available to those genuinely entitled to them. In addition, as New Zealand does not have a comprehensive capital gains tax, the treaty allows Australia to tax capital gains derived by Australian residents who relocate to New Zealand for up to six years after they cease to be an Australian resident, thereby preventing the double non-taxation of such capital gains.

The treaty will enter into force following the last notification that both countries have completed their domestic requirements, which, in the case of Australia, includes enactment of this bill. The bill will also amend the definition of ‘dual listed company arrangement’ in the income tax law to align it with the corresponding provision in the treaty with New Zealand.

The government is committed to the implementation of international standards of tax transparency. The second protocol to the tax treaty with Belgium upgrades the exchange of information provisions in the tax treaty between Australia and Belgium by enhancing the ability of the Belgian and Australian tax authorities to exchange taxpayer information.
and to exchange on a wider range of taxes. In particular, the new provisions provide that neither tax administration can refuse to provide information solely because they do not require the information for their own domestic purposes or because the information is held by a bank or similar institution.

The government is a global leader in combating cross-border tax evasion. The enhanced provisions with Belgium are an important tool in Australia’s efforts in this regard, by increasing the probability of detection when taxpayers participate in abusive tax arrangements. The tax information exchange agreement, together with the agreement for the allocation of certain taxing rights, signed with Jersey earlier this year are further evidence of the Rudd Labor government’s commitment in this area.

The bill gives effect to the agreement on the allocation of taxing rights between Australia and Jersey, which will help prevent double taxation of certain cross-border income derived by individuals who are residents of Australia or Jersey. The agreement also provides an administrative mechanism to help resolve transfer-pricing disputes that may arise between taxpayers and the revenue authorities of Australia or Jersey.

The Joint Standing Committee on Treaties has considered and recommended that binding treaty action be taken in respect of all three treaties. Full details of the amendments brought forward in the bill are contained in the explanatory memorandum. I thank Senator Joyce for his contribution and for the support of the Liberal-National Party. I had to go into that detail because I needed to ensure that there was clarification of the countries that we are dealing with in this legislation.

Question agreed to.

Bill read a second time.

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Third Reading

Bill passed through its remaining stages without amendment or debate.

**AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES No. 2) BILL 2009**

Second Reading

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

That this bill be now read a second time.

**Senator IAN MACDONALD** (Queensland) (1.08 pm)—The Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009 deals with reforms to the air cargo sector. It proposes a series of amendments to the Aviation Transport Security Act 2004 that is aimed at improving the security of the air cargo supply chain. The bill will expand the definition of cargo to mean an article that is reasonably likely to be transported by aircraft and will also expand the definition of industry participants who can certify cargo to include regulated air cargo agents and accredited air cargo agents. The circumstances under which cargo can be certified by these groups or by aircraft operators will be prescribed under the regulations.

When thinking about exports, most Australians think of coal or iron ore exported through our sea ports. But many Australian exporters depend on the air cargo service to reach their overseas customers. There are other options for sending goods to overseas markets, but there is no quicker way to get exports to their destinations than by air. Many Australian businesses and their customers are prepared to pay a premium to ship goods by air. It is interesting to note that in the year 2007-08 international airfreight traffic totalled 780,000 tonnes. Both inbound and outbound international aircraft air freight have shown increases in recent years. Outbound international airfreight, that is Austra-
lia’s exports by air, totalled some 300,000 tonnes in the year ended 30 June 2008. Nearly 70,000 tonnes of this airfreight was carried by Qantas jets, but many other airlines were involved in the carriage of the airfreight. Singapore Airlines, Emirates, Cathay Pacific and Air New Zealand each carried over 20,000 tonnes of outbound air cargo. Over 40 per cent of outbound air cargo in 2008 was sent through Sydney Airport. The most common destinations for outbound air cargo sent from Australia were Singapore, Hong Kong and Auckland. In many of these cases Australian air cargo would have been forwarded on from these intermediate destinations to reach customers elsewhere around the globe. Clearly air cargo is an important part of domestic freight.

The coalition always supports any legislation or action that will improve the security of air travel, be it for freight or for passengers. Accordingly, we will be supporting this bill. The shadow minister for transport, the Hon Warren Truss, who is in the lower house, spoke on this bill when it was introduced and gave some details of the actual amendments and what they actually involve. The coalition, and indeed Australia, is fortunate in having someone with the expertise that Mr Truss has in dealing with transport matters. As senators will recall, Mr Truss was the Minister for Transport and Regional Services before the change of government and, in that role, made a magnificent contribution to the advancement of transport in all of its forms in Australia. He has taken a very close interest in the air transport industry and, indeed, in transport safety.

That brings me to another issue relating to air transport, and that is a notice of motion from the Special Minister of State that has been on the Notice Paper all week. No-one on our side of the parliament can quite understand what it means and what it is about. Indeed, Mr Truss and his office have had difficulty in finding out from the Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Albanese, just what this notice of motion is about. We see on the Notice Paper that it is said to be a rescission of a resolution of the Senate disallowing the Aviation Transport Security Amendment Regulations.

Senators might well recall that last year the coalition, in conjunction with the Independents and, I think, the Greens—I am not quite sure about that—disallowed a regulation made by the minister which dealt with a number of things. In short, it put strict liability onto pilots if the door of the aircraft should be left open, as opposed to the company that owned and operated the aircraft being held liable. Quite rightly, the pilots were incensed by the strict liability being theirs when such an event might occur through absolutely no fault of their own. Safety requires that the pilots go into the cockpit, shut the door and then concentrate on flying the aircraft. But this regulation meant that even if someone else opened the aircraft door the pilots were strictly liable—that is, before the coalition and the Independents assured the disallowance of that regulation. Now, that was 5½ months ago. If the government want to reintroduce a regulation, they have to wait at least six months to do so and then it can be debated again. But for some strange reason that nobody can quite understand the government have, at the 5½-month mark, introduced this motion to rescind the regulation’s disallowance. If they waited until some time in March, our next sitting week—when we next come back after today—they could introduce that regulation again if they wanted to. However, as I said, for a reason that escapes any interested observer, this motion has been put before the Senate now.

Senator Ronaldson interjecting—
Senator IAN MACDONALD—As Senator Ronaldson rightly says, it is just bizarre. What is perhaps even more bizarre is that, although the motion was introduced on Monday and it is now Thursday, as I understand it, it is not going to be dealt with this afternoon either. So what was that all about?

One can only surmise that Mr Albanese was playing games with this to try and support his announcement on security issues, supposedly, which was rushed forward earlier this week to try and take a bit of heat off the government’s complete mismanagement of the Home Insulation Program, that fiasco—to try and save Mr Garrett’s political skin by diverting attention from Mr Garrett to security matters. We all know those security measures were rushed forward. The government has been sitting on them for months, I understand, and had not intended to do much about them. But, hello, Mr Rudd has a political problem, so what does he do? He creates some spin that will hopefully capture the attention of the news cycle—it does not matter what the real policy issues are; that does not seem to count—and away we go.

We can only surmise that, as part of this spin to try and save Mr Garrett, this motion was introduced into the Senate to be dealt with. But, as I say, here we are at the end of the week and we are none the wiser as to why it was introduced now, and it seems the government is now not going to proceed with it. It is still on the Notice Paper, but the word is that it will not be dealt with this afternoon.

Even if it were to be dealt with this afternoon, one would still wonder why this motion was brought forward. This is a motion to rescind a disallowance motion passed by the Senate 5½ months ago. One still wonders why this was not left until we next come back. We are away for a week after this and then we are back for a couple of weeks. By that time, the six months will be up and, if the government want to introduce it, they can do it then—without needing to bring forward this rescission motion for the disallowance by the Senate.

When this motion appeared on the Notice Paper, a lot of people became concerned. The coalition, as at the last time I spoke with Mr Truss, had not been able to garner from Mr Albanese what the purpose of this was. Were the government intending to bring back the same regulation that had already been disallowed or was there some other purpose to this? Mr Albanese was not forthcoming, which I understand is normal. Certainly, it did raise concerns with people with a particular interest in this area—and who could have a greater interest in this area than the Australian and International Pilots Association. On 23 February, they published a media release which says:

The Federal Government’s reintroduction of changes to the Australian Aviation Transport Regulations preventing licensed pilots accessing the flight deck and transferring legal liability from airlines to pilots could decrease air safety … Pilots are concerned that the Regulations, which were developed with minimal consultation—and I interpose there: are we surprised about that? As we know, the Rudd government are big on talk. They say, ‘We’re consulting with all relevant stakeholders,’ but when you look behind the words you will find that most of the consultation in any field of policy endeavour is pretty limited. As I was saying, the AIPA media release says:

… the Regulations, which were developed with minimal consultation or expert input by pilots and were last year defeated in the Senate, may be reintroduced in the same form and that this may result in poor quality outcomes.

It goes on to say:

Legal advice prepared by one of Australia’s leading Senior Counsel, Brett Walker, also confirmed AIPA’s view that the new regulations were both inappropriate and unnecessary.
“Shifting criminal responsibility to the pilot in command undermines a long held aviation principle that the airline is ultimately responsible for the actions of its pilots,” …

“Any other approach risked allowing airlines to claim they were blameless for accidents and incidents.”

The media release goes on to say:

The association has also commissioned an independent risk specialist to investigate the Regulation’s premise that pilots travelling in flight deck jump seats were a safety and security threat. This was the argument the Rudd government used when they tried to impose this regulation on the industry. They said that a pilot flying the plane when he is the captain in charge is quite okay but if he happens to be getting a lift somewhere in the jump seat he suddenly became a safety and security threat. Whereas, of course, international evidence shows that in many cases a pilot in the jump seat, a third pilot in an aircraft, has actually assisted in avoiding incidents and, indeed, in making air travel safer. The media release from the pilots association goes on to say:

“The results of this detailed, independent study clearly found that having an additional licensed pilot on the flight deck enhanced safety and security, which is hardly surprising, because if you can’t trust pilots on the flight deck, who can you trust,” Captain Barry Jackson said.

It is another one of these silly things that the Rudd government have introduced. They do it without proper consultation. They have come forward with legislation and regulations to capture, as I say, the new cycle spin. I would not do this but someone down Senator Ronaldson’s way at a country cabinet meeting recently referred to the Prime Minister as Prime Minister Blah Blah. Of course I would not call him that because I know it is unparliamentary. Obviously this person who attended the country cabinet meeting was less than impressed.

Senator Ronaldson—They picked him in one.

Senator IAN MACDONALD—They picked him in one. Thank you, Senator Ronaldson.

Senator Polley—Like John Howard picked you in one. Absolutely hopeless.

Senator IAN MACDONALD—Hello, we have someone who does not agree that it is Prime Minister Blah Blah; someone who makes the interjection and then runs for the door to try and help the Labor Party resurrect their failing fortunes in Tasmania, it looks like.

Senator Sherry—It’s not too crash hot for the Liberal Party either, Ian.

Senator IAN MACDONALD—Put it this way, Senator Sherry, if I were to pick which of the Liberal and Labor Party polling results I would prefer, I would easily go for the Liberal Party one. I do not want to get involved in Tasmanian politics. It is just a pity that Senator Polley cannot keep her invective for, perhaps, the Greens who are overtaking the Liberal Party in Tasmania rather than direct it at me just when I was reporting what a constituent of Senator Ronaldson has said about the Prime Minister and called him Prime Minister Blah Blah. If rules did not prevent it I would have thought that was a great terminology, but I know I am not allowed to say that. I think the person who coined the phrase, Prime Minister Blah Blah, was very, very astute.

I have been misdirected here. I was simply saying that this is a government that is guided by the media cycle, by the blah blah, but when it comes to action it is rushed action, it is for actions that are not consulted. Indeed, the notice of motion, which is on the Notice Paper, I hear is not going to be dealt with. I hope that it might be dealt with because I am fascinated as to why this is being brought forward three or four weeks before it
could have been dealt with anyhow by the government. Perhaps the government are so busy running around trying to pick up the mess left by Mr Garrett that they have not even bothered to work out that they could have brought it back six months later had they wanted to. Of course if they do bring it back six months later I can indicate that, if it is the same regulation they are going to impose, unless they have a brand new argument that convinces us of the unsafety of the situation that now exists, the coalition would again be opposing it. I mention it in relation to the Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009 which we are discussing today, because it is—

Senator Sherry—At last he mentioned it.

Senator O’Brien—He finally got to it.

Senator IAN MACDONALD—If the Aviation Transport Security Amendment Regulations are not relevant to the Aviation Transport Security Amendment Act I do not know what is. That is why it was important to raise these things. People like me and the airline pilots association and I am sure every airline pilot travelling around and from Australia will have a very, very great interest in this motion before the Senate, which we do not seem to be dealing with. Why was it there? That is the question. Perhaps Senator Sherry will explain that when he speaks later.

As I said earlier, any legislation that assists with transport safety and security is something that will always get the support of the coalition. It will not in relation to that other regulation I mentioned because it was a silly regulation that in fact detracted from aviation safety, and that is why we disallowed it six months ago and why we will continue to do so. This bill does, we believe, actually enhance transport security, and that is why the coalition will be supporting it.

Senator SHERRY (Tasmania—Assistant Treasurer) (1.28 pm)—The Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009 will enhance the security of the air cargo supply chain, the Office of Transport Security and the Department of Infrastructure, Transport, Regional Development and Local Government, which regulates the transport security industry, to minimise the risk of unlawful interference that could result in catastrophic consequences for an aircraft with an improvised explosive device in air cargo. The security of air cargo is critical to ensure Australia’s compliance with the Convention on International Civil Aviation, the Chicago convention, and also to ensure we meet the security requirements of key trading partners such as the United States and the European Union.

On 9 February 2010 the government announced a comprehensive package of measures to strengthen Australia’s international and domestic aviation security regime against emerging threats. The package includes measures to enhance Australia’s air cargo supply chain security framework. The government will provide financial assistance to industry to install X-ray explosive trace detection technology at selected locations and establish a regulated shipper scheme. The enhanced measures will enable identification of high-risk air cargo for technology based examination to take place at an earlier point in the supply chain where cargo consignments are less consolidated. The bill and its regulations will ensure that when a parcel gets to the airport there will be assurance for the person who loads the air cargo that it has been security cleared. The bill provides the foundation for a whole-of-supply chain security system which is sufficiently flexible to meet changes in the external environment. I note the support of the Liberal and National parties for this legislation.

Question agreed to.

Bill read a second time.
Question agreed to.
Bill read a second time.

Third Reading
Bill passed through its remaining stages without amendment or debate.

AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2009
AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS) BILL 2009

Second Reading
Debate resumed.

Senator COLBECK (Tasmania) (1.31 pm)—I rise to make a contribution to the Australian Astronomical Observatory Bill 2009. This bill and the Australian Astronomical Observatory (Transitional Provisions) Bill 2009 are a package which provide for the Anglo-Australian Telescope Board to be dissolved and for the establishment of the Australian Astronomical Observatory, the AAO, within the Department of Innovation, Industry, Science and Research.

The Anglo-Australian Telescope Board was established in 1969 when the Australian and United Kingdom governments entered into a treaty to fund and operate a large optical telescope in Australia. For the past 40 years the AAO has operated world-class optical and infrared observing facilities that have allowed Australian and British astronomers to become world leaders in astronomical research and the development of innovative telescope instrumentation. The AAO has also taken a lead role in formulating long-term plans for astronomy in Australia and the United Kingdom.

The AAO facilities comprise the Siding Spring National Observatory at Coonabarabran in New South Wales and also a headquarters and instrumentation laboratory at Epping in New South Wales. It is there that the Australian-Anglo telescope has been utilised to find 25 planets around other stars, has helped to determine the cause of giant cosmic explosions, also known as gamma rays bursts, and has made precise measurements of the amounts of dark energy and dark matter in the universe.

Passing these bills will herald a new area for astronomy in our nation, with the United Kingdom formally withdrawing from the partnership as of 1 July 2010 and the Australian government taking sole responsibility for what will be now known as the Australian Astronomical Observatory. The coalition has a proud record of supporting science and innovation and technology and we understand the important role science plays in adding to our knowledge about our world and solving problems and improving our lives, often in ways that were never foreseen or dreamt possible. It was the former Howard government that entered into a treaty with the United Kingdom in 2005 to facilitate the withdrawal of the United Kingdom from this program and the development of Australia’s national program in its place. We are very fortunate to have this facility in Australia, and on behalf of the coalition I am pleased to be supporting these two bills which will facilitate the establishment of a truly national observatory for Australia.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.34 pm)—I would like to thank all senators for their contributions and commend the bill to the Senate.

Question agreed to.
Bills read a second time.

Third Reading
Bills passed through their remaining stages without amendment or debate.
TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008

Returned from the House of Representatives

Consideration resumed from 22 June 2009.

House of Representatives message—

That the Senate’s amendments (1) to (22) be disagreed to, but that, in place thereof, the Bill be amended as follows:

(1) Schedule 1, items 1 to 7, page 3 (line 4) to page 7 (line 7), omit the items.

(2) Schedule 1, item 8, page 7 (lines 9 and 10), omit the item, substitute:

8 Section 12-5 (table item headed “political parties”) Repeal the item, substitute:

political contributions and gifts denial of certain deductions.......26-22 Deductions for individuals ........Subdivision 30-DA

(3) Schedule 1, item 9, page 7 (line 15), after “under this Act”, insert “(other than Subdivision 30-DA)”.

(4) Schedule 1, items 10 to 16, page 8 (line 26) to page 9 (line 8), omit the items, substitute:

10 After subsection 30-242(3) Insert:

(3A) You can deduct the contribution or gift only if:

(a) you are an individual; and

(b) you do not make the gift or contribution in the course of carrying on a business.

(5) Schedule 1, items 19 and 20, page 9 (lines 19 to 22), omit the items.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.35 pm)—I move:

That the committee does not insist on the Senate amendments disagreed to by the House of Representatives, and agrees to amendments made by the House in place of the Senate amendments.

Senator RONALDSON (Victoria) (1.35 pm)—I note with some interest that this bill was introduced by Minister Bowen in his first and second reading speeches on 27 August 2008, and I invite honourable senators to listen to the words that were spoken by Mr Bowen and see how things have changed quite remarkably over a short period of time. He said:

I strongly urge the opposition to reconsider their approach to this measure— and I will refer back to that later on— which forms part of the government’s response to inflationary pressures in the economy and our savings plan. This measure and other savings measures are an important component of our effort to put downward pressure on inflation and interest rates.

What remarkable words in light of the pressure we are now seeing on inflation and interest rates with the continuation of this government’s so-called stimulus spending. What remarkable words, and they have come back to haunt the government and will continue to do so.

This bill, the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 started life as the Tax Laws Amendment (2008 Measures No. 1) Bill 2008 and that was defeated in the Senate. It was defeated by the government versus all other parties because it sought to disenfranchise individuals in the community from participating in the political process. The great irony of that is that the government was happy to disenfranchise individuals while at the same time it was quite happy to keep a tax deduction for its own members if they were making a donation to the Australian Labor Party. If a sitting senator or member of the Labor Party was donating to the Labor Party then it was
okay to get the deduction, but if someone in the community wanted to participate in the political process, apparently it was not. The government voted against that. It had the sense, thankfully, to take up this amended bill and bring it back in through the House of Representatives to here, today.

Again, of course, that original bill was a cute little way of bringing in some campaign finance reform without actually taking on the responsibility of comprehensive campaign finance reform. The government was caught out and the Senate, to its great credit, caught the government out in relation to this bill. The government knows it was caught out because within a very short period after this it started talking about comprehensive campaign finance reform, and started talking about the very things the coalition had referred to the Joint Standing Committee on Electoral Matters for consideration as appropriate. The government, again, was trying, for purely partisan reasons, to introduce a very, very small and minimal part of campaign finance reform without having the intestinal fortitude to take it further. Funnily enough, not much has changed.

One could ask why the Australian Labor Party, the Rudd government, would want to deny citizens the right to participate in the political process by getting a tax deduction for donations while enabling their own members to get a tax deduction. Their view, I suspect, is that when you have the union movement financing you, why give the ordinary citizen the opportunity to participate? I have some figures here. From 1 July 2006 to 30 June 2008 there was a massive $61.4 million put into the election of the Australian Labor Party—$61.4 million over two years. As honourable senators have heard me say before, the trade union movement is owed by Prime Minister Rudd and the Australian Labor Party is owned by the unions.

If you look further at some of these figures, from 2007 to 2008 there was $37.6 million. If it was not for the fact that we had changed the rules in relation to transparency and associated entity returns, we would not have found out about the $26.8 million, which was indirect financing of the Australian Labor Party by their masters, the ACTU and the wider trade union movement. We would not have seen that. People would not have seen the level of influence of the unions on the Australian Labor Party if we had not changed the rules.

I am mindful of the time. We do support this bill but the irony is the government bringing it on today as noncontroversial, having been vehemently opposed to the opportunity for Australian citizens to participate in the political process by making a tax deductible donation—while at the same time ensuring that their own members were able to claim a deduction for the same donation to the same party. That is quite remarkable. But the opposition does support this bill because, quite frankly, along with the Greens and the Independents, we were the ones who effectively sponsored it.

Question agreed to.
Resolution reported; report adopted.

BUSINESS
Rearrangement

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.44 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 6, Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009.

I just wanted to note some of the very lengthy speeches that we have already had to endure during this period of traditionally short speeches and non-controversial matters. One could even assume, if one had a
suspicious mind, that the opposition would once again seek to frustrate even bringing a bill on for discussion. This bill represents an historic restructuring of the telecommunications sector. Those opposite have spent all morning trying to avoid having to face up to the fact that this is a bill that they did not have the courage to put in place when they sold Telstra. This is a market structure that should have been put in place. Those opposite failed the test on economic credibility when they were in government; they failed to do any serious heavy lifting in microeconomic reform. This is a bill that was agreed to be brought on. Now those opposite have indicated—although I hope they are going to finally see their way to having the actual bill debated, to bring this on for debate.

Senator Parry interjecting—

Senator CONROY—Yes, there was some confusion, Senator Parry, you are correct. But you do not get to decide what the government’s business program is. This is the bill that the government would like, and needs, to bring forward to start the debate. Let us bring the debate on. Let us have the debate and let us stop the senseless filibustering, the outrageous oppositionism and the hijacking of this chamber that has gone on all week.

Senator PARRY (Tasmania) (1.45 pm)—I totally reject everything Senator Conroy has just said. Non-controversial legislation time commenced at 12.45 and it completed at 1.45. That left 15 minutes, so where is the filibustering if we are trying to talk out non-controversial time, Senator? So your first point is totally incorrect, from the evidence of the clock alone. Secondly, this rearrangement of business is brought on unannounced. You sought to have these bills brought on earlier in the week. At a whips meeting last night, it was agreed by the government and the Greens and us that the order of legislation would be as it appears on the red today.

Senator Conroy—That is not true.

Senator PARRY—That was organised last night at the whips meeting.

Senator Conroy—The Greens don’t support you at all on that.

Senator PARRY—They were not prepared to debate this particular bill today and we agreed with the Greens, and the government agreed with the Greens, and organised for the legislation as it appears in the order on the red today.

Senator Conroy—That is not true.

Senator PARRY—Senator Conroy made one correct statement: the government does organise the business. And it did. It organised the red, and this bill appears well down that list. Senator Conroy, for whatever purpose, wants to bring this bill up, and yet in November last year Senator Conroy spent a week-long trip in Egypt instead of being here to debate the bill when it could have been brought on. There was a time and opportunity then. It was not brought on then. Now, all of a sudden, on the last day of the sitting week, he wants to bring it on for—what?—the period of about 15 minutes because he knows that we then go into question time at 2 o’clock and from question time we go into general business and other matters and the legislation will not continue until the next sitting fortnight.

Why do you want to debate it for 10 or 11 minutes? It just does not make sense. Senator Conroy must have some reason—whether he is embarrassed because he did not get it up last year, I do not know. Senator Conroy, the opposition will not be supporting you moving to change the order around for the sake of 11 minutes. What is the big issue of bringing it on for 11 minutes? It does not make sense. If it was that important your govern-
The opposition parties completely have the numbers in this place. We often give you warnings. I do not know how many times I have got up and warned the government of mismanagement of this place. On many occasions to assist the government we have had to help rearrange business. The government cannot run this chamber properly. We have to intervene constantly to do this.

The mess is clearly because the government does not listen to the Greens, the two Independents or the two minor party senators and the opposition when it comes to sitting weeks. We have flagged this—and Hansard will reflect—in July, August, October and November last year. We said, ‘Make sure you have enough sitting weeks in the program for 2010.’ When the calendar comes out, what does it have? Another extraordinarily low sitting year with huge gaps. That is mainly to facilitate not the business of this chamber, not the business of the parliament, but to fit in with the Prime Minister’s overseas travel itinerary. That is what the whole sitting schedule is designed around. It is nothing to do with the fair work of this place. You would get a lot more out of this chamber if we had a lot more sitting weeks. So you try to come in here and waste 11 minutes by rearranging the business. Senator Cormann is sitting here ready to go. We are not ready for the legislation further down the list and we will be opposing this rearrangement of business.

Senator SIEWERT (Western Australia) (1.51 pm)—I want to clarify the Greens position. I understand that Senator Parry said that we said in the whips meeting that we were not ready, and that is absolutely correct in the sense that we did not agree for this bill to be in the non-controversial time because we think it is an important bill and we have amendments that we wish to move. However, when the parliamentary liaison officer contacted our office this morning and said,
‘If it is not in non-contro, if it is, in fact, being debated in normal government time as a government bill, we will be happy with that.’ We did clarify it with the PLO.

So there are two points. Yes, Senator Parry is right: we said that we did not want it to be in non-controversial legislation. And we did clarify this morning that we were ready. We understood that the government had communicated that to the coalition. Obviously they did not or there was a breakdown in communication or the opposition are now not ready. I just want to clarify that the Greens are ready to debate this bill as a government bill but not as a non-controversial bill. In terms of the extra sitting weeks, I remind the coalition that the Greens put forward a motion to extend the sitting weeks which the coalition did not support. Obviously they did not or there was a breakdown in communication or the opposition are now not ready.

Senator RONALDSON (Victoria) (1.52 pm)—What a remarkable intervention halfway through the discussion on a bill that I had addressed, that I was not going to speak to because we were in committee and was not going to speak to after that. We have the most rattled minister, apart from Minister Garrett, in the Rudd government jumping in and intervening. Senator Conroy, the simple fact is that you have had a miserable week because your judgment has been severely questioned. Your decision to bandy yourself around the country and accept largesse from anyone who made an offer has left you exposed in relation to what it is. You know that, under the ministerial standards, you have an obligation to ensure that whatever you do does not leave your or the government open, does not leave you or the government bare. What you have done this week with this ridiculous intervention at this hour, at five minutes to two, just shows that you are completely and utterly rattled. What it shows is that if you had wanted this bill on you could have done it well before now. The bottom line is that you are rattled and your decision this morning about whether NBN will be wholesale or retail—you are just desperately looking for the front page of the paper to divert from your complete and utter inadequacies.

You know and I know that this bill was never going to be debated today. You know and I know, from what we have heard from Senator Siewert, that this was never, ever going to be debated under non-controversial legislation. You owe the Manager of Opposition Business an apology. You called him gutless, as did that senator sitting behind you, who should have the guts to apologise. When you are wrong, you say sorry. Say sorry now, because you have completely and utterly misrepresented Senator Parry.

Senator Ludwig—He doesn’t need your protection.

Senator RONALDSON—I know who I would rather have operating this chamber: Senator Parry, not those sitting behind you or Senator Conroy himself. When you go to bed tonight, Senator Conroy, and reflect on your week, I invite you to have a look at the tapes of question time when you have been speaking, because the body language says it all. They think you have made a complete and utter fool of yourself this week. They know you have severely compromised yourself. They know you have severely compromised the Rudd government and they know that they have had a miserable week on the back of your inadequacies and those of Senator Arbib and the Minister for the Environment, Heritage and the Arts in the other place. Have the good grace to apologise, because you intervened in the bill I was speaking to on the basis that Senator Parry had misrepresented the situation. Senator Siewert has
shown that that is not so and you should apologise now.

Senator CORMANN (Western Australia) (1.56 pm)—The pressure is really starting to show on that side, isn’t it? The cracks are starting to show, because this is all about ministers not being able to compete for time in this chamber with the absolutely incompetent Minister for Health and Ageing. We have debated for a whole week now a broken promise in the health portfolio which the Labor Party knows will not have the support of this chamber. We have wasted week after week on broken promise after broken promise in the health portfolio. They cannot manage their program and now you have ministers who are starting to crack up because they cannot get time on their agenda. If this legislation is so important why didn’t you put it at the top of the list? Why did you put a piece of legislation at the top of the list which you know does not have the support of the Senate, does not have the support of the Australian people and is not good legislation for the health system?

As your top priority for legislation this week you put forward a piece of legislation which will be bad for our health system and bad for patients across Australia, a broken promise which is there to hide the fact that this government has been an absolute failure in the health portfolio. You have delivered not one jot, not one thing. You promised the world but have delivered next to nothing. We have a minister here who clearly cannot fathom that Nicola Roxon is absolutely monopolising legislative time for the government here in the Senate, it must be very bad for him because he cannot get his legislation up. It has nothing to do with us. I absolutely agree with Senator Ronaldson: Senator Conroy should apologise to the Manager of Opposition Business for absolutely having misrepresented him. Apologise, Minister.

QUESTIONS WITHOUT NOTICE
Home Insulation Program

Senator CORMANN (2.00 pm)—Mr President, my question is to the Minister Assisting the Prime Minister on Government Service Delivery, Senator Arbib. Minister, how many job seekers not involved in home legislation which clearly does not have the support the Senate.

This is just a stunt. Last year we had to waste weeks because this heartless government wanted to cut patient rebates for cataract surgery in half. Weeks and weeks and weeks of time in the Senate was wasted, and here we go again. I can understand the frustration of Senator Conroy. I can well understand that other ministers are starting to get frustrated because none of their bills can get to the top of the list. Here they are, jumping up and down because they cannot win the debate in their Senate tactics committee. They cannot get the Prime Minister and the Deputy Prime Minister to get them up the list. They have only one strategy: a political strategy to come up with excuses as to why they have been such a failure in the health portfolio. This is all about coming up with a political strategy to justify to the Australian people in the lead-up to the next election why they have been such a failure in the health portfolio. It is nothing more and nothing less. Do you know what? I can understand why Senator Conroy is so frustrated. Clearly, with their failure to properly manage their program and with Nicola Roxon absolutely monopolising legislative time for the government here in the Senate, it must be very bad for him because he cannot get his legislation up. It has nothing to do with us. I absolutely agree with Senator Ronaldson: Senator Conroy should apologise to the Manager of Opposition Business for absolutely having misrepresented him. Apologise, Minister.
insulation will now miss out because the Rudd Labor government has had to redirect funding from existing programs to sort out the home insulation mess it has created?

Senator ARBIB—I thank the senator for that question. Yesterday, the government did introduce a package for the insulation workers.

Senator Cormann—How much new money?

Senator ARBIB—It was a package of $41 million, Senator. In terms of that money we are providing 7,000 training places—

Senator Cormann interjecting—

The President—Order! You have asked your question, Senator Cormann.

Senator ARBIB—Seven thousand training places will be provided to workers who lose their jobs because of the changes in the policy, or need to be transitioned into the new program. I have, on a number of occasions, been upfront and said that there will be job losses because of the changes. There is no doubt about that. But at the same time, as all good senators know, this was a scheme that would run out some time next year. So a transition would have been required. And, as Senator Cormann has pointed out, 4,000 of the training places were provided last year as part of the government’s green jobs package to provide assistance for workers as they transition into new areas of employment because, as we know, this scheme was always going to run out at some stage. But in terms of the package, just the same way as the government stepped in during the global recession to support jobs—when, in just the same way, the coalition senators voted against the stimulus package supporting 200,000 jobs—the government has stepped in with 25 co-ordinators on the ground working with businesses to try and ensure that their workers can transition to the new program.

What Senator Cormann should do is talk to his leader, who will not even guarantee funding for the new program. He will not even guarantee funding for the new program. So if you are concerned about jobs then give support to the new program and give these workers some certainty. (Time expired)

Senator CORMANN—Mr President, I ask as a supplementary question: how much of the $41.2 million the Prime Minister and the minister announced yesterday is actually new money as opposed to money coming out of the existing Jobs Fund and Productivity Places Program? Also, how will the new Renewable Energy Bonus program work and how long will it last for?

Senator ARBIB—Senator Cormann has rightly pointed out that, I think, the equivalent of $11 million is coming out of the Jobs Fund. That has been pretty clear. The Prime Minister made it clear yesterday that that will be coming out of the local jobs component of the Jobs Fund. It was made clear. In terms of the training places, again 4,000 of those have already been identified. They were put forward by the Prime Minister last year. In terms of the remainder, they are coming out of the structural adjustment training places. It is clear that, again, we are working to support those workers who lose their jobs in the sector—those workers who require transition. If you are so concerned about jobs, give those workers some certainty, give those businesses some certainty and support the new scheme. Talk to your leader, talk to your shadow Treasurer and support the new scheme. The truth is you opposed the—(Time expired)

Senator CORMANN—Mr President, I have a further supplementary question. Clearly it is all existing money. I ask the minister: what will the workers who have lost their jobs through the termination of the insulation program be doing between now
and the start of the new program? Can the minister guarantee that the Labor government’s hastily prepared $41.2 million will recompense 100 per cent of the wages of affected workers? When will money provided under the $41.2 million package begin to flow and cease to flow?

Senator ARBIB—I have already made it clear that there will be many workers who will lose their jobs. There will be; that is a fact. Again, this was an industry and a bonus that would have ended some time next year, and there was always going to be a transition for many workers. The government is doing everything it can with this program, providing $41 million to help those workers transition to the new scheme.

In terms of the package, training places are being provided to assist those workers who are already with an insulation company and those workers who have lost their jobs. Senators on the other side—coalition senators—if you want to support these workers do not just ask questions here; go down the hall, talk to your leader and get him to support the new scheme, because that is the only way to defend jobs in the insulation industry. It is the only way. They are crying crocodile tears over there. They did not support the stimulus—200,000 jobs protected, supported, and here they are— (Time expired)

National Broadband Network

Senator FORSHAW (2.06 pm)—Mr President, my question is directed to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I ask, can the minister inform the Senate of progress towards digital switchover in the Mildura-Sunraysia region. How many households have made the switch to digital television and is the region on track to meet the switchover date of 30 June this year?

Senator CONROY—I thank Senator Forshaw for that question. I am pleased to report that Mildura is absolutely on track to lead the nation to a digital switchover on 30 June this year. Digital television offers improved picture and sound quality and greater program choice with access to new digital channels such as Network Ten’s ONE, Nine’s GO!, 7Two, ABC2, ABC3 and SBS2. The switch to digital-only television will also bring significant social and economic benefits as it will free up scarce spectrum which can be used for a range of new communications services, such as high-speed wireless broadband.

This morning my department released the results of the latest digital tracker survey, which measures the take-up of digital television across Australia. The tracker shows that in the Mildura-Sunraysia region 79 per cent of households had already converted to digital TV by the end of 2009, which was an increase of nine percentage points over the year. I am delighted to report that since the last survey closed on 15 December there has been a massive six per cent increase in take-up in that region. The latest information shows that 85 per cent of households in the Mildura-Sunraysia district have converted to digital television. The Digital Switchover Taskforce is undertaking a range of local meetings and campaigns to ensure that everyone in Mildura is fully informed about how to make the switch and when that switch will occur. The government has also appointed a community liaison officer in Mildura so people have someone on the ground they can talk to about switching over. (Time expired)

Senator FORSHAW—Mr President, I ask a supplementary question. I appreciate the information provided by the minister. Can he provide further information about the provision of digital television to people in black spots in the Mildura-Sunraysia area and what measures are being taken to ensure that no-one will lose their television signal when the switch to digital occurs?
Senator CONROY—Under an agreement with broadcasters which I announced on 5 January this year, the government is ensuring that no viewers will lose their television reception as a result of the switch to digital-only broadcasting. Moreover, the switch to digital will mean that viewers in regional Australia will, for the first time, receive the same number of channels as people in the cities. The commercial broadcasters have agreed to upgrade the self-help transmitter at Underbool in the Mildura-Sunraysia region. Broadcasters have also agreed to build an entirely new transmission facility at Ouyen, where residents have for many years received extremely limited television services. Negotiations between broadcasters and the local council to upgrade the analog self-help site have commenced. (Time expired)

Senator FORSHAW—Mr President, I ask a further supplementary question. Can the minister provide the Senate with information about the government’s measures to ensure that all people in the Mildura-Sunraysia region, including the elderly and other vulnerable groups, are able to make the switch to digital television?

Senator CONROY—The government recognises that some people may require practical assistance to switch over to digital TV. That is why we have put in place a household assistance scheme. The scheme will at no cost to eligible households supply, install and demonstrate a set-top box specifically chosen to meet the needs of the elderly and those with a disability and will conduct any necessary cabling and antenna work. The scheme commenced in the Mildura TV licenced area on 18 January this year. As of last Friday, 19 February, more than 1,200 appointments had been made through Centrelink for accredited installers to provide assistance under the scheme to households in the Mildura-Sunraysia district. Those installers have already completed 712 installations under the household assistance program in the Mildura-Sunraysia region. (Time expired)

Home Insulation Program

Senator BIRMINGHAM (2.12 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib. Did any departmental officials ever advise or suggest to the minister or his staff that the starting date of the Home Insulation Program should be delayed?

Senator ARBIB—There were meetings with departments, not just the Department of the Environment, Water, Heritage and the Arts. I met with departments relevant to all aspects of the stimulus: education, housing and defence housing. There were numerous discussions about the rollout of the stimulus. I state again that there is a total misunderstanding and misrepresentation of what my role was as the Minister Assisting the Prime Minister for Government Service Delivery. They have been trying all week to misrepresent me and my role, but it is pretty clear that the individual ministers in each portfolio were responsible for their—

Senator Birmingham—Mr President, a point of order: the minister has been going for more than a minute on what was a very simple and direct question. I draw your attention to the relevance of his answer. He is answering questions from earlier this week and failing to answer the very direct question: did any departmental officials ever advise or suggest to the minister or any of his staff that the starting date of the Home Insulation Program should be delayed? It should be a simple yes-or-no answer.

Senator Ludwig—Mr President, on the point of order: the minister has been directly answering the question. What we now have is an opportunity for the questioner to ask the question again—
Opposition senators interjecting—

The PRESIDENT—Order! Senator Ludwig, resume your seat. When there is silence, we will proceed.

Senator Ludwig—The minister has been directly answering the question. But we have now seen the opposition take a point of order to simply restate the question. That clearly is impermissible. Mr President, you should rule that point of order out of order and get the opposition to note that they should not use the opportunity of a point of order to simply restate the question.

The PRESIDENT—On the point of order, Senator Arbib, I draw your attention to the question. There is 54 seconds remaining to address the question.

Senator ARBIB—Thank you, Mr President. Again, there has been a complete misrepresentation by coalition senators on what my role was. As I have stated time and time again, I am advised that there was a whole suite of work that formed an overall risk assessment for this program. As I have said, this was not confined just to the Minter Ellison document that the coalition has gone on and on about. But, because you have gone on about the Minter Ellison report, I am happy to respond to some of those risk-assessment issues, such as that on page 5, where they identified the risk of house fire—

The PRESIDENT—Senator Arbib, I do ask you to return to the question.

Opposition senators interjecting—

The PRESIDENT—I have asked the minister to return to the question. Minister, you have 16 seconds remaining to answer the question.

Senator ARBIB—Thank you, Mr President. I was answering the question. In terms of the briefings that Senator Birmingham has asked me to talk about—

Senator BIRMINGHAM—Mr President, I rise on a point of order. On the matter of direct relevance, you just asked the minister to return to the question. He simply responded by saying, ‘I was addressing the question’—ignoring your ruling. He has five seconds left in which he can still answer this question with the word ‘yes’ or ‘no’.

The PRESIDENT—I cannot instruct the minister how to answer the question. I have said this repeatedly. I have drawn the minister’s attention to the question that was asked. I have asked the minister to address the question that was asked. You are right: there are five seconds remaining. The minister has five seconds to address the question that was raised by Senator Birmingham.

Senator ARBIB—Thank you, Mr President. I have answered the question. This just shows the semantic word games that the coalition continue to play on this issue— (Time expired)

Senator BIRMINGHAM—Mr President, I ask a supplementary question. I will not waste the time of the Senate by posing the initial question that the minister failed to answer again. Given the minister’s statements yesterday and on Tuesday that his role at these regular meetings with officials was ‘to ensure the rollout was proceeding smoothly and on time’, did the minister or his office ever suggest to departmental officials that the implementation of the insulation program be sped up, or stress that there could be no delays to the implementation of this program?

Senator ARBIB—I am happy to go and check my records and provide an answer.

Opposition senators interjecting—

Senator ARBIB—I cannot be expected to remember every conversation that happens. It was a long time ago. But, at the same time as that, I worked along with the Office of the Coordinator-General to ensure that the
stimulus was rolled out as smoothly as possible. As I have said, we have, according to Treasury, supported 200,000 Australian jobs. Talk to the Master Builders—50,000 jobs supported in the construction sector. Those on the other side of the chamber, those Liberal Party and National Party senators, do not want to hear about it. They do not want to hear about it because they voted against the stimulus—

Senator Birmingham—Mr President, I rise on a point of order. The minister, at the beginning, said he would check his records. If that is the minister taking it on notice, then he can take it on notice; but none of the rest of his answer since then has been at all relevant to the question that was asked.

The PRESIDENT—There is no point of order. As I have said, I cannot tell the minister how to answer the question. I am listening closely to the answer that the minister is giving. I draw the minister’s attention to the question. The minister has 11 seconds remaining.

Senator ARBIB—If coalition senators have any concern for insulation workers, insulation businesses, they can walk down the hall, go to Mr Abbott and ensure that he supports the new—(Time expired)

Senator BIRMINGHAM—Mr President, I ask a further supplementary question. Given the minister will not deny that he told departmental officials to speed things up, why did the Rudd government ignore the recommendation in the Minter Ellison risk assessment that the implementation of the Home Insulation Program should be delayed by three months? Does the minister agree that accepting this advice could have helped to protect lives, homes, jobs and businesses?

Senator ARBIB—As I have said a number of times this week, my understanding and my advice is that the Minter Ellison report was just one of the bits of information, that Minister Garrett and his department relied upon. Again, Mr Garrett has stated time and time again that he was in consultation and discussion with the insulation sector, with the industry, with the training bodies, to ensure that the compliance and auditing system was in place for the rollout of the system.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Bob Brown is waiting to ask his question. He is entitled to be heard in silence.

Leaders Debate

Senator BOB BROWN (2.21 pm)—My question without notice is to the Minister representing the Prime Minister, Senator Evans. I refer to Labor’s promise in the run-up to the last election that, instead of the Prime Minister of the day dictating the terms of the leaders debate to suit their political interests, the format, timing and rules for any future debates would be decided by an independent election debate commission. When will the government establish that commission?

Senator CHRIS EVANS—Some senators will not be surprised that I do not have a brief on that issue so I am not able to assist the senator. Unlike some people, I am actually not focused on the next election; I think it is some time away. So the question of the leaders—

Honourable senators interjecting—

Senator CHRIS EVANS—The Prime Minister has said we will go full term. So, Senator Brown, referring to the question of the leaders debate—I presume in an election context—I will have to take that on notice and get the information for you. I do not have any information as to current planning for a leadership debate during the election period, but I will take it on notice and get the information that the senator seeks.

Honourable senators interjecting—
The SPEAKER—Order! Wait a minute, Senator Brown. I will call you, but I need silence on both sides. Conversation across the chamber is disorderly. Senator Brown is entitled to be heard in silence.

Senator BOB BROWN—Mr President, I ask a supplementary question. I refer to the current proposals for leaders debates in the Tasmanian state election, where the Labor Premier has declined to appear on ABC TV although both other leaders, Nick McKim for the Greens and Mr Hodgman for the Liberals, have offered to go. Does the minister think that one leader refusing to debate should lead to no debate?

Senator CHRIS EVANS—Clearly the supplementary is in no way related to my responsibilities in representing the Prime Minister. What arrangements are made in Tasmania in relation to their state election and the debates there is not under any control of the federal government or the Prime Minister. I was not aware of that—I have not been following the Tasmanian election closely enough to follow that debate. I would have thought, if the Greens were debating the coalition or the Liberal Party, you would be pleased about that. In any event, Senator Brown, I cannot help you with that information. What I have said to you is that I will take on notice the question you asked about federal government responsibilities and the Prime Minister’s attitude to these things, and I will get back to you on that. But, in relation to Tasmania, I cannot help you.

Senator BOB BROWN—Mr President, I ask a further supplementary question. I would be pleased if the Greens were debating the Liberals, because Mr McKim has won each of the debates held so far. The question I want to ask is about the federal commission proposed by Labor in the run to the last election. Would the minister establish from the Prime Minister what terms he intends to give to that commission, whether the press gallery will still be the arbiter of the form of the debate and what public input will be allowed for the leaders debate in the run to the next federal election?

Senator CHRIS EVANS—As I indicated to Senator Brown, I am happy to take on notice the questions he asked. I do not have a brief. I have not got the answers to the sort of information he is seeking. But I will take that further supplementary question on notice and see what I can get for him.

Green Loans Program

Senator ADAMS (2.25 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong. Minister, how many audits of homes completed by green loans assessors are sitting in the Department of the Environment, Water, Heritage and the Arts waiting to be returned to homeowners?

Senator WONG—I thank the senator for the question. As the chamber would be aware, there were changes announced by Minister Garrett also to—

Honourable senators interjecting—

The PRESIDENT—Senator Wong, ignore the interjections; just address the chair.

Senator WONG—I am trying to, Mr President. Senator Hutchins is being amusing—that is all. The Minister for the Environment, Heritage and the Arts announced a range of changes to the Green Loans Program. I think the senator’s question refers to the transitional arrangements associated with that. I do not have any advice that I can find at this point about, as I think the question was, the number of audits or assessments within the department at the moment. I can advise her that, at 21 February 2010, more than 294,000 assessments had been booked, more than 192,000 assessments had been completed and over 81,000 assessment re-
ports had been provided to households. I am not sure that those figures go directly to the particular question she asked. That is the information I have at this point.

I can indicate to her that the minister for the environment has also indicated that loans will be discontinued from 22 March 2010 and that, as at 21 February, some 2,400 applications for green loans had been received by financial institutions and some 1,600 had been issued. If there is further information, other than that which I have provided her, on that issue or if the figures differ from the figures I have provided, I will seek advice from the minister for the environment.

Senator ADAMS—Mr President, I ask a supplementary question. Is it true, Minister, that home audits completed as long ago as August last year are still sitting in the department waiting to be returned to homeowners?

Senator WONG—Thank you—through you, Mr President—to the senator. I do not have any advice about the time frames regarding assessments or audits in the department, when they were received or when they will return them to householders. The advice I have is in relation to the numbers which have been both booked and completed. I again say that some 81,000 assessment reports have been provided to households, from the information provided to me.

Senator ADAMS—Mr President, I ask a further supplementary question. The Department of the Environment, Water, Heritage and the Arts website advises that green loans will be discontinued from 22 March 2010. Will all home audits be returned to homeowners in time for them to consider applying for a green loan, and can the minister confirm that all participating financial institutions are still offering green loans to customers?

Senator WONG—The first part of this supplementary question really reiterates the primary question. As I have said, this is probably about transitional issues. As I have indicated, I will obtain advice on that issue. In relation to the second part of the question, what I can indicate is that, as I previously said, loans are to be discontinued from 22 March. I again indicate that eligibility for loans is determined by financial institutions, and I provided figures to the chamber in the previous answer on the number of green loans received and issued, which were, respectively, 2,400 and 1,600 as of 21 February. I do not have advice on the specific issue of whether there are any financial institutions that are no longer participating in the interim period between the announcement and 22 March. I will obtain advice on that issue and come back to the Senate.

Defence Capability Plan

Senator JACINTA COLLINS (2.30 pm)—My question is to the Minister for Defence, Senator Faulkner. Can the minister outline to the Senate the government’s commitment to acquire a new defence capability for the Australian armed forces as set out in the defence white paper? In particular, can the minister inform the Senate of the steps that the government has taken to implement the commitment to acquire a fleet of new naval combat helicopters?

Senator FAULKNER—I can confirm that the government has provided first-pass approval for defence capability plan project Air 9000 Phase 8. An advanced naval aviation capability is essential to maintaining the ADF’s capability edge in the complex and demanding marine environment. The new helicopters will possess advanced antisubmarine warfare capabilities. Sufficient helicopters will be acquired to provide at least eight helicopters concurrently embarked on ships at sea, which under the white paper required
a fleet of 24 helicopters. The government will examine the options to provide a new combat helicopter through a cost-capped competitive process involving the Sikorsky-Lockheed Martin MH60R and the Eurocopter NH90.

This is a multibillion dollar project. A competitive process will ensure value for money for the taxpayer and ensure the best possible decision-making to support this vital capability. Any decision government makes will take into account all relevant considerations, including capability, cost, interoperability with other ADF capabilities, risk, value for money and industry aspects. The competitive process will follow a schedule that will allow for initial operating capability in the year 2014. The government anticipates releasing the request for tender in the coming months, with a final decision in 2011.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. Can the minister also outline to the Senate the changes to the public defence capability plan announced on Tuesday by the Minister for Defence Personnel, Material and Science? Can the minister inform the Senate of any other recent steps the government has taken to ensure that the ADF has the capabilities it needs?

Senator FAULKNER—I can advise the Senate of two other important steps towards the delivery of Force 2030. The government has given second-pass approval to the acquisition of seven new CH47F Chinook helicopters to replace the current fleet of six CH47D Chinooks. The CH47F is the most modern and capable version of the Chinook, which has been proven to be a major ADF asset in Afghanistan. The government has also approved Australian involvement in the US and international upgrade program for the ADF fleet of 12 C130J Hercules aircraft. The C130J is the workhorse of the RAAF. It is routinely used for a range of operations, including those in Afghanistan. The upgrades will address system obsolescence, maintain coalition compatibility and enable these aircraft to comply with global air traffic standards. (Time expired)

Senator JACINTA COLLINS—Mr President, I ask a further supplementary question. Is the government satisfied with progress towards the implementation of the government’s defence capability plan?

Senator FAULKNER—Yes. The government puts a very high priority on ensuring that the ADF has the equipment it needs to carry out its mission. There is no more serious issue than this. We must learn from past mistakes that have been made in defence procurement. Major acquisitions, of course, require careful consideration. Examining all relevant capability cost and schedule issues is essential, and I intend to ensure that we do take the appropriate time to consider all relevant issues when it comes to investing billions of taxpayer dollars in defence. Defence is continuing to progress a range of complex capability projects. My focus is on ensuring that we get both the process and the outcomes right.

Asylum Seekers

Senator HUMPHRIES (2.35 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. I refer the minister to the statement made prior to the last federal election by the Prime Minister, when he said in relation to boats seeking to enter Australia illegally, ‘You’d turn them back.’ Could the minister advise how many boats, consistent with Mr Rudd’s pre-election promise, have been turned back?

Senator CHRIS EVANS—The Prime Minister expressed the Labor Party’s resolve to try to attack the trade of people-smuggling and that we would apply all measures at our disposal to try to disrupt and end the people-
smuggling trade. As I understand it, the last successful turnaround of a boat was in 2005, when the Howard government ceased turning boats around at sea because of operational concerns.

We have certainly attempted to discourage persons from leaving and have worked with our international allies. There has been, for instance, a lot of focus recently on the boat that is moored at Merak which was intercepted by the Indonesians en route to Australia and berthed at Merak. We are using all the measures we can in cooperation with our allied nations and those in the region to disrupt people-smuggling with all the means at our disposal, but we also make sure that those operations are safe and that they do not put naval personnel at risk. As we saw last year with SIEV36, there are dangers to Navy personnel in operating in these environments and one has to be careful.

My understanding is that the last turnaround that occurred at sea was in 2005. I will check that; I do not have the figures easily to hand. But, as I said, I think the last turnaround at sea by Australian Navy personnel was conducted in 2005. Operating instructions to Navy are obviously designed to—(Time expired)

Senator HUMPHRIES—Mr President, I ask a supplementary question. I thank the minister for advising the Senate that no boats have been turned around under this government. Could the minister then advise who made the decision and when the decision was made that suspect illegal entry vessels would no longer be turned back, breaking this election eve promise by the Prime Minister?

Senator CHRIS EVANS—The government remains committed to an orderly migration program and strong border security. I would remind those opposite that the peak year for arrivals of unauthorised persons was 2001.

Senator Abetz—We fixed it!

Senator CHRIS EVANS—You fixed it, did you, Senator Abetz? I will take that interjection. Why did you spend $400 million of taxpayers’ money building Christmas Island if you had already fixed it? What nonsense! You never claimed you had fixed it.

The PRESIDENT—Order! Address your comments to the chair, Senator Evans.

Senator CHRIS EVANS—John Howard never claimed he had fixed it. He knew that we had to deal with this in 25 of the previous 33 years. I remind those opposite that, in 2001, 5,516 people arrived; in the previous
year, 2,939 arrived; in 1999, 3,721 arrived. Were you in charge of our borders then or were you failing?

The PRESIDENT—I remind senators that shouting across the chamber is disorderly and that comments should be addressed to the chair.

Trade: Dumping Duties

Senator XENOPHON (2.41 pm)—My question is to Senator Wong, the Minister representing the Attorney-General, and is in relation to the decision to lift dumping duties on toilet paper products imported from Indonesia and China. In December 2008, toilet paper products from Indonesia were found to have been dumped on Australia at up to 45 per cent below its domestic value and up to 22 per cent from China. A reinvestigation into this case was finalised—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Xenophon is entitled to be heard in silence.

Senator XENOPHON—Thank you, Mr President. A reinvestigation into this case was finalised in December last year, resulting in the lifting of these dumping duties even though the products were being dumped at well below their domestic value. Customs determined that material injury to Australian industry by the dumped imports was not foreseeable and imminent. However, aggrieved domestic parties were constrained by providing submissions and providing evidence even though the basis for analysis was changed by the Trade Measures Review Officer. My question to the minister is: why does the reinvestigation not include consultation with domestic parties, especially in circumstances where the basis for analysis is changed? In such cases, does it not seem reasonable that the entire investigation be reopened?

Senator WONG—I understand Senator Xenophon had a detailed discussion with the Attorney-General this week in relation to this matter. Obviously the government gives very serious consideration to any antidumping issues and is concerned to ensure that Australian jobs and Australian industry are protected when dumped imports cause or threaten to cause material injury.

In terms of the facts of the particular case, the former Minister for Home Affairs published a dumping duty notice in respect of toilet paper from China and Indonesia in December 2008 following recommendations from Customs and Border Protection. Applications to review the former minister’s decision were accepted by the Trade Measures Review Officer, who subsequently conducted a review and recommended that all findings be reinvestigated. Pursuant to those recommendations, the Attorney-General in June of last year directed Customs to reinvestigate all findings. In December, the Attorney-General accepted the Customs and Border Protection recommendation from that reinvestigation that these antidumping duties be revoked.

I note that in the senator’s question he asserted that the basis for analysis from the original investigation was changed by the Trade Measures Review Officer. This is not the advice of the government. We believe that is an incorrect assertion. There was no change to the basis of the analysis. Customs and Border Protection was directed to reinvestigate all findings of the original investigation, and that occurred within the relevant legislative framework.

I do note that the senator, in the context of this discussion and also in estimates, has raised concerns about that legislative framework. I would advise the senator, through you, Mr President, that that is a framework that has been in place for many years, well
preceding the election of this government, and under that framework no new submissions were considered nor could be considered. As the senator is aware, the reinvestigation found that the toilet paper exporter was not the cause of, nor the likely cause of, material—(Time expired)

Senator XENOPHON—Mr President, I ask a supplementary question. Does the government not consider the possible loss of up to 4,000 jobs nationally as a result of this one decision, including 1,500 in the south-east of South Australia alone, to be 'material injury'?

Senator WONG—As I said in my earlier answer, of course the government is concerned to ensure that Australian industry and jobs are protected where dumping of imports causes or threatens to cause material injury. The reality is that Customs concluded that the injury suffered by the applicants was caused more by competition in the industry, not dumping. I understand the concerns which have been raised by the senator and also by employees and some members of the industry. The fact is that Customs concluded that the decision made its decision on the basis of advice and that decision was made on the basis of the cause of any injury. The fact is that the international antidumping system requires dumped goods to have caused material injury to the Australian industry. That was not the finding of Customs nor the advice—(Time expired)

Senator XENOPHON—Mr President, I ask a further supplementary question. Under section 269TAG of the Customs Act, will the Attorney-General order a new investigation into this case, opening up the review to allow the domestic industry to present its case and issue a stay of lifting of duties to ensure no impact on the domestic industry while a fresh decision is being considered? Wasn't the competition caused by the dumped goods in the first place?

Senator WONG—I think the second assertion is not consistent with the advice that I have read out in terms of explaining what the findings of Customs and Border Protection were. Also, in relation to the first supplementary question, I did not have the opportunity to make the point that Customs, on my advice, did consider price, volume and profit effects as well as other economic factors, including employment. That is in response to your earlier assertion. I am advised the Attorney-General does not have the power to direct Customs to undertake another investigation. There are avenues of appeal available to parties. I am also advised that a new application for dumping duties can be made by Australian industry at any time. In addition, under the section in the Customs Act to which the senator refers, it is possible for the Attorney-General to initiate an investigation. Justification of such investigation would require a written application on behalf the Australian industry, and—(Time expired)

Transport

Senator PAYNE (2.48 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Is the government concerned that the established COAG milestones for the national priorities of transport policy and road reform are not being met?

Senator CHRIS EVANS—Since December 2007, the Commonwealth, state and territory governments have been working together to reduce costs posed on business through unnecessary regulation. In November 2008, COAG agreed on the national partnership agreement to deliver a seamless national economy. That agreement commits $550 million to tackling 27 deregulation priorities, eight competition reforms and other regulatory reform processes. It aims to remove the jurisdictional inconsistencies that
create significant compliance and cost burdens for businesses operating across jurisdictions, freeing up resources to create a seamless national economy and improve productivity. Specific milestones to be achieved across the 36 reform streams between 2008-09 and 2012-13 are set out in the national partnership agreement.

The COAG Reform Council was asked by COAG to assess achievements against the milestones in the implementation plan for each financial year, as I am sure the senator is aware. On 23 February, the CRC released its assessment of reform progress. It indicates good progress in 2008-09 for 18 out of 27 deregulation priorities and four of the competition reforms, but it also identified some areas where more work is needed. The CRC report captures reform progress as at 30 September 2009, but I would make the point that since then significant further progress has been made on a number of reforms, such as food regulation, director liability and payroll tax, which were of concern in the CRC report. We are, importantly, on track to complete eight reforms by July 2010. By 1 July 2010 almost one-third of the reform agenda will be complete, including reforms to consumer credit legislation. A single national scheme— (Time expired)

Senator PAYNE—Mr President, I ask a supplementary question. Given that the single 2008-09 COAG milestone for transport policy and road reform was to develop future milestones and that has failed, how and when will the government address legitimate stakeholder concerns that they are dragging the chain on reform?

Senator CHRIS EVANS—I tried to assist the Senate by pointing out what was occurring and what the reform agenda was achieving. I acknowledged the report from the COAG Reform Council which recognised the achievement of milestones but also made some criticisms of progress in certain areas. That is a public document, and I am sure the senator has had a look at it. In relation to competition reforms in the energy, transport and infrastructure sectors, progress is being made, but the government agrees with the CRC that COAG can lift its game in these areas and will seek COAG’s agreement to renewed impetus. There is a big agenda. Some of the agenda has been achieved at a good pace and some of it has not. On the areas identified, like energy, transport and infrastructure, we will need to revitalise the impetus. (Time expired)

Senator PAYNE—Mr President, I ask a further supplementary question. The government cannot meet a milestone to develop a milestone. Do you have any real plans to get the states and territories to engage in cooperative federalism to achieve results rather than just overloading the COAG agenda? Is that just more talk and no action?

Senator CHRIS EVANS—I think the senator is being a little ungenerous—and it is not like her. There have been milestones set in this process. The COAG Reform Council report actually measures that performance—for the first time, as I understand it. What the report found is that many had been achieved but some had not. It is an honest, open report. We make the point that the measures were taken in September and more progress has been made since then. The report does indicate good or generally satisfactory progress in 2008-09 across 18 of the 27 deregulation priorities. So there is progress being made. Milestones are being achieved. But, as we have been open about it, there has been underperformance in some areas and we have made a commitment to work with state governments to lift the impetus in those areas of reform. (Time expired)
Senator FURNER (2.53 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister inform the Senate what the government is doing to make the Australian book industry more productive and more competitive?

Opposition senators interjecting—

Senator CARR—I thank Senator Furner for his question. I notice the baying from those opposite. I know this is difficult for you to have to deal with, but the prospect of actually reading a few books might be of interest to you.

Opposition senators interjecting—

The PRESIDENT—Senator Carr, resume your seat. Interjections on my left are disorderly. Senator Carr, you should address your comments to the chair.

Senator CARR—I know that the opposition is now locked into Tony Abbott’s—the Leader of the Opposition’s—idea of ‘the good old days’. I know they long for days of dearth and of pestilence, and the days of witch burning and the Black Death, but they might pay a little bit of attention to what are important matters for the future of this country in regard to the book industry, which is of vital importance to the cultural life of this nation, but is equally important to our innovative efforts. We need a strong domestic book industry to help us take Australian ideas to the world and to bring the world’s ideas to Australia. The book industry itself faces many innovation challenges, including the challenge presented by the e-book and other digital technologies. The government wants Australian firms to be in the vanguard of the emerging digital publishing industry. We want Australian books, whether they are in print or digital, to be able to compete internationally on equal terms with the books from the United Kingdom, the United States and the other big players in the English language market. The government wants to ensure that Australia is one of the international leaders in regard to innovation in the book industry. (Time expired)

Senator FURNER—Mr President, I ask a supplementary question. Can the Minister for Innovation, Industry, Science and Research, Senator Carr, advise the Senate who will be represented on the Book Industry Strategy Group and what expertise they will bring to their task?

Senator CARR—The Book Industry Strategy Group will have an independent chair. Its members will be drawn from every part of the supply chain.

Senator Abetz interjecting—

Senator CARR—Senator Abetz, what we are seeing from you is yet one more episode in your never-ending crusade against the Enlightenment! It is about time you joined the 21st century! It is important that the interests of the whole supply chain be recognised. One of the national innovation priorities which has been identified in the government’s Powering Ideas innovation agenda is to improve the dissemination of new technologies, of new processes and new ideas. The more freely and more creatively ideas and research results circulate, the more impact they have. (Time expired)

Senator FURNER—Mr President, I wish to ask a further supplementary question. I thank the minister for his concise response. Can the minister explain to the Senate how the government will support the Book Industry Strategy Group’s work?

Senator CARR—This government believes that it has a responsibility to work in partnership with industry. This is the most effective way to promote the development and encouragement of new investment. This is what we have been working towards since we came to office. The Book Industry Strat-
egy Group builds on that foundation. The industry will be able to contribute its skills and its expertise and other resources as appropriate. The government will support the group’s work by linking it to the Print Industry Working Group, the Creative Industries Innovation Centre and the IT Industry Innovation Centre. We will also encourage the strategy group to call on Enterprise Connect and other areas of my portfolio to help with projects that are addressed in the terms of reference. Our aim, as always, is to promote the transformation and the renewal of this vital industry by working side by side with companies, with workers and with researchers. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Asylum Seekers

Senator Faulkner (New South Wales—Minister for Defence) (3.01 pm)—Mr Deputy President, on 10 September last year in response to a question from you I made a commitment to the Senate to release Defence’s photographic and video record of the SIEV36 tragedy whenever the Northern Territory Coroner lifted his request that the material remain confidential for the purposes of his inquest into the tragic death of five people.

The Northern Territory Coroner last week released a brief of evidence which contained much of the relevant video and stills imagery that Defence provided. Today I table the relevant visual material.

I table the video record of HMAS Albany and HMAS Childers, and RAAF aerial video footage. I also table stills imagery taken by personnel on HMAS Albany and HMAS Childers. Some clinical images of injuries have not been included for privacy reasons.

I also table correspondence between the Chief of the Defence Force, Air Chief Marshal Angus Houston, and the Northern Territory Coroner.

I hope I will be in a position to table the relevant inquiry officer’s report, already released by the coroner, formally to the Senate later today.

Trade: Dumping Duties

Senator Wong (South Australia—Minister for Climate Change and Water) (3.03 pm)—In question time today Senator Xenophon asked me a question, and I think I need to add to the answer to ensure it is clear. This is in relation to his second supplementary question. Under the section of the Customs Act which Senator Xenophon referred to, the Attorney-General may initiate an investigation into the need to take antidumping measures to justify the initiation of an investigation without having received a written application by or on behalf of the Australian industry. The minister would need to be satisfied that there was sufficient evidence of dumping, injury and causal link. However, special circumstances must exist for the minister to exercise this discretionary power pursuant to article 5.6 of the World Trade Organisation Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade, to which Australia is a party. The existence of special circumstances would be a matter for Customs to provide advice on pursuant to the relevant international conventions.

Home Insulation Program

Senator Arbib (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery) (3.04 pm)—During question time I took on notice a question from Senator Birmingham. I respond with the following information. My concern, my role and that of my office was to have the
home insulation program rolled out effectively and provide jobs to thousands of people who needed them with the onset of the global financial crisis—unlike coalition senators on the other side of the chamber, who opposed the stimulus package and those jobs.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Home Insulation Program

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.04 pm)—I move:

That the Senate take note of the answers given by the Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery (Senator Arbib) to questions without notice asked by Senator Cormann and Birmingham today, relating to the Home Insulation Program.

It is amazing to hear Senator Arbib come in here and talk about our misunderstanding his role. At least he is admitting to actually having a role. And what is this role? This role was part of one of the greatest debacles in modern political history that is going to cost $100 million to fix up. This epitomises Labor Party management. This epitomises Labor Party risk. This epitomises the Labor Party and their whole rhetorical flourish.

Yesterday we saw our Prime Minister, Kevin Rudd, wandering down to the front with his notebook in hand. He was going to take notes; he was going to fix it all up. I noticed that there did not seem to be any other notes in the notebook—it seemed to be a new notebook. It was a new notebook specially designed for the occasion—a new notebook with probably a new pen with a whole new approach. There was nothing written in that notebook, so I imagine that to that point in time he had not really come across a problem that needed fixing.

So now we have Mr Rudd and his new notebook wandering down to earnestly talk to the ceiling insulation people. Maybe he would like to talk to the families that have faced the tragedy of the deaths that have been brought about by this badly administered program, this ceiling insulation program. Maybe he would like to talk to the people who wondered today whether their roof was a death trap. Maybe he would like to talk today about all the shonky operators who have been ripping off the Australian taxpayer with all their shonky deals in this completely shonky outfit. Maybe he would like to write in his little notebook about how even today we are finding advertisements going out for the installation of ceiling batts. Maybe he would like to talk today about the people who are willing to backdate jobs so they can still get in on the act?

Senator Arbib said he had realised there were a few reports and that he had not been across them all: ‘I knew there were reports and we had meetings but I can’t tell you exactly what they were about. I can’t tell you exactly my role in them. I think you’ve misunderstood my role. I think you’ve misunderstood exactly what the Labor Party are up to. I think the whole of the Australian people are at fault because they misunderstand the Labor Party and exactly what they have been trying to do.’ It was the case that the Labor Party decided on it, in a fit of inspiration, and then they put out this program fast—and that is on their admission. That is the admission of the finance minister, Mr Lindsay Tanner, who said, ‘We didn’t have time to dot the i’s and cross the t’s. We had to get it out there.’ They did not have time to dot the i’s and cross the t’s.

So apart from the cost, the $2.45 billion that they were spending on it, what else has that admission cost us? We are seeing right now that the upfront cost of that admission is $100 million, so a $100 million statement by
Mr Tanner or $100 million worth of bad management by Senator Arbib. What could that $100 million have done if they had actually managed it, if they had been diligent, if they had been decisive? If they had actually done their homework we could be using that $100 million for so many other things in our nation. We could be using it for health, we could be using it for education and we could be using it for defence but we are using it to fix up their stuff-up. That is what we have to use that $100 million for, to fix that mistake, and that is apart from the fact that there are four people dead, there have been over 100 house fires and there is the electrification of roofs. All this personifies the Labor Party.

The Republicans have their elephant, the Democrats have their donkey and the Australian Labor Party have the ceiling insulation program. That personifies exactly who they are, exactly how they operate and how shoddy and hopeless they are as an organisation. The notebook, the earnest look on the face and the strolling down to the front—it is all a rhetorical flourish but they lack the detail and they lack the capacity to bring forward an outcome. I would like Mr Rudd to table that notebook. It would be fascinating to see whether it even still exists. Does that notebook still exist? Is it really there? Whereabouts is that little prop? Let us see if Mr Rudd can table that little prop, that brand-new notebook. It is another form of deception of the Australian people in that it says that they care and that they are actually going to do something about it. Well, he stuffed it up and has got to fix it up. (Time expired)

Senator McLUCAS (Queensland) (3.10 pm)—It has been rather interesting that we have had this very quiet question time when Senator Joyce does not say boo to a goose and then all of a sudden, when it comes to taking note of answers, we get this feigned outrage. All of a sudden he is very troubled and worried and has a commentary to give. I do not know what year you went to NIDA, Senator Joyce, and I do not know whether you passed but there you were feigning outrage after a whole hour of silence at question time.

Over the last months and months we have been criticised by those opposite for attempting to do the right thing by Australian workers. The insulation program, as we all know, was a part of a complete set of measures that responded to the global financial crisis. It has been disappointing that in some places the insulation program has not met the benchmark that we expected. It has been disappointing that there have been operators who have been prepared to break the rules.

Opposition senators interjecting—

The DEPUTY PRESIDENT—Order! Senator McLucas has the right to be heard in silence.

Senator McLucAS—When I was contacted, as many of us on this side were and I certainly hope those on the other side were, by the very large number of installers with concerns, those who by and large were doing the right thing, we were able to take their concerns through to the department, through the hotline, and they were acted on.

Minister Garrett and Minister Arbib have been on the job, ensuring that any concerns brought to their attention have been dealt with. In fact, I think that the recent announcement of support for those in the insulation industry is a sensible response to what I acknowledge is a difficult situation. The $41.2 million insulation worker adjustment package will include a $10 million insulation workers adjustment fund to help workers and firms through the transition period. It will be allocated on the recommendation of a team of existing local employment coordinators and new dedicated insulation employment coordinators. The fund will support firms to
retain their workforces in work or training activities or to support workers directly. There will be $1.5 million allocated for up to 25 dedicated insulation employment coordinators, funded from the jobs fund. These new positions will assist displaced insulation workers to find alternative jobs with other employers and other industries. This assistance will complement and draw on existing support provided through local employment coordinators and the resources of the Job Services Australia network. The insulation employment coordinators will have access to the $10m insulation workers adjustment fund to assist workers transitioning to alternative jobs or training. Five million dollars has been allocated for 6,000 structural adjustment places to help retrain insulation workers in alternative industries announced today. There will be $24.7 million allocated for 6,000 training places that have already been announced, to assist insulation workers—2,000 each from the Apprenticeship Access places; the language literacy and numeracy program; and the structural adjustment program.

Those opposite have been critical of our response to the global financial crisis from the beginning. If it is such a disaster, why is Australia one of only two OECD countries which have not gone into recession? We are working hard to ensure that elements of the insulation program that have not been quite up to the mark—and we acknowledge that—are now being addressed. We have all acknowledged—and this is nothing amazing—that there have been difficulties. What we have done, and what your side has not acknowledged, is see that every time there has been a problem there has been an appropriate response. We are ensuring that jobs are protected for as long as they can be into the future.

Senator RONALDSON (Victoria) (3.15 pm)—Heaven help us if that is getting on with the job or up to the job. You must be terribly proud, Senator McLucas, that four people have died from this program. You must be terribly proud that 93 house fires have been linked. You must be very proud that 1,000 homes may have electrified roofs.

Senator Wong—Mr Deputy President, on a point of order: that was a deeply offensive remark and I ask that it be withdrawn. His assertion implied that senators on this side, including Senator McLucas, would be proud of people dying. It is deeply offensive, it is false and I ask that it be withdrawn.

Senator Ronaldson—I withdraw it on the basis that it was a commentary, not a comment directed at Senator McLucas. But let us make sure the public record is absolutely clear. You came into this place and you have defended a program, and I have said to you that four people have died as a result of it. I have said to you that 98 house fires have been linked to it. I have said to you that 1,000 homes are electrified. I put to you that another 200,000 are at risk. If you are proud of that, I would be very surprised. And that is my point, Senator McLucas. There is nothing to be proud of. That is the point I was making.

The Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib, and the Minister for the Environment, Heritage and the Arts, Mr Garrett, are apparently on the job. I want to take the chamber back to the questions today from Senator Birmingham to Minister Arbib. They were two absolutely fundamental key questions, neither of which was responded to, and there is a very good reason for that. The first question was:

Did any departmental officials ever advise ... the minister or his staff that the starting date of the Home Insulation Program should be delayed?
That is a very simple question, to which there was no response. The second question was:

Given the minister’s statements yesterday and on Tuesday that his role at these regular meetings with officials was ‘to ensure the rollout was proceeding smoothly and on time ...’

The minister stood up after question time today and conveniently dropped the words ‘on time’. Mr Deputy President, I will tell you why you have not had a response to these questions. It is because this does not stop at Minister Arbib and Minister Garrett. This goes right to the top. I thought the comments of Dean Mighell today on Melbourne radio station 3AW were most instructive. He said: ‘But it was not well thought out. It is part of the problem of style of government.’ And it is the style of this government to rush in and try to address a problem by the expenditure of money. It is about doing things such as the NBN—$43 billion—without an iota of a business plan. This is a government that has been described by my colleagues today as ‘blah, blah, blah’. Yesterday, this blah, blah, blah Prime Minister was at it outside with the installers. He said, ‘We are just having a yak.’ The expression ‘yak’ is described in the dictionary as ‘empty conversation’. This is empty conversation. This is all talk, no action. This is blah, blah, blah—empty, empty, empty conversation. The dictionary says the colloquial expression of yak is, ‘To talk or chatter, especially pointlessly and continuously.’ So we do have blah, blah, blah.

The reason Minister Arbib refused to answer Senator Birmingham’s quite clear and deliberate questions is that he knows the Prime Minister is in this up to his ears. He knows that the Prime Minister told Minister Arbib that he was to roll this out, irrespective of what advice he was given. That is the only thing you can take from the minister’s refusal to answer the very simple question, ‘Did any departmental officials ever advise the minister or his staff that the starting date of the Home Insulation Program should be delayed?’ Why would he not answer that question? It is because the answer is yes. We know what his role is, because he told us. It was to ensure the rollout was proceeding smoothly and on time. This minister knew what the advice was. This minister knew that Minter Ellison had addressed a number of issues and therefore they set a three-month delay. (Time expired)

Senator CAROL BROWN (Tasmania) (8.31 pm)—It is very interesting to follow Senator Ronaldson. Most times I do not. I might have to request to follow him more often, because he is extraordinarily amusing in the way he talks—

Opposition senators interjecting—

Senator CAROL BROWN—I tell you we are very serious about it. We have acted on these concerns and the issues of safety. What we have been given today is somebody who would rather make fun and talk about the definition of ‘yak’ in the dictionary. That is what we have got with him waving his hands around and trying to make slurs against individual senators on this side of the chamber. I am not sure whether he withdrew or not in the end.

The DEPUTY PRESIDENT—He did withdraw.

Senator CAROL BROWN—However, this government takes the issue of safety very seriously. That is why the minister has acted to boost safety for households and for workers who undertake the installation of these programs. The $41.2 million Insulation Worker Adjustment package will help workers and firms through this transition period. The package offers support to retain people in their current job until the Renewable Energy Bonus program begins and assistance to find alternative jobs or a relevant training...
place where employment opportunities are not available. The $41.2 million Insulation Worker Adjustment package comprises a $10 million Insulation Workers Adjustment Fund to help workers and firms through the transition period, $1.5 million to fund up to 25 dedicated insulation employment coordinators to assist displaced insulation workers to find alternative jobs, $5 million for an additional 1,000 Structural Adjustment Places to help retrain insulation workers in alternative industries and $24.7 million in already announced funding to support 6,000 already announced training places to assist insulation workers. These places are divided between 2,000 Structural Adjustment Places, taking the total to 3,000 places—

Senator Cormann interjecting—

Senator Wong—Mr Deputy President, I rise on a point of order. Senator Cormann is so rude.

Senator Cormann interjecting—

Senator Wong—I am used to it, Senator, but some other senators find it more distracting than those of us who are used to you interjecting constantly. It is simply rude and contrary to standing orders.

The DEPUTY PRESIDENT—On the point of order: I am listening very carefully. There have been various degrees of interjection. I thought that this time it was much quieter. Senator Brown, please continue.

Senator CAROL BROWN—There are also 2,000 Language, Literacy and Numeracy Program places and 2,000 Apprenticeships Access Program places, which provide prevocational training to workers seeking to enter an apprenticeship. These and other measures guarantee them access to retraining, support and help in developing a tailored employment pathway plan to find another job as quickly as possible. They will be eligible for one of the 7,000 training places available for redundant insulation workers.

This strong commitment is in stark contrast to what is offered by the opposition. The Leader of the Opposition, in a doorstop, has said he does not believe in training; he is not interested in training. Mr Abbott said: I think that training programmes for people who have been thrown out of work are of limited usefulness; people need jobs, that’s what they need.

Senator McGauran—What’s wrong with that?

Senator CAROL BROWN—That flies in the face of everything that every stakeholder in the insulation industry has said about the importance of training in the sector. That is why. Training is vital for workers and businesses who want to participate in the new scheme and for getting unskilled workers into new jobs. The Prime Minister is on record about working our way through the implementation of inspections and the rectification of work which is necessary. He has also indicated support for the firms and workers. We accept responsibility for the problems which have arisen, and of course that means—

Senator Bernardi—None of your ministers have.

Senator CAROL BROWN—The government has accepted the responsibility for the problems that have arisen, and we have put in place measures—(Time expired)

Senator TROETH (Victoria) (3.27 pm)—I also rise to take note of answers given by Senator Arbib, the Minister Assisting the Prime Minister on Government Service Delivery, to questions asked by Senators Cormann and Birmingham. I thank Senator Carol Brown for her remarks, but she seems to miss the point. Why would the job training and help programs be necessary if the original program had worked? This was a government program set forth in excruciating
detail, with apparently umpteen safeguards and reasons why it would work. Why didn’t it work? The opposition and I call for the minister’s sacking or resignation as the only honourable course left.

The Prime Minister said today, in a couple of places, that he is ultimately responsible for the failure of this program. As is usual with the Prime Minister, these words are very hollow and they are very different from the reality that, unfortunately, everybody else can see. The Prime Minister has not taken the responsibility to sack this incompetent minister. The Prime Minister has not taken responsibility for the deaths of the four victims of this program and apologised to their families. He has not taken responsibility for the hundreds of thousands who are at risk in their homes and apologised to them. He did not even have the guts to stand up in the parliament during the censure motion earlier this week and defend his minister, defend his program or defend himself.

Now we see him making the token effort to wander out into the front courtyard of this place and give the appearance of listening. We also saw him calling in the troops and circling the wagons this morning in a special caucus briefing. Reportedly the Prime Minister advised caucus that they were all in it together. Well, he and Minister Garrett are the people who have lumped the entire Labor Party government in this together, including senators like Senator Carol Brown, who has to stand up in all good faith and defend him. I remind the Prime Minister that he is not a victim in this, even though his ego may be bruised; he and his ministers are, in fact, the perpetrators.

I remind the Senate that there are 24,000 homes with unsafe or substandard installations, 160,000 installations that did not meet product standards, 80,000 installations that did not meet safety standards, 1,000 electrified homes—how would you like that!?—and that there have been 93 house fires and the four tragic deaths of the young men. And yet the Prime Minister has the gall to call Mr Garrett a first-class minister and a very effective minister. Those endorsements came within the last week. This is despite the fact that the minister received over 21 individual warnings over safety and the reports of the four deaths.

Despite the minister’s officials receiving a Minter Ellison report exposing deep concerns in April last year, and a further risk register from Minter Ellison with a clear warning to delay the program for three months to correct the problems, he claims he did not know anything about it until 11 days ago. The Prime Minister’s own officials were warned, in February 2009, but he claims that he did not know anything about that either—a very convenient lapse in ministerial procedure across two departments! This is a ridiculous farce being perpetrated by the Prime Minister and the minister for the environment.

The facts are that as early as 9 March last year the minister was warned in writing by the National Electrical and Communications Association that the program was a disaster waiting to happen. In late April last year he was warned by territory and state ministers that this program was a disaster waiting to happen and that if it went ahead in that form there would be serious risk to property and life. On 14 October last year, we had the first death—and it goes on and on and on. The minister received warnings from the Master Electricians association, the ACTU, the New South Wales minister and Labor government ministers but he finally acted only in February.

Now, all of this was entirely preventable, yet the minister took no action to reduce the risks. In fact, he bragged about how wonder-
fully successful the program was. It beggars belief that both of these men were unaware of at least some of these warnings. So why did the program proceed? Why did the minister not demand further information before authorising it and how is it possible for the minister to be so callous? This minister has comprehensively failed to undertake the due diligence demanded or to heed the warnings. In either case, the result must be the same, because failure to do so is grounds for his termination.

Question agreed to.

BUSINESS

Rearrangement

Senator SHERRY (Tasmania—Assistant Treasurer) (3.33 pm)—by leave—I move:

That:

(a) intervening business be postponed till after consideration of general business order of the day no. 90 (Marriage Equality Amendment Bill 2009);

(b) the item listed in paragraph (a) have precedence over other business and the time limit for this debate is 30 minutes; and

(c) the consideration of governments documents be called on at item no. 17 on today’s Order of Business.

Question agreed to.

MARRIAGE EQUALITY AMENDMENT BILL 2009

Second Reading

Debate resumed from 24 June 2009, on motion by Senator Hanson-Young:

That this bill be now read a second time.

Senator HANSON-YOUNG (South Australia) (3.34 pm)—The issue I rise to speak to this afternoon is one of great importance to all Australians who value fairness and justice: the right to have their love formally recognised by the state through marriage.

The Marriage Equality Amendment Bill 2009 seeks to amend the Marriage Act by removing any discrimination on the basis of sexual orientation or gender identity. Today is a monumental, momentous day. It is a historic day for us to be debating a particular piece of legislation that deals specifically with removing the discrimination that currently exists within the Marriage Act. It comes after an inquiry that received over 27,000 submissions from Australians wanting this issue to be discussed and debated in our federal parliament. It is clear that the community has strong views on this issue and they wanted it debated by their elected representatives. Thousands have taken to the streets in support of this bill, with this year earmarked as the national year of action on same-sex marriage. Only this coming weekend, thousands and thousands of people will line the streets of Sydney for the Sydney mardi gras—people gathering together because they want to celebrate equality.

The momentum for this bill is growing. The momentum amongst the Australian community for removing this discrimination is growing every year. The polls—the support out there in the community—suggest that over 60 per cent of Australians want to see same-sex marriage legal in Australia. They do not want to see people discriminated against any longer.

The idea that consenting adults should have the right to celebrate their love and commitment as they see fit is such a simple principle, yet in this place it is still controversial. While a majority of Australians agree—let’s remove that discrimination; let’s insist on fairness and justice—we still have objections from both sides of the chamber. The old parties continue, based on party lines, to think that it is still appropriate for them to deny same-sex couples the same recognition as heterosexual couples.

My message to Mr Rudd and to Mr Abbott today is very clear: we have just begun the
second decade of the 21st century; it is time
for us to progress. Surely, it is time for us to
have moved past the day when we discrimi-
nated against people based on their gender or
their sexual orientation. That kind of dis-
crimination belongs in the past. I must say—
—it may sound crass but it is true—that if Mr
Rudd and Mr Abbott are so wedded to it,
then too belong in the past. Let’s recognise
the diversity of modern Australia by giving
all committed and loving relationships be-
tween consenting adults the same rights and
protections.

The same arguments that are being trotted
out by those who oppose this bill have some
historical parallels. I am sure that when our
predecessors debated giving Indigenous peo-
ple the right to be recognised as citizens of
their own country or when women were
given the right to vote the same eyebrows
were raised. There were some people who
argued that the sky would fall in. But we
changed those laws because we knew it was
right. We drew a line in the sand and said:
‘Let’s consign this kind of discrimination to
the past.’ That is what this bill is asking us to
do today. We know that the nay-sayers back
then were wrong, and we know here today
that the nay-sayers are wrong. Removing that
kind of discrimination makes the fabric of
our society stronger, not weaker. Today I am
calling on the Senate to move past these out-
dated petty prejudices and to strengthen our
democracy and our society by removing an-
other form of discrimination that has lin-
gered for way too long.

While Victoria, Tasmania, the ACT and, as
recently this week, New South Wales have
established relationship registration and civil
partnership schemes for same-sex couples,
these schemes should not be used by the fed-
eral government as an excuse to not accept
that what we need is true equality for mar-
riage. These schemes continue to fall short of
equal legal recognition enjoyed by hetero-
sexual relationships and must not be used as
a substitute for marriage. It is important for
us to remember that this is not just an issue
for same-sex couples but for all of us who
believe in justice, fairness and the ultimate of
human rights. It is a human rights issue. It is
about the legitimacy of the institution of mar-
riage not being undermined by discrimi-
nation.

We must also remember that this is not
just a religious issue. We know that 65 per
cent of marriages in Australia are conducted
by civil celebrants, not religious celebrants.
We know that 65 per cent of marriages do
not occur within the institutions of the
church. We know that 65 per cent of mar-
riages in Australia are conducted by people
and for people who want their relationship
recognised not just by their loved ones, not
just by their families and each other but by
the state as well. The difference for same-sex
couples is that currently under the Marriage
Act they simply do not have the choice to
marry. We need to be able to remove that
discrimination and give them that choice
today.

The Prime Minister of the day and the
Leader of the Opposition should not have the
power to ensure that their members in this
place vote based on their own ideological
and conservative views. Let us be honest: we
know that in this place and in the other place
there are people on all sides of the chamber
who fundamentally believe that this type of
discrimination should be removed. Hope-
fully, today we will get to a vote on this bill.
I would like to see us vote according to our
conscience. If we look at the issue and at
fairness and justice and want to vote accord-
ing to what is right, we will want to remove
that discrimination.

Throughout the Senate inquiry into this
bill, numerous people submitted their per-
sonal stories suggesting how changing this
bill would positively affect them. We heard mothers and fathers talking about how they longed for their children to have their relationships recognised. We heard from one mother who has two sons; one’s relationship is recognised because he is straight and the other’s relationship is not recognised because he is gay. The Prime Minister has been asked to consider why one of this woman’s sons is a second-class citizen. We need to remove this type of discrimination. We need to embrace equality for all—equal love.

The sky has not fallen in in places like Belgium, Sweden, Canada, South America, South Africa and various states of the United States because they have changed the laws to reflect an acceptance that same-sex couples have the same rights as heterosexual couples. In fact, I would argue that the sun is shining brighter in those places. We should not be in a situation where Australian citizens have to leave our country to have their relationships recognised through marriages in Canada, only to arrive back in Australia, step off the plane at Sydney International Airport and know that all of a sudden their marriage is invalid. It is time for us to move forward. It is time for us to progress. It is time for this parliament to discuss this issue and to think very carefully about what type of discrimination we want to leave future generations of Australians. How can we say, ‘All people are equal but some are more equal than others’? It simply does not make sense. I commend the bill to the Senate, and I look forward to the debate.

Senator SHERRY (Tasmania—Assistant Treasurer) (3.42 pm)—The Marriage Equality Amendment Bill 2009 seeks to make amendments to the Marriage Act 1961. The Australian government believes that all couples who have a mutual commitment to a shared life should have the opportunity to have their relationship officially recognised. That is why the government supports the development of a nationally consistent framework that provides the opportunity for all couples who have a mutual commitment to a shared life to have their relationships officially recognised. At the same time, the government is committed to maintaining the definition of ‘marriage’ as currently set out in the Marriage Act. It is for this reason that the government cannot support the Marriage Equality Amendment Bill currently before the Senate.

To date, relationship recognition schemes have been established in Tasmania, Victoria and the Australian Capital Territory. The government welcomes the announcement of the New South Wales government this week that it will develop a relationship recognition scheme. The scheme will enable de facto couples, both opposite sex and same sex, to have their relationships formally recognised and will form part of a nationally consistent framework. Of course, the federal government will work with the New South Wales government to ensure that all de facto relationships registered under the New South Wales scheme are recognised under Commonwealth laws and programs. This cooperation has already occurred in relation to other relationship recognition schemes which are recognised under Commonwealth laws and programs.

The Australian government believes that people are entitled to respect, equality, dignity and the opportunity to participate in society free of hatred and harassment and to receive the protection of the law regardless of their sexuality or gender identity. Consistent with this belief, the Rudd government moved quickly to pass legislation to remove discrimination against same-sex-couples and their children from 84 Commonwealth laws. The reform process was completed within the first 18 months of the government’s term and demonstrates our commitment to remove discrimination and make a practical differ-
ence. The reforms removed discrimination in areas of Commonwealth activity including taxation, social security, health, aged care, superannuation, immigration, child support and family law. As I said, 84 Commonwealth laws have been reformed by this government—and all of the reforms are now in force.

These reforms mean that same-sex couples have the same entitlements and obligations that apply to opposite-sex couples. Of course, the precise impact of the reforms will depend on individual circumstances but, in particular, equal treatment means that some same-sex couples will get access to benefits they could not previously access.

In summary, the reforms are as follows. Same-sex couples and their dependent children can now access the Medicare and Pharmaceutical Benefits Scheme, PBS, safety net as a family. This means same-sex families may have reduced medical costs once they reach the threshold. More information can be found on the Medicare Australia website or by ringing the information line.

The reforms removed discrimination in Commonwealth superannuation schemes as of 1 January 2009. The changes make death benefits available to the same-sex partners of deceased scheme members and their children. The changes also make it easier for regulated superannuation funds to recognise same-sex relationships. People should contact their superannuation scheme trustees for more information.

With respect to tax offsets, from 1 July 2009 same-sex couples have access to tax concessions previously denied to them, resulting in them having to pay less tax. A same-sex couple may be eligible for the dependent spouse tax offset, where previously they would have been denied eligibility. A member of a same-sex couple may also claim the net medical expense tax offset for medical expenses incurred by their partner and any dependent children. Some older individuals will also benefit from the changes. Members of a same-sex couple will now be able to transfer their unused senior Australian tax offset to their partner. The tax office website has information on these changes.

On immigration, from 1 July 2009 same-sex couples and their children have been considered members of a family unit for visa purposes. Same-sex partners of Australian citizens, Australian permanent residents and eligible New Zealand citizens are able to apply for the same partner visa as opposite-sex partners.

From 1 July 2009 same-sex couples have been able to apply for child support on separation.

The government also provided $450,000 for a community education campaign to inform same-sex couples of the implications of the same-sex reform package. This complemented Centrelink’s extensive information campaign. The measures included a website, which provides an overview of the reforms; $100,000 for the National Welfare Rights Network, to help Centrelink clients with independent and confidential legal advice about the same-sex reforms; and $350,000 for the development of a community education and advertising program, to be developed and managed by the National Lesbian, Gay, Bisexual and Transgender Health Alliance in partnership with a number of community based organisations.

In concluding, as I have said, the Australian government believes that all couples who have a mutual commitment to a shared life should have the opportunity to have their relationships officially recognised. That is why the government supports the development of a nationally consistent framework that provides the opportunity for all couples who have a mutual commitment to a shared
life to have their relationships officially recognised. This position is consistent with the government’s position to maintain the definition of a marriage as currently set out in the Marriage Act. As I have outlined in my comments today, the Rudd Labor government has moved quickly. It has passed legislation to remove discrimination for same-sex couples and their children from 84 Commonwealth laws. This was a very significant set of changes in taxation, social security, health, aged care, superannuation, immigration, child support and family law. This was a very extensive set of changes to Australian Commonwealth law. So, for the reasons I have outlined, and on this basis, the Marriage Equality Amendment Bill cannot be supported.

Senator BRANDIS (Queensland) (3.50 pm)—The coalition does not support this bill, because the coalition believes that the definition of marriage as contained in the existing provisions of the Marriage Act reflects the standards and the mores of contemporary Australia, and we are not persuaded that that definition ought to be changed.

I must say that, although I listened with great care and attention to Senator Hanson-Young’s speech, I fail to see this issue as being an issue about discrimination. What Senator Hanson-Young failed to acknowledge in her contribution is that there are certain customs and practices in any society that are unique to certain types of relationships, and to acknowledge that is not to discriminate against people. In our society the limitation of marriage to people of opposite sex is not to discriminate against people who wish to belong to same-sex relationships; it is merely to acknowledge the undoubted social reality and custom in Australia that marriage is a unique institution which has only ever been regarded as being between a man and a woman. I am astonished that there could be outrage at discrimination against gay couples by not extending to them the definition of a custom—that is, marriage—which has never, ever in any society, in the whole of human history, been regarded as other than a relationship or a status that exists between a man and a woman.

So, quite simply, the coalition does not see this as an issue about discrimination at all. The argument about discrimination was an argument that we had in this chamber in 2008. As Senator Sherry has said, in 2008 the Senate passed laws which removed discrimination against same-sex couples in 84 Commonwealth statutes. The removal of those discriminatory provisions against same-sex couples had the strong support of the coalition. In fact, as a result of the deliberations of the Senate Legal and Constitutional Affairs Committee, which looked at the two bills concerned at length, we actually improved the bills and extended them further than was the government’s original intention. They were passed in the end without controversy between the government and the opposition.

So the position of the coalition, the Liberal and National parties, on the question of discrimination against same-sex couples is clear and unambiguous: we do not think there should be discrimination in any way, shape or form. We think the relationship between people in same-sex relationships is entitled to as much respect as the relationship between people in heterosexual relationships. But we also acknowledge that marriage has a unique status, that marriage has only ever been understood to mean one thing—a point that my colleague Senator Guy Barnett makes very eloquently in his additional remarks to the Legal and Constitutional Affairs Legislation Committee’s report on this bill, a report which, I should say, recommended that the bill not be passed.
This is a very sensitive area, and it has to be approached bearing in mind not one but two very important values. One of those values is that all people are entitled to equal respect and their relationships are entitled to equal respect regardless of their sexuality. But the other principle is that marriage has only ever been understood to mean one thing, and in the coalition’s view that understanding ought to continue.

The DEPUTY PRESIDENT—Senator Fielding, before you start, I omitted to say earlier in the piece that an agreement had been reached between parties concerned about speaking times and I had asked the Clerks to set the clocks accordingly. I apologise for not mentioning that earlier.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.55 pm)—Family First does not support the Marriage Equality Amendment Bill 2009. The current definition of marriage is that it is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. Family First believes that this definition is still relevant in today’s society and should be maintained. The current bill seeks to undermine this definition of marriage and undermines the family. Family First believes that families are the foundation stone of society and that flourishing family life creates the best environment for children. Family First believes we need to do more to strengthen families and the relationships in families to reduce the incidence of and negative outcomes of family and relationship breakdown.

Senator BOSWELL (Queensland) (3.57 pm)—I would like to make a short contribution to the debate on the Marriage Equality Amendment Bill 2009. Today the Greens have put before the Senate a bill that would endorse and make legal same-sex marriages and would give them the same standing as a marriage between a man and a woman. I cannot support that, and neither can many of my constituents. That does not infer that I discriminate against same-sex couples; I certainly do not, but I do not believe you can have a marriage between a same-sex couple as you have between and a man and a woman. I come confidently into the Senate as a happily married man of 40 years standing to recognise marriage as an institution that can never be replaced or mimicked by a same-sex marriage. I had an email from one constituent that I thought covered it better than I could:

We both vehemently oppose such proposals—meaning same-sex marriage. It continues: We have taken seriously the commitments we made to “marriage”, which has required each of us to faithfully maintain various disciplines over a long period.

But if the definition of ‘marriage’ is broadened and blurred as proposed, it would make the commitment we have made appear to be of little significance. Consequently we would regard it as an insulting, invasive and unacceptable violation of our rights to now have our commitment massively devalued.

We will of course maintain our commitment. It has been and will continue to be of enormous value to us and now our 21 descendants, all of whom are also benefiting from making the same commitments. It is clear to us from this experience as well as from observing—

(Time expired)

Senator HANSON-YOUNG (South Australia) (3.59 pm)—in reply—I thank the other speakers for their contributions to the debate today. It is important to point out that the Marriage Equality Amendment Bill 2009 is about offering marriage equality. It is about removing the discrimination that does not currently allow same sex couples to marry under federal law. I say to the minister through you, Mr Deputy President, that this is not about money. Marriage between a man and woman is not simply about money. Mar-
riage between a man and a man or a woman and a woman, which this bill would allow, would not simply be about money. Marriage, of course, is about love. It is about commitment. It is about the symbolism of being able to show your relationship, with its true trust, commitment and support, to your loving family and having that respected under federal law. As a mother put it so perfectly when talking about her two sons:

My straight son has all the privileges that go with being heterosexual, including legalising his relationship and—

all—the respect that brings.

But she said—

my gay son—that is, her other son—

does not share these privileges.

She said that, as a parent, she was very sad about this. She went on to say:

... to me—

marriage—

is about building a life together. It provides emotional, financial and social commitment and it is a symbolic expression of love. It is... about people being happier and healthier because—

... a stable relationship, which of course is what any parent wants for their child...

This is the discrimination we wish to remove.

Question put:

That the bill be now read a second time.

The Senate divided. [4.05 pm]

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

Ayes............ 5
Noes............ 45
Majority........ 40

AYES
Brown, B.J.
Ludlam, S.
Siewert, R. *

NOES
Abetz, E.
Barnett, G.
Bilyk, C.L.
Bushby, D.C.
Cash, M.C.
Collins, J.
Crossin, P.M.
Farrell, D.E.
Ferguson, A.B.
Fierravanti-Wells, C.
Forshaw, M.G.
Hogg, J.J.
Hurlay, A.
Johnston, D.
Marshall, G.
McLucas, J.E.
Moore, C.
Parry, S. *
Ronaldson, M.
Stephens, U.
Troe, J.M.
Xenophon, N.

Hanson-Young, S.C.
Milne, C.
Back, C.J.
Bernardi, C.
Bishop, T.M.
Brown, C.L.
Cameron, D.N.
Colbeck, R.
Cormann, M.H.P.
Eggleston, A.
Feeney, D.
Fielding, S.
Fisher, M.J.
Furner, M.L.
Humphries, G.
Hutchins, S.P.
Lundy, K.A.
Mason, B.J.
Minchin, N.H.
O’Brien, K.W.K.
Polley, H.
Sherry, N.J.
Sterle, G.
Wortley, D.

* denotes teller

Question negatived.

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Asylum Seekers

Senator SHERRY (Tasmania—Assistant Treasurer) (4.09 pm)—Mr President, I wish to correct the record and provide an explanation of an answer given by Senator Evans, the Leader of the Government. In answer to a question from Senator Humphries in question time today, Senator Evans said that his recollection was that the last SIEV that was returned from whence it came was in 2005. Senator Evans would like to correct the record, as he is advised that the last SIEV so returned was SIEV14 on 4 November 2003. On his behalf, I have been asked to apologise. Senator Evans is in cabinet and was
unable to correct the record earlier, so he asked me to correct the record for him at the first opportunity.

**COMMITTEES**

**Selection of Bills Committee Report**

Senator O’BRIEN (Tasmania) (4.10 pm)—I present the third report of 2010 for the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

*The report read as follows—*

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 3 OF 2010**

1. The committee met in private session on Thursday, 25 February 2010 at 11.52 am.

2. The committee resolved to recommend—

   That—

   (a) the provisions of the Health Practitioner Regulation (Consequential Amendments) Bill 2010 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 9 May 2010 (see appendix 1 for a statement of reasons for referral);

   (b) the provisions of the National Radioactive Waste Management Bill 2010 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 March 2010 (see appendices 2 and 3 for statements of reasons for referral); and

   (c) the Wild Rivers (Environmental Management) Bill 2010 [No. 2] be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 9 May 2010 (see appendix 4 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:

   • Anti-People Smuggling and Other Measures Bill 2010

   • Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010

   • Family Assistance Legislation Amendment (Child Care) Bill 2010

   • Renewable Energy—Electricity (Water Heaters and Phantom Certificates) Bill 2010

   • Social Security and Other Legislation Amendment (Scholarship Payments) Bill 2010.

*The committee recommends accordingly.*

4. The committee deferred consideration of the Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009 to its next meeting.

(Kerry O’Brien)

Chair

25 February 2010

**APPENDIX 1**

**SELECTION OF BILLS COMMITTEE Proposal to refer a bill to a committee**

**Name of bill:**

Health Practitioner Regulation (Consequential Amendments) Bill 2010 Reasons for referral/principal issues for consideration:

To examine the implications for healthcare providers, particularly the reserve powers relating to registration requirements

**Possible submissions or evidence from:**

AMA

AMA (State Divisions)

Peak bodies for each medical discipline

**Committee to which bill is to be referred:**

Community Affairs Legislation Committee

**Possible hearing date(s):**

Throughout April break.

**Possible reporting date:**

May 11th 2010

(signed)

Senator Parry

Whip / Selection of Bills Committee member
APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee

Name of bill:
National Radioactive Waste Management Bill

Reasons for referral/principal issues for consideration:
This Bill overrides the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. It is necessary to examine the costs and benefits of doing so in this instance. This Bill overrides the EPBC Act. It is necessary to examine the costs and benefits of doing so in this instance. This Bill provides the Commonwealth with the power to override all state and territory laws that could delay, hinder or regulate the imposition of a radioactive waste facility. The States and Territories should be afforded the opportunity through a Senate inquiry to offer their views on the implication of this action.

The Bill’s stated intention is to resolve long-standing disputes over the management of radioactive waste which has generated public debate and controversy for many decades. There is no doubt there will be a high degree of public interest in this bill.

Possible submissions or evidence from:
State and Territory governments
Other organisations that have shown considerable interest and possess expertise on the issue are: Australian Nuclear Science and Technology Association (ANSTO), Alice Springs Town Council, Arid Lands Environment Centre - Beyond Nuclear Initiative, Northern Land Council, Muckaty Traditional Owners, Public Health Association of Australia, Australian Uranium Association, Central Land Council, Australian Nuclear Association, Women's International League for Peace and Freedom (Australian Section) Inc, Top End Aboriginal Conservation Alliance, Friends of the Earth Sydney, Katherine Town Council, Medical Association for the Prevention of War (Northern Territory Branch), Arid Lands Environment Centre, Inc, Environment Centre NT, Medical Association for Prevention of War (Australia), Blue Mountains Nuclear Free Group, Friends of the Earth Adelaide, Oxfam Australia, Australian Student Environment Network, Working Group for Aboriginal Rights (WGAR), Federation of Australian Scientific and Technological Societies (FASTS), Friends of the Earth, Australia, Pindimar Bundabah Community Association, People for Nuclear Disarmament Western Australia, No Waste Alliance, Australian Conservation Foundation, Anti-Nuclear Alliance of Western Australia

Committee to which bill is to be referred:
Environment, Communication and the Arts Committee

Possible hearing date(s):
25, 26, 27 April
Possible reporting date:
24 June

(signed)
Rachel Siewert
Whip / Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee

Name of bill:
National Radioactive Waste Management Bill 2010

Reasons for referral/principal issues for consideration:
This is important legislation involving a significant exercise of Commonwealth power, warranting consideration by the Legal and Constitutional Affairs Committee.

Possible submissions or evidence from:
Northern Land Council

Committee to which bill is to be referred:
Northern Land Council

Possible hearing date(s):
Possible reporting date:
9 March 2010

(signed)
Kerry O’Brien
Whip / Selection of Bills Committee member
APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Wild Rivers (Environmental Management) Bill 2010 [No 2]
Reasons for referral/principal issues for consideration:
To examine broadly the implications of this piece of legislation.
Possible submissions or evidence from:
Queensland State Government
North Queensland Land Council
Cape York Institute
Mr Noel Pearson
Committee to which bill is to be referred:
Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
Throughout April break.
Possible reporting date:
May 11th 2010
(signed)
Senator Parry
Whip / Selection of Bills Committee member
Senator O’BRIEN—I move:
That the report be adopted.
Senator LUDLAM (Western Australia)
(4.10 pm)—I move:
At the end of the motion, add "but, in respect of the National Radioactive Waste Management Bill 2010, the provisions of the bill also be referred to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 24 June 2010".
I understand the proposed amendment to the motion has been circulated to the whips. Its circulation was set in motion a little while ago, but I will inform senators exactly what I am doing. The proposed amendment does not seek to impede the work of the Selection of Bills Committee. It refers specifically to one of the recommendations in respect of the National Radioactive Waste Management Bill 2010, which was presented to the House of Representatives the other day.

The Selection of Bills Committee has recommended the referral of this extremely important bill, in which we know there is going to be a very high degree of public interest not just in the Northern Territory but right around the country, to the Legal and Constitutional Affairs Legislation Committee for an inquiry which basically gives people 11 working days to inform the committee—and for the committee, hopefully, to inform itself—as to the wide-ranging import of a bill of this kind. The Legal and Constitutional Affairs Legislation Committee is exactly the right place for this referral to go with regard to the quite serious constitutional implications of the drafting of the bill, which effectively not merely trespasses but bulldozes the rights of states and territories. The Northern Territory is on the front line right at the moment, but this bill seeks to effectively clear a path through any private interests, Aboriginal interests, environmental interests and the relevant state and territory legislation that would impede the site selection and location of a national radioactive waste dump, the first that has ever operated in Australia.

We have a 20- or 30-year history of coercive attempts at dumping this form of material on remote Aboriginal communities and it is time that that approach ceased, effective immediately. We thought we had that commitment in hand from the Labor government. Comments were made by candidates, by sitting senators and by Labor members of parliament that the approach of the former government was wrong and that it was time to move to a different footing—a respectful, scientific, deliberative approach as to what to do with our radioactive waste. Instead what we have is a continuation of this process. Now we have the Selection of Bills Committee moving for a very rapid short-circuiting
of due process on an issue that the community has enormous interest in.

You will note that we are not proposing the cancellation of the recommendation of the Selection of Bills Committee. I think it is entirely appropriate that the Legal and Constitutional Affairs Legislation Committee assess the constitutional implications of this bill. If that is the recommendation of the committee, that is fine. This motion seeks to refer the bill simultaneously to the Standing Committee on Environment, Communications and the Arts for a decent period of time. We have set the report date at 24 June 2010, which is enough time for the committee to seek correspondence—and they will be getting a lot of it from around the country but particularly from the people on the ground at Muckaty Station, who know that they are targeted by this legislation. They know absolutely that this is a continuation of the process that we have seen before. If it is the government and Minister Martin Ferguson’s decision to continue down this track that has failed and left in its wake a trail of Commonwealth ministers in failed attempts to coercively establish radioactive waste dumps, then that is the government’s decision and so be it.

But, at the very least, give the Senate a chance to do its job. Let the Legal and Constitutional Affairs Legislation Committee look into the constitutional implications of bulldozing aside state and territory rights in the site selection, the location, the construction and the operation of the dump, but give the Environment, Communications and the Arts Legislation Committee the opportunity to conduct a thorough inquiry and take evidence from the community. We know a high degree of public interest will be expressed, because that same committee did an exceptional job in the second and third quarters of 2008 and came up with a consensus report. It was chaired by Senator McEwen. We travelled to Alice Springs and we had hearings here in Canberra. We took evidence from all stakeholders, but most importantly we took evidence from people who had come down from Tennant Creek. That was the first time that they had had their voices heard in this debate. For the government to refuse to refer this to an appropriate committee for a decent period of time is a calculated abuse of the Senate’s oversight role. I commend this amendment to the chamber.

Senator O’BRIEN (Tasmania) (4.15 pm)—by leave—This is a proposition which we were not warned of. I have not seen it. I am not saying that there was not some attempt to communicate it. I request that this motion be postponed to a later hour to allow me to get some instructions on that. It may be constructive—I cannot promise anything—but, if the chamber is happy for me to do that, I will do it.

Debate (on motion by Senator Sherry) adjourned.

LEAVE OF ABSENCE

Senator PARRY (Tasmania) (4.16 pm)—by leave—I move:

That leave of absence be granted to Senator Williams today.

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator SHERRY (Tasmania—Assistant Treasurer) (4.17 pm)—I present five 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—
Commonwealth Government Response

The Commonwealth’s role in improving access to health services for people in rural and remote communities

The Commonwealth Government recognises the health care needs of people living in rural and remote areas and is committed to developing flexible, long-term solutions to providing services for all communities and to supporting local solutions, developed in consultation with local communities.

Over seven million people, or 32% of Australians, live outside major cities. People living in rural and remote areas of Australia face difficulties in accessing the full range of medical and specialist services. Difficulties in access to treatment can be attributed to factors such as geographical isolation, a relative shortage of health care providers, sparse health infrastructure, and a higher proportion of disadvantaged groups such as Indigenous Australians.

The health status of Australians in rural and remote areas is generally considered to be poorer than that of other Australians. Rural Australians have a shorter life expectancy, higher death rates and are more likely to have a disability compared to city dwellers.

The Commonwealth Government is seeking to address the imbalance in access to health services for people in regional, rural and remote areas. Targeted rural health expenditure supports programs aimed at increasing the rural health workforce, improving health infrastructure and improving access to, and sustainability of, health services. The Government has also supported innovative health care solutions such as the development of Multipurpose Services and e-health solutions for rural and remote areas.

In 2009-10, the Government is investing more than $700 million in targeted rural health programs. This is in addition to support provided through the Medicare Benefits Schedule (MBS), the Pharmaceutical Benefits Scheme (PBS), the new National Healthcare Agreement and associated National Partnership funding in the areas of hospitals, the health workforce, prevention and Indigenous health. Rural program funding is separate from investment through Indigenous specific programs and aged care programs.

Patient Assisted Travel Schemes (PATS)

The Government understands that an important element of health care for people living in rural and remote areas can be access to suitable transport for patients who are required to travel to receive essential medical and specialist services. A range of factors determines the extent of community need for PATS, including the type of care required, the availability of services locally, and the capacity of the patient to meet costs. Because of regional disparities in access to health services, people living in rural and remote areas are more likely to need to travel to receive services.

The Commonwealth Government makes a significant contribution to supporting access to health services so that patients’ needs to travel are minimised. However, the states and territories currently have obligations under the new National Healthcare Agreement to provide free public hospital services for all Australians, based on clinical need, irrespective of their geographic location. Where hospital and other facilities are not located within a reasonable distance to rural and remote communities, patients may need to travel to access care appropriate to their clinical need.

All states and territories have a travel assistance scheme for patients requiring specialised care not available within a specified distance from where they live. However, while the state and territory governments have been responsible for managing their respective Patient Assisted Travel Schemes since 1 January 1987, the Commonwealth Government remains committed to working with state and territory governments to improve the system.

While there are some specific responses to the recommendations in the Senate Community Affairs Committee report, Highway to Health: Better Access for Rural, Regional and Remote Patients which follow, the Commonwealth Government is considering the issues raised by the Re-
port through the various reform and collaborative processes outlined in this response.

**Senate Inquiry into Patient Assisted Travel Schemes (PATs)**

On 28 March 2007, the Senate referred the operation and effectiveness of PATS to the Senate Community Affairs Committee for inquiry. The Senate Inquiry considered many issues including the need for, and utilisation of, existing patient assisted travel schemes, inconsistencies in the development and application of guidelines across jurisdictions, and the extent to which good health outcomes in rural and remote areas are dependent on effective patient assisted travel schemes.


**Post Election Areas of Reform**

**Election Commitments**

Since coming to office in November 2007, the Commonwealth Government has been committed to working with the state and territory governments to improve health outcomes for Australians, including those living in rural and remote areas.

Specifically, the Commonwealth Government has implemented, or is implementing, the following election commitments:

- Strengthening primary care in local communities through investing $275.2 million over five years to establish GP Super Clinics in 31 localities across the nation, including some rural areas.\(^2\)
- Putting extra nurses in country hospitals through the $81 million nursing package.
- Improving rural and remote community access to funding for essential health infrastructure, equipment and service planning through the establishment of the National Rural and Remote Health Infrastructure Program, that is providing more than $46 million over four years commencing 1 July 2008.
- Expanding and enhancing specialist services through the Medical Specialist Outreach Assistance Program (MSOAP) by providing an additional $9 million over three years.
- Investing $8.5 million in additional rural scholarships for medical students, and in supporting obstetricians in rural areas.
- Investing $2.5 million for the establishment of an Australian Allied Health Rural and Remote Clinical Placements Scholarships Plan.
- Maternity services through the development of a national maternity services plan.
- Investing $5.3 million to improve access to renal dialysis services for remote communities in the Northern Territory, as part of the Government’s $21.5 million commitment to boost health services in the Northern Territory.

Further, the Government continues to support existing programs for the rural health workforce such as the rural clinical schools, university departments of rural health, and rural health scholarships.

**Audit of Health Workforce in Rural and Regional Australia and Reviews of Commonwealth Funded Rural Health Programs and Geographic Classification Systems**

In December 2007, the Prime Minister announced an audit of rural and regional health workforce shortages.

The Audit of Health Workforce in Rural and Regional Australia, which was released on 30 April 2008, found that:

- the supply of health professionals is not sufficient to meet current needs;
- the supply of health professionals in many rural and regional areas is low to very poor; and
- there has been a reliance on 17-year old population figures in developing incentives for doctors and other rural workforce policies.

In response to the audit, the Minister for Health and Ageing announced that the Government would establish an Office of Rural Health within
the Department of Health and Ageing to provide a focus for the reform of Commonwealth funded rural health policies and programs.

The Office of Rural Health was established on 1 July 2008. The Office draws together rural health service delivery, rural health policy and rural workforce distribution programs.

As a first priority, the Office of Rural Health was tasked to review all targeted Commonwealth funded rural health programs as well as the classification systems that determine eligibility for rural health program funding. The purpose of the reviews was to ensure that incentives and rural health policies respond to current population figures and areas of need, and that programs which support rural health professionals target those communities in most need of assistance.

The reviews are now completed and outcomes include a significant new investment in rural health workforce and service delivery programs in the 2009-10 Federal Budget totalling $206.3 million (over four years). This is in addition to existing funding for these programs of $843.4 million over four years.

Included in the Budget package is the “Rural Health Reform – Supporting Communities with Workforce Shortages measure”, which provides additional funding of $134.4 million over four years, in addition to $379.8 million already committed.

This package specifically addresses the need to attract and retain doctors to rural practice and provides increased financial and non-financial incentives to support new and existing doctors.

Further, the package recognises that doctor shortages are particularly acute in the more remote areas and incentives have been geared (scaled), with increased benefits for practice in more remote areas.

Another important outcome of the rural reviews was the decision to progressively introduce, from July 2009, the Australian Standard Geographical Classification System (ASGC) Remoteness Areas (RA) to replace the Rural, Remote and Metropolitan Areas (RRMA) classification and other geographic classification systems used by rural health programs that were subject to the reviews.

ASGC-RA, developed by the Australian Bureau of Statistics, uses 2006 Census data and is widely used by Commonwealth and state agencies. Using ASGC-RA will help to ensure that rural health workforce incentives are targeted to areas of need – ‘the more remote you go, the greater the reward’ – and that rural health programs are targeted to where funding is most needed.

Finally, the review of rural health programs identified over 60 programs with significant rural health components, over 40 of which could be considered to be targeted rural health programs.

Most of these programs have been developed over time in response to different policy priorities and as such, there was significant overlap and duplication between programs.

In response, the Government has agreed to a new rural health program structure, comprising five major program streams and ten sub-programs. Through this consolidation exercise, it has been possible to reduce the number of targeted rural health programs by over 40 per cent. As such, the burden of reporting for funded organisations will be reduced and access to services and programs will be enhanced for communities and health professionals.

In implementing the measures outlined above, the Department will be mindful of the outcomes of reviews taking place as part of the broader national health reform agenda, including the National Primary Health Care Strategy, the National Preventative Health Strategy, the Maternity Services Plan and the work of the National Health and Hospitals Reform Commission.

New National Healthcare Agreement and National Partnerships

On 29 November 2008, the Council of Australian Governments (COAG) agreed to the new National Healthcare Agreement and National Partnership funding, providing $64.4 billion over five years to states and territories. This is an increase of more than $22 billion over the previous Healthcare Agreements.

The Commonwealth contribution to National Partnership funding includes: $1.75 billion for Hospitals and Health Workforce Reform; $872 million over the six years to 2014-15 to reform Australia’s efforts in preventing lifestyle risks
associated with chronic disease; $805.5 million to close the gap in health outcomes between Indigenous and non-Indigenous Australians; $750 million to reduce pressure on emergency departments; and $108.9 million for the National E-Health Transition Authority.

This investment is in addition to the $600 million already committed to reduce elective surgery waiting times – which enabled over 41,000 additional elective surgery procedures to be conducted in 2008.

The National Healthcare Agreement now goes beyond hospitals and covers public health, prevention and the interactions of hospitals with primary, aged and community based care. The Agreement forms part of the broader Intergovernmental Agreement between the Commonwealth and the states and territories, aimed at improving the quality and effectiveness of government services and providing states and territories with increased flexibility in the way they deliver services to the Australian people.

**National Health and Hospitals Reform Commission**

The National Health and Hospitals Reform Commission’s final report was released on 27 July 2009. In the report, the Commission made a number of recommendations on the theme of delivering better health outcomes for remote and rural communities. This included the following recommendation:

> We recommend that a patient travel and accommodation assistance scheme be funded at a level that takes better account of the out-of-pocket costs of patients and their families and facilitates timely treatment and care (Recommendation 67).

In response to the release of the Commission’s final report, the Australian Government has undertaken direct consultations with the Australian public, the States and Territories, and the health sector about their views on health reform, including the ideas contained within the Commission’s report. The Government is considering its response to the report.

A full copy of the report including details of the Government’s consultations can be found on the website www.yourhealth.gov.au.

**The National Primary Health Care Strategy**

On 31 August 2009, the Prime Minister, the Hon Kevin Rudd MP, and the Minister for Health and Ageing, the Hon Nicola Roxon MP, launched the Draft National Primary Health Care Strategy, Building a 21st Century Primary Health Care System.

The Draft Strategy identifies five key building blocks which are considered essential system-wide underpinnings for a responsive and integrated primary health care system for the 21st century. These are:

- regional integration;
- information and technology, including e-Health;
- skilled workforce;
- infrastructure; and
- financing and system performance.

Drawing from these building blocks are four priority directions for change:

- Key Priority Area 1: Improving Access and Reducing Inequity;
- Key Priority Area 2: Better Management of Chronic Condition;
- Key Priority Area 3: Increasing the Focus on Prevention; and
- Key Priority Area 4: Improving Quality, Safety, Performance and Accountability.

The Draft Strategy is accompanied by a Report, Primary Health Care Reform in Australia, which provides detailed information about the issues that emerged during the stakeholder consultation process and sets out the broader context in which primary health care in Australia operates and has developed.

The Draft Strategy focuses on what the Government can do to improve the frontline health care that Australians depend on, and provides a draft road map to guide future policy and practice in primary health care in Australia.

**National Preventative Health Taskforce**

The Minister for Health and Ageing, the Hon Nicola Roxon MP, and the Chair of the National Preventative Health Taskforce, Professor Rob
Moodie, launched the National Preventative Health Strategy on 1 September 2009. The Strategy seeks to curb lifestyle related risk factors driving the growth in preventable chronic disease and specifically targets obesity, tobacco and the excessive consumption of alcohol.

The risk factors for chronic disease are particularly prevalent in rural and remote Australia, due in part to the relatively higher proportion of Indigenous people living in these communities. The Strategy includes improving the health of rural and remote Australians and closing the life expectancy gap between Indigenous and non-Indigenous Australians as key targets.

The Government will consider on merit the recommendations made in the Strategy in conjunction with the findings of the National Health and Hospitals Reform Commission’s report and the draft National Primary Health Care Strategy.

The Government has consulted widely on this broader health reform agenda and will put a position to states and territories later in the year.

Maternity Services Review
As part of the 2009-10 Federal Budget, the Commonwealth Government has announced a $120.5 million maternity reform package.

Amongst the measures, the package includes Medicare Benefits Schedule subsidised services and Pharmaceutical Benefits Scheme subsidised medicines provided or prescribed by appropriately qualified and experienced midwives working in a collaborative model of care. It will also deliver more services for rural and remote communities through an expansion of the successful Medical Specialist Outreach Assistance Program and extra scholarships for GPs and midwives, particularly in rural and remote Australia.

The package is the first step towards meeting the Government’s commitment to develop a National Maternity Services Plan to ensure the coordination of maternity services across Australia.

The new Medicare arrangements will be subject to agreement with states and territories on the Plan – states and territories will be asked to make complementary commitments and investments, particularly around the provision of birthing centres and rural maternity units.

Health and Hospitals Fund
The Government established the Health and Hospitals Fund (HHF) as part of its nation-building agenda to invest in Australia’s long-term future and to strengthen the Australian economy. The Government has committed $5 billion from the 2007-08 Budget surplus to the Fund to provide a financing source for health infrastructure priorities.

In the 2009-10 Federal Budget, the Government announced a $3.2 billion health infrastructure package which includes significant investments for regional Australia. The package includes $1.3 billion in funding to support better cancer care, $1.5 billion towards hospitals infrastructure and other projects of national significance and $430 million for the construction of research facilities to enable the faster translation of research outcomes into patient care.

Projects with direct benefits for people living in rural, remote and regional Australia include:

- $560 million for the construction of regional cancer centres. A network of around 10 regional cancer centres, with formal links to integrated cancer centres in Sydney and Melbourne, will be established. This funding will help improve access to cancer services and health outcomes for cancer patients across Australia.
- $120 million for state-of-the-art digital mammography equipment for BreastScreen Australia, replacing existing analogue machines around Australia.
- $8.6 million for the Kimberley Renal Service (Western Australia).
- $7.9 million for the replacement of the paediatrics unit in Broome (Western Australia).
- $13.6 million towards the hospital emergency department in Alice Springs (Northern Territory).
- $18.6 million for short-term patient accommodation at Royal Darwin Hospital (Northern Territory).
- $27 million towards the Narrabri District Health Service Centre (New South Wales).
- $250 million for the expansion of Townsville Hospital (Queensland).
• $76 million for the expansion of Rockhampton Hospital (Queensland)
• $9.2 million for 23 smaller health care infrastructure projects in rural Australia.

Collaborative Work with State and Territory Governments
The Commonwealth Government will continue to work with state and territory governments to support access to health services by people living in rural and remote areas of Australia.
At the Australian Health Ministers’ Conference meeting of 29 February 2008, Health Ministers expressed their commitment to addressing the needs of people who are required to travel to attend medical treatment when they agreed to progress the recommendations of the Senate Community Affairs Committee report.
• In response to this report, a taskforce was established by the Health Policy Priorities Principal Committee at the request of the Australian Health Ministers’ Advisory Council (AHMAC) to examine the recommendations of the report and to report to AHMAC.
• The states, territories and the Commonwealth are continuing to work together to examine the recommendations in the Senate Committee’s report.

National Rural and Remote Health Strategic Framework
In addition to the above collaborative efforts the Commonwealth is working with states and territories to develop a National Rural and Remote Health Strategic Framework as a successor document to the now outdated Healthy Horizons: A Framework for improving the Health of Rural, Regional and Remote Australians. The Rural Health Standing Committee (RHSC), a sub-Committee of the Australian Health Ministers Advisory Council is tasked with developing this new framework.
To ensure that the new national strategic framework targets activity towards the most pressing priorities for rural and remote health, the RHSC has agreed to focus on six key themes, including access and service models. Patient assisted travel schemes will be a particular focus.

This work will need to align with the outcomes of current national health reform activity, in particular the work of the National Health and Hospitals Reform Commission, the National Primary Health Care Strategy, the National Preventative Health Strategy, the Maternity Services Review, and COAG health reforms.

Commonwealth Government Response
Recommendation 1
7.105 That the next Australian Health Care Agreement recognise the fundamental importance of patient assisted travel schemes and include:
• a clear commitment to improvement of services;
• a clear allocation of funding for the schemes;
• a clear articulation of the services and supports that people using transport schemes can access; and
• a commitment to regular monitoring of access and service provision.

Commonwealth Government Response
The Commonwealth Government notes this recommendation.
As part of the new National Healthcare Agreement, states and territories have committed to providing and funding patient assistance travel schemes and ensuring public patients are aware of how to access the schemes.
The states, territories and the Commonwealth are continuing to work together to consider the recommendations of the Senate Committee report, as outlined in the response to Recommendation 13, below.

Recommendations 2, 3, 4, 6, 8 and 13
These recommendations relate to the establishment of an AHMAC taskforce to progress issues relating to PATS.
Recommendation 2
7.110 That as a matter of urgency, the Australian Health Ministers’ Advisory Council establish a taskforce comprised of government, consumer and practitioner representatives to develop a set of national standards for patient assisted travel schemes that ensure equity of access to medical services for people living in rural, regional and remote Australia.
7.111 That, in establishing national standards, the taskforce:

- identify relevant legislative, geographic, demographic and health service variables of the States and Territories impacting on access;
- identify barriers to access including costs of travel and accommodation, restrictions on escort eligibility and access to transport;
- assess the impact of co-payments;
- identify mechanisms to improve access for patients travelling between jurisdictions;
- identify, as a matter of priority, core, minimum standards that are relevant to all jurisdictions particularly in relation to eligibility criteria and subsidy levels; and
- give consideration to the development of optimal, outcomes-based standards that support consistent, quality outcomes for consumers, whilst enabling different State/Territory approaches that are responsive to local need.

Recommendation 3

7.114 That the taskforce report to the Australian Health Ministers’ Advisory Council expeditiously so that national standards can be formulated and instituted within twelve months of tabling of the Committee’s report.

Recommendation 4

7.116 That the taskforce develop a performance monitoring framework, which enables ongoing assessment of State/Territory travel schemes against the national standards and relevant goals set out in the (revised) Healthy Horizons Framework, and facilitates continuous quality improvement.

Recommendation 6

7.119 That the taskforce review existing administrative arrangements to make them less complex, including development of a simplified generic application form; consideration of an on-line application process; and revision of the authorisation processes.

Recommendation 8

7.124 That the taskforce identify appropriate mechanisms against which to review subsidy levels on a regular basis to keep pace with changes in living costs.

Recommendation 13

7.131 That the taskforce develop a marketing and communication strategy that targets consumers and health practitioners. Consideration should be given to the role of the Divisions of General Practice in educating GPs about the scheme.

Commonwealth Government Response

The Commonwealth Government supports the establishment of a taskforce to examine key aspects of patient assisted travel schemes and is participating in this taskforce.

The Commonwealth Government notes that at the AHMAC meeting of 6 March 2008, members agreed to direct the Health Policy Priority Principal Committee (HPPPC) to establish a taskforce to examine the recommendations of the report Highway to Health: Better Access for Rural, Regional and Remote Patients and that the HPPPC report back to AHMAC.

Accordingly, the states, territories and the Commonwealth have met as a taskforce to consider the Senate Committee’s recommendations. The Commonwealth is continuing to participate with the states and territories to progress this work.
Recommendations 5 and 7
These recommendations refer to specific matters relating to AHMAC, including the development of mechanisms for monitoring performance, identifying areas for improvement and determining subsidies for transport and accommodation costs for patients.

Recommendation 5
7.117 That the Australian Health Ministers’ Advisory Council establish a mechanism to monitor performance, identify areas for improvement and review the standards as required.

Recommendation 7
7.123 That the Australian Health Ministers’ Advisory Council determine transport and accommodation subsidy rates that better reflect a reasonable proportion of actual travel costs and encourage people to access treatment early.

Commonwealth Government Response
The Commonwealth Government supports recommendations 5 and 7 in-principle and notes the benefits of the development and monitoring of national standards and the development of transport and accommodation subsidy rates that better reflect a reasonable proportion of actual travel costs.

While the state and territory governments have had responsibility for managing their respective Patient Assisted Travel Schemes since 1 January 1987, the Commonwealth Government supports these recommendations and is committed to working with state and territory governments to improve the system so that patients can travel to attend essential medical and specialist services.

Recommendation 10
7.126 That the Commonwealth Government initiate negotiations with the private health insurance sector to encourage insurers to offer products that include transport and accommodation assistance.

Commonwealth Government Response
The Commonwealth Government agrees with the aim of the recommendation. However the Commonwealth Government also notes that ‘general treatment’ is defined in the Private Health Insurance Act 2007 as treatment (including the provision of goods and services) that is intended to manage or prevent a disease, injury or condition. Individual health insurers can determine whether or not their general treatment policies provide benefits for travel and accommodation costs and any limits on benefits they will pay, provided they comply with the private health insurance legislation. Health insurers make these decisions on a commercial basis. The issue of whether any private health insurance funds currently provide any benefits for patient assisted travel, or would be interested to do so without increasing premiums will be raised with their national peak body by the Department of Health and Ageing.

Recommendations 9, 11, 12, 14 and 15
These recommendations identify issues to be considered by state and territory governments.

Recommendation 9
7.125 That all States and Territories adopt a pre-payment system, whether by vouchers, tickets or advance bookings, for patients experiencing financial difficulty with the initial outlay.

Recommendation 11
7.127 That State and Territory Governments develop memoranda of understanding that underpin clear, workable reciprocal arrangements for cross-border travel.

Recommendation 12
7.129 That State and Territory Governments expand travel schemes to cover items on the Medical Benefits Schedule – Enhanced Primary Care and live organ donor transplants (with assistance to the donor and recipient) and access to clinical trials.

Recommendation 14
7.133 That appropriate, on-site (or nearby) accommodation facilities be incorporated into the planning and design of new hospitals/treatment centres.

Recommendation 15
7.134 That State and Territory Governments work proactively with charities and not-for-profit organisations to provide affordable patient accommodation and services. This should include:
• developing administrative arrangements that facilitate organisations’ access to PATS funding;
• establishing memoranda of understanding with charitable organisations, which set out commitments to quality service delivery; and
• developing partnerships with the non-government sector to provide suitable patient accommodation.

Commonwealth Government Response

These recommendations mainly relate to matters that are currently the responsibility of state and territory governments.

The Commonwealth Government acknowledges that state and territory governments are better placed to develop and administer more flexible and effective measures for those in need of patient assisted transport, having regard to their own distribution of specialist services and the specific needs of their rural populations.

In relation to Recommendation 14, as part of the 2009-10 Federal Budget the Commonwealth Government committed $560 million from its Health and Hospitals Fund for the construction of a network of around 10 best practice regional cancer centres to help close the gap in cancer outcomes for people in rural and regional Australia.

Recommendation 16

7.138 That State and Territory Governments, in consultation with Indigenous representatives and Indigenous Health Services, identify and adopt best practice standards and develop programs to improve Indigenous patients’ access to medical services by:
• ensuring continuity of care for Indigenous patients by establishing liaison services and improving coordination in, and between, remote communities and treatment centres;
• accommodating the cultural and language needs of Indigenous patients from remote communities, particularly in respect to the provision of escorts and translators; and
• expanding access to appropriate accommodation services.

7.139 In establishing these best practice standards and programs government and Indigenous representatives should:
identify and build on existing examples of good practice by health services in Indigenous communities and State and Territory programs; and
• establish clear governance and administrative arrangements for the delivery of programs, including consideration of the most appropriate bodies to provide day-to-day administration of services (for example, a government body or community-managed Aboriginal and Torres Strait Islander health services).

Commonwealth Government Response

The Commonwealth Government supports this recommendation to improve Indigenous patients’ access to medical services.

In 2004-05, 15% of Aboriginal and Torres Strait Islander Australians reported that at some time in the last 12 months they did not go to a doctor when needed and 7% reported that they did not go to hospital when needed. Reasons for not accessing services included cost, transport/distance, waiting times etc. Of those who did not go to a doctor when needed, 11% in non-remote areas and 28% in remote areas reported transport/distance as one of the reasons they did not go. Of those who did not go to hospital when needed, 13% in non-remote areas and 34% in remote areas reported transport/distance as one of the reasons they did not go (Australian Health Ministers’ Advisory Council, 2008, Aboriginal and Torres Strait Islander Health Performance Framework Report, Canberra).

In relation to the administrative and partnership arrangements proposed under these recommendations, the Commonwealth Government notes that it funds a national network of Indigenous specific primary health care services that, in partnership with State/Territory governments, are well placed to support improved access through better accommodation and transport assistance.

In addition, on 29 November 2008, COAG agreed to an historic $1.6 billion (over four years) National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes, with the Commonwealth contributing $805.5 million, and
states and territories collectively contributing up to $771.5 million. This National Partnership aims to work towards closing the gap in life expectancy between Indigenous and non-Indigenous Australians within a generation, including strategies to improve access to medical services and coordination and continuity of care.

1 On 1 January 1987, the states and territories agreed to accept responsibility for patient assisted travel schemes in return for an increase in funding from the Commonwealth through the Financial Assistance Grants. This decision was made in recognition of the fact that the state and territory governments were better placed to develop and administer more flexible and effective measures for those in need, having regard to their distribution of specialist services and the specific needs of their rural populations.

2 Since the election in November 2007, the Commonwealth Government has committed to establishing an additional five GP Super Clinics, taking the total to 36.

Context
On 20 March 2008, the Senate passed a motion requiring the Environment, Communications and the Arts Committee to inquire into and report on the 'management of Australia’s waste streams'. The Senate Committee was required to have particular reference to:

(a) trends in waste production in Australia across household, consumer, commercial and industrial waste streams,
(b) effectiveness of existing strategies to reduce, recover or reuse waste from different waste streams,
(c) potential new strategies to reduce, recover or reuse waste from different waste streams,
(d) the economic, environmental and social benefits and costs of such strategies,
(e) policy priorities to maximise the efficiency and efficacy of efforts to reduce, recover or reuse waste from different waste streams, and
(f) consideration of the Drink Container Recycling Bill 2008.


Introduction
The day-to-day management of waste is primarily the responsibility of the state, territory and local governments. The role of the Australian Government in waste management has evolved in recent years and it is now increasingly engaged in national waste policy development. A particular focus is on developing harmonised national approaches for significant waste issues which provide cost effective, fit-for-purpose solutions. The Australian Government also has the leading role in waste policy related to Australia’s international obligations and is signatory to a number of international agreements on waste including the Basel Convention on the Control of Transboundary Movement of Hazardous Waste, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on Pesticides and Industrial Chemicals.
The primary fora for harmonised action on waste issues of national significance are the Environment Protection and Heritage Council (EPHC) and the National Environment Protection Council. Through these fora, Australian environment Ministers seek to work within and across governments, and with industry and communities, to achieve effective, efficient and nationally consistent policies on waste to enhance social, human health, economic and environmental outcomes.

Of particular relevance to several of the Senate Inquiry recommendations is the agreement on 5 November 2009 by the EPHC to release a new national policy on waste and resource management. The National Waste Policy: Less Waste, More Resources (the National Waste Policy) has a strong focus on taking responsibility, through product stewardship, to reduce the environmental, health and safety footprint of manufactured goods during and at end of life. The National Waste Policy can be viewed on the Department of the Environment, Water, Heritage and the Arts website: www.environment.gov.au/wastepolicy.

A key priority will be for the Australian Government to establish national product stewardship framework legislation, in consultation with states, territories, industry and the community. Public consultation on the design of the legislation will occur during 2010.

The policy charts the vision for resource recovery and waste management to 2020. It was developed with regard to relevant Council of Australian Governments’ agreements and with the support of industry and key non-government organizations. The policy provides for collaboration to deliver effective approaches to domestic waste issues and aligns our waste management with Australia’s international obligations.

The policy sets out a comprehensive action agenda across six areas: taking responsibility; improving the market; pursuing sustainability; reducing hazard and risk; tailoring solutions and providing the evidence. It will complement action on climate change (including the proposed Carbon Pollution Reduction Scheme–CPRS) and sustainability and includes landmark framework legislation for product stewardship that will support industry-run collection and recycling schemes.

The EPHC will also release a comprehensive National Waste Report to document current state and trends in waste and waste management in Australia.

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<tr>
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<tr>
<td>Recommendation 1</td>
<td>Noted</td>
<td>Waste reduction targets are primarily the responsibility of individual state and territory governments and the EPHC’s attention has been drawn to the recommendations of the Senate Committee’s report. A key objective of the National Waste Policy is to avoid the generation of waste, reduce the amount of waste (including hazardous waste) for disposal, manage waste as a resource and ensure that waste treatment, disposal, recovery and reuse is undertaken in a safe, scientific and environmentally sound manner. The National Waste Policy establishes key directions and strategies relating to both sustainability and evidence-based decision making. Pursuing sustainability is focussed on less waste and improved use of waste to achieve broader environmental, social and economic benefits, whilst providing the evidence acknowledges the need for access by decision makers to meaningful, accurate and current national waste and resource management data.</td>
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<td>Recommendation 2</td>
<td>Noted</td>
<td>The committee recommends that landfill levies should be applied across all jurisdictions, adjusted for the impact on smaller communities, and should be calculated to include the full range of social and environmental externalities. Recovery data and information, in order to measure progress and educate and inform the behaviour and the choices of the community. The application of landfill levies is primarily the responsibility of individual state and territory governments and the EPHC’s attention has been drawn to the recommendations of the Senate Committee’s report.</td>
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<tr>
<td>Recommendation 3</td>
<td>Noted</td>
<td>This matter is primarily the responsibility of individual state and territory governments and the EPHC’s attention has been drawn to the recommendations of the Senate Committee’s report</td>
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<td>Recommendation 4</td>
<td>Noted</td>
<td>The proposed Carbon Pollution Reduction Scheme (CPRS) provides a direct price signal in the area of greenhouse gas emissions from landfill. The domestic offset program under the CPRS will also provide abatement incentives to the waste sector, in some situations, for emissions from closed landfill facilities and legacy waste. The Renewable Energy Target will continue to provide incentives to capture landfill waste methane to generate renewable electricity (including legacy emissions and emissions at sites that are already closed).</td>
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<td>Recommendation 5</td>
<td>Agreed</td>
<td>The EPHC has been considering options for national measures to improve packaging recycling and reduce litter, with a particular emphasis on beverage containers. In May 2009, the EPHC considered the findings of a Beverage Container Investigation Report which provided an assessment of the relative costs of potential national measures, including container deposit legislation. This report has been published and can be found at <a href="http://www.ephc.gov.au">www.ephc.gov.au</a>. On 5 November 2009, the EPHC was advised of the preliminary findings from this survey which found a high level of community interest in recycling packaging and reduced litter. Ministers will consider the final report out of session with a view to making evidence based decision on appropriate action to address the community’s desire to recycle more packaging and reduce litter.</td>
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Recommendation 6
The committee recommends that the Environment Protection and Heritage Council consider initiatives, including container deposit schemes, to improve away-from-home recycling. Such initiatives should include elements such as an incentive to recycle, convenience, adequate infrastructure and a supporting education and awareness program. **Agreed**

Recommendation 7
The committee recommends that waste management policy must be grounded in rigorous cost-benefit analysis which encompass economic, environmental and social externalities. **Agreed**

Recommendation 8
The committee recommends that the Environment Protection and Heritage Council develop a national resource efficiency strategy. The strategy should seek consistent policies **Agreed in principle**

In November 2009, the EPHC supported in-principle the strengthened Australian Packaging Covenant to replace the National Packaging Covenant which is due to expire on 30 June 2010. The updated Covenant has a greater focus on package design, workplace recycling, public recycling and litter reduction projects.

Better management of packaging to improve the use of resources, reduce the environmental impact of packaging design, enhance away from home recycling and reduce litter is one of the strategies under the National Waste Policy. It will be progressed by all governments through EPHC activities, including the National Packaging Covenant.

In November 2009, the EPHC supported in-principle the strengthened Australian Packaging Covenant to replace the National Packaging Covenant which is due to expire on 30 June 2010. The updated Covenant will have a greater focus on package design, workplace recycling, public recycling and litter reduction projects.

In 2008 the National Packaging Covenant Council approved funding for away from home recycling projects which are expected to divert a further 181,000 tonnes per year from landfill by 2010. The Covenant is also influencing away-from-home recovery rates through the actions of individual signatories, some of which are establishing or expanding collection services in public places and workplaces.

Consistent with Council of Australian Government requirements, the Australian Government and the EPHC conducts rigorous assessments (including cost-benefit analyses) which encompass economic, environmental and social externalities. Regulation Impact Statements, assessed as adequate by the Office of Best Practice Regulation, have recently been completed for the National Waste Policy and the televisions and computers product stewardship scheme.

Managing waste as a resource is one of the aims of the National Waste Policy. The National Waste Policy sets a comprehensive agenda for national co-ordinated action on waste across six key areas; taking responsibility; improving the market; pursuing sustainability; re-
between the states and adopt a principles-based approach; including sustainability, the waste hierarchy, extended producer responsibility and user pays cost reflective pricing as guiding principles.

Recommendation 9
The committee recommends that the Environment Protection and Heritage Council re-establish the national waste data system. Once the Waste Management Association of Australia’s review of the Australian Waste Database is complete, governments should consider whether to fund the CSIRO and/or the Australian Bureau of Statistics to re-establish the national waste data system.

Recommendation 10
The committee recommends that the Commonwealth Government, and state and territory governments audit the adequacy of existing resource recovery infrastructure and commit funding or implement policy changes which will address any deficiencies.

Recommendation 11
The committee recommends that the Environment Protection and Heritage Council re-establish the national waste data system. Once the Waste Management Association of Australia’s review of the Australian Waste Database is complete, governments should consider whether to fund the CSIRO and/or the Australian Bureau of Statistics to re-establish the national waste data system.

The issue of adequacy of resource recovery infrastructure is generally a matter that is best handled on a specific material or product basis and/or by individual jurisdictions. The National Waste Policy will facilitate resource recovery by addressing market impediments and removing red tape. For example national specifications for use of recycled construction and demolition waste in pavements will be developed and made publicly available. The Australian Government, through the National Waste Policy, will also undertake an audit of existing waste infrastructure and local capability in selected remote Indigenous communities as part of a larger essential services audit under the COAG National Indigenous Housing Partnership Agreement.

The National Waste Policy complements Australian Government policy on climate change and sustainability by addressing greenhouse gas producing hazard and risk; tailoring solutions and providing the evidence. The policy identifies 16 strategies that would benefit from a national or coordinated approach.

The policy is principles-based and clearly articulates the scope, aims and outcomes. It provides national leadership on waste and resource recovery where it is needed and facilitates collaboration between the states on national issues. It ensures that waste management remains aligned with Australia’s international obligations, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, and complements the Australian Government’s approach to climate change and sustainability.

Recommendation 11
The committee recommends that the Environment Protection and Heritage Council re-establish the national waste data system. Once the Waste Management Association of Australia’s review of the Australian Waste Database is complete, governments should consider whether to fund the CSIRO and/or the Australian Bureau of Statistics to re-establish the national waste data system.
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<tr>
<td>The Environment Protection and Heritage Council establish national minimum environmental standards in relation to emissions from landfill operations including the reduction, capture and use of landfill gas emissions. Such standards should be applied to all landfill sites above an agreed threshold.</td>
<td></td>
<td>Emissions from wastes that are not covered by the proposed CPRS and developing a strategy through the EPHC that is consistent with the states role in managing the health and safety risks of landfill gas emissions; and supports the operation of the CPRS in addressing greenhouse gas emissions. The Australian Government will also, in collaboration with state and territory governments, develop a strategy for measures to address emissions from disposal of waste to landfills and other waste activities which support the operation of a future CPRS.</td>
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<td>Recommendation 12</td>
<td>Noted</td>
<td>The management of landfills, and the imposition of economic instruments to manage the material deposited in landfills, is generally a matter for individual state and territory governments. The proposed CPRS is also intended to reduce the generation of greenhouse gases, including methane, and can be expected to influence the quantity of organic material that is landfilled. Under the National Waste Policy state and territory governments will build on existing commitments and continue to phase down the amount of biodegradable material sent to landfill.</td>
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<td>Recommendation 13</td>
<td>Agreed</td>
<td>On 7 November 2008, the EPHC agreed to review the 2002 EPHC National Waste Framework. The framework was considered during development of the National Waste Policy.</td>
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<tr>
<td>Recommendation 14</td>
<td>Agreed in Principle</td>
<td>A key priority for the National Waste Policy is the development of National Product Stewardship Framework legislation. This framework will support efficient industry-run schemes for collecting and recycling end of life products, and ensure that proposed arrangements are accountable and effective. The legislation will include industry-led, co-regulatory and regulatory components and set out specific criteria that must be met for products and materials to be covered under the framework. In addition to meeting these criteria, a net community benefit would also need to be established for the government to regulate industry participation in a stewardship scheme.</td>
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<td>Recommendation 15</td>
<td>Noted</td>
<td>See the response to Recommendation 14.</td>
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<td>Recommendation 16</td>
<td>Noted</td>
<td>See the response to Recommendation 5.</td>
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<tr>
<td>Recommendation 17</td>
<td>Agreed</td>
<td>See the response to Recommendation 14.</td>
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<tr>
<td>Recommendation 18</td>
<td>Agreed in Principle</td>
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Introduction
On 18 June 2008, a motion was moved in the Senate by Senator Guy Barnett to disallow item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007. On 16 September 2008 the Senate referred the subject of the motion for disallowance of item 16525 to the Finance and Public Administration Committee (the Committee) for inquiry. The Committee was asked to report on (a) the terms of item 16525 of part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007; (b) the number of services receiving payments under this item and the cost of these payments; (c) the basis upon which payments of benefits are made under this item; and (d) the effects of disallowing this item.

The Committee tabled its report in the Senate on 13 November 2008. The Committee did not make any recommendation in relation to the disallowance of item 16525. However, it noted that concerns were expressed over the lack of data on terminations in Australia and made two recommendations aimed at improving the collection of perinatal and neonatal data.

Recommendation 1
2.52 The committee recommends that Australian Health Ministers’ Conference ensure the prompt application of the Perinatal Society of Australia and New Zealand Perinatal Mortality Classifications across all States and Territories.

Recommendation 2
2.53 The committee recommends that Australian Health Ministers’ Conference secure an agreement with all jurisdictions to work towards providing complete and uniform data to the Perinatal National Minimum Data Set.

The Maternity Services Review
The Maternity Services Review was the first step in developing a comprehensive plan for maternity services into the future, and it considered issues relevant to the full range of maternity services which include pregnancy care, birthing, postnatal care and peer and social support for women in the perinatal period. Improving Maternity Services in Australia: The Report of the Maternity Services Review (the Report), released in February 2009, provided recommendations for maternity reform. The first of these recommendations is that the Australian Government, in consultation with states and territories and key stakeholders, agree and implement arrangements for consistent, comprehensive national data collection, monitoring and review, for maternal and perinatal mortality and morbidity.

Government Response
In response to the Report, the 2009-10 Improving Maternity Services Budget Package provides $120.5 million over four years for a maternity reform package which includes funding for improved maternity data collections in Australia. The Australian Government has also sought commitment from the states and territories to develop a National Maternity Services Plan (the Plan). The Plan will provide further support to maternity reform through a strategic national and state framework to guide policy and program development to improve, coordinate and ensure greater access to maternity services in Australia, across a three to five year timeframe.

Joint Standing Committee on Treaties Inquiry into Nuclear Non-proliferation and Disarmament

Government Response

Comprehensive Nuclear-Test-Ban Treaty

Recommendation 1
The Committee recommends that the Australian Government promotes and supports efforts to achieve ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the United States Senate, including by making clear that United States ratification of the CTBT would be positively received by Australia and other coun-
tries, and that Australia seeks a world without nuclear weapons.

Response

Supported. The Government fully agrees with the Committee that the CTBT is a critical element of global disarmament and non-proliferation efforts. Entry into force of the CTBT is a disarmament and non-proliferation priority for the Government. The Government will promote and support efforts to achieve ratification by all countries that must do so for the treaty to enter into force, including the United States.

In his address on 24 September 2009 to the sixth Article XIV Conference on Facilitating the Entry into Force of the CTBT, the Minister for Foreign Affairs, Mr Smith, said that Australia welcomed and encouraged the support of President Obama for the CTBT, and that US ratification would be a profound step towards entry into force of the treaty. Australia will continue to make clear to both the US Administration and, as appropriate, the Congress that Australia, a close ally, is strongly in favour of US ratification of the CTBT.

Recommendation 2

The Committee recommends that the Australian Government pursue diplomatic efforts to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the remaining Annex II states whose ratification is required to achieve entry into force of the Treaty, and seek undertakings from these countries that they will not be the impediment to the CTBT entering into force.

Response

Supported. The Government will continue to take every appropriate opportunity to urge all states yet to ratify the CTBT to do so, especially the remaining Annex 2 states.

In his 24 September 2009 address to the Conference on Facilitating the Entry into Force of the CTBT, the Minister for Foreign Affairs, Mr Smith, reiterated Australia’s strong support for the treaty and the urgent need for its swift entry into force. The Government will continue to use such multilateral opportunities, as well as bilateral discussions, to promote ratifications.

In 2009 Australia chaired the CTBT Organization’s Preparatory Commission (CTBTO Prep-Com). The CTBTO is responsible for ensuring the treaty’s verification mechanisms are ready to meet the treaty’s requirements on entry into force. Australia works closely with the CTBTO Prep-Com, including to promote ratification in our region, most recently through workshops in Jakarta in November 2008 and in Palau in May 2009.

Australia is a lead sponsor of a resolution in the UN General Assembly First Committee which calls for early entry into force of the CTBT. This year (2009), for the first time, all five Permanent Members of the UN Security Council (United States, China, France United Kingdom and Russia) co-sponsored the resolution.

Fissile Material Cut-Off Treaty

Recommendation 3

The Committee recommends that the Australian Government continue to pursue vigorous diplomatic efforts to promote negotiation of a verifiable Fissile Material Cut-Off Treaty (FMCT), as well as measures for safeguarding the vast existing stockpiles of weapons-usable fissile materials.

Response

Supported. Commencement of negotiations on a verifiable FMCT is a disarmament and non-proliferation priority for the Australian Government. As one of the six 2009 presidents of the Conference on Disarmament (CD), Australia worked tirelessly for the adoption of a program of work that included negotiation of a verifiable FMCT. Australia has also contributed much to the development of technical concepts for a future treaty. The Government was therefore disappointed that the CD could not agree on implementation of the work program in 2009.

In 2010, Australia will work for the adoption by the CD of a program of work that includes negotiation of an FMCT and for the commencement of negotiations.

Australia strongly supports the development of measures, whether as part of an FMCT or separately, to address the issue of excess stocks of fissile material in nuclear weapons programs, including measures to bring such stocks under International Atomic Energy Agency (IAEA) safeguards.
Australia actively promotes the development of the highest international standards for the protection of nuclear material, playing a lead role in the development and implementation of enhancements to the Convention on the Physical Protection of Nuclear Material, and working to finalise an update to IAEA guidelines on physical protection arrangements.

Australia welcomes President Obama’s initiative to host a global Nuclear Security Summit in 2010. One of the issues the Summit will address will be how to ensure that stocks of fissile material are effectively secured.

**Recommendation 4**
The Committee recommends that the Australian Government ensure that adequate resourcing is made available to diplomatic staff in Geneva and, where appropriate, in other missions to enable Australia to take an active and involved role in negotiations for a Fissile Material Cut-Off Treaty (FMCT).

**Response**
Supported. The Government will ensure that adequate resources are available for Australia to take an active and constructive role in any FMCT negotiations.

**The NPT and IAEA Safeguards**

**Recommendation 5**
The Committee recommends that the Australian Government encourage all other uranium exporting countries to require that the countries to whom they export uranium have an Additional Protocol in place.

**Response**
Supported. The Government welcomes the Committee’s focus on the Additional Protocol (AP). The AP is an integral part of the International Atomic Energy Agency (IAEA) safeguards system and, together with the Comprehensive Safeguards Agreement, constitutes the contemporary standard for IAEA safeguards. The Australian Government has made adherence to an AP a condition of supply for Australian uranium and nuclear material derived from it. The Australian Government takes every appropriate opportunity to urge other nuclear suppliers to impose similar requirements, including in forums such as the IAEA and the Nuclear Suppliers Group.

Australia also contributes to the universalisation of the AP by conducting outreach through seminars and courses.

**Recommendation 6**
The Committee recommends that the Australian Government abandon its zero real growth policy on the International Atomic Energy Agency’s (IAEA) budget and work with other states to strengthen the IAEA’s funding base.

**Response**
Supported. Australia will continue to work closely with the members of the IAEA Board of Governors to ensure the Agency is adequately resourced. At the August 2009 Board of Governors meeting, Australia joined consensus to support a 2.7% real increase in the IAEA’s budget for 2010-2011.

In 2009 Australia made an assessed contribution to the IAEA’s regular budget of AUD 9.7 million. In addition, Australia made voluntary contributions to the Technical Cooperation Fund (AUD 2.2 million) and the Nuclear Security Fund (AUD 450,000).

**Fuel cycle multilateralisation**

**Recommendation 7**
The Committee recommends that the Australian Government investigate further the potential merits and risks of fuel cycle multilateralisation proposals, including through:

- discussion of such proposals at the 2010 Non-Proliferation Treaty Review Conference;
- advocating within the Nuclear Suppliers Group for the development of restrictive criteria for the supply of sensitive nuclear technologies; and
- engaging in dialogue with those countries in South-East Asia proposing to develop a nuclear energy industry.

**Response**
Supported. Recognising the potential for proposals relating to multilateral fuel assurance mechanisms and multilateralisation of the fuel cycle to reduce the risk of nuclear proliferation, the Gov-
ernment has and will continue to explore the potential merits and risks of such proposals in all relevant forums.

Several fuel assurance proposals are under consideration by the IAEA’s Board of Governors, of which Australia is a member. Australia was one of 23 Board members to support a resolution ‘Request by the Russian Federation regarding its Initiative to Establish a Reserve of Low Enriched Uranium (LEU) for the Supply of LEU to the IAEA for its Member States’ which was adopted at the Board of Governors meeting on 27 November 2009.

Australia expects the issue of multilateral fuel assurances and multilateralisation of the fuel cycle to be considered at the 2010 Non-Proliferation Treaty Review Conference, and will take a constructive approach to the discussion.

As one of the forty-six members of the Nuclear Suppliers Group (NSG), Australia is closely involved in discussions in the NSG aimed at developing criteria for the supply of sensitive nuclear technologies.

Australia actively engages Southeast Asian countries on a wide range of nuclear issues, providing training and assistance on IAEA safeguards, and on the physical protection of nuclear material and facilities. Australia played a leading role in the establishment in 2009 of the Asia Pacific Safeguards Network.

**Nuclear Weapons Convention**

**Recommendation 8**

The Committee recommends that the Australian Government make clear in international fora its support for the adoption of a Nuclear Weapons Convention.

**Response**

Noted. The Government is firmly committed to a world free of nuclear weapons and recognises that at an appropriate time, the international community may need to explore possible legal frameworks, including a Nuclear Weapons Convention, for the eventual abolition of nuclear weapons. It nonetheless sees this as a long term goal.

**Recommendation 9**

The Committee recommends that the Australian Government allocate research and consultation resources to the development of a Nuclear Weapons Convention with a clear legal framework and enforceable verification.

**Recommendation 10**

The Committee recommends that the Australian Government encourage an early conclusion to the negotiation of a replacement nuclear weapons reduction treaty by the United States and Russia, involving deep, verifiable and irreversible cuts, followed by its prompt ratification and entry into force.

**Response**

Supported. The Government welcomed the signature by Presidents Obama and Medvedev of the Joint Understanding for a follow-on to the Strategic Arms Reduction Treaty (START) which committed the United States and Russia to reduce their nuclear arsenals and delivery systems. This was an important step towards finalisation of an agreement to replace START, and a strong signal of Russia’s and the United States’ commitment to substantial progress on nuclear disarmament.

Australia calls for deeper, faster, more transparent and irreversible reductions in their nuclear arsenals by all nuclear-armed states.

**Recommendation 11**

The Committee recommends that Australia play a leading role in advocating for full recognition of a southern hemisphere nuclear weapons free zone and in developing formal links between all members of nuclear weapons free zones, and that the Australian Government raise the issue at the 2010
NPT Review Conference and consider hosting a conference on this issue.

Response
Supported. Australia has been a consistently strong supporter of the development of Nuclear Weapon-Free Zones (NWFZs) freely arrived at by member states.

The Government welcomed the 2009 entry into force of the African NWFZ (the Treaty of Pelindaba) which, in addition to making the African continent a NWFZ, in effect introduced a Southern Hemisphere NWFZ. At the 2009 United Nations General Assembly, Australia moved to co-sponsorship of resolutions calling for recognition of a NWFZ in the Southern Hemisphere and adjacent areas and a resolution on a Southeast Asian NWFZ.

Australia also co-sponsored a resolution supporting the convening of a conference of states parties and signatories to treaties by which NWFZs have been established. The aim of the conference would be to strengthen cooperation between parties to NWFZs. The conference would be held in New York in the lead up to the 2010 NPT Review Conference.

The Conference on Disarmament

Recommendation 12
The Committee recommends that the Australian Government undertakes strong diplomatic efforts to progress the work program of the Conference on Disarmament.

Response
Supported. The Government will continue to make every effort to progress the Conference on Disarmament’s (CD) work program. Australia served as one of the Presidents of the Conference on Disarmament in 2009 and made a strong contribution to the adoption by the CD of a work program in May 2009. Australia was disappointed the work program was not implemented in 2009.

The CD’s rules of procedure require that the Conference adopt a new program of work for 2010. Australia will continue to work with all CD member states for the adoption and implementation of a program of work for 2010 including negotiation of an FMCT.

International Commission on Nuclear Non-proliferation and Disarmament

Recommendation 13
The Committee recommends that the Australian Government continue to actively support the work of the International Commission for Nuclear Non-proliferation and Disarmament.

Response
Supported. The report of the International Commission on Nuclear Non-proliferation and Disarmament (ICNND) was received in Tokyo on 15 December 2009 by the Prime Ministers of Australia and Japan. The Prime Minister, Mr Rudd, welcomed the report as providing an important framework for practical discussions on how to advance the cause of non-proliferation and disarmament in 2010, which will be a critical year for the world.

The Government established and strongly supports the Commission. In the 2009-2010 budget the Government provided $9.2 million over two years to enable ICNND’s work to continue, including following the launch of its report.

The Department of Foreign Affairs and Trade established a secretariat to support the Commission, including to organise and service plenary and regional meetings of the Commission and to support high-level advocacy by the co-chairs and commissioners in a wide range of bilateral and multilateral meetings. The secretariat will continue to support the co-chairs and commissioners in their advocacy of the report over the months leading in to the NPT Review Conference in May 2010.

Recommendation 14
The Committee recommends that the Australian Government seeks to build the adequacy and the continuity of the resources allocated to diplomatic and expert capabilities in disarmament and nuclear non-proliferation within the Department of Foreign Affairs and Trade.

Response
Supported. The Prime Minister, in his National Security Statement to the Parliament in December 2008, articulated the Government’s commitment to ensuring the adequacy and continuity of resources allocated to national security policy.
Within the Department of Foreign Affairs and Trade, the International Security Division, the Australian Safeguards and Non-Proliferation Office and Australia’s overseas diplomatic network are responsible for implementing the Government’s nuclear disarmament and non-proliferation agenda.

2010 NPT Review Conference

Recommendation 15

The Committee recommends that the Australian Government seeks to promote agreement to the Comprehensive Nuclear-Test-Ban Treaty and the Fissile Material Cut-Off Treaty at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Response

Supported. Entry into force of the Comprehensive Nuclear-Test-Ban Treaty and negotiation of a Fissile Material Cut-off Treaty are key non-proliferation and disarmament priorities. The Government will vigorously pursue these objectives at the 2010 NPT Review Conference, as well as in other multilateral and bilateral fora.

Recommendation 16

The Committee recommends that the Australian Government seeks to promote universalisation of the Additional Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) at the 2010 NPT Review Conference.

Response

Supported. The Additional Protocol (AP) is an integral part of the International Atomic Energy Agency’s (IAEA) safeguards system. The Government has made adherence to an AP a condition of supply for Australian uranium and nuclear material derived from it, and contributes to universalisation of the AP through outreach seminars and courses. The Government will continue to press for universal adoption of the Additional Protocol, including at the 2010 NPT Review Conference.

Recommendation 17

The Committee recommends that the Australian Government pursue, in conjunction with the Indonesian Government, an event for parliamentarians at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010 NPT Review Conference) designed to encourage more active parliamentary involvement in these issues.

Response

Noted. The Government works closely with Indonesia on non-proliferation and disarmament issues and will explore the possibility of jointly hosting an event for parliamentarians at the 2010 NPT Review Conference.

The role of Parliamentarians

Recommendation 18

The Committee recommends that the Presiding Officers agree to all outgoing official parliamentary delegations being briefed on nuclear disarmament and non-proliferation issues, with a mandate to raise these issues during discussions with other parliamentarians as appropriate.

Response (NOTE: The Presiding Officers will respond to Recommendations 18 to 22.)

Recommendation 19

The Committee recommends that the Presiding Officers agree to the Parliament’s outgoing delegation program for 2010 being arranged so that the regular bilateral visit to the United States coincides with the 2010 NPT Review Conference, thus allowing parliamentarians an opportunity to participate in this Conference.

Recommendation 20

The Committee recommends that the delegation to the 121st Inter-Parliamentary Union Conference in October 2009 takes this report to that conference to promote further discussion of nuclear non-proliferation and disarmament issues.

Recommendation 21

The Committee recommends that the Parliament adopt a resolution on the Parliament’s commitment to the abolition of nuclear weapons.

Recommendation 22

The Committee calls on parliaments around the world to support similar actions to those contained in recommendations 18, 19, 20 and 21.

———
Joint Standing Committee on Foreign Affairs, Defence and Trade
Report into the Defence Annual Report 2006-07

Government Response

Recommendation 1
That subject to national security requirements, the ADF and Government schedule large acquisitions in a sustainable manner over time, to avoid peaks and troughs for Australian industry and to better provide a long-teen through-life support capability.

Government Response
Agreed In Principle. While the needs of the ADF must remain our primary consideration, Defence is examining options to better 'level load' demand on Australian industry. This was examined in the context of the 2009 Defence White Paper. As Chapter 16 of the Defence White Paper states, carefully managing local industry growth and capability at a rate commensurate with the ADF's needs is critical to Defence. Defence's aim will be to build greater flexibility into DCP programming to mitigate the adverse capability impacts associated with large expenditure 'peaks and troughs'.

Moreover, as outlined in the Defence Capability Plan 2009, over the next four years the Government sees strong growth in demand for local industry. This is especially pronounced in the maritime and electronics sectors. While there will be peaks and troughs in Defence demand, these are off a high base level of local work.

Recommendation 2
That consideration of Australia's future combat aircraft needs, including the critical air to air combat role, be determined by the paramount strategic importance of this capability, as recognised in the 2000 White Paper. That the decision on future air combat capability be determined by the analysis of available platform capabilities against Australia's strategic reform requirements and not be constrained by a predetermined requirement for a single platform.

Government Response
Agreed In Principle. The Government agrees with the Committee's comments on strategic importance. The 2009 Defence White Paper details the Government's directions for the future of the air combat capability, which are based on rigorous strategic logic, clearly defined strategic priorities and the outcomes of a comprehensive review of the ADF's force structure.

Recommendation 3
Provided by Assistant Treasurer.

Recommendation 4
The Committee recommends that the Government consider the acquisition of battlefield mobility assets for the Abrams tanks, such as bridge-laying capability.

Government Response
Agreed. Battlefield mobility is identified in the 2009 Defence White Paper as a key capability priority for the Army. The requirement for battlefield mobility assets for Abrams tanks may indicatively be met by combat bridge laying, for gap crossing, or ploughs, rollers, blades for countermine and obstacle clearance. There also exists military off-the-shelf systems for combat bridging that may support the Abrams tanks' battlefield mobility. This will be investigated as part of DCP project LAND 155 — Enhanced Gap Crossing Capability.

Recommendation 5
The Committee recommends that the Government expedite a solution to upgrade communications suites to ensure integration of all battle management systems to create a modern and effective Network Centric Warfare capability.

Government Response
Agreed In Principle. The 2009 Defence White Paper placed a high priority of Information Superiority, including the area of Command, Control, Communications and Battlespace Management. The White Paper also places a priority on building the networked force and identified the Government's directions to Defence in the achievement of this force.
Joint Standing Committee on Treaties Inquiry into Nuclear Non-proliferation and Disarmament

Government Response

Comprehensive Nuclear-Test-Ban Treaty

Recommendation 1

The Committee recommends that the Australian Government promotes and supports efforts to achieve ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the United States Senate, including by making clear that United States ratification of the CTBT would be positively received by Australia and other countries, and that Australia seeks a world without nuclear weapons.

Response

Supported. The Government fully agrees with the Committee that the CTBT is a critical element of global disarmament and non-proliferation efforts. Entry into force of the CTBT is a disarmament and non-proliferation priority for the Government. The Government will promote and support efforts to achieve ratification by all countries that must do so for the treaty to enter into force, including the United States.

In his address on 24 September 2009 to the sixth Article XIV Conference on Facilitating the Entry into Force of the CTBT, the Minister for Foreign Affairs, Mr Smith, reiterated Australia’s strong support for the treaty and the urgent need for its swift entry into force. The Government will continue to use such multilateral opportunities, as well as bilateral discussions, to promote ratifications.

In 2009 Australia chaired the CTBT Organisation’s Preparatory Commission (CTBTO PrepCom). The CTBTO is responsible for ensuring the treaty’s verification mechanisms are ready to meet the treaty’s requirements on entry into force. Australia works closely with the CTBTO PrepCom, including to promote ratification in our region, most recently through workshops in Jakarta in November 2008 and in Palau in May 2009.

Fissile Material Cut-Off Treaty

Recommendation 3

The Committee recommends that the Australian Government pursue diplomatic efforts to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the remaining Annex II states whose ratification is required to achieve entry into force of the Treaty, and seek undertakings from these countries that they will not be the impediment to the CTBT entering into force.

Response

Supported. Commencement of negotiations on a verifiable FMCT is a disarmament and non-proliferation priority for the Australian Government. As one of the six 2009 presidents of the Conference on Disarmament (CD), Australia worked tirelessly for the adoption of a program of work that included negotiation of a verifiable FMCT. Australia has also contributed much to the
development of technical concepts for a future treaty. The Government was therefore disappointed that the CD could not agree on implementation of the work program in 2009.

In 2010, Australia will work for the adoption by the CD of a program of work that includes negotiation of an INCT and for the commencement of negotiations.

Australia strongly supports the development of measures, whether as part of an FMCT or separately, to address the issue of excess stocks of fissile material in nuclear weapons programs, including measures to bring such stocks under International Atomic Energy Agency (IAEA) safeguards.

Australia actively promotes the development of the highest international standards for the protection of nuclear material, playing a lead role in the development and implementation of enhancements to the Convention on the Physical Protection of Nuclear Material, and working to finalise an update to IAEA guidelines on physical protection arrangements.

Australia welcomes President Obama’s initiative to host a global Nuclear Security Summit in 2010. One of the issues the Summit will address will be how to ensure that stocks of fissile material are effectively secured.

**Recommendation 4**
The Committee recommends that the Australian Government ensure that adequate resourcing is made available to diplomatic staff in Geneva and, where appropriate, in other missions to enable Australia to take an active and involved role in negotiations for a Fissile Material Cut-Off Treaty (FMCT).

**Response**
Supported. The Government will ensure that adequate resources are available for Australia to take an active and constructive role in any FMCT negotiations.

**The NPT and IAEA Safeguards**

**Recommendation 5**
The Committee recommends that the Australian Government encourage all other uranium exporting countries to require that the countries to whom they export uranium have an Additional Protocol in place.

**Response**
Supported. The Government welcomes the Committee’s focus on the Additional Protocol (AP). The AP is an integral part of the International Atomic Energy Agency (IAEA) safeguards system and, together with the Comprehensive Safeguards Agreement, constitutes the contemporary standard for IAEA safeguards. The Australian Government has made adherence to an AP a condition of supply for Australian uranium and nuclear material derived from it. The Australian Government takes every appropriate opportunity to urge other nuclear suppliers to impose similar requirements, including in forums such as the IAEA and the Nuclear Suppliers Group.

Australia also contributes to the universalisation of the AP by conducting outreach through seminars and courses.

**Recommendation 6**
The Committee recommends that the Australian Government abandon its zero real growth policy on the International Atomic Energy Agency’s (IAEA) budget and work with other states to strengthen the IAEA’s funding base.

**Response**
Supported. Australia will continue to work closely with the members of the IAEA Board of Governors to ensure the Agency is adequately resourced. At the August 2009 Board of Governors meeting, Australia joined consensus to support a 2.7% real increase in the IAEA’s budget for 2010-2011.

In 2009 Australia made an assessed contribution to the IAEA’s regular budget of AUD 9.7 million. In addition, Australia made voluntary contributions to the Technical Cooperation Fund (AUD 2.2 million) and the Nuclear Security Fund (AUD 450,000).

**Fuel cycle multilateralisation**

**Recommendation 7**
The Committee recommends that the Australian Government investigate further the potential merits and risks of fuel cycle multilateralisation proposals, including through:
• discussion of such proposals at the 2010 Non-Proliferation Treaty Review Conference;
• advocating within the Nuclear Suppliers Group for the development of restrictive criteria for the supply of sensitive nuclear technologies; and
• engaging in dialogue with those countries in South-East Asia proposing to develop a nuclear energy industry.

Response
Supported. Recognising the potential for proposals relating to multilateral fuel assurance mechanisms and multilateralisation of the fuel cycle to reduce the risk of nuclear proliferation, the Government has and will continue to explore the potential merits and risks of such proposals in all relevant forums.

Several fuel assurance proposals are under consideration by the IAEA’s Board of Governors, of which Australia is a member. Australia was one of 23 Board members to support a resolution ‘Request by the Russian Federation regarding its Initiative to Establish a Reserve of Low Enriched Uranium (LEU) for the Supply of LEU to the IAEA for its Member States’ which was adopted at the Board of Governors meeting on 27 November 2009.

Australia expects the issue of multilateral fuel assurances and multilateralisation of the fuel cycle to be considered at the 2010 Non-Proliferation Treaty Review Conference, and will take a constructive approach to the discussion.

As one of the forty-six members of the Nuclear Suppliers Group (NSG), Australia is closely involved in discussions in the NSG aimed at developing criteria for the supply of sensitive nuclear technologies.

Australia actively engages Southeast Asian countries on a wide range of nuclear issues, providing training and assistance on IAEA safeguards, and on the physical protection of nuclear material and facilities. Australia played a leading role in the establishment in 2009 of the Asia Pacific Safeguards Network.

Nuclear Weapons Convention

Recommendation 8
The Committee recommends that the Australian Government make clear in international fora its support for the adoption of a Nuclear Weapons Convention.

Response
Noted. The Government is firmly committed to a world free of nuclear weapons and recognises that at an appropriate time, the international community may need to explore possible legal frameworks, including a Nuclear Weapons Convention, for the eventual abolition of nuclear weapons. It nonetheless sees this as a long term goal.

Recommendation 9
The Committee recommends that the Australian Government allocate research and consultation resources to the development of a Nuclear Weapons Convention with a clear legal framework and enforceable verification.

Response
Noted. The Government currently places priority on a successful outcome to the 2010 Non-Proliferation Treaty (NPT) Review Conference, negotiation of a Fissile Material Cut-Off Treaty (FMCT) and entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). All of these will contribute to creating the conditions necessary for a world free of nuclear weapons.

The Government also recognises the critical importance of strong and effective verification measures to the evolving nuclear disarmament architecture and is examining how Australia can best contribute to this work.

Other treaties

Recommendation 10
The Committee recommends that the Australian Government encourage an early conclusion to the negotiation of a replacement nuclear weapons reduction treaty by the United States and Russia, involving deep, verifiable and irreversible cuts, followed by its prompt ratification and entry into force.

Response
Supported. The Government welcomed the signature by Presidents Obama and Medvedev of the
Joint Understanding for a follow-on to the Strategic Arms Reduction Treaty (START) which committed the United States and Russia to reduce their nuclear arsenals and delivery systems. This was an important step towards finalisation of an agreement to replace START, and a strong signal of Russia’s and the United States’ commitment to substantial progress on nuclear disarmament.

Australia calls for deeper, faster, more transparent and irreversible reductions in their nuclear arsenals by all nuclear-armed states.

**Recommendation 11**
The Committee recommends that Australia play a leading role in advocating for full recognition of a southern hemisphere nuclear weapons free zone and in developing formal links between all members of nuclear weapons free zones, and that the Australian Government raise the issue at the 2010 NPT Review Conference and consider hosting a conference on this issue.

**Response**
Supported. Australia has been a consistently strong supporter of the development of Nuclear Weapon-Free Zones (NWFZs) freely arrived at by member states.

The Government welcomed the 2009 entry into force of the African NWFZ (the Treaty of Pelindaba) which, in addition to making the African continent a NWFZ, in effect introduced a Southern Hemisphere NWFZ. At the 2009 United Nations General Assembly, Australia moved to co-sponsorship of resolutions calling for recognition of a NWFZ in the Southern Hemisphere and adjacent areas and a resolution on a Southeast Asian NWFZ.

Australia also co-sponsored a resolution supporting the convening of a conference of states parties and signatories to treaties by which NWFZs have been established. The aim of the conference would be to strengthen cooperation between parties to NWFZs. The conference would be held in New York in the lead up to the 2010 NPT Review Conference.

**The Conference on Disarmament**

**Recommendation 12**
The Committee recommends that the Australian Government undertakes strong diplomatic efforts to progress the work program of the Conference on Disarmament.

**Response**
Supported. The Government will continue to make every effort to progress the Conference on Disarmament’s (CD) work program. Australia served as one of the Presidents of the Conference on Disarmament in 2009 and made a strong contribution to the adoption by the CD of a work program in May 2009. Australia was disappointed the work program was not implemented in 2009. The CD’s rules of procedure require that the Conference adopt a new program of work for 2010. Australia will continue to work with all CD member states for the adoption and implementation of a program of work for 2010 including negotiation of an FMCT.

**International Commission on Nuclear Non-proliferation and Disarmament**

**Recommendation 13**
The Committee recommends that the Australian Government continue to actively support the work of the International Commission for Nuclear Non-proliferation and Disarmament.

**Response**
Supported. The report of the International Commission on Nuclear Non-proliferation and Disarmament (ICNND) was received in Tokyo on 15 December 2009 by the Prime Ministers of Australia and Japan. The Prime Minister, Mr Rudd, welcomed the report as providing an important framework for practical discussions on how to advance the cause of non-proliferation and disarmament in 2010, which will be a critical year for the world.

The Government established and strongly supports the Commission. In the 2009-2010 budget the Government provided $9.2 million over two years to enable ICNND’s work to continue, including following the launch of its report.

The Department of Foreign Affairs and Trade established a secretariat to support the Commission, including to organise and service plenary and regional meetings of the Commission and to support high-level advocacy by the co-chairs and commissioners in a wide range of bilateral and multilateral meetings. The secretariat will con-
continue to support the co-chairs and commissioners in their advocacy of the report over the months leading up to the NPT Review Conference in May 2010.

**Recommendation 14**
The Committee recommends that the Australian Government seeks to build the adequacy and the continuity of the resources allocated to diplomatic and expert capabilities in disarmament and nuclear non-proliferation within the Department of Foreign Affairs and Trade.

**Response**
Supported. The Prime Minister, in his National Security Statement to the Parliament in December 2008, articulated the Government’s commitment to ensuring the adequacy and continuity of resources allocated to national security policy. Within the Department of Foreign Affairs and Trade, the International Security Division, the Australian Safeguards and Non-Proliferation Office and Australia’s overseas diplomatic network are responsible for implementing the Government’s nuclear disarmament and non-proliferation agenda.

**2010 NPT Review Conference**

**Recommendation 15**
The Committee recommends that the Australian Government seeks to promote agreement to the Comprehensive Nuclear-Test-Ban Treaty and the Fissile Material Cut-Off Treaty at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

**Response**
Supported. Entry into force of the Comprehensive Nuclear-Test-Ban Treaty and negotiation of a Fissile Material Cut-off Treaty are key non-proliferation and disarmament priorities. The Government will vigorously pursue these objectives at the 2010 NPT Review Conference, as well as in other multilateral and bilateral fora.

**Recommendation 16**
The Committee recommends that the Australian Government seeks to promote universalisation of the Additional Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) at the 2010 NPT Review Conference.

**Response**
Supported. The Additional Protocol (AP) is an integral part of the International Atomic Energy Agency’s (IAEA) safeguards system. The Government has made adherence to an AP a condition of supply for Australian uranium and nuclear material derived from it, and contributes to universalisation of the AP through outreach seminars and courses. The Government will continue to press for universal adoption of the Additional Protocol, including at the 2010 NPT Review Conference.

**Recommendation 17**
The Committee recommends that the Australian Government pursue, in conjunction with the Indonesian Government, an event for parliamentarians at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010 NPT Review Conference) designed to encourage more active parliamentary involvement in these issues.

**Response**
Noted. The Government works closely with Indonesia on non-proliferation and disarmament issues and will explore the possibility of jointly hosting an event for parliamentarians at the 2010 NPT Review Conference.

**The role of Parliamentarians**

**Recommendation 18**
The Committee recommends that the Presiding Officers agree to all outgoing official parliamentary delegations being briefed on nuclear disarmament and non-proliferation issues, with a mandate to raise these issues during discussions with other parliamentarians as appropriate.

**Response (NOTE: The Presiding Officers will respond to Recommendations 18 to 22.)**

**Recommendation 19**
The Committee recommends that the Presiding Officers agree to the Parliament’s outgoing delegation program for 2010 being arranged so that the regular bilateral visit to the United States coincides with the 2010 NPT Review Conference, thus allowing parliamentarians an opportunity to participate in this Conference.
Recommendation 20
The Committee recommends that the delegation to the 121st Inter-Parliamentary Union Conference in October 2009 takes this report to that conference to promote further discussion of nuclear non-proliferation and disarmament issues.

Recommendation 21
The Committee recommends that the Parliament adopt a resolution on the Parliament’s commitment to the abolition of nuclear weapons.

Recommendation 22
The Committee calls on parliaments around the world to support similar actions to those contained in recommendations 18, 19, 20 and 21.

Community Affairs Committee Report
Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (4.17 pm)—In relation to the Standing Committee on Community Affairs report Highway to health: better access for rural, regional and remote patients, I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Electoral Matters Committee: Joint Report
Senator CAROL BROWN (Tasmania) (4.18 pm)—On behalf of the Joint Standing Committee on Electoral Matters, I present the report of the committee on the implications of the New South Wales’ Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 for the conduct of Commonwealth elections. I seek leave to move a motion in relation to the report.

Leave granted.

Senator CAROL BROWN—I move:

That the Senate take note of the report.

Declining electoral enrolment continues to present a significant challenge not only for Australia but also for many countries and jurisdictions. Existing paper based enrolment requirements under Commonwealth legislation are a deterrent to the current generation of Australians who are accustomed to conducting business with government agencies through electronic transactions. The introduction of flexible approaches which modernise electoral enrolment processes is a vital component for addressing the challenge of declining enrolment.

The New South Wales parliament has taken legislative action to address concerns of declining enrolment levels with the introduction of new electoral enrolment legislation, which received bipartisan support and was assented to on 14 December 2009. The legislation gives effect to a ‘smart’ electoral enrolment system concept that has been developed in the state to introduce a new automatic enrolment system for New South Wales elections. The ‘smart roll’ system operates around the notion that there are alternatives for electors to be enrolled and to notify a change in their enrolment details, particularly where such information has already been provided to government agencies. The New South Wales legislation also allows for enrolment for provisional voting on the day of polling, subject to adequate identification being produced.

In evidence to the committee, the New South Wales Electoral Commissioner, Mr Colin Barry, stated that there were four aims of the ‘smart roll’ process: one, to reduce the number of eligible New South Wales electors missing from the electoral roll; two, to improve the time in which electors’ address details are changed when they moved address; three, to improve the quality of the enrolment register in New South Wales; and, four, to provide electors and citizens with a simpler system to enrol and have their address updated. With the passage of this legislation, New South Wales will no longer rely on the Australian Electoral Commission to
prepare and maintain rolls for New South Wales elections. The New South Wales Electoral Commissioner will assume responsibility for preparing and maintaining a roll for each New South Wales electoral district using enrolment data supplied by the Commonwealth and data held by various New South Wales government agencies.

The committee was asked to consider the implications of this legislation in the conduct of Commonwealth elections. The New South Wales legislation could have significant implications for the conduct of federal elections if Commonwealth legislation is not amended to allow for similar provisions. Having two different enrolment regimes operating at the Commonwealth and state levels creates the potential for elector confusion. Of particular concern is the scenario whereby voters in New South Wales are enrolled automatically for that state’s election and mistakenly believe that they have also been enrolled for the purpose of federal elections.

The committee has therefore determined that legislative change is required at the Commonwealth level to complement the new New South Wales legislation and to facilitate opportunities for the AEC to effectively address declining enrolment participation across Australia by allowing automatic enrolment of electors. If granted the power to implement similar automatic enrolment measures, the AEC has acknowledged that it would proceed with caution and conservatism, and would apply carefully designed business rules to ensure the integrity of the electoral roll is maintained. The committee supports Commonwealth legislation being amended to allow the AEC to automatically enrol electors on the basis of data provided by trusted agencies. To ensure that automatic enrolment does not inadvertently limit the ability for eligible electors to exercise the franchise, election day enrolment is proposed as a safety net to capture those electors who have not been picked up through automatic enrolment processes as well as those who have been removed from the electoral roll in error or enrolled at the wrong address.

While accuracy and entitlement are critical to the integrity of the electoral roll, it is important not to overlook that roll completeness is also a fundamental element of roll integrity. Implementation of the committee’s recommendations will reduce the potential for elector confusion, which would likely prevail were two different enrolment systems operating at the Commonwealth and state level. Moreover, the recommendations include the provision of further measures to progress reforms which will assist the AEC in its ongoing challenge to address the declining rate of electoral participation in Australia. I thank committee colleagues for their contribution to the report and those organisations and individuals who prepared submissions and appeared as witnesses before the committee. I commend the report to the Senate.

Senator RYAN (Victoria) (4.23 pm)—As a member of the Joint Standing Committee on Electoral Matters and a participant in this inquiry I, along with other opposition members of the committee, have grave concerns with the report adopted by the government majority of this committee. I too share the aspiration that we should have as complete a roll as possible. But the other leg of our electoral system is roll integrity, and on this occasion the government majority have got this balance fundamentally wrong.

First, I would challenge the notion, as the government majority has outlined in the report, that:

... an estimated 1.39 million eligible Australians were not on the roll and therefore effectively excluded from Australia’s democratic processes. That is nothing but a mistruth. Every single one of those 1.39 million people just have to
fill out a form—the same form that more than 10 million other Australians fill out. That is what the law requires. To allege that somehow our electoral roll system is excluding anyone from the vote is nothing more than a complete misrepresentation of the facts. The overwhelming majority of Australians comply with the law. The overwhelming majority of Australians are on the electoral roll and we know our roll is very accurate at the moment. This particular change is addressing a problem that is nonexistent and is not the problem of the government; it is a failure of individuals to comply with the law and to comply with the requirements to enrol. It poses a fundamental risk to our electoral roll and the integrity of that roll. The idea that we should be shooting for the highest number possible in terms of the percentage of Australians enrolled without sufficient checks and without assessing the risks of what this proposal entails will only undermine public faith in our electoral system. You cannot have participation at the expense of integrity. They are both equally important.

There was no evidence presented to the committee in this inquiry that showed that the small decline in the percentage of people on the electoral roll was due to the form—a form that generations of Australians have successfully filled out and completed. In fact, it is possible that better management of the electoral roll has led to that decline, as it is now more accurate than it was before regular cleansing and data testing made sure that people were not enrolled when they were not entitled to be. It is not accurate to say that, simply because we are down to 90 per cent of people being enrolled, we have to throw away a historically accurate system—one that many countries in the world would aspire to. We do not have questions over the legitimacy of our election results in this country precisely because our roll is seen as accurate. As I said earlier, there was no evidence presented to suggest that the form that people have to fill out has led to the decline.

This is not to say there is not a way to update procedures. If in fact there is evidence presented to suggest we can do this more easily, and that we can allow people to update their electoral details more easily, then that is something that should be pursued. But this is a step too far. It is not as if the government data sources themselves are perfect. I would put to the government that the electoral roll is actually probably one of the most accurate of the government data sources in Australia. In fact, as the opposition members have outlined in their dissenting report, there have been reports from this parliament and from the office of the Auditor-General that have outlined exactly some of those flaws.

Let us go to the New South Wales act which the government has decided we should replicate in this place. Firstly, Mr Barry confirmed, when providing evidence to the committee, that there is no requirement whatsoever for the Electoral Commissioner of New South Wales to announce what government data sources he or she is using. Secondly, there are no published criteria that data sources are measured against. Not only is that a recipe for error, because there is no capacity for there to be independent third-party checking, there is no capacity for oversight; it also in my view places in danger the office of the Electoral Commissioner, because one day, without this oversight and with the flaws in government databases, what we are going to see is a decision made that is wrong. The Electoral Commissioner will make the decision; it is not public. We do not yet have any published criteria from New South Wales. I do not think that the office of the Electoral Commissioner should be making such decisions which have the potential to be so contentious.
There are a number of other issues with this as well. It was indicated to us on the committee that the Australian Electoral Commission would in fact deem the New South Wales Electoral Commission to be a trusted agency. This, given the New South Wales Electoral Commission and the flaws I have just outlined in its process and in the New South Wales act, and given the fact that the Australian Electoral Commission would be relying upon that to update electoral roll data, would effectively mean that data and agencies outside the purview of the Commonwealth government, and outside the purview of the Commonwealth parliament, would be used to build the Commonwealth electoral roll.

One of the great things about Australia as opposed to some other countries with which we occasionally compare ourselves is that we have a national electoral roll for the Commonwealth. We do not allow other jurisdictions to determine eligibility or manage the Commonwealth electoral processes. Such a system is not something we should replicate; it would be a backward step for Australia. I would also challenge the argument that simply because New South Wales has decided to change its electoral act, we should match them. It does not make any sense whatsoever, without assessing whether it is a good idea or a bad idea, without undertaking a risk assessment of what such a dramatic change in our electoral processes would entail, to simply say, ‘Well, New South Wales has done it—roll consistency is the single most important thing.’ It is not—roll integrity is more important, and roll integrity and participation are equally important.

I want to briefly comment on the idea that people should be allowed to enrol on election day itself. We already have significant queues at our polling centres. We already have challenges with respect to counting provisional votes, which takes a lot of time, as does the data verification of electors, which is important. But this idea also breaches a fundamental premise: candidates from all parties for all offices have the right to know who their electors are. They have the right to know who is voting for them, and they have the right to be able to check the integrity of the roll. This proposal breaches that fundamental principle.

There is a dissenting report printed with the government’s majority report. Opposition members strongly oppose the idea that simply because New South Wales has done something, we should match it. It is not like New South Wales is setting the bar very high for any other aspect of government over the last 10 years, and I would suggest that New South Wales citizens would not want us to be matching it in many regards either. We challenge the notion that the fact that the roll contains only 91 per cent of people is a sign that some people are being disenfranchised, when we know that those nine per cent of people can simply fill out the form that the other 90-odd per cent of people have. Finally, we do not believe there has been a risk assessment of this, and we believe that some responsibility to exercise the franchise must and should remain with individuals. We should make it easy, and this country has a proud, century-long tradition of making that right easy to exercise, but with that right comes an obligation—to comply with the law, which requires that people be enrolled. This particular proposal does not meet the criteria that any substantial change to our electoral system should, which is that it is met with general agreement by all the stakeholders. The opposition, and the opposition members of this committee, opposes this recommendation by the government. I will continue to do so.

Senator RONALDSON (Victoria) (4.32 pm)—I want to associate myself with the remarks of Senator Ryan. It was a very good
speech which I would encourage senators to read when they get a chance. I will be having a lot more to say about this matter in due course.

Question agreed to.

COMMITTEES
Finance and Public Administration Legislation Committee
Membership
The ACTING DEPUTY PRESIDENT (Senator Cash)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (4.33 pm)—by leave—I move:


Question agreed to.

COMMITTEES
Selection of Bills Committee
Report
Debate resumed.

Senator O’BRIEN (Tasmania) (4.36 pm)—by leave—In the intervening period since we last discussed the report of the Selection of Bills Committee my office has had contact with Senator Ludlam’s office. I understand that they will accept the report as is, with one amendment—and that is that the reporting date of item 2(b), the provisions of the National Radioactive Waste Management Bill, be 30 April. As I moved the motion, it would be useful if Senator Parry moved the amendment and then we could proceed.

Senator PARRY (Tasmania) (4.36 pm)—I move:

Omit all words after “add”, insert “but, in respect of the National Radioactive Waste Management Bill 2010, the Legal and Constitutional Affairs Legislation Committee report by 30 April 2010”.

Question agreed to.

Original question, as amended, agreed to.

DOCUMENTS
NBN Co. Ltd
Debate resumed from 4 February, on motion by Senator Birmingham:

That the Senate take note of the document.

Senator RONALDSON (Victoria) (4.38 pm)—Having risen to continue my remarks, I want to finish off this week by speaking in relation to the NBN and particularly those matters that have surrounded the Minister for Broadband, Communications and the Digital Economy. A number of senators here tonight have been in parliament for a long time and fully understand when a government has had a good week and when a government has had a bad week. The record and history will show that this has been a bad, bad week for the government. Those like me who have been here for a long time know what the body language says, and the government’s body language tells us that those on the other side have come back this week rattled. There is no engagement from the back bench and their ministers are not being supported—they are clearly rattled. They are clearly rattled about what has come out in relation to NBN and Mr Mike Kaiser.

Let me put this into perspective. The Prime Minister is earning $380,000 or thereabouts a year these days. I think it is under $400,000. We have a man who was effectively given the job in NBN as its government relations manager for $450,000—$450,000 to run the government relations
part of NBN. That is more than is given to the Prime Minister of this country. The Prime Minister is doing a rotten job, but there is no way known that Mr Mike Kaiser is worth more than the Prime Minister is. Can I tell you again, because this is very important when you are talking about a man who has been clearly given a $450,000 job by the minister for communications, what is on the public record about Mr Mike Kaiser. Mr Mike Kaiser was named in the Shepherdson royal commission as a rorter and he was forced to resign from the Queensland parliament. What a great candidate for a government relations job with something as sensitive as NBN and its relationship with Telstra and the whole communications industry! So $450,000 for a rorter named in the Shepherdson inquiry. What a disgrace, and there is not one person in this chamber that does not know the relationship between Minister Conroy and Mike Kaiser. It cannot be justified. The questions have not been answered. We will continue to pursue this minister in relation to this matter.

In the short period of time left open to me, I want to look at the front page story of the *Australian* today in relation to the National Broadband Network and the botched endeavours of the minister for communications. Can you believe that we have a $43 billion project for which there is no business plan?

Senator Eggleston interjecting—

Senator RONALDSON—It is remarkable, Senator Eggleston. Not only is there no business plan and no business case but we now find, as indicated on the front page of the *Australian*—and not denied by the minister—this:

THE Rudd government has backflipped on one of its key promises about the operation of the new national broadband network in an attempt to bolster the economic credentials of the massive $43 billion project and to enforce Telstra’s cooperation.

The draft legislation released yesterday reveals Communications Minister Stephen Conroy will have the discretion to allow NBN Co to effectively become a government-owned retailer of telecommunications services—so a government-owned retailer of telecommunications services, not a wholesaler, as was promised! This is another backflip by a government that cannot help itself in relation to broken promises. It is the government of broken promises and it is the government of blah, blah, blah. *(Time expired)*

Question agreed to.

**Australian Nuclear Science and Technology Organisation**

Debate resumed from 4 February, on motion by **Senator Boyce**:

That the Senate take note of the document.

Senator BARNETT (Tasmania) (4.44 pm)—I speak to the Australian Nuclear Science and Technology Organisation report for 2008-09. In doing so, I note the leadership of Dr Ziggy Switkowski, who is the chairman of that organisation. The issue of nuclear energy and the nuclear debate will not go away, as was noted in an article in the *Australian* on 25 February by Keith Orchison. He said that nuclear power is an issue that will not go away in Australia’s climate change policy debate. Mr Rudd has a closed mind. He has said no, categorically. If he were genuine in his response to the climate change agenda, as he calls it, and in reducing greenhouse gas emissions, he would consider it as an option. It is desirous, as our leader Mr Abbott has said, that there be a bipartisan approach on an issue such as this, but clearly there is action and support for nuclear energy—Australia is a very significant uranium producer—and it is an obvious route, in my view, to greener pastures.
Australia stands alone among the 25 top world economies in excluding the use of nuclear energy, despite the government’s hypocritical willingness to export uranium, of which we have an estimated 40 per cent of the world’s supply, to assist in the production of nuclear energy around the world. We are happy to do that on the one hand but on the other we are categorically saying no to nuclear power in this country. Fifty-six countries operate a total of about 250 research reactors, and a further 220 reactors are used to power ships and submarines. There are 436 commercial nuclear power reactors operating in 30 countries, providing about 15 per cent of the world’s electricity as continuous reliable baseload power, according to the World Nuclear Association.

Some 16 countries depend on nuclear power for at least a quarter of their electricity. France gets around three-quarters of its power from nuclear energy and the United States almost one-fifth. In recent weeks, President Obama made a speech indicating strong support by the US government for growing nuclear power as an energy source for that country. Towards the end of last year, the UK announced very significant developments. They are planning for about 10 nuclear power stations. So it is clearly on the agenda of the major industrialised countries around the world.

I note also in this article of 25 February in the *Australian* that ANSTO told the Senate Select Committee on Fuel and Energy last year that, with national power demand rising by two per cent a year and 93 per cent of electricity currently coming from fossil fuels, the problem was so serious that all technologies should be under active consideration. I think they should be. The report also notes that total national annual demand today is 252,000 gigawatt hours and is projected by the Australian Bureau of Agriculture and Resource Economics to exceed 400,000 gigawatt hours in 2030.

It is heading our way. We need to have a long-term view—a 2020 vision. Leaving nuclear energy on the table to consider as an option is sensible. Obviously, it must be subject to appropriate safety and health conditions. My views were set out in an opinion piece in the *Mercury* towards the end of November last year. I think it should definitely be considered as an option. The Rudd government says it is serious about what it calls ‘climate change’ and greenhouse gas emissions, yet it is totally dismissive of considering this as a serious option for the future. That is hypocritical in the extreme. We have uranium as a resource and we are happy to export it overseas to all these other countries that use it for their purposes, but Australia stands alone amongst the 25 major developed countries of the world. I draw that to the attention of the Senate and of the public.

**Senator RONALDSON** (Victoria) (4.49 pm)—I also want to talk to the Australian Nuclear Science and Technology Organisation report for 2008-09 and also refer to the report in the *Australian*. I congratulate Keith Orchison on his article. I think my colleague Senator Barnett, because of time, omitted another quote from ANSTO at the Senate Select Committee on Fuel and Energy last year.

**Senator Cormann**—A very good committee.

**Senator RONALDSON**—A very good committee, indeed. ANSTO said:

> Australia’s energy security from a trade and economic point of view will be severely compromised if nuclear energy is not actively considered.

Why is it that President Obama, who I think on anyone’s description would be viewed as politically to the left of politics—

**Senator Marshall**—That might not be my description!
Senator RONALDSON—I think he is an old leftie, like my good friend over there. Even an old leftie in the US, the President of the United States—this is very important—the head of the most powerful country in this world whose politics are to the Left, the same as Senator Marshall’s, expressed support, in his state of the union address, for ‘building a new generation of safe, clean nuclear power plants in this country’. I agree wholeheartedly with the comments of Peter Cosgrove, who was also quoted in Keith Orchison’s article. General Cosgrove said that it was:

Almost immoral ‘for this country to export uranium to less technologically advanced and stable nations while refusing to have a nuclear power station here.’ We are a rich and technologically advanced nation, ‘sitting in a geologically stable continent, so surely we can build and safely operate a nuclear power station.’

Why is it that the Prime Minister of this country refuses, point blank, to discuss this matter? I do not understand why he will not engage in a public debate.

Senator Marshall, for all your philosophical sins, you are at least prepared to debate matters. I do not imagine that you and the others in the Left are demanding of the Prime Minister that this not be talked about. I cannot believe that would be the situation, because people like you are intelligent men. So what is it that is stopping us having this debate? I look at the people in the gallery and I say: why are we not prepared to have a community debate about this matter? Why are we not prepared to build some parameters around the debate so we can engage the community? What greater obligation have we got in this place and the other place than to talk about these long-term issues? How can you talk about climate change and the risks of climate change without talking about alternative energy sources? How can you possibly do that, particularly when, as my colleague said, you look around the world and see what is being done elsewhere?

Around the world, there are people who are actually prepared to invest in this technology, who realise that if global warming and climate change are a real issue then you have got to have some real solutions and nuclear must be part of those solutions. Surely between us we can build a potential regulatory framework which will instil some confidence in the Australian people. I readily acknowledge that this is a community perception issue, but surely, as law-makers and opinion drivers, we have a responsibility to put in place some appropriate community discussion that is above politics but will give this important issue the legitimate policy consideration and debate it deserves. Quite frankly, we would be absolutely derelict in our responsibility to our kids and grandkids if we did not have a sensible, bipartisan debate in relation to this matter.

Senator O’BRIEN (Tasmania) (4.54 pm)—I rise to speak in response to comments by Senator Barnett, a fellow Tasmanian senator, who is espousing the concept that we look towards a nuclear future in this debate on the motion to take note of the Australian Nuclear Science and Technology Organisation report for 2008-09. Senator Barnett has also this week been championing the issue of a wind farm in the north-east Tasmania, as indeed I do. He has been criticising measures which might jeopardise the chances for that in the future. I am not sure how those two positions are entirely consistent. We have a very efficient hydro-electric system in Tasmania. Hydro-electricity is one of the best methods of generating electricity renewably and without pollution. We are also trying to develop a strong wind power resource. Wind and dam power operate well hand in hand. When the wind is blowing, you get power and, when it is not blowing, you do not. A dam is like a battery: if you turn
the water off, if it stops running through the turbines, you stop generating; if you turn the water on, if water runs through the turbines, you start generating. There is a synergy between those two technologies. We have also got at the moment a significant proposal to explore thermal resources and the suggestion that Tasmania will produce a significant amount of thermal energy from superheated granite within the Tasmanian landmass.

With all that, why would a Tasmanian senator want to go the next step and say, ‘Perhaps we should have nuclear power as well’? Won’t that threaten the viability of those other energy sources? And I am not sure how one can sell the concept that Tasmania is clean and green and nuclear, because that is effectively what Senator Barnett is proposing. I do not think you can, as a representative here, impose nuclear power generation on the rest of the country without accepting that there would ultimately be nuclear power generation in your home state. Some years ago, then Senator Ray—I think he was a senator at the time—floated the idea that Flinders Island should become the location for a nuclear power plant. I do not think the residents of Flinders Island have ever embraced that concept. Similarly, I do not think that any of the residents anywhere in Tasmania would, given the clean energy options we have, embrace the concept of nuclear power.

It is incumbent on those opposite, when they are talking about this, to demonstrate that the Australian public is prepared to accept it. We have arguments about nuclear waste dumps every time there is a proposal to establish one. Establishing a nuclear reactor in any part of Australia will be controversial, but, if a senator comes here and talks about the issue, he or she should be confident in saying that he or she would be happy to have nuclear power generation occur in their own electorate. I am not. If Senator Barnett is, he should say so.

Senator IAN MACDONALD (Queensland) (4.58 pm)—I seek leave to continue my remarks later on the Australian Nuclear Science and Technology Organisation report for 2008-09.

Leave granted; debate adjourned.

Consideration

Senator IAN MACDONALD (Queensland) (4.58 pm)—I seek leave to reinstate documents 4 and 7.

Leave granted.

Senator O'BRIEN (Tasmania) (4.58 pm)—by leave—We do not deny leave to Senator Macdonald, but there has been a discussion about returning to items that have been dealt with. It has been agreed, I think, that a concession will be made but it will not be repeatedly made, if you understand my point. We are happy to concede on this occasion.

Australian Broadcasting Corporation

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (4.59 pm)—I seek leave to continue my remarks later on the Australian Broadcasting Corporation report for 2008-09.

Leave granted; debate adjourned.

Department of Resources, Energy and Tourism

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (4.59 pm)—I seek leave to continue my remarks later on the Department of Resources, Energy and Tourism report for 2008-09.
Leave granted; debate adjourned.

Wet Tropics Management Authority

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (5.00 pm)—I rise to speak on the Wet Tropics Management Authority report for 2008-09. I just want to alert senators to a problem that is happening in the areas of the wet tropics and the Great Barrier Reef. Funding for MTSRF—the Marine and Tropical Sciences Research Facility based in Cairns—was put in place to ensure that there was good science and good investigation of issues surrounding tropical science. That principally comes down to the wet tropics, which is the purview of the Wet Tropics Management Authority; and the Great Barrier Reef, which is looked at by any number of science institutions including the Australian Institute of Marine Science, James Cook University, CSIRO, and the Great Barrier Reef Marine Park Authority. MTSRF—I will use the acronym—was set up by the Howard government with approximately $40 million out of the approximately $80 million in the SRF program.

The program finishes some time later this year. We have raised at estimates the question of why it was taking the government so long to indicate that the program would continue to be funded—because it is all about funding these scientific research organisations that Senator Carr loves to joke about, as he did in the last question at question time. But it is a very serious matter. A lot of scientists working on tropical science in the rainforests, on the reef and in Indigenous affairs, are funded by MTSRF. They have a very capable and good organisation based in Cairns but they work with scientists investigating the barrier reef and the wet tropics rainforests.

Unfortunately, Mr Garret, because he seems to be distracted by other things—I cannot imagine what they are!—seems to have completely dropped the ball on the environment aspects of his department. I am getting complaints from group after group that have been promised money by the environment department, that their cheques are not arriving in the mail. I have been told that there are groups which for years—usually starting off during the Howard government—have had contracts with the environment department but which are not having the contracts processed because the department is poorly led at a ministerial level.

The department seems to be struggling at an administrative level and, as I understand it, staff in the department are not replaced when they leave. There seems to be a diminution in the environment department under the Rudd Labor government. This is a very serious issue for all of us who are concerned about Australia’s environment—and I know that that includes all of us on this side of the chamber. What is happening to MTSRF is a classic example. Money that was previously made available for scientific research in northern Australia is not there in the same quantity any more. That means that scientists who have moved to the north to do this great scientific work now have to leave because they are not certain of their future. Of course, they have to put bread and butter on the table; they have to consider their families’ welfare.

A lot of the good scientific work that was done during the 11 years of the Howard government is starting to dissipate. It is a major concern—one that I would hope that Senator Carr, for all his bluff and bluster and Marxist-Leninist views, could get stuck into. He could use some of that bluff and bluster on Mr Garrett and get some things done, because the environment is genuinely suffering since Mr Garrett has been in charge of the
portfolio. It is a disgrace and it is becoming more and more obvious as each hour of every day passes.

Question agreed to.

Australian Electoral Commission

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (5.06 pm)—I will speak briefly to the Australian Electoral Commission report. I will highlight again for senators and for the commission the stupidity of the most recent redistribution in Queensland. Where I live up in the north of Queensland there is an electorate, Dawson, based upon Mackay. It has been held by Mr Bidgood of the Australian Labor Party for a little while. He has, of course, announced his retirement for personal reasons. I am told that the personal reasons were that the polling was showing that he could not possibly win.

Senator Bilyk—That is just below the belt. I hope you are really embarrassed.

The ACTING DEPUTY PRESIDENT—Order! Senator Macdonald, you are speaking to take note of the document. I ask you to continue to do so.

Senator IAN MACDONALD—Judging from the reaction, there is something I do not know, so I withdraw—without being asked—if something I said has been offensive. I do know that Mr Bidgood, who is my local member, is not well regarded as a local member. His photography skills have become world renowned.

The ACTING DEPUTY PRESIDENT—You are actually speaking to the government document and the Electoral Commission report. I think you particularly identified the redistribution.

Senator IAN MACDONALD—I did.

The ACTING DEPUTY PRESIDENT—I draw you back to that issue.

Senator IAN MACDONALD—I was talking about the electoral redistribution in the electorate of Dawson, which takes in Mackay. It is currently held by Mr Bidgood, as I said. The Electoral Commission has taken the boundaries of the seat of Dawson, which is principally based on Mackay, Bowen, Eyre and Home Hill, where I live, and extended the electorate into the inner suburbs of Townsville. It now goes into the suburb of Annandale, where, curiously enough, the current member for Herbert, Mr Peter Lindsay, currently lives. So the current member for Herbert, who lives slap bang in the centre of his electorate, now finds himself living in the electorate of Dawson. And wouldn’t you know it? Herbert is a very marginal seat. The suburb of Annandale, where Mr Lindsay lives, was always the best Liberal voting area in the electorate of Herbert. I am not for a moment suggesting that the Electoral Commission took that into account when determining the boundaries—

Senator Marshall—Why are you raising it then?

The ACTING DEPUTY PRESIDENT—Order! Senator Macdonald, I am endeavouring to listen to your speech very closely, for reasons which I think are apparent, so it will assist if we do not have any interjections and if you do not respond to interjections but speak to the report.

Senator IAN MACDONALD—Thank you for protecting me. I know the Labor Party are a bit sensitive about these issues. I have said to the Electoral Commission time and time again that the people of Townsville are incensed that they—people who live within five kilometres of the GPO in Townsville—will now have to look 300 or 400 kilometres to the south for the office of the current local member for Dawson. Under no
circumstances can that be a community of interest. I am just appalled at the way the Australian Electoral Commission handled that redistribution. I know they have difficulties. I know they have to balance the areas around. But putting the suburb of Annandale, which is practically in the dead centre of the city of Townsville, in the electorate of Dawson is just beyond belief. I certainly hope that the Electoral Commission will in future take more care in ensuring that there is a community of interest when they redraw boundaries.

Question agreed to.

Department of Climate Change

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the report.

Senator RONALDSON (Victoria) (5.11 pm)—Clearly the pink bats program was introduced by the government to address climate change concerns. On that basis I want to address the Department of Climate Change report and that issue today. What we do know is that this program has been a cash cow for shonky operators. It has been directly linked to 93 house fires. It has led to around 1,000 family homes being left with electrified ceilings and roofs. It has allowed about 240,000 family homes to be fitted with unsafe or substandard insulation. Tragically, it has directly led to the deaths of four young people.

There were, on the last count, 21 warnings in relation to this program—21 separate warnings in relation to safety and other issues. We are all aware of the Minter Ellison report. I will not go through it again today; I do not think anyone in this chamber or indeed anyone in Australia does not know about the Minter Ellison report. But why is it that the golden-haired boy, the teacher’s pet—Senator Arbib—is not prepared to answer some very serious questions in relation to his involvement in this matter? Why did he refuse to answer the questions posed by Senator Birmingham today in relation to whether he had received any advice at all from the department to delay implementation of this program? There are two answers to that question. It is a very simple question. The answer is either yes or no. Did we get that response today? No, we most certainly did not. The second question was in relation to Senator Birmingham’s direct quote of the minister’s involvement in the program, which was basically getting it delivered on time.

As I said this afternoon, in my view both Minister Arbib and Minister Garrett are just pawns in this whole political game. It is quite clear that the Prime Minister was directly involved in ensuring that this program was implemented urgently and without taking due regard of what I have absolutely no doubt were appropriate warnings about the potential dangers in relation to this program. This was a complete and utter shambles, as Senator Mason said. It beggars belief that you could have a report from Minter Ellison, and get a series of warnings, and the Minister for the Environment, Heritage and the Arts, and Minister Arbib, who were responsible for the implementation of the program, knew nothing about it.

Senator Parry—it beggars belief they’re ministers!

Senator RONALDSON—That is right; it does beggar belief they are ministers. This does not stack up. This was a program that was pushed forward for cheap political purposes, and Minister Arbib’s failure to answer a simple question, in my view, and in the view of those on this side of the chamber—and, I suspect, the Australian community—leads to one conclusion and one conclusion only: he did receive that advice from the department. And, given the role the Prime Min-
ister had given him to deliver this program quickly, that advice was not taken. That is a fundamental breach of the responsibilities of both of those ministers. This is a quote from the Prime Minister:

Ministerial accountability means exactly that—that they should be responsible to the Parliament for their actions, to be responsible for the operation of their department as well. Of course there becomes a difficult and grey area—there might be a minor matter of administration within a department over which the minister has no direct oversight or no direct responsibility. But ministerial accountability means that the executive is accountable to the Parliament for the administration of the department of state. And that is a core principle of Westminster and a core principle, I believe, of restoring Westminster.

The code of ministerial conduct states:

 Ministers must accept accountability for the exercise of the powers and functions of their office … and—

must accept the full implications of the principle of ministerial responsibility.

Neither Minister Arbib or Minister Garrett has accepted that—(Time expired)

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Earlier, Senator Bushby sought leave to continue his remarks on this document. We have now had a further speaker on it. Senator Bushby, I was wondering whether you still wished to seek leave?

Senator BUSHBY (Tasmania) (5.17 pm)—I still wish to seek leave to continue my remarks.

Leave granted; debate adjourned.

Rural Industries Research and Development Corporation

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the document.

I want to very quickly talk about the implementation of an importation program for beef on Monday. It is clear that there are differing views in relation to this matter. I acknowledge that the Cattle Council, for example, do not share the views of some others. But this is clearly an issue that is concerning the Australian people. To date I have not seen Minister Crean or Minister Burke actually give a clear indication of what the tracking mechanism is to ensure that BSE infected beef is not imported into this country. If there is some tracking mechanism which can satisfy people’s concerns, I am prepared to accept on the face of it that we could probably continue with this program. But at the moment there is no indication from Minister Crean or Minister Burke about this matter. There is very considerable community discontent about it. We do, as you know, Mr Acting Deputy President, have a reputation for clean, green and disease-free agriculture. But this is a serious issue. This is not about protectionism for Australian farmers; it is actually about making sure that the reputation we have built up is not tarnished by a decision to bring in beef from those countries that have BSE.

It beggars belief that we would put at risk our reputation and our industry for the sake of importing this beef. Let us have a genuine discussion about how the government is going to track where this beef is coming from. If we cannot be convinced of that then, quite frankly, I do not think we can be convinced of the integrity of this program. It starts on Monday; this beef will start coming in on Monday. This is a serious and urgent matter and I urge both ministers to address it suitably and appropriately. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Tourism Australia

Debate resumed from 4 February, on motion by Senator Parry:

That the Senate take note of the document.
Senator FARRELL (South Australia) (5.20 pm)—I wish to raise an issue in relation to tourism that is important not only to me but also to the majority of South Australians. We all know that South Australia is renowned as the top wine producing state in Australia, and one of the top wine producers in the world. Major award winning international brands like Penfolds, Hardys, Yalumba, Jacobs Creek and many others are based in South Australia, in our famous wine regions: the Barossa, the Coonawarra, Clare Valley, McLaren Vale—the list goes on and on. Of course, we are very proud of that, and we like to show off our wines, not just by selling lots of it, and drinking lots of it, but also by winning all of the awards—

Senator Barnett—Not all of them!

Senator FARRELL—Yes, we win all the awards! We are so proud of our wine in South Australia that we think it should be framed and illustrated in the most illustrious and revered of fashions. We South Australians have always known the best way to take it to the other states. The best way, the only true way, to show up our rival wine-producing states—to show up your Margaret Rivers, your Yarras or your Hunter Valleys—is to announce our viticultural greatness on our numberplates. In fact, we do this with pretty much everything we produce: defence, electronics and even roses. ‘South Australia—The Wine State’ it says as we cruise around New South Wales on a driving holiday. As we pass by, we watch all those New South Welsh men and women drown in a dread of inferiority

I know Senator Forshaw, Senator Stephens and even Senator Cameron have felt this before—the dreams of the gloaters and the drivers alike, the passionate many who have invested in one of these iconic South Australian portable advertisements, were all crushed when the Australian Bureau of Statistics report announced that New South Wales had overtaken South Australia as the country’s largest wine-producing state. This was a title we had long taken pride in. Bottle shop owners and winemakers across the state were shocked. The media was in a frenzy. South Australians everywhere were storming into their sheds, heads in hand, searching for the nearest screwdriver to remove those seemingly obsolete numberplates.

But their shame was unnecessary. ‘DON’T throw your number plates away just yet’ the news site AdelaideNow proclaimed on 9 February. It seems that the claims were wrong. The ABS corrected the released figure, stating that South Australia ‘remained the largest wine producer, with 519 million litres compared to 437 million litres in New South Wales’. Of course, upon the announcement, South Australians everywhere poured into the streets. The people, previously afraid that they may have succumbed to drinking inferior New South Wales wine, cracked open bottles of Penfolds Grange and celebrated the return of our illustrious title. I will point out to the chamber the observation of a wise man I once met, who said: ‘77.8 per cent of statistics are made up’. The ABS is one of the most accurate and respected statistics bureaus in the world, so South Australians forgive them. Coal, I believe, is the biggest export of New South Wales, but I would not be putting that on my number plate.

Question agreed to.

Mid-Year Economic and Fiscal Outlook

Senator CAMERON (New South Wales) (5.26 pm)—I would like to speak to document 29, the Mid-Year Economic and Fiscal Outlook 2009-10 statement by the Treasurer, Mr Swan, and the Minister for Finance and Deregulation, Mr Tanner. I think it is quite clear that the government’s responsibility to
lead this nation at a time of great economic challenge has been carried out in an extremely professional, exceptional manner. We delivered a package to this country that kept and underpinned 210,000 jobs in the economy.

We delivered an economic package to this country that has made this country the envy of the rest of the world. We have the lowest net government debt as a share of GDP. We have one of the lowest unemployment rates in the world of advanced economies. We have ensured that we actually plan for the future. Our economic stimulus package has delivered a new approach in this country to long-term planning for schools, for roads, for dealing with black spots, for looking at community projects—

Senator Bushby—Roof insulation!

Senator Cameron—I will take that interjection—and we have insulated the ceilings and the homes of people around this country who could never, ever have afforded to have their homes insulated. I find it the height of hypocrisy and class distinction that some of those on the other side, who have no problem finding $2,000, $3,000 or $4000 to insulate their roof, do nothing but carp and criticise when it comes to the government helping the ordinary working-class people of this country insulate their roofs. That scheme has delivered a financial saving for ordinary working people that will save them money for years to come. It will mean less greenhouse gas going into the atmosphere. The government has conceded there are issues with that project. What we are going to do is make sure it is fixed and make sure it continues to deliver for working-class people who could not otherwise afford to have their homes insulated—who are not in the same position as you, Senator Bushby, with plenty of money coming into the household and the ability to look after high electricity bills and insulation. Lots of working people in this country cannot do that.

Opposition senators interjecting—

Senator Cameron—I will tell you, Senator Bushby: we know where you come from.

The Acting Deputy President (Senator Forshaw)—Order! Senator Cameron, direct your remarks through the chair please.

Senator Cameron—We know where Senator Bushby comes from; he comes from the pack of Work Choices warriors, who would not only take away an opportunity for workers to insulate their homes but take away their penalty rates, their overtime payments and their conditions, reduce their annual leave and leave them at the mercy of some of the worst employers in this country. He stands up time and time again—

Opposition senators interjecting—

The Acting Deputy President—Order!

Opposition senators interjecting—

The Acting Deputy President—Order! Senators!

Senator Mason—Workers always do better under us than you.

The Acting Deputy President—I have called three times for order, Senator Mason, and you just continued to ignore me.

Senator Mason—I couldn’t hear you. I’m sorry.

The Acting Deputy President—I was having trouble hearing myself.

Senator Cameron—We know where the silvertails over that side come from. We know that they want to support the big end of town. We know that they will not put any fairness and equity into the Medicare surcharge levy. We know where they stand. They want to make sure that the billionaires
and the multimillionaires with their $10.5 million salaries get their Medicare levies subsidised by the ordinary workers of this country. We know where you stand. You want to come after workers’ conditions. You want to make sure that the big end of town is looked after. You want to make sure that you do nothing to interfere in the market. You want to let the market rip, at the expense of ordinary workers in this country. You were a rabble before Christmas—

The ACTING DEPUTY PRESIDENT—Order! Senator Cameron!

Senator CAMERON—You changed your leader and you are still a rabble.

The ACTING DEPUTY PRESIDENT—Order! Senator Cameron, you know that you are not supposed to keep speaking after I have called time. Your time has expired.

Senator CAMERON—I apologise, Mr Acting Deputy President.

The ACTING DEPUTY PRESIDENT—Don’t worry.

Senator MARSHALL (Victoria) (5.32 pm)—I too wish to speak on the Mid-Year Economic and Fiscal Outlook statement by the Treasurer and the Minister for Finance and Deregulation. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to government documents were considered:


National Transport Commission (NTC Australia)—Report for 2008-09. 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. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Director of National Parks—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Australian Centre for International Agricultural Research—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.


Australian Institute of Marine Science (AIMS)—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Commonwealth Grants Commission—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.


Bureau of Meteorology—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.
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.

Torres Strait Protected Zone Joint Authority—Report for 2007-08. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2009. 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 agreed to.

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 agreed to.


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 of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

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 of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.


Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2008 to 31 August 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Northern Territory Fisheries Joint Authority—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

COMMITTEES
Consideration
The following orders of the day relating to committee reports and government responses were considered:

Rural and Regional Affairs and Transport References Committee—Report—Natural
resource management and conservation challenges. Motion of the chair of the committee (Senator Nash) to take note of report agreed to.

Regional and Remote Indigenous Communities—Select Committee—Third report. Motion of Senator Parry to take note of report agreed to.

National Broadband Network—Select Committee—Third report. Motion of the chair of the committee (Senator Fisher) 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—agreed to.

Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands. Motion of the chair of the committee to take note of report called on. Debate was adjourned till the next day of sitting, Senator Parry in continuation.

Treaties—Joint Standing Committee—Report 106—Nuclear non-proliferation and disarmament. Motion of Senator McGauran to take note of report called on. On the motion of Senator Marshall the debate was adjourned till the next day of sitting.

AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Administration of the Water Smart Australia Program—Department of the Environment, Water, Heritage and the Arts; National Water Commission. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Auditor-General—Audit report no. 23 of 2009-10—Performance audit—Illegal foreign fishing in Australia’s northern waters—Australian Customs and Border Protection Service. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.
Organ Donation

Senator BILYK (Tasmania) (5.37 pm)—I rise today to speak on the very important issue of organ donation. As we know, this week is Australian Organ Donor Awareness Week. There have been many people in both the other chamber and this chamber wearing the badge that I am wearing today to say that they support organ donation and Australian Organ Donation Awareness Week.

The decision to become a donor is a very personal and a very important one. Organ donation is another one of those issues that is very confronting to people. It is an issue that we would probably prefer not to think about but one that we should think about and one that we should talk about. We should think about it because, basically, organ donation saves lives. I am proud to be a registered organ donor, as are my husband, son, daughter and both my parents, who are in their 80s.

As a bit of background, the first heart transplant was done in South Africa in 1967, with Australia following closely in 1968. I am sure that everybody in this place remembers how significant that was in those times. The first single-lung transplant in Australia was undertaken in 1990. So there was a bit of a lag. In Australia more than 80 per cent of people support organ donation as a concept, but unfortunately the percentage of registered donors is much less. Only 1,328,721 people have registered their intention with the Australian Organ Donor Register, and some of these are objections. There is still more work to be done in this very important area. Out of that number, unfortunately only 56 per cent of families actually give approval for their loved one’s organs to be donated once the loved one has deceased. I am pleased that in my home state of Tasmania the donor rate is 16 people per million compared to the national average of 12 people per million. As I said, that is really still not good enough and leaves a lot of room for improvement.

Families may decide against organ donation because they are not sure if it is what their relative would have wanted or maybe because they are scared, distressed or unable to cope at the time with the request from the medical staff. That is completely understandable, but that trauma is eased if you have discussed the issue with your family and they are aware of your wishes. I believe it is important that everyone considers organ donation and makes an informed decision about it. Regardless of whether a person is an organ donor or not, it is important to make their loved ones aware of their decision, as I said, so that their wishes are carried out.

In November last year the Prime Minister, Kevin Rudd, announced $151 million was to be spent to boost Australia’s organ donor rate through the national DonateLife network. As part of this announcement, my home state of Tasmania received funding to establish a dedicated office for organ donation. In total, the Rudd government has provided $276,000 to the Tasmanian program for the 2009-10 financial year. The DonateLife network has the key message of ‘discover, decide and discuss’, which encompasses the three steps needed when considering organ donation.

Firstly, it is important to understand the facts, obviously so an informed decision can be made. Once you have made the decision, it is important to fill out the forms, but more important is the step of discussing this decision with your family. Almost 50 per cent of people do not realise that their family would have to confirm their wishes to be a donor. Dr Andrew Taylor from the Royal Hobart Hospital has been appointed as the Tasmanian State Medical Director with the Australian Organ and Tissue Donation and Transplantation Authority in Tasmania. Dr Taylor will provide support and education for fami-
lies experiencing the loss of a loved one and confronting what is a very difficult decision to make at such a traumatic time. He will also be Tasmania’s link to the national DonateLife network. He will develop Tasmania’s first organ and tissue donation agency. This is an important step forward for Tasmania, as it has previously been necessary to fly clinicians from Victoria to assess potential donors. Dr Taylor will be assisted by Rob Thornton, an experienced nurse, and both the Launceston General Hospital and the North West Regional Hospital will provide services on a part-time basis.

In Australia during 2009, 247 people donated their organs. Because of this, almost 800 people were able to have transplants. However, as of 4 January 2010, 1,770 people were waiting to get the phone call that gives them another chance at life and, sadly, not all of them will have a donor in time to save their life. To become an organ donor, people should register with the Australian Organ Donor Register. Registering is not a guarantee that your organs will be used. Families are still consulted and may override your decision. However, this is rare, especially if they have been aware of your wishes prior to your death.

Health professionals have access to the register 24 hours a day so they can check if the patient is on the register. Even if a patient is not a registered donor, doctors may still ask the families if they would consent to the organs being donated if the person is likely to be a potential candidate as a donor. While everyone can be registered donors, only about one per cent of the population can be organ donors. This is because it is necessary for the donors to actually die in hospital so that they can be kept on a ventilator while the organs are harvested. For those people who are unfortunately killed in road accidents and things like that, even if they are registered organ donors, their organs are not suitable to be donated.

There are a number of myths regarding organ donation which I would like to clarify. One is the comment that doctors may not work as hard to save the life of a person who is a registered donor. This is simply not true. Doctors have an obligation to save lives whenever it is possible and, I believe, in all cases work hard to do that. The medical staff who treat patients are not transplant physicians. The role of the transplant physician is to liaise with candidates and recipients rather than work in the emergency department or surgery.

Another myth is that it is possible for people to be declared dead when they are still alive, and this is a concern that a lot of people seem to have. But there are strict guidelines, covered by legislation, to ensure that people have been assessed properly before being declared deceased. Some people also worry that organ donors’ bodies will be mutilated and therefore it would not be possible to have an open casket at the funeral. The procedure is undertaken as carefully as any surgery would be. All attempts are made to ensure scars are minimal. Even skin and corneas can be donated with limited impact. People may be concerned that their organs might be used for medical research, but this is another myth, because this is only allowed if specific consent has been given.

Contrary to popular belief, age is not a factor in organ donation. Elderly people can be donors, as can infants. It depends on the physical health of the person. Some donors’ organs may all be suitable for donation, while other people may have only one or two organs suitable for donation. It is also untrue that families of organ donors are charged for the removal of the organs; this expense is met by the government.
It should also be noted that it is possible for living people to donate some organs and tissue. For example, a person can function with one healthy kidney, so they may give the other one to someone in need of a transplant if they are a match. This often happens between family members. Bone marrow can also be taken from a live donor.

One example of a live donor is the late Michelle Eather of Tasmania. Michelle donated a kidney to a stranger from America in 2007. Unfortunately, Michelle passed away in 2009 as a result of complications from multiple sclerosis. Michelle maintained she had made the right decision right up until she died. Due to the circumstances of her death, Michelle’s organs could not be donated; however, permission was granted for them to be used for medical research into multiple sclerosis.

Australian Doujon Zammit was also an organ donor following his tragic death in Greece while on holiday. Mr Zammit had expressed his views on organ donation, and his family followed his wishes. Doujon’s organs saved four lives, including that of Australian Kostas Gribilas. A new heart allowed Kostas to marry his partner, Poppy, with Doujon’s father, Oliver, as best man. Some well-known people have had to have organ transplants, including Aboriginal activist Charles Perkins—(Time expired)

Debate interrupted.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Asylum Seekers

Senator FAULKNER (New South Wales—Minister for Defence) (5.47 pm)—Mr President, I seek leave to table a document.

Leave granted.

Senator FAULKNER—I thank the Senate very much for its courtesy. I indicated after question time today that I hoped I would be in a position to table the inquiry officer’s report into suspected illegal entry vessel 36. I indicated that, although this report had already been released by the coroner, I was keen to comply with a commitment I gave in the Senate last year to Senator Ferguson, and I am now able to table the report. I thank the Senate again for allowing me to do so during the adjournment debate.

ADJOURNMENT

Debate resumed.

Mr Michael Hodgman QC

Senator BUSHBY (Tasmania) (5.48 pm)—I rise to speak on the retirement of a prominent Tasmanian from public life, a Tasmanian who has spent 44 years in the service of his fellow Tasmanians and Australians, 35 of those years in parliamentary service. Of course, I am speaking about one of the greatest characters in Australian politics over the last 50 years or so, the Mouth from the South, the Hon. Michael Hodgman QC MP. I wanted to add my comments to those made in this place some weeks ago by Senator Barnett. There is much that can be said of Michael—his time in public office; his passion for Tasmania, for Hobart, for regional Australia, for the law; his antics, his stunts, his legendary rhetoric; and his loyalty to our sovereign, Her Majesty the Queen of Australia.

Michael Hodgman is the longest currently serving member of any Australian parliament. He was first elected in 1966 as an Independent member of Tasmania’s upper house Legislative Council—it is a quirk of Tasmania’s electoral system—in the seat of Huon. In an ‘only in Tasmania’ moment, he was re-elected unopposed in 1972. Michael resigned in 1974 and was elected Liberal federal member for Denison in 1975. He was re-elected in 1977, 1980, 1983 and 1984, before being defeated in 1987 following a
redistribution of electoral boundaries. During this time, he served as a minister in the Fraser coalition government. After one further, unsuccessful shot at the federal seat of Denison in 1990, Michael decided to run for state parliament and in 1992 he was elected as the member for the state seat of Denison in the Tasmanian House of Assembly, a position he successfully defended in the 1996 state election. He was subsequently defeated in 1998 but came back again in a count-back in 2001 following the retirement of former state premier Ray Groom, whose son, Matt, is campaigning to replace Michael on 20 March in the state election. He was then re-elected in 2002 and again in 2006.

As a Tasmanian growing up in a political family—like Michael, my father was a politician—the spectre of Michael Hodgman has always loomed large for me and I am proud to have the opportunity to pay tribute to this great Tasmanian this evening. But Michael’s impact has extended far beyond someone like me who grew up with politics within Tasmania. Indeed, there are very few political observers across Australia who are not aware of Michael’s work, his oratory and passion for Australia and for its sovereign. Michael Hodgman is a politician of the old school and, now aged 71, his time in politics has seen him part of a momentous period in Australian life. He has known many of our nation’s and, for that matter, the world’s leaders. Most famously, his oratory earned him the title of Mouth from the South, as mentioned already, and his passion for Australia earned him the title of Patriot. He has an incredible memory—an amazing ability to recall people’s names, their background and an issue they might have brought up with him years ago.

Whether it is his passion for the horses, his beloved football club Geelong, the navy, boxing or tennis, Michael has always led an active life and, therefore, it is a tragedy that the reason for his retirement is his health and a sad lesson to us all on the impact of long-term smoking.

Michael has been a champion of many causes. He was resolute about the Indonesian presence in East Timor, to the detriment of his own career advancement in the Fraser government during the late 1970s. He was one of the first politicians to speak out vehemently against apartheid when many others were conveniently looking the other way. He fought for the Huon naval base in Hobart, the retention of the historic Anglesea Barracks, the establishment of the Antarctic Division headquarters in Kingston, south of Hobart, and the CSIRO moving to Hobart.

He was proud to be Minister for the Capital Territory and in that role to be involved in the construction of this building and working closely with the chairman of the Parliament House Construction Authority, Sir John Holland. Michael and his Canberra flatmate, Bruce Goodluck, who held the neighbouring seat of Franklin, were known at the time as the ‘odd couple’ and were well known nationally for their antics in seeking publicity, and sometimes some of these antics involved taking the micky out of each other. Bruce Goodluck told a story where he bought pink paper, sprinkled it with Chanel No. 5 and wrote on it: ‘Dear Mr Hodgman, I have had my eyes on you since you first came to parliament. If you are interested wear a red carnation. I usually frequent the press boxes.’ Of course, the next day Michael Hodgman was seen frequenting the press gallery and boxes wearing a red carnation.

But behind the pranks was a very serious message to governments—ignore the outlying states and the regional seats at their peril. Michael was a ferocious fighter for what he believed in such as tackling the Hawke socialist government, states’ rights, East Timorese freedom and immigration. He is
known for his pressure to speed up the development of Hobart’s Southern Outlet, lobbying for Hobart’s second bridge, railing against the Soviet Union and above all fighting for the battlers.

Many of Canberra’s older residents would remember Michael’s reign as Minister for the Capital Territory. He was also known as the ‘Minister for Opening Doors’ because, if there was an opening occurring, he would be there. In fact, press coverage at the time sometimes speculated whether Michael actually spent any time away from Canberra. Once when Michael was criticised for removing protesters from the Parliament House lawns in his role as minister he explained that it was to give other demonstrators more room.

When Michael Hodgman was Minister for the Capital Territory his departmental officials found him excellent at raising the profile of Canberra and promoting the national capital, but sometimes the routine paperwork was neglected. After the ministerial in-tray had grown to the dimensions of a small mountain one senior public servant, a Mr Dempster, suggested ever so mildly to the minister that he might want to deal with some of the submissions. Michael got on very well with Mr Dempster and had given him a nickname, and responded: ‘Look, Hamster, you worry about the paperwork, and I’ll worry about the politics!’

Notable incidents seemed to follow Michael. There was a story that during the 1990 federal election campaign at an election fundraiser some of the women taking part in a fashion parade started to auction off their clothes to the highest bidder. By all accounts at least one Michael Hodgman t-shirt and one bra were removed and auctioned off. The auction was only a week after a reported wet t-shirt contest, again involving a Michael Hodgman t-shirt. The stories made the front page of the Hobart Mercury a week before the election.

I can clearly remember the notoriety Michael received for his comments that caused the leadership spill which saw Andrew Peacock take the Liberal leadership from the then leader John Howard. I do not think Mr Howard ever quite forgave Michael for that. There were also Michael’s own leadership ambitions. At one point he was widely reported as a potential leader of the Liberal Party and in one ballot finished only 12 votes behind John Howard for deputy leader. Michael was also touted as a potential leader in the Tasmanian state parliament but, despite putting his name forward, this was not to be.

There is no doubt that Michael has led a colourful career and life; that description is one I repeatedly found when researching this speech. Even though he has been colourful he has been compassionate and he has delivered real outcomes for his constituents. Michael has served Tasmanians and Australians with absolute dedication often to the detriment of his life and time with a family that he loves deeply.

On 20 March 2010 Michael retires from active service in the Tasmanian parliament. I have no doubt that this will be with a very heavy heart as so much of his life has revolved around service to Tasmanians and Australians. Despite this, I suspect Michael is looking forward to that day, not because it will provide him an opportunity to wind down and spend more time with his grandchildren and his family or to pursue pastimes that he has not had time for since first entering parliament some 44 years ago, but because it will, with a fair wind, be the day that his son, Will Hodgman, will become Premier of Tasmania.

**Climate Change and Agriculture**

**Senator FURNER** (Queensland) (5.56 pm)—This evening I rise to discuss a matter
in my backyard. Last month on a hot Queens-
land summer day I was given the opportu-
nity to accompany the Hon. Tony Burke MP,
Minister for Agriculture, Forestry and Fish-
eries, to inspect a successful project funded
by the federal government on a farm in
Morwincha in southern Queensland. Anyone
who has travelled the Cunningham Highway
would have passed the area when driving
through Aratula.

Brookland Stud is run by Ian and Barbara
Conochie with their son, Stewart, and his
wife, Karen, and it is a successful 238 acre
dairy farm with about 150 jersey cows that
bring in 5,000 litres of milk per cow annu-
ally. The Conochies have been in Morwincha
for over 40 years and Stewart is a second
generation farmer. However, the family has
had the same stock of jerseys for three gen-
erations beginning with Ian’s father in the
early 1900s. The Conochies have 40 pad-
docks on their farm with two-thirds planted
with kikuyu pastures and the other third with
lucerne and rye grass.

The reason for our visit was to inspect a
successful climate friendly project which
was implemented on the farm thanks to fed-
eral government funding. Most of us recog-
nise climate change as a huge global issue
and one we must address. We live in one of
the driest continents on earth and, if we take
no action, we will lose our agriculture indus-
try along with our tourism industry, which
employs tens of thousands of people.

Australia’s agricultural industry is worth
$36.1 billion to our economy and employs
about 360,000 people. We are major export-
ers of agriculture and the industry comprises
35 per cent of Australia’s exports. The indus-
try is expected to feel the full brunt of cli-
mate change, and we have already seen how
drought has been affecting farming families
in recent years. That is why it is important
for this government to continue investing in
the agriculture industry to help our farmers
expand their knowledge and adapt their skills
to enable them to invest and install more
climate friendly practices on their farms.
This is not only to prepare them for climate
change but also to insure that their liveli-
hoods will not be lost.

One program encouraging farm sustain-
ability is Caring for our Country. The Au-
stralian government provided $153,700 in fund-
ing to the Queensland Dairy Farmers Organi-
sation, QDO, under Caring for our Country
for its support of climate conscious milk pro-
duction in southern Queensland through ad-
aptation and mitigation. Thanks to this pro-
ject, farmers from more than 40 farms in
southern Queensland were given training and
education on how to best manage the risks
and impacts of climate change. A large por-
tion of the funding was also allocated to sup-
port the implementation of on-farm activities
to help address the risks associated with cli-
mate change.

Under the QDO’s project, Brookland Stud
was granted assistance to upgrade their exist-
ing high-pressure irrigation system to a low-
pressure towable centre pivot. This system
enables the Conochies to use their irrigation
water more efficiently and therefore enhance
productivity. The cost of this new and more
efficient system has been about $74,000
compared to the travel irrigator’s price tag of
$20,000. However the Conochies have al-
ready seen the benefits from their new in-
vestment.

QDO’s executive officer, Adrian Peake,
who attended the farm visit along with QDO
president, Brian Tessman, QDO vice presi-
dent, Ross McInnes, QDO executive member
and chairperson of the Queensland Rural
Industry Training Council, Jenny Easlea, and
QDO project manager, Ruth McInnes, all
said that low-pressure system irrigators pro-
vided many more benefits when compared to
a high-pressure system. They said that the benefits from making the switch included a saving of over 50 per cent in energy use, a 25 per cent increase in productivity due to improved water application and distribution, a reduction in labour and lower maintenance costs. The Conochies have had the new irrigation system up and running on Brookland Stud for six months and have found a 25 per cent increase in productivity. Stewart said the paddocks could now be brought back in four to five days because of the fast growth of the pastures and they would be looking at lowering the rotation as well as turning grass into hay. The Conochies were very welcoming and took Minister Burke and me out to the paddock along with the others where their low-pressure centre pivot was in operation. I in my RMs wandering around the pasture was up to my ankles in a field that was looking very lush and green.

The new centre pivot system costs quite a considerable amount more than the existing travelling irrigator—almost three times more—but the Conochies have found it to be more efficient, power saving and lower maintenance. In fact they have found it to save more than 40 per cent in time and labour. Stewart said it takes about 45 minutes to shift the new central pivot, whereas the older system took 30 minutes to shift and another 30 to 45 minutes to set it up. He also said the old system’s longevity was not as good as the newer system. The Conochies have also found that the area watered by a single pivot has increased by 400 per cent.

The implementation of more climate-friendly technologies like the low-pressure centre pivot irrigation system are imperative to our future and for the continued success of our agriculture industry. The Australian government has invested $2 billion into Caring for Our Country, which aims to improve biodiversity and sustainable farm practices. The objective of the new program, which began in 2008 and incorporates the Natural Heritage Trust, the National Landcare Program, the Environmental Stewardship Program and the Working on Country Indigenous land and sea ranger programs, is ‘have an environment that is healthy, better protected, well-managed, resilient, and that provides essential ecosystem services in a changing climate’. It has six national priorities which are: a national reserve system; biodiversity and natural icons; coastal environments and critical aquatic habitats; sustainable farm practices; natural resource management in remote and Northern Australia; and community skills, knowledge and engagement. More than 60 per cent of Australia is used for agricultural purposes, which is why it is important that we find sustainable and climate-friendly farming practices.

According to the Caring for Our Country website, in its first five years since inception, from 2008 to 2013, the program will: assist at least 30 per cent of farmers to increase their uptake of sustainable farm and land management practices that deliver improved ecosystem services; increase the number of farmers who adopt stewarding and property management plans or other arrangements to improve the environment both on farm and off farm; and improve the knowledge, skills and engagement of at least 30 per cent of land managers and farmers in managing our natural resources and the environment.

Thanks to the Queensland Dairyfarmers’ initiative to educate and help local farmers move into more climate-friendly technologies with the help of the federal government’s Caring for Our Country program, the Conochies now have a new system which is water saving, more manageable and more energy efficient, and has increased their productivity by 25 per cent. If more farms adopt sustainable practices like the Conochies, we will see more productivity while saving our most precious resource—water. Our farmers
are among the most innovative in the world and the Rudd Labor government will continue to help them stay ahead of the game when dealing with the impacts of climate change. The Rudd government has continued its support of Australia’s primary producers as they adapt to a changing climate, announcing $3 million in funding under the second round of the FarmReady Industry Grants. No-one will feel the effects of climate change more than our farmers, and they continue to respond strongly to this support.

I guess it is ironic that today in this chamber the opposition once again tried another stunt of deferring the Carbon Pollution Reduction Scheme bills off to another inquiry, the third inquiry that they have been involved in. It shows their commitment, after 12 years of neglect, in not being willing to deal with this particular impost on our environment. It demonstrates clearly their commitment when it comes to the environment and climate change. In closing, it certainly was a pleasure to spend time with generational dairy farmers like the Conochies and listen to the way they are successfully dealing with issues that affect their lives concerning climate change.

**Senate adjourned at 6.05 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

- Migration Act—Statements for period 1 July to 31 December 2009 under sections—
  - 46A(2) [29].
  - 197AB [14].
  - 417 [169].

**Return to Order**

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended:

- Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the period 1 July 2007 to 30 June 2009.

**Departmental and Agency Contracts**

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

- Departmental and agency contracts for 2009—Letters of advice—
  - Agriculture, Fisheries and Forestry portfolio agencies.
  - Broadband, Communications and the Digital Economy portfolio agencies.
  - Finance and Deregulation portfolio agencies.
  - Foreign Affairs and Trade portfolio agencies.
  - Human Services portfolio agencies.
  - Infrastructure, Transport, Regional Development and Local Government portfolio agencies.
  - Prime Minister and Cabinet portfolio agencies.
  - Treasury portfolio agencies.

**Indexed Lists of Departmental and Agency Files**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

- Indexed lists of departmental and agency files for the period 1 July to 31 December 2009—Statements of compliance—
  - National Archives of Australia.
  - Old Parliament House.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Innovation, Industry, Science and Research

(Question No. 2179)

Senator Ronaldson asked the Minister for Innovation, Industry, Science and Research, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year:
   (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and
   (b) what was the total cost of: (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including:
   (a) the cost of producing each of these publications; and
   (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so:
   (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary;
   (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and
   (c) what resources does the department provide to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so:
   (a) how and to whom; and
   (b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Carr—The answer to the honourable senator’s question is as follows:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minister Carr</strong></td>
<td><strong>1(a) Brand and Model</strong></td>
<td><strong>1(b)(i) Total cost of printer cartridge and/or toner</strong></td>
</tr>
<tr>
<td></td>
<td>2 x Canon LBP5975 (one each in Parliament House and Treasury Place offices)</td>
<td>Please refer to part (3) below</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
1(a) Brand and Model 1(b)(i) Total cost of printer cartridge and/or toner 1(b)(ii) Cost of servicing

| Canon IRC5185* | $6,558.81** (GST Exclusive) | Refer to 1(b)(i) |

* This is a multi-function device which is used within the Office as a photocopier, printer and scanner
** This figure covers all costs associated with the multi-function device which includes: toner; drums; preventative maintenance and parts; metre reading and click charges and service costs.

**Parliamentary Secretary Marles**

(a) and (b) (i) to (ii) Parliamentary Secretary Marles was not issued a colour printer in the financial year 2008-09 and as such incurred no costs. (Parliamentary Secretary Marles was appointed as Parliamentary Secretary on 9 June 2009.)

(2) Costs for photocopy paper are not able to be provided separately and are covered within office consumables. Refer to answer to part (3) below.

(3) **Minister Carr**

$35,171.67 (GST Exclusive). This is a total figure that includes stationery, photocopy paper, toner cartridges, and other office supplies.

**Parliamentary Secretary Marles**

Parliamentary Secretary Marles did not incur any costs associated with office consumables in financial year 2008-09. (Parliamentary Secretary Marles was appointed as Parliamentary Secretary on 9 June 2009.)

(4) (a) The total cost of producing each of the publications was:

<table>
<thead>
<tr>
<th>Name of Publication</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questacon’s Annual Review 2007-08</td>
<td>$6,390.00</td>
</tr>
<tr>
<td>Stepping up to meet national needs: Review of Questacon - The National Science and Technology Centre July 2008</td>
<td>$6,040.00</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 60 - 10/06/09</td>
<td>$0.00</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 59 - 20/05/09</td>
<td>$0.00</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 54 - 10/12/08</td>
<td>$0.00</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 52 - 23/10/08</td>
<td>$0.00</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 50 - 06/08/08</td>
<td>$0.00</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 49 - 01/07/08</td>
<td>$0.00</td>
</tr>
<tr>
<td>Australian Aerospace Industry Forum Newsletter</td>
<td>$335.00</td>
</tr>
<tr>
<td>Australian Industry Capability Directory: Aerospace Down Under, Farnborough 2008</td>
<td>$7,920.00</td>
</tr>
<tr>
<td>A New Car Plan for a Greener Future</td>
<td>$9,255.14</td>
</tr>
<tr>
<td>South Australia Innovation and Investment Fund Guide for Applications</td>
<td>$0.00</td>
</tr>
<tr>
<td>Geelong Investment and Innovation Guide for Applications</td>
<td>$0.00</td>
</tr>
<tr>
<td>Enterprise Connect Conference 2009 (March)</td>
<td>$2,206.00</td>
</tr>
<tr>
<td>ENewsletter Edition 1 September 2008</td>
<td>$0.00</td>
</tr>
<tr>
<td>ENewsletter Edition 2 September (Special) 2008</td>
<td>$0.00</td>
</tr>
<tr>
<td>ENewsletter Edition 3 December 2008</td>
<td>$0.00</td>
</tr>
<tr>
<td>ENewsletter Edition 4 December 2008</td>
<td>$0.00</td>
</tr>
<tr>
<td>ENewsletter Edition 5 Jan 2009</td>
<td>$0.00</td>
</tr>
<tr>
<td>ENewsletter Edition 6 April 2009</td>
<td>$0.00</td>
</tr>
<tr>
<td>General Manager’s Update No 2</td>
<td>$0.00</td>
</tr>
<tr>
<td>General Manager’s Update No 3</td>
<td>$0.00</td>
</tr>
<tr>
<td>Name of Publication</td>
<td>Total Cost</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>General Manager’s Update No 6</td>
<td>$0.00</td>
</tr>
<tr>
<td>General Manager’s Update No 7</td>
<td>$0.00</td>
</tr>
<tr>
<td>Portfolio Additional Estimates Statements</td>
<td>$2,120.00</td>
</tr>
<tr>
<td>Portfolio Budget Statements</td>
<td>$9,010.00</td>
</tr>
<tr>
<td>DIISR Annual Report 2007-08</td>
<td>$26,306.00</td>
</tr>
<tr>
<td>Success Through Innovation newsletters (three issues)</td>
<td>$3,269.00</td>
</tr>
<tr>
<td>Biotech Business Indicators - Bio 09 Special Edition</td>
<td>$1,530.00</td>
</tr>
<tr>
<td>18 Budget Fact Sheets produced for 2009-10 Budget announcements</td>
<td>$7,812.00</td>
</tr>
<tr>
<td>Powering Ideas: An Innovation Agenda for the 21st Century (Full Report)</td>
<td>$18,900.00</td>
</tr>
<tr>
<td>Powering Ideas: An Innovation Agenda for the 21st Century (Exec Summary)</td>
<td>$7,980.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$116,493.14</td>
</tr>
</tbody>
</table>

Note:
The figures above are GST Exclusive. Where a cost of $0 is declared, the publication was produced by departmental officers and distributed by email or placed on the internet.

(b) The number of copies distributed and the category of persons to whom they were distributed were:

<table>
<thead>
<tr>
<th>Name of Publication</th>
<th>Distribution</th>
<th>Categories of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questacon’s Annual Review 2007-08</td>
<td>1,950</td>
<td>Internal, Minister Carr’s Office, media, parliamentarians, industry stakeholders</td>
</tr>
<tr>
<td>Stepping up to meet national needs: Review of Questacon - The National Science and Technology Centre July 2008</td>
<td>185</td>
<td>Minister Carr’s Office, Members of Steering Committee, individuals who provided input to the report, Deans of Science and internal staff</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 60 - 10/06/09</td>
<td>5,133</td>
<td>E-Bulletin subscribers - AusIndustry stakeholders, customers, and internal staff</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 59 - 20/05/09</td>
<td>5,119</td>
<td>E-Bulletin subscribers - AusIndustry stakeholders, customers, and internal staff</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 54 - 10/12/08</td>
<td>4,809</td>
<td>E-Bulletin subscribers - AusIndustry stakeholders, customers, and internal staff</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 52 - 23/10/08</td>
<td>4,654</td>
<td>E-Bulletin subscribers - AusIndustry stakeholders, customers, and internal staff</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 50 - 06/08/08</td>
<td>4,440</td>
<td>E-Bulletin subscribers - AusIndustry stakeholders, customers, and internal staff</td>
</tr>
<tr>
<td>AusIndustry E-Bulletin - Issue 49 - 01/07/08</td>
<td>4321</td>
<td>E-Bulletin subscribers - AusIndustry stakeholders, customers, and internal staff</td>
</tr>
<tr>
<td>Australian Aerospace Industry Forum Newsletter</td>
<td>250</td>
<td>Aerospace Industry stakeholders</td>
</tr>
<tr>
<td>Australian Industry Capability Directory: Aerospace Down Under, Farnborough 2008</td>
<td>500</td>
<td>Potential customers/companies at the Farnborough International Air show</td>
</tr>
<tr>
<td>A New Car Plan for a Greener Future</td>
<td>1,317</td>
<td>Industry stakeholders, internal staff, Minister Carr’s Office</td>
</tr>
<tr>
<td>South Australia Innovation and Investment Fund Guide for Applications</td>
<td>0</td>
<td>Via website only</td>
</tr>
<tr>
<td>Name of Publication</td>
<td>Distribution</td>
<td>Categories of persons</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>--------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Geelong Investment and Innovation Guide for Applications</td>
<td>0</td>
<td>Via website only</td>
</tr>
<tr>
<td>Enterprise Connect Conference 2009 (March)</td>
<td>200</td>
<td>Conference delegates</td>
</tr>
<tr>
<td>ENewsletter Edition 1 September 2008</td>
<td>170</td>
<td>Internal staff; industry stakeholders; media</td>
</tr>
<tr>
<td>ENewsletter Edition 2 September (Special) 2008</td>
<td>170</td>
<td>Internal staff; industry stakeholders; media</td>
</tr>
<tr>
<td>ENewsletter Edition 3 December 2008</td>
<td>170</td>
<td>Internal staff; industry stakeholders; media</td>
</tr>
<tr>
<td>ENewsletter Edition 4 December 2008</td>
<td>170</td>
<td>Internal staff; industry stakeholders; media</td>
</tr>
<tr>
<td>ENewsletter Edition 5 January 2009</td>
<td>170</td>
<td>Internal staff; industry stakeholders; media</td>
</tr>
<tr>
<td>ENewsletter Edition 6 April 2009</td>
<td>170</td>
<td>Internal staff; industry stakeholders; media</td>
</tr>
<tr>
<td>General Manager’s Update No 2</td>
<td>150</td>
<td>Internal staff; partner organisations &amp; their business advisers (part of the Enterprise Connect Program)</td>
</tr>
<tr>
<td>General Manager’s Update No 3</td>
<td>150</td>
<td>Internal staff; partner organisations &amp; their business advisers (part of the Enterprise Connect Program)</td>
</tr>
<tr>
<td>General Manager’s Update No 6</td>
<td>150</td>
<td>Internal staff; partner organisations &amp; their business advisers (part of the Enterprise Connect Program)</td>
</tr>
<tr>
<td>General Manager’s Update No 7</td>
<td>150</td>
<td>Internal staff; partner organisations &amp; their business advisers (part of the Enterprise Connect Program)</td>
</tr>
<tr>
<td>Portfolio Additional Estimates Statements</td>
<td>700</td>
<td>Parliamentary officials; internal staff; government officials and placed on internet for public to access</td>
</tr>
<tr>
<td>Portfolio Budget Statements</td>
<td>1,000</td>
<td>Parliamentary officials; internal staff; government officials and placed on internet for public to access</td>
</tr>
<tr>
<td>DIISR Annual Report 2007-08</td>
<td>1,100</td>
<td>Parliament, internal staff, stakeholders, media and placed on internet for public access</td>
</tr>
<tr>
<td>Success Through Innovation newsletters (three issues)</td>
<td>600</td>
<td>CRC Program stakeholders (research providers and industry stakeholders)</td>
</tr>
<tr>
<td>Biotech Business Indicators - Bio 09 Special Edition</td>
<td>900</td>
<td>Industry attendees, Australian and international at major international conference: Bio 09 in Atlanta, USA.</td>
</tr>
<tr>
<td>18 Budget Fact Sheets produced for 2009-10 Budget (500 of each printed)</td>
<td>9,000</td>
<td>Minister Carr’s Office, panel members, industry and academic stakeholders, international stakeholders, internal staff</td>
</tr>
<tr>
<td>Powering Ideas: An Innovation Agenda for the 21st Century (Full Report)</td>
<td>1,888</td>
<td>Minister Carr’s Office, panel members, industry and academic stakeholders, international stakeholders, internal staff</td>
</tr>
<tr>
<td>Powering Ideas: An Innovation Agenda for the 21st Century (Exec Summary)</td>
<td>1,883</td>
<td>Minister Carr’s Office, panel members, industry and academic stakeholders, international stakeholders, internal staff</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>62,213</strong></td>
<td></td>
</tr>
</tbody>
</table>
(5) (a) Minister Carr’s and Parliamentary Secretary Marles’ sites were developed in-house using existing resources so there was no direct cost to the department.
(b) An updated version of Minister Carr’s site went live in August 2008. The site was redeveloped in-house and there was no direct cost to the department.
(c) The site is maintained and updated by 0.1 of a Full Time Equivalent APS6.

(6) The Department of Innovation, Industry, Science and Research does distribute media releases for Minister Carr and Parliamentary Secretary Marles.

(a) The Department distributes media releases for Minister Carr and Parliamentary Secretary Marles via Media Monitors, an external agency providing media and distribution services, and also via email. The recipients of the media releases are primarily journalists and media outlets.
(b) For the 2008-09 financial year the cost of distribution for media releases for Minister Carr was $26,369.70 (GST Exclusive). Parliamentary Secretary Marles did not incur any costs for the distribution of media releases for financial year 2008-09. (Parliamentary Secretary Marles was appointed as Parliamentary Secretary on 9 June 2009.)

Prime Minister and Cabinet: Program Funding
(Question No. 2427)

Senator Ronaldson asked the Minister representing the Prime Minister, 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 Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:
The Department of the Prime Minister and Cabinet did not report against any defined programs in 2008-09.
Information about the Department’s financial performance can be seen at Table 9.2 (p. 157) of the Department of the Prime Minister and Cabinet Annual Report 2008-09.

Minister for Defence and Parliamentary Secretary: Hospitality
(Question No. 2551)

Senator Johnston asked the Minister for Defence, upon notice, on 11 January 2010:
For the period 1 July to 30 September 2009:
(1) (a) What was the hospitality spend for each agency within the responsibility of the Minister/Parliamentary Secretary; and (b) for each hospitality event, can the following details be provided: (i) the date, (ii) the location, (iii) the purpose, and (iv) the cost.
(2) (a) Can details be provided of the total hospitality spend for the office of the Minister/Parliamentary Secretary.

Senator Faulkner—The answer to the honourable senator’s question is as follows:
(1) (a) Defence: $0.407m (GST inclusive)
This amount comprised:
Representation Allowance paid to members stationed overseas $0.135m
This expense related to Defence members required to represent the Defence Organisation at official events whilst on duty overseas.
Other official entertainment costs incurred by Defence $0.272m

This expense includes dinners for official visitors from overseas and refreshment costs for events that marked significant achievements and involved attendance by people external to Defence.

Defence Housing Australia: $8,425 (GST inclusive)

(b) The precise detail requested in the question is not readily available and I am not prepared to authorise the commitment of resources required to provide a detailed response.

(2) (a) The table below provides details against each office for their total hospitality spend, inclusive of GST:

<table>
<thead>
<tr>
<th>Office</th>
<th>Expenditure 1 July to 30 September 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence</td>
<td>$98.50</td>
</tr>
<tr>
<td>Minister for Defence Personnel, Materiel and</td>
<td>Nil</td>
</tr>
<tr>
<td>Science</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>Nil</td>
</tr>
<tr>
<td>Total</td>
<td>$98.50</td>
</tr>
</tbody>
</table>

Defence: Reviews
(Question No. 2555)

Senator Johnston asked the Minister for Defence, upon notice, on 11 January 2009:

(1) For each portfolio/agency within the responsibility of the Minister/Parliamentary Secretary, how many reviews are currently being undertaken in the portfolio/agency or affecting the portfolio/agency.

(2) What was the commencement date of each review.

(3) When will each review conclude.

(4) (a) Which reviews were completed in the period 1 July to 30 September 2009; and (b) when will the Government respond to the each of these reviews.

(5) As at 31 December 2009, what was the cost of each of these reviews.
**Senator Faulkner**—The answer to the honourable senator’s question is as follows:

(1) to (5) For a list of Defence’s significant reviews, please refer to the table below.

<table>
<thead>
<tr>
<th>Review</th>
<th>Commenced</th>
<th>Concluded</th>
<th>Response</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Airlift Continuous Improvement Project</td>
<td>July 2009</td>
<td>Initial review expected to be completed by end 2010 with potential for further initiatives implemented post 2010</td>
<td>Response not applicable</td>
<td>$294,000</td>
</tr>
<tr>
<td>Wide Area Surveillance Improvement Project</td>
<td>October 2009</td>
<td>Initial review expected to be completed by end 2010 with potential for further initiatives implemented post 2010</td>
<td>Response not applicable</td>
<td>Nil</td>
</tr>
<tr>
<td>Strategic Review of Naval Engineering</td>
<td>July 2009</td>
<td>November 2009</td>
<td>Response not applicable</td>
<td>$144,189</td>
</tr>
<tr>
<td>Review of the Reserve Service (Protection) Act</td>
<td>April 2007</td>
<td>September 2009</td>
<td>The Government is currently considering these recommendations</td>
<td>$78,610</td>
</tr>
<tr>
<td>Review of the Army Reserve Approved Future Force</td>
<td>May 2009</td>
<td>August 2009</td>
<td>The Government is yet to consider the outcome of this review as it will be considered holistically as part of the Rebalancing Army Implementation Plan</td>
<td>Nil</td>
</tr>
<tr>
<td>Review into Australian industry’s capacity and capability to support Defence’s Electronic Warfare</td>
<td>December 2009</td>
<td>April 2010</td>
<td>Defence will consult with the Government on the results</td>
<td>$256,248</td>
</tr>
<tr>
<td>Australian Strategic Policy Institute review into Defence’s capability planning</td>
<td>October 2009</td>
<td>December 2009</td>
<td>Defence will consult with the Government on the results</td>
<td>$161,000</td>
</tr>
</tbody>
</table>
Thursday, 25 February 2010

SENATE

1307

Defence White Paper

(Question No. 2557)

Senator Johnston asked the Minister for Defence upon notice, on 11 January 2009:

(1) What was the rationale behind the statement ‘the Government takes the view that our future strategic circumstances necessitate a substantially expanded submarine fleet of 12 boats in order to sustain a force at sea’ (Defence White Paper 2009, p. 64, paragraph 8.40).

(2) Will the Royal Australian Navy be capable of manning 12 future submarines when it had great difficulty in 2009 of manning and operating just one submarine.

(3) What is the expected cost of acquiring 12 future submarines.

(4) Will the submarines be built in South Australia.

(5) When is it expected that the first approval will be provided to advance the purchase of the 12 future submarines.

(6) What is the expected through-life support and operating costs of a fleet of 12 future submarines over a 30 year operating period.

(7) When is it envisaged that the first of the 12 future submarines will be launched and fully operational.

(8) What is the phasing-out program for the existing Collins Class submarines.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) In preparing this White Paper, the Government focused most directly on the force structure that the Defence Force would need to secure Australia. As the White Paper notes, the force structure required to deter or defeat armed attack on Australia means maintaining the capacity to exert air superiority and sea control in our maritime approaches. The White Paper examined a range of military challenges Australia might face over the next generation and sought to design a force structure that responded appropriately to that wide range of possible circumstances.

A classified force structure review was conducted to support the White Paper. Drawing on that study an expanded force of 12 submarines is based on:

• assessments of the operational tasks identified in Chapter 10 of the new White Paper;

• a maritime force structure based around three Surface Action Groups; and

• planning based on operating three submarines in order to continuously maintain one on station at any given time.

Operating 12 boats will allow for four submarines to be on station at one time – of which two could support the anti-submarine warfare requirements of a Surface Action Group, while two could be engaged in other strategic missions.

(2) Yes, it is within Navy's capacity to crew 12 future submarines. The recommendations of the 2008 Submarine Workforce Sustainability Review are being implemented; the submarine workforce has been stabilised and is expected to grow as reforms take effect. Three submarines were crewed in 2009.

(3) It is too early in the capability development process to focus on acquisition costs. There are a number of options being explored to deliver the Future Submarine capability. The studies, cost and capability trade-off options and conceptual design activities that will be conducted between now and second pass in around 2016 will inform decisions that the Government will make, and will determine the eventual cost of the Future Submarine.

(4) The Government is committed to the Future Submarine being assembled in South Australia. Like the Collins Class, the Future Submarine will be likely to comprise components manufactured in
Australia and overseas. The Government intends that assembly of what will be a vast array of components will take place in South Australia.

(5) The Minister for Defence has previously approved the expenditure of $15.4 million for early studies and scoping activities by Project SEA 1000, the Future Submarine project. The present intention is for the Government’s initial consideration of key early project elements such as project strategy to take place during 2010. Funding for further studies and other activities to be undertaken in subsequent two to three years will be sought at that time. The Government expects to make decisions about the project a number of times leading up to second pass in 2016.

(6) Through life support and operating costs will depend upon the submarine that is acquired and the sustainment concept adopted for it. The studies being conducted over the next two to three years will refine the options and associated costs.

(7) The current intention is that the first of class will begin sea trials around 2022 with the objective of being at an initial operating capability for Navy before the withdrawal of the first COLLINS class in 2025.

(8) The phasing-out program for the COLLINS class will be influenced by the delivery programme for the Future Submarine, which has not been determined. The transition plan will be designed to minimise:
- Impact on overall submarine availability,
- The period of transition, and
- The associated costs.

Green Building Fund Program
(Question No. 2589)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 28 January 2010:

With reference to the 2009-10 supplementary Budget estimates hearings of the Economics Legislation Committee, and the Green Building Fund:

(1) Given that the answer to part (ii) of question no. SI-2 does not state how the panel’s membership was established: (a) how was the panel’s membership established (i.e. who picked the members); and (b) if the answer is the same as the answer provided to part (i), please indicate.

(2) Given that part (i) of question no. SI-5 asked how much funding has been appropriated to successful applicants and the answer provided refers to ‘funding offers’: (a) how much money has actually been allocated and paid to successful applicants; and (b) can details of each successful project be provided, including the amount of greenhouse gas emission reductions each project will achieve.

Senator Carr—The answer to the honourable senator’s question is as follows:

(1) (a) The Green Building Fund Program Guidelines specify that the Program Delegate must convene the Departmental Panel, which is a panel comprising representatives of the Department. The Program Delegate initiated selection of the Panel, members of which were agreed between AusIndustry as the division of the Department responsible for the program management and Manufacturing Division which has policy responsibility for the program. (b) Not applicable.

(2) (a) As at 30 September 2009, the Department had total commitments of $44.4 million, and had made payments of $5.4 million. (b) The Program Guidelines set out the individual company information that may be made public, as a condition of each grant. This includes the applicant, amount and purpose of the program funding, but not the expected greenhouse gas savings from the project. The total projected greenhouse gas savings from funded projects has been made public in aggregate form at the conclusion of each funding round.