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SITTING DAYS—2010

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>2, 3, 4, 22, 23, 24, 25</td>
</tr>
<tr>
<td>March</td>
<td>9, 10, 11, 15, 16, 17, 18</td>
</tr>
<tr>
<td>May</td>
<td>11, 12, 13</td>
</tr>
<tr>
<td>June</td>
<td>15, 16, 17, 21, 22, 23, 24</td>
</tr>
<tr>
<td>August</td>
<td>24, 25, 26, 30, 31</td>
</tr>
<tr>
<td>September</td>
<td>1, 2, 20, 21, 22, 23, 28, 29, 30</td>
</tr>
<tr>
<td>October</td>
<td>25, 26, 27, 28</td>
</tr>
<tr>
<td>November</td>
<td>15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS

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FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Officeholders

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

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

Senate Party Leaders and Whips

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
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<tr>
<td>Adams, Judith Anne</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
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<td>Arbib, Hon. Mark Victor</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
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<tr>
<td>Back, Christopher John (1)</td>
<td>WA</td>
<td>30.6.2011</td>
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<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
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<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
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<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
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<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
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<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
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<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
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<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
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<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul (2)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (3)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Hon. Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Field, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo (1)</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph (4)</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (4)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette Kay</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
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<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
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<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
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<tr>
<td>Lundy, Kate Alexandra (4)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
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<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
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<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
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<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
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<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
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<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
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<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
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<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
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<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>AG</td>
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<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
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<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
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<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>O’Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
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<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
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<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
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<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
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<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
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<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
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<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
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<tr>
<td>Scullion, Hon. Nigel Gregory</td>
<td>NT</td>
<td></td>
<td>CLP</td>
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<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
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<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
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<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
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<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell Brunell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana Johanna</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

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

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

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

Prime Minister

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion

Treasurer

Minister for Immigration and Citizenship and Leader of the Government in the Senate

Minister for Defence and Vice President of the Executive Council

Minister for Trade

Minister for Foreign Affairs and Deputy Leader of the House

Minister for Health and Ageing

Minister for Families, Housing, Community Services and Indigenous Affairs

Minister for Finance and Deregulation

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate

Minister for Innovation, Industry, Science and Research

Minister for Climate Change, Energy Efficiency and Water

Minister for Environment Protection, Heritage and the Arts

Attorney-General

Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate

Minister for Agriculture, Fisheries and Forestry

Minister for Resources and Energy and Minister for Tourism

Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services

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

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

Minister for Home Affairs  
Hon. Brendan O’Connor MP

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

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

Assistant Treasurer  
Senator Hon. Nick Sherry

Minister for Ageing  
Hon. Justine Elliot MP

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

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

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

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

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

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

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

Parliamentary Secretary for International Development Assistance  
Hon. Bob McMullan MP

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

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

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

Parliamentary Secretary for Employment  
Hon. Jason Clare MP

Parliamentary Secretary for Health  
Hon. Mark Butler MP

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

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

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

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

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

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

Shadow Assistant Treasurer
Hon. Sussan Ley MP

Shadow Minister for COAG and Modernising the Federation
Senator Marise Payne

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

Shadow Minister for Justice and Customs
Mr Michael Keenan MP

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

Shadow Minister for Veterans Affairs
Mrs Louise Markus MP

Shadow Minister for Ageing
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

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

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

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Tourism
Mrs Jo Gash MP

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

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

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

Shadow Parliamentary Secretary for Defence
Mr Stuart Robert MP

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

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

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

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
Senator Hon. Richard Colbeck
CONTENTS

TUESDAY, 9 MARCH

Chamber
Absence Of The President ................................................................................................... 1309
Liberal And National Parties—
  Leadership and Office Holders....................................................................................... 1309
Committees—
  Community Affairs Legislation Committee—Meeting .................................................. 1309
  Legal and Constitutional Affairs Legislation Committee—Meeting.................................. 1309
  National Broadband Committee—Meeting...................................................................... 1309
Business—
  Rearrangement................................................................................................................ 1309
  Fairer Private Health Insurance Incentives Bill 2009 [No. 2]—
    Second Reading .................................................................................................................. 1312
  Ministerial Arrangements ..................................................................................................... 1327
Questions Without Notice—
  Home Insulation Program............................................................................................... 1328
Distinguished Visitors......................................................................................................... . 1329
Questions Without Notice—
  Economy................................................................................................................................ 1329
  Home Insulation Program................................................................................................... 1331
  Defence: Budget .................................................................................................................. 1332
  Home Insulation Program................................................................................................... 1333
  Timor Sea Oil Spill............................................................................................................. 1334
  Hobart Private Hospital .................................................................................................... 1335
  Building the Education Revolution Program................................................................. 1337
Distinguished Visitors......................................................................................................... . 1339
Questions Without Notice—
  Tasmania: King River....................................................................................................... 1339
  Broadband .......................................................................................................................... 1340
Questions Without Notice: Take Note of Answers—
  Home Insulation Program............................................................................................... 1341
Notices—
  Presentation ....................................................................................................................... 1347
  Withdrawal ......................................................................................................................... 1352
Leave of Absence............................................................................................................... .. 1352
Committees—
  Community Affairs Legislation Committee—Extension of Time .................................... 1352
Notices—
  Postponement .................................................................................................................. 1352
Food Importation (Bovine Meat Standards) Bill 2010—
  First Reading ..................................................................................................................... 1353
  Second Reading .................................................................................................................. 1353
Home Builders Warranty Insurance ..................................................................................... 1354
Matters of Public Importance—
  Beef Imports ..................................................................................................................... 1355
Ministerial Statements—
  Electoral and Referendum Amendment (Close of Rolls and Other Measures)
    Legislation ......................................................................................................................... 1369
Documents—
  Tabling .............................................................................................................................. 1371
Committees—
Selection of Bills Committee—Membership ................................................................. 1371
Cyber-Safety Committee—Establishment ................................................................. 1371
Statute Law Revision Bill 2010 ............................................................................... 1373
National Consumer Credit Protection Amendment Bill 2010 ........................................ 1373
Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2010—
Assent ................................................................................................................................. 1373
Committees—
Economics Legislation Committee—Report ............................................................ 1373
Fairer Private Health Insurance Incentives Bill 2009 [No. 2]—
Second Reading ............................................................................................................... 1374
Address By the President of the Republic of Indonesia....................................................... 1384
Crimes Amendment (Working With Children—Criminal History) Bill 2009—
Second Reading ............................................................................................................... 1384
In Committee .................................................................................................................. 1391
Third Reading .................................................................................................................... 1399
Documents—
Commonwealth Grants Commission .............................................................................. 1399
Consideration .................................................................................................................... 1401
Adjournment—
International Women’s Day ............................................................................................ 1401
International Women’s Day ............................................................................................ 1404
Hon. John Kilday ‘Jock’ Ferguson ..................................................................................... 1406
North-East Tasmania ......................................................................................................... 1408
GP Superclinics .................................................................................................................. 1410
International Women’s Day ............................................................................................ 1412
Larrakia Development Corporation ................................................................................ 1414
Defence Procurement ....................................................................................................... 1417
International Women’s Day ............................................................................................ 1419
Tasmania State Election ...................................................................................................... 1422
Tasmania State Election ...................................................................................................... 1424
Documents—
Tabling .............................................................................................................................. 1426
Indexed Lists of Departmental and Agency Files ............................................................. 1430
Questions on Notice
Environment, Heritage and the Arts—(Question No. 2181) ........................................ 1432
Immigration and Citizenship: Visas—(Question No. 2359) ........................................ 1435
NBN Co.—(Question No. 2472) .................................................................................... 1451
Oil and Gas Exploration—(Question No. 2591) ............................................................ 1453
Defence Export Approvals—(Question No. 2592) .......................................................... 1454
Parliament House—(Question No. 2636) ................................................................. 1459
The Senate met at 12.30 pm.

**ABSENCE OF THE PRESIDENT**

The Clerk—I advise the Senate that the President is temporarily absent today. He is attending a state lunch for President Yudhoyono of Indonesia. Therefore, pursuant to standing order 13, the Deputy President will take the chair.

The **DEPUTY PRESIDENT (Senator Ferguson)** thereupon took the chair and read prayers.

**LIBERAL AND NATIONAL PARTIES**

**Leadership and Office Holders**

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (12.31 pm)—by leave—I am pleased to inform the Senate that the Leader of the Opposition has appointed Senator Mitch Fifield as the Deputy Manager of Opposition Business in the Senate. This is an important gesture on our part to assist the government in the management of the chamber. I am pleased to congratulate Senator Fifield on his appointment. I am sure he will do an outstanding job.

**COMMITTEES**

**Community Affairs Legislation Committee**

**Meeting**

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

That the Community Affairs Legislation Committee be authorised to hold public meetings during the sittings of the Senate today, and Wednesday, 10 March 2010, from 3.30 pm, to take evidence for the committee’s inquiry into the provisions of the Healthcare Identifiers Bill 2010 and a related bill.

Question agreed to.

**Legal and Constitutional Affairs Legislation Committee**

**Meeting**

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

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee’s inquiries into the provisions of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 and the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010.

Question agreed to.

**National Broadband Committee**

**Meeting**

Senator PARRY (Tasmania) (12.33 pm)—by leave—At the request of Senator Ian Macdonald, I move:

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

Question agreed to.

**BUSINESS**

**Rearrangement**

Senator FAULKNER (New South Wales—Minister for Defence) (12.33 pm)—I seek leave to move a motion to vary the hours of meeting and routine of business for tomorrow.

Leave granted.

Senator FAULKNER—I thank the Senate for its courtesy in enabling me to do this. Before moving the motion I inform the Senate—and this might come as a surprise to senators and might even be quite a worry to them—that, in Senator Ludwig’s absence, I have agreed to step into his shoes and act as Manager of Government Business in the Senate for a few short hours. I hope that this
does not cause pandemonium. I am not sure whether the motion has been circulated; however, I move:

That, on Wednesday, 10 March 2010:

(a) the hours of meeting shall be 9.30 am to noon and 4 pm to 8 pm;

(b) consideration of government documents shall not be proceeded with;

(c) the routine of business from 4 pm shall be:

(i) petitions,

(ii) notices of motion,

(iii) postponement and rearrangement of business,

(iv) discovery of formal business,

(v) any proposal pursuant to standing order 75,

(vi) tabling and consideration of committee reports, and

(vii) government business; and

(d) the question for the adjournment of the Senate shall be proposed at 7.20 pm.

**Senator Faulkner**—I briefly indicate to the Senate that this motion enables the Senate to deal with the visit to Australia and address of both houses of parliament tomorrow by the President of Indonesia. The intention of the motion is to ensure that there is minimal disruption to the Senate’s routine of business. It does mean that consideration of government documents shall not be proceeded with. It does mean that the routine of business at 4 pm will be the usual routine of petitions, notices of motion, postponement and rearrangement of business, discovery of formal business, any MPI or urgency motion, tabling and consideration of committee reports, and government business. It also means, as I believe was the case with the visit of former President Bush in 1992, former President George W Bush in 2003—

**Senator Ian Macdonald**—We agree with you, John.

**Senator Faulkner**—I am sorry?

**Senator Ian Macdonald**—I said, ‘I think we agree with you.’

**Senator Faulkner**—I suggest that might be an indication that you don’t want to hear a long speech from me on this matter.

**Senator Ian Macdonald**—You’re very perceptive.

**Senator Faulkner**—If I had feelings, which I don’t, I assure the Senate that they would have been hurt by that interjection by Senator Macdonald. I commend the motion to the Senate.

**Senator Bob Brown** (Tasmania—Leader of the Australian Greens) (12.37 pm)—I move:

Paragraph (c), after “be”, insert “questions without notice for not less than 1 hour, followed by”.

I move this amendment feeling assured that there will be coalition support, because the one pivotal thing in an age of government by executive, with every effort made by prime ministers and executives these days to sideline parliament, is that the government be put under scrutiny by parliament as best it can. Of course, question time is the pivotal hour for that scrutiny. We Greens have repeatedly been champions of question time being held so that the government can be put under scrutiny, and we have been repeatedly bemused by the fact that the government and opposition do not support that. It is time that the opposition reviewed that position.

Question time tomorrow ought to follow the luncheon break after the presentation to the House of Representatives by Indonesian President Yudhoyono. Question time should be on this list, but it is missing. We should have question time at four o’clock and then follow on with the other matters, including petitions, which I know no senator will want to see set aside. But I think there is no senator who would agree that questions are more important than petitions in the lively scrutiny
of the government’s performance, so this amendment by the Greens is a serious one to ensure that question time takes place tomorrow.

I take the opportunity to explain to any members of the media who are listening that tomorrow’s sitting is not a joint house sitting and that following the visit of President Bush in 2003—when I spoke to President Bush on the floor of the House of Representatives and my colleague the then Greens senator Kerry Nettle did the same—it was found, as former Clerk of the Senate Harry Evans repeatedly put, that there were no provisions for a joint house sitting in this parliament, and we were left in the invidious position of a Speaker of the house trying to direct senators what to do in a joint house sitting while having no authority to make any such direction.

We will be invited to join the House of Representatives, but we are effectively going as visitors to the House, which will be meeting to hear President Yudhoyono tomorrow. It is not a joint house sitting; it is a sitting of the House of Representatives to which senators are invited—a very important point that some scribes in the press gallery have not, I think, been able to understand. That said, question time is the pivotal opportunity for we senators to question the government, and I think the coalition ought to seriously consider supporting this amendment by the Greens.

Senator PARRY (Tasmania) (12.40 pm)—The opposition will be supporting the government in this motion to vary the hours of sitting tomorrow. We will not be supporting Senator Brown’s amendment. If any party in this chamber values question time, it is the opposition. We are the ones who are forgoing the opportunity to have a full question time. That time is valuable for us, and the Greens get a limited chance to question the government during that time. Senator Brown makes the remark that it is not a significant matter. It is a significant matter. We understand that the program for tomorrow is disrupted by a significant visit by a head of state, and we are prepared to put aside four hours to go over to the House of Representatives for that.

Despite Senator Brown’s semantics as to whether we are invited or what the technical nature of that invitation is, we are nevertheless giving the courtesy to this chamber of allowing it to suspend for four hours to listen to a head of state of a neighbouring country which is of great significance to this country. So we will be supporting the motion. We understand the opportunity will be lost to have a question time, but it would be impractical to insert question time at a later hour of the day and then push other matters out of the program. So it is quite feasible, on this special occasion, to give up one question time for the year.

Senator FAULKNER (New South Wales—Minister for Defence) (12.40 pm)—I am not aware of any precedent whereby the Senate has resumed sitting at 4 pm and there has been a question time. There is no such precedent. I appreciate the points that Senator Brown—

Senator Bob Brown—The Senate is in control of its own affairs.

Senator FAULKNER—I appreciate that. Of course the Senate is in control of its own business, but in these sorts of circumstances it often relies on precedents that have been established over a number of years. When the Senate or the House of Representatives has resumed sitting after an address by either a head of government or a head of state earlier in the day, from time to time there has been a question time, but that has certainly not been the case when the chamber has resumed sitting later in the afternoon, which is the situation on this occasion. So I think it is
fair to say that this motion is consistent with past practice. I understand the points that Senator Brown makes. I do hope I did not suggest that it was a joint sitting, Senator Brown. I hope I did not commit that faux pas in my comments. It is true that President Yudhoyono will address the parliament tomorrow. I think this motion represents a sensible approach that is consistent with past practice, given the timing, and in these circumstances I commend it to the Senate.

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

The Senate divided. [12.48 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

<table>
<thead>
<tr>
<th>AYES</th>
<th>6</th>
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<tbody>
<tr>
<td>Brown, B.J.</td>
<td>Hansen-Young, S.C.</td>
</tr>
<tr>
<td>Ludlam, S.</td>
<td>Milne, C.</td>
</tr>
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<td>Siewert, R. *</td>
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<tr>
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<th>35</th>
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<tbody>
<tr>
<td>Adams, J. *</td>
<td>Barnett, G.</td>
</tr>
<tr>
<td>Bernardi, C.</td>
<td>Bilyk, C.L.</td>
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<tr>
<td>Birmingham, S.</td>
<td>Brown, C.L.</td>
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<td>Bushby, D.C.</td>
<td>Cash, M.C.</td>
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<td>Colbeck, R.</td>
<td>Cormann, M.H.P.</td>
</tr>
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<td>Crossin, P.M.</td>
<td>Farrell, D.E.</td>
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<td>Faulkner, J.P.</td>
<td>Feeney, D.</td>
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<td>Ferguson, A.B.</td>
<td>Fielding, S.</td>
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<td>Fierravanti-Wells, C.</td>
<td>Forshaw, M.G.</td>
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<td>Furner, M.L.</td>
<td>Humphries, G.</td>
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<td>Hurley, A.</td>
<td>Johnston, D.</td>
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<td>Lundy, K.A.</td>
<td>Macdonald, I.</td>
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<td>McEwen, A.</td>
<td>Moore, C.</td>
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<td>Nash, F.</td>
<td>O’Brien, K.W.K.</td>
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<td>Parry, S.</td>
<td>Pratt, L.C.</td>
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<td>Stephens, U.</td>
<td>Sterle, G.</td>
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Question negatived.

Original question agreed to.

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

Second Reading

Debate resumed from 25 February, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (12.52 pm)—We have said it before and we say it again: the Rudd Labor government have been an absolute failure in the health portfolio. They promised the world before the last election and have delivered next to nothing. They promised to fix public hospitals, they promised to end the blame game, and they promised a new era of cooperative federalism. The Prime Minister promised the buck would stop with him and, of course, the Prime Minister and the then shadow minister for health and ageing, now the Minister for Health and Ageing, Nicola Roxon, promised most emphatically that they would retain the existing private health insurance rebates as an important part of the policy framework underpinning our health system.

We have seen a Prime Minister in absolute panic. The reality of inaction in the health portfolio over 2½ years has caught up with him. He is desperately looking for a political fix. That is what we witnessed last week: a Prime Minister desperate to find a political fix to try and make it look as if he is doing something when in fact he has done nothing. Here we have yet another broken promise. Let us just remind ourselves that before the last election not only did the Prime Minister say that he had a plan to fix public hospitals but he was going to work cooperatively with the states. I went back to some of the early entries on the Prime Minister’s website when it came to his commitments in health. I remind the Senate that for the first year on coming into government the Prime Minister
said this on his website under the headline ‘Fixing our hospitals’:

The Rudd Government is committed to achieving national health care reform in partnership with State and Territory governments.

‘In partnership’ with state and territory governments, he said. He also said:

However, if significant progress toward the implementation of the reforms has not been achieved by mid-2009, the Government will seek a mandate from the Australian people at the following federal election for the Commonwealth to take financial control of Australia’s 750 public hospitals.

Note he said ‘if significant progress toward the implementation of the reforms’ has not been achieved by the middle of 2009. We as an opposition, holding the government to account in a very important public policy area—in an area where they promised the world and have delivered next to nothing—asked the government: what does ‘significant progress’ mean? Were the states and territories told what was expected of them in terms of improvements to our public hospitals by the middle of 2009 so that we, the states and territories and patients across Australia could scrutinise whether or not the states and territories had been successful in meeting the targets that may or may not have been set by the government? The answer was, ‘There was no definition.’ The states and territories to this day have not been told by the Rudd Labor government what is expected from them in terms of improvements in public hospitals across Australia.

So what did the Prime Minister do after we raised some questions about what his plans were for fixing our hospitals and the definition of ‘significant progress’? Did he come out and develop some targets? Did he come out and fix the fact that there had not been any action? Did he go out and talk to the states and territories and demonstrate a bit of cooperative federalism in health? Did he work with the states and territories on improving things for patients across our public hospitals? No. Do you know what he did, Acting Deputy President Trood? He changed his website. It was an absolute fraud committed on the Australian people. He made very clear commitments before the election. Those commitments were still reflected on his website in October 2008. Do you know what it said a couple of months later, after we started asking some questions? Fixing our hospitals had all of a sudden become ‘Improving our hospitals’ and ‘significant progress toward’ the implementation of health and hospital reforms became:

While immediate action is important, Australia also needs to consider the long term future of the health system.

Weasel words if ever I heard them. And there was this:

The Government has established the National Health and Hospitals Reform Commission, chaired by Dr Christine Bennett, who has extensive experience in the health sector. The NHHRC will develop a long-term reform plan for the health system—so it ‘will develop a long-term reform plan for the health system’? A year earlier that was ‘significant progress toward the implementation of the reforms’. All of a sudden that became:

... will develop a long-term reform plan for the health system, in consultation with health experts, professionals and consumers, by the middle of 2009.

That was the 20-month review we had. Before the election the Prime Minister led people to believe that he had a plan to fix public hospitals. The Australian people went to the ballot box thinking that they had an incoming Prime Minister who had a plan to fix public hospitals. After the election all we had was a review over 20 months which was subsequently followed by a review into the review and of course photo opportunities for
the Prime Minister and Minister Roxon across Australia. People clearly were getting a bit bored with those photo opportunities, so the Prime Minister and Nicola Roxon thought they would make the footage a bit more interesting for people, because I am sure that the television stations were getting a bit tired of the Prime Minister and Nicola Roxon in front of a board with slogans on it and just talking from a podium. So now they are wearing the surgeon’s uniform. They are there with the head cover, making it look real. If you are not doing anything, make it look as if you are. Make it look as if your Prime Minister Rudd is about to go into the theatre and provide open-heart surgery, like he himself is going to reduce elective surgery waiting lists! What a joke! What an absolute joke!

But the real commitment that this Prime Minister and this Minister for Health and Ageing did give before the last election is that they would retain the existing private health insurance rebates. It was a most solemn promise. Yet the only action that we have seen from this government in the health portfolio is a continuation of the age-old ideologically based Labor crusade against private health. What the government is doing with this bill will not improve things in our health system; to the contrary, this legislation will make things worse for our health system.

We have had a 20-month review into our public hospitals and last week we get this rushed announcement after 2½ years of inaction, where clearly the Prime Minister had not done his homework by talking to the states and territories beforehand. So much for cooperative federalism and for ending the blame game. Here he is, right at it, pursuing a political strategy of trying to beat up the states and territories. Quite frankly, on this occasion, who can blame the states? The government did not give them any targets and did not tell them at all what was expected of them. They rushed this announcement out as a political fix and of course the states are going to say: ‘Well, hang on. Let us look at the detail. Where is the additional money? There is no new additional money in this.’

The Prime Minister is pursuing a strategy whereby he wants to beat up the state and territory governments because he wants to be seen as a strong man and he wants to hide the fact that he has not done a thing over the last 2½ years. He wants to take the Australian people for fools. He wants the state and territory Labor governments to jump up and down and attack him because he thinks that when those unpopular state Labor governments attack him that somehow that is going to make him look like he is doing something. It is all part of a political con, and I call on the Australian people to look very carefully at what is happening here.

We had this 20-month review by the National Health and Hospitals Reform Commission, followed by a review into the review. Now did the Prime Minister make any announcements in relation to any of the recommendations out of that 20-month review followed by a review into the review? No, he did not. The only thing in his announcement that related in any way, shape or form to something that was mentioned in the National Health and Hospitals Reform Commission report was related to the Commonwealth taking a greater role in primary care. We support that, but that is something that was initiated by the Howard government. We did not need to waste 2½ years of meetings and sitting around the table and coming up with yet another report that can gather dust somewhere just to come up with that particular initiative that was part of a package with not much detail last week.
This is a government that is in an absolute panic because the Prime Minister knows that the perception out there is that he promised the world and that he delivered next to nothing in the health portfolio. That is what people think out there; that is what people are telling us every day. The things that he said he would not do he is pursuing—for example, this piece of legislation. This piece of legislation, if it were passed by the Senate, would put additional pressure on our public hospitals; it would see people leave private health insurance. Even the government accepts that people will leave private health insurance. Even the government accepts that people will leave private health insurance. There would be a squabble on the numbers, but even the government accepts that there will be fewer people in private health insurance as a result of this legislation. It will put upward pressure on premiums and it will take us back into this downward spiral which Labor governments have taken us down before. On this side of the chamber we want a well-balanced health system in which all Australians can get timely and affordable access to quality hospital care. In order to achieve that we need both a strong, well-funded public system and a strong, well-supported private system. Nothing out of what the Prime Minister and his government have announced so far would in any way, shape or form improve things for our health system or improve things for patients across Australia.

As for this plan last week, it was cobbled together at the last minute. It was clearly driven by a need to have something for the Prime Minister to say during his National Press Club address. It is exactly the same modus operandi that has got this government into so much trouble with the Home Insulation Program. It is all about the spin, with nothing about the substance. It is all about talk but no action. There is no additional money in it, something that was very eloquently pointed out by the Premier of Victoria—the Labor Premier of Victoria, I hasten to add. There is absolutely nothing in there other than trying to provoke the states into a reaction, which the Prime Minister will use politically to help him to look as if he is doing something.

They have not thought this through; they have not done their homework. And of course they do not even intend to implement the announcement last week because this is yet another announcement that is not going to start tomorrow or next month or on 1 July 2010. Guess when it is supposed to start: sometime in 2012-13—after the next election, of course. So what the Prime Minister yet again wants the Australian people to believe is this somehow—'Trust me, I’m from the government. My name is Kevin; I’m from Queensland.' Well, I say to the Australian people: you cannot trust this Prime Minister. Look at his record: he promised the world before, he has delivered next to nothing, he has overpromised and underdelivered. The things that he promised he would do he has not done and the things that he promised he would not do he is doing. This legislation is the most emphatic broken promise in this term of government, and the Senate should not support it. This is an absolute breach of faith with the Australian people because it will lead to bad outcomes not only for privately insured Australians but also for those Australians who will have to compete with increasing numbers of Australians leaving the private health system and seeking access to their hospital care through the public health system.

This is not the way to improve the health system. And in any event the Rudd government conducted the National Health and Hospitals Reform Commission strategic review, and to this day we have not received a response from the government on which part of the recommendations they will support and which ones they will not. Why would
you go ahead with something like this—if it is going to have a bad impact on our health system overall and if it is going to have a bad impact on our private health system—without taking an overall strategic view? This is a government that is up to its old tricks. It is driven by ideology rather than by what is good public policy. It is not focused on the best interests of patients; it is focused on its ideological crusade against private health.

Senator SIEWERT (Western Australia)—I will start my speech in the second reading debate on this bill by restating the Greens policy on this issue, which is that we oppose the private health insurance rebate. We have done so since its inception.

Senator Cormann—At least you’re honest about it.

Senator SIEWERT—I will accept that small intervention—that is, Senator Cormann said at least we are honest about it. In his speech he talked about the Labor Party’s ideological belief around the insurance rebate. I would put the proposition that the coalition has an ideological belief that private health insurance will save our public health system. We do not believe that is the case and I will argue that point shortly. In fact, we have argued in this place many times that we believe this is bad policy. It does not deliver good health outcomes and we would be better off directing the money that we invest in the private health rebate directly into our public health system. This policy pours billions of dollars of taxpayers’ funds straight into private health insurance.

In fact, what we are doing is filtering the resources that we are supposed to be putting into our health system through the private health insurance rebate. We do not believe this is an appropriate way to address our chronically underfunded public health system. We should be directing those funds directly into our public health system. Our public health system and health workers are struggling because of the lack of resources and because now $3.8 billion is channelled into the private health insurance industry rather than into our hospitals. We have opposed, and we will continue to oppose, this approach to health funding. However, we do concede that means testing the private health insurance rebate is an improvement on a flat rate of 30 per cent to all private health insurance holders irrespective of their income level and capacity to pay. Certainly removing the rebate from those on higher incomes, we believe, is a step towards the Greens position of getting rid of the rebate altogether, and it is bedded in the current system.

I have outlined previously our concerns about the private health rebate. In fact, as I think I have also said before, we are not alone in our concern about the economic wisdom of the private health insurance rebate. Treasury does not always or very often support the Greens position but in this issue it appears that it does in fact support the Greens position. This was highlighted in the Age last year, when the revelations were made that Treasury had advised government that the private health insurance rebate was bad policy and that the billions that go towards this policy would be better spent on our ailing public health sector. Let me quote from the article in the newspaper at the time, which cited documents from the Treasury briefing, we understand, to the Rudd government shortly after its election:

THE private health insurance rebate paid to millions of Australians is “very poor policy” and should be dumped, according to a confidential briefing to Treasurer Wayne Swan.

It goes on to state:
The briefing said the billions of dollars lost annually to the rebate would be better spent on public hospitals.
That is a sentiment we very strongly concur with. Then it directly quoted from the Treasury document:

“This rebate represents very poor policy.

“There is no doubt that its $3 billion annual cost to revenue could deliver far better health outcomes if directed to additional capacity in public hospitals.”

Again, that is a sentiment we support. Since that advice was provided, apparently in November 2007, the annual cost of the private health rebate has risen to $3.8 billion. We are edging up very close to that $4 billion mark. Here we have Treasury providing advice in line with the Greens policy on the private health insurance rebate as a funding model—the same Treasury whose advice the government relies on for many other important economic issues. Yet this government has ignored the advice on the private health insurance rebate and seems to buy the previous government’s ideological belief that private health insurance is the saviour of our health system. That is certainly yet to be demonstrated. I think the time for that experiment is over.

We have said on many occasions that we believe the rebate is very poor policy. It is not an effective mechanism to improve our health system. It is an ineffective and inefficient use of taxpayers’ dollars within the broader health system. It does not directly fund health service delivery, and it basically supports the health insurance industry. Compelling evidence was presented to the Senate inquiry into these bills by Dr John Deeble. Dr Deeble was a member of the old Health Insurance Commission for 16 years and was a director of Medibank Private, with responsibility for premium setting, so he has had a long-term involvement in this area. He described the private health insurance rebate as wasteful and divisive in the way in which it separates the public and the private health systems rather than integrating them. The Greens believe that government would be irresponsible if it ignored the advice received from a broad range of health and economic experts.

Ian McAuley from the Centre for Policy Development provided evidence to the Senate inquiry that showed the rebate in particular has had minimal impact on private health insurance membership and equally has had little effect on reducing public hospital demand. He provided the committee with evidence that showed that the private and public sectors deal with very different caseloads, so this rebate could never be expected to reduce the demand on public hospitals. Dr Deeble provided the inquiry with evidence that showed that private health insurance membership was not sensitive to price. He pointed out that when the 30 per cent rebate was introduced in 1999 there was almost no effect in the two years following its introduction. Coverage rose by about two per cent. Dr Deeble felt that the only reason the subsequent rise in coverage took place was the considerable advertising and fear that Medicare would not cover consumers in the future. Dr Deeble spoke of his experience at Medibank Private. He said it was possible to vary premiums without any discernible effect on membership and that there could be significant differences between insurers without any noticeable change in market share. He felt it was almost impossible for people to understand all the various products that the insurers offered and be in any position to determine if they offered value for money.

There should be, we believe, a national debate in Australia on the kind of health care we expect and how we are willing to pay for it. Professionals and dedicated people in the health sector are demoralised, and the community is dissatisfied. Private health insurance subsidies encourage specialists who would otherwise be available to public hospitals to shift to the higher paying, less
stressful private system. Stampeding patients into private health insurance whose prime priority is profit rather than the health system is a recipe for a US-style system, without doubt the developed world’s least efficient. This is why the US spends 17 per cent of its gross domestic product on health, while Canada and Australia spend 10 to 15 per cent and have better health outcomes in terms of longevity, infant mortality and morbidity than the US. However, Australia’s healthcare expenditure is rapidly rising, and we have talked about that at length in this place. Ten years ago it represented 8.1 per cent of GDP. Now it is 10 per cent. The states, as we also know, have increased their health expenditure to the point where it covers up to 30 per cent of their budgets. Taxpayers have a legitimate right to ask, ‘Are we getting value for our money?’ We already know there are private patients in public hospitals, and now we are talking about public patients in private hospitals—the situation gets even more crazy.

We know that countries that grant significant public subsidies to private health insurance—Australia, France and the US—have faced considerable pressures on their public budgets. All that private health insurance does is to rearrange the queues, promoting some and shifting others to the back, and although it may help some with low-priority needs it may lengthen waiting lists for those with greater needs.

We believe this is bad policy and we should be rethinking it. Ian McAuley presented evidence to the committee that argued that while the tax systems are far from perfect they do achieve a degree of equity. He pointed out that private health insurance is essentially a stealth tax which builds in inequities. There is no incentive to provide ‘public good’ services, such as the promotion of health lifestyles, and the cost of collecting tax through a single system is more effective than by individual insurers. The private health insurance industry has been successful in conveying the impression that without private health insurance there would be a collapse of the private system and that Australia would be on the path to the madness of ‘socialised medicine’. We should be asking if this is really the case.

We have said time and again that the government’s corporate subsidy to private health insurance is bad policy. John Menadue from the Centre for Public Policy Development calls it a cancerous growth. He says that it is not a health program, and we agree. It is corporate welfare. The Productivity Commission has pointed out that the increased levels of private health insurance have been associated with a marked increase in the number of services performed and reimbursements for their services. But when people really need that insurance—when they are elderly and find they cannot afford to keep up the payments—where are the insurers then? The only winners here are the insurers who, in some cases, have been collecting money from those people for a very long time. The insurers—the same ones who tell us that we cannot live without private health insurance—are the winners out of this system. These are the people whose administrative costs are double those of Medicare and who push up their premiums every year, in some cases two or three per cent ahead of the inflation rate.

We know that private health insurance has failed to take the pressure off public hospitals, we know it has allowed private hospitals to attract highly professional staff away from public hospitals and we know it weakens Medicare’s capacity to control costs and quality. We know it is an inefficient way of promoting so-called choice. We know so
much about why it is unfair and inequitable that here we are, again, trying to patch up bad policy. We just keep patching and patching and patching to make up for bad policy.

As I have stated on many occasions, the Greens are opposed to the private health insurance rebate. I think that is patently obvious. We believe that the money that is directed towards corporate welfare of the private health insurance industry would be better directed to our public health system. Ian McAuley calls it the power of policy privilege—and he is right. We do not need subsidies to private insurance firms to promote private health delivery. Private health insurance companies are not healthcare providers; they are part of the financial world. This is a financial product for them. Private hospitals would be up to $2 billion better off if part of the money that is spent on insurance were given straight to them as a subsidy, for example, and not via financial intermediaries.

Notwithstanding our position on the private health rebate per se, it is simply inequitable that high income earners should receive the same rebate as those on lower incomes. If the government is not prepared to bite the bullet and get rid of the rebate altogether, at least it could make it fairer. The Fairer Private Health Insurance Incentives Bill 2009 [No. 2] introduces a new income means test on the private health insurance rebate and removes the rebate altogether for high income earners, for singles earning over $120,000 and families earning over $240,000. The Greens will support the rebate and continue to call for any money saved from means-testing the private health insurance rebate to be allocated to public health and hospitals. As Ken Davidson wrote recently in the Age:

There is not much point in starving the health system of funding to minimise taxes if it shifts the burden from citizens as taxpayers by creating an even bigger burden for them as consumers.

Ian McAuley noted in last year’s Senate inquiry that the private health insurance industry has administrative costs that impose an unnecessary 10 per cent on premiums because its overheads are higher than Medicare’s overheads. Private health insurance enjoys a $3.8 billion subsidy, dwarfing that of most other industries. Yet, as Davidson, McAuley and others have noted, the major purpose of private health insurance is to give its customers the chance to jump the queue for elective surgery while allowing providers to overservice and overcharge their patients.

The provisions of these bills were announced as budget measures, designed to raise revenue and create a fairer system. As I have said, with reservation, the Greens acknowledge the intent of means-testing the private health insurance rebate and strongly believe that the money raised from this over the next four years should be directed to the public health system. We have identified a range of areas, which is by no means an exhaustive list, where the money would be well spent.

For the reasons I have outlined here, the Greens will be supporting this rebate because we think it is a step in the right direction. But nobody should be under any illusion that the Greens support the rebate in general. We do not. We believe that it should be scrapped and that we should be directing that money into our public health system so we are not funnelling it through insurers, who are financial entities and in it for financial gain, and not promoting and providing an efficient and effective healthcare system in Australia that benefits all Australians.

Senator FIERRAVANTI-WELLS (New South Wales) (1.21 pm)—I rise on behalf of the coalition to say that we rejected the two surcharge bills and we will be opposing the Fairer Private Health Insurance Incentives Bill 2009 [No. 2] as well. I am going to start
by stating a number of facts. There are over 9.5 million Australians with hospital cover through private health insurance. That is 45 per cent of the population. Over 11 million people in this country have some form of private health cover. This piece of legislation will affect every single one of those 11 million people. Around 1.3 million people with insurance are over 65 years of age, which is 50.3 per cent of all Australians in this age group. Members of health funds contributed $10.6 billion to the Australian healthcare system in 2008, an increase of 10 per cent on the previous year. Around 56 per cent of all surgical procedures are performed in private hospitals, and most of these are covered by private health insurance and 15 per cent of public hospital admissions are privately insured patients. Those are the facts.

As Senator Cormann and other speakers have said, of all Labor’s broken promises this is probably one of the greatest. Broken health promises have overtaken the so-called greatest moral dilemma of our time. The government is now putting health on the agenda because it does not want us to be talking about that.

Senator Cormann—It is a great distraction.

Senator FIERRAVANTI-WELLS—It is indeed, Senator Cormann. The government does not want us talking about climate change and its big new tax on everything. The government promised before the last federal election that they had this grand plan to fix the hospitals and health. We did not see anything. Interestingly, three weeks ago the secretary of the Department of Health and Ageing admitted in estimates that there was not a plan. They could not even produce the back of an envelope when I asked questions in estimates. Now all off a sudden they are scrambling. Because the pressure has been on, suddenly the Prime Minister has come out with his big health plan so that—as Senator Cormann said—he can traipse around the hospitals with his little hat on and pretend that he is actually doing something.

After two-and-a-half years of gestation, this plan still is very light on policy detail. There is absolutely no detail on how it is going to be funded. After two-and-a-half years with no grand plan, all of a sudden we see something, which has obviously been cobbled together because everybody kept asking him where his hospital plan was. And all this plan actually does is put in place another layer of bureaucracy. We already have 5,000 health bureaucrats in Canberra. So what are we going to do? We are going to add more health bureaucrats and not one single extra bed. That is all that the Prime Minister’s grand plan is going to do. It is not going to fix the hospital systems.

Anybody who has seen the New South Wales hospital system knows that the area health systems are not working. So what is this government going to do? It is going to put another layer of bureaucracy on top of the area health systems. There is nothing there that is going to fix the New South Wales health system. The plan is so ramshackle. But this government is going to come along and put a few more extra bureaucrats in place and they are somehow—so the Prime Minister is telling us—going to fix the hospital system.

Health insurance is integral to health in this country. The legislation that we are debating today is a tax on health insurance; a tax that Kevin Rudd promised that he would not impose. Both Kevin Rudd and Nicola Roxon promised repeatedly before the last election that they would not alter the health insurance rebates. Mr Rudd even put his promise in writing. As I said previously, that promise was not worth the paper that it was written on. This new tax has already been
rejected by this parliament, but Labor is ideologically fixated on imposing it.

All Australians will pay a price if this new tax is imposed. By the government’s own estimates, tens of thousands of people would drop their insurance coverage. Then those people will have to rely on the public health system. And the queues at the emergency departments and the waiting lists for surgeries would grow longer, especially in places like New South Wales. As more people drop out of insurance, premiums will rise for the 11 million Australians who have private insurance. When I spoke on the surcharge bills, I spoke of those thousands of people who have private health insurance in many of Labor’s own seats, such as the 72 per cent of people in the federal seat of Bennelong, Maxine McKew’s seat.

Senator Cormann—Maxine who?

Senator FIERRAVANTI-WELLS—That is right, Senator Cormann: make an appointment for between two and four on certain days of the week and you might find her in the office. Higher premiums will make it much harder for many to keep their insurance. What will happen is that even more people will drop out. Public hospitals are already stressed and strained. As I have said, now we have this grand plan. Except that it is not really a grand plan, because we do not have any great detail. We certainly do not know how it is going to be funded.

Labor has been saying that it needs this tax on private health insurance because of the global financial crisis. But let us not forget that its attack on private health insurance started in its first budget, way before the global financial crisis, so their argument is very misleading. Kevin Rudd said that he needs the money for health reform. He told Australians that the recent intergenerational report showed that it would deliver $100 billion over 10 decades to come. He forgot the fact that there was no such figure written into the intergenerational report. But what is a fact? When does this Prime Minister ever let facts get in the way of spin over substance?

Then you had Minister Roxon. She said that the money from this new tax would be used to fund e-health. Then the minister said that it would be used for new medicines and improved technology. Then the Treasurer came along and spelt out in the budget that the new tax was to pay for the increase in the age pension, which put the lie to what the Prime Minister and the health minister were saying.

This measure is supposedly estimated to save $1.9 billion over the forward estimates, at the expense of so many Australians. It is actually a mere drop in the bucket considering the billions of dollars that this government is squandering. They cannot even put pink batts in ceilings, let alone try to fix the health system in this country. They have wasted so much money on schemes like the Julia Gillard memorial halls, the pink batts—you name it. In everything that this government has touched it has squandered money.

From our perspective, at the last budget we suggested that we could potentially offset these moneys by an excise on tobacco, but of course this government refused to consider that alternative. The reality is that this government is ideologically determined to hit those Australians who pay to look after their health needs. The changes that the government is now proposing, yet again, and which have already been rejected, are just the latest phase in the government’s unrelenting war against private health insurance, because Labor hates private health insurance.

The coalition introduced an open ended private health insurance rebate because for every rebated dollar, a privately insured person contributes two more dollars to our
health system as a whole. The coalition believes it is the right of all Australians to take charge of their own health care needs and plan for the future. We have always worked hard to deliver incentives to promote the uptake of private health insurance and take the pressure off Medicare. People will drop out because they cannot afford the much higher premiums. They will restart the catastrophic premium membership death spiral of the 1980s and 1990s, when Labor almost wiped out private health insurance.

Let us have a look at what Labor said and promised on this issue of private health insurance before the last federal election. On 26 September 2007 Minister Roxon said:

On many occasions, for many months, Federal Labor has made it crystal clear that we are committed to retaining all of the existing Private Health Insurance Rebates, including the 30 per cent general rebate and the 35 and 40 per cent rebates for older Australians. The Liberals continue to try to scare people into thinking Labor will means test the private health insurance rebate. Of course, it was Tony Abbott who said that. We made those comments, and the now Deputy Prime Minister stood up and accused Tony Abbott of telling lies. Well, he was telling the truth, because that is exactly what this government has done. Then, as I mentioned, in November 2007, in a letter to the Australian Health Insurance Association that is not worth the paper it is written on, the Prime Minister wrote:

Both my Shadow Minister for Health, Nicola Roxon, and I have made clear on many occasions that Federal Labor is committed to retaining the existing private health insurance rebates, including the 30 per cent general rebate and the 35 and 40 per cent rebates for older Australians. Federal Labor will also maintain Lifetime Health Cover in the Medicare Levy Surcharge.

Of course that was a lie. This piece of legislation puts a lie to those comments of 20 November 2007. And there is another one in February 2008, in the Australian, the quote of the Prime Minister: ‘The private health insurance rebate remains unchanged and will remain unchanged,’ ‘Absolutely! Believe me!’

Senator Cormann—‘Trust me!’

Senator FIERRAVANTI-WELLS—‘Trust me! I am Kevin and I am from Queensland!’ That does not say very good things about Queenslanders, but, anyway, in May 2008 on Macquarie Radio, Health Minister Roxon said:

We continue to support the 30 per cent, 35 per cent and 40 per cent rebate for those Australians who choose to take out private health insurance.

Lying yet again. In October 2008, in a speech to the Australian Health Insurance Association Conference, Minister Roxon said:

Private health insurance consumers will still be able to claim the 30 and 40 per cent rebate and the Lifetime Health Cover incentives.

Another absolute lie. On 24 February 2009 there was a comment by Health Minister Roxon in the Age:

The government is firmly committed to retaining the existing private health insurance rebates.

They were absolutely dishonest on this issue. As late as February, in that quote that I have just read from the Age, the government was maintaining the falsehood that they had no intention of launching this attack. Yet during Senate estimates recently it was revealed that whilst Minister Roxon was giving that public assurance, behind closed doors she and other senior members of the government were seeking advice on how to progress changes
to those private health insurance rebates. Whilst they were ‘firmly committed’—there they were in public, hand on heart, telling the Australian public that they were firmly committed to retaining the existing rebates—secretly they were working on plans to reduce and scrap them.

We know that Minister Roxon first obtained advice from her department on 12 January 2009. Advice on how to change the rebate had been sought by the health minister’s office as early as December 2008. The Treasury provided advice on means testing the rebate on 20 February 2009 at the request of the Treasurer. The Department of Finance and Deregulation provided advice on the same measure on 22 February and the Department of the Prime Minister and Cabinet provided advice on 23 February.

What does that tell you about this government? They are prepared to say and do anything to get into government. Then, of course, they continued this falsehood to the Australian public about what they were going to do while behind closed doors they were secretly getting advice from their bureaucrats about what they were going to do. It does beg the question: what other promises are we going to see this government break?

We are seeing, as Senator Cormann pointed out, these major promises in relation to fixing health being watered down to: ‘Oh, dear me, I want to do something but of course now I have to get cooperation from the states.’ So much for cooperative federalism, because now the premiers and their health ministers are asking the very hard question in relation to this flaky policy—that is: what are the real details about it? According to a New South Wales report that has been out for some time, 117 hospitals in regional and rural areas are going to be affected as a consequence of this policy. What is going to be the viability of these hospitals? Kevin Rudd tells us that there is going to be an efficiency amount. What is the efficiency cost of having an operation in Sydney as opposed to having it in Inverell in northern New South Wales or anywhere in rural and regional Australia? Those costs are going to be different and it is important that we see this detail and not just the usual blah, blah, blah that we get from this Prime Minister.

The proposed changes will not deliver control of public hospitals to local people. All they will do is create more bureaucracy. Only the coalition’s plan for community controlled hospitals and the establishment of local hospital boards will put the budget, staffing and capital requirement decisions into the hands of those people at the local level who know and use the hospitals. Doctors and nurses have seen endless shake-ups in the bureaucracy which have never really led to more resources or local empowerment. They are going to now see another shake-up which is not going to deliver for patients. Are they really going to notice any difference to their hospital services with one extra level of bureaucracy? Where are the details about the extra beds? All this is going to do is add extra bureaucracy. It is certainly not going to affect hospital services at any time. Despite all the promises in 2007 to fix the public hospitals by mid-2009, Mr Rudd’s new hospital proposal is not going to start until 2012. If it is such a great idea, Prime Minister, why not start it now? You have been talking about this since 2007. You said you had a grand plan, but when you came into government there was no plan. It is clear from estimates hearings that there was not even a back of the envelope plan to hand over to the Department of Health and Ageing for it to start working on your grand plan. It is another plea. It is another ‘trust me’ from a government that cannot be trusted. It cannot be trusted on pink batts or on education and it certainly cannot be trusted on health.
Senator ADAMS (Western Australia) (1.41 pm)—I rise to speak on the Fairer Private Health Insurance Incentives Bill 2009 [No. 2]. I also am pleased to speak on this issue again as it serves as an opportunity to remind the Australian people of the significant broken promises of the Rudd Labor government. During the election campaign the Prime Minister made a solemn promise to the Australian community that a Labor government would not tamper with the private health insurance rebate. Mr Rudd’s broken promise is represented by this bill before us today. Here it is: Labor’s broken promise on private health insurance.

The private sector is one of the cornerstones of the Australian health system—our system simply could not cope without it. Without it waiting lists and queues at public hospitals would be impossible to deal with; but I see from the Prime Minister’s proposed plan for public hospitals that this is probably what we are going to see. Following the 2009 budget, the Australian Private Hospitals Association said:

The changes to the private health insurance rebate announced in tonight’s budget are a clear breach of election promises made by the Rudd Government. The changes will lead to a system that is confusing, complex and costly for those millions of Australians who take responsibility for their own health care costs.

Labor detests the private health industry and did its best to water it down in the 1980s and 1990s. They wanted everyone to be tied to the public system, tied to the government and controlled by big bureaucracy. Labor does not want to give people choice or the opportunity to take independent responsibility for their healthcare needs. I would be very interested to know the number of Labor senators, MPs and ministers who have private health insurance for themselves and their families. Private hospitals remove an enormous burden from the public system and people who are taking responsibility for their own health care are saving the taxpayer billions of dollars per year. The coalition has always recognised the importance of the private health industry and the benefits it brings to health services. The Howard government introduced the private health insurance rebate to enable and encourage more Australians to take out private health cover, to ease the burden on the public system and to enable Australians to access the choice and greater number of health services which private cover provides.

Private health insurance funds pay for 57 per cent of surgical procedures performed in Australia. This includes 55 per cent of major procedures for malignant breast conditions, 55 per cent of chemotherapy treatment, 63 per cent of major joint replacements and 70 per cent of same-day mental health procedures. According to the Royal Australasian College of Surgeons, which represents Australian surgeons:

Australian surgeons have warned of even longer elective surgery waiting times after the Rudd Government’s Budget included cuts to the rebate paid to many Australians with private health insurance.

The Vice President of the Royal Australasian College of Surgeons, Dr Ian Dickinson said the Budget measure will inevitably drive some Australians out of the private health system, placing even greater strain on Australia’s public hospitals. Dr Dickinson said:

Notwithstanding the increase in the Medicare levy surcharge, the decision to reduce the rebate paid to many Australians with private health cover will drive at least some of these people back into the public system. Moreover, the upward pressure this will place on insurance premiums could drive poorer and more vulnerable Australians back into the public system.

Something that really worries me is the problems associated with physiotherapy and all the associated auxiliary benefits that private
health covers. For these people not to be in private health insurance, not to be able to be covered—or partially covered—as part of a rebate means that they will be going back to the public system, which will make it even harder to get an appointment in those ancillary areas.

Coming back to the actual policy, the private health insurance rebate is very successful. It has enabled millions of families to take out private cover, for many of whom it was previously financially difficult. There are now over 11.3 million Australians who are covered by private health insurance, and an additional 298,221 Australians joined private health insurance in the year ending June 2009. The rebate system has made private health cover affordable for all Australians. I will remind the Senate of the situation in four Labor electorates in my home state of Western Australia: 56 per cent of the electors of Hasluck, 67 per cent of the electors of Brand, 74 per cent of the electors of Fremantle and 64 per cent of the electors of Perth have private health insurance cover.

Taking the rebate away from one group of people will cause thousands of people to drop out, which will make private health insurance more expensive for the remainder of people who have cover. Private hospitals and health services draw on a finite pool of funds. If members pull out, health insurance premiums will become more expensive for those who remain. This will include millions of lower and middle income earners, retirees and pensioners. Over one million people with private hospital cover live in households with a total annual income of $40,000 or less. More than 1.6 million Australians with private hospital cover are aged between 20 and 35 years. The Australian Health Insurance Association has said:

The Rudd Government’s decision to dismantle the private health insurance rebate will place increased pressure on the public hospital system and force up premiums for those Australians who take responsibility for their own health care by taking out private health cover. Every single one of the more than 11 million Australians with Private Health Insurance—one million of whom live in households with an income of less than $26,000 per annum—will have to pay more for their private health insurance as a direct result of this policy.

And the Australian Medical Association has said:

Changes to the 30% Private Health Insurance Rebate mean many Australian singles and families will pay a lot more for health insurance, and if you don’t keep your private health insurance you’ll be slugged with an increased Medicare Levy surcharge. They get you both ways.

By making private health cover affordable through the rebates, millions more Australians are able to access the benefits of private health services. In fact, since the 30 per cent rebate was introduced in 1999 the total benefits paid by private health funds have increased by 162 per cent. This includes a 413 per cent increase in benefits paid for prostheses, a 389 per cent increase in specialist costs and a 166 per cent increase in total hospital benefits paid. During 2009 the benefits paid by private health funds increased by 11.7 per cent for public hospitals, 10 per cent for acute private hospitals, 12.2 per cent for day hospital facilities, 9.7 per cent for medical benefits, 12.5 per cent for listed prostheses and 10.3 per cent for total hospital benefits.

Private health is good for Australia and keeps our health system, despite misgivings, amongst the best in the world. Without private health it would go backwards very quickly and simply would not cope. The current rebate system gives everybody an incentive to be part of the private system and is fair and transparent. What might potentially have been a complex policy is easy to understand and manage. The Australian Private Hospitals Association has said:
The current system of rebates is simple, transparent and easy to understand. The new proposals introduce 10 different levels of entitlement or surcharge depending on income level and age. It will be difficult for people to work out their entitlement and will create a huge administrative burden both on Government and health funds.

But I suppose that is Labor at its best: take assistance away from hardworking, aspirational Australians and bring in a complex, unfair system that needs a big bureaucracy to manage it.

As I have previously noted, many people and families in rural and regional areas will be particularly hit by this legislation. Private health insurance is extremely important for many families living long distances from cities and full health services. It is quite common for couples working in the mining industry to be earning in excess of $150,000 per year. Under the legislation, these people will lose their rebate, and that is really not fair. They are doing their best, working in difficult conditions, to make a go of their livelihood, to be able to afford land or houses and to give their families a much better start than they would have without this opportunity. Private health insurance is a priority for a lot of families living in the remote centres of the resources sector. Many families in northern and central western Australia will be particularly hit.

I have also previously mentioned the importance of private health cover to farming families. Many farming couples draw an income of over $150,000 to compensate for the increased distance and expenses of living in rural areas. They perhaps have to pay boarding fees, higher grocery bills for transport and extra power bills, and they often have big problems with telecommunications in order to meet their financial commitments. Farms can also be particularly dangerous places, especially for children, and private health insurance is considered essential by most farming families. This legislation will hit farmers hard and it is not fair that they should not be entitled to the rebate by virtue of distance and the increased living expenses that come with living in rural areas. As with all other Australians who are earning over $75,000 as a single or $150,000 as a couple, farmers and the resource sector families are going to be hit hundreds of dollars per year because Labor has broken a core promise.

Labor assured the Australian community that it would not tamper with the private health framework and take away the private insurance rebate from families, but that is exactly what it is now trying to do. How can Australians trust this Labor government when it breaks such a black-and-white core promise as that? Prime Minister Rudd and the Minister for Health and Ageing, Ms Roxon, looked the Australian people squarely in the eye during the election campaign and said, ‘We will not take away the private health insurance rebate.’ We are dealing now with the moral issue of a significant broken promise.

It is almost laughable that the Prime Minister proclaimed that the ‘greatest moral issue of our time’ was to pass his government’s job-destroying, flawed and increasingly despised emissions trading scheme. All of a sudden it is no longer the greatest moral issue of our time. It has been outdone by the government trying to legislate a broken promise instead. The Prime Minister must be taking Australians for granted if he thinks they cannot see through all this spin, without any substance to back it up. He is trying to suffocate his no longer popular ETS through means of other pieces of bad legislation such as this.

In support of thousands of hardworking, aspirational Australian families who are going to be hit hard by this broken promise, I, along with my coalition colleagues, will not
be supporting this bill. It is an attack on the private health system whose benefits far outweigh the numbers the government proposes will be saved by this bad policy. Labor has always detested private health and did its best to destroy it in the 1980s. It still does not like it and this is why we are here now debating its broken promise. What is breathtaking, however, is the Prime Minister’s acknowledgement of falling back on the private health sector in his recent address to the National Press Club. The Prime Minister said:

The new National Health and Hospital Network aims to deliver a set of national standards, including access to elective surgery. This means both would get their operations done within a similar timeframe. If one of them can’t get it at their local hospital then the Local Hospital Network will find that person a bed at another hospital within the Network—or with a private hospital if one can’t easily be found.

This is just another con. I am sure there will be many cases when a local public hospital bed cannot be easily found, but I suggest Mr Rudd speaks with the private health sector before he refers people to private hospitals as the answer. St John of God Hospital in Subiaco and St John of God Hospital in Murdoch in Western Australia stated in the West Australian two days ago that they have no spare capacity to take on public patients. Bethesda Private Hospital in Perth has some spare capacity but would have trouble finding surgeons and anaesthetists to do the work.

If private hospitals do take on public patients on behalf of the government, the Australian Medical Association in Western Australia has warned that more people could cancel their private health insurance and go onto the queue to be treated in the public system. The Rudd government’s tampering with the private health system and removing the insurance rebate will result in millions of people having to dig deeper into their own pockets in order to maintain responsibility and choice for their healthcare needs. Thousands of people will choose to drop out of the private health system, which will result in longer surgery waiting times and longer queues at hospitals, causing a greater strain on an already overburdened public health system.

Labor’s locked-in-thePast, ideological class warfare attitude does nothing for the good of hardworking Australian families or the future prospects of our health system. People in rural and regional areas are livid at what the government is doing because this broken promise is going to significantly force up costs and take away choice for many of them. The Rudd Labor government stands condemned for yet another broken promise it has made to the Australian people. To conclude, the coalition senators’ dissenting report on this bill states that this measure is bad public policy.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I table for the information of the Senate a revised ministry list reflecting the changes announced by the Prime Minister on 26 February 2010. I also formally advise the chamber—I have written to the party leaders already advising them—that Senator Joseph Ludwig, the Special Minister of State, will be absent from Senate question time today. Senator Ludwig is in Queensland visiting flood affected areas. Senator Ludwig’s ministerial and representational responsibilities will be undertaken in the following manner: John Faulkner will answer questions relating to Senator Ludwig’s role as Manager of Government Business and Special Minister of State. I will take questions relating to the Health and
Ageing portfolio, Senator Kim Carr will take questions relating to Human Services, and Senator Conroy will fill in in terms of points of order.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (2.01 pm)—by leave—I inform the Senate that the Leader of the National Party in the Senate and shadow minister for finance will also be absent from question time today. As many of you know, he is a resident of St George and he is helping his community of St George deal with these quite extraordinary floods that are affecting his region.

QUESTIONS WITHOUT NOTICE

Home Insulation Program

Senator ABETZ (2.01 pm)—My question is to the Minister representing the Minister for Environment Protection, Heritage and the Arts and Minister for Climate Change, Energy Efficiency and Water, Senator Wong. Why is the Department of Climate Change and Energy Efficiency better placed than the department of the environment, heritage and the arts in administering a program such as the pink batt program?

Senator WONG—Thank you to Senator Abetz for the question. It is the case that the Prime Minister has announced portfolio changes and machinery of government changes which include the energy efficiency programs which were previously undertaken by what was then the Department of the Environment, Water, Heritage and the Arts being transferred to the Department of Climate Change, which will now be known as the Department of Climate Change and Energy Efficiency. I was sworn in yesterday evening to the new portfolio role and we are working as quickly as is possible to enable—

Senator Ian Macdonald interjecting—

The PRESIDENT—Order! Minister, ignore the interjections. Interjections are disorderly. Senator Wong.

Senator WONG—We are dealing with the various issues in relation to the machinery of government changes as quickly as is possible. It is obviously the case—it is self-evident—that there have been some very significant issues in relation to the Home Insulation Program. The previous minister, Minister Garrett, has made a number of statements in the House about measures the government is undertaking in order to remedy those issues and to improve the implementation of a range of programs. As the Senate knows, the Home Insulation Program was discontinued and will be replaced. My colleague Minister Combet has responsibility specifically in relation to the Home Insulation Program and the introduction of the Renewable Energy Bonus Scheme. We recognise that there are some significant—(Time expired)

Senator ABETZ—Mr President, I ask a supplementary question.

Opposition senators interjecting—

The PRESIDENT—Order across the chamber! Senator Abetz is entitled to be heard in silence.

Senator ABETZ—Thank you, Mr President. If ever there was a nonanswer, that was it. My supplementary is: does the minister agree that her Department of Climate Change is— and I quote—‘not a program manager’ and that its secretary knows ‘nothing about program design or delivery’?

Senator WONG—I am aware of some comments which have been reported to which I believe the senator is referring. I would make the point that the comments reported were obviously only in part. The secretary did make a decision in the circumstances, given the significance of these changes, that it was appropriate to have a
meeting in which the departmental staff were addressed about how these issues would be managed. Obviously we recognise there are not only significant implementation challenges associated with the Renewable Energy Bonus Scheme and legacy issues associated with the Home Insulation Program but issues with a range of other programs. We will work assiduously and responsibly and carefully to address those. (Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. Does the minister agree with her departmental secretary, who volunteered, ‘I know nothing about program risk management’? Was that the reason the Prime Minister has chosen this secretary and this minister to take over responsibility for others’ failures? Why has the Rudd government moved programs that have been bungled to a department that admits to having no experience in program delivery, let alone risk management?

Senator WONG—I had already referred to the secretary’s comments in my previous answer. It would have been useful perhaps if the senator could have reflected on that before reading out the supp he had previously prepared. The secretary has made it clear that the new department will build on existing capability and develop new capacity to deal with these issues. Self-evidently, this is a new function for the department. It is a challenge, but a challenge we in this portfolio—me as minister and the department—are determined to rise to. We recognise that the programs need to be administered to a higher standard than, regrettably, has been the case previously for a range of reasons, and we will seek to do so.

DISTINGUISHED VISITORS

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

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Senator FEENEY (2.07 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer inform the Senate of the latest official figures on the world-leading performance of the Australian economy in the face of the world’s worst global financial and economic crisis in 75 years? What do the national accounts tell us about the vital part played by the Rudd government’s decisive and timely stimulus strategy in Australia’s world-leading recovery? How is it supporting private sector led growth?

Senator SHERRY—I thank Senator Feeney very much for the question. Just over a year ago we were debating in this chamber the Rudd Labor government’s $42 billion Nation Building Economic Stimulus Plan, which was passed by the parliament against the strident opposition of the Liberal and National parties and, I have to say, with the support of the Greens, Family First and Senator Xenophon.

What did we see last week? We saw further evidence of just how effective the stimulus plan was in terms of the Australian economy. The national accounts for the December quarter of 2009, which were released last week, showed that the Australian economy grew by 0.9 per cent in the quarter and continued to outperform almost every other advanced economy. In fact, Australia last year had four quarters of economic growth and through the last calendar year it had 2.7 per cent economic growth. That is in contrast to
almost every other advanced economy, which went backwards during the last calendar year.

Before the stimulus package, when reductions in interest rates and a range of other decisive actions were taken, it was predicted that the Australian economy would shrink—that it would go backwards by 0.7 per cent—but, rather than going backwards like most other advanced economies in the world, the Australian economy grew by 2.7 per cent. Thousands of businesses were saved and hundreds of thousands of jobs were saved as a consequence of the range of actions taken by the Reserve Bank and by the Rudd Labor government.

Unfortunately, that stimulus package was vehemently opposed by those opposite. Their argument was: ‘Let’s wait and see. Let’s do nothing.’ We know what happened to those countries that did nothing and waited and saw. (Time expired)

Senator FEENEY—I thank the minister for his answer. Mr President, I ask a supplementary question. What is the Rudd government’s position on limiting taxation on all sectors of our economy as Australia’s world-leading recovery from the global recession continues? How does this commitment on taxation differ from the irresponsible, ad hoc and on-the-run policy confusion of the coalition?

Senator SHERRY—Central to economic policy is the role of taxation, and the Labor government has pledged that taxation as a share of gross domestic product will be kept below the level it inherited: on average, 23.6 per cent of GDP in 2007-08. The next budget will be tough—we make no apologies for that. We will be imposing spending restraints that keep real spending to a cap of two per cent.

If we reflect on the Leader of the Opposition, Mr Abbott, I think that in his first day on the job he said that the Liberal Party is a party that lowers taxes in Australia. On a number of occasions, he said that there would be no new taxes and that he would be lowering existing taxes. What did we have announced yesterday? We had a big new tax. We have been hearing a lot about big new taxes, but the Leader of the Opposition, Mr Abbott, announced a big $2.7 billion new tax.

Senator FEENEY—Mr President, I ask a further supplementary question. In contrast to the Rudd government’s vital stimulus strategy to support private investment, is the Assistant Treasurer aware of potential dangers to privately led economic growth? How important is it to have a responsible, realistic and sustainable taxation policy such as the one the Rudd government has in place?

Senator SHERRY—As is well known, Mr Abbott has made a number of public statements about lowering taxes and no new taxes. I leave it to senators and those listening to draw their own conclusions about a leader who proclaims that he will lower taxes, abolish taxes, bring in no new taxes and not increase taxes and then announces a big new tax of $2.7 billion. I would suggest that it is somewhat hypocritical to suggest that you are not going to increase taxes and that there will be no new taxes and then to announce a new one three months into your job as Leader of the Opposition. But what is worse is that at a time of economic recovery, when Australian businesses are doing comparatively very well, in comes the new Leader of the Opposition with a new tax—a $2.7 billion new tax.

The PRESIDENT—Senator Sherry, resume your seat for one moment. Shouting across the chamber is disorderly. I need to hear Senator Sherry.
Senator SHERRY—Sorry, I had better get the line right: $2.7 billion is ‘a big new tax’. (Time expired)

Senator Bob Brown—Mr President, I rise on a point of order: with an eye on standing order 73, I ask you to look at that last question and report back to the Senate on its validity.

The PRESIDENT—I have no doubt that the question was in order, Senator Brown.

Senator Bob Brown—I ask you to review that.

The PRESIDENT—I will review it, and if I find I need to report back to the Senate, I will. But at this stage I would have to say that it was in order.

Home Insulation Program

Senator CORMANN (2.14 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib. Can the minister confirm that the department of the environment was given explicit verbal instructions to deal directly with him on the Home Insulation Program rather than with the then responsible minister, Minister Garrett?

Senator ARBIB—I would remind the good senator and those opposite about the follies of placing too much stock in emails that have allegedly been leaked by public servants. In relation to the email that the good senator is referring to, I will take on some of those allegations. At no stage was I advised, or did I advise, that the Home Insulation Program needed to be delayed. As I have said on numerous occasions, I was present when risk to the Commonwealth and program risk were discussed regarding the Home Insulation Program. The advice to me was that these risks were being managed during the implementation of the scheme by the department of the environment. Also, at no stage did I direct, or am I aware of any direction, that I be briefed instead of Minister Garrett regarding the Home Insulation Program and I do not believe that any direction was given.

Thank you, Mr President. Also in that email that Senator Cormann is referring to were allegations regarding the media opportunities. I reject those. It may be the good senator’s next question, so I hope that I am not taking his next question from him. I find it very difficult to believe the email about being offered media opportunities first. My record shows that I attended only five media engagements regarding this program over 12 months and two of those were with Mr Garrett. (Time expired)

Senator CORMANN—I ask a supplementary question, Mr President. I note that the minister has not ruled out that there was an instruction to deal directly with him at the expense of the former minister, Minister Garrett, in relation to the Home Insulation Program. Given that fact, does the minister now take personal responsibility for the home insulation fiasco?

Senator ARBIB—that is an absolute misrepresentation of my answer. Again I state that at no stage did I direct anyone, or am I aware of a direction, to brief me instead of Minister Garrett regarding the program, and I do not believe that direction was given at any time.

Senator CORMANN—I have a further supplementary question, Mr President. Will the minister now tell the Senate when he first became aware of the safety risks for workers involved in the home insulation fiasco?

Senator ARBIB—as I have said consistently—and remember, this was a matter that was debated for almost a week of Senate proceedings—I was present at meetings where risks in the Home Insulation Program were discussed, but these again did not include electrocution or fire risk. It is also clear
that the government recognised that occupational health and safety would need to be considered in the rollout of the program. Features like the OHS White Card were built into the system by design and the government took steps to ensure that industry developed the right training for workers under the program including training around safety. The best people to work up that package were the Construction and Property Services Industry Skills Council, the peak body for the industry. It is not the role of government to lecture the experts about what training is needed for workers in a particular industry. The skills council consulted widely with relevant industry organisations.

Defence: Budget

Senator FARRELL (2.20 pm)—My question is to the Minister for Defence, Senator Faulkner. Is the minister aware of concerns regarding defence expenditure, as outlined in today’s media? What is the government’s approach to curtailing unnecessary defence expenditure?

Senator FAULKNER—Media reports today do highlight concerns about a number of defence contracts and question whether the expenditure was legitimate. I can assure the Senate that the government will examine all those claims fully. Until then I do not think that anyone should jump to the conclusion that the expenditure was unjustified. For example, the hiring of a Leopard tank in Spain is questioned. Yet I am advised that it was the cheapest option to test weight limits on the water craft for the new LHDs. And, as for the question about the hiring of the Learjet, it was in support of critical combat equipment testing.

But, regardless, I do say that defence expenditures do warrant scrutiny and action and I can assure the Senate that this is happening. The government conducted a comprehensive independent audit of defence expenditure, carried out by Mr George Pappas. We launched an ambitious Strategic Reform Program spanning 10 years to deliver $20 billion in direct savings. The SRP covers multiple streams including workforce and shared services, ICT, logistics and non-equipment procurement, and it will instil a much more cost-conscious culture in defence. This is the first year of a 10-year program. I can assure the Senate that we are on track to meet this year’s target and deliver $797 million of savings under the Strategic Reform Program.

Senator FARRELL—Mr President, I ask a supplementary question. Can the minister outline to the Senate any specific measures that are being taken to address areas of Defence expenditure such as accommodation and travel?

Senator FAULKNER—Most of the expenditures in question already fall under the scope of the SRP. Specifically, they fall within the non-equipment procurement stream, which is targeted to deliver reforms and savings from the wide range of goods and services that are purchased by Defence. This is one of the most complex streams in the SRP covering a wide range of savings. The areas currently targeted include travel, training, hospitality and advertising costs. The stream is set to deliver the second-highest savings target over the next decade, which is about $4 billion. Already this year, Defence is on track to deliver $176 million of savings in this stream, including $64 million in travel, $44.9 million in professional services and $20 million in training— (Time expired)

Senator FARRELL—Mr President, I ask a further supplementary question. Can the minister inform the Senate whether the government is taking any other action to review Defence expenditure practices?
Senator FAULKNER—Yes, I have asked the Secretary of the Department of Defence, working with the Chief of the Defence Force, firstly, to review all today’s media claims in case they fall outside the SRP and therefore require additional action; secondly, to advise me if any extension should be made to the SRP to capture additional areas of expenditure; thirdly, to ensure Defence has adequate reporting procedures to give senior management the information and the opportunity to intervene in expenditure decisions of this sort; fourthly, to ensure there is appropriate information within Defence to guide decision making; and, finally, to report progress on these issues regularly. Financial control is critical. All of these issues, if not dealt with already, should be and will be examined. (Time expired)

Home Insulation Program

Senator BOYCE (2.25 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib. Was the minister advised of any risk issues associated with insulation operators under the Home Insulation Program and, if so, when was he advised?

Senator ARBIB—I think I have now for over a week talked about the role I played and also the issues—

Opposition senators interjecting—

The PRESIDENT—Order! Ignore the interjections and continue, Senator Arbib. Interjections are completely disorderly.

Honourable senators interjecting—

The PRESIDENT—Order! The exchange across the chamber is completely disorderly. Continue, Senator Arbib.

Senator ARBIB—I have said consistently I was present in meetings where risks in the Home Insulation Program were discussed. I have said that. But these meetings did not include electrocution or fire. I have said on numerous occasions that we talked about the issues of fraud and the steps that would be put in place by the government to deal with those issues. Minister Garrett and the Department of the Environment, Water, Heritage and the Arts, as the line agency responsible, put in place a compliance and audit scheme. We have talked about the audit scheme, we have talked about the letters that were sent to homeowners to ensure work had been undertaken and we have talked about the targeted auditing of the system to inspect work. These were some of the steps that Minister Garrett took from inception and also as the program progressed.

Opposition senators interjecting—

The PRESIDENT—Order! Resume your seat. Interjecting during question time is disorderly. Continue, Senator Arbib.

Senator ARBIB—That is it, Mr President.

The PRESIDENT—Have you finished?

Senator ARBIB—Yes.

The PRESIDENT—Order! I will call you when there is silence, Senator Boyce. You are entitled to be heard in silence.

Senator BOYCE—It was good to hear all that talking; it would be good to hear some answering. Mr President, I ask a supplementary question. Were any compliance measures put in place for insulation operators under the Home Insulation Program? If so, what were they and when were they implemented?

Senator ARBIB—There were many compliance measures put in place, as I have said. I have been answering these questions for a week now. In response to risk assessments that the department of environment conducted in the design phase, an extensive compliance regime was developed initially including the Installer Provider Register and the terms and conditions of registration, in-
cluding a requirement for installer insurance and minimum skill or training competencies, the program’s audit and compliance regime, the nationally accredited training package for insulation installers, the referencing of Australian Standards and the Building Code of Australia in the program guidelines.

Opposition senators interjecting—

Senator ARBIB—Mr President, they ask the questions, but they do not want to hear the answers. They talk about compliance, but when you provide them with the compliance measures that were taken they try and scream over the top. These were the measures that were taken by the government. These were the measures that were taken by the minister. Time and time again, when the minister was provided— (Time expired)

Senator BOYCE—Mr President, I ask a further supplementary question, where, hopefully, we will get some specific detail. Have audits under the Home Insulation Program begun yet? If so, how many audits have found roofs with no insulation where the records clearly show that there should be insulation?

Senator ARBIB—In terms of audits and the work being undertaken, those questions should be referred to Senator Wong. They come under—

Opposition senators interjecting—

Senator ARBIB—I am sorry to those senators on the other side, but matters to do with the audit process—

Honourable senators interjecting—

The PRESIDENT—Order! On both sides, order!

Senator ARBIB—I am very happy to take that on notice, but, again, can I let senators on the other side know that the audit scheme is outside my portfolio. It is not part of the stimulus measures. It is not part of the nation building and jobs package. Senator Boyce, I would be very happy to try and provide that information to you. I am sure Senator Wong will have that information if you want to re-ask your question.

Timor Sea Oil Spill

Senator SIEWERT (2.32 pm)—My question is to the Minister for Defence, Senator Faulkner, representing the Minister for Foreign Affairs, and it relates to the Montara oil spill. Is the government aware that an oil sample taken in Indonesian fishing grounds has been identified as Montara oil and can therefore be assumed to have come from the Montara oil spill? Has the government commenced any investigation into, or review of, the impacts of the oil spill on Indonesian fishers and communities on Rote Island and in West Timor?

Senator FAULKNER—I certainly am aware of recent media reports concerning the results of tests ordered by the Montara commission of inquiry in relation to seawater samples which I think were provided by Senator Siewert. Those samples came from near Rote Island and off the south coast of West Timor, as I understand it. The commission asked a group called Leeder Consulting to analyse the samples and, according to revision 1 of the analysis report from Leeder Consulting, dated 18 February this year, the samples were received by them on 19 January. I am informed that page 3 of the Leeder Consulting report states:

… these sample containers are inappropriate for the sampling of oil spills …

In making this conclusion, it references the International Maritime Organisation Guidelines for Sampling and Identification of Oil Spills. I am also informed that page 17 of the Leeder Consulting report concludes that, with respect to the second and third samples, the whole oil ratios of these samples are similar to the whole oil ratios of fresh Montara crude. The report also suggests that these
samples have a positive match with Montara crude based on biomarker ratios.

It is now up to Commissioner Borthwick to assess the appropriate weight to be given to the report and the oil samples, and the documents which gave rise to it. Like all evidence presently before the commission, I think the material is untested. The commissioner, as I understand it, is yet to make any conclusion—(Time expired)

Senator SIEWERT—Mr President, I ask a supplementary question. Given that the oil is more than likely to be Montara oil and that oil found in the region is likely to have an impact on Indonesian fishers, has the government commenced any negotiations or any discussions with the Indonesian government concerning the possible impact on Indonesian fishers and their livelihood?

Senator FAULKNER—I will just conclude my other sentence. I understand that the commission is yet to make any conclusions regarding the evidence. To move to Senator Siewert’s supplementary question, I am advised that Australia notified Indonesia on 3 September of the presence of oil in its EEZ. Australia has kept Indonesia closely informed of the movement of oil and our response efforts. An Australian delegation visited Indonesia on 10 November last year to provide a briefing to the Indonesian government on the oil spill, Australia’s response efforts, the environmental monitoring and also the Borthwick commission of inquiry. The Australian government has offered to conduct a joint Australia-Indonesia shoreline survey, to be funded by PTTEP Australasia. I think Indonesia is yet to respond to that proposal. Can I say also that Australian embassy officials met with parliamentarians from East Nusa Tenggara on 4 December 2009 to provide information on Australia’s cooperation with Indonesian officials on the spill. (Time expired)

Senator SIEWERT—Mr President, I ask a further supplementary question. Could the minister inform the Senate whether impacts on Indonesian fishers and communities on Rote Island and in West Timor have been identified? Is the government prepared to ensure that reparations are provided to the fishers and those communities?

Senator FAULKNER—I thank Senator Siewert for her further supplementary question. I can certainly say, Senator, that the Australian government intends to continue to keep Indonesia closely informed of developments, including the implementation of the environmental monitoring plan. I can say to you that Australia will continue to act fully consistently with international law and our strong bilateral relationships in responding to this incident.

AMSA assesses that, based on the reports of surveillance aircraft during the response, the oil observed in Indonesia’s EEZ posed no significant threat to the marine environment. The reports of significant quantities of oil in Indonesian waters, I am informed, are not consistent with observations from surveillance aircraft throughout the incident, so I am not aware of a basis for a compensation claim. But what I will do is ask the relevant ministers, particularly Mr Ferguson and Mr Smith, if they can provide any more information on that point. (Time expired)

Hobart Private Hospital

Senator BARNETT (2.37 pm)—My question is to Senator Evans, the Minister representing the Minister for Health and Ageing. Has the Rudd government committed funding to redeveloping the Hobart Private Hospital site? If so, how much?

Senator CHRIS EVANS—I am not able to give the senator an exact answer to that particular question. I do not have a brief which covers Commonwealth funding for the particular hospital he has mentioned. I an-
ticipated that we might have questions on state election issues relating to South Australia and Tasmania. I can give the senator some more general information about healthcare funding in Tasmania, but I will take on notice—

Senator Ian Macdonald interjecting—

Senator CHRIS EVANS—I am trying to be helpful to the senator. I am able to indicate to him that under the healthcare agreement, in which we will deliver $64 billion over five years—an increase of more than $20 billion, or 50 per cent, on the last agreement—Tasmania will receive about $1.33 billion. But, as I indicated—

Senator Abetz—Mr President, on a point of order: under sessional orders the minister has to be directly relevant to the question that was asked. It was a very direct question in relation to the Hobart Private Hospital site. The minister has indicated he has no information and will take the question on notice. That is appropriate. But to then ramble on for another minute or more on all sorts of extraneous matters is clearly not directly relevant to the matter raised in the question.

Senator Conroy—Mr President, on the point of order: Senator Evans has absolutely taken on notice to seek further information on key parts of the question, as is appropriate, and he is now giving further explanation on other matters that are relevant to the question. It is clear that he is directly relevant to the question, and I ask you to dismiss this spurious point of order.

The PRESIDENT—I am listening closely to the minister’s answer. The minister has 55 seconds remaining if he has any further element to answer.

Senator CHRIS EVANS—Senator Abetz might not want me to be helpful in response to Senator Barnett’s question. If that is the case, I am happy to accept it. As the senator understands, the minister for health is in the other chamber. Senator Ludwig normally represents the minister but he is in Queensland inspecting the flood damage.

Senator Abetz—Excuses, excuses!

Senator CHRIS EVANS—Senator, are you saying Senator Ludwig should not take an interest in the Queensland flood damage? I would be surprised if that is the opposition’s position.

The PRESIDENT—Order! Ignore the interjections.

Senator CHRIS EVANS—Mr President, I was quite surprised that the opposition would take the view that the minister attending in Queensland to assess the damage and community response is an appropriate thing for a senior cabinet minister to do.

Senator Abetz—Mr President, under sessional orders the minister is required to be directly relevant to the question asked. Given that he has no further information, he is not allowed to verbal me and put things on the record which are patently false. I invite you to direct the minister to either directly answer the question or sit down.

Senator Conroy—Mr President, there was absolutely no point of order taken by Senator Abetz. What we are seeing here is constant interjections from those opposite during Senator Evans’s answer. In fact, the relevant point of order should be to ask you to call those opposite to come to order and stop interjecting across the chamber.

The PRESIDENT—As I said earlier, I am listening closely to the answer that is being given by the minister. I am aware of what the minister has said. I said to the minister that if he had any further material that was relevant to the question he should continue to give it.

Senator CHRIS EVANS—Mr President, I have attempted to be helpful. If I can get further information to the senator I will. But,
as I said, I have no brief on that particular hospital and Commonwealth funding to it.

Senator Barnett—I am surprised at the minister’s response in light of the fact that this is on the front page of the Hobart Mercury today, referring to the $565 million—

Government senators interjecting—

The President—Order! When we have silence we will proceed. The time for debating this is at the end of question time. If there are differing views, that is the time to debate them, not now. Senator Barnett.

Senator Barnett—I am surprised as this was the topic of an announcement by Prime Minister Kevin Rudd yesterday in Hobart relating to the $565 million proposal to buy back the Hobart Private Hospital. That was announced by the Prime Minister and Premier Bartlett yesterday in Hobart. (Time expired)

Senator Chris Evans—Mr President, I seek your guidance on responding to a question that was not asked! As the senator, in making his contribution to the Tasmanian state election campaign, did not actually get around to asking a question, I am at a loss as to what I should do. So I seek your direction, Mr President, as to how I might respond.

The President—I call Senator Barnett. Senator Barnett, before you begin I remind senators that there is a 30-second time limit on the asking of supplementary questions.

Senator Barnett—Mr President, I ask a supplementary question. What budget allocation will the money for the redevelopment of the Hobart Private Hospital site come from and over what years, and how does buying out existing beds and paying compensation—

The President—Order, on both sides! Senator Barnett is entitled to be heard in silence.

Senator Barnett—How does buying out existing beds and paying compensation to the private operator improve health outcomes, let alone reduce waiting lists?

Honourable senators interjecting—

The President—Order, on both sides! If you need to debate the issue it can be debated at the end of question time.

Senator Chris Evans—I have indicated to the senator that I do not have a brief in my capacity representing the minister who normally represents the Minister for Health and Ageing, who is in the other house. I have never known a state election campaign to be won in the Senate. Many have tried but generally they have been unsuccessful, and I think Senator Barnett has been here long enough to know that. I said to him that I would take the question on notice. I did indicate to him, in answer to the primary question, that this government has invested more than $64 billion, over the five years, across the nation. A large amount of this goes to Tasmania—for emergency department funding, elective surgery and many other aspects of health funding—to try and ensure a first-class health system for all Tasmanians. (Time expired)

Building the Education Revolution Program

Senator Lundy (2.47 pm)—My question is to the Minister for Innovation, Industry, Science and Research representing the Minister for Education, Senator Carr. Can the minister inform the Senate on the development of Australia’s new national curriculum, including the origins of this initiative, progress made to date and which learning areas are covered, and what the next steps are?
Senator CARR—I thank Senator Lundy for the question. Earlier this month, the Prime Minister and the Minister for Education launched Australia’s first ever national school curriculum. This is the culmination of a process that began in 2008, when all Australian governments agreed that, if we want to maintain Australia’s productivity and living standards and if we are to ensure that each and every young Australian has access to a quality education, one of the most important instruments of delivering quality education is the Australian curriculum. This is another critical milestone in the education revolution.

Senator Ronaldson—What year do they do reading in?

Senator CARR—Senator Robertson, I have asked you before. Perhaps you should read a few more books—

Opposition senators interjecting—

The PRESIDENT—Order! Ignore the interjections.

Senator CARR—because the real problem is that you are much more comfortable burning them. And that is your attitude when it comes to education. We hear from the book burners their constant refrain—they are not in support of education in this country. So it is not surprising that they would resent any measure—

Opposition senators interjecting—

The PRESIDENT—Order! When there is silence, we will proceed. It is as simple as that.

Senator CARR—I am disappointed that the Liberal Party is so keen to reject the renewed emphasis on the basics of literacy and numeracy—

Senator Mason—Are you surprised?

Senator CARR—I am not surprised, although it does surprises me to the extent that these are people who claim to be interested in these things but all the time we hear them rejecting practical measures that would ensure young Australians, and this nation, will have the knowledge and skills to achieve their full potential in the 21st century. Drafts have been released to cover English, mathematics, science and history from kindergarten to year 10. Senator Mason, anyone who actually cares about education— (Time expired)

Opposition senators interjecting—

Senator Abetz—You can’t even get a dorothy dixer out of it!

The PRESIDENT—Order! When you have finished the debate across the chamber we will proceed.

Senator LUNDY—Mr President, I ask a supplementary question. Can the minister inform the Senate how the Australian curriculum will benefit both individual students and the wider community, and what it will mean for Australia’s innovation efforts, our economy and international competitiveness?

Senator CARR—This is a reform for young Australians. It will increase their choices and their chances in life. It will enable them to discover their talents and to develop their skills. But it is also a major economic reform. It will help us accelerate innovation and lift productivity. It will give us the capable and adaptable workforce which we need to meet the competitive challenges of the decade ahead. It will mean that 80,000 students who move from state to state each year will no longer have to absorb a new curriculum. It will take us one step closer to creating a seamless national economy, a strong and efficient economy that can thrive in the global market place. It will provide the basis for this country to go forward and I would urge conservative parties of this country to come on board this major reform. (Time expired)
Senator LUNDY—Mr President, I ask a further supplementary question. Can the minister advise how the Australian curriculum will advance the government’s social justice agenda, and in what ways it will increase equality of opportunity and promote more equitable outcomes?

Senator CARR—This government has made education a priority because we understand just how important it is for Australia’s prosperity. We also understand how important it is to create a just and equitable society. The Australian curriculum gives every student a fair go wherever they live. It gives every student a chance to acquire the skills and the knowledge needed to secure a decent job, to participate fully in community life, to develop their creative interests and to be an active citizen. It will increase opportunities and support for the quality outcomes in both teaching and learning. The net result will be a fairer, smarter and more prosperous Australia. This is an opportunity—which I know is available to all of you—for you to actually look at, study and make comment upon. I think you will find that, when you do, you will see the enormous benefits. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from New Caledonia. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Tasmania: King River

Senator COLBECK (2.53 pm)—My question is to the Minister representing the Minister for Environment Protection, Heritage and the Arts, Senator Wong. What plans does the government have to remediate the King River on the west coast of Tasmania and what funds has the Rudd government allocated to this important environmental project?

Senator WONG—Thank you to Senator Colbeck for the question. It might not surprise him that I do not appear to have any advice in the chamber on this issue, which is obviously an issue of concern to him. I assume it is an issue of interest in the Tasmanian election; hence it is being asked today. In any event, regardless of why, I will seek advice from the minister for the environment on the issue and come back to the Senate.

Senator COLBECK—Mr President, I can confirm that it was a decision made by Minister Garrett last week. I ask a supplementary question. Can the minister confirm that the Rudd Labor government has not spent one cent of the previous Howard government’s $7.2 million commitment to the King River remediation project, and what has been the reason for the Rudd Labor government’s failure to undertake such important environmental work?

Honourable senators interjecting—

Senator WONG—I am not sure about Prime Minister Rudd making any decisions, Senator Colbeck. I am not sure whether the question relates to the Prime Minister or whether the senator is referring to the Minister for the Environment Protection, Heritage and the Arts. Obviously I will obtain further advice on the issue. As I understand the question, though, it seems to relate to whether or not the government have delivered a coalition policy. It seems to be rather odd that I am being asked in this representing portfolio whether or not we, in fact, have delivered your policy. It was not asked of me whether or not we had delivered our policy. (Time expired)

Senator COLBECK—Mr President, I ask a further supplementary question. When
did the government make the decision to rip the funding from the King River project on the west coast and divert it to the fox task force? Is it a fact that prior to this decision the government had no plan to fund fox eradication in Tasmania?

Honourable senators interjecting—

The PRESIDENT—Order! Debating across the chamber at this time is completely disorderly on both sides.

Senator WONG—I think we have moved from rivers to foxes, Mr President.

Senator Abetz interjecting—

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

Senator WONG—That is original. Senator Abetz asked if the penny had finally dropped. It is such an original interjection; I have never heard that in my life before!

The PRESIDENT—Senator Wong, ignore the interjections.

Senator WONG—I will take advice on this issue. If this question relates, through you Mr President to Senator Colbeck, to Caring for our Country decisions—decisions made under that program by Ministers Garrett and Burke—there are occasions in which money is reallocated on advice in order to obtain the best environmental outcome for the funds which are expended. I am sure those issues would have been at the forefront of the minister’s mind if that were, in fact, the decision made. As I have previously said, I will obtain advice and inform the Senate of the same. (Time expired)

Broadband

Senator McEWEN (2.58 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate on the progress of and any recent developments with the government’s nation-building investment in the National Broadband Network?

Senator CONROY—I am pleased to say that considerable progress continues to be made with the rollout of the National Broadband Network, a critical nation-building investment for the long-term benefit of this country. In Tasmania three stage 1 communities, Scottsdale, Smithton and Midway Point, will receive services by July this year.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Conroy, resume your seat. When there is silence, we will proceed. This is not helping us proceed through question time. You know that as well as I do.

Senator CONROY—On 1 March I announced an equity injection for NBN Tasmania of $100 million to support the rollout to stage 2 communities and to new 90,000 stage 3 premises in Hobart, Launceston, Burnie and Devonport. In all, the three stages announced so far will provide 100,000 Tasmanian premises with superfast fibre optic services. The full statewide rollout will cover 200,000 homes, businesses, schools and hospitals in Tasmania and deliver speeds of 100 megas per second. The network operations centre, where NBN Tasmania engineers can monitor the network, is nearing completion. On the mainland, construction has commenced on the 6,000 kilometres of fibre backbone links that will connect 100 regional locations across six states and territories and benefit about 395,000 regional residents and businesses. Last Tuesday came the welcome news that NBN Co. had selected five first-release sites where it will test the network’s design and construction methods, which will provide crucial information to assist in the rollout of the NBN. So the first five mainland releases were last week. (Time expired)
Senator McEWEN—Mr President, I ask a supplementary question. Can the minister provide further detail on the locations chosen for the NBN first-release sites on the mainland and explain why the testing done at those locations will be so important for the broader network rollout?

Senator CONROY—As I said, NBN Co. announced five first-release sites last week: parts of Brunswick in Melbourne; an area of Townsville covering parts of the suburbs of Aitkenvale and Mundingburra; the coastal communities of Minimurra and Kiama Downs, south of Wollongong—

Opposition senators interjecting.

The PRESIDENT—Minister, just resume your seat. We need complete order. This is not orderly at all. The minister is entitled to be heard in silence.

Senator CONROY—The fourth site was an area of West Armidale in New South Wales, including the University of New England, and the fifth was Willunga in South Australia. NBN Co. chose these sites so that it can test its construction techniques and network design in a diverse range of conditions relating to demography, climate and existing infrastructure and terrain. Construction will begin in the second half of this year and services will be available early next year. Crucial information will emerge from these first-release sites to continue the NBN rollout. For those opposite who continue to try to deny that this project is rolling out before their eyes, this is a timely reminder. (Time expired)

Senator McEWEN—Mr President, I ask a further supplementary question. Is the minister aware of industry and other stakeholder reaction to these recent NBN announcements?

Senator CONROY—Our recent NBN progress announcements in Tasmania and on the mainland have been welcomed by a range of stakeholders. For example, in Tasmania the Liberal opposition leader, Will Hodgman, has welcomed our forward progress on the NBN. He has said:

The announcement of an equity injection to facilitate the roll-out of fibre to the home broadband in Tasmania is warmly welcomed. This will enable further extension of the National Broadband Network to Hobart, Launceston, Devonport and Burnie. I have always strongly supported the NBN as providing great opportunities for Tasmania and the state’s economy, connecting us globally. It will also help deliver better health services, closer to home, and expand educational options for the next generation of Tasmanians.

(Time expired)

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

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Home Insulation Program

Senator HUMPHRIES (Australian Capital Territory) (3.05 pm)—I move:

That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) to questions without notice asked by Senators Cormann and Boyce today, relating to the home insulation scheme.

Senator Arbib failed once again in this place today to explain exactly what was going on with this failed and fatal national Home Insulation Program that the government has now abandoned because of its many and serious flaws. The many problems with this scheme were no better illustrated last week than in an article that appeared in the *Canberra Times* which quoted extensively the secretary of the new Department of Climate Change and Energy Efficiency, Dr Parkinson, about the problems with the scheme. The quotes make for illuminating reading. Senator Wong, in question time today, chose to characterise these comments, to give it a charitable interpretation, as being taken out of context. She
said Dr Parkinson was reported in part, but if this was only part of what he said I would have loved to have been there for the whole speech. Dr Parkinson was quoted by the Canberra Times as saying that he was concerned about the insulation program ‘deba- cle’, saying that staff from the environment department had been ‘put through hell’ trying to administer it. He said:

“In the last week I have seen up close and personal what you’ve had to go through over recent months and ... it’s been hellish for you,” he said.

The contrast between what the secretary of the department that is now administering this program has had to say and what little the minister has had to say in this place is a very telling comparison. The government apparently was unaware that the department concerned was going through hell, to quote the secretary of this department, with respect to the administration of the scheme, but somehow the minister is able to say blithely: ‘I didn’t know this was happening. I wasn’t aware of it. It’s all news to me.’ The secretary goes on to say:

It’s not like DCC has any expertise in this area. DCC is not a program manager ... one of the ironies is that DCC is even more of a policy department.

The quote continued:

I’m not going to gild the lily. We are going to have huge challenges ...

That is what Dr Parkinson said with respect to administering the mopping up of the scheme left to him by Minister Garrett, the minister formally responsible for this area. What we have here is a litany of problems with this scheme which reflect how badly the scheme was administered, how badly the scheme was conceived, how badly it was rolled out, how much of it was rushed and how little the government has properly understood what it was doing as it made these changes to this important public policy area.

Dr Parkinson should be given credit for actually revealing what everybody in the department that formerly administered this knew about the scheme—that it was a crock. The public were also beginning to become aware of this as this scheme was being rolled out.

Minister Arbib in question time today said, ‘At no stage was I advised the Home Insulation Program should be delayed.’ Yet the secretary of the Department of Climate Change is saying that he is aware and that he had seen how hellish the administration of the scheme had actually been. He said that there was not enough time and resources put into the program, because it was implemented almost in panic, resulting in a range of problems with its operation. Of course, the scheme has been linked to four deaths and 93 house fires. The minister, of course, claims no connection between the way in which the scheme has been rolled out in those things.

Dr Parkinson said:

You have not had, for whatever reason, the resources that you needed to do the job and even if you had, there are inherent policy design flaws ...

If the secretary of the department now responsible for rolling out the scheme is aware enough of these issues to be able to make those comments, why wasn’t the minister able to acknowledge those things when the scheme was being rolled out and when warnings were being given? Indeed, why wasn’t the minister in question time today able to answer questions about exactly what was known to him about those problems—problems that many people were aware of? Even in the ACT we have had warnings from ACT public servants concerning the way in which the scheme operated. One public servant warned about the department:

They have no answer for what happens when, due to a poorly undertaken installation, a house fire starts and there is significant loss of property or worse.
That is what ACT public servants knew. Obviously we see from Dr Parkinson what federal public servants knew. Why didn’t the minister know these things as this program was being rolled out? It was poorly conceived, it was rushed out, there was inadequate consultation and the objectives were political. (Time expired)

Senator FEENEY (Victoria) (3.11 pm)—I rise to take note of the answers given by Senator Arbib. The issue at hand is the terminated Home Insulation Program. It is, of course, not surprising that the opposition would seek to make hay out of this issue. But those of us on this side understand two things: firstly, we understand that it was part of a broader and, as history now demonstrates, tremendously successful stimulus program. I will return to that. The second is that, as this program unfolded and after several amendments and changes by the government, the program was terminated and the government is taking responsibility for fixing those problems and for dealing with the issues that have arisen from the Home Insulation Program.

After the program was first introduced, 140,000 households a month were having home insulation installed—twice the monthly average that had existed hitherto. It was a dramatically popular and successful scheme in terms of rolling materials out into the community and in terms of generating economic activity. You will remember, Deputy President, that the whole scheme was designed in a period of economic crisis. It was designed at a time when the stimulus had to be implemented quickly and speedily to have the correct and well-timed effect on the Australian economy. As it transpires, there have been a number of very important issues that have arisen from this scheme. As it turns out, companies had low barriers to entry into the home insulation market. Companies, in the context of the transformed environment they were in, made new and important investments. They expanded their workforce and inventories. Fair trading laws, program guidelines, occupational health and safety standards and quality standards may have been ignored. Indeed, fraud has been alleged as well. Those are all terribly serious matters being taken very seriously by this government.

But understand this: the best occupational health and safety standards and the best guidelines will be as for nothing if they are ignored. Time and time again we have heard Peter Garrett outline how he made several changes and improvements to the occupational health and safety standards and guidelines that prevailed in this area. Nonetheless, unfortunately, those standards were ignored and, finally, Mr Garrett recommended the program’s termination because its integrity had been threatened—threatened, unfortunately, by a small number of operators who seem to have ignored the laws of the land. Those operators are going to be pursued with fierce determination by this government, because not only have they put at risk this program and the confidence of the public in the work of this program, but most importantly they may well have engaged in activity which has led to workplace deaths.

We on this side of the chamber are not going to be heckled by those opposite on the question of occupational health and safety standards. While the coalition, like a group of ghouls and vampires, might have discovered workplace accidents for the first time in their political lives, we on this side understand that workers are killed or injured in the workplace every day. We on this side understand what a personal tragedy it is for all concerned, but most particularly for the families. That is why one of the first things Minister Combet did, upon taking on his enhanced responsibilities, was to speak to those affected families. He heard their stories and
is now resolved to achieve justice for them on behalf of the government against those who have abused this scheme mercilessly.

We on this side of the chamber are determined to restore consumer confidence. We are determined to make sure that companies who have done the right thing, have performed legitimately and now have pressing inventory costs and wages bills, get as much assistance as is practicable. There is now a safety inspection and rectification work scheme underway with a view to triaging, if you will, those households that have had insulation installed so that those most at risk can quickly achieve relief. For those householders who are concerned about their own roofs, and the installation that has taken place, there is now a hotline that they can call. For workers who have been disadvantaged or whose jobs are at threat there is now a scheme of some $41 million to help them adjust. This is a government that has taken responsibility. (Time expired)

Senator CORMANN (Western Australia) (3.16 pm)—The Rudd Labor government’s home insulation fiasco has had three distinct phases. We had the bragging phase, we had the ducking-for-cover and passing-the-buck phase and now we have the ‘this is all behind us, let’s move forward and look at the future’ phase.

During the bragging phase Senator Arbib was out there claiming responsibility for everything and anything to do with the stimulus package—he was Mr Stimulus himself. He was in fluorescent jackets and hard hats at installation companies bragging about the additional jobs created by the Home Insulation Program, which was clearly not thought through properly. The Prime Minister told us on radio that Minister Arbib was directly responsible for the delivery of this Home Insulation Program as part of the broader stimulus. Senator Arbib, on Lateline, told the world that the most important part of his job was the stimulus package. In the bragging phase Minister Arbib was Minister Stimulus.

But today we saw that he had well and truly moved through the ducking-for-cover and passing-the-buck phase. The former minister for this area Minister Garrett is now the fall guy for this government. We had Minister Arbib in the Senate telling us that he was present at some meetings, as if he was the porter who opened the door and just happened to be there accidently. This is the minister who had weekly meetings with the department on the Home Insulation Program, according to the audit plan. It was Minister Arbib who came into this chamber and told us about regular meetings he attended. It is Minister Arbib who is now trying to pretend that he just happened to be in the same room as some of these other people who were talking about the Home Insulation Program.

During the bragging phase—I am reading from a press release that Senator Arbib put out during the bragging phase—he talked about how the government had developed a short training course to encourage more people to start working on the Home Insulation Program. It was a short training program—and that, exactly, was part of the problem. He is the minister who took responsibility for it during the bragging phase and is ducking for cover now, quite happy to pass the buck to the hapless Minister Garrett.

This minister was at the heart of it. He was at the heart of the stuff-up. He did not make it his business to find out about the risks that were involved, yet there is no problem for him; it is Mr Garrett who has to take the whole fall for it. We knew that Senator Arbib was at the heart of it, but if we did not know we could read about it in the Australian, which quoted an email that was sent to a journalist by a departmental whistleblower.

I will quote it for the Hansard:
Explicit verbal instructions were given to the Department of Environment to deal directly with Mark Arbib rather than our own minister.

And further:
This led to a breakdown in the ordinary briefing process and caused confusion as to who we were actually to report-advice.

The quote continues:
Furthermore, we were told to provide all media opportunities to Mark Arbib first and only when rejected by his office would they be given to [Peter] Garrett. And then, Garrett’s office told us to cut Arbib out; it led to the competitive photo opportunity between the two and cutting Garrett out from key economic stimulus plan meeting.

No wonder that people out there are being put at risk. No wonder the government does not have time to properly assess the risks involved or put proper risk management strategies in place if this sort of carry-on goes on behind the scenes and if it is all about, ‘How can I look as good as I can, personally?’ rather than focusing on proper and sound implementation of the program.

The question was put to the minister today and he was using weasel words to suggest that this was not actually true—that we were being misled by an article in the paper. If that is the case, why did he not say so much more clearly than he has? What Minister Arbib said today was, ‘I am not aware of a direction like this and I don’t believe such a direction has been given.’ Those are, absolutely, weasel words. What we have here is a minister who was quite keen to brag and to put himself in the sunlight and the reflected glory of all this money that was dished out as part of Labor’s various spending sprees. He was quite happy to be up there with the hard hats and the fluorescent jackets but he is not here when it comes to taking responsibility for some of the failures. He is not here to take responsibility. The compensation package that was announced last week is a complete joke. It is just reshuffling some existing money. (Time expired)

Senator McEWEN (South Australia) (3.21 pm)—I too would like to take note of answers given to questions today by Minister Arbib. I would also like to remind the Senate that the Home Insulation Program was part of the Australian government’s response to the global financial crisis. The program was intended to provide fiscal economic stimulus to the Australian economy and was part of a comprehensive and rapid response to a global financial crisis that has left comparable countries in a much worse state than Australia.

The program was part of the economic stimulus package and it has delivered results. More than one million houses in Australia have received insulation as a result of the program. Those householders will enjoy reduced energy costs. As a nation, the program will also deliver a reduction in greenhouse emissions as a result of the reduced amount of energy used. The program was part of the economic stimulus package that saved 200,000 jobs in Australia. We know that the opposition do not like to be reminded of the success of our economic stimulus package, which they voted against. They are not interested in saving jobs.

Other benefits from the program include, for the first time in the insulation industry—which of course existed prior to the Home Insulation Program—a national training module, nationally accredited training guidelines and national safety guidelines for installation of insulation. Prior to the program, this was a largely deregulated or under-regulated industry. In the order of 60,000 houses each year in Australia had insulation installed, and problems arose from those installations as well, including fires and industrial accidents. We know that installations prior to the program were not without inci-
dent. Since the Housing Insulation Program, we have put in place some regulations and some controls on the industry. No-one on this side of the house denies that the rapid take-up of the program by the Australian public resulted in problems—of course it was not without incident. Many of the matters that have come to light as a result of the rapid take-up of the program have now been referred for review, audit or investigation by Commonwealth or state authorities, including state workplace safety authorities.

It was very unfortunate that a program that had such great potential benefits for the Australian public attracted such unscrupulous, greedy and fraudulent operators. Perhaps the opposition should direct some of their bile to those people who entered into this scheme simply to feather their own nests, without any regard to the safety of, in particular, the young people that they put to work, ignoring basic workplace safety measures and the health and safety laws of the states in which they worked. Those people are abhorrent, and everybody on this side of the house is determined that this government will bring them to account for what they did. Those people have cruelled the pitch for the many responsible insulation installers, companies and providers in Australia who have built up legitimate businesses over a long period of time. This government is determined to support the legitimate, good-hearted business people and workers in this industry. We will do that in a number of ways, including through a support package for the insulation workers and insulation companies that are going through tough times. The government will stand behind those people and will pursue those fraudulent operators, those greedy individuals, who took advantage of this program and caused such problems.

Senator BIRMINGHAM (South Australia) (3.26 pm)—Sadly, this Home Insulation Program has become one of the greatest tales of ministerial incompetence that this parliament has seen. It does not just surround one minister—poor, hapless Minister Garrett, who has been the focus of so much of the attack. Indeed, from the very top to the very bottom of this government, ministers and officials stand condemned for the way that they have implemented this program. I say ‘from the very top’ because we know that the decisions around rushing in this home insulation scheme were taken at the top. They were taken by the Rudd government ‘kitchen cabinet’: the fabulously entitled Strategic Priorities and Budget Committee, the SPBC, of the cabinet. It comprises just four individuals, four individuals who run this government on a day-to-day basis: the Prime Minister, Deputy Prime Minister Gillard, Treasurer Swan and the Minister for Finance and Deregulation, Mr Tanner. They are the four who made these decisions. We know that because it was the SPBC, the kitchen cabinet, that made all the decisions about the economic stimulus measures that were taken in late 2008 and in 2009.

They made the decisions—the four most senior people in the Rudd Labor government. They left Peter Garrett hanging out to dry. They are the ones who stand condemned. It is little wonder that Peter Garrett kept his spot in cabinet through all of this—those four people would certainly not have wished to have been held to account themselves. We know those four people ignored the advice of the Department of the Environment, Water, Heritage and the Arts, which suggested a far more modest approach that would have stimulated existing businesses in the home insulation market—those who knew what they were doing. The environment department recommended something that would not have brought in all of those shonks and fraudsters that Senator McEwen was crying about before. The environment department
knew there could be a model that would not bring them in. Yet the department were overruled by the Rudd government, by the kitchen cabinet, because they wanted to spend more money faster, they wanted to push cash out into the economy, and they did not care that doing so would undermine safety in this industry.

The Prime Minister, whilst he was rolling all of this money out, decided that he needed a tsar to help do so—a stimulus tsar. The person he appointed was none other than Senator Arbib. Senator Arbib, for the last couple of weeks now, has looked seriously under pressure here. He obviously wanted Peter Garrett to take the heat; he did not want to take any of the heat himself. He did not want to take the heat because, as the stimulus tsar, he was in regular meetings about the implementation of the Home Insulation Program. He was at those meetings where the program was discussed, where risks were discussed. Indeed, the Commonwealth Coordinating-General confirmed to the Senate inquiry into the insulation program that the risk assessment undertaken by Minter Ellison was raised in discussions with Senator Arbib. Yet, miraculously, he comes in here and consistently claims that he was never told about risks of electrocution and fire. What risks was he told about when, he said, he was in meetings where risks were discussed? Why, when he knew that there was a risk assessment report, did he not ask to see that risk assessment report? Manifest neglect from Senator Arbib stands quite clearly in relation to this program. He stands as condemned as Minister Garrett and as condemned as the kitchen cabinet of the Rudd government, their top four officials.

We have had Senator Cormann highlight the informer from the Department of Environment, Water, Heritage and the Arts who made it clear that they were told to go to Senator Arbib, not to their own minister. We have also had Senator Humphries, in starting this debate of taking note of answers, highlight that the government has changed the administrative arrangements around this Home Insulation Program as if that is some kind of magic solution. It is worth restating and reemphasising the points that Senator Humphries made in closing—that is, the Secretary of the Department of Climate Change and Energy Efficiency, Dr Martin Parkinson, made it very clear last week that his department was no more qualified to implement this new program than the old one was. Dr Parkinson said it is not like the DCC had any expertise in this area—DCC is not a program manager. If it does not have the expertise, why is the government empowering it to do something that could end up being just as risky as the previous program? (Time expired)

Question agreed to.

NOTICES
Presentation

Senator Ludlam to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 9 March is an international day of action to raise awareness about the new military offensive against Karen civilians by the Burmese Army in Karen State, eastern Burma,

(ii) since mid January 2010 more than 2,000 civilians have been forced to flee new attacks in eastern Burma with villagers being shot on sight, more than 70 homes have been destroyed, schools and health clinics burnt down and the blocking of aid to people hiding in the jungle,

(iii) human rights abuses in Burma are widespread and systematic with the main perpetrator being the Burmese military,
(iv) gender-based violence, including rape against women and girls, is used as a weapon by the Burmese military,

(v) in the week beginning 28 February 2010, in New York, an International Tribunal on Crimes against Women in Burma, presided over by two Nobel Peace Prize winners and human rights experts, recommended that the United Nations Security Council refer Burma to the International Criminal Court and that countries in the Asia-Pacific not invest in Burma’s oil and gas industry, and

(vi) Burma’s oil and gas industry is the regime’s largest source of income and directly contributes to the financial stability of the military regime; and

(b) calls on the Australian Government to:

(i) work with other governments to establish a commission of inquiry to investigate crimes against humanity and war crimes being committed in Burma, and

(ii) ensure that Australian companies with links to Burma’s oil and gas industry are not contributing to the financial stability of the military regime.

Senator Ludlam to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that 10 March 2010 is the 51st anniversary of the Tibetan uprising and the Dalai Lama’s exile to India and the 2nd anniversary of the beginning of widespread unrest across Tibetan areas in 2008,

(ii) the continuing human rights concerns in Tibet, noted publicly in Beijing by our Prime Minister (Mr Rudd) on 9 April 2008,

(iii) the resumption of direct contact between Chinese officials and representatives of the Dalai Lama on 26 January 2010 after a gap of 15 months,

(iv) the meeting, on 18 February 2010, between the Dalai Lama and the President of the United States of America, Barack Obama, in the White House, and later that day, between the Dalai Lama and the Secretary of State, Hillary Clinton, and the Under Secretary of State and Special Coordinator for Tibetan Issues, Maria Otero,

(v) that the Dalai Lama’s Middle-Way policy for the peaceful resolution of the Tibetan situation respects the territorial integrity of the People’s Republic of China and seeks to resolve the Tibetan issue within the framework of the Constitution of the People’s Republic of China, and

(vi) the right of the Tibetan people to maintain their unique language, religion and culture under international law; and
(b) calls on the Australian Government to:
   (i) continue to monitor the progress of talks between the Chinese Government and representatives of the Dalai Lama,
   (ii) follow President Barack Obama in explicitly supporting the Dalai Lama’s Middle-Way policy for a peaceful resolution of the Tibetan situation, and
   (iii) renew and strengthen its support for a peaceful, lasting and mutually-agreeable resolution of the Tibetan situation, including entering into substantive multilateral initiatives with other concerned governments to encourage meaningful negotiations on the points raised in the Memorandum on Genuine Autonomy for the Tibetan People.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) congratulates the Western Australian Government on its commitment to negotiate an agreement with the Northern Territory Government so that renal patients living east of Warburton can, once again, access dialysis services in the Northern Territory;
(b) notes that the Northern Territory Government has expressed a willingness to establish a similar agreement with the South Australian Government so that people from the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands with end-stage renal disease can access ongoing dialysis treatment in Alice Springs;
(c) expresses concern that, to date, the South Australian Government has been unable or unwilling to negotiate such an agreement;
(d) asks the South Australian Minister for Health, John Hill, to advise what impediments, if any, are preventing his Government from entering into such an agreement;
(e) calls on the Commonwealth Minister for Health and Ageing, Nicola Roxon, to urge the South Australian Government to commit to the establishment of such an agreement as a matter of priority; and
(f) highlights the need for the Commonwealth Government to play a more active role in the development of a properly-funded, long-term response to renal disease across Central Australia.

Senator Hurley to move on the next day of sitting:

That the time for the presentation of the report of the Economics Legislation Committee on the Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009 be extended to 17 March 2010.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) recognises that there were more than 150 work-related fatalities in Australia in 2008-09, an increase of 14 per cent over the previous year;
(b) acknowledges the right of all workers to a safe and healthy workplace;
(c) notes that the Government is planning to harmonise occupational health and safety laws across the nation; and
(d) calls on the Government to ensure that the harmonised occupational health and safety laws will not reduce standards of occupational health and safety in any workplaces or weaken the rights of employees and their representatives with respect to occupational health and safety regulation.

Senator Polley to move on the next day of sitting:

That the Finance and Public Administration Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 11 March 2010, from 3.30 pm, to take evidence for the committee’s inquiry into the provisions of the Governance of Australian Government Superannuation Schemes Bill 2010 and two related bills.
Senator Siewert to move on the next day of sitting:
That the Senate—
(a) recognises the Australian community’s strong interest in the issue of illegal whaling;
(b) acknowledges the Government’s stated interest in pursuing legal action on this issue; and
(c) requests that the Australian Government send an embassy observer to the trial of Greenpeace activists Junichi Sato and Toru Suzuki, who are on trial in Japan for their role in exposing corruption in the government-funded whaling industry.

Senators Moore, Humphries and Siewert to move on the next day of sitting:
That the Senate—
(a) welcomes the British Government’s apology made on 24 February 2010 to the thousands of children who were sent to Australia between 1937 and 1967 under child migration schemes; and
(b) congratulates the British Government on this initiative and the announcement of their commitment to providing support to both the child migrants and their families.

Senator Bob Brown to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the tragic events of 13 February 2009, when Australian Defence Forces conducted an operation in Afghanistan in which six civilians were killed including, an adult man, a teenage girl, two boys aged 10 and 11 and two babies, aged 1 and 2, and
(ii) the Special Broadcasting Service Corporation’s Dateline program of 7 March 2010 which revealed that it took 6 months for the investigation of this incident to be referred to the Australian Defence Force Investigative Service and that the Afghani individuals involved in the incident have not been interviewed; and
(b) calls for an independent inquiry into this tragic episode.

Senator Siewert to move on the next day of sitting:
That the Senate—
(a) notes the International Labour Organisation’s ‘Report of the Committee of Experts on the Application of Conventions and Recommendations’ from the 99th Session of the International Labour Council;
(b) acknowledges that the Committee of Experts has consistently found that the powers and actions of the Australian Building and Construction Commission (ABCC) are contrary to the ‘Freedom of Association and Protection of the Right to Organise Convention, 1948’ (No. 87) and the ‘Right to Organise and Collective Bargaining Convention, 1949’ (No. 98) and in its most recent report found the actions of the ABCC inconsistent with the ‘Labour Inspection Convention, 1947’ (No. 81);
(c) further acknowledges that the Committee of Experts raises concerns about the compliance of the Fair Work Act 2009 (the Act) with the conventions of the International Labour Organisation (ILO), notably in respect of the right to strike and collective bargaining; and
(d) calls on the Government to:
(i) implement its election promise and abolish the ABCC; and
(ii) review the Act to ensure its compliance with ILO conventions.

Senator Bob Brown to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) in 2000, the Payments System Board of the Reserve Bank of Australia (RBA) and the Australian Competition and Consumer Commission (ACCC) conducted a study into one aspect of the Australian payments system, the net-
works for automated teller machines (ATMs), credit cards and debit cards to determine the economic efficiency of these networks and whether they were delivering the best possible service at the lowest cost to end-users,

(ii) the study found that the actual cost of ATM transactions was around 50 cents, and

(iii) the current average cost of an ATM transaction from a ‘foreign’ ATM directly charged to consumers is up to $2;

(b) recommends that, given that the actual operation costs of processing ATM transactions is likely to have decreased in the past decade, the RBA and the ACCC undertake another review of the cost of ATM transactions to update the information of transaction costs to customers; and

(c) calls on the Government to ban the $2 ATM fee and instead cap ATM fees at a level that reflects the actual cost of processing the ATM transactions.

Senator Birmingham to move on the next day of sitting:

That the following matters be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 21 June 2010:

(a) the Government’s Green Loans Program (the program), with particular reference to:

(i) the administration of the program from a pricing, probity and efficiency perspective, including:

(A) the basis on which the Government determined the amounts of the loan to be made available and Government subsidy thereof,

(B) regulation of Home Sustainability Assessment practices, including the promotion of assessments,

(C) accreditation of Home Sustainability Assessors,

(d) ensuring value for money for taxpayers,

(e) waste, inefficiency and mismanagement within the program,

(f) ensuring the program achieves its stated aims of improving water and energy efficiency, and

(g) the consultation and advice received from financial institutions regarding their participation,

(ii) an examination of:

(A) employment and investment in Home Sustainability Assessments resulting from the program, including that resulting from Government statements regarding the number of accredited assessors,

(B) the effectiveness of the booking system,

(C) the effectiveness and timeliness of Home Sustainability Assessment reports being provided,

(b) the early reduction by the Government in the number of Green Loans to be offered, and subsequent discontinuation of the loans, including by financial institutions in advance of the Government’s announced date of discontinuation,

(e) homeowner actions for which Green Loans have been sought and approved,

(f) the level of evaluation of homeowner action following any Home Sustainability Assessment, and

(g) what advice was provided to the Government on the feasibility and effectiveness of the program, including to what degree the Government acted on this advice, and

(iii) an analysis of the effectiveness of the program as a means to improve the water and energy efficiency of homes, including comparison with alternative policy measures;
(b) consideration of measures to reduce or eliminate waste and mismanagement, and to ensure value for money for the remainder of the program, noting the commitment of funding for an additional 600,000 free Home Sustainability Assessments despite the discontinuation of the loans; and
(c) other related matters.

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

That the Senate calls on the Government to work with the Government of Indonesia to allow West Papua to participate in the act of self-determination to be carried out in accordance with international practice as determined by the United Nations.

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

That there be laid on the table by the Minister representing the Prime Minister, the Minister representing the Minister for Foreign Affairs, the Minister representing the Minister for Environment Protection, Heritage and the Arts and the Minister representing the Minister for Home Affairs, no later than 15 March 2010, any documents relating to the Australian Federal Police’s search of the Sea Shepherd Conservation Society ships Bob Barker and Steve Irwin in Hobart on Saturday, 6 March 2010, including, but not limited to, correspondence, whether written or in email form, briefing papers and/or memoranda.

Withdrawal

Senator WORTLEY (South Australia) (3.31 pm)—Pursuant to notice given on the last day of sitting on behalf of the Standing Committee on Regulations and Ordinances, I now withdraw business of the Senate notice of motion No. 1 standing in my name for 11 sitting days after today.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (3.31 pm)—I withdraw government business notice of motion No. 1 to rescind a resolution of the Senate disallowing the Aviation Transport Security Amendment Regulations 2009 (No. 1).

LEAVE OF ABSENCE

Senator O’BRIEN (Tasmania) (3.32 pm)—by leave—I move:

That leave of absence be granted to Senator Ludwig for today on account of ministerial business.

Question agreed to.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (3.32 pm)—by leave—I move:

That leave of absence be granted to Senator Joyce from today until Friday, 12 March 2010 on account of personal reasons.

Question agreed to.

COMMITTEES

Community Affairs Legislation Committee

Extension of Time

Senator O’BRIEN (Tasmania) (3.33 pm)—by leave—At the request of the Chair of the Community Affairs Legislation Committee, Senator Moore, I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and other bills considered during the inquiry be extended to 10 March 2010.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 18 March 2010.

General business notice of motion no. 527 standing in the name of Senator Xenophon for
today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 18 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 10 March 2010.

FOOD IMPORTATION (BOVINE MEAT STANDARDS) BILL 2010

First Reading

Senator COLBECK (Tasmania) (3.34 pm)—I, and also on behalf of Senator Joyce, move:

That the following bill be introduced: A Bill for an Act to ensure equivalence to Australian production standards in the importation of bovine meat and meat products, and for related purposes.

Question agreed to.

Senator COLBECK (Tasmania) (3.35 pm)—I present the bill and 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 COLBECK (Tasmania) (3.35 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This is a Bill for an Act to ensure equivalence to Australian production standards in the importation of bovine meat and meat products, and for related purposes.

This Food Importation (Bovine Meat Standards) Bill 2010 has come following the Rudd Government’s decision to allow the importation of beef and beef products from countries that had reported any cases of bovine spongiform encephalopathy (BSE). As a result of this decision, these importations could take place from 1 March 2010. In 2001, the Australian Government took the responsible decision to implement measures to protect the public and the beef industry from potentially contaminated beef products. This followed the reporting of BSE in a number of European countries. Until the Rudd Government’s decision, announced by the Trade Minister, Health Minister and Agriculture Minister on 20 October, these measures remained in place.

This Bill will ensure stronger, more rigorous measures are written into law if any importer does wish to bring beef or beef products into Australia from countries previously reporting cases of BSE. It will give the public confidence that the potential for BSE contaminated beef entering Australia is minimised.

The Bill gives force of law to standards for the assessment of bovine meat and meat; and maintains the assessment and importation requirements relating to bovine meat and meat products that applied at 1 July 2009 unless and until appropriate import risk analysis procedures are undertaken.

The Federal Coalition recognises the Minister for Agriculture’s announcement on 8th March that the Government will undertake a rigorous science based Import Risk Analysis on any beef being imported into Australia in from countries which have had a BSE outbreak. We welcome this announcement.

The Government’s announcement comes following the Coalition’s indication last week it would introduce this Private Member’s Bill. However, this Bill will go further than what the Government has announced.

First and foremost the Bill will require that beef products must not be imported into Australia unless they have been, at a minimum, the subject of assessment requirements under section 8, that is, the assessment process such products were subject to prior to 1 July 2009.

Secondly, the Bill requires that the Minister satisfies himself that the country or region of the imported product has in place a program of ‘birth-to-death’ traceability to identify the origin of animals. This traceability must be at least as
rigorous as Australia’s National Livestock Identification Scheme which the Australian beef industry is compelled, by law, to participate in.

The Bill will enshrine, into legislation, the need to conduct an assessment process for imported beef products ensuring the Australian public and the Australian beef industry is not potentially at the mercy of a Government simply wishing to rubber stamp beef importation requirements. This assessment process will be based on the assessment processes which applied in relation to the importation of bovine meat and meat products as at 1 July 2009.

Should the Minister determine that changes in the assessment process are required, the Minister can, by way of legislative instrument, vary the details of the default assessment process. This will ensure any changes to the assessment process are subject to the full scrutiny of the Parliament.

Further, under this Bill, the Minister may also determine new assessment processes, again by way of legislative instrument, vary the details of the default assessment process. This will ensure any changes to the assessment process are subject to the full scrutiny of the Parliament.

Thirdly, and critically for the Australian consumer, this Bill introduces certain country of origin labelling standards. The importation of beef products from countries previously reporting cases of BSE has caused significant community concern particularly with respect to the inability to identify imported beef products under current labelling laws.

The Bill requires the Minister to determine within 28 days after the commencement of this Act, a labelling standard relating to country of origin labelling for beef and beef products imported into Australia. The determined standard must contain labelling requirements in relation to beef which provide consumers with, at a minimum, the same information as is required in relation to pork under the country of origin labelling standard in force as at 1 July 2009.

Debate adjourned.
Tuesday, 9 March 2010

The Senate divided. [3.40 pm]

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

Ayes............. 6
Noes............. 38
Majority........ 32

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

NOES
Adams, J. Back, C.J.
Bernardi, C. Bilyk, C.L.
Birmingham, S. Bishop, T.M.
Brown, C.L. Bushby, D.C.
Cameron, D.N. Cash, M.C.
Colbeck, R. Collins, J.
Cormann, M.H.P. Crossin, P.M.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fielding, S.
Fierravanti-Wells, C. Forshaw, M.G.
Furner, M.L. Heffernan, W.
Hurley, A. Hutchins, S.P.
Lundy, K.A. Marshall, G.
McEwen, A. McLachlan, J.E.
Moore, C. O’Brien, K.W.K.
Parry, S. * Polley, H.
Pratt, L.C. Stephens, U.
Sterle, G. Troeth, J.M.
Williams, J.R. Wortley, D.
* denotes teller

Question negatived.

MATTERS OF PUBLIC IMPORTANCE
Beef Imports

The DEPUTY PRESIDENT—I have received a letter from Senator Parry proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The Rudd Government’s complete mismanagement of implementing revised protocols for the importation of beef into Australia.

I call upon those senators who approve of the proposed discussion to rise in their places.

More than the number of senators required by the standing orders having risen in their places—

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator COLBECK (Tasmania) (3.43 pm)—The government have really only got themselves to blame for the complete mess that they find themselves in in relation to the changed protocols for the importation of beef into Australia, particularly the relaxation of requirements for the importation of beef from countries that have had outbreaks of BSE. As we have said previously in this place, the whole process was conducted under a cloak of secrecy. The industry asked that the opposition be consulted; the opposition were not. The information was brought out during estimates hearings, when the government hoped that members of the opposition would be otherwise occupied. The government tried at all times to be clever, they tried to be secretive, but all they have done is create a significant problem for themselves and enormous concern within the Australian community.

It must be clearly stated that Australia is the safest place in the world to eat beef. For a long time we have had strong protocols and strong protections in place, and in some ways we were fortunate that we had already put into place bans on feeding feed derived from meat products to bovines well in advance of BSE unfortunately becoming a part of life in some other countries. We had made some decisions upfront which put us into a very good position. We had dealt with that, and, when the unfortunate outbreaks occurred, we were very well placed, because there was a strong level of trust in our beef
products in overseas markets, particularly the prime overseas markets of Japan and Korea.

When the government made the decision during estimates in October last year to change those protocols, one of the real impacts was that the advantages we have in those particularly strong and important markets were potentially reduced. That is what this is all about: marketing and perceptions of the safety of beef coming out of countries that have had BSE outbreaks. We know that there were huge reductions in the consumption of beef in those countries at the time, particularly in Japan, which is highly sensitive to food safety.

One of the important things that Australia had going for it was that it had a good, strong record; it had traceability. The Australian industry had put through the National Livestock Identification System, albeit with some resistance from some cohorts of the beef industry, and it proved to be a very strong and valuable part of our credentials in those key markets. The government tried to be secretive. It tried to be exclusive. It tried to bring in a process that excluded this parliament from having any say in the changes, and it should rightly be condemned for that.

We welcome Minister Burke’s decision yesterday to conduct a full import risk analysis for beef coming into Australia from countries that have had BSE. That is what we said should happen some weeks ago. That is a position that the opposition has held for a long time. We welcome the fact that this is what the government has now done, but there is still more to be done. There are issues of labelling. We know that beef does not enjoy country of origin labelling as many other products do.

Senator O’Brien—It was announced today.

Senator COLBECK—If that is the case, then that is another good announcement, Senator O’Brien. I welcome that announcement, and it is about time. But I think it just goes to demonstrate the pressure that the government has come under from the industry and from the opposition over this complete debacle.

The other thing is traceability. If the Australian beef industry is going to have traceability, which is mandated by government and is an expense, the opposition believes that growers from any other country that wishes to import beef into this country should have the same impost as ours. I think that is entirely appropriate. That is what the opposition has been saying for some time, and that is what the bill that we introduced into the parliament earlier today is saying. Full import risk analysis, traceability and country of origin labelling are more than appropriate to deal with the complete mess that the government has created through its handling of this matter.

Senator STERLE (Western Australia) (3.48 pm)—I welcome the opportunity to contribute to this debate, but I have to take Senator Colbeck’s claims to task. I cannot let them slip through. It is just not true that it has been an absolute debacle. It was a very emotive couple of weeks of hearings—I would not argue with that. A massive scare campaign has been put out by the opposition, but everyone out there has to understand that the government consulted with industry. With my background in representing transport workers for all those years, I do not see anything more credible than the government’s consulting with industry. The industry came and worked hand in hand with government to see how the heck we could improve the situation.

In defence of the previous government, they were right to put the blanket bans on in whichever year they did that—you would remember the year better than me, Mr Acting
Deputy President. They were correct to do that, but since then the science has changed. The science has improved. The science showed that we could import meat from these countries. There is no argument about that.

I would like to spend a minute defending the standing of Mr Greg Brown from the Cattle Council of Australia, who came before us on a number of occasions. Mr Brown took a lot of heat from senators opposite. Some of the questioning from some of the opposition senators was very good, but some of the attacks on Mr Brown’s persona were nothing short of disgraceful. I know that it is an emotive issue, but Mr Brown’s being called a fool or being accused of not knowing what he was talking about and having his credibility carved up in a Senate hearing was nothing short of disgraceful.

Senator Heffernan—He called me an effing c!

Senator STERLE—Through you, Mr Acting Deputy President, I did not want to mention anyone’s names, but seeing that Senator Heffernan is going to lead with his jaw, let us call it as it is: Senator Heffernan was really very rude to Mr Brown. I shook Mr Brown’s hand, but if that hand had been around Senator Heffernan’s throat he would not have been so smart or so forward in attacking the man.

Senator Nash interjecting—

Senator STERLE—The chair of the committee, the Nationals Senator for New South Wales, Senator Nash, can come across as though butter would not melt in her mouth, but, my goodness, she was just a little better behaved than Senator Heffernan—I will give you that, Senator Nash. But I spoke to Mr Brown the other day. I do not think he would mind me saying that he rang me, very upset, on the Friday after the hearing, to tell me that he wished he could have the opportunity to turn the attack back onto those National and Liberal senators, given the way they conducted themselves in the hearing. He also said that he had had phone calls from Senator Boswell and from Mr Cobb, the shadow minister for agriculture and food security, and another person—I think it might have been the member for Maranoa, Mr Scott, and if not I will apologise to him—who were very concerned that industry had worked closely with the government and yet come under such a virulent attack from certain National and Liberal senators.

Once again, the government, in all fairness—and I take my hat off to congratulate Minister Crean—negotiated with industry. There are some senators on that side who are very badly suffering relevance deprivation syndrome. They just could not handle it that the beef industry had spoken. They did not like what was being said, so they ran the scare campaign. With the greatest of respect, I would also like to congratulate Minister Burke. Minister Burke has listened, and we as a government have listened, to concerns raised.

Opposition senators interjecting—

The DEPUTY PRESIDENT—Order! I remind senators on my left that they are all on the speakers list, so I suggest they make their comments in their allocated time.

Senator STERLE—Thank you, Mr Deputy President. I am used to the shouting and screaming from the other side. Thankfully, I do not lower myself to that standard. I have my chance to have my say—and I will—and they will have their chance.

We really have to understand what this means. Under the previous policy, it would have been a sin had we not revisited this blanket ban because, regardless of what will be said on that side of the chamber, if there was an outbreak in a country that had BSE then all meat would have to come off the
shelf. There is no argument about that; the *Hansard* will show that.

*Senator Heffernan interjecting—*

**The DEPUTY PRESIDENT**—Order! Senator Heffernan, wait your turn. Senator Sterle has the call and you will have your chance later.

**Senator STERLE**—Quite simply, it is the truth: all meat would have had to have come off the shelf. The policy has not changed. I think it is very important that, while we congratulate Minister Burke for implementing an IRA, the government have made it quite clear that they will do whatever they can to expedite the time. Quite simply, let us not be fooled by those opposite: so far there have been no applications to import beef—none at all; not one. I know that upsets that lot over there but, anyway, that is the truth of the matter.

As I say once again, this is all about looking after our beef industry. To quote Mr Greg Brown from the Australian Cattle Council—and it is on the *Hansard* record—when I asked him whether he has been a producer for long: ‘Four generations’ was his answer. I find it disingenuous that a couple of farmers on the other side could think that someone with four generations of history in the beef industry would do anything to jeopardise a $7.1 billion industry. Sixty per cent of that $7.1 billion is export. As I have said, it has been a major scare campaign from those opposite.

**Senator Heffernan**—Why did you change your mind then, you dope?

**The DEPUTY PRESIDENT**—Order! Senator Heffernan, you know the rules of this chamber; withdraw that.

**Senator Heffernan**—Sorry, Senator Sterle: I withdraw for saying ‘you are a dope’.

**The DEPUTY PRESIDENT**—You are only compounding it, Senator Heffernan.

**Senator STERLE**—In between me shaking in my boots, thank you Mr Deputy President, I do appreciate the opportunity to continue what I was saying. As I was saying, the import risk analysis will now be part of the assessment. The IRA will provide further opportunities for public consultation. We know the game: those on the other side have made it very clear that whatever they can do to keep this alive, whatever they can do to stall the process, whatever they can do to put out a greater scare campaign, whatever they can do to mislead the beef industry and have them believe that the world is going to come crashing down, they will continue to do. They are continuing to do that. We will play the silly game. I will attend the hearings, no worries, and make up their numbers for them while they play to their constituents. Their dwindling importance in the bush has just been highlighted more and more. That is for them to sort out, not me.

In that time the government will also amend the current labelling regime for beef. I think that is a major concession. Let me take this opportunity to talk a little bit about the labelling. It can be a political football; it can be a hot potato. Some members of parliament can use it for their own vested interests and a grab on the six o’clock news. But this country should not be fooled into thinking for one minute that our biosecurity all lies on what the label says on the shelf. Let us get this very clear. I challenge those opposite to correct me if I am wrong. Our biosecurity, in the interests of this country, lies at the border—with the protocols, with the IRA and with all those systems in place—and not what it says on the shelf. What it says on the shelf should be a choice issue for consumers. That was another scare campaign being run in tandem here.
It is also imperative to take this opportu-
nity to mention that we asked—and Hansard
can be checked—everyone who came before
us how many producers they represented.
There was one group that kept coming back
time and time again—it was like Groundhog
Day—because it suited those on the commit-
tee from the other side of the chamber to
keep rehashing the same scare campaign and
the same vested interests who did not repre-
sent many growers at all compared to the
Australian Cattle Council, the Australian Lot
Feeders Association or AMIC, the major in-
dustry body. And when they did come to us,
there was always a barrage of assault put on
them. They could not help themselves. Even
Senator McGauran could not help himself
from lowering his standards and personally
attacking a witness.

On that, I am glad to say that Senator
O’Brien and I were part of the hearing. It
was very interesting to have that hearing. It
was good to hear from the industry. It was
good to hear that the majority of industry had
the opportunity to work closely with gov-
ernment. Regardless of what they say over
that side, it was an industry decision and it
was the right decision. Science has moved
on. This is clearly a science argument. There
are no ifs or buts about that. You cannot ar-
ge against science, although you like to.
(Time expired)

Senator MILNE (Tasmania) (3.59 pm)—
I rise today to join this matters of public im-
portance debate on the decision by the gov-
ernment to reverse its decision to overturn
the ban on the importation of beef products
from countries affected by BSE. I do wel-
come the fact that the government has done a
backflip on this particular issue. I congratu-
late the Minister for Agriculture, Fisheries
and Forestry for intervening. It demonstrates
that when the community is concerned and
raises its objections in a logical manner,
through a Senate inquiry process, at least the
minister is listening. So I am pleased, and I
congratulate Minister Burke for taking this
decision. There should actually be more of
that. There should be more of government
ministers recognising that when they have
made a mistake they should change their
minds, not dig in and pretend that nothing
has happened and that the community ought
not to be listened to.

This matter came to the Senate on 27 Oc-
tober last year, when I moved a motion to
refer it to the Rural and Regional Affairs and
Transport References Committee because it
was very clear to me that the community did
not even know what was about to be pro-
posed—that the ban on these beef imports
was about to be reversed. It was of greater
concern when I discovered that many of the
people in the beef industry with whom the
government had been negotiating had been
sworn to silence. The reason they had been
sworn to silence was that the government
assumed that the best way of getting this
through was to swear the industry to silence
and to try to reverse the ban. Getting that
Senate inquiry, enabling people to get the
message out to the rural community and the
broader community through consumer
groups, has led to this process, where the
minister has reversed his decision. Now there
will be two years during which an import
risk analysis will be undertaken and every-
body will have the chance to feed into the
process in the manner that they ought to have
been able to in the first place. We should not
have had to do this, but, nevertheless, it has
worked. I am very pleased that the decision
was made to refer this to a Senate inquiry
and that the Senate inquiry has aired the is-
sue to the point where the government has
made this decision.
Having said that, it is very clear that this was always a trade agenda. Otherwise, why would a country with a strategy of having no risk whatsoever of the Australian community being exposed to BSE go to a negligible risk strategy? It would make no sense whatsoever to do that. Why expose your population when you do not have to, when you are clean, when your product is clean and when your markets depend on it being clean? Why would you take risks? The reason is purely and simply a trade agenda. We now know that former US trade representative Susan Schwab asked the Minister for Trade, Simon Crean, to cancel the ban on US beef when they met in Washington in January 2008 and again in Canberra that March, during trade talks, and in June that year. Canadian trade negotiators repeatedly complained about the ban during meetings with Australian trade officials in Geneva in October 2008 and in a meeting between Mr Crean and Canada’s Minister of International Trade a month later. Mr Crean was lobbied by US and Canadian officials again in Bali last June. In October, after more than 30 representations from the North Americans, Australia agreed to lift its ban on beef from countries with a history of mad cow disease.

The issue that I have is that this was always driven by a trade agenda. Australia was worried that if Canada was successful in its WTO case against Korea then eventually other countries would join the case and Australia might well lose in a WTO hearing. The worry was that Australian beef producers might then be exposed to retaliatory action. That would mean, for example, that other countries would be able to impose higher tariffs on Australian beef exports. At least 65, if not up to 75, per cent of Australian beef goes into export markets, which is what led to this decision. So it was purely fear of retaliatory action through the WTO processes that led to this. It is the same kind of pressure that was brought on by the Canadians when they tried to send salmon into Australia. Tasmania mounted a very strong retaliatory action internally in that case. It is the same pressure that the New Zealanders are now bringing on in relation to fire blight and apples. It is no doubt the same as the case the Filipinos will make in relation to bringing bananas into Australia.

It is because Australia accesses export markets on the basis of negligible risk that other countries are saying, time and time again, that they should be able to access our market on the basis of negligible risk. That begs the question: why is Australia so slavish in its commitment to the WTO processes and free trade rules when nobody else is? It seems like Australia wants to always take the white knight role. Frankly, look around the world and you will see that nobody else has the slightest intention of adhering to those rules. I was in Europe in December, in Copenhagen, and I can tell you now that Europe is moving very strongly to become a global island in terms of food security and self-sufficiency and fuel security and self-sufficiency. It will continue to subsidise its farmers to the last because Europe never, ever again wants to be in a situation where it could starve because of not being able to access food. Nor does it want to be in the position ever again where Russia can turn off the gas and Europe freezes. It does not want to be in that situation. If you want to talk to Europeans about where things are going, do not go off to the trade talks; go and wander around Europe and you will see that there is no community support for that.

In fact, the whole world is now moving to fresh, local, seasonal food. People are over the focus on free trade. They are now looking at sustainability, at peak oil, at the carbon constrained world of the future and how that will impact on food production. Food security and sustainability, not free trade, are be-
coming the issues that people are talking about. Frankly, Australia is flogging a dead horse. Pushing these agendas, against the interests of Australian public health and Australian producers, is crazy policy. I am really pleased that we are now going to go into this process in terms of reviewing the risk associated with importing beef and beef products from countries affected by mad cow disease. But it begs a bigger question. This country needs to start having a discussion about food security: where we are going to grow our own food into the future and how we are going to manage our ecosystems so that they are sustainable? As a country which can produce more food than it consumes, we also have a moral responsibility to supply food into markets in the future in order that the world can feed itself with a growing population.

There is a whole rethink needed here. That is why I think it is stupid to continue having these endless fights about the science of negligible risk. We will argue the case for years on end, but what happens is the science gets caught in the middle of what is effectively a trade agenda. I think we need to rethink this whole scenario. Having said that, I am very pleased to have played a part in stopping the overturning of this ban. I look forward to the process for the next two years. I congratulate the minister for listening to the community, but I put the Rudd government on notice that it ought to stop secret processes, because when the community find out about them they are doubly suspicious of their intent.

Senator NASH (New South Wales) (4.09 pm)—As Chair of the committee which held the inquiry into the relaxation of the importation rules—the Rural and Regional Affairs and Transport References Committee—I have been as close to the issue over the last couple of months as anyone else. I take this opportunity to commend some of my Senate colleagues. It has been a collective effort to get some focus put on this issue. I commend my very good colleagues Senator John ‘Wacka’ Williams, Senator Chris Back, Senator Richard Colbeck, Senator Julian McGauvan and especially Senator Bill Heffernan for his efforts. On this occasion Bill and I have both been blowing steam out of our respective ears. It has taken all of us working together as a team to get some impetus on this issue. It was certainly needed because, as people quickly realised, there was no legislation and no regulation attached to the ministerial decision to do this; it was simply a swipe of the pen from the minister. We felt it was entirely appropriate to refer this to the Senate committee for greater scrutiny given that there was no parliamentary oversight whatsoever, other than our Senate inquiry.

I absolutely repudiate the accusation that we have been scaremongering on this issue. That is complete rubbish. What we have done is embark on an entirely appropriate process of scrutiny, through an entirely appropriate committee, to look at this issue. To say that we have been scaremongering is quite appalling. As a committee we certainly reject the accusation that we have ever done that. One of the witnesses, Mr Greg Brown, from the Cattle Council, thought we were being ‘mischievous’ in holding a Senate inquiry to get some scrutiny of this very important issue. All I can say is that I am very glad that the Senate committee was ‘mischievous’. If not for our ‘mischievous’ action this government would not have changed its mind and we would not be embarking on a full, transparent and comprehensive import risk analysis. To say that we were mischievous is quite an extraordinary thing. This comes from a person who was, to all intents and purposes, representing the cattle industry.

What we do know is that producer after producer after producer came to us during the course of this inquiry saying they either
had no knowledge the import restriction on beef was being lifted or that they completely disagreed with it. They had no knowledge of it because of the secrecy that was required of the industry body heads during this process. There was no broad community consultation because of this veil of secrecy. Those producers absolutely should have been aware of this and they should have been part of the process—which, with the IRA, they now will be. The Cattle Council’s Greg Brown referred to Senator Colbeck as ‘a germ’. He said the issue had been ‘beaten up by certain members of the Senate determined to destroy this industry’. I am a farmer from the Central West of New South Wales and, while I am in this place, I will do nothing but fight for the agricultural industries I represent right across this country. It is just appalling that a leader of the cattle industry could stoop so low with remarks such as that.

We know that the IRA process needed to be put in place. The government has done a sensational backflip here. Isn’t it interesting? Senator Sterle is accusing us of scaremongering at the same time that his government is doing a backflip and asking what we the coalition knew the government should be doing months ago to make sure a proper process was put in place. The Australian people deserve to know that they were going to have the proper process in place when determining changes in these laws. I commend our media commentators, including Leon Byner in South Australia, Alan Jones and Jason Morrison at 2GB, and Graeme Gilbert. I have probably missed some of them, and I am sorry to the ones I have missed. A range of commentators realised that this issue was important to the people of Australia. Through them, with senators on the coalition side raising this issue, the people of Australia were able to have a voice on this issue. They made their voice heard very loud and clear by the minister and, as a result of their actions, the minister is now going down the path of a full import risk analysis process.

Senator HEFFERNAN (New South Wales) (4.14 pm)—I will not put up with the chatter from Senator Sterle but obviously Senator Sterle when this process started knew nothing about it, as did the Cattle Council. The Cattle Council indeed did not know the difference between an import risk assessment and an import risk analysis. I have to say that they did not know there were cattle transported across the border from Mexico into the US, into Texan feedlots, so we started from a pretty low base of knowledge. Once again I congratulate all the people involved who got the government to change its mind. As late as last Friday Mr Crean and his mob still did not want to change their minds, so something happened over the weekend. My congratulations to the people involved, as Senator Nash said, especially to some of the media people, certainly Leon Byner in South Australia, who led the charge back in October-November of last year before it caught on in Sydney with Alan Jones and others this year. As a consequence the power of the people prevailed. So I think it was a fantastic outcome.

Can I just put some things on the record so that we get into context what this really is all about. We are entitled under World Trade Organisation rules to have a full import risk analysis. We are entitled to have an import risk analysis whenever there is a major change of circumstances. There has never been an import risk analysis into the importation of beef into Australia. In fact, the assessment that was done that allowed the Brazilian beef in was a similar process to what the government was going to do until they changed their mind yesterday, which in fact brought meat into Australia from a country that had foot and mouth disease, even though it had OIE accreditation to the fact that it was clear.
This is really as much about trade as it is anything else. In 2003, to get a couple of things on the record, America exported 1,274,098 tonnes of meat worth $3.856 billion. The currency ran from 59c Australian to 70c Australian per US dollar. At the same time and in the same period when the BSE came along—that was when the BSE struck—they went from that amount of meat back to 321,000 tonnes of export, from 1.2 million. This is about market share in the marketplace and us being the safest place in the world to eat beef maintaining our reputation as the world’s leading supplier of clean, green and fresh food that is safe. And it still is. In the same period, 2003, 375,455 tonnes of meat were exported out of the US to Japan. When they got the BSE ban, 797 tonnes went out instead of 375,000 tonnes. In Korea at the same time, when the won was at 77 won, oops, along came the BSE and the US went from 246,595 tonnes to 672 tonnes. Japan went from $815 million down to $4 million. Korea was the same: Korea went from $1.3 billion to $4 million. That is the damage they did to their own trade by not having full traceability. We demand full traceability birth to death. While the government was silent on supporting the Senate hearing, the bureaucrats did not even know and had not considered whether they closed the US border under the protocol. So there were a whole lot of things brought up in the protocols.

This war is not won; it has just begun. We have to go through things like we went through with the import risk analysis on apples. Senator O’Brien knows all about that. The Biosecurity Australia report said that indeed they thought we would import fire blight into Australia in the apples but it would not actually get out into the orchards. Those are the sorts of silly things you have to put up with, and that is why this deserves the full scrutiny it is about to get. We will be demanding that labelling gets sorted in the meantime. We will be demanding that there is full country birth to death traceability and if they are going to source cattle from other countries, Canada and Mexico, they have to be traced back to where they were born in Mexico and Canada. It is only the right thing to do. We can demand it under the WTO rules. So this is a fight that has just begun. We are not allowed to interfere in the subsidised dairy herd reduction in America; we have to compete in the hamburger market with that. We are not allowed to complain about the $200 a head feedlot subsidy in the US—(Time expired)

Senator BACK (Western Australia) (4.19 pm)—Madam Acting Deputy President, thank you for the opportunity to contribute to this debate. It really is complete mismanagement of implementing revised protocols for the importation of beef into Australia. The tragedy of it, of course, is that it need never have happened. Had there been open consultation from the word go, all of these matters could have been resolved in advance of last October. It was only following a period of secrecy between industry, demanded by government ministers, that we have the lamentable situation which we emerged from in October last year. It was not only, regrettably, that the industry groups were bound to secrecy to not speak to us in the coalition. It then emerged that they were also bound to secrecy to not speak to their own producer representatives and indeed their processor representatives. What a shame that was.

Why did they in fact come to the table supplicant like this? It was because of an apparent policy that said that in the event that there was an outbreak of BSE in Tasmania then all of the state and territory ministers would be influenced to remove beef from their retail shelves. Only yesterday did we receive advice from the minister, Minister Burke, in a press conference when he said:
The policy of ‘beef off the shelves’ is gone. For our domestic industry, this means we no longer have the ridiculous situation where if there was an outbreak in one corner of Tasmania, all Australian beef would have to be removed from all Australian shelves. That policy is finished with.

I do recall those words being used a few times in the hearings. What industry urgently wants now is two things from the minister, and I request that those on the other side see that they are provided. The first is written undertaking and guarantee that that stupid policy, denied by the New Zealanders and everybody else in the world, is in fact finished. The second is that we would require and seek advice from the minister as to who he consulted with and by what process he determined that in fact the ‘beef off the shelves’ policy is behind us and finished. For me, one of the biggest issues here in this whole debate and the four hearings we held was ministerial accountability. It became clear very quickly that the decision to either allow beef or not allow beef, the decision to determine the protocols by which beef would be allowed into this country from countries that had had BSE, would in fact not be signed off by ministers of the Crown but would be policy decisions by bureaucrats.

I have absolutely and utterly the highest regard for those people who look after our welfare in this regard. When we are dealing with a condition that has the potential to risk human and animal life—variant CJD in humans and BSE in animals—it is not adequate that this is merely a policy decision implemented by bureaucrats. It must have ministerial accountability.

When the Food Importation (Bovine Meat Standards) Bill 2010, announced this afternoon, comes before this chamber, I will urge that it be passed and go to the other house to be debated and passed as a sign of goodwill. This is a bill for an act to ensure equivalence to Australian production standards and importation of bovine meat and meat products. In other words, those importing to Australia must be subject to the same terms and conditions, or their equivalent, as those imposed on our own producers and processors.

This goes a stage further. It talks of the import risk analysis. I am delighted that the results of four hearings have resulted in the minister reversing a previous decision, which his colleague the Minister for Trade stated would never, ever happen; that is, an import risk analysis. The third element of this bill is for labelling so that the consumer can see the origin of the beef.

This has been a critically important hearing. As a veterinarian, most of my practice time was associated with the beef and livestock industries. I am very proud that this Senate committee produced the outcome we had yesterday. I acknowledge the minister for his decision and hope his ministerial colleagues take notice that secrecy has no place in this place.

**Senator O’BRIEN** (Tasmania) (4.24 pm)—I note in his press conference Minister Burke said that there has been growing concern about an irresponsible fear campaign run by some. I think that is absolutely correct. It is not correct that the policy, which came into effect on 1 March, has been overturned. It has not; it remains. The thing which has changed is that a decision has been made to implement an import risk analysis on top of that policy decision. The original reason it was not believed necessary for there to be an import risk analysis was that prior to the decision previously made—I think by the previous government—to exclude beef from this country on the grounds of BSE, beef was imported into this country. The minister’s decision was initially based on the fact that beef had been previously admitted to this country without an import risk analysis. However, responding to com-
munity concern—which the minister believes was whipped up by an irresponsible fear campaign—and in the interests of the reputation of Australia’s industry with Australians, it was felt important to implement a process to ensure overall confidence in the system.

This government believes that the previous policy would have jeopardised the entire domestic industry if ever there were an outbreak of BSE in Australia. We believe that it would have required all Australian beef to be removed from sellers’ shelves. If other governments did not believe they were bound by that policy, that is a different matter. I am not certain, but it is my recollection it was the previous government that agreed to the arrangements that would have put this in place. Be that as it may, we have gone past that point. We are now in a position where we are working towards a public assurance process, where the matter will be determined according to the science. I have always been a supporter of the determination of quarantine matters based on the science, not on politics. So I do take issue with the idea that there will be a constraining of the import risk analysis process by this private member’s bill that Senator Back is talking about. In effect, it tells the scientists what they find should acceptable—I do not find that acceptable.

Senator Back—But the bill does not say that.

Senator O’BRIEN—Senator Back interjects that it does not say that. I interpreted what he was saying to be they had put requirements on the import risk assessment as to how they should assess, what would be acceptable and what would not be acceptable. If the bill does not say that, we will have a look at it. An import risk analysis is one which is conducted by a very important body—a scientific panel—which is set up to examine all of the risks of importation, and they go beyond BSE. Further, there are time lines which apply to that process. It involves the Eminent Scientist Group, which is important because one would hope that this would give the findings of the analysis panel, subject to assessment, even more rigour and credibility in the public’s eyes.

If we look at what this government is faced with a decade after the initial ban had been put in place—the ban on importing beef from countries that had had BSE—global science has moved on. There is no longer a scientific reason to keep the ban in place. The new food safety policy brings Australia into line with other major beef trading nations—Japan, Canada, New Zealand, the United States, South Korea, Taiwan and Europe—none of which have retained that old policy which many previously had.

We have a very competitive beef industry here in Australia. It is strongly competitive in domestic and global markets. The gross value of production is estimated by ABARE to be worth $7.1 billion to the Australian economy, of which 60 per cent is exported. We find it hard to understand how it could be suggested that this policy would threaten those jobs. To be frank, there would be a bigger threat to our jobs if we failed to meet our obligations under trade arrangements. We are entitled to assess things based on the science, and this government supports that. But to put in place measures that are not in compliance with our arrangements with our major trading nations would threaten our trade in beef products and indeed in other products. I remind senators opposite that I think our quota arrangement with the United States is 378,000 tonnes per year. There should not be a quota. We should not be limited. That is the limit. But we do trade an extraordinary amount of beef to that nation.
What would Australia’s producers say if the measures that some opposite have been talking about in blocking trade in breach of our obligations with nations like the United States meant that we were not able to export that quantity of beef or anything like it? It was the former government that was keen to renegotiate some of those arrangements to increase quotas, and in the fullness of time some years into the future it is expected that those quotas will increase. But they have been very important—indeed, very valuable—to the beef industry. When our currency was at much less comparable rates to the US dollar, when it was down around 50c and 60c, the scrambling by beef producers to get access to beef quotas was a sight to be seen, because it was a very valuable commodity. I am not sure that I want our currency to go back to those levels. I am sure many beef producers and exporters would love it, because they would be able to be very much more competitive. We are still selling hundreds of thousands of tonnes of beef into world markets, particularly into the United States, and we cannot afford to jeopardise that by taking steps that are not consistent with our trade obligations.

Senator Milne talked about a no-risk policy. We have never had a no-risk policy. The previous government never had a no-risk policy on quarantine. The government’s policy was a minimal-risk policy. Nobody is able to say that any trade policy guarantees you against any intrusion. You can only minimise the risk. That is what the previous government argued it was doing in a number of areas, and that is what this government is doing in relation to this. If we are talking about BSE and its transmission, we know that it is not a contagious disease. It is spread only through cattle eating contaminated meat products. Since 1997, we have banned the feeding of meat products to cattle. The Mathews report quantified the risk over the next 50 years at 0.002 per cent. FSANZ said consumers could be 100 per cent certain that all imported beef would be BSE free. Animal Health Australia found there was no viable pathway for transmission of BSE to Australian cattle—that is, because there were no live exports we would not bring in cattle with the disease and no bonemeal feed was imported nor was it allowed to be used in Australia for animals.

I think people have been alarmed by what has been said. A lot of people in the community, naturally, would be fearful of the introduction of a disease or the possibility of getting it from eating imported beef. And cattle producers who were not attuned to the reality of our quarantine arrangements could be easily frightened into thinking that perhaps the markets for their products would be damaged. The reality is that this government has done the right thing by the cattle industry and the industry accepts that. That is why it supported the government’s initial position.

In addition, today the government announced that, consistent with that and with what has taken place before, there will be a requirement for labelling of beef. Previously, seafood and pork had to be labelled in a supermarket context so consumers could know if it was imported or locally produced. Now, with the prospect of imports of beef, this government has announced that it will require that beef being sold to the consumer be labelled with whether it is Australian or imported product. Beyond that we will wait for further announcements. I would hope the labelling would say more than just whether it was imported and perhaps in a lot of cases where it was imported from, just as other products are identified in the supermarket cabinets as being products of China, Singapore, Malaysia, Vietnam, Norway, the United States or Canada. Then the consumers could make an informed decision. The government do support consumers making informed de-
cisions. We do support the idea that Australia’s industries, such as the beef industry, be allowed to trade in an environment where their day-to-day existence is not threatened by a policy that we believe would require the government, if we had an outbreak of BSE, to remove beef from the shelves. Just as importantly, we should not be in a position where we run foul of our trading partners to the point where it damages our capacity to export beef and other products into their markets.

I recall when there were challenges to our regime relating to the importation of fish products, particularly salmon. The suggestion that came before the Senate Rural and Regional Affairs and Transport Legislation Committee, as it was then, inquiring into those matters was that if the challenge was successful a challenging nation could seek to implement measures against trade in any of our products to an extent equivalent at least to what was adjudged to be damage caused by any prohibitions on their products entering this country in breach of trade obligations. The previous government was mindful of that and argued its case based upon that. This government does the same.

In relation to this matter, we are completely confident that the science upon which the original decisions have been based is solid. We are completely confident that the appropriate consultations were conducted. Clearly, there was a view that an alarmist approach to this might damage public confidence in the beef industry. We have seen some of that occur, unfortunately, in the process of this examination. Minister Burke has listened to public concerns and decided that the appropriate course of action is to try to give as much certainty as possible to the Australian community and that, although beef was imported without an import risk analysis prior to the ban, an import risk analysis will be required.

So what has happened? We were initially thinking that beef would be allowed in without an IRA. There was public concern. We are now implementing an import risk assessment. We expect that assessment to take two years or thereabouts. Our trading partners will not be completely happy about that, but it is a measure we are entitled to take under our trading obligations. At the end of that time I expect that there will be a protocol—we will see the importation of beef. Some countries may not like the protocols and may choose not to comply with them, as happens with a number of trade arrangements, by not sending food to this country. That will be their choice. They will not have been prevented by anything other than a scientific assessment of risk and the application of policies consistent with our trade obligations. That is the responsible position this government takes. I acknowledge that Minister Burke has been commended on some of the actions taken. The announcement today on labelling of beef goes a further step in the right direction. (Time expired)

Senator WILLIAMS (New South Wales)
(4.39 pm)—It is pleasing to see that the Minister for Agriculture, Fisheries and Forestry, Mr Burke, has done what I call the right thing by ordering an import risk analysis. This issue as to whether an analysis was necessary was argued very strongly in Rural and Regional Affairs and Transport References Committee hearings. The point here is that we are an island nation. We all know that the clean, green image this nation has in producing food and exporting food is essential so that people overseas can buy Australian food with confidence. To have had this decision by the Minister for Trade, Mr Crean, the Minister for Health and Ageing, Ms Roxon, and Minister Burke to allow the importing of beef from countries which have had confirmed outbreaks of BSE, or mad cow disease, without an import risk analysis was
simply putting at risk our nation’s clean, green image.

We now have a backflip by Minister Burke, and I welcome that. There are three parts to the Food Importation (Bovine Meat Standards) Bill 2010, which was presented in the Senate today by Senator Colbeck. One is that a complete import risk analysis be carried out to see what risk, if any, Australia’s beef industry and the Australian people may be put at as a result of the importing of beef from these countries. The second issue is that a national livestock identification scheme equivalent to that in Australia should be essential for all countries that we are going to import beef from. This was very controversial when it came in several years ago. Many of the beef producers in Australia did not go along with it, but now they see the advantage of having a proper trace-forward, trace-back identification scheme in Australia. We should not be importing beef from any country that does not have a system equivalent to that which we have in Australia.

It is good to see Senator O’Brien now talking about labelling. Being a former pig farmer myself, I know the effects of importing pig meat. When importing pig meat was allowed many years ago under the Hawke-Keating government, the comment was made, ‘Don’t worry about it, we won’t import much pig meat’—the same sort of comment that is being made now about the beef industry. We imported 49,000 tonnes of pig meat into Australia in 1999 and last year a massive 219,000 tonnes of pig meat. That in itself is a concern. If we are going to import beef, we must see that we protect our nation from diseases and that we protect our clean, green image, as it is a major marketing tool for exports, especially in the beef industry.

I would like to make special mention of the Cattle Council of Australia and Mr Greg Brown, who called the committee mischievous. Mr Brown, representing the Cattle Council, should take note of public opinion—of what people actually think. I refer him to the poll at my website, where 3,191 people voted: 98.7 per cent opposed the ministerial decision to allow the importing of beef into Australia from countries that have had confirmed outbreaks of BSE. Of the people who voted, 1,043 were beef producers and just 18 of those beef producers agreed with the ministerial decision. Yet Greg Brown of the Cattle Council says that we are mischievous, we are out of touch and we are running a fear campaign. Have a look at the results from the general public and the beef producers and what they have had to say about this.

There was a beef forum in Armidale in northern New South Wales just a couple of weeks ago. It was run by Bindaree Beef, in my home town of Inverell, which employs almost 600 people. They have a magnificent works. It is an industry that our local community is so dependent on. The employees are so concerned that they are signing letters to Ministers Burke, Roxon and Crean telling them that they do not want their industry and their jobs put at risk. No doubt the minister has changed his mind and has now ordered an import risk analysis because of public pressure. I thank people, as Senator Nash mentioned earlier, like Leon Byner on FIVEaa Adelaide radio, Alan Jones, Graham Gilbert and many others around regional Australia who have brought this issue to the public’s attention.

We must protect our nation from disease. That is the right of all governments. Now that the import risk analysis is in place, it finally looks like the government is doing the right thing about labelling so that Australians can at least identify what they are eating. It is essential that all other countries have an NLIS equivalent. (Time expired)
The ACTING DEPUTY PRESIDENT (Senator Hurley)—The discussion has now concluded.

MINISTERIAL STATEMENTS
Electoral and Referendum Amendment (Close of Rolls and Other Measures) Legislation

Senator SHERRY (Tasmania—Assistant Treasurer) (4.45 pm)—On behalf of the Special Minister of State, Senator Ludwig, I table a ministerial statement on proposed amendments to the Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010.

Senator RONALDSON (Victoria) (4.45 pm)—by leave—I move:
That the Senate take note of the document.

I just want to make a couple of quick comments and confirm that Senator Fifield will be making a quick contribution as well. I can say that we will be supporting this, which will not be surprising given that we were the government who actually introduced the trial in the first place to give the blind and visually impaired the right that so many other Australians take for granted. It was an expensive undertaking, but I understand that the coalition members on the Joint Standing Committee on Electoral Matters supported the recommendation on the basis that it was not a matter that they were prepared to make a political football. I think some common sense has prevailed.

It is hard to believe that the chair’s report in relation to this matter was not seen as a political football. Clearly, the government has had substantial feedback from the disability sector in relation to the impact of the recommendation—quite rightly so—and we now see these changes.

It is not reasonable to describe this interim measure as providing people with the opportunity to cast a secret and independent vote when you look at it in the context of what was available under the trial. For starters, under the trial people were actually able to cast a vote on polling day, so they were joining the general community in relation to their right to cast a vote. At the moment, they have to go into a divisional office. They will be put in a room and will actually be required to ring someone and advise them of what their vote is. I do not care what the definition is, but surely a secret and independent vote does not include going into a room, sitting there and ringing someone they have not met to advise them of what their vote is. That is not a secret and independent vote. Do not call it something it is not. Do not gild the lily. It is a vehicle to provide the visually impaired and the blind with an option to vote pending some final resolution of this matter, but it should not be described as a secret and independent vote. It is most definitely not.

We welcome these changes. I am pleased that what would appear to be the government’s stated intention in relation to their desired outcome from these trials has indeed changed and, when these amendments are moved, they will receive the coalition’s full support.

Senator FIFIELD (Victoria) (4.49 pm)—Madam Acting Deputy President, you and I and everyone else in this chamber take for granted the right to exercise a free, independent and secret ballot, but that is not a right that blind and vision impaired Australians have been able to exercise at will in this...
nation. At the last election, as Senator Ronaldson indicated, the then coalition government provided for a trial of electronically assisted voting for blind and vision impaired Australians. Those voters who took part in that trial reported a great degree of satisfaction with the avenue of voting that was available for them because for many of those Australians that was indeed the first time they had ever been able to cast a genuinely secret ballot. So it was with great and understandable concern that blind and vision impaired Australians received the news from the Joint Standing Committee on Electoral Matters, who were inquiring into the conduct of the last election. I recall Mr Melham from the other place publicly stating that he did not feel good about the recommendation of the joint standing committee’s report, which was that the trial was too expensive. I do not have a particular issue with the committee or Mr Melham for making their particular finding on the basis of the facts presented to them. However, I have a great issue with the fact that at that time the federal Labor government did not indicate that they would be taking steps to ensure that at subsequent elections the option of a genuinely secret ballot would be available.

I think the people who took part in the trial were able to appreciate that perhaps the particular form of voting which was in place might not have been cost effective. I think they were perfectly prepared to take on board the findings of the JSCEM but were looking for a commitment from the government that they would be taking steps to ensure that at subsequent elections the option of a genuinely secret ballot would be available.

I was quite concerned at the last Senate estimates hearings when I asked Minister Ludwig if he was able to provide a commitment on behalf of the government that legislative changes would be put in place to enable a secret ballot. At that time, on 9 February, Minister Ludwig said, ‘I am not able to provide that commitment.’ That was of concern to me and it was of concern to blind and vision impaired Australians. The Electoral Commissioner made it clear at that Senate estimates hearing that, although he would dearly like to provide the option of a secret ballot for everyone, section 234 of the Electoral Act prohibited him from doing so because it currently provides only for assisted voting where a poll clerk records an individual’s vote. Mr Killesteyn was seeking an amendment to section 234 and I am pleased that the ministerial statement, which Senator Sherry tabled today, says:

The amendments to the Bill will provide a legislative framework to allow electors who are blind or have low vision to cast a secret and independent vote at future federal electoral events.

I assume that is in reference to a change to section 234. I am concerned by the minister’s description of the voting mechanism. I recognise that it is put in terms of a short-term arrangement for the next election and that work is being done to look at a longer-term option for a secret ballot. I will read from the minister’s statement:

As an interim measure, at the next federal election, electors who are blind or who have low vision will have the option of attending an AEC Divisional Office to cast a secret vote.

That sounds okay. It continues:

It is intended that eligible voters will be provided with a private environment and be connected to a call centre where two trained call centre operators
will complete the ballot papers according to the voter’s verbal instructions.

At first reading, that sounds as though it is a situation not entirely different to that which currently pertains. At the moment, if a blind or vision impaired person goes to a polling place they can receive assistance and they can indicate their vote verbally to a poll clerk. On reading the minister’s statement, it would sound as though this is the same mechanism, whereby you walk into a divisional office, you pick up a phone and someone records your vote. What is not clear from this is whether there will be protocols in place to ensure that this is a secret ballot. I hope that is the case. Maybe the divisional office will make a call to the call centre verifying that the voter standing there is entitled to vote and that that voter then has their vote recorded by the person at the call centre who does not have any knowledge of the voter’s identity. That might be a way of ensuring that the vote is indeed secret. We do not know from the minister’s statement if that is the case. If that is not the case, then it should be examined immediately. I will be consulting with the disability sector and blind and vision impaired representative groups to see if they are satisfied with this interim measure. If it is, as it appears in this statement and as identified by Senator Ronaldson, simply a telephone equivalent of walking into a polling booth, then clearly it would not be acceptable because it would not be a genuinely secret ballot. I am pleased that the act is being amended to give the Electoral Commissioner greater flexibility, but we need additional information from the government to determine if this does give effect to a genuinely secret ballot. We encourage the government to continue to look at options to provide a genuinely secret ballot, not just at this election but at subsequent elections.

Question agreed to.

DOCUMENTS
Tabling
The ACTING DEPUTY PRESIDENT (Senator Hurley)—Pursuant to standing order 166, I present documents listed on today’s order of business at item 13 which were presented to the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing order, the publication of the documents was authorised.

The list read as follows—

COMMITTEES
Selection of Bills Committee
Membership
The ACTING DEPUTY PRESIDENT (Senator Hurley)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (5.00 pm)—by leave—I move:

That Senator Bushby be discharged from and Senator Fifield be appointed to the Selection of Bills Committee.

Question agreed to.

Cyber-Safety Committee
Establishment
The ACTING DEPUTY PRESIDENT (Senator Hurley)—A message has been received from the House of Representatives transmitting for concurrence a resolution relating to appointment of a joint select committee. Copies of the message have been circulated in the chamber.

The House of Representatives message read as follows—
(1) (a) That a Joint Select Committee on Cyber-Safety be appointed to inquire into and report on:

(i) the online environment in which Australian children currently engage, including key physical points of access (schools, libraries, internet cafes, homes, mobiles) and stakeholders controlling or able to influence that engagement (governments, parents, teachers, traders, internet service providers, content service providers);

(ii) the nature, prevalence, implications of and level of risk associated with cyber-safety threats, such as:

• abuse of children online (cyber-bullying, cyber-stalking and sexual grooming);
• exposure to illegal and inappropriate content;
• inappropriate social and health behaviours in an online environment (e.g. technology addiction, online promotion of anorexia, drug usage, underage drinking and smoking);
• identity theft; and
• breaches of privacy.

(iii) Australian and international responses to current cyber-safety threats (education, filtering, regulation, enforcement) their effectiveness and costs to stakeholders, including business;

(iv) opportunities for cooperation across Australian stakeholders and with international stakeholders in dealing with cyber-safety issues;

(v) examining the need to ensure that the opportunities presented by, and economic benefits of, new technologies are maximised;

(vi) ways to support schools to change their culture to reduce the incidence and harmful effects of cyber-bullying including by:

• increasing awareness of cyber-safety good practice;

• encouraging schools to work with the broader school community, especially parents, to develop consistent, whole school approaches; and

• analysing best practice approaches to training and professional development programs and resources that are available to enable school staff to effectively respond to cyber-bullying; and

(vii) analysing information on achieving and continuing world’s best practice safeguards; and

(b) such other matters relating to cyber-safety referred by the Minister for Broadband, Communications and the Digital Economy or either House.

(2) That the committee consist of 12 members, 4 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips and one Member from the independent Members, 3 Senators to be nominated by the Leader of the Government in the Senate, and 2 Senators to be nominated by the Leader of the Opposition in the Senate or by any minority group or groups or independent Senator or independent Senators.

(3) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(4) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(5) That the committee elect a Government member as its chair.

(6) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall
(7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(8) That 3 members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(10) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

(11) That 2 members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(12) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(13) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(14) That the committee or any subcommittee may conduct proceedings at any place it sees fit.

(15) That the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(16) That the committee may report from time to time but that it present its final report no later than 11 February 2011.

(17) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(18) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

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

STATUTE LAW REVISION BILL 2010
NATIONAL CONSUMER CREDIT PROTECTION AMENDMENT BILL 2010
EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION OF PROVIDERS AND OTHER MEASURES) BILL 2010

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES
Economics Legislation Committee
Report

Senator McEWEN (South Australia) (5.01 pm)—At the request of the Chair of the Economics Legislation Committee, Senator Hurley, I present the report of the committee on the provisions of the Trade Practices Amendment (Infrastructure Access) Bill 2009, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.
FAIRER PRIVATE HEALTH INSURANCE INCENTIVES BILL 2009
[No. 2]
Second Reading

Debate resumed.

Senator STERLE (Western Australia) (5.02 pm)—I rise to make my contribution in support of the Fairer Private Health Insurance Incentives Bill 2009 [No. 2]. The government provides in the order of $4 billion annually in private health insurance premium rebate subsidies. The latest figures published by the Australian Institute of Health and Welfare show that government outlays on private health insurance premium rebates unfortunately are rising rapidly year by year. For example, in 2007-08 the total value of the subsidy increased by 13 per cent, and in the five years to 2007-08 the total value of the subsidy increased by almost 40 per cent.

For approximately every $2.30 raised by private health funds by way of premiums, the government puts in a dollar. By any measure this is a very high taxpayer subsidy to support a private sector activity. Approximately 50 per cent of the total value of the government’s private health insurance premium rebate flows on to the private hospital sector, about 10 per cent flows on to private medical practitioners and another 10 per cent is used to subsidise health fund administrative costs. No-one should argue that the government does not have a duty and responsibility to make certain that the payment of this level of government financial subsidy support is fair and sustainable. However, as the Minister for Health and Ageing has stated, aspects of the present private health insurance premium rebate subsidy arrangements do not meet these objectives and need therefore to be changed.

A major pillar of social policy in Australia for over the past 30 years has been the Medicare scheme. We should all be aware that the coalition’s resistance to the measures contained in the proposed legislation is directly related to a long history of deep-seated antagonism within the Liberal and National parties to public universal health insurance and publicly funded health care. The coalition may feign support for Medicare, but whenever they are put to the test the true position of the coalition unfortunately stands out in lights. The coalition have an ideological hatred of the Medicare scheme, and that is why they will vote against this bill.

The position being taken by the coalition on this bill demonstrates the peril that Medicare faces whenever a coalition government is in power. Coalition governments, as they have demonstrated over the past 30 years, will, whenever they have the opportunity, continue to chip away at the foundations of the Medicare scheme.

Senator Bushby interjecting—

Senator STERLE—Through you, Madam Acting Deputy President, I cannot wait for Senator Bushby’s contribution to prove me wrong! In the context of the debate on this bill, it is relevant and timely to review some of the history of Medicare and its predecessor, Medibank.

The Medibank scheme was introduced by the Whitlam Labor government on 1 July 1975. At the time the Whitlam Labor government introduced the Medibank scheme, Australia’s health system, particularly its hospital system, was disintegrating. It was a mess—there is no argument about that—and this was clear to everyone. The Australian public knew that the health system bequeathed to them after more than 20 years of coalition government was a disaster. Nonetheless, when the then Labor government introduced the original Medibank legislation, the Health Insurance Bill 1973, into the Australian parliament in November 1973, that proposed legislation was fiercely opposed by
the coalition opposition made up of the Liberal Party and the then Country Party, now the National Party. The coalition parties were backed up and egged on by the medical profession, the private health funds and the private hospitals, all of whom were vehement in their opposition to Medibank.

It should never be forgotten that it was a coalition controlled Senate almost 40 years ago that attempted to stand in the way of a public universal health insurance scheme that guaranteed all Australians would have access to affordable health services, including free public hospital services. The Medibank scheme guaranteed that no longer would individual Australians and Australian families have to worry about whether they could afford to pay for needed health care, particularly high-cost hospital care. As history shows, a coalition dominated Senate blocked the original Medibank legislation on three occasions. It therefore unfortunately required a double dissolution election and the subsequent joint sitting of both houses of the Australian parliament to pass the Medibank legislation.

Madam Acting Deputy President, I am conscious that we have a lot on our plate today. I would like to make a longer contribution to this debate but for the purposes of time and in fairness to my colleagues who are waiting for their turn I would seek leave to continue my remarks at a later date and I commend the bill to the House.

**Senator Barnett** (Tasmania) (5.07 pm)—I stand proudly today to oppose the Fairer Private Health Insurance Incentives Bill 2009 [No. 2]. I note some of the comments from Senator Sterle and his rebuttal, in part, of Senator Bushby. I know that Senator Bushby’s contribution to this debate has been clear and concise and forthright in standing up for the important balance between private health and the public health system.

In the last 24 hours—and I want to concentrate on this—we have seen the Prime Minister fly into Tasmania and go to the Labor Party’s election campaign launch for the state of Tasmania to support Premier Bartlett. You can understand why he would want to do that and why he would be down there. The fact is that his plans for public hospitals in Australia, and specifically in Tasmania, are simply a hoax. For example, Labor’s promise in Tasmania to buy back the hospital in Hobart has been shown up to be an election hoax with no substance after the government failed to provide any details of the plan upon questioning in the Senate today. It is just ridiculous that the Prime Minister would even consider making that announcement, or that the Premier David Bartlett would consider making that announcement yesterday.

Premier Bartlett’s announcement is based on a cruel hoax. We have three states—Queensland, New South Wales and Victoria—that are not supportive of, or at least have very serious questions about, these plans. The Prime Minister says he has to take it to COAG to get it through. You have already got some concerns, not to mention those of Western Australia. You have only the South Australian and Tasmanian Labor governments that are saying, ‘Yes, it sounds like a good idea’. The Premier announced yesterday a re-election pitch: a $565 million proposal to buy back the Hobart Private Hospital. That was his plan. We are talking
big bucks for the Tasmanian government’s position and their plans for hospitals in Tasmania, and specifically in Hobart.

It would appear that there has been no discussion whatsoever with the Hobart Private Hospital and its owners, Healthscope. In fact, Healthscope’s chief medical officer Michael Coghlin was reported in today’s Mercury on the front page as saying that the company would not comment on how much it would cost to sever the contract. But he confirmed that the government would be expected to bear the entire cost of funding an alternative site, constructing a new building and even covering lost earnings during the transition.

We are open to those discussions but the bottom line for us, which is not negotiable, is that our future must not only be assured but be enhanced.

That is the response from Hobart Private Hospital. I understand the government is expecting that the cost to break that contract will be in the order of $80 million. That is a lot of money, but what did the former premier, Paul Lennon, say about the cost to break that contract. He is on the record. In fact, I have got here a government media advisory from Friday 10 March 2006 from Paul Lennon MHA, Premier. What does he say about the cost of breaking this contract with Healthscope? In the second paragraph Mr Lennon said the previously secret details of the 1998 contract confirmed that relocation of part or all of the Royal Hobart Hospital would require taxpayers to find a commercial buyer for the site or build and fit out a new hospital for Healthscope at an estimated cost of $150 million. It is amazing that that is on the public record and yet Premier Bartlett has not been able to come clean and advise the Tasmanian people exactly what plans he has and what cost those will incur for and on behalf of the Tasmanian people.

It is also interesting to see what else has been reported in today’s media about the Prime Minister’s announcement yesterday. He said that the Rudd government’s health reforms would result in fewer bureaucrats over the next decade. It is quoted that Labor guarantees the jobs of all Tasmania’s valued health public servants. That is what the Premier, Mr Bartlett, said. Yet, on the other hand, the Prime Minister said something completely different—in fact, the opposite. In Hobart yesterday, the Prime Minister was not prepared to make the same promise as Mr Bartlett—that is for sure—because he had made an opposite or totally contradictory promise in recent days on the mainland.

Mr Rudd said the detail in Tasmania still needed to be sorted out over time but ‘we make no apology for the fact that we want overall less health bureaucracy and more frontline services’. What is it to be? We do not know because the devil is always in the detail. The government mucked it up. They fluffed it with respect to the insulation program. They could not get the detail right. The whole program was faulty and botched from the start. How are they going to run and properly operate our public hospitals? It beggars belief.

I consider—and the Leader of the Opposition has said so—that this is simply a health hoax. This is a political fix rather than a hospital fix around the country. There is no detail in the Prime Minister’s announcement yesterday about our health system and our public hospitals. We have a lot of questions that need to be answered. I notice that Brett Whiteley has been asking these questions in Tasmania and some of them flow from the comments I have made about the contract with Healthscope. In that regard, how much compensation will the government pay Healthscope? That is a key question.
In terms of the announcement yesterday about hospitals and health care in Tasmania, how many new net beds will it add? Mr Bartlett stands up there, makes an announcement in a very grandiose and colourful manner and gets plenty of media attention as a result, but he cannot guarantee to deliver on his promise. That is his problem.

Senator Bushby interjecting—

Senator BARNETT—That is right, Senator Bushby: he simply cannot do it. He has not promised any new net beds, new doctors or new nurses. It is simply a new process, a political fix for a political problem. It is not a solution to the problems in health and the hospital system in Tasmania.

I notice that Brett Whiteley MP, shadow minister for health in Tasmania, has today asked how much of the $126 million spend is in the forward estimates and whether Kevin Rudd has promised to fund the remaining $339 million. The total announced was $565 million and, of course, the feds were kicking in 60 per cent of that. How is that going to add up? Has Kevin Rudd promised to fund the remaining $339 million? In that regard I asked that question in the Senate today of the Leader of the Government in the Senate, representing the minister for health, and the hospital system in Tasmania.

So the announcement yesterday was simply another empty headline destined to become yet another Labor broken promise. It has been reported that the contract for the current Healthscope hospital can be terminated for $80 million, but as recently as 2006 Labor Premier Paul Lennon indicated that it would cost in the order of $150 million. So how much is it? What kind of blowout can we expect on this hoax of a policy if it is ever implemented? I hope that it is not implemented, because on 20 March, in less than two weeks time, Tasmanians have an opportunity for real change and, under the leadership of Will Hodgman, the Liberals can deliver that real change for the sake of Tasmania.

What we have had to put up with in Tasmania under the Lennon Labor government and the Bartlett Labor government has been an embarrassment. It is the same old Labor—special deals for special mates, special arrangements for mates and the rolling of the Deputy Premier by different ways and means, and it has been a great disappointment to the people of Tasmania. We deserve better. The people of Tasmania are absolutely fed up to the back teeth.

In terms of health services and what has been delivered, Labor simply has not delivered. We have seen longer waiting lists and longer waiting times in Tasmania—I think in the order of a 38 per cent increase since it
came to office. It is a huge increase in waiting lists and waiting times. It is simply not good enough.

We know that a Will Hodgman Liberal government would have a fully-funded plan for the Royal Hobart Hospital. Their plan is fully funded; Labor’s plan is a hoax. It is pie in the sky. It is like flying a kite. It is based on hot air. We know that the Hodgman Liberal plan for health is fully funded to build a new-generation Royal Hobart Hospital on the existing site. That applies, regardless of what happens at COAG in April or at any subsequent referendum—and referendum is exactly what Mr Rudd wants; he is spoiling for a fight. He has a political fix and he thinks that this is going to help him win the election. It has nothing to do with his efforts to try to improve health and hospital services around Australia. That is the sad thing. You can see it in his eyes. You can see it in his approach and his demeanour that it is a political fix; it is not genuine. He does not want to actually fix our public hospital system. That is the sad thing about this whole fiasco.

As for the state Liberals and what they have planned for health and hospital services in Tasmania, they will invest $10 million to cut the waiting lists at no extra cost to patients. They plan to build a new-generation Royal Hobart Hospital on the current site. They will build a new cancer clinic at Burnie on the north-west coast and invest $155 million in the state’s north to provide more doctors and nurses. These are people on the ground making a difference.

Labor can talk all they like, but we know it is all talk and no action. That applies at the state level and it applies at the federal level. We know that once the Liberals get in, they will deliver. They will invest $155 million in the state’s north providing more doctors and more nurses—on-the-ground, upfront health care just where we need it. As somebody who resides in the north, I am very proud of Will Hodgman, Brett Whiteley and the team in terms of delivering excellent healthcare services, securing the future of the Royal Flying Doctor Service and introducing flying clinics across the state. Labor just pooh-poohed this idea. Labor provided no support and no encouragement for the Liberals’ plan for the Royal Flying Doctor Service until they were forced to as a result of public pressure. They should adopt, 100 per cent, the Liberals’ plan to secure the future of the Royal Flying Doctor Service in Tasmania. But Labor have got it wrong. It is a hospital hoax.

Premier Bartlett, in his announcement yesterday, got publicity and so on, but people will find out over the coming days and in the lead-up to 20 March that his redevelopment plan announced yesterday is on the never-never. It is like flying a kite—it is a lot of hot air—and it relies upon $339 million of federal money, which is 60 per cent of Labor’s proposed $565 million spend. When I asked about it in the chamber today, what did Senator Evans say? He said he does not have a brief on it so he does not know. Yet the Prime Minister was there supporting that announcement and saying, ‘Yes, I am standing with you shoulder-to-shoulder, Premier Bartlett.’ It is a joke. I do not think Tasmanians will fall for it, because the money is not there. It is all based on a positive outcome at COAG. We know there are concerns at state and territory levels and the issue of whether we will have to have a referendum, when something might come together in the years to come.

I noticed Mr Bartlett said yesterday, ‘We have reformed the health system as far as we can take it.’ That is code for, ‘I have given up; it’s all too hard.’ He does not want to do any more. He needs help from outside. He has given up on health. We know that happened with the Minister for Health in Tas-
mania, Ms Lara Giddings. She does not like her job. She does not want that portfolio anymore and she made it public last year. Now the Premier, David Bartlett, says that he has taken it as far as he can.

As far as Tasmanians go, they are fed up to the back teeth with the lack of good health care and hospital services in Tasmania. They want better and they deserve better. I am sure and I know that real change is in the offing on 20 March this year, whether it be the new generation Royal Hobart Hospital or whether it be no more endless waiting lists or waiting times for Tasmanians who are suffering unfairly and unduly. What we do know is that, should the Liberals win government, there will be better access to care for cancer patients on the north-west coast and there will be great initiatives for Tasmanians in Northern Tasmania.

In summary, what we do know is that Labor has a pathological hatred for private health care. This bill is what that is all about. They are trying to destroy it. Eleven million Australians cannot be wrong, because they have signed up for and support private health care. All power to them—they deserve a better go than what they have been delivered under the Rudd Labor government.

In conclusion, I ask Mr Bartlett and to Mr Rudd to come clean, to answer the questions and to provide the detail with respect to their hospital ‘fix’, as they call it—I call it a hospital hoax that has now been exposed. It has only taken 24 hours and it has been exposed for what it is. It is an absolute hoax. There is no detail. They should come clean and provide the detail, in particular exactly how much compensation they are going to be paying to Healthscope at the Hobart Private Hospital for that facility. That is compensation for taking it over, but they say nothing about new beds, new doctors or new nurses. Really, they have a problem and they need to come clean. They must make public precise answers to the questions that have been put here in the Senate and that have been put by Brett Whiteley and Will Hodgman in Tasmania. They must come clean. Otherwise what we do know is that their plan for hospitals in Tasmania is simply a hospital hoax.

Senator FIELDING (Victoria—Leader of the Family First Party) (5.25 pm)—The Prime Minister, back in 2007, when he was still the Leader of the Opposition, looked the Australian people in the eye and said that a Labor government would not cut the private health insurance rebate. His words could not have been clearer. When he was asked if he planned to cut the health rebate, his answer was, ‘Absolutely not.’ Surely that is about as clear as you can get. But the Prime Minister went one step further than that. He wrote to the Australian Health Insurance Association telling them:

Both my Shadow Minister for Health, Nicola Roxon, and I have made clear on many occasions this year that Federal Labor is committed to retaining the existing private health insurance rebates, including the 30 per cent general rebate and 35 and 40 per cent rebates for older Australians.

That is pretty clear. The bill we are debating today, the Fairer Private Health Insurance Incentives Bill 2009 [No. 2], does the exact opposite of everything the Prime Minister said. In short, the Prime Minister has gone back on his word, and I predict the PM will be duly punished for it at the ballot box.

Clearly, this bill does cut the health insurance rebate and it affects hundreds of thousands of Australians by putting them hundreds of dollars out of pocket. The Prime Minister has broken his promise to the Australian people. Once again, the PM has over-promised and under-delivered on health. The Australian people have the right to feel betrayed because they have been misled. The Australian people have been betrayed by the Rudd government and the Rudd government...
has started to lose the trust of the Australian people.

In November 2007 the Australian people thought they were voting for Labor to keep the health rebate. Instead, they have had the wool pulled over their eyes. But that is not the only issue in health where the Prime Minister has broken a promise. Before the election in 2007, the Prime Minister promised he would fix the health system and take it over by the middle of last year if it was still in disarray. Yet when the time for action came, he shirked his responsibility, coming up with some half-baked hybrid idea.

I cannot see how the government’s health reforms are going to do anything to reduce the ridiculous waiting times for patients. Instead of following through on his promise, the Prime Minister has come up well short and proposed a 60 per cent to 40 per cent funding split with the states. It is time the Labor Party woke up because a 60 per cent to 40 per cent funding split with the states is not a takeover; it is just rearranging the deck chairs. As commentators such as Wolfgang Kasper and Jeremy Sammut pointed out in today’s Financial Review, the government’s health plan:

... does not restore genuine community control over local hospitals. It simply rebrands the state health bureaucracies and adds another layer of bureaucracy.

Tony Harris, a former senior Commonwealth officer and New South Wales Auditor General, called the Rudd government’s health reforms ‘a muddle that will create acrimony with no great benefit’.

There is not a dollar more of funding being put into our hospital system, and the government has not actually addressed the key issue for most people and told us what the new waiting list times are going to be for elective surgery. It is the same old story: overpromising and underdelivering. Now, with the cuts to the health rebate, the government wants to slug Australian families again. In September last year I voted against cutting the health rebate, and my position today is the same. I will not be voting in favour of this bill unless more is done to help families, rather than undermine them. These are the same working families that the PM reminds us of all the time.

Family First believes that we need a strong public health system and a strong private health system. The government is at risk of undermining both the public and the private system by cutting back the health insurance rebate. The decision by the Rudd government to means-test the health rebate, however, is likely to wreck the delicate balance between public and private health care. Under the Rudd government’s proposal, private health insurance will become an expense many families simply cannot afford.

The government has claimed that, even with the increases, more than 99 per cent of people will stay in the private system. These numbers look more like they have been taken from the back of a Weeties packet than born from proper, rigorous analysis. They are based on the false assumption that private health insurance is relatively inelastic and that, therefore, the price of health insurance is not likely to drive consumer behaviour. During the Senate committee inquiry last year, we heard that over 200,000 people are expected to drop out of the private system under the proposed means-testing provisions. We also heard that, as a consequence of the government’s policy, 730,000 Australians are likely to downgrade their private hospital cover and an additional 775,000 Australians will exit their general treatment cover for matters such as dentistry. How will our overburdened public hospitals possibly cope with those Australians who exit the private system? Clearly, this will put more pressure on the Prime Minister’s working families. It is a
further example of the Rudd government’s short-sightedness and its inability to implement anything properly. It is willing to save money now even if that means spending more money later on.

In December the Productivity Commission released the report of its inquiry into public and private hospitals. It found that treating a patient in a private hospital costs, on average nationally, $105 less than it does in a public hospital. Now the Rudd government wants to implement a policy that will drive more people to a more expensive system. How does that possibly make good policy sense? It does not. In 2009, national waiting times for elective surgery rose. What do you think is going to happen if more people are forced from the private system into the public system? That is right: the waiting times for elective surgery are going to increase even more. We already have a health system that cannot cope with all of the demands placed on it, and the government is now looking to make things even worse.

Family First are mindful of the current economic situation Australia finds itself in. Accordingly, we do accept the idea that those who can afford it should shoulder some of the burden to make life easier for everyone else. However, the government’s thresholds for means-testing the health rebate that are proposed in this bill are not fair. The thresholds are unfair because they focus too much on household or individual income and do not take into account how many kids there are in the household. As any parent knows only too well, the cost to families can increase significantly depending on the number of children to be cared for. But, clearly, the government do not get this, and it shows they have lost touch with many in middle Australia. Under the government’s proposal, the thresholds will only increase by a very stingy $1,500 per child in a household—and this does not even apply for the first child. What a joke! That means that a couple with three children will be allowed to earn just $3,000 more between the two of them each year before they start to lose part of the 30 per cent government rebate.

Are the Rudd government living in fantasy land? Do Labor really know how much it costs to raise a kid? If the Rudd government did know, they would not be proposing such a stingy amount. Clearly, the Rudd government do not know how much it costs to raise a kid because they have not addressed this issue. There is no way you can add up all the expenses and tell me that it makes sense to increase the thresholds by just $1,500 per child. Having children is one of the biggest joys, but it costs a lot of money and the government need more recognition of that in this bill. There is a huge list of expenses which families with children face every day, and it only grows longer the more children you have. Family First have been pressuring the government to increase the thresholds, but the government have not been willing to budge. Therefore, Family First will be voting against this bill in order to get the government to the negotiating table so that we can get a fairer outcome for Australian families.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (5.35 pm)—I would like to thank senators who have contributed to the consideration of the Fairer Private Health Insurance Incentives Bill 2009 [No. 2]. I would like to take the opportunity, in summing up, to respond to some of the matters that have been raised in the debate. This is not the first time that we have considered this legislation, and it was clear that senators felt the need to range widely across the whole area of health and health policy. It is important to set in context the government’s reform agenda. I think it is appropriate that we restate that, to perhaps correct some of the claims that have been made. So, in my summing up, I want to ad-
dress some of the issues that have been presented.

Senator Barnett made some points about the situation in Tasmania. The Tasmanian government has strongly supported the reform agenda of the Commonwealth, and the national approach that has been adopted by the Tasmanian government will serve the people of Tasmania extremely well. As far as the Commonwealth is concerned, the government have been elected with a clear mandate to prepare this country for the challenges of the 21st century. One of our great challenges is to ensure that future generations in this country are able to enjoy world-class, universally accessible health care. We want to maintain into the future the quality and standards of service delivery that Australians have traditionally enjoyed. In fact, we have the third longest life expectancy anywhere in the world. I think that is a measure of the successes that have been enjoyed by the healthcare system in this country traditionally.

The truth of the matter, however, is that we cannot continue on the basis of the status quo because, without major changes, rising health costs will outstrip revenue growth and state budgets will essentially be overwhelmed by changing demands. If Australians are to enjoy access to world-class health care then there has to be major reform of our health and hospital systems and it has to occur now. That is why this government has advanced the National Health Reform Plan—and we trust we will be able to reach agreement with the states at the next Council of Australian Governments meeting. It is our intention to deliver the most significant reform to health and hospitals since the introduction of Medicare. We will deliver one of the biggest reforms this country has ever seen, and it will provide much better health and hospitals for all Australians. The government is seeking to become the major funder of hospitals to place the Australian healthcare system on a sustainable footing and to ensure a self-improving footing which lasts for future generations. We will create a nationally united and locally controlled national health and hospital network. With that in mind, this new network will build on the major health reforms the government has already introduced, which have seen the delivery of record funding for public hospitals, an increase in the number of elective surgery procedures, enormous pressure being taken off emergency departments, a record investment in the training of doctors and nurses and a dramatic improvement in the level of support for medical research.

Without the reforms the Rudd Labor government is proposing, the challenges the country is currently facing will effectively see the state governments around the country, which are under increasing fiscal pressure, being unable to respond to the needs of our people. We are noticing already the increasing workloads of overstretched staff and the increasing pressures in terms of hospitals' capacity to actually deliver to patients. We run a real risk that state governments will not be able to meet their health spending obligations as a result of the rapidly rising costs, and we will see enormous pressure on our health system as a result. What we are trying to do is to get ahead of that. By implementing these reforms, the Commonwealth government recognises the importance of the continuing role of private hospitals and private healthcare providers in delivering strong health outcomes. This is especially important in terms of the challenges this country faces with the ageing of our population. We are seeing dramatic growth in the number of aged people in this country, a significant burden in terms of chronic disease and a significant cost expansion.

The Fairer Private Health Insurance Incentives Bill 2009 [No. 2] therefore has to be
seen as part of a package of measures this government is seeking to pursue as part of the measures under the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 and the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009. This bill was defeated by the Senate at its second reading on 9 September 2009. The Senate has already rejected for a second time the other bills that were part of the package. These bills, I repeat, are intended to amend various acts to give effect to our 2009-10 budget measures and introduce three private health insurance incentive tiers. We believe these reforms are essential to make the rebate fairer and more sustainable for the future. The rationale for this bill and the two associated bills is crystal clear: with the demand for health services increasing, and with limited resources, the government has a responsibility to ensure the sustainability of government support in both the public and private spheres.

The government provides extensive support for public health services but also provides very significant funding for the private sector through Medicare, through the PBS, through aged care, through veterans health and through private health insurance rebates. The cost of the rebate has ballooned over the past decade from about $1.5 billion in 1999-2000 to $4 billion last year. It is the government’s view that such an increase is unsustainable. When the government introduced the 2008 budgetary Medicare levy surcharge threshold measure, the opposition claimed Australians would leave private health insurance in droves—and we have heard similar statements in this chamber today. The shadow minister at the time claimed that up to one million people would leave private health insurance. In fact, the reverse has happened: almost 475,000 extra people have taken out private health cover since the government was elected. The opposition’s predictions in respect of the fairer health insurance measures have been similarly dire. However, Treasury modelling has estimated that only 25,000 people would drop their private health insurance. This has been supported by an independent survey, conducted by Ipsos, which found that only 15,900 people would drop out of hospital cover when aware of the whole package that is actually on offer.

So there is a small reduction in hospital coverage which is expected to result in some 8,000 extra admissions to the public hospitals over two years. This represents an increase of just 0.1 per cent of the nine million presentations at public health over the same period. By any measure this is a minuscule increase and it needs to be seen in the context of the government’s 50 per cent increase in hospital funding to state governments that has occurred in a little over two years. Neither of the peak public hospital bodies, the Australian Health and Hospitals Association or the AMA, expect large numbers of Australians to drop their cover with the introduction of these measures.

Whilst sustainability is vital, the government also puts a high priority on fairness, and currently there is an imbalance with the distribution of funding under the rebate. Approximately 12 per cent of couple taxpayers who have incomes of over $150,000 currently receive approximately 21 per cent of the total rebate paid to couples. Under the government’s reforms, this would fall to a more reasonable nine per cent of the total rebate. The government’s support for private health insurance needs to be directed to the hard-working Australians who need the most assistance, not to the high-income earners who do not. This government is charged with using taxpayers’ money wisely. We believe that those that can afford to pay should pay
more. We believe it is the right decision for Australia’s long-term financial future.

In summary, these measures are there, with this bill and the accompanying two bills, to make private health fairer, more balanced and more sustainable in the long term. This is a positive step for Australia’s economic future and it will help this country maintain the mixed public-private health system that we value. So I call upon the opposition not to threaten the sustainability of the private health insurance rebate and the budget in terms of its contribution.

Senator Bushby interjecting—

Senator CARR—I trust you will be supporting these measures, given the reasonableness of the propositions I have put to you today. I thank all the speakers in this debate and I commend the bill to the Senate.

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

The Senate divided. [5.51 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes………….. 34
Noes………….. 34
Majority………. 0

AYES

Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, B.J.
Brown, C.L. Cameron, D.N.
Carr, K.J. Collins, J.
Crossin, P.M. Evans, C.V.
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.
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. Stephens, U.
Sterle, G. Wortley, D.

NOES

Adams, J. Back, C.J.
Barnett, G. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Bushby, D.C. * Cash, M.C.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Eggleston, A.
Ferguson, A.B. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Humphries, G.
Johnston, D. Macdonald, I.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Nash, F.
Parry, S. Payne, M.A.
Ronaldson, M. Ryan, S.M.
Scullion, N.G. Troeth, J.M.
Troid, R.B. Williams, J.R.

PAIRS

Wong, P. Kroger, H.
Conroy, S.M. Joyce, B.
Ludwig, J.W. Abetz, E.
Xenophon, N. Fisher, M.J.

* denotes teller

Question negatived.

ADDRESS BY THE PRESIDENT OF
THE REPUBLIC OF INDONESIA

The PRESIDENT (5.54 pm)—A message has been received from the House of Representatives inviting senators to attend an address to the House by His Excellency Dr Susilo Bambang Yudhoyono, President of the Republic of Indonesia on Wednesday, 10 March 2010 at 2 pm.

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

Second Reading

Debate resumed from 19 November 2009, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator BRANDIS (Queensland) (5.55 pm)—The coalition supports the Crimes
Amendment (Working With Children—Criminal History) Bill 2009. The safeguarding of children from sexual, physical or other abuse should be a key priority for all Australian governments. The COAG agreement, which is the basis of this bill, aims to enable the interjurisdictional exchange of information for people working with children. Protecting children from harm is the paramount objective of the bill. At the same time it is important for society to afford opportunities for offenders to rehabilitate themselves and find gainful employment.

There appears to be broad community acceptance of the necessity of some form of working-with-children check in ensuring the safety of children. However, notably, there is also an emerging debate about issues relating to the expansion of criminal records checks in general. In Australia there has been a significant increase in requests for criminal records checks in recent years. Between 2004-05 and 2007-08 requests to CrimTrac, the national criminal records agency, increased by 73 per cent from 1.5 million to 2.6 million. Requests to the Australian Federal Police increased by 57 per cent from 350,000 to 550,000 over the same period. I note that other countries have experienced significant increases as well. For example, in England and Wales in the period between 2002-03 and 2008-09, the number of such requests for records checks nearly tripled from 1.4 million to 3.85 million.

The proposed amendments would create an exception for convictions of persons who work or seek to work with children so that those convictions can be disclosed to and taken into account by Commonwealth, state and territory screening agencies in determining whether the person is suitable to work with children. In particular the amendments repeal existing exclusions in division 6 which relate to the disclosure of spent convictions information in relation to the care, instruction or supervision of a minor and replace the existing exclusions with new exclusions which allow the disclosure of information about a person’s spent, quashed or pardoned convictions in certain circumstances.

The amendments also specify criteria that screening units must meet before they can be prescribed to enable them to obtain and deal with Commonwealth criminal history information. These criteria reflect the requirements of the COAG agreement and include compliance with applicable privacy, human rights and records management legislation, natural justice principles and implementation of risk assessment frameworks. As well the amendments require the Minister for Home Affairs to cause a review of the operation of the new provisions to be conducted after an initial trial period.

As noted in the explanatory memorandum, under the Commonwealth Spent Conviction Scheme, a person’s conviction is automatically spent on the expiration of a waiting period. The waiting period is five years if the offender was a juvenile when convicted of the offence, or 10 years if the offender was an adult when convicted of the offence, re-
Regardless of when the offence was committed. The scheme only applies to convictions which did not result in the offender being sentenced to imprisonment at all or if a term of imprisonment was not more than 30 months and the waiting period has expired.

As I mentioned earlier, a comprehensive regime for assessing people who work or seek to work with children must be balanced with a person’s right to rehabilitation, privacy and employment. Accordingly, the use and disclosure of extended criminal history information will be subject to appropriate safeguards and conditions. The bill provides that the criminal history information may only be used for the limited purpose of assessing the risk that a person may pose in working with children. The information may not be used for the purpose of a general integrity or employment suitability check. A potential employee’s criminal history information will not be given to their employer. The employer only receives a ‘yes’ or a ‘no’ from the screening unit. A person can appeal the decision of a screening unit and is able to view the reason they received a ‘no’ decision. A 12-month trial of the new sharing arrangements began in November 2009 between agencies that already had screening units. Ongoing monitoring, training and supervision of employees who have access to children is critical to minimising the incidence of child sexual assault. It is essential to achieve the best possible protection measures so that there is a comprehensive approach that combines both effective screening and safe government and organisational practices and policies.

The bill was considered by the Senate Legal and Constitutional Affairs Legislation Committee, which recommended that it be reviewed after three years of operation. I note that the government has accepted that recommendation and has in fact gone further; the legislation will be reviewed twice, at two-yearly intervals. That is an appropriate course to take. The coalition supports the bill in its amended form and I commend it to the Senate.

Senator LUDLAM (Western Australia) (6.01 pm)—The Crimes Amendment (Working With Children—Criminal History) Bill 2009 before us provides for Commonwealth pardoned, spent or quashed convictions to be disclosed in criminal history information provided by CrimTrac or by the AFP to employers assessing a prospective employee’s suitability through a working with children check. The Australian Greens acknowledge the epidemic of sexual violence against women and children across Australia. The statistics in this country regarding violence against women and children are at horrific levels. The Greens also believe that it is every child’s right to experience the conditions for optimal health, growth and development and protection from violence and abuse.

The work of my colleague Senator Hanson-Young on child care—in particular in driving an inquiry into childcare services in this country and in calling for genuine commitments from the government to safe and affordable child care and adequate resources to provide decent pay and conditions for carers—attests to the value and the effort that the Greens believe our children deserve. Senator Hanson-Young has also called for the appointment of a commissioner for children and young people, with the powers to ensure recognition of their needs, their views and their rights. Much of the work of the Greens is about protecting the welfare and the safety of future generations, and our pillar of non-violence is an absolute commitment for children to be free of violence, safe from sexual violence and safe from molestation.
These views inform my belief that law reform in the area of child protection is too important to compromise or to rush. The inquiry into this bill was carried out very rapidly. The government intended to proceed with the bill without a hearing. It was very useful, however, to have a committee hearing to clarify a number of core issues that had not been communicated clearly in the explanatory memorandum or in the bill itself. As the opposition noted in their additional comments in the committee’s report, the EM for the bill was inadequate and potentially quite misleading. It was particularly useful from my point of view to have the hearing because the views expressed in the submissions were extremely divergent. There is no way the government could say that all the submissions we received on this issue were aligned, because they simply were not. Experts in child protection and legal experts on the significance of the proposed amendments were diametrically opposed on whether the approach set out in this bill is the best way to protect children. In closely examining the bill in question, it remains quite unclear how disclosing all Commonwealth spent, quashed or pardoned convictions can in this instance better protect children’s human rights.

The Bills Digest and various submissions strongly made the case that very little relevant evidence had been provided by the government as to how spent, quashed or pardoned convictions could signify that a person had a propensity to mistreat minors. That really goes to the core of the intention of this bill. Many of the submitters called for more public discussion and further studies to gather evidence on this issue, ‘as the only source of evidence relies on dated studies (only one of which was Australian)’. The government has made a lot of promoting evidence based policy and I would have thought that there was probably no area more important than child protection in which to base public policy on the evidence—certainly on recent evidence from an Australian context. Some submissions provided studies that contradicted the government’s proposition and studies that contended that the most serious and violent criminals did not have previous convictions for violence and did not repeat their offending. So the entire underpinnings for this bill remain ambiguous, despite the valuable work of the committee and the evidence that it received.

It should also be noted that not all jurisdictions are participating in the proposed changes before us. Along with the governments of the ACT and Victoria, the Greens specifically do not support the sharing of information relating to non-convictions, as it would be inconsistent with the principle of innocent until proven guilty and inconsistent with the human rights which Victorian and ACT citizens enjoy through their charters of human rights. I will speak more to the specific purpose and nature of our amendments when we reach the committee stage.

Senator BILYK (Tasmania) (6.05 pm)—I rise tonight in support of the Crimes Amendment (Working With Children—Criminal History) Bill 2009. Our children are our most valuable asset, but they are also one of our most vulnerable. They are vulnerable simply because they do not have the life experience that adults have had the time to acquire. As adults, we must do everything possible to keep children safe. Children need to be protected at all times, and this bill is designed to help ensure that they are so. This bill protects our children by amending part VIIC of the Crimes Act 1914 to allow exceptions to the spent convictions scheme for convictions of persons who are seeking to work with children. The amendments will enable Commonwealth, state and territory screening agencies to have access to information regarding spent convictions so that it can be considered when assessing a person to
determine if they are suitable to work with children. I firmly believe that everyone is responsible for the wellbeing of the children in their lives. We must love and nurture our own children and we must act to protect them all from others seeking to harm them.

Every day children across Australia come into contact with a variety of organisations—places such as schools, childcare centres, medical centres, churches, and sporting and recreation clubs. It is therefore an important strategy for creating and maintaining child-safe organisations to develop and implement policy and legislation that provide for the pre-employment screening of adults who work or volunteer in child related organisations.

Until now there has been no single national framework setting out the requirements for obtaining working with children checks or police checks. Each state and territory has their own procedures, and it is necessary to fulfil the requirements in the jurisdiction in which the person is working. There are two types of screening programs operating in Australia. Some states—New South Wales and South Australia—have employer-driven systems that make it mandatory for employers in relevant fields to carry out background checks on prospective employees or volunteers. These systems provide point-in-time background checks and individuals must undergo screening each time they enter into a child related position.

The other type of screening program in operation offers certification to engage in child related work to individuals in Queensland, Victoria, Western Australia and the Northern Territory. These certifications are valid for a specific period of time—for example, three years if you are in Western Australia—and provide for ongoing monitoring of a person’s suitability for child related work. This means that, if a relevant criminal offence is committed during the validity of the check or if the individual is subject to relevant work related disciplinary procedures, the administering authority may inform employers of the offence and altar or withdraw an individual’s entitlement to work with children. Individuals can also carry their certification between positions and do not have to undergo repeated screening while their working with children check is valid.

In addition to child related employment legislation, where it exists, all states and territories have legislation that requires people who wish to register in certain occupations—for example, teachers, doctors or childcare workers—to be screened for criminal offences. This means that even in jurisdictions where child related employment legislation does not exist there are still requirements for adults working in certain occupations to undergo screening—for example, the Victorian Institute of Teaching Act 2001, the Medical Practitioners Registration Act 2001 in Queensland or the Tasmanian Child Care Act 2001.

Due to the screening already being part of the registration requirements, certain persons are exempt from working with children check requirements. In Victoria, persons registered under the Victorian Institute of Teaching Act 2001 are exempt from the working with children check. Organisations may also have developed their own policies that require employees and volunteers to undergo criminal record checks. These policies may exist as a substitute for relevant legislation in a jurisdiction where there is no legislation, or in addition to a relevant act. State and territory police provide criminal history checks to individuals and organisations wishing to obtain police checks for employment, voluntary work and occupation related licensing or registration purposes.
So what is the difference between a police check and a working with children check? Police checks identify and release relevant criminal history information relating to convictions, findings of guilt or pending court proceedings. However, due to conviction non-disclosure legislation and information release policies, there are limitations on the information a police check can provide. As I have mentioned, the Spent Conviction Scheme stipulates that prior convictions are not to be disclosed where 10 years have passed from the date of the conviction. As the object of a working with children check is to make an assessment of the level of risk an individual poses to children’s safety, working with children checks are more extensive and also more targeted than police checks.

Across the five jurisdictions that currently carry out working with children checks—that is, New South Wales, the Northern Territory, Queensland, Victoria and Western Australia—there are differences in what information is considered and what sources of information are drawn upon. In all jurisdictions that have child related employment pre-screening legislation, it is mandatory for certain individuals engaged in occupations such as educational child care, child protection, child and family welfare, health, entertainment and recreation, and religious instruction to meet screening requirements. But, for example, in my home state of Tasmania at present there is no legislation that identifies broad categories of child related work and mandates for employees or volunteers to undergo a working with children check. However, the department of education administers a safety screening program for employees, individuals and students engaged in areas linked to the childcare industry. It is a requirement of the department of education that safety screening is undertaken for the following: childcare staff; home based child carers, including carers registered through a family day care scheme; volunteers and students, including those under 18 years of age, who are seeking employment or placement at a licensed or registered childcare service; regular visitors to licensed or registered childcare services; licensed applicants; and members of the management body. Additionally, government and non-government organisations may have developed their own requirements and procedures for screening.

So the importance of this bill is that it is seeking to amend the Spent Conviction Scheme. We are not doing it to make life difficult for people with convictions. However, as children are so vulnerable they need us to offer them extra protection. That is why exemptions to the Spent Conviction Scheme should apply. It is not about making people with convictions unable to work with children. They, like everyone else, should be allowed to work with children but only if their convictions are not relevant to children or if they have proved that they have completely mended their ways. A conviction is considered spent after five years for offences committed as a juvenile and 10 years for offences committed as an adult. Only convictions that were not punished with imprisonment or where the term of imprisonment was less than 30 months can be classed as spent.

The Standing Committee of Attorneys-General has been considering implementing a national scheme for spent convictions. The draft legislation has taken into account the fact that in some cases the public interest in a safe environment outweighs the individual’s right to move on with their life. Currently the law in relation to spent convictions varies from jurisdiction to jurisdiction, and it would obviously be much better to have a national approach. This would help prevent people gaining work with children in one jurisdic-
tation when they would be unable to in another jurisdiction because of their criminal history.

This bill will allow interjurisdictional exchange of criminal history, including pardons, quashed convictions and spent convictions. The bill also takes into account that sometimes convictions are not pursued in order to protect a child from having to undergo the trauma of a court case. This bill would allow information regarding the alleged perpetrator to be used in these circumstances. This information can only be used for the purpose of screening people for work that specifically relates to children. This bill also offers protection by ensuring that criminal history is only disclosed to relevant people and is used for the sole purpose of determining if someone is suitable for work that involves caring for children. Under this proposal it will be a requirement for a review to be carried out. This review must commence no later than 30 June 2011 and must be completed within three months. Obviously, the review is necessary to ensure that the provisions are operating effectively. The review will also make sure that information is being used for appropriate purposes and by people who need to use that information.

Children are the wonder of our lives. It does not matter whether they are our own children or the children who live next door, or whether we are involved with them through family or a community group, each and every child is important and needs to be protected. Each adult has the responsibility to ensure that the children they interact with are protected from harm. This bill is offering yet another way in which we can protect children. It allows the sharing of information regarding criminal history to ensure that people who are a risk to children are not employed in jobs or voluntary work that provides them with an opportunity to hurt a child. It balances the need to protect children with the right of people to move on from past wrongs and to rebuild their lives, and it has safeguards in place to ensure that information is not misused. Most importantly of all, it is extra protection for our children. I commend the bill to the Senate.

Senator BARNETT (Tasmania) (6.16 pm)—I stand to support the Crimes Amendment (Working With Children—Criminal History) Bill 2009 and also to put on record my thanks to the Legal and Constitutional Affairs Legislation Committee secretariat for their help and assistance in putting together the report that was tabled in the Senate in November 2009 in response to this particular bill. We received 17 submissions. We had a hearing in Melbourne in early November and we had a number of organisations and individuals who made submissions and gave evidence at our public hearing. As this was one of the last reports of the secretary, Peter Hallahan, I want to put on the record my sincere thanks to him. I have done that before and I say it again. He has now retired and I hope he is thoroughly enjoying himself and spending time with his family. He has done an excellent job for and on behalf of the secretariat together with the support of Margaret Cahill and Cassimah Mackay.

Having said that, the report did recommend a review after three years. I am pleased the government has listened and read the report and will have a review within two years and then another review two years after that. I think that is important. The Liberal senators, Mary Jo Fisher and I, made some additional comments because we agree 100 per cent with the imperative of minimising the risk of sexual, physical and emotional harm to children by stringent screening of people who are seeking to work with them, but we wanted to highlight that a number of significant and respected organisations, including the Law Council of Australia, held reservations about a number of aspects of the bill. Those reservations related to whether
sufficient justification has been provided for overriding important legal principles associated with quashed and pardoned convictions. That really means giving those people who are so affected, whether they have quashed or pardoned convictions, the opportunity to get back into the community and back into life again.

The other areas of concern that we raised were the lack of a definition of ‘working with children’ and the adequacy of privacy safeguards. I will not say any more; it is set out in the report. We have made some recommendations there with respect to the importance of a consistent definition of ‘working with children’ and of ensuring the adequacy of privacy safeguards. On the basis that there is a review within two years and the importance of making children the top priority and ensuring their potential is achieved—they are properly cared for, looked after and protected in all ways, shapes and forms; physically, mentally and in every other respect—I support the bill and again thank the secretariat for their support in pulling the report together. I commend the bill.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (6.20 pm)—I notice that Senator Fisher was on the list of speakers but is not here. I will sum up for the government and she can speak in the committee stage if she wants to make a contribution. I also understand that Senator Xenophon was interested in contributing, but he is paired at the moment. So I will sum up unless someone urgently seeks the call. They can make a contribution in the committee stage. I understand that, in addition to the government amendment, there are some Greens amendments.

First of all, I thank the senators for their contributions to the debate. Protecting children from any form of abuse is a matter of utmost importance for the government and for the parliament as a whole. The Crimes Amendment (Working With Children—Criminal History) Bill 2009 will enhance the mechanisms in place to ensure that people who work with children are properly vetted. It will enable organisations conducting working with children checks to consider the full criminal history of a person. The bill includes stringent safeguards to ensure that the information is dealt with appropriately and to limit any potential misuse of the information. As I indicated, I will be moving a government amendment that inserts the provision providing for a further review of the legislation in 2013 in addition to the review in 2011. I think that is largely uncontroversial and we think it is an improvement. We must all take steps to protect our children and I think this bill will enhance our overall strategy for managing risks to the safety and wellbeing of children. I thank senators for their contributions and we will obviously look to debate the amendments in the committee stages.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (6.22 pm)—I table a supplementary explanatory memorandum relating to the government’s amendment to be moved to this bill. The memorandum was circulated in the chamber on 25 November 2009. I move the government amendment:

(1) Schedule 1, item 6, page 5 (line 31) to page 6 (line 7), omit section 85ZZGG, substitute:

85ZZGG Reviews of operation of this Subdivision

(1) The Minister must cause 2 reviews of the operation of this Subdivision to be conducted.
(2) The first review must:
   (a) start not later than 30 June 2011; and
   (b) be completed within 3 months.

(3) The 2nd review must:
   (a) start not later than 30 June 2013; and
   (b) be completed within 3 months.

(4) The Minister must cause a written report about each review to be prepared.

(5) The Minister must cause a copy of each report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

I indicate, as I said in my summing up speech, that this amendment is to quite simply add an additional provision providing for further review of the legislation commencing no later than 30 June 2013. It implements a recommendation of the Senate Standing Committee on Legal and Constitutional Affairs in relation to the bill. I think it was the only recommendation arising out of the committee inquiry. The review is in addition to a current provision which would provide for a review to commence no later than 30 June 2011. So this amendment will ensure that the operation of the provision is subject to comprehensive review and will allow evidence about the legislation’s operation to be fully assessed. As I said, we are picking up the recommendation of the Senate Standing Committee on Legal and Constitutional Affairs providing for a second review. I think it is uncontroversial and I urge the Senate to support the amendment. We will speak to the Greens’ amendments when they move theirs.

Senator BRANDIS (Queensland) (6.24 pm)—I indicate that the opposition will be supporting the government’s amendment, limited as it is.

Question agreed to.

Senator LUDLAM (Western Australia) (6.24 pm)—I will speak briefly on some context to two sets of amendments that I will move by leave as a group. As I was saying in my second reading contribution, a number of submissions, when we finally did get around to having a hearing, appreciated the gravity of the legal principles that were at stake in disclosing spent, pardoned or quashed convictions—and it is to this that our amendments go.

Under the bill incentives and rewards for rehabilitation are removed. There is quite an important principle here that we are trading away in order to achieve what I would put, and what several witnesses before the committee hearing suggested, are actually highly ambiguous policy gains. The incentives and the rewards for rehabilitation are removed and a person’s name is effectively marked for life, even if they were wrongly convicted or were exonerated. In this regard the Queensland Law Society noted that the bill provides another example:

… of a rapidly expanding criminal history checking regime that encroaches upon the spent convictions scheme without justification borne from relevant modern research.

This goes to my comments earlier that we have not seen anything cited recently or in an Australian context to really justify why we are encroaching so far. That submission urged the government to commission further research and said that the issue required further public discussion and reasoned parliamentary debate. I suggest we are having the latter now, but we certainly have not seen any of the research that was called for, nor indeed public discussion. The Law Council was also critical that the safeguards regime offers little protection in the circumstances.
Other submissions described the cumbersome nature of the current screening processes—they are not linked nationally—and welcomed efforts to streamline processes and strengthen measures to protect children. So the underlying principles here are supported but not the actual measures that we are discussing now.

Some child advocacy experts expressed concern about the lack of definition of what ‘working with children’ even means, which is the entire basis of the bill. It is a term for which I think there is a need for a harmonised definition, if state and territory jurisdictions are cooperating and are intending to be brought into line here.

The Greens supported the committee’s recommendation for a review of the legislation after three years of operation, and we believe that the bill should be amended to link the disclosure of the offences where the offences are relevant to the situation—which is in an amendment I will be moving shortly—and that consequential amendments should be made to the Human Rights and Equal Opportunity Act to make discrimination on the grounds of criminal record unlawful, in order to balance the removal of protections that have been guaranteed for 30 years or so through the Crimes Act. So I seek leave to move amendments (1) to (5) together.

Leave granted.

Senator LUDLAM—I thank the Senate. I move:

(1) Schedule 1, item 6, page 3 (line 22), after “information”, insert “that relates to sexual offences or offence against children”

(2) Schedule 1, item 6, page 3 (after line 26), before paragraph 85ZZGB(a), insert:

   (aa) the information relates to a designated offence; and

(3) Schedule 1, item 6, page 4 (after line 10), before paragraph 85ZZGC(a), insert:

   (aa) the information relates to a designated offence; and

(4) Schedule 1, item 6, page 4 (after line 22), before paragraph 85ZZGD(a), insert:

   (aa) the information relates to a designated offence; and

(5) Schedule 1, item 6, page 5 (after line 10), after section 85ZZGE, insert:

**85ZZGEB Purpose of use or disclosure of information**

(1) Information may be:

   (a) disclosed to a person or body under section 85ZZGB; or

   (b) taken into account by a person or body under section 85ZZGC; or

   (c) disclosed by a person or body under section 85ZZGD;

      only for the limited purpose of assessing the risk that the person to whom the information relates may pose in working with children.

(2) Nothing in this Subdivision authorises the disclosure or use of information for the purpose of a general probity or employment suitability check.

Amendments (1) to (5) implement a sensible suggestion of the Privacy Commissioner—one someone the government has often been ignoring of late, which is quite concerning, given the degree of expertise and insight possessed by this office in an area that Australians are quite concerned about. We just heard in hearings upstairs that matters of privacy are in fact a human right. In many cases—with this bill being no less of an example—these rights are actually being trespassed on quite overtly.

There was an extensive study into the Privacy Act conducted by the Australian Law Reform Commission. The ALRC is another entity whose advice is not being heeded by government on many important matters, including this. The Privacy Commissioner, along with the Queensland Law Society, contended that it is quite important to ensure that
any information on quashed, spent or pardoned convictions is:

… relevant to the purpose it will be used for … given the sensitivity attaching to this information and the potential for an individual to be stigmatised, embarrassed or discriminated against if it is mishandled.

The suggestion there is that we could introduce a number of safeguards such that screening units do not use irrelevant criminal history information and that such information only be used for a relevant purpose.

The amendments that we are moving here are consequent to those proposals. They link the disclosure of the convictions that were until now treated as though they did not occur only when the conviction signals danger and propensity for concerning behaviours. The obvious ones that would go to this would be sexual offences, offences against children or designated offences so that a causal link can be established between the offence and the type of employment applied for. In the absence of the kind of research that many submitters called for in the course of the committee’s deliberations into this bill, I think that is the bare minimum that the government could agree with to effectively narrow the range of offences that can be disclosed in the course of these investigations. I commend Greens amendments (1) to (5) to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (6.29 pm)—I appreciate the manner in which Senator Ludlam has proposed these amendments and the constructive way in which he is seeking to improve the bill, in his view, but the government cannot support this set of amendments. In our view, limiting disclosure to relevant offences would be inconsistent with the terms of the COAG agreement, which provides for full disclosure of criminal history information for people who work with, or seek to work with, children. It is appropriate to consider a person’s full criminal history in assessing whether he or she poses a risk to children if employed in child related work. A prior criminal record may be relevant in assessing a person’s suitability to work with children, even if it is not a violent or sexual offence.

The Australian Institute of Criminology has noted that incarcerated sexual offenders are more likely to have previous convictions for non-sexual offences than for sexual offences. For example, convictions for a range of offences where the victim is a child may be relevant and offences such as drug trafficking and menacing or harassing another person may also be relevant. Restricting the exchange of criminal history information to certain categories of offences may create a risk that certain relevant information may not be disclosed to a screening unit.

Non-conviction information is also relevant to assessing the suitability of a person to work with children. Law enforcement agencies have indicated that charges relating to offences against children are often withdrawn because a decision is made to protect the child victim from the stress and trauma of giving evidence, cross-examination and waiting for committal and trial. A person’s convictions may also be quashed for reasons that do not negate the credibility of evidence on which the conviction was based.

Screening units are required, obviously, to have risk-assessment frameworks and appropriately skilled staff. This will ensure that, when a screening unit receives a person’s complete criminal history information, it undertakes a rigorous process to determine the relevance of a particular conviction to a person’s suitability to work with children. All current jurisdictional screening units have appeals processes in place for decisions made in relation to working-with-children checks. Each jurisdictional or authorised
screening unit is also required to take a number of steps before a decision is made to issue a negative notice for an application. These include disclosure of the criminal history information to the individual, allowing the individual a reasonable opportunity to be heard and consideration of the individual’s response prior to finalisation of the screening decision.

Particularly in relation to Greens amendment (5), we believe that it is unnecessary and confusing because the bill already makes clear the very limited circumstances in which information can be disclosed and taken into account. It can only be taken into account by a prescribed person or body if that person or body is permitted or required under a prescribed Commonwealth, state or territory law to obtain and deal with information about persons who work with, or seek to work with, children and if the disclosure is for the purposes of the person or body obtaining and dealing with such information in accordance with the prescribed law. Prescribed Commonwealth, state and territory laws will be limited to legislation that establishes criminal history checking regimes for people who work with children.

The government cannot support the Greens proposed amendments. We think they would weaken the regime put in place to try to protect children. I understand that there are concerns about the rights, if you like, of those who might be assessed. We think that this bill provides the appropriate protections through the screening units and the accountability mechanisms, and we think it would not be appropriate to accept the amendments moved by the Greens.

Senator BRANDIS (Queensland) (6.33 pm)—For reasons somewhat similar to those that have been outlined by Senator Evans on behalf of the government, the opposition does not feel able to support the Greens amendments. If I can detain the chamber for a moment, it should always be remembered, when dealing with legislation of this kind, that the spent conviction regime is itself an exception to the general principle that a conviction, once recorded, remains a matter of public record. My friend Senator Bernardi was observing to me just before that, in his home state of South Australia, there is in fact no such spent conviction regime. A spent conviction regime already creates, if you like, an indulgence or a concession to individuals who have committed offences. But society takes the view that, after a period of years has elapsed and if the offence is lower down the scale, that public record should be expunged.

What this legislation seeks to do is create an exception to that exception—in other words, to allow the position to revert to the way it would have been had the exception not been created in the first place to a particular class of case, and that class of case is where, because of the appropriately heightened sensitivity that society has in relation to sexual offences against children, it is appropriate that a person who might otherwise be subject to the spent offences regime should not, in the limited circumstances ordained by this bill, attract that indulgence. For example, if such a person were to apply to work in and around children, it is appropriate that an employer should be able to apply to a monitor and receive a check on that person. As I said in my contribution on the second reading, only a yes/no answer comes back as to whether there has been a relevant conviction recorded. That information is in itself challengeable by the person in relation to whom the information is sought.

The reason the opposition do not feel able to support the Greens amendments is that we think they unbalance the various balances that have been built into this legislation. Of the various interests that need to be pro-
ected, the legitimate interest of a person who is ordinarily subject to the spent offences regime in the protection of their privacy, and being able to take advantage of legislation which has been passed for their benefit so that they can get on with their lives years after the offence has been recorded, is one social value that needs to be respected. On the other hand, the interests of children who might potentially be exposed to a greater level of risk than society regards as acceptable by being exposed to a person whose past conduct might give rise to an apprehension of such risk are, of course, in the opposition’s view—I think we share this view with the government—a greater value. And then, apart from the interests of the children themselves, there is society’s overall concern to ensure that there is a suitable protective regime for children overall.

So, Senator Ludlam, by seeking to rebalance—or tilt the balance, as it were, if I may say so, with respect—away from the protection of the child and back towards the protection of the privacy of the person who is otherwise the beneficiary of the spent offences regime, we think that your amendments take the wrong approach and fail to acknowledge that, as I said at the start of these remarks, the spent offences regime is itself an exception to the ordinary rule that an offence, once recorded, remains a matter of public record. For those reasons, the opposition will not be supporting the Greens amendments.

Senator XENOPHON (South Australia) (6.38 pm)—I will just indicate briefly that I cannot support these amendments. I can understand the constructive intent, I think—to borrow from Senator Evans’s contribution—behind the Australian Greens amendments, but I believe that there ought to be the highest possible standards applied when it comes to checking the background of people who are trusted to work with our children. I think the amendments would go against the grain of what this legislation is intending to achieve.

Whilst the amendments seek to moderate the legislation in terms of various privacy concerns, I am concerned that there may be circumstances where the intent of the legislation and its effectiveness could, in some circumstances, be compromised by these amendments. I know that is not the intent of Senator Ludlam in relation to this, but I think the litmus test for me is: as a parent, wouldn’t you want to know if someone previously convicted of an illegal activity, even if the conviction were spent, quashed or pardoned, were working closely with your child?

I think it is important that we keep what the government has proposed intact. If there are problems in what is being proposed, if unfair circumstances arise, I am sure that that is something that can be the subject of review by the appropriate Senate standing committee. But I think it is important to err on the side of caution and leave the bill in its current form because I think that is the best way forward in terms of having a regime in place that enhances the protection of children.

Senator LUDLAM (Western Australia) (6.40 pm)—I thank the various senators for their contributions on the Greens amendments and the respectful way in which those contributions were made. I really just want to draw out something that Senator Brandis said, which was that we are attempting to rebalance the way that the bill is drafted back in favour of privacy and away from child protection. In fact, that is not our intention at all. If we had been given evidence on the way through the committee process that this consideration of the full range of offences—everything from shoplifting or speeding to offences committed while you were a child yourself—had any relevance in these back-
ground checks then I am not sure that we would be standing here moving these amendments now.

The problem is that the evidence simply is not there. It has not been gathered or collated or, if it has been, it certainly was not provided to the committee in any of the forums, either in a hearing or by way of submissions. So I am not sure that this bill is actually rebalancing back in favour of child protection; it appears to be trading away some rights of privacy without any clear public policy gain whatsoever. So I am not attempting to rebalance anything. We are seeking the evidence that this will in fact provide a greater protection for children. Perhaps the minister wants to stand up and show us the evidence that we missed on the way through the hearing process, because it was not tendered to us.

I just want to correct the record in the sense that we are not trying to trade away the rights of children here. That is absolutely the last thing that I came here to do. The issue is that no evidence was provided to us that this is actually going to be an effective measure in child protection.

Senator BRANDIS (Queensland) (6.42 pm)—Can I just say that of course the opposition do not for a moment suggest that Senator Ludlam or the Greens are motivated by any desire to weaken child protection, but we are concerned that the effect of their amendments on this legislation might conceivably be that. For that reason neither we nor, as we understand it, the government are persuaded to Senator Ludlam’s view, but the Greens’ good faith on this issue is not in dispute.

The TEMPORARY CHAIRMAN (Senator McGauran)—The question is that Greens amendments (1) to (5) be agreed to.

Question negatived.

Senator LUDLAM (Western Australia) (6.43 pm)—I move Greens amendment (6):

(6) Schedule 1, page 6 (after line 13), at the end of the bill, add:

9 At the end of Division 6
Add:

86 Discrimination

Other than as provided for in this Act, it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on criminal history information, that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

Australian Human Rights Commission Act 1986

10 Subsection 3(1) (at the end of paragraph (e) of the definition of unlawful discrimination)
Add “or”.

11 Subsection 3(1) (after paragraph (c) of the definition of unlawful discrimination)
Insert:

(caa) Part VIIC of the Crimes Act 1914;

This contains a number of amendments. I am basically moving the balance of the amendments that we have proposed en bloc. This second group is something quite different. It is about reinserting some balance into our laws, because a long-established right is being removed. With respect to Senator Brandis’s comments about the idea of spent convictions being a relatively recent innovation, nonetheless that is something that can be granted in appropriate circumstances in courts around the country, and people have an expectation of that. So we are suggesting that amendments be made to the human rights and equal opportunity act to insert discrimination on the grounds of criminal record and make that unlawful.
This is something that was proposed by the Law Council and by the Human Rights and Equal Opportunity Commission, as it was known. The commission submitted that such an insertion would ensure that employers with access to spent convictions make decisions based on the relevance of the conviction to the person’s ability to perform the inherent requirements of the particular job, so there is some affinity here with the first bloc of amendments that I moved, principally being about relevance.

Protection at the federal level is particularly important in the light of the absence of comprehensive protection on a state and territory level. Tasmania and the Northern Territory, I believe, have laws that specifically prohibit discrimination on the grounds of criminal record, so this would seek to level the playing field. It seems like a perfectly appropriate time to do so, given the nature of the bill that we are debating this afternoon. I commend this final amendment to the chamber.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (6.44 pm)—It is a shame in such a constructive and considered debate that, again, I have to oppose Senator Ludlam’s amendments. But I, like Senator Brandis, accept the good faith involved. I think we are just talking about how we get the balance right between what may seem to be competing interests. We do not support this amendment. The government is currently considering the recommendations of the National human rights consultation report and believes that any significant changes to discrimination laws should only be considered as part of that broader process. Criminal record discrimination already forms part of the Commonwealth’s antidiscrimination framework. It is listed in the Australian Human Rights Commission’s regulations as part of the definition of discrimination in employment. So any person who does feel discriminated against by an employer can raise the matter with the Human Rights Commission and seek to have the issue conciliated. As Senator Ludlam pointed out, the vast majority of offences disclosed by the Working With Children Check were actually state and territory crimes and any consideration of changes would obviously require state and territory consultation before they could progress.

We do not support the amendment. We think the sorts of issues that this amendment seeks to raise would be better off considered as part of the broader response to the Human rights consultation report and should not be done on a piecemeal basis. We think that protections are already there and that the Human Rights Commission will police any concerns that might arise in that respect.

Senator Brandis—Are you going to tell us whether we have a bill of rights?

Senator CHRIS EVANS—It is not in my brief today to announce that, Senator Brandis, as much as I would like to assist you. Perhaps on some occasion, if you want to buy me a glass of wine, I could tell you my own views on the subject. But perhaps it is best I wait for a formal announcement.

Senator Brandis—I suspect your views on the subject are similar to my own.

Senator CHRIS EVANS—I would hate to think that was the case, Senator Brandis—I am much happier when I am disagreeing with you! As I said, the government are considering the National human rights consultation report. We think any changes to discrimination laws should only be considered as part of that broader process. Criminal record discrimination already forms part of the Commonwealth’s antidiscrimination framework. It is listed in the Australian Human Rights Commission’s regulations as part of the definition of discrimination in employment. So any person who does feel discriminated against by an employer can raise the matter with the Human Rights Commission and seek to have the issue conciliated. As Senator Ludlam pointed out, the vast majority of offences disclosed by the Working With Children Check were actually state and territory crimes and any consideration of changes would obviously require state and territory consultation before they could progress.

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Senator BRANDIS (Queensland) (6.46 pm)—Can I just indicate that the opposition also opposes this amendment. Indeed, I do not adopt all of the reasons expressed by...
Senator Evans because, as you know, Mr Temporary Chairman, the opposition’s criticism of the *National human rights consultation report* is a very trenchant criticism. We do not think that the most powerful reason for not supporting the Greens amendments is that we are awaiting the government’s very tardy, leaden-footed, reluctant and slow response to that very deeply flawed report. We think there is a more obvious reason not to support the amendment, and that is that the suite of antidiscrimination laws, in the opposition’s view, should be limited to broad generic categories, whether it be race, gender, matrimonial status or sexuality. We think that to bring within the categories of the generic racial discrimination laws so narrow a category as this would not be good policy. That is not what the structure of the suite of racial discrimination legislation was designed for. For that reason the opposition is unpersuaded by the amendment.

Question negatived.

Bill, as amended, agreed to.

**Bill reported with amendment; report adopted**

**Third Reading**

**Senator CHRIS EVANS** (Western Australia—Minister for Immigration and Citizenship) (6.49 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**DOCUMENTS**

**The ACTING DEPUTY PRESIDENT (Senator McGauran)**—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

**Commonwealth Grants Commission**

**Senator CAMERON** (New South Wales) (6.50 pm)—I move:

That the Senate take note of the document.

I would like to talk to the Commonwealth Grants Commission *Report on GST revenue sharing relativities: 2010 review*. I welcome the report because it recognises that, over many years, New South Wales and Victoria have shared the cost of equalisation, while other states and the Northern Territory were below the average. I particularly welcome New South Wales’s share of revenue being increased from 30.2 per cent to 30.7 per cent. In this context, I think it is important that GST revenue be used efficiently and productively.

In dealing with revenue efficiently and productively, nothing could be more important than the government’s Better Health, Better Hospitals policy, which is vitally important to economic growth and building a better society. This is part of the government’s ongoing decisive action to make sure that we have better hospitals and better health policy—something that the opposition failed to deal with in 11½ years of government. This government has taken decisive action to underpin 210,000 jobs in the face of the global financial crisis. We have done that through the fiscal stimulus. And we also want to take decisive action to build a better hospital system. We want to build a new, national health and hospital network—better health and better hospitals—something that the coalition government in their period under John Howard and Peter Costello never had either the intellectual capacity or the energy to deal with. That is the reality in terms of where we are.

We want a system that is funded nationally and run locally. It is about delivering on the basics for the Australian public. It is about empowering local doctors and nurses to make important decisions, on behalf of the local communities, on the health and welfare of their patients, and about important decisions to make sure that the funding that comes into hospitals is spent effectively and
efficiently and not just handed out the way it
was handed out for 11½ years, without any
rhyme or reason and without having a proper
national direction to the health system.

This national funding will make more
money available to meet rising health costs. Everyone recognises that health costs will
rise, and that is why we need to act deci-
sively to deal with these rising health costs.
We want to set tough new national standards
on elective surgery and on emergency de-
partments. We will pick up 60 per cent of the
capital costs—something that has never been
done in the health system by any federal
government. We will deal with teaching and
research to make sure that we are getting the
proper education into the hospital system and
that research is done effectively. We will
look at out-of-hospital services to make sure
that we do not unnecessarily overburden the
hospital system, and we will pick up general
practitioner funding. This will all mean more
beds in hospitals. It will mean better regional
and country hospitals—something, again,
that the coalition, including the National
Party, for all of their whingeing, all of their
moaning, all of their carping, failed to de-
liver during 11½ years of coalition govern-
ment. We will deal with preventative health-
care strategies. This is a package about en-
suring that we take our hospital system for-
ward. We have managed the global financial
crisis. We are now about managing the hos-
pital system of this country in the interests of
the nation.

It is quite interesting that the Leader of the
Opposition rejected this approach even be-
fore we had made an announcement. Mr Ab-
bott, the Leader of the Opposition, the nega-
tive Leader of the Opposition, the carping
Leader of the Opposition, the mean-spirited
Leader of the Opposition, following in the
mean-spirited steps of his former leader,
John Howard—what is this man about? He is
about a con job on climate change and a con
job on paid maternity leave. (Time expired)

Senator IAN MACDONALD (Queens-
land) (6.56 pm)—It is interesting that Sena-
tor Cameron should use his five minutes on
the Report on GST revenue sharing relativi-
ties: 2010 review to mount one of the few
defences of Mr Rudd’s proposed health
scheme. We all know, and I think Australians
generally know, that Mr Rudd’s scheme was,
as always, all talk and no action. Of course,
it was designed to take the attention away
from the Labor government’s pure misman-
agement of the giveaway insulation program
overseen by Minister Garrett. Mr Rudd had
to do something, so he tried to divert atten-
tion with this hastily thought up hospital
program. Curiously, that is why I came into
the chamber—to talk about GST relativities
and to try and find out from the Labor gov-
ernment exactly how they were going to take
30 per cent of GST revenues from the states
and feed them into this particular program.
Of course, we all know that, as silly and
completely incompetent as most of the states
are—and I exclude Western Australia from
that—they will not give you 30 per cent of
the GST, Senator Cameron, and you knew it,
and so did your leader, Mr Rudd. And I see
you nodding in agreement with me. So you
have all known that this great hospital plan
will not—

Senator Cameron—Mr Acting Deputy
President, I rise on a point of order. Senator
Macdonald has put words into my mouth that
were never there. I do not and did not agree
with him, and I would ask him to retract that
statement.

The ACTING DEPUTY PRESIDENT
(Senator McGauran)—There is no point of
order.

Senator IAN MACDONALD—Certainly
there were no words, but a nodding of the
head up and down, as opposed to from side...
to side, tells me something. But Mr Rudd would agree with me in private, Senator Cameron. We all know Mr Rudd brought this program in knowing that the states would not approve it and knowing that this Senate, which is the states’ house, would also not approve it. So it was all more of this ‘blah, blah, blah’. It is why people—not me, I might add, but others—are calling him Prime Minister Blah Blah, because it is all talk and no action. This particular document on relativities of GST brings this to the fore.

In passing, I might note, from this document, that the powerhouse states of Australia who are keeping Australia going at the moment—that is, Western Australia, Queensland and the Northern Territory; it is Northern Australia where all the wealth of this nation comes from—do very badly out of these proposed changes. Western Australia in particular does very badly and that has been commented upon by Premier Barnett. I note that the Northern Territory has been absolutely shattered by this proposal, and I will expect the Northern Territory Labor Party senator to be in here criticising this report on those grounds. While my home state of Queensland has not gone backwards, it has barely gone forward. And these are the states that are keeping Australia going.

Can someone from the Labor Party tell me how the states are possibly going to deal with this grab of 30 per cent of their GST moneys? We all know of course that it only needs one state to object, and clearly the state Labor government in Victoria is going to object, so this whole hospital plan is nothing more than blah, blah, blah.

Senator Cameron—The Australian public will enlighten them.

Senator IAN MACDONALD—If Mr Rudd or Senator Cameron had any credibility they would explain how the states are going to get by with 30 per cent of their GST revenue, their only growth tax, being taken back from them. That is highlighted in this report on GST revenue sharing relativities. It also, curiously, completely negates the argument that Senator Cameron was, in all loyalty to his leader—and I respect him for doing that—putting. But he cannot have meant anything that he said in his comments on the public hospital funding proposed by Mr Rudd. We all know it is a fraud. We all know it is more of Mr Rudd’s ‘all talk and no action’ approach to government. It will not succeed—but then Mr Rudd never wanted it to succeed. He never thought it would. He knew, as Senator Cameron knows, that the states will not agree to it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following government document tabled earlier today was considered:


Government documents Nos 1 to 4 were called on but no motion was moved.

ADJOURNMENT

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

That the Senate do now adjourn.

International Women’s Day

Senator LUNDY (Australian Capital Territory) (7.02 pm)—Yesterday, 8 March, we celebrated International Women’s Day. In past years, for International Women’s Day I have highlighted the disadvantages, discrimination and underrepresentation often faced by women. I have spoken of some of
the problems of women in other countries and of the courage and leadership shown by women such as Daw Aung San Suu Kyi in Burma, Malalai Joya, now forced out of the Afghanistan parliament and still facing constant death threats, and Zilla Huma Usman, the Pakistani cabinet minister assassinated in 2007. The oppression of outspoken women such as these continues in many countries, as attested by Dr Hamidah Marican, this year’s International Women’s Day speaker at Canberra’s UNIFEM lunch last Friday.

In Australia we tend to rely on UNIFEM Australia to focus on the international needs of and opportunities for women. UNIFEM is the United Nations Development Fund for Women and it provides financial and technical assistance in more than 100 countries for innovative programs and strategies that promote women’s human rights, political participation and economic security. Dr Marican, the executive director of the Malaysian organisation Sisters in Islam, spoke of some of the programs and organisations which can help to redress the lack of opportunities for women. She champions the development of underrepresented groups and ‘talent pools’, including women in the workplace.

In Australia, of course, we cannot be complacent. We still have a way to go before we can claim that equal opportunity exists for women everywhere. The review of the Equal Opportunity for Women in the Workplace Act 1999 consultation report, released on 15 February this year, found that women’s earnings remain persistently lower than men’s and that Australia lags behind many other developed countries in women’s workforce participation rates. In participation in education and training, the report found that women continue to be overrepresented in areas of study linked to lower earning industries, while men continue to be overrepresented in areas of study linked to higher earning industries.

Today, for IWD, I would like to focus particularly on the opportunities we have in Australia for empowering women in two areas I am passionate about and interested in. They are quite disparate. One is sport and one is information and communication technologies. Both of these are areas in which women in the past have tended to be underrepresented and sometimes undervalued. This has certainly changed. Through both sport and ICT, women have had opportunities to develop their skills, confidence, networks and support.

Last week I was privileged to be invited to address CeBIT, the largest IT event of the year, held in Hanover, Germany, to outline the Australian government initiatives in ICT and our policies in respect of open government and Government 2.0. As someone who has been engaged in the Australian parliament’s debate and policy development with regard to ICT on pretty much every committee relating to telecommunications and IT since I was elected in 1996, I was very proud to be able to say for the first time that ICT is at the top of the Australian political agenda. Obviously, incredibly important flagship policies like our National Broadband Network, the work of the Government 2.0 Taskforce, the Digital Education Revolution, the reforms taking place in ICT procurement and the ICT reform program across government, and the very important Powering Ideas policy, which outlines the research agenda for the 21st century, all combine to put a significant profile on the incredibly important issue of how technology impacts our lives and how we can put technology to work for our society and our economy. These are all parts of the Australian government’s focus on recreating Australia as a high productivity, innovative and digitally enabled economy. As I have said many times, I am extremely proud of how this set of policies will progress social equality and provide opportunities for groups
that would otherwise endure continuing dis-
advantage.

Australia is the 12th largest ICT market
globally and the fifth largest in the Asia-
Pacific. The use and development of ICT
underpins all industry innovation and sits at
the heart of modern business and modern
government. More than ever we need an
ICT-literate workforce, and we cannot afford
to neglect to train and employ women in
these jobs. We know that in Australia men
outnumber women significantly in informa-
tion technology professions. In 2009, for
example, men represented 78.6 per cent of IT
graduates, and women, 21.4 per cent. Yet the
median salary reported for both male and
female IT graduates was the same, indicating
opportunities for equal pay in this occupa-
tion.

Early ideas that women were not attracted
to mastering IT skills and considered many
of these occupations ‘boring’—I cannot be-
lieve this myself—have been overturned for
generation X and generation Y, in part owing
to the fascinating social networking sites that
are available and the social dimension of
working within the technology field. Perhaps
surprisingly, the fastest growing segment
using social networking, the application of
new technologies, is women between the
ages of 55 and 65 years. So do not be fooled
into thinking this is some kind of youth fo-
cus. Women of all generations are interested
in the social application of technology.

Government 2.0 represents, above all, en-
agement and interaction—it relates to the
interactive web as opposed to the transfer of
information that we have seen in traditional
form onto the web. This is a transformation
of the way government delivers services to,
and engages with, its citizens. It represents
two-way communication between govern-
ment and the community, politicians and
their constituents, and will change the way
we do democracy in Australia.

With fewer women than men in the par-
liament—but a growing number—it has
sometimes been difficult for women’s con-
cerns to be given equal weight. Government
2.0 should help women redress the imbal-
ance—at least that is my sincere hope. The
development of interactive sites of benefit to
women specifically has educated increas-
ingly more women in the benefits and neces-
sity of ICT. One example is BCK Online, a
personalised, interactive portal to meet the
information needs of Australian women with
breast cancer. I know that there is a growing
group of women who find themselves com-
pletely fascinated by the tech. To the female
geeks of Australia, I shout: thank you for your
commitment to a very demanding sector but
one that can only benefit from your presence.

The Canberra Day holiday, yesterday, co-
incided this year with International Women’s
Day, and I will now turn my comments to
sport. We had a Sport for Women Day
planned as part of the Canberra Festival. The
planned activities focused on encouraging
improvement in fitness and participation in
physical activity. Sport has provided some
wonderful role models of achieving women,
and I cannot resist mentioning the success of
the Canberra Capitals basketball team in
winning their 7th WNBL championship this
weekend. There was the high-profile pres-
ence of Lauren Jackson, and I note that the
ACT Chief Minister has committed to build-
ing a statue of her. As we have a history of
recognising our sporting stars in football
codes, so we will be doing with Lauren Jack-
son in basketball. I also offer my congratu-
lations to Carrie Graf and all of the Canberra
Capitals. The Capitals have been highly suc-
cessful even in the absence of Lauren Jack-
son but I have no doubt that her presence
spurred on the team spirit and Canberra’s
enthusiasm for supporting this most successful women’s sporting team.

As with involvement in information and communications technology, sport provides a platform for women to develop their skills and confidence and their ability to operate in a team. International Women’s Day provides a glorious platform for the celebration of women’s achievements in both sport and ICT. I think we have wonderful examples in both. (Time expired)

**International Women’s Day**

**Senator HANSON-YOUNG** (South Australia) (7.12 pm)—I rise this evening to speak on a matter of public interest, and one of international significance. Yesterday, women around the globe celebrated International Women’s Day, an integral day that has been observed since the beginning of the 20th century. For the women of the world, the symbolism of International Women’s Day is an occasion to reflect on just how far women have come in their struggle for equality, peace and development. It is also an opportunity to unite, network and mobilise for meaningful change for our fellow sisters in less fortunate circumstances.

This year’s theme for International Women’s Day is focused on empowering women and men to end poverty by 2015, the target date government leaders from around the world agreed on for the eight Millennium Development Goals. With only five years remaining in the 15-year action plan to tackle degrading poverty, 2010 is the year to raise public awareness about the centrality of gender equality in achieving sustainable gains in human development.

Mothers, as we know, play a crucial role in developing communities, which is why improving both maternal and child health is a Millennium Development Goal in its own right. Yet current statistics show that more than half of the 29 developing countries are not on track to achieve either goal. What we need to see is a commitment by world leaders to prioritise gender equality; recognising that, if we are to succeed in tackling poverty around the world, empowering women in their own communities is an essential ingredient to success. In particular, we need to see the political will to adequately resource, monitor and improve the budgets for sexual and reproductive health systems in developing countries. Providing knowledge and access to reproductive health technologies noticeably reduces fertility rates in poor countries.

Today, more than half a million women in the world die annually from pregnancy complications. According to the Population and Climate Change Alliance, more than 200 million women who want to control their pregnancies lack access to contraception, with a further three billion people under the age of 25 having no hope of ever having their sexual and reproductive rights met. The two targets under MDG 5 are to reduce by three-quarters the maternal mortality ratio and to achieve universal access to reproductive health. We are failing miserably—we are nowhere near reaching this goal. Addressing the causes of maternal mortality is a global development imperative. It is intrinsically linked to the success of the other development outcomes.

Educating women, particularly young women, about their sexual and reproductive health from an early age has far-reaching effects beyond just better health outcomes. We need to recognise that, as long as global health initiatives continue to neglect sexual and reproductive health strategies and reproductive health supplies, interventions aimed at preventing HIV and improving maternal and child health will ultimately be unsuccessful. If the Millennium Development Goals are to be achieved, particularly the maternal health goal, which has only seen a
reduction of nine per cent in maternal
deaths—far from the 75 per cent target—
then the international community needs to at
least double aid funding to programs to re-
duce the deaths of women and children and
most developing countries need to also pri-
oritise these areas and increase their efforts.

Australia currently spends just 13 per cent
of its aid budget on health and a smaller
amount of that specifically on reproductive
health. In comparison, Ireland spends 34 per
cent, the United States spends 32 per cent
and Canada spends 30 per cent. The govern-
ment’s current commitment is to increase aid
spending to 0.5 per cent of gross national
income by 2015. We need to see a solid
commitment from our government to in-
crease this contribution to the internationally
agreed target of 0.7 per cent if we are to
make solid headway on Millennium Devel-
opment Goals 4 and 5 for child and maternal
health. While it is pleasing to see the gov-
ernment commitment to increase aid spend-
ing, we are nowhere near reaching our inter-
national obligations of 0.7 per cent. We need
to see the government commit to that in this
year’s budget. That is the challenge for the
government.

This issue can no longer be ignored. It is
not good enough for us to simply allow other
developed nations such as Britain to carry
the load on such an important issue. As a key
player in the global fight against poverty,
Australia needs to take a stand, particularly
in our immediate region, where our nation’s
wealth could be helping those most in need.

Papua New Guinea, our closest neighbour,
has the worst maternal death rate in the Pa-
cific and the second worst in the entire
world, closely following Afghanistan. The
fact that women in Papua New Guinea are 50
times more likely to die during pregnancy or
childbirth than their Australian sisters is a
situation that we can no longer ignore. Papua
New Guinea is the largest recipient of Aus-
tralian aid funding, yet the stories of mater-
nal death show we need to work harder to
save vulnerable lives. Australia needs to
ramp up its efforts in funding and training
health workers and midwives to work on the
ground with families to help this Pacific na-
tion curb its staggering maternal death rate.
Engaging in activities to help tackle these
issues in our own backyard must be priority,
and I urge the government to seriously show
its commitment to vastly improving these
horrid statistics. Each year, 34,000 mothers
and over 400,000 children die in our imme-
diate region, and we know that Australia can
play a positive role in turning around these
alarming figures. We need to consider an
increase in our health budget. We need to
commit more of our aid funding to tackling
this specific issue.

The most frustrating aspect of the immi-
nent failure of Millennium Development
Goal 5 is the fact that most instances of ma-
ternal mortality are preventable. To be truly
effective and sustainable in the remaining
five years, the scaling up of essential inter-
ventions must take place within a framework
that strives to strengthen and integrate pro-
grams with health systems as well as promot-
ing an environment supportive of women’s
rights and empowerment.

This week, as women around the world
celebrate all that we have achieved, we must
not forget how far we still have to go before
true equality is realised for all women and
girls. With 1,500 women and girls dying
every day, more than one every minute, as a
result of preventable complications occurring
before, during and after childbirth, increased
funding and health services are needed to
combat MDG 5 before the 2015 deadline.

In 2009, the United Nations Population
Fund revealed a staggering comparison:
It would cost the world less than two-and-a-half-day’s worth of military spending to save the lives of 6 million mothers, newborns and children every year.

This is not something which we can simply say is too hard to tackle. We know that there are simple solutions—we just need to support them. It is time to face up to the reality that, unless reproductive health and the rights of women and children are made a priority and countries like Australia step up and commit the required funding that is needed, 2015 will not be remembered as the year of success for the eight Millennium Development Goals but, unfortunately, the year of failure. We have five years to clean up our act. We have five years to help not just the mothers of the world but, particularly, mothers and children in our own region and in our own backyard.

Hon. John Kilday ‘Jock’ Ferguson

Senator CAMERON (New South Wales) (7.21 pm)—It is with heartfelt sadness that I participate in the adjournment debate to acknowledge the life and work of a great Australian, the Hon. Jock Ferguson, unionist, socialist and member of the Legislative Council of Western Australia. Jock Ferguson died last month after suffering a massive heart attack. Jock’s death is a great loss to his family, to the trade union movement, to Western Australia and to Australia.

Jock dedicated his life to Australia’s working-class, particularly AMWU members in Western Australia, and to the Australian Labor Party. Jock was described in the Western Australian media as a ‘man of the people’. I can think of no other person who deserves this title more than Jock Ferguson. Jock was a loving husband, father, grandfather and brother. I would like to express my sorrow and sympathy to Jock’s wife, Tina, Jock’s children and Jock’s sister, Monica. I want to thank Jock’s family for letting so many Australians share the remarkable life of their husband, father and grandfather.

Jock was born in a tough working-class suburb of Glasgow call Possilpark. For many years Possilpark was a thriving manufacturing and engineering centre providing highly skilled, well-paid employment for generations of Glaswegians. In the sixties over 100,000 manufacturing jobs that underpinned the prosperity in Glasgow were lost. As Jock said:

The people of Possilpark suffered the consequences of the stripping of industry and loss of jobs for decades afterwards, with deeply entrenched long-term unemployment, high crime rates, the scourge of drugs and violence, one of the lowest life expectancies in Britain, and significant numbers of people suffering from malnutrition and other conditions associated with tremendous poverty.

This experience underpinned Jock’s values and working-class principles. After serving his apprenticeship as a fitter, Jock joined the merchant navy for five years, spent some time in New Zealand and then moved to Western Australia. Jock spent many years in the Pilbara and Gascoigne regions working as a fitter.

Possilpark’s loss was the Pilbara’s gain. Jock was a union activist and soon became a shop-floor leader. His commitment to the working class resulted in him becoming a local organiser, then assistant state secretary and then state secretary of the Australian Manufacturing Workers Union. It was only last year that Jock took up his elected position in the Western Australian Legislative Council, where he continued his lifelong support for working people.

I had the privilege of working with Jock Ferguson for 25 years. We had much in common, both being fitters from Scotland with strong union principles. We both had a unique command of Australian English and we both had the privilege of holding senior
positions in that great Australian union the Australian Manufacturing Workers Union. It was a great honour for me, even though it was a sad duty, to represent the Prime Minister at Jock’s funeral recently in Perth. I was also extremely privileged to be asked by Jock’s family to give a speech of thanks for Jock’s life and work. As the Prime Minister said in his contribution to the funeral:

It is with sadness that I note the death of Jock Ferguson MLC. Jock enjoyed a legendary status in the West Australian labour movement. He had begun his working life as a fitters apprentice, and after years working in the British merchant navy and later on the Pilbara, eventually had the honour of leading his union. As a union leader he earned respect from workers and employers alike as a committed, effective and persistent advocate for the cause of working people.

Jock embodied many of the finest traditions of the Labour movement. He fought to improve the working lives of ordinary Australians—building a nation that values the fair go for every man, woman and child. I pay tribute to Jock and his lifelong service to the Labour movement, the Labor Party and the nation. His memory will long endure.

On behalf of the Australian Labor Party, I extend my condolences to Tina, to Jock’s family and to the many friends who are mourning his loss.

I think it is not a bad situation when you have a fitter from Glasgow being recognised by the Prime Minister of the country in such a way.

It is a mark of the many achievements of Jock Ferguson that tributes flooded in, not only from the Prime Minister but from other politicians, political parties, unions, the community and Jock’s beloved rank and file members. I would like to place on record a few of the many tributes that were published in the Western Australian press for this great Australian:

Sincere sympathy and condolences to the family, friends and colleagues of Jock Ferguson, a dedicated member of parliament representing the East Metropolitan region who was known and respected for upholding and fighting for his beliefs.

That was from the parliamentary Liberal Party of Western Australia.

A respected Member of Parliament; he will be remembered for his contribution to the people of Western Australia. Sincere condolences to his family and his friends.

That was from Brendan Grylls and members of the parliamentary National Party. And in another tribute:

The Greens members of parliament (WA) offer their condolences to the family of Jock Ferguson. A committed and tireless People’s Champion for justice and fairness, we are very sorry to see him go. He will be remembered fondly as a person who dedicated his life to others.

The board, members and staff of the Chamber of Commerce and Industry said:

Will be remembered for working with local employers over many decades to help grow the state, create jobs and keep workers safe.

From Peter Hollow, Maggie and Jim Sheffield:

Farewell comrade, you made the Pilbara and W.A. a better place. Condolences to all the family.

And from his ‘brothers of the Newman Pilbara mining union’:

Sympathy to Tina and family. We have all lost a great brother. Thanks to him the Pilbara unions have stayed strong.

There are too many other beautiful and heartfelt tributes to place on record in the short time I have tonight. As can be seen, Jock Ferguson was loved by his family, his members and his colleagues. Jock was respected by the business community and his political opponents.

Jock had a great sense of humour and a quick wit and was great company. Jock made union dinners and ALP functions bearable. I always knew that if you wanted a good night at a boring function you should sit next to Jock.
Some years ago Jock was involved in a dispute where a member was sacked for having a sex toy. I will not go into any further details in this august chamber except to say that Jock was asked in the media, in a television interview, to define a sex toy. Quick as a flash, Jock replied, ‘A five foot three Scotsman with a moustache.’ For those that knew Jock, he was a five foot three Scotsman with a moustache. This was typical Jock Ferguson.

Jock was a great Scotsman, a great Australian, a man of the world who left an indelible mark on the trade union movement and Western Australia. Jock has ensured that his legacy will be the legacy of committed activist in the trade union movement and in the Labor Party, fighting for a better society within Australia. We will always remember and never forget Jock’s great sense of humour. His sense of humour was never put to the side; he always used that sense of humour in big disputes and in negotiations. But he always was a serious man, a serious player, a fantastic friend and a great Australian. Comrade, we thank you for your work and your legacy and your friendship as a great Australian.

North-East Tasmania

Senator BARNETT (Tasmania) (7.31 pm)—Tonight I stand to pay a tribute to the people of north-east Tasmania and to call for real change in Tasmania’s north-east after a decade of neglect under state Labor. I want to say at the start it is not just state Labor; in recent years it has in fact been federal Labor. The most recent example of neglect has been the lack of development and the loss of jobs as a result of government inaction on renewable energy and government inaction on the Musselroe Bay wind farm. This is a $400 million development which will be a huge boost in north-east Tasmania—in fact a huge boost for Tasmania. The government inaction at the federal level is a great disappointment. On Wednesday, 24 February I moved a motion in the Senate which condemned the federal Labor government for its failure to support major renewable energy projects which is threatening the Musselroe Bay wind farm. The motion was passed on the voices, but it was opposed by the government, including Tasmania’s Labor senators. But the Senate on that day sent a clear message that the government had failed to deliver when it comes to major renewable energy projects and must do more to support projects like the Musselroe Bay wind farm.

Labor’s policies have caused the price of renewable energy certificates to fall dramatically, which has stalled investment in wind farms around Australia, but in terms of the north-east there has been significant neglect. The federal Labor member for Bass, Jodie Campbell, said in February that Labor will not do anything to address this problem until at least April, when the Council of Australian Governments next meets. But action is needed now. The company has already invested $20 million and many jobs had started but have now been canned—lost as a result of government inaction. It is appalling, and they should hang their heads in shame. The people of the north-east have had enough. They want jobs, growth and development, and they are not getting them under federal or state Labor.

In terms of advocacy in the north-east, I commend Bruce Scott, president of the local RSL club, for his strong support for bringing the Victoria Cross medals tour to Tasmania so that the people of the north-east can have access to such an important and historic event. I want to acknowledge the strong support for this tour coming to Tasmania from the Hon. Michael Hodgman QC MP, whom I spoke to yesterday and today. I note that he is a life member of the RSL and was an Anzac of the Year in 2000. He strongly supports
the campaign to bring the VC tour to Tasmania. The *North-Eastern Advertiser* has promoted the importance of that tour and on its front page just last week it referred to Lieutenant Alfred Gaby, a VC recipient from the north-east. I commend them and say thank you. The campaign to ensure that the tour is brought to Tasmania was launched just yesterday with the RSL and me in Launceston, with the launch of a petition and other activities.

The people of the north-east deserve better in relation to Dr Paul McGinity. They have been neglected by state Labor big time. This doctor has more than 3,000 patients. They and their families have now been without that doctor, at least to some extent, for nearly a year. The anniversary is coming up of when he was unilaterally denied an opportunity to work. His work was terminated via a fax that he received from the Medical Council of Tasmania, and the state Labor government has had a hands-off approach. I want to pay tribute to Yasmine Rawnsley and her committee, the Paul McGinity Support Committee, in the north-east for what they have done to support not only Dr Paul McGinity, Anne, his wife, and his family and the people who work in his practice but the people of the north-east. They have had to stand up and fight state Labor over their neglect and lack of action.

I know Steve Titmus, the federal Liberal candidate for Bass, has met with Dr Paul McGinity—in fact, we were both in Launceston at a celebratory function just a month or so ago together with other members of parliament, including the Hon. Sue Napier MP. In that regard I want to put on record my sincere thanks and congratulations to the Hon. Peter Gutwein, the shadow treasurer, who stands up for the people of the north-east—and I will come to his announcement yesterday with Will Hodgman for the north-east. The Hon. Sue Napier has represented the region since 1992 and I gave a tribute to her just a few weeks ago in the Senate as she will be retiring from state parliament on 20 March as a result of ill health. We wish Sue Napier all the best into the future.

I would also like to commend Michael Ferguson, who has been fighting for years. He was the federal member for Bass from 2004 to 2007 and did a great job of advocacy and fighting for the people of the north-east. They want people to stand up for them in the north-east of Tasmania. That is not happening now under the federal member for Bass and certainly as a result of the lack of action by state Labor. I want to commend Michele McGinity, who is the daughter of Dr Paul McGinity but is outstanding in her own right. She has credibility. She has pizzazz. She wants to stand up for aged-care workers. She is concerned about health and education and she is making a real difference in the community. And I commend Nick Pedley and Pam Dakin, who also are state Liberal candidates.

There are people like Bert Farquhar who are recognised by the people of the north-east. I was at his funeral just last week; it was a thanksgiving service. He was one of Tasmania’s great agricultural pioneers and, for a time, one of the biggest potato farmers in the nation. He started a tree plantation program in the late 1940s. Agricultural development in the north-east benefited greatly as a result of his resourcefulness and determination. He made things happen when most people said they were not possible. The tributes to Bert given at his thanksgiving service were fantastic, all confirming he had vision and a can-do attitude, he enriched our community and he was kind and creative.

I want to put on record the fantastic commitment that was given by the state Liberals under Will Hodgman yesterday. Their press
release, entitled, ‘Real change for the north-east’, said:

A Hodgman Majority Liberal Government will ensure that nearly $50 million is invested over the next four years in the North-East.

That is a great commitment. That is a commitment that state Labor have not given over the last weeks, months or years. They have neglected north-east Tasmania. They also said:

We commit to ensuring that the $42.5 million in road funding for North-East freight roads that was announced three years ago is expedited and spent on priority projects such as the Bridport Main Road as a matter of urgency.

These announcements that were made yesterday about north-east Tasmania will support jobs, growth and development. It is fantastic news for the north-east, because they have been missing out—and for too long. The projects announced yesterday by Will Hodgman and Peter Gutwein for the state Liberals, including Michael Ferguson, Michele McGinity, Nick Pedley and Pam Dakin, with the support of Sue Napier MP, include:

- $4 million to continue the Lilydale Road upgrade and $1 million to begin works on the unsealed section of the Tomahawk to Gladstone road. In addition:
  - The proposed Bridport Western Road Access Project will be referred to Infrastructure Tasmania for consideration as a part of its development of a strategic infrastructure plan.
  - $150,000 will be committed to upgrade the Bridport Recreation Ground …

That is a great facility and it needs upgrading, and I hope it is successful. It continues:

- $120,000 will be provided over three years to enable the Scottsdale Ex-Services and Community Club to undertake urgently needed repairs and maintenance and commence capital projects.

That is a great initiative for the north-east.

- $60,000 is committed over three years to assist the continued development of the North East Rivers festival and especially the centrepiece of this festival the iconic Derby River Derby—a great initiative, a great event, and money well spent. Well done to all the organisers for getting behind such a festival.

- $75,000 will be provided over three years to enable the Dorset Men’s Shed to continue the appointment of a part-time co-ordinator …

Well done to Bruce Scott and the team at the Dorset Community Men’s Shed for what they do. I have been there and they provide a fantastic service to the local community.

- $100,000 for a feasibility study to be conducted by the Department of Economic Development on the benefits to the North-East community of attracting an international golf event at the Bambougle Dunes golf course at Bridport.

Of course, that was supported by the Howard Liberal government some years ago. It is a great facility and I know members and senators alike are aware of it. There is also $90,000 support for the Bridport Bowling Club, $150,000 to strengthen aged-care services in the north-east, $70,000 to assist the Scottsdale Football Club and $75,000 to enable the Dorset Council to develop restrooms and comfort stop facilities in Derby.

Real change is possible on 20 March, later this month. It is time for real change for Tasmania’s north-east, and that is what a Hodgman Liberal government would deliver. I thank the Senate.

GP Superclinics

Senator FURNER (Queensland) (7.41 pm)—I was privileged just last month to be part of the official opening of the Strathpine GP Superclinic, part of an excellent Rudd Labor government initiative. The Minister for Health and Ageing, Nicola Roxon, along with state member Carolyn Male and More—
ton Bay Regional Council representatives, officiated at the opening, which was two months ahead of schedule. Local residents will now have better access to healthcare services thanks to the Strathpine GP Superclinic, which is in the heart of Strathpine, just five minutes from my office.

The Strathpine GP Superclinic will offer bulk-billing and extended hours of operation to the residents of Strathpine and surrounding suburbs. Five GPs are currently on staff, their numbers having grown since the end of February. Six nurses, including an Indigenous health nurse, and a wide range of allied health professionals—including a physiotherapist, chiropractor, dietitian and diabetes educator, psychologist, audiologist, exercise physiologist and podiatrist—work from the superclinic, providing services that include X-ray and ultrasound. The GP superclinic’s health professionals work in multidisciplinary teams to provide patients with integrated, patient-centred care. The clinic has a focus on providing preventative and chronic disease management services. It will also help to train and expand the future health workforce and it is working with the University of Queensland to provide clinical experience to medical, nursing and allied health students.

This government’s GP superclinics initiative is a key element in improving access to health services and addressing the shortage of health professionals in suburbs like Strathpine. The Rudd Labor government made a commitment to the people of Strathpine to improve access to GP and allied health services in their community, and we have delivered well ahead of time.

The Strathpine GP Superclinic will have additional GPs working longer hours in the Strathpine community, with most services bulk-billed. Having health professionals working together to provide continuity of care under the one roof will allow residents to attend one facility to access a variety of health services. Moreton Bay Regional Councillor Mick Gillam has explained to me that the superclinic will be of great benefit to the residents of central Strathpine. He told me that sometimes in that area it is impossible to get in to see a doctor and the nearest hospital is half an hour away. Waiting lists and times at hospitals should also be reduced as fewer people will go there, letting hospitals operate more as they should.

The National Health and Hospitals Reform Commission’s final report recommended that health services be redesigned around people, by building on the role of general practice. To do this, it recommended the creation of multidisciplinary primary healthcare centres, with a range of primary and specialist services in one location and open for extended hours. The GP superclinics are founded on the same principles and point the way to the future of primary health care in this country.

The Strathpine GP Superclinic will bulk-bill patients for all Medicare rebateable services and will operate, at this stage, from 8 am to 7 pm Monday to Friday, 8 am to 6 pm on Saturdays and 9 am to 5 pm on Sundays. The federal government is building 32 GP superclinics across Australia at a cost of $275 million. Nine clinics will be built in Queensland, as well as in Strathpine, Redcliffe and Ipswich in the south-east, Townsville in the north and Cairns in the far north.

Another feature of the GP superclinics would also help close the gap between Indigenous and non-Indigenous health and life expectancy. With a large Indigenous community in and around surrounding Strathpine, local Aboriginal health needs will be met. This multidisciplinary facility will provide more much-needed medical services for Strathpine and the local community. It will
allow patients to access general practitioners, allied health services and community health services all in the same precinct. Strathpine has been in need of more health facilities and this $2.5 million government funded clinic will ensure this happens.

At the opening, Superclinic Nominees Director Dr Evan Jones indicated the clinic size as about 900 square metres with an underground car park, secure parking for staff, a lift and disabled access. In fact there is ample car parking, some 20 secure car parks for staff after hours and around 60 underground, as well as additional car parks and ambulance access at ground level. Its location at 328 Gympie Road Strathpine is close to Westfield Shopping Centre and a short walk to the Strathpine train station, providing easy access for patients. The Strathpine GP Superclinic is established next to a busy community pharmacy which provides patients with advice and a prompt medication delivery service.

In addition the building is environmentally friendly. The building is a concrete and steel construction with good thermal insulation and has a large 120,000-litre rainwater collection and recycling tank as part of its construction. The Strathpine clinic is the 12th GP superclinic in Australia to be signed up to by the federal government and is part of the Rudd government’s commitment to providing primary health care where and when it is needed.

It was disappointing that the local Liberal MP and opposition spokesperson for health, Mr Dutton, has continued to talk down improved health services for his local community. If Mr Dutton and the Liberals had their way, GP superclinics like this one in Strathpine would never have existed and the community would not benefit from improved access to a variety of health services. In fact the member for Dickson, as of December last year, confirmed the opposition has no health policy. As health minister in the previous government, Tony Abbott cut $1 billion from public hospitals, froze the number of GP training places and ignored the need for more nurses despite a shortage of 6,000 across the country.

Conversely, the Rudd Labor government put $5 billion back into health, and today in this chamber we saw opposition senators on the subject of health reject the government’s attempts to make private health insurance fairer, leaving a huge $2 billion hole in the budget. Only a Rudd Labor government has the vision for our future health needs, a vision for the future primary care and general practice that supports and enhances medical services to the community and a vision that access to good medical care should not be restricted by what you can afford or by who you are.

International Women’s Day

Senator WORTLEY (South Australia) (7.48 pm)—I rise today to speak about International Women’s Day and the great advances that have been made in achieving equality in this country and around the world. In doing so, I am pleased to see that we have a woman in the chair this evening. Clearly, there is a long way to go—in some countries much further than others.

In Australia we can be relatively proud of our efforts to achieve equality for women, often against remarkable odds. My state of South Australia can be particularly proud of its part as a world leader in women’s rights. While suffragette protests for the right to vote raged in London, Philadelphia and Boston in the later years of the 19th century, South Australia went a step further in 1894 when it became the first state to give women the right to vote in state parliament. The bill was enacted in 1895 and brought to life in the election of 1896. We have indeed come a
long way since the passing of the Commonwealth Franchise Act in 1902, when Australia became the first country in the world to give women the right to vote and to stand for federal parliament. However, it was another 41 years before the first woman was elected.

The Labor Party can be particularly proud of its part in bringing women’s causes to the fore and promoting women to their rightful place. The Rudd government boasts more women in senior parliamentary positions than any other Australian government, and, of course, it has given us our first woman Deputy Prime Minister in Julia Gillard. On the other side of the chamber Opposition Leader Tony Abbott, in reshaping his coalition team, has seen fit to reduce the number of women in his shadow cabinet. There were three, but there are now only two in the shadow cabinet of 22, whereas women make up 35 per cent of the federal Labor government.

The efforts of women to achieve equality of course go well beyond the walls of our parliament. Many women who have strived for a career have historically been forced to balance that career with the needs of family, until recent often years without any consideration of the difficulties presented. The Rudd Labor government has thrown its support behind Year of Women in Local Government 2010, an initiative to improve the participation of women in local government leadership and management. The government will be providing nearly $500,000 for a range of practical projects to help improve the participation of women in local government.

It is much needed. Less than one-third of our local government councillors are women; only 20 per cent of senior managers are women; and, even worse, only seven per cent of our council chief executives are women. We have come a long way, but, as these figures indicate, there is a long way still to go. The government is throwing its support behind a raft of initiatives aimed at giving women a better chance to rise through the ranks in local government, among them the 50:50 Vision: Councils for Gender Equity program, which looks at women’s participation and leadership in councils and shires, and the 2010 Management Challenge, promoting gender equity in 130 local councils around Australia.

The federal government recognises the very real and practical need for working mothers, or primary caregivers, to take paid leave from work after the birth of a child without the threat of losing their job. Under this government’s historic paid parental leave scheme, working mothers and other primary carers whose children are born on or after 1 January 2011 will be able to take advantage of 18 weeks leave at the rate of the federal minimal minimum wage, which gives them the chance to have a family with greater financial and career security. This government has provided practical support for women in the workplace. Under Labor, parents for the first time have the right to request flexible and part-time work. It has also been made easier for women to afford to return to work by the increase in the childcare rebate to 50 per cent of out-of-pocket expenses and by making payments on a quarterly basis.

Australia’s delegation sent this month to New York for the United Nations Commission on the Status of Women is also indicative of this country’s success in promoting equality. The delegation included Indigenous activist and Executive Director of Koori Women Mean Business Leanne Miller, Beagle Bay Aboriginal community primary school teacher and Blank Page Summit on Suicide campaigner Mary O’Reeri, and Carole Shaw, Director of JERA International, a not-for-profit organisation promoting justice and equality for women. The three
women ensured strong Australian representation to help advance the status of women on the international stage.

Australia too can be proud of the efforts of the Blessed Mary MacKillop, who fought hard against the conservative forces of the mid- and late-1800s to ensure education and opportunity for the poorest children, girls and boys alike. At a time when the rights of girls were negligible, she gave them hope and protection. She was excommunicated for her work, but the first school opened at Yankalilla, south of Adelaide, in 1867 was a milestone in our social landscape. Mary MacKillop’s efforts have been recognised all over the world. She was beatified in 1995 and, of course, it was recently announced she would become Australia’s first saint with the canonisation due to take place in October.

These women—politicians, activists and teachers among them—have all done their bit in bringing the needs and rights of women to the fore in Australia. It was the efforts of women like these who took the fight to the Arbitration and Conciliation Commission and achieved the landmark equal pay ruling in 1972.

But there are many more women who do not make the headlines and who have not had the chance to move us with inspirational speeches or actions. These are the women who have had to fight hard for everything they have achieved in what, until very recently, have been often unfair workplaces—women who still have to juggle a career with raising a family, who drop the kids at school before heading to work and who often have to take work home so they can pick them up again. Even in the fairest workplace, the needs of a mother can make an easy work life a near impossibility.

International Women’s Day, which we celebrated on Monday, recognises and honours not just the achievements of the groundbreakers, the women whose names we know and who we admire, but all women. Women like my mother, Janice, and my mother-in-law, Pamela, each raised six children, walked the path and faced the struggles that women of their generation faced when the equality issues I have touched on this evening were not enshrined in law. It acknowledges these women and others who have done their bit towards achieving equality and fairness, whether through standing up for their rights in the workplace, at home, in learning institutions or in society generally. It acknowledges those who have taught or are teaching their children respect for both sexes and that some things are worth standing up for. It acknowledges the efforts of those women who fought the fight, helping to make Australia a better, fairer place for women and men alike.

**Larrakia Development Corporation**

Senator CROSSIN (Northern Territory) (7.56 pm)—I rise this evening to put on record a success story for Indigenous people in the Northern Territory and particularly the Larrakia people, who live in and around Darwin. It is without doubt a very good news story which deserves to be known about. There are many good news stories about the operation of Indigenous people and their activities in the Northern Territory.

Let me embark on putting on *Hansard* just one of them this evening for the pleasure of those who might be listening to us. The Larrakia are known as the Saltwater People, naturally enough because their land is in and around Darwin Harbour. They are the traditional owners of the area of Darwin city, Palmerston and the surrounding land around the harbour including Wagait beach and the Cox Peninsula. There are about 2,500 Larrakia living in and around this area. They have established a business organisation through the Northern Land Council, the Lar-
rakia Development Corporation. It is the business arm of the NLC, in much the same way that Centrecorp Foundation is the business arm of the Central Land Council. They have done so independent of government funds and the organisation remains strictly for business. When the Larrakia Development Corporation needs money to buy land or to fund development it borrows from the bank on a commercial basis, just as any other business in this country does. Profits are then put back into further developing the business. It has no reliance, and never has relied, on government financial assistance.

The Larrakia Development Corporation is chaired by the eminent and well-respected senior Larrakia person in Darwin, Koolpin-yah Barnes. The CEO of the Larrakia Development Corporation is Greg Constantine, who heralds from a number of major corporations in Darwin and has come to that organisation with considerable business expertise and acumen.

Established only as recently as 2002, the Larrakia Development Corporation operates within the terms of a strict trust and adheres to strict corporate governance guidelines. To date, this has played a big part in its success and has ensured that corporate requirements are met. The Larrakia people now have four subsidiary companies established to carry out different businesses, but they are all linked and work together across many of their projects. Those companies are Larrakia Homes Ltd, Saltwater Constructions Northern Territory Pty Ltd, Larrakia Environmental Services Pty Ltd and Cox Peninsula Enterprises Pty Ltd. These companies provide not just training, job opportunities and careers but also give the Larrakia people a voice in the future development of their land. In fact, they have played a significant role in the development of the city of Palmerston.

Larrakia Homes have a busy building program for the next few months. They have recently completed an 11-townhouse complex and are working on 12 duplexes in the new suburb of Lyons in Palmerston. They also have a contract to build 40 homes for Defence Housing Australia by the end of June 2010—an Indigenous company, based in Darwin, now building 40 homes for Defence Housing Australia. Since incorporation in 2006, Larrakia Homes have won the 2007 Spec Home of the Year award and various others, such as awards for best kitchen and best bathroom and a commercial construction award for the community centre project at Lyons, which is a magnificent establishment in the northern suburbs of Darwin.

Saltwater Constructions Ltd is a steel fabrication, construction and property maintenance business. It plays a major part in assisting Larrakia Homes and other builders who require steelwork. Larrakia Environmental Services enable people to be actively involved in the landscaping business. They have the contract for this kind of work along the new Tiger Brennan Drive in Darwin and will use plants from their nursery on the Cox Peninsula. Their workers largely come from the Larrakia Development Corporation job ready training program. They also did most of the landscaping work in the suburbs of Darla and Lyons, which are two new developments in the Darwin and Palmerston region. This business also has a turf farm at Palmerston.

Cox Peninsula Enterprises run the only bus service between the Mandorah ferry, the Wagait community and the Belyuen community. There was a gap in services there. The Larrakia Development Corporation saw that gap and stepped in to fill it—nothing huge, but of great benefit to the community, as there are regular ferries every day between Mandorah and Darwin and several kilometres between the communities of Wagait and
Cox Peninsula and the ferry. The service helps to provide a shorter, cheaper link to Darwin for workers who come across the harbour each day—and there are many of them—and for shoppers. Cox Peninsula Enterprises also have a permit to harvest cycads over a 600-square kilometre area of the peninsula, and these are grown in their own nursery and used in the landscaping business.

So all four subsidiaries work in together in various ways, providing building and landscaping materials and transport. If you are a visitor to Darwin or Palmerston, you will appreciate and understand the extent of what I am talking about. Darla and Lyons are new suburbs in Darwin and Palmerston. They are ordinary, everyday suburbs, like the ones you find in major cities around the country, and this Aboriginal business has played a significant role in establishing and developing those suburbs.

In addition to having its own subsidiaries, the Larrakia Development Corporation forms partnerships with other major companies, which will provide employment for Aboriginal people. Very recently, the corporation signed an agreement with Inpex, the oil and gas giant soon to be setting up in Darwin. It signed an MOU which will guarantee jobs for Aboriginal workers on the $12 billion gas project. Signed in partnership with the Northern Land Council, this agreement means that the LDC and the Northern Land Council will use their local knowledge to assist Inpex in designing a jobs strategy specifically for Indigenous workers.

The Larrakia Development Corporation has big plans ahead for when the Kenbi land claim is finalised and signed off. The Kenbi land claim has been a long-running matter. It was thought to have been finalised early in 2009 when the LDC, the Northern Land Council and the NT government signed an in-principle agreement which would allow the Larrakia people, through the corporation, to develop certain sections of the Cox Peninsula. It will be the next major development for the Darwin harbour area. Some 15,000 hectares will be held as Territory freehold, to be managed by LDC for commercial development, and 52,000 hectares will become communally held Aboriginal land, managed in a similar way to Arnhem Land.

The Department of Finance and Deregulation has pointed to the need for extensive due diligence work to be done prior to being able to determine tenure of these sites and to protect Commonwealth interests. It is sincerely hoped that this will be carried out as a matter of urgency, to finalise this land claim after so many years and to allow the Larrakia people, through their development corporation, to further develop parts of their land as they choose, for the betterment of the people. The signing of the Kenbi land claim now awaits a decision from the Commonwealth Department of Finance and Deregulation, which has interests in some sections of the Cox Peninsula and other areas. One of first projects for the Larrakia people in tourism and hospitality.

In a stand to help protect the Cox Peninsula, the LDC has also taken it upon itself to independently fund and appoint two rangers to the area. They patrol the area in a four-wheel drive vehicle and, together with assistance from the Belyuen community and CDEP workers, they look out for any vandalism and keep beaches clear of fishing nets and recreation areas clean of rubbish.
proposed for the area by the Larrakia Development Corporation is a seniors home for Larrakia.

Over the past seven years, the Larrakia owned and controlled corporation has established four subsidiary business companies; has undertaken multimillion dollar building, fabricating and landscaping contracts; has trained and employed local people; and has signed employment and training agreements with several other major businesses. One of the silent and unrecognised huge success stories in this country is the development of Darwin and Palmerston by local Larrakia Indigenous people. The Larrakia Development Corporation are a proactive, forward-looking Indigenous organisation. They are to be congratulated and should be recognised nationally for their continuing progress. This is indeed a good news story from Darwin. (Time expired)

**Defence Procurement**

**Senator MARK BISHOP** (Western Australia) (8.06 pm)—I was prompted to speak tonight by an informative and useful article, published in the *Weekend Australian* on 27 February, by two respected defence writers, Paul Dibb and Geoffrey Barker. The article addressed the vexed question of competition, and its practicalities, in Defence procurement policy. It was based on an allegation of dogmatic adherence by the Defence Materiel Organisation to the theory and practice of competition policy, as opposed to what is seen as anticompetitive pressure from the military—in particular, from the ‘iron colo-
nels’. It included a sizeable swipe—as civilians are prone to do in this environment—against the alleged self-interest of the military, who traditionally claimproprietorial control over all things military. I do not want to engage in this debate, because it is an age-old problem. I simply want to say it is a matter of strong leadership, clear long-term pol-
icy direction and intelligent decision-making—and we should also remember that, in a democratic world, the self-interest and groupthink that surround this are difficult to deal with.

When you have time frames of decades, as Defence procurement does with the longevity of its planning strategies, purchasing decisions are frustrated by the short-term political process. Added to this is the simple inflexibility of decision-making: when contracts are locked in, it may take 30 years to work through to final delivery. I would suggest that this is unique and, indeed, quite unlike any other part of government. The fact that we are only now scrapping the F111 fleet, first selected by the Menzies government almost 50 years ago, is a case in point. This goes a long way to explaining the frustration we all suffer in dealing with Defence issues.

Objectively speaking, there are no excuses for many of the failures of Defence purchasing in recent years. But it is sometimes inevitable that in retrospect, with the wisdom of hindsight, original decisions are seen to be wrong. As we have seen with the Seasprite helicopters for the Navy, these decisions can be grotesquely wasteful—to the tune of over $1 billion—as with the current controversy of the Collins class submarines. It is important to learn from some of these mistakes. That debate is, at least, a healthy one, although decisions will still be fraught with many difficult elements and the speculation will undoubtedly continue apace. It is simply the nature of the beast, and every nation on earth faces the same dilemma—although the Rudd government, as a result of the implementation of the Mortimer report, has made a number of key decisions to remove the decision-making process, which had clearly fallen into a degree of disrepair under the previous government.
The central thrust of the article I have referred to is the relevance of competition policy within Defence procurement. The discussion is, I think, fair, albeit conflated with drama about alleged competing philosophies between the bureaucracy and the military and between successive governments. The practical matter, though, is the need to properly understand the context of Defence procurement—again, every nation in the world is confounded by the same problem. The answer is that there simply is no answer. The cloth must be cut according to the circumstances germane at the time.

Let me summarise the contextual circumstances that I see as being relevant. Australia is a small nation in a big, empty area of the globe. As the Defence white paper makes clear, we are not under any defence threat in the near- or medium-term future. We are a high-cost country with one of the highest living standards in the world. Our defence forces, by any standards, are small. Like all other nations, especially given the current world economic conditions, pressure on our domestic budget is enormous. Our manufacturing industry is dominated economically by the strength of mining and service outputs. Defence demand on industry is highly specialised and technically sophisticated. There is insufficient critical mass within a number of defence related industries to provide both continuity and cutting-edge sophistication. Defence, by its specialised nature, is a monopsony—that is, there is only one buyer—so competition, by definition, is supply-side only. But, at the same time, it makes the taxpayer vulnerable to monopoly suppliers. We continue to suffer from port decision-making in the past, which has failed to provide adequate strategic guidance and has therefore caused uncertain continuity of demand and poor grounds for long-term investment by industry in necessary high-cost capital equipment.

As a consequence of that political failing, we have also failed to publicly invest in the infrastructure necessary not just for defence industries but across the board. Regardless of the arguments for self-sufficiency and self-reliance in times of conflict, given our exposure to the tyranny of distance we must rely on strong alliances. Yet, for effective sustainment, there is a minimum level of local support which is essential. We cannot derive any economies of scale and must therefore, in some areas more than others, remain dependent on international sharing. I note that this has long been the reality for Europe and is becoming so for our dominant ally, the United States.

Like all Western nations we need strong formal defence links, especially with respect to access to leading technology—and, as we know, there is continuing growth in international trade and corporate globalisation. Furthermore, within that internationalisation of supply, defence related corporations are rationalising and reducing in number, with wider international reach. Our own defence industry is becoming less home-grown. It is becoming part of the growing global network.

That is the broad context for the subject of competition policy for Defence procurement in Australia. It cannot be reduced to a simple slogan. Yet it is very important that decision-makers be continually reminded of its virtues and that decisions to avoid its disciplines are made carefully and transparently. If, as alleged, the CEO of the DMO is a bit messianic in his message in favour of the strict application of the rules of competition then I would say ‘all strength to his arm’. That is his duty in fighting the old, cosy culture of cost-plus procurement. I say that because, notwithstanding the argument in favour of exceptions for strategic reasons—and I agree with that argument on occasion—there is a risk that exceptions can become the rule. In a small market such as Australia’s, this would
simply be a return to the old form of patronage, which the government is working so hard to avoid.

The other contextual risk, as we know, is that defence has for a long time been a political sacred cow to some extent. That is now being challenged, and rightly so, by demands for full accountability, transparency and integrity of decisions in the public interest. And that includes all defence industries, which must come to accept that hidden subsidies and sweetheart deals are and will remain creatures of the past. The clear message is that the monopsony of defence is not to be exploited but also that monopoly supply will be avoided wherever possible—and then, if it is a necessary evil, strictly managed.

There are no doubt many other contextual factors affecting the issue of competition for defence procurement. It is no simple issue and there are no simple answers. There will occasionally be some compromises. Many factors simply cannot be costed, and value judgments will abound. Bureaucrats and politicians will always be sceptical. Governments of any colour will struggle to balance the competing advice and, more importantly, the competing interests. And industry, quite rightly, will want to know what is in it for them. That is why it is so controversial when you are talking about billions of dollars. We need to avoid ideological disputes in the interests of achievable outcomes, but without throwing the baby out with the bathwater. At its heart, this seems to me to be the essence of the Rudd government’s approach, which I support. We can already see the trends—and they are international trends—flowing from all the points I had made on the special context of defence procurement. And the key to this is the basic need to have a clear articulation from government about its defence industry policy intentions, just as the white paper has done for the broader defence direction. I know the minister has committed to the release of that policy in the near future.

In conclusion, may I say that I look forward to its release in due course. I think we have made great strides in this area in the last couple of years. But I do remind the Senate and those listening that it is a very complicated matter. (Time expired)

International Women’s Day

Senator PRATT (Western Australia) (8.17 pm)—Before beginning, I need to seek leave to speak a little beyond 10 minutes, certainly not longer than 20.

Leave granted.

Senator PRATT—This evening I rise to mark the occasion of International Women’s Day. International Women’s Day is a time to celebrate women’s achievements and their contribution to society. It is also a time to take stock of what remains to be done to ensure that all women are able to live full and productive lives, in their own interest and in the interest of their families and communities. It is a time to remember both how far we have come and how far there is yet to go in the quest for equality and empowerment.

So today in recognition of International Women’s Day, I want to speak briefly about women’s workforce participation and the contribution that women’s paid work has made to their own empowerment, to the financial security of their families and to the productive capacity of this nation. I also want to touch on the barriers that remain to women’s full participation in the Australian workforce—barriers that constrain women’s personal development; limit their capacity to provide a secure economic future for themselves and their families and restrict their contribution to Australia’s productivity; barriers that see Australian women with significantly lower incomes than men throughout their working lives and with woefully inadequate retirement incomes.
As I said in my first speech in this chamber, there is no doubt that access to paid work and the benefits that flow from it are central to individual wellbeing. This fact has long been recognised by Labor feminists and is increasingly central to Indigenous activism as well. For women as for men, access to work under reasonable conditions and for fair reward is vital to the individual’s social and economic wellbeing. It is equally valuable to those who depend on them. Welfare payments and tax benefits may provide immediate relief to families at risk of financial hardship. However, as the OECD recognises, increasing maternal employment is often a more effective means of raising family incomes and reducing the risk of child poverty. This should not surprise us. We know that the surest route to child poverty is living in a household without an adult breadwinner. Children in dual-earner families have a built-in level of security that children in single-earner families lack. Living in a dual-earner household offers children greater protection in the event of parental separation, retrenchment or illness.

Little wonder that, on average in the OECD, children in households without an adult in work are three times more likely to grow up in poverty than children in one-earner households, and children in one-earner households are three times more likely to grow up in poverty than children in dual-earner households. That bears repeating: living in a dual-earner household reduces a child’s risk of growing up in poverty by a factor of three compared with households with only one breadwinner. In short, women who go back to work are helping protect their children from financial hardship just as surely as they are advancing their own social and economic wellbeing. As I have said, increasing women’s employment has also contributed much to Australia’s economic growth in recent decades. One study by Goldman Sachs estimates that progress in closing the gender gap in the employment rate has already added a massive 22 per cent to Australia’s GDP since 1974. The same study estimates that closing the gap between male and female employment could boost GDP by a further 11 per cent.

Senator Coonan raised this report with the Productivity Commission during the last estimates, and I commend her for doing so. While the chairman of the Productivity Commission acknowledged that a very significant boost to GDP could come from closing the gender employment gap, he also suggested that the gap may be partly explained by women’s preferences. In relation to the relatively low employment rate of women of child-bearing age in Australia, the chairman referred to not wanting to drag women out of their homes. The implication of such a statement is clear—mothers stay at home because that is where they want to be. But, as I said during the estimates hearing in question, this reference to choice is highly problematic. As I pointed out to the commissioner, the results of major consultations conducted in cities and regional areas across Australia last year by the National Foundation for Australian Women strongly suggest that there are a great many women who would prefer to work or to do more work if they had the support needed to do so.

Talk of women’s preferences sits uneasily with the Productivity Commission’s own research which demonstrates that women’s employment rates vary dramatically depending not only on the age and number of their children but also on their level of education, their wage-earning potential, their marital status, their partner’s employment and their country of origin. Is all this variation to be explained by women’s preferences and by the fact that some groups of women have a greater desire to stay home than others or is it also that workplace culture and public pol-
icy combine to make work less attractive for some women than for others? Is it choice or is it simply that work offers too few rewards for too many women?

Improvements to child care and training programs, more flexible working arrangements and greater pay equity are three possible mechanisms for facilitating women's workforce participation. These issues were raised time and time again by participants in the consultations undertaken by the National Foundation for Australian Women. As many senators will be aware, some of these issues have also been addressed by recent parliamentary reports, most notably the Senate Standing Committee on Education, Employment and Workplace Relations report on the provision of child care and the House of Representatives Standing Committee on Employment and Workplace Relations report on pay equity. The ACTU has welcomed the recommendations of the committee report on pay equity and has launched an equal pay alliance. This alliance is composed of 135 community and business organisations which have pledged to make pay equity a key campaign issue this year.

In this context I note that the Goldman Sachs report suggests that easy gains in terms of increasing women’s employment may already have been achieved in Australia. To maximise further gains, a more focused and uniform strategy to increase female engagement with the workforce is going to be required— one that encompasses things like a renewed emphasis on equal pay and reducing disincentives to work for second income earners within the tax welfare system; further improvements to childcare arrangements; more flexible work arrangements; and measures to encourage women to take up more career orientated roles in a wider range of industries, roles more in keeping with the talents and qualifications many women already possess. In terms of meaningful incentives to increase female participation in recent years, the report concludes that the biggest policy developments have been the boost to childcare funding resulting from increases to the childcare tax rebate and the introduction of paid parental leave from 2011—both Rudd Labor initiatives.

Labor has introduced changes to the Fair Work Act, which should help address pay equity issues, including the right to equal pay for work of comparable value and a special bargaining stream for low-paid workers. The Australian government has also commissioned a review of the Equal Opportunity in the Workplace Act, and the consultation report for this review was released last month. Recommendations arising from this review will no doubt address some of the barriers to women’s workforce participation, including combating direct employment discrimination and providing incentives for the adoption of more family-friendly practices in our workplaces. But, as the consultation report identifies, many barriers to women’s participation, including childcare support and the tax treatment of second wage earners, lie largely outside the scope of this review.

In its recent report on the economic and social necessity of increasing workforce participation, the Business Council of Australia noted that a broad range of policy settings impact on women’s workforce participation. The report identified women of child-bearing age as one of the most likely targets for increasing participation, noting that Australia ranks a miserable 20th in the OECD on this score. The BCA report agreed that improvements to child care and the tax treatment of second wage earners are both important strategies for enhancing women’s workforce participation, along with more flexible workplace employment options.

A recent OECD cross country review of strategies to improve the labour market per-
formance of developed countries reached similar conclusions. The OECD review noted that, in recent decades, the employment rate for women has increased significantly in developed countries. This has been an important factor in improving labour market performance overall. The review also found that, to face the looming challenge of ageing populations, it will be necessary to further increase employment rates, including those of women. The report concurred with the view that, to this point, gains in women’s employment have been made relatively easily, mainly as a result of improvements in women’s education. However the OECD review found that further gains in women’s employment will require more focused strategies that reduce disincentives for women to work and encourage the diffusion of family-friendly employment practices.

The report highlights that variations in women’s employment rates between countries cannot be explained solely by cultural differences in attitudes to childrearing; they are also a result of different public policy settings. This helps to explain the positive correlation between employment rates and fertility rates in developed countries. For example, women in Scandinavia are both more likely to work and more likely to have children than their sisters in Italy, Spain or Japan. It seems that when women are not forced to choose between childrearing and paid work, most will choose to do both. In other words, we can have both more children and more working mothers, a double benefit in terms of our ageing population, if we get the policy settings right.

The OECD report identifies a range of strategies that have a proven capacity to improve women’s employment rate, including fairer tax treatment of second-earners, childcare support, paid parental leave and access to part-time work. These kinds of strategies are found to have positive impacts on women’s part-time and full-time employment, on the employment of different groups of women and on women’s wages. Importantly, however, some strategies have greater impacts than others. There is a wealth of international expertise in this field that I think it would pay Australia to draw upon. In this field, as in so many others, we need to work smarter rather than harder if we are to achieve our goals. And when ordinary women across Australia, the OECD, the ACTU, the Business Council of Australia and investment giants like Goldman Sachs are all singing from the same song sheet, it may pay us to listen.

I hope that further work will be done soon by the Productivity Commission to identify what specific public policy settings will most effectively improve both the female employment rate in Australia and the productivity of women in our workplaces. Much more can be done to ensure that all women in Australia can choose to have both children and a career. On International Women’s Day, I conclude by emphasising once again that the pursuit of this feminist agenda will benefit not only women themselves but also their families and the nation.

**Tasmania State Election**

Senator O’BRIEN (Tasmania) (8.32 pm)—by leave—I thank the Senate for its indulgence. Although I am not intending to go for 20 minutes I may need to go for more than 10. I rise tonight because we have seen today in this place some focus on state elections. In question time we had some focus on the Tasmanian elections from two members of the coalition who were asking questions. I think we have come to expect that during election campaigns the partisan approach of the parties in this place ensures that senators will seek to support their parties and candidates in the state elections that are taking place in the immediate future—and that is
what occurred today. Sometimes senators do get overexcited about these things. We saw Senator Barnett today get so excited that he actually forgot to ask a question in the time allocated for his first supplementary. That is probably not the only time someone will make that error, but it was the first in my memory. That gave us all a chuckle. I suppose the partisan way in which these things are sometimes approached gives a chance for people to vent their amusement during question time and lighten the proceedings.

But what I was really intending to speak about today was the position that Mr McKim and the Australian Greens are taking to the Tasmanian people in the election when we, like South Australia, will go to the polls on 20 March. Labor is in power in that state and has presided over a remarkable turnaround in the Tasmanian economy. We started, with the premiership of Jim Bacon about 12 years ago, with the worst unemployment rate of any of the states, by a long way, and we now come in with an unemployment rate below the national average. Frankly, when Labor said its aim was to achieve substantial progress and a substantial reduction in the unemployment rate, that drew guffaws from our political opponents, and I am certain from some in the community who thought it just could not be done—but of course it has been. Now we have an election where the Liberal opposition is seeking to portray itself as the appropriate alternative government. I would have to say that Mr Hodgman is having difficulty convincing the Tasmanian public that he is the man for the job of the premiership of Tasmania. I guess 20 March will show whether I am right or wrong about that.

But trying to sneak up between the major parties, the Labor and Liberal parties, are the Tasmanian Greens. The Greens in Tasmania have generally taken a position of opposing everything—trying to shut down forest industries and opposing tourism developments, land developments, industrial developments and rural developments. They have generally built their political progress by attaching themselves to small groups in the community who are opposed to this or that program or project and by seeking to gather them into their political numbers for the purposes of getting their members elected to parliament. And they have had some success, although very limited, to this date.

Mr McKim is seeking to portray himself as different from the Green leaders who have gone before. He is seeking to portray himself as more reasonable, as someone who is not as committed to the dark green environmental philosophies of his party previously or to necessarily the antidevelopment approaches that his party has taken. I suggest that he has been doing that more by not saying things than by espousing policy. He is hoping his nonaction will be accepted as support for various actions.

We have seen over many years in Tasmanian forests a degree of protest by those aligned to the green movement, some of which has become in recent years quite violent in terms of attacking forest machinery, disrupting processors, protesters chaining themselves to pieces of machinery to stop work and vehicles being fixed in the middle of a road to prevent access, with human occupants of the vehicles placing themselves in a position where they would be endangered if it was attempted to remove that particular vehicle.

Funnily enough, in this, the election year, we have not seen those participants in the forest debates. We have not seen those participants who have been prepared to disrupt the forest industry. It is almost as if there has been a conspiracy between the Green party and those who are ostensibly disconnected from it, such as the group Still Wild Still Threatened, to not protest in the lead-up to
the state election, as if there is some quietening of the protest situation. I believe that it is a temporary lull.

We saw, of course, in the last couple of days another announcement by Mr McKim on forestry which would slice another piece of resource off from the industry and condemn more timber workers to the unemployment lists—with some fanciful promises of replacement jobs—due to the cutting back of the timber industry workforce and its operations. Funnily enough, the timber industry has continued to operate in a state where employment has grown. The people who are dependent on the tourism industry are quite successfully coexisting with the timber industry.

Today we have seen the first indication of the hidden agenda of the Tasmanian Greens. Today we have seen it revealed that the Tasmanian Green policy on prison reform says this:

**Prison Reform**: legislate to give the fundamental democratic right to vote in elections to all people serving custodial sentences …

‘All people’—that is what it says. It would not surprise anyone if the Tasmanian public were horrified that some special democratic privilege were to be granted to someone such as Martin Bryant under the Greens policy. Mr McKim is backing away from that at a hundred miles an hour because he has been confronted by the reality of his policy. He said on the ABC program run by Tim Cox this morning:

Tim, we would … we would give … or seek to give judges the right to remove … a prisoner’s right to vote where there has been a particularly heinous crime committed, and we would also … allow that to be done retrospectively. So, that’s our policy.

That is a qualification of the policy which they have announced—only a qualification when the reality of the extreme policy of the Greens has been revealed, in this case a policy which would, on the words which are in the policy, grant the right to vote to people such as Martin Bryant, who frankly will for many years be viewed as the worst criminal ever to be locked up in Tasmania. That is the Greens policy. It was on their website today. You cannot spin away from the reality of that policy. You cannot pretend that does not exist because it is an embarrassment. Mr McKim needs to clearly articulate just which hardened criminals he thinks should be able to vote.

Frankly, the people of Tasmania deserve to understand, when they go to the polls on 20 March, just what the policies of the Greens really mean. Or can they take this to be an indication that Mr McKim will say what he needs to get the people’s vote but, after the election on 20 March, that Tasmanians will be faced with the same old Tasmanian Greens party, opposed to everything, destroying jobs, making alarmist statements about a variety of things, attaching themselves to every minor cause in the community and ultimately being a destabilising force in the Tasmanian parliament and to any Tasmanian government in the future? I will be urging Tasmanians to vote for my party in the state elections but certainly not to vote for the Greens.

**Tasmania State Election**

Senator PARRY (Tasmania) (8.43 pm)—Very rarely do I agree with Senator O’Brien, whether we are in opposition or government. However, I agree with some of his comments relating to voting and how you intend to vote. Obviously I would like to see people in Tasmania vote Liberal but certainly not Green—and maybe preference Labor above Green, which is probably where we are heading.

I want to touch on some of the allusions of Senator O’Brien, who indicated earlier in his
contribution to the adjournment debate that the Senate chamber was being used for the purposes of the Tasmanian election. I noticed that you spoke about Tasmania for about nine of the 11 minutes, Senator O’Brien, so you are probably correct if you include your side today. I think you indicated that question time may have been used for that purpose. The two questions asked by two Tasmanian senators today ostensibly related to announcements by the Prime Minister yesterday, so I think that was quite topical and quite relevant and I would defend their right to ask those questions. It was not as obvious as the dorothy dixer set up by your side today from Senator McEwen to Senator Conroy on the National Broadband Network. That was certainly aimed at Tasmania. In fact, Senator Conroy used Tasmania 16 times in his answer, which is not bad considering he does not normally mention the same thing twice.

I need to defend my good friend and colleague from Tasmania Senator Barnett. He did not ask a question; that is correct. That was because of the interjections from the government side today, which indicated that Senator Barnett needed to defend himself, and the non-compliance with an answer by the minister. The minister should have been directly relevant. There was a point of order taken. The minister was not directly relevant, so Senator Barnett clearly set out his case whilst addressing a question and obviously the time expired with the new rules in the Senate on 30-second questions. I defend Senator Barnett in the way he clearly articulated that the government had not responded to the question and unfortunately time expired. That is not really any fault of Senator Barnett.

I agree with Senator O’Brien’s comments that it is fraught with danger to vote for the Greens in Tasmania. It would just give us a destabilised parliamentary system again. I also would like to place on record now that I think the Tasmanian parliament is far too small. Reducing the Tasmanian parliament from 35 to 25 members was ridiculous. That is now a comment that the Labor Party are coming to grips with. Certainly the Liberals and the Greens in Tasmania agree that the parliament is too small. It is unworkable when you have a cabinet of 10 in a government of 14. You have a speaker and a deputy speaker and two backbenchers. That is ridiculous in this day and age.

If you are a minister for agriculture in this country, for example, you deal with the same issues whether you are a state minister or a federal minister. From state to state, you have the same meetings, the same problems, the same community organisations and the same bodies that are representative of their industries. The only difference is the number of cows or the number of sheep. It does not alter the perspective or the complexities of what a minister of the Crown does. To be restricted and to not have a talent pool to draw upon by having such a small number of people who form government is probably a travesty of justice. That then enables bureaucracies and the public service to potentially run the state by bombardment with data. When a minister in Tasmania has a multitude of portfolios to look after and you have an opposition of seven trying to shadow the entire cabinet, let alone the issues of the day, it is just an unworkable situation. I think there is a realisation that the Tasmanian parliament is too small and is unworkable. I hope that will change as time moves forward. Having a smaller parliament has led to an increased bureaucracy, and I think the evidence now indicates it is costing the Tasmanian public more to have a smaller parliament. So the cost savings certainly did not equate. I agree with Senator O’Brien that we should not be voting for the Greens; we
should be voting for a major party, and that should be the Liberal Party.

Senate adjourned at 8.48 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Appropriation Act (No. 1) 2009-2010—
Advance to the Finance Minister—No. 3 of 2009-2010 [F2010L00597]*.
Determination to Reduce Appropriations Upon Request (No. 6 of 2009-2010) [F2010L00570]*.


Australian Capital Territory (Planning and Land Management) Act—Revocation of Declaration of National Land, dated 8 February 2010 [F2010L00516]*.

Australian National University Act—Programs and Awards Statute 2009—
Graduate Handbook Rules 2010 [F2010L00533]*.
Higher Doctorates Rules 2010 [F2010L00536]*.
Undergraduate Handbook Rules 2010 [F2010L00534]*.

Broadcasting Services Act—Broadcasting Services (Simulcast Period for the Broken Hill, Mount Gambier/South East, Riverland and Spencer Gulf licence areas) Determination (No. 1) 2010 [F2010L00592]*.

Charter of the United Nations Act—
Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2010 (No. 1) [F2010L00579]*.

Select Legislative Instruments Nos—
31—Charter of the United Nations (Sanctions – Liberia) Amendment Regulations 2010 (No. 1) [F2010L00551]*.
33—Charter of the United Nations (Dealing with Assets) Amendment Regulations 2010 (No. 1) [F2010L00576]*.

Civil Aviation Act—
Civil Aviation Regulations—
Civil Aviation Order 20.9 Amendment Order (No. 1) 2010 [F2010L00542]*.
Civil Aviation Order 100.16 Amendment Order (No. 1) 2010 [F2010L00507]*.

Instruments Nos CASA—
EX04/10—Exemption – navigation and anti-collision lights [F2010L00140]*.
EX05/10—Exemption – recency requirements for night flying (Skywest Airlines Pty Ltd) [F2010L00142]*.

Civil Aviation Safety Regulations—
Airworthiness Directives—
AD/A320/199 Amdt 1—State of Design Airworthiness Directives [F2010L00581]*.
AD/B737/250 Amdt 3—Forward Entry Door Forward and Aft Side Intercostals [F2010L00588]*.
AD/B767/255—Nacelle Strut and Wing Structure – RR Engines [F2010L00582]*.
AD/CESSNA 750/3 Amdt 1—Auxiliary Power Unit Fire Bottle Wiring [F2010L00580]*.
AD/CESSNA 750/6—Roll Feel and Centering Bungee Assembly – Replacement [F2010L00564]*.
AD/LC40/3 Amdt 1—Rudder Hinges and Hinge Brackets [F2010L00528]*.
AD/PFP/17 Amdt 4—Hub Cracking CANCELLED [F2010L00587]*.

Instruments Nos CASA—
ADCX 001/10—Revocation of Airworthiness Directives [F2010L00504]*.
EX11/10—Exemption — validation flights checks for AA [F2010L00302]*.
EX12/10—Exemption — CASR Part 99 DAMP requirements for foreign aircraft AOC holders [F2010L00379]*.

Commissioner of Taxation—Public Rulings—
Self Managed Superannuation Funds Ruling SMSFR 2010/1.
Taxation Determination TD 2010/1.
Taxation Ruling TR 2010/1.
Wine Equalisation Tax Determination WETD 2010/1.

Commonwealth Services Delivery Agency Act—Commonwealth Services Delivery Agency (Functions of Chief Executive Officer – Commonwealth Services and Enabling Services) Direction 2010 [F2010L00585]*.

Corporations Act—
AASB 2010-1—Amendments to Australian Accounting Standards – Limited Exemption from Comparative AASB 7 Disclosures for First-time Adopters [F2010L00547]*.
ASIC Class Order [CO 10/116] [F2010L00530]*.

Crimes Act and Crimes Legislation Amendment (Serious and Organised Crime) Act—Select Legislative Instrument 2010 No. 13—Crimes Amendment Regulations 2010 (No. 1) [F2010L00511]*.

Currency Act—
Currency (Perth Mint) Determination 2010 (No. 1) [F2010L00615]*.
Currency (Royal Australian Mint) Determination 2010 (No. 1) [F2010L00599]*.

Customs Act—
Select Legislative Instruments 2010 Nos—
14—Customs (Prohibited Imports) Amendment Regulations 2010 (No. 1) [F2010L00540]*.
15—Customs (Prohibited Exports) Amendment Regulations 2010 (No. 1) [F2010L00538]*.
16—Customs Amendment Regulations 2010 (No. 1) [F2010L00541]*.

Tariff Concession Orders—
0908902 [F2010L00464]*.
0922171 [F2010L00328]*.
0922444 [F2010L00312]*.
0922794 [F2010L00351]*.
0923088 [F2010L00346]*.
0923656 [F2010L00405]*.
0923920 [F2010L00373]*.
0923930 [F2010L00367]*.
0923922 [F2010L00329]*.
0923923 [F2010L00327]*.
0923925 [F2010L00372]*.
0925660 [F2010L00432]*.
0926725 [F2010L00419]*.
0926752 [F2010L00415]*.
0926753 [F2010L00483]*.
0926917 [F2010L00413]*.
0927021 [F2010L00416]*.
0927028 [F2010L00487]*.
0927030 [F2010L00421]*.
0927032 [F2010L00414]*.
0927071 [F2010L00480]*.
0927089 [F2010L00498]*.
0927491 [F2010L00428]*.
0927614 [F2010L00481]*.
0927615 [F2010L00482]*.
0928147 [F2010L00426]*.
0928926 [F2010L00521]*.
0929263 [F2010L00486]*.
0929452 [F2010L00523]*.
0929454 [F2010L00524]*.
0929535 [F2010L00520]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/032 [F2010L00508]*.

Evidence Act—Select Legislative Instrument 2010 No. 17—Evidence Amendment Regulations 2010 (No. 1) [F2010L00383]*.

Federal Financial Relations Act—
Federal Financial Relations (General purpose financial assistance) Determinations 2010—
No. 10 (January 2010) [F2010L00616]*.
No. 11 (February 2010) [F2010L00618]*.

Federal Financial Relations (National Partnership payments) Determination No. 15 (February 2010) [F2010L00617]*.

Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) Exemption No. 1 of 2010 [F2010L00537]*.

Fisheries Management Act—
Bass Strait Central Zone Scallop Fishery Management Plan Temporary Order 2010 [F2010L00594]*.

Foreign Acquisitions and Takeovers Act—
Select Legislative Instrument 2010 No. 30—Foreign Acquisitions and Takeovers Amendment Regulations 2010 (No. 1) [F2010L00510]*.

Health Insurance Act—Select Legislative Instrument 2010 No. 27—Health Insurance (General Medical Services Table) Amendment Regulations 2010 (No. 2) [F2010L00501]*.

Higher Education Support Act—
Explanatory statement and Funding Agreements under section 30-25, in respect of grant years—
2009, 2010 and 2011, dated—
15 December 2009—
Griffith University.
University of Tasmania.
16 December 2009—
Christian Heritage College.
Deakin University.
Queensland University of Technology.
The University of Notre Dame Australia.
The University of Queensland.
University of New England.
University of Newcastle.
University of Southern Queensland.
University of Technology, Sydney.
University of the Sunshine Coast.
University of Wollongong.
17 December 2009—
Australian Catholic University.
Avondale College.
Batchelor Institute of Indigenous Tertiary Education.
Charles Darwin University.
Edith Cowan University.
James Cook University.
La Trobe University.
Monash University.
Tabor College Adelaide.
Tabor College Victoria.
The Australian National University.
The University of Adelaide.
University of Canberra.
University of South Australia.
Victoria University.

18 December 2009—
Central Queensland University.
Charles Stuart University.
Macquarie University.
Murdoch University.
Southern Cross University.
Swinburne University of Technology.
The University of Melbourne.
The University of New South Wales.

21 December 2009—
Curtin University of Technology.
The Flinders University of South Australia.
The University of Sydney.

12 January 2010—
Royal Melbourne Institute of Technology.

University of Ballarat.

VET Provider Approvals Nos—
2 of 2010—Jazzworx! Pty Ltd [F2010L00593]*.
3 of 2010—Southbank Institute of Technology [F2010L00595]*.

Lands Acquisition Act—Select Legislative Instrument 2010 No. 22—Lands Acquisition Amendment Regulations 2010 (No. 1) [F2010L00539]*.

Life Insurance Act—Select Legislative Instrument 2010 No. 24—Life Insurance Amendment Regulations 2010 (No. 1) [F2010L00391]*.

Long Service Leave (Commonwealth Employees) Act—Select Legislative Instrument 2010 No. 20—Long Service Leave (Commonwealth Employees) Amendment Regulations 2010 (No. 1) [F2010L00388]*.

Medicare Australia Act—Medicare Australia (Functions of Chief Executive Officer—Commonwealth Services and Enabling Services) Direction 2010 [F2010L00586]*.

Migration Act—Migration Regulations—Instruments IMMI—
10/009—Specification of addresses [F2010L00591]*.
10/010—Specification of addresses [F2010L00590]*.

National Health Act—Instruments Nos PB—
10 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program [F2010L00543]*.

Offshore Petroleum and Greenhouse Gas Storage Act—Select Legislative Instruments 2010 Nos—

Quarantine Act—
Quarantine Amendment Proclamation 2010 (No. 1) [F2010L00505]*.

Select Legislative Instrument 2010 No. 12—Quarantine Amendment Regulations 2010 (No. 1) [F2010L00500]*.

Retirement Savings Accounts Act—Select Legislative Instrument 2010 No. 23—Retirement Savings Accounts Amendment Regulations 2010 (No. 1) [F2010L00390]*.
Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Determination 2010 (No. 1) [F2010L00614]*.

Social Security (Administration) Act—
Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2010 (No. 2) [F2010L00566]*.

Social Security (Administration) (Exempt Northern Territory Person) Determination 2010 [F2010L00561]*.

Social Security (International Agreements) Act—Select Legislative Instrument 2010 No. 21—Social Security (International Agreements) Act 1999 Amendment Regulations 2010 (No. 1) [F2010L00552]*.

Social Security Act—Dispensation Report 02/10.

Telecommunications Act—Select Legislative Instrument 2010 No. 19—Telecommunications Amendment Regulations 2010 (No. 1) [F2010L00440]*.

Therapeutic Goods Act—
Select Legislative Instruments 2010 Nos—
25—Therapeutic Goods (Medical Devices) Amendment Regulations 2010 (No. 1) [F2010L00469]*.
26—Therapeutic Goods Amendment Regulations 2010 (No. 1) [F2010L00470]*.

Therapeutic Goods (Listing) Notice 2010 (No. 1) [F2010L00509]*.

Witness Protection Act—Select Legislative Instrument 2010 No. 18—Witness Protection Amendment Regulations 2010 (No. 1) [F2010L00513]*.

* Explanatory statement tabled with legislative instrument.

Tabling
The following government documents were tabled:


Department of the Prime Minister and Cabinet—Counter-terrorism: Securing Australia, protecting our community, dated 2010—White Paper.

Treaty—Bilateral—Agreement between Australia and the Czech Republic on Social Security, done at Canberra on 16 September 2009—Text, together with national interest analysis.

Departmental and Agency Contracts
The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2009—Letters of advice—

Defence portfolio agencies. [Received 26 February 2010]

Education, Employment and Workplace Relations portfolio agencies. [Received 26 February 2010]

Environment, Water, Heritage and the Arts portfolio agencies. [Received 2 March 2010]

Immigration and Citizenship portfolio agencies. [Received 26 February 2010]

Treasury portfolio agencies [2]. [Received 26 February 2010].

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—
Attorney-General’s portfolio agencies. [Received 26 February 2010]
Austrade. [Received 26 February 2010]
Environment, water, Heritage and the Arts portfolio agencies. [Received 26 February 2010]
Health and Ageing portfolio agencies. [Received 3 March 2010]
The following answers to questions were circulated:

Environment, Heritage and the Arts

(Question No. 2181)

Senator Ronaldson asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year:
   (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and
   (b) what was the total cost of: (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including: (a) the cost of producing each of these publications; and
   (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so: (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary; (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and (c) what resources does the department provided to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so: (a) how and to whom; and (b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) (a) The Department of the Environment, Water, Heritage and the Arts (DEWHA) has supplied the following colour printers to the Office of the Minister for the Environment, Heritage and the Arts:

Ministerial Office
1 x Konica Bizhub C550
1 x HP DeskJet 460
1 x Canon IP90

Electorate Office
1 x HP 4700

Commonwealth Parliamentary Office – Sydney
1 x Konica Bizhub C450

QUESTIONS ON NOTICE
1 x HP 4700  
**Minister’s residence**  
1 x HP 5610 MFP  
**Residence of Deputy Chief of Staff**  
1 x Lexmark X9350 MFP

(b) (i) For the 2008-09, the total cost of printer cartridges and toner for the printers listed above was $366.61 (ex GST). (ii) $3,985.80 (ex GST) was spent on servicing the printers. The service charge includes the provision of toner if required.

(2) For the 2008-09 financial year, the total value of photocopy paper received in the Office of the Minister was $1,218.30 (ex GST).

(3) For the 2008-09 financial year, the total value of other office consumerables received in the Office of the Minister was $15,006.13 (ex GST).

(4) Below is a list of DEWHA publications released during the 2008-09 financial year containing the name and/or photograph of the Minister for the Environment, Heritage and the Arts.

<table>
<thead>
<tr>
<th>Publication</th>
<th>Production cost (exclusive of GST)</th>
<th>No. of hard copies distributed</th>
<th>Category of persons distributed to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia’s World Heritage – Australia’s places of outstanding universal value</td>
<td>$22,147.27</td>
<td>3000</td>
<td>Stakeholders and public on request</td>
</tr>
<tr>
<td>Living Heritage Vol. 1 No. 2 Winter 2008</td>
<td>$8,500.91</td>
<td>564</td>
<td>Stakeholders and limited public distribution</td>
</tr>
<tr>
<td>*Caring for our Country Outcomes 2008-13 (joint foreword with Minister Burke)</td>
<td>$24,077.00</td>
<td>8000</td>
<td>Potential Caring for Our Country funding applicants on request</td>
</tr>
<tr>
<td>Director of National Parks Annual Report 2007-08</td>
<td>$32,193.45</td>
<td>568</td>
<td>Copies distributed as per tabling requirements, Parks Australia executive and staff, and public on request.</td>
</tr>
<tr>
<td>Artbank newsletter</td>
<td>$9,653.64</td>
<td>800</td>
<td>Clients, stakeholders</td>
</tr>
<tr>
<td>*Department of the Environment, Water, Heritage and the Arts 2007-08 Annual Report Volume 1 (joint with Minister Wong)</td>
<td>$63,013.91</td>
<td>511</td>
<td>Copies distributed as per tabling requirements, plus stakeholders, DEWHA executive and staff, and public on request.</td>
</tr>
<tr>
<td>*Caring for Our Country Business Plan 2009-10 (joint foreword with Minister Burke)</td>
<td>$41,590.36</td>
<td>5000</td>
<td>Potential Caring for Our Country funding applicants on request</td>
</tr>
<tr>
<td>Supervising Scientist Annual Report 2007-2008</td>
<td>$4,380.00</td>
<td>564</td>
<td>Copies distributed as per tabling requirements, plus stakeholders, DEWHA executive and staff, and public on request.</td>
</tr>
<tr>
<td>ArtBeat Newsletter Summer 2009</td>
<td>$13,962.73</td>
<td>6000</td>
<td>Subscribers, stakeholders, arts institutions, clients</td>
</tr>
<tr>
<td>The North Marine Bioregional Plan Bioregional Profile (contained CD)</td>
<td>$47,193.18</td>
<td>1600</td>
<td>Stakeholders, MPs and public on request</td>
</tr>
</tbody>
</table>

 QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Publication</th>
<th>Production cost (exclusive of GST)</th>
<th>No. of hard copies distributed</th>
<th>Category of persons distributed to</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Wetlands Australia: National Wetlands Update 2009: Issue 17 (message from Minister Garrett and Senator Wong)</td>
<td>$32,281.82 (including distribution)</td>
<td>1076</td>
<td>Caring for our Country facilitators, non-government organisations, Catchment Management Authorities, state and territory environment government department’s, Waterwatch groups, naturalists, environmental scientists, Great Barrier Reef Marine Park Authority, Murray-Darling Basin Authority, landcare groups and environmental consultants</td>
</tr>
<tr>
<td>Living Heritage Vol. 1 No. 3 Summer 2008-09</td>
<td>$9,527.27</td>
<td>1933</td>
<td>Stakeholders and public on request</td>
</tr>
<tr>
<td>Australian Antarctic Magazine Issue 15 2008</td>
<td>$14,545.45</td>
<td>3000</td>
<td>MPs, scientists, libraries, polar organisations, department staff, public via DEWHA Community Information Unit, Antarctic expeditioners, museums, embassies, public on request</td>
</tr>
<tr>
<td>Artbank Now (newsletter)</td>
<td>$9,905.45</td>
<td>1000</td>
<td>Clients, stakeholders</td>
</tr>
<tr>
<td>Portrait (National Portrait Gallery magazine)</td>
<td>$7,272.73</td>
<td>2000</td>
<td>Stakeholders, public on request</td>
</tr>
<tr>
<td>*Environment Budget Overview (joint with Minister Wong))</td>
<td>$8,595.20</td>
<td>1500</td>
<td>Public via DEWHA Community Information Unit, staff on request</td>
</tr>
<tr>
<td>2008-09 Portfolio Supplementary Additional Estimates Statements (Bills 1 and 2) - Nation Building and Jobs</td>
<td>$1,060</td>
<td>200</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers offices, Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DEWHA Community Information Unit,</td>
</tr>
<tr>
<td>*2008-09 Portfolio Additional Estimates Statements (joint with Minister Wong)</td>
<td>$5,038</td>
<td>460</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers offices, Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DEWHA Community Information Unit,</td>
</tr>
<tr>
<td>*2008-09 Portfolio Supplementary Additional Estimates Statements (Bills 5 and 6) (joint with Minister Wong)</td>
<td>$1,020</td>
<td>200</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers offices, Com-</td>
</tr>
</tbody>
</table>
Tuesday, 9 March 2010

<table>
<thead>
<tr>
<th>Publication</th>
<th>Production cost (exclusive of GST)</th>
<th>No. of hard copies distributed</th>
<th>Category of persons distributed to</th>
</tr>
</thead>
<tbody>
<tr>
<td>*2009-10 Portfolio Budget Statements (joint with Minister Wong)</td>
<td>$10,660</td>
<td>475</td>
<td>Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DEWHA Community Information Unit</td>
</tr>
</tbody>
</table>

*Note: Some responses relating to joint publications will also be captured in answers to questions on notice to the Minister for Agriculture, Forestry and Fisheries and the Minister for Climate Change and Water.

(5) Yes. In accordance with whole-of-government guidelines the Department maintains web pages (as a part of the environment.gov.au web site) for the posting of media related items such as media releases, transcripts and speeches. Minister Garrett’s pages are available at:

(a) The Minister’s pages were created in November 2007 based upon pages in use by the previous government. As a result the overhead to DEWHA was minimal, viz in the order of 1 day’s work.

(b) Minister Garrett’s pages were created initially by DEWHA in consultation with Minister Garrett’s office. They were not refreshed or redesigned during the 2008-09 financial year.

(c) Approximately half a day per week for 1 person.

(6) The main distribution of ministerial releases is by subscription to the media release service on the department’s website. The department occasionally releases ministerial releases via Prodocom to reach targeted media outlets. In 2008-09 the total cost for this service to the department was $698.00 (excluding GST).

**Immigration and Citizenship: Visas**

*Question No. 2359*

Senator Fierravanti-Wells asked the Minister for Immigration and Citizenship, upon notice, on 18 September 2009:

(1) Can a list be provided of all visa categories and sub-categories and the corresponding departmental output under which they are administered.

(2) For each financial year since 2006-07, can a breakdown be provided by class and subclass for each of the following:

(a) the number of visa applications received;

(b) the number of approvals; and

(c) the average processing time of these applications.
(3) For each month since January 2007 and for immigration detention and other facilities on Christmas Island, what was:
   (a) the total capacity of the facility; and
   (b) the number of persons detained.

(4) (a) What is the total number of unauthorised boat arrivals since November 2007; and (b) how many of these unauthorised boat arrivals were:
   (i) sent to offshore immigration/community detention facilities for processing, and
   (ii) taken to mainland Australia before mandatory health and security checks have been undertaken.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) Table 1 listed provides a comprehensive list of all visa classes and subclasses and their corresponding departmental output under which they are managed and administered.

(2) Tables 2 to 6 listed provide information on applications received, visas granted and the average processing times for applications received by the department in 2006-07, 2007-08 and 2008-09 program years.

(3) Please see the answer below:
   (a) Christmas Island Capacity
      For the period January 2007 – October 2008, prior to the opening of the Christmas Island Immigration Detention Centre (IDC), the total combined operational and surge capacity for Christmas Island facilities was approximately 160 and 300 respectively.
      For the period October 2008 – November 2008, the total combined operational and surge capacity for Christmas Island facilities, following the opening of the Construction Camp for immigration detention use, and prior to the opening of the Christmas Island IDC was approximately 360 and 500 respectively.
      For the period December 2008 – September 2009 the total combined operational and surge capacity for the Phosphate Hill B complex, the Construction Camp, Community Detention and the Christmas Island IDC was approximately 760 and 1160 respectively.
      For the period October 2009 - current, the total combined capacity for the Phosphate Hill B complex, the Construction Camp, Community Detention and the Christmas Island IDC was 1380.

   (b) The number of people detained on Christmas Island is outlined in the table below.
As numbers on Christmas Island fluctuate constantly with the arrival of new boats and settlement/removal of clients, an average has been provided for each month as an illustration of client numbers.

<table>
<thead>
<tr>
<th>Months</th>
<th>Average (monthly) number of people in immigration detention on Christmas Island</th>
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<tr>
<td></td>
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<tr>
<td>January</td>
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</tr>
<tr>
<td>September</td>
<td>0</td>
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QUESTIONS ON NOTICE
(4) Please see the answer below:

(a) As at 18 September 2009, the total number of irregular maritime arrivals (IMA) since November 2007 is 1465.

(b) (i) It is Government policy that all irregular maritime arrivals are taken to Christmas Island for processing. The only IMA clients not taken to Christmas Island for processing since November 2007 were the 42 people on the boat that exploded near Ashmore Reef, who were taken to the mainland for medical treatment, and also the client who presented himself to immigration officials on Saibai Island on 8 May 2009, who was detained on the mainland and returned to Papua New Guinea under the auspices of the Memorandum of Understanding on Mutual Cooperation between the Government of Papua New Guinea and the Government of Australia on Migration, Refugees, Irregular Migration and People Smuggling.

(ii) A small number of other clients have been brought to the mainland from Christmas Island prior to security checks being finalised. Reasons for these transfers have ranged from individual clients’ medical treatment or personal circumstances of their case, to transfer of some clients to Perth prior to their removal from Australia.

Any decision to transfer clients to the mainland is made in consultation with the relevant security agencies. All clients transferred to the mainland prior to their checks being completed remained in an appropriate form of immigration detention throughout their time on the mainland.

Table 1: List of all Visa classes and subclasses

<table>
<thead>
<tr>
<th>Program</th>
<th>Visa Class</th>
<th>Visa Subclass</th>
<th>Subclass Description</th>
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### Table 2: Migration and Temporary Entry Visa Lodgements (Persons)

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*Please note that these visa subclasses were repealed

Table 3: Migration and Temporary Entry Visa Grants (Persons)

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QUESTIONS ON NOTICE
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**QUESTIONS ON NOTICE**
### QUESTIONS ON NOTICE

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### QUESTIONS ON NOTICE

**Visa Class** | **Visa Subclass** | **Subclass Description** | **2006-07** | **2007-08** | **2008-09**
---|---|---|---|---|---
UC | 457 | Business (Long Stay) | 87,518 | 110,995 | 101,248
UE | 422 | Medical Practitioner | 1,367 | 1,270 | 1,228
UQ | 497 | Graduate-Skilled | 2,959 | 2,096 | 112
VC | 485 | Skilled-Graduate | n/a | 373 | 14,457
VF | 476 | Skilled - Recognised Graduate | n/a | 6 | 54
TE | 416 | Special Program | 3,241 | 2,787 | 2,215
TE | 421 | Sport | 3,257 | 2,743 | 3,118
TE | 428 | Religious Worker | 1,546 | 1,860 | 1,571
TF | 995 | Diplomatic | 2,084 | 2,178 | 2,307
TH | 415 | Foreign Government Agency | 317 | 345 | 353
TH | 419 | Visiting Academic | 3,933 | 3,326 | 2,916
TH | 442 | Occupational Trainee | 6,355 | 5,439 | 4,945
TQ | *410 | Retirement | 2,676 | 2,189 | 1,208
UP | 461 | New Zealand Citizen Family Relationship (Temporary) | 968 | 1,313 | 1,602
UV | 470 | Professional Development | 319 | 604 | 557
UY | 405 | Investment Retirement | 71 | 142 | 73
BB | 155 | Five Year Resident Return | 62,820 | 64,820 | 66,241
BB | 157 | Three Month Resident Return | 297 | 311 | 340
BB | 159 | Provisional Resident Return | 14 | 14 | 6

* Please note that these visa subclasses were repealed.

Table 4: Migration and Temporary Entry Average Processing Times (days)

| Visa Class | Visa Subclass | Subclass Description | 2006-07 | 2007-08 | 2008-09 |
---|---|---|---|---|---|
AN | 119 | Regional Sponsored Migration Scheme | 71 | 75 | 73 |
AN | 121 | Employer nomination | 76 | 94 | 82 |
AU | 120 | Labour agreement | 50 | 54 | 51 |
BF | 124 | Distinguished talent (Australian support) | 243 | 188 | 207 |
BH | 845 | Established business in Australia | 209 | 221 | 218 |
BH | 846 | State/Territory sponsored Regional Established Business in Australia (REBA) | 215 | 194 | 262 |
BV | 855 | Labour Agreement | 87 | 82 | 60 |
BW | 856 | Employer Nomination Scheme | 88 | 90 | 68 |
BW | 857 | Regional Sponsored Migration Scheme | 101 | 113 | 92 |
BX | 858 | Distinguished talent | 224 | 245 | 197 |
DF | 890 | Business Owner (Residence) | 87 | 94 | 118 |
DF | 891 | Investor (Residence) | 0 | 59 | 82 |
DF | 892 | State/Territory Sponsored Business Owner (Residence) | 114 | 136 | 107 |
DF | 893 | State/Territory Sponsored Investor (Residence) | n/a | 36 | 46 |
EA | 132 | Business Talent | 143 | 170 | 206 |
UR | 160 | Business Owner (Provisional) | 115 | 142 | 119 |
UR | 161 | Senior Executive (Provisional) | 143 | 112 | 109 |
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† Does not include processing times for repealed visa subclasses.
Table 5: Refugee and Humanitarian Activity

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<td>granted offshore granted through Ministerial Intervention</td>
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<td>5</td>
<td>38</td>
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<td>Visa subclasses highlighted in orange were abolished on 9 August 2008</td>
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* No separate application for a subclass 785. Clients apply for an 866 but can be granted a 785 depending on certain criteria’s.

Table 6: Border Visas

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<tr>
<th>Category</th>
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<th>2007-08</th>
<th>2008-09</th>
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<td>773 – Border (Temporary)*</td>
<td>Grants</td>
<td>1,997</td>
<td>2,450</td>
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<td>834 - Norfolk Island</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>444 - Special Category</td>
<td>1,377,978</td>
<td>1,430,189</td>
<td>1,441,125</td>
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<td>988 - Maritime Crew</td>
<td>Applications</td>
<td>n/a</td>
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<td></td>
<td>Grants</td>
<td>n/a</td>
<td>350,231</td>
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</tbody>
</table>

Note:

1 Exclude Transit visas

QUESTIONS ON NOTICE
These visas are granted on arrival. Therefore, the grant numbers are the same as arrival numbers. Please note that all data has been extracted from a ‘live system’. As this system is constantly updated there will be slight variations in data across different extract dates.

NBN Co.

(Question No. 2472)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 24 November 2009:

with reference to the document tabled in the Senate on Wednesday, 18 November 2009, regarding the appointment of Mr Mike Kaiser as Principal – Government Relations and External Affairs for NBN Co:

(a) When did the Government become aware of the appointment of Mr Kaiser prior to the announcement.

(b) (a) Who within the Government was aware of the appointment before the announcement; and (b) when and how were they informed.

(c) Which recruitment firm or firms handled the recruitment process for this position.

(d) When did NBN Co first advise the recruitment firm or firms that they were looking for the position, Principal – Government Relations and External Affairs.

(e) Was the position advertised externally if not, why not; if so, where and when was it advertised.

(f) What skill set did NBN Co indicate they were looking for in the successful applicant.

(g) (a) When was Mr Kaiser approached regarding his interest in this position; and (b) who approached Mr Kaiser.

(h) Were there any other applications for the position; if so, how many.

(i) Was Mr Kaiser interviewed for this position; if so: (a) when was Mr Kaiser interviewed; and (b) who interviewed Mr Kaiser.

(j) Did any federal or state, former or current, Australian Labor Party member of Parliament act as a referee for Mr Kaiser; if so, who.

(k) Did any current federal ministerial staff act as a referee for Mr Kaiser; if so: (a) who; and (b) what is their position.

(l) Were any other candidates interviewed; if so, how many.

(m) When was the remuneration for the position set at $450,000.

(n) Was the recruitment firm aware of the details of the proposed remuneration package before Mr Kaiser was considered for the position.

(o) Who is the chair of the People and Performance Committee (PPC).

(p) Who constitutes membership of the PPC.

(q) When was the level of the remuneration finalised.

(r) What is NBN Co’s ‘remuneration approach’.

(s) When did the Government become aware of the level of remuneration.

(t) What additional benefits are associated with the position (i.e. mobile phone, laptop, wireless internet connection or car package).

(u) Where will Mr Kaiser be based.

(v) What is the term of Mr Kaiser’s contract.

(w) How does Mr Kaiser’s salary compare with other appointments in NBN Co (i.e. is he the third highest paid employee, tenth highest paid employee etc).
QUESTIONS ON NOTICE

(x) What are the total remuneration packages being paid to the following individuals within NBN Co:
   i. Mr Mike Quigley (Executive Chairman and Chief Executive officer);
   ii. Ms Christy Boyce (Head of Industry Engagement);
   iii. Mr Gary McLaren (Chief Technology Officer);
   iv. Mr Greg Willis (Head Program Management);
   v. Mr Jean-Pascal Beaufret (Chief Financial Officer);
   vi. Mr Kevin Brown (Chief HR Officer and Head of Corporate Affairs);
   vii. Mr Steve Christian (Head of Network Operations); and
   viii. Mr Tim Smeallie (Head of Commercial Strategy).

(y) In regard to the statement by the Minister’s office that ‘NBN Co advise that the salary is consistent with equivalent jobs in other companies’:
   i. For which other companies is Mr Kaiser’s salary comparable; and
   ii. What is the average salary level for a comparable position in Australia.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) The Government was informed of NBN Co’s intention to appoint Mr Kaiser after the Company’s decision to appoint him and prior to the public announcement.

(2) (a) and (b) See 1 above

(3) I am advised that Egon Zehnder were involved in the initial scoping of the role of Principal-Government Relations and External Affairs.

(4) I am advised that on the 21st August 2009 and the 4th September 2009 requirements of the position were finalised between NBN Co CEO, Chief Human Resources Officer and the Egon Zehnder consultant.

(5) I am advised that consistent with the approach taken by NBN Co in the selection of their top team and consistent with standard market practice, this position was not advertised. Rather a targeted search process was undertaken.

(6) I am advised that NBN Co sought a well qualified and experience individual to interface with all levels of government. Specific knowledge of the workings of State Government is critical to enable the effective interface with numerous utility providers.

(7) (a) and (b) I am advised the Chief Human Resource Officer contacted Mr Kaiser by phone on 23 September to test his interest in the role.

(8) I am advised there were other potential candidates considered for the role by the Chief Human Resources Officer but none were interviewed.

(9) (a) and (b) The Chief Human Resources Officer interviewed Mr Kaiser on 2 occasions: 15 October and 2 November 2009 and the NBN Co CEO interviewed Mr Kaiser on 4 November 2009.

(10) I am advised no current or former federal or state MPs acted as referees for Mr Kaiser. His referees were three well respected members of the Australian business community. Their affiliations with the ALP are unknown to NBN Co.

(11) I am advised that Mr Kaiser did not provide any current or past member of federal Ministerial staff as a referee.

(12) I am advised that Mr Kaiser, the individual first approached for the role was assessed as appropriately qualified for the position. If this were not the case, I am advised that other potential candidates would have been interviewed.

(13) I am advised the remuneration was set on 3 November 2009.

QUESTIONS ON NOTICE
Tuesday, 9 March 2010

QUESTIONS ON NOTICE

(14) I am advised they were not. This is not inconsistent with other appointments made at NBN Co.
(15) Ms Diane Smith-Gander, being a Director of the Board NBN Co
(16) It comprises two Directors being Ms Smith-Gander and Ms Siobhan McKenna.
(17) I am advised the remuneration was finalised on 5 November following approval by the Chair of PPC.
(18) I am advised that NBN Co’s remuneration approach is to attract and retain experienced talent to initiate, design, build and operate the NBN Co network. Total fixed remuneration comprises salary, required superannuation contribution and salary packaging benefits such as motor vehicles. It targets between the 40th and 65th percentile of total cash remuneration in relevant markets. This recognises the need to be market competitive, but prudent with public resources.
(19) The Government was not advised of Mr Kaiser’s remuneration until previous Senate enquiries. This information was provided by NBN Co on 17 November 2009.
(20) I am advised that Mr Kaiser will receive relocation expenses upon producing receipts up to a limit of $10,000. He is provided with a mobile phone and computer. Any other benefits are salary sacrificed.
(21) I am advised the role is based in Sydney.
(22) I am advised it is a rolling contract consistent with all employment contracts with NBN Co.
(23) I am advised Mr Kaiser is in the top 10 executives in terms of job scope and pay.
(24) (a) – (h) Other remuneration information for NBN Co employees will be disclosed as is required by the published Annual Report.
(25) (a) and (b) I am advised that NBN Co sought advice from PWC regarding equivalent roles in ASX 150 companies. The job responsibilities and pay arrangements are diverse with total annual remuneration varying between $305,000 and $1,080,000 per annum. The more strategic roles involving commercial outcomes are between $550,000 and $1,080,000 per annum average total remuneration.

Oil and Gas Exploration
(Question No. 2591)

Senator Siewert asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 2 February 2010:
Given that the company responsible for the Montara oil leak disaster, PTTEP Australasia Limited (PTTEP AA), has bought a participation interest in the Woodside Browse Basin oil and gas exploration program:
(1) (a) Are there concerns about the involvement of PTTEP AA in the Browse Basin oil and gas exploration; and (b) what steps has the Minister taken about the involvement of PTTEP AA in oil and gas exploration that is in close proximity to Scott Reef and the world-significant Kimberley coast.
(2) Has the Minister considered Woodside’s application to base its drilling operations on top of, or adjacent to, the environmentally-sensitive Scott Reef; if so, what action has been taken.
(3) Will the Minister be advising the Minister for Resources and Energy regarding the approval process for the proposed PTTEP AA involvement in the Browse Basin joint venture.
(4) Will PTTEP AA be directly involved in any drilling or related operations in this area if this participation is approved.
(5) Has the Minister taken any action to improve regulatory oversight and compliance enforcement of operations concerning oil and gas exploration and production activities in the Browse Basin to ensure that a disaster like Montara does not occur again; if not, why not.
**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

1. (a), (b) A Commission of Inquiry is currently underway and the cause of the Montara incident is not yet known. Each proposal referred to my Department under the Environment Protection and Biodiversity Conservation (EPBC) Act will continue to be considered on its merits, including, as required by the Act, having regard to the environmental record of the proponent.

2. This proposed development was referred in 2008 by Woodside Energy Limited (EPBC 2008/4111). A draft Environmental Impact Statement is currently being prepared by the proponent which will be released for public comment. Once the assessment process is complete all mandatory considerations required under the EPBC Act, as well as the environmental history of the person taking the action, will be taken into account when a decision is made on whether or not this proposal can proceed.

3. No.

4. This is a question for the Minister for Resources.

5. Each oil and gas proposal referred to my Department will continue to be considered on a case by case basis and continue to take into account the likelihood of an uncontrolled release of hydrocarbons. The Montara incident has shown that the potential extent and duration of a wellhead leak can be greater than previously considered although the likelihood of such events is still considered to be low. As such, the Department has adapted the assessment of offshore petroleum and gas drilling proposals (both exploration and production) to reflect the known consequences of the Montara incident.

The Montara Commission of Inquiry is designed to determine the operational, human and regulatory factors surrounding the oil spill and therefore, it is inappropriate to speculate at this early stage as to how the outcomes of the Inquiry may be used to improve regulatory oversight and compliance enforcement.

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**Defence Export Approvals**

(Question No. 2592)

**Senator Ludlam** asked the Minister for Defence, upon notice, on 2 February 2010:

1. For the 2008-09 financial year, what were the ‘top 200’ defence export approvals by value.

2. Which companies were involved in each of these contracts.

3. To which countries did each of these approvals refer.

4. What was the nature of the equipment involved in each contract.

**Senator Faulkner**—The answer to the honourable senator’s question is as follows:

1. (2), (3) and (4) The ‘top 200’ defence export approvals by value, including country and nature of equipment, are listed below.

The list reflects the export approvals, and the values provided are in accordance with information supplied to Defence by applicants. Authoritative information on actual export transactions would need to be obtained from the Australian Customs and Border Protection Service.

Some duplicate entries may be the result of a company applying to renew a six month permit within the year.

Consistent with responses to previous questions of this type, the names of the companies have not been released due to the Commercial-in-Confidence nature of the information.

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<tr>
<th>Nature of Goods</th>
<th>Destination</th>
<th>Value (AUD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Vehicles</td>
<td>Thailand</td>
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**QUESTIONS ON NOTICE**
<table>
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<tr>
<th>Nature of Goods</th>
<th>Destination</th>
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<tbody>
<tr>
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QUESTIONS ON NOTICE

Nature of Goods | Destination | Value (AUD)
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Military Ammunition | U.S.A. | $646,196
Military Aircraft | United Kingdom | $636,661
Military Aircraft | U.S.A. | $636,661

Parliament House
(Question No. 2636)

Senator Ludlam asked the President, upon notice, on 9 February 2010:

(1) Has upgrading Security Point 1 in Parliament House resulted in the closure of the only female locker and change room in the building.

(2) Is it true that locker and change rooms for male staff continue to exist.

(3) For how long will female staff in the building be disadvantaged over their male colleagues in having no such facilities.

The President—The answer to the honourable senator’s question is as follows:

(1) The Security Point 1 upgrade has resulted in the adjacent female locker and change room being temporarily unavailable. There are other female change rooms and shower facilities located throughout Parliament House. Change rooms with locker facilities are available at the Health and Recreation Centre. A small number of catering staff use the locker facilities adjacent to Security Point 1 and alternative arrangements have been made for these people during the refurbishment period.

(2) The corresponding male locker and change room located near Security Point 1 is not affected by the building works and has remained open during the construction period.

(3) The female change room next to the Security Point 1 will be re-opened in late March 2010.