COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

Senate

Official Hansard

No. 4, 2010
Wednesday, 17 March 2010

FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

BY AUTHORITY OF THE SENATE
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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
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<th>Senator</th>
<th>State or Territory</th>
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<td>Abetz, Hon. Eric</td>
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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.
(4) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

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

Heads of Parliamentary Departments

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

Prime Minister
Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Hon. Julia Gillard, MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

Minister for Defence and Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs and Deputy Leader of the House
Hon. Stephen Smith MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change, Energy Efficiency and Water
Senator Hon. Penny Wong

Minister for the Environment Protection, Heritage and the Arts
Hon. Peter Garrett AM, MP

Attorney-General
Senator Hon. Robert McClelland MP

Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services
Hon. Chris Bowen, MP

[The above ministers constitute the cabinet]
RUDD MINISTRY—continued

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**

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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition</td>
<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals</td>
<td>Hon. Warren Truss MP</td>
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<tr>
<td>Shadow Minister for Resources and Energy and Leader of the Opposition in the Senate</td>
<td>Senator Hon. Nick Minchin</td>
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<td>Shadow Minister for Employment and Workplace Relations and Deputy Leader of the Opposition in the Senate</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<tr>
<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<td>Senator Hon. George Brandis SC</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
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<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>Hon. Peter Dutton MP</td>
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<td>Shadow Minister for Families, Housing and Human Services</td>
<td>Hon. Kevin Andrews MP</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>Hon. Greg Hunt MP</td>
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<tr>
<td>Shadow Minister for Indigenous Affairs and Deputy Leader of The Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Finance and Debt Reduction and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<td>Shadow Minister for Agriculture, Food Security, Fisheries and Forestry</td>
<td>Hon. John Cobb MP</td>
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<td>Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities</td>
<td>Hon. Bruce Billson MP</td>
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<td>Shadow Minister for Broadband, Communications and the Digital Economy</td>
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<td>Mr Scott Morrison MP</td>
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<td>Shadow Minister for Innovation, Industry, Science and Research</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Chairman of the Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO MP</td>
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[The above constitute the shadow cabinet]
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<th>Shadow Ministry Role</th>
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<td>Shadow Minister for Tourism and the Arts and Shadow Minister for Youth and Sport</td>
<td>Mr Steven Ciobo MP</td>
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<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Assistant Treasurer</td>
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<td>Shadow Minister for COAG and Modernising the Federation</td>
<td>Senator Marise Payne</td>
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<tr>
<td>Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women</td>
<td>Hon. Dr Sharman Stone MP</td>
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<td>Shadow Minister for Justice and Customs</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Veterans Affairs</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

COMMITTEES
Cyber-Safety Committee
Membership
Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.31 am)—I seek leave to move a motion to enable the ballot relating to the appointment of a member to the Joint Select Committee on Cyber-Safety to be recommitted. I also seek leave to provide an explanation.

Leave granted.

Senator LUDWIG—I thank the Senate. By way of explanation, I advise the Senate that, as there was no advance notification to the Senate in relation to the message that was coming back for that vote, there were some senators absent from the building unaware that pairs were not operating at that time. As a consequence of not having that notification, they could not then participate in the ballot. It is of course the usual thing that pairs do not operate during a ballot of such a type, but without advance notification senators were unaware that the pairs system would not operate at such a time. Therefore I ask the Senate that the ballot to appoint a senator to the position to be nominated by a minority group or Independent senators to the Joint Select Committee on Cyber-Safety take place on the completion of item 8 on today’s Order of Business. That will then allow senators to have sufficient notification, by my statement today, should this motion be agreed to by the Senate. I move:

That the ballot to appoint a senator to the position to be nominated by a minority group or independent senators to the Joint Select Committee on Cyber-Safety be recommitted and take place at the completion of discovery of formal business today.

Senator PARRY (Tasmania) (9.32 am)—We accept, albeit reluctantly, the government’s position. I have a question, through the chamber, to the minister. Can he assure the Senate that any errors that occurred in communication will be rectified so this will not happen in the future? I commend Senator Fielding, who did not object to leave being granted. That is meritorious of Senator Fielding. I also indicate that the advance notification that Senator Ludwig just indicated cuts both ways. One of our senators who went on shadow ministerial duties outside Canberra may well have not gone if we had been given advance notification of the ballot taking place today before he flew out of here yesterday afternoon. The advance notification issue can cut both ways. I do not know what the suitable form of notification is, but maybe that is something for the Procedure Committee to examine at a future time. The opposition will be supporting this motion.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.34 am)—I indicate, responding in reverse order, that with messages provided to the Senate there is usually sufficient notification for people to be aware that a vote will be taken in relation to the message, and usually the whips have sufficient time to advise that there will be no pairing arrangements for that time. I am open to the suggestion that the matter could be referred to the Procedure Committee. I certainly would not oppose the opposition referring the matter to the Procedure Committee to examine ways to ensure that clarity is provided in relation to notification.

In respect of Senator Fielding, I concur with the remarks made by Senator Parry. In respect of the pairing issue, it is always a challenge around the Senate to get the votes right. That is an easy way of putting it. I do
take on board the issues that have been raised, although in this case it was unusual in the sense that it was not a matter, as I understand it, that was mentioned at the whips meeting on the previous evening where messages would normally be provided.

Senator Parry—Last night.

Senator Ludwig—Yes, last night, I should say.

Senator Parry—Well after Senator Johnston left.

Senator Ludwig—Yes. Secondly, in relation to providing notification, I can clearly indicate that the whip, as I understand it, and I were not provided with any notification in relation to the message being brought on for a vote.

Question agreed to.

The President—The Senate will proceed to the ballot to appoint a senator to the position to be nominated by a minority group or Independent senators at the completion of item 8 (Discovery of formal business) on today’s Order of Business.

TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2009

In Committee

Consideration resumed from 16 March.

The Temporary Chairman (Senator Forshaw)—The committee is considering government amendments (8) to (10) and (44) to (46) on sheet BJ236, moved by Senator Evans. The question is that the amendments be agreed to.

Question agreed to.

Senator Carr (Victoria—Minister for Innovation, Industry, Science and Research) (9.37 am)—by leave—I move government amendments (1), (11), (12), (15) to (19), (21) to (24), (36), (41), (47), (48), (51) to (55), (63) and (66) on sheet BJ236 together:

(1) Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1 If this Act receives the Royal Assent before 1 January 2010—1 July 2010.
If this Act does not receive the Royal Assent before 1 January 2010—a single day to be fixed by Proclamation.
A Proclamation must not specify a day that occurs before 1 July 2010.
However, if this Act does not receive the Royal Assent before 1 January 2010 and any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

(11) Schedule 1, item 1, page 6 (line 20), before “Without”, insert “(1)”.

(12) Schedule 1, item 1, page 7 (after line 21), at the end of section 4, add:

(2) Before the Governor-General makes a regulation for the purposes of subsection (1)(n) prescribing a kind of term, or a kind of effect that a term has, the Minister must take into consideration:

(a) the detriment that a term of that kind would cause to consumers; and

(b) the impact on business generally of prescribing that kind of term or effect; and

(c) the public interest.

(15) Schedule 1, item 2, page 9 (lines 29 to 31), omit “, and paragraph (b) has not already applied in relation to the contract”.

(16) Schedule 1, item 2, page 10 (line 3), omit “applies to the contract”, substitute “applies to the term”.

(17) Schedule 1, item 2, page 10 (after line 6), after subitem (2), insert:

(2A) If paragraph (2)(b) applies to a term of a contract, subsection 2(2) and section 7 of Schedule 2 to the Trade
Practices Act 1974 applies to the contract.

(18) Schedule 1, item 2, page 10 (line 7), after “paragraphs (2)(a) and (b)”, insert “and subitem (2A)”.

(19) Schedule 1, item 2, page 10 (line 7), after “contract”, insert “, or a term of a contract,”.

(21) Schedule 1, item 11, page 13 (line 16), omit “(1)”.

(22) Schedule 1, item 11, page 13 (lines 18 to 20), omit subsection 130(2).

(23) Schedule 1, item 11, page 13 (line 21), at the end of the heading to section 131, add “etc.”.

(24) Schedule 1, item 11, page 13 (lines 24 to 26), omit subsection 131(2), substitute:

(2) Despite section 130, Part 2 of the Australian Consumer Law does not apply to, or in relation to:

(a) contracts that are financial products; or

(b) contracts for the supply, or possible supply, of services that are financial services.

(36) Schedule 2, item 73, page 50 (line 2), after “paragraph (1)(b)”, insert “or (d)”.

(41) Schedule 3, page 51 (before line 5), before item 1, insert:

1A Subsections 12AE(1) and (3)

Before “Subdivision C”, insert “Subdivision BA (sections 12BF to 12BM),”.

(47) Schedule 3, item 7, page 53 (line 17), before “Without”, insert “(1)”.

(48) Schedule 3, item 7, page 54 (after line 20), at the end of section 12BH, add:

(2) Before the Governor-General makes a regulation for the purposes of paragraph (1)(n) prescribing a kind of term, or a kind of effect that a term has, the Minister must take into consideration:

(a) the detriment that a term of that kind would cause to consumers; and

(b) the impact on business generally of prescribing that kind of term or effect; and

(c) the public interest.

(51) Schedule 3, item 8, page 56 (lines 32 to 34), omit “,” and paragraph (b) has not already applied in relation to the contract”.

(52) Schedule 3, item 8, page 57 (lines 5 and 6), omit “applies to the contract”, substitute “applies to the term”.

(53) Schedule 3, item 8, page 57 (after line 8), after subitem (2), insert:

(2A) If paragraph (2)(b) applies to a term of a contract, subsection 12BF(2) or section 12BK of the Australian Securities and Investments Commission Act 2001 applies to the contract.

(54) Schedule 3, item 8, page 57 (line 9), after “paragraphs (2)(a) and (b)”, insert “and subitem (2A)”.

(55) Schedule 3, item 8, page 57 (line 10), after “contract”, insert “, or a term of a contract,”.

(63) Schedule 3, item 44, page 80 (line 25), after “paragraph (1)(b)”, insert “or (d)”.

(59) Schedule 3, item 8, page 58 (after line 8), after subitem (2), insert:

(2A) If paragraph (2)(b) applies to a term of a contract, subsection 12BF(2) or section 12BK of the Australian Securities and Investments Commission Act 2001 applies to the contract.

I understand there has been considerable discussion of these amendments and there will not be any need for a prolonged debate.

The delay in the commencing of the unfair contract provisions of the bill to 1 July 2010 or a date fixed by proclamation within six months of royal assent is the subject of these amendments. They seek to specify considerations the minister must take into account when prescribing terms that may be exam-
amples of unfair terms, such as the detriment caused to consumers by a term, the impact on business generally and the public interest. The amendments seek to clarify the transitional arrangements for contracts and effects before the commencement of the law, and there are various technical amendments to correct drafting errors in the bill.

Question agreed to.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.39 am)—I move government amendment (38) on sheet BJ236:

(38) Schedule 2, item 74, page 50 (lines 10 to 12), omit subsection 87AC(1), substitute:

(1) The Court may, on the application of a party to a consumer contract or on the application of the Commission, declare that a term of such a contract is an unfair term.

(1A) Subsection (1) does not apply unless the consumer contract is a standard form contract.

Senator XENOPHON (South Australia) (9.39 am)—I move amendment (1) standing in my name on sheet 6093 to government amendment (38) on sheet BJ236:

(1) After “Commission”, insert “or any other person”.

To put it in context, the government’s amendment (38) allows a person who is party to a consumer contract to, along with the ACCC, seek a declaration that a term is unfair. The amendment that I have moved seeks to add ‘or any other person’ to this so as to allow parties such as consumer groups to seek a declaration that a term is unfair on behalf of all Australian consumers who may not be able to do so on an individual basis. So it is a question of standing in terms of any action, and I commend the amendment to the Senate. This is about broadening the category of persons that can actually bring an action, and it is much more practical for a consumer group, an entity representing consumers, to take this matter forward, rather than relying on either the ACCC or an individual to do so.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.40 am)—The government’s position is that Senator Xenophon’s proposed amendment is unnecessary and would not add anything to the provision. What the original, government amendment seeks to do is clarify that an individual party to a contract, rather than a regulator only, has standing to apply to a court for the declaration that a contract term is unfair. At the Commonwealth level, this standing is already granted by the federal courts act 1996. However, this amendment is necessary to ensure that individuals can access state courts and tribunals under the applied Australian consumer law.

The TEMPORARY CHAIRMAN (Senator Forshaw)—The question is that Senator Xenophon’s amendment to Senator Carr’s proposed amendment be agreed to.

Question negatived.

Original question agreed to.

Senator XENOPHON (South Australia) (9.42 am)—by leave—I move amendments (3), (4) and (8) standing in my name on sheet 5898 together:

(3) Schedule 1, item 1, page 6 (after line 18), at the end of section 3, add:

(5) A term of a consumer contract is presumed not to be unfair if it has been authorised by the Commission in accordance with section 3A.

(4) Schedule 1, item 1, page 6 (after line 18), after section 3, insert:

3A Commission may authorise model terms in consumer contracts

(1) The Commission may authorise:

(a) model industry contracts; and
(b) model contract terms; and
(c) specific variations of a standard form contract; and
(d) specific contract terms of a standard form contract.

(2) An authorisation under subsection (1) may be made:
(a) on application by a party to a potential consumer contract; or
(b) on application by an industry association; or
(c) on application by or on behalf of persons or classes of persons prescribed by the regulations.

(3) An application under subsection (2) must:
(a) identify the person making the application; and
(b) include any other information prescribed by the regulations; and
(c) be in the form prescribed by the regulations.

(4) In considering whether to make an authorisation under subsection (1) the Commission must have regard to:
(a) whether the proposed contract terms reflect a reasonable balance between the rights and obligations of the parties of the contract; and
(b) where the contract term or terms relate to the imposition of a fee or charge for the provision of a service—whether the fee or charge is reasonably proportional to the justifiable costs or costs of providing the service; and
(c) whether the contract term or terms are reasonably necessary to protect the legitimate interests of the larger party; and
(d) any other matter prescribed by the regulations.

(5) Prior to making an authorisation under subsection (1), the Commission must:
(a) publish the application on its website for the purposes of public consultation for a minimum of 30 days; and
(b) accept and consider submissions in relation to the proposed authorisation; and
(c) do anything else prescribed by the regulations.

(6) The Commission must notify an applicant under subsection (2), in writing, of a decision to make, or not to make, an authorisation, within 42 days of the end of the consultation period.

(7) The Commission must keep a register of authorisations which are made in accordance with subsection (1) and publish the register on its website.

(8) An authorisation made under subsection (1) is not a legislative instrument.

(8) Schedule 3, item 7, page 53 (after line 15), at the end of section 12BG, add:

(5) A term of a consumer contract is presumed not to be unfair if it has been authorised by the Australian Competition and Consumer Commission in accordance with section 3A of Schedule 2 of the Trade Practices Act 1974.

These amendments—and I am grateful for the advice of Associate Professor Frank Zumbo in relation to these amendments—are designed to include a provision in this bill for safe harbours, thereby providing greater business certainty. Under these safe harbours, businesses and business associations can choose to approach the ACCC to seek approval or authorisation of particular contracts or contract terms. The ACCC would review the contract or contract term against the legislative set of criteria for the granting of the safe harbour, and these approvals or authorisations would be an exemption to the unfair contract terms provisions of the legislation. The legislative criteria to be applied by the ACCC in granting an authorisation would include the following requirements: that the contract term or terms reflect a reasonable balance between the rights and obli-
gations of the parties to the contract; further, where the contract term or terms relate to the imposition of a fee or charge for the provision of a service, that the fee or charge is reasonably proportional to the justifiable cost or costs of providing the service; and that the contract term or terms are reasonably necessary to protect the legitimate interests of the larger party. Under this mechanism, the ACCC can authorise model contracts or model contract terms and, as a result, facilitate the development of fairer contracts or contract terms which can apply to whole industries in contract groups.

I am grateful to Senator Bushby for his comments in his contribution to this. I think it is fair to say that Senator Bushby found the concept interesting and was attracted to the concept in terms of it being a way forward. I know that is not the coalition’s position at this stage, but I would urge honourable senators to consider this as a sensible way forward. It would actually work. If the government are not going to support it now, which I suspect they will not, will the government at least consider this, have this on the agenda, as a way forward in terms of a practical implementation of consumer laws?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.44 am)—The government is not able to support Senator Xenophon’s amendments. The safe harbour regime as proposed has been looked at by other bodies, including the Productivity Commission. The advice I have been given is that that proposal has been rejected on the grounds that it would actually add to the complexity, with limited benefit to be derived. The safe harbour regime as proposed would impose a higher resource burden on the regulator and would place the regulator in a position of determining unfairness, which is not appropriate because that is the job of the courts. The safe harbour decisions would be open to legal challenge but not add a useful protection to any business, and the regulator would find it very difficult to offer a comprehensive view on a single type of standard form contract in the many different circumstances in which such propositions tend to be used.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (9.45 am)—Very briefly, the coalition concurs with those remarks. It has stated that it sees that the safe harbour provisions, although there is some merit in the proposal, would lead to increased compliance costs associated with having the ACCC review this process and, as such, will not be supporting the amendments.

Senator XENOPHON (South Australia) (9.45 am)—Without delaying this part of the debate, I would be grateful if the government could provide to me in due course the matters raised in terms of the Productivity Commission and the other concerns so there can be an ongoing discussion when consumer legislation is brought up again. I am disappointed that Senator Joyce last night was full of sympathy for my amendments but has no sympathy this morning! I will see if there is any sympathy from the coalition for my remaining two amendments.

Question negatived.

Senator XENOPHON (South Australia) (9.46 am)—I move my amendment (5) on sheet 5898:

(5) Schedule 1, item 1, page 9 (after line 23), after section 8, insert:

8A This Part applies to contracts of insurance

Despite section 15 of the Insurance Contracts Act 1984, this Part applies to contracts of insurance.

Under section 15 of the Insurance Contracts Act, insurance contracts are excluded from the operation of any act, Commonwealth, state or territory based, that provides relief in the form of a judicial review of harsh or un-
fair contracts. This amendment is designed to delete this exemption. To allow insurance contracts to remain exempt from this bill would undermine its intent, which is to provide safeguards for consumers against unfair contract terms.

Insurance contracts can be incredibly confusing, lengthy and jargon filled and in most cases are not clearly understood by consumers. Indeed, it would be unfair to allow this exemption to remain to protect insurance contracts from being subject to unfair contract terms legislation. I commend these amendments. I do not see why the insurance industry should be exempt from legislation that is aimed at targeting unfair contract terms when one of the biggest sources of difficulties for consumers is the way that insurance contracts are drafted and interpreted, and consumers have to fight for their rights with a very unlevel playing field.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.47 am)—The government does not support this amendment. As drafted, the national unfair contract term law does not apply to the insurance contracts. This is because section 15 of the Insurance Contracts Act 1984 provides that contracts for insurance cannot be made the subject of relief under any other Commonwealth, state or territory legislation. It is my understanding that Minister Bowen, the Minister for Financial Services, Superannuation and Corporate Law, will be issuing an options paper on the application of unfair contract terms shortly as related to insurance contracts.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (9.48 am)—The government does not support this amendment. As drafted, the national unfair contract term law does not apply to the insurance contracts. This is because section 15 of the Insurance Contracts Act 1984 provides that contracts for insurance cannot be made the subject of relief under any other Commonwealth, state or territory legislation. It is my understanding that Minister Bowen, the Minister for Financial Services, Superannuation and Corporate Law, will be issuing an options paper on the application of unfair contract terms shortly as related to insurance contracts.

Senator XENOPHON (South Australia) (9.49 am)—by leave—I move my amendments (3) and (4) on sheet 5891 revised together:

(3) Schedule 2, item 18, page 31 (line 9), omit “(other than an award of damages)”.

(4) Schedule 3, item 26, page 69 (line 4), omit “(other than an award of damages)”.

These amendments are designed to ensure recovery of damages for non-party consumers and provide that the court may order damages as it sees fit, including an award of damages. I think it is anomalous that it is unduly restricted in the current legislation framework. This is intended to deal with that anomaly.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.50 am)—The government will not be supporting these amendments. The bill as drafted allows a court to make a wide range of orders which it deems appropriate for the non-party consumers, but not an award of dam-
ages. The court cannot establish the amount of loss to parties which are not party to proceedings simply because evidence about their individual circumstances is not before that court. The provisions do not prevent an individual from seeking damages in their own individual court proceedings.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (9.51 am)—I am very sympathetic to Senator Xenophon that he has not had much support here today, but I would remind him that maybe in the future he might get a little bit more sympathy than he has got in the past. However, on this occasion, Senator Xenophon, I have to say that, although we are very sympathetic about your statements, we do not see that the broad powers that the court has to redress applicants will be assisted or deterred by the amendments. Therefore, in this instance I am very sorry to say that, although extremely sympathetic, we will not be supporting them.

Senator XENOPHON (South Australia) (9.52 am)—I feel as though I should get a ‘with deepest sympathy’ card from Senator Joyce because of all the amendments he has helped kill off!

The TEMPORARY CHAIRMAN (Senator Forshaw)—You might get a St Patrick’s Day card instead.

Senator XENOPHON—I appreciate the government’s position and the opposition’s position. I think these are matters that will need to be revisited. I infer by Senator Carr’s comments earlier that Minister Bowen is looking at some of these matters in terms of insurance contracts. I still think this has been a lost opportunity. We could have gone further; we could have put in some further sensible reforms for the benefit of consumers. My concern is that this legislation will not give the degree of protection to consumers that it was intended to give in the first place.

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.54 am)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009 [NO. 2]

Second Reading

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

That this bill be now read a second time.

Senator MASON (Queensland) (9.55 am)—The coalition in principle supports efforts to improve the ways in which assistance to students is targeted. The government is very right to do that. We have never had problems with the bulk of changes in the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] that is before us today, such as the introduction of new scholarships and most of the changes to youth allowance, but we have major problems with two aspects of the bill: firstly, its retrospective impact on students who have already made decisions affecting their lives, work and education based on the law as it previously stood and, secondly, the attempt to narrow the avenues to achieving independence by workforce participation for the purposes of receiving youth allowance. We thought that the changes proposed by the government would unfairly impact on students from remote, rural and regional areas by making it more difficult for them to qualify for youth allowance and thus pursue their further education.
The coalition also maintained that it was wrong of the government to put in the same bill the non-contentious reforms, such as the new scholarships, and the more controversial changes, such as the one I mentioned before. This was bound to be a recipe for trouble, and we were proven right. It has taken us from mid-May last year until mid-March this year to arrive at a position where we can debate and pass this bill. But arrive at that point we finally have.

The bill currently before the Senate represents the result of negotiations undertaken between the government and the coalition. It embodies what I believe is the best deal achievable by all of the parties under the circumstances. This is not to say that this is the best deal that could be. We believe that the government should have been more generous to rural students, and as such I foreshadow that in the committee stage I will move an amendment which will reflect the coalition’s view of what a better outcome for rural students would be.

The nature of any compromise is that neither side gets everything they want but at least both sides get some of what they want. This is the case here. The government gets the bulk of its reforms through, most of which, I remind the chamber once again, the coalition actually never opposed. The issue of retrospectivity is now resolved and the workforce participation path to independence has been preserved for many rural students who would otherwise have missed out if the original version of this bill had been allowed to pass. But, as I said, the coalition believes that even more should be done.

The Minister for Education and Deputy Prime Minister, Ms Gillard, has made much of the government’s intention, in response to the Bradley review, to both increase the overall participation in higher education by young Australians and increase the access and participation by young Australians from groups in our society who are currently underrepresented at our universities. The government is right to do this, and the coalition supports this aim as it is a noble one. There is no question that Indigenous students and students from low socioeconomic backgrounds are disadvantaged when it comes to accessing university. With that, the coalition has no quibble. There is no debate about that. But what we have argued and we make no apology for is this: not only are those two groups affected and disadvantaged with respect to access but so too are rural kids in this country.

As we now know from Senate inquiries and other inquiries, university access by rural kids is falling. It is getting worse. It is getting more difficult. So what the coalition has been fighting for for 18 months now is a better deal for those disadvantaged Australians. It is quite right for the government to talk about Indigenous kids and kids from low socioeconomic backgrounds but it is also right for the coalition to talk about another disadvantaged group, and that is kids from rural Australia. We make no apologies for that. That is why we would never back down on the major premise of our argument: that these kids need extra support.

In this instance, while the coalition supports restructuring student support measures in broad terms, we have always maintained that changes proposed by the government to the youth allowance regime were too restrictive and would impact on too many rural students and make it impossible or significantly more difficult for them to pursue higher education away from home. In particular, we have argued that the abolition of two out of three workforce participation routes for youth allowance eligibility as an independent would make it harder for many young people from rural and regional communities to go to university. Young people in
rural and regional Australia have to move to the city if they are to pursue further study and are not necessarily able to rely on financial support from their parents even if their parents’ income or assets mean that they are ineligible for youth allowance under the parental means test. When it comes to rural kids going to university the challenges are different. I caught a bus to university. If you live in outback Queensland, my home state, you cannot do that, so the challenges are quite different for rural and regional kids, and that has been the coalition’s argument from the beginning.

Because this significant cohort of students from the country is ineligible to receive dependent youth allowance, thousands every year currently gain eligibility for independent youth allowance under the workforce participation criteria. This means that they have to earn about $19½ thousand within an 18-month period, which most do during the so-called gap year. This government was seeking to abolish this pathway because it was allegedly rorted by some families and students.

The government are right to attack this. When I was at university—and it is a long time ago—this system was being rorted and the government are quite right to attack those rorts. The opposition supports them in doing that. The problem of occasional abuse of the system might be solved but only at the cost of serious disadvantage to many more innocent students and, indeed, rural students. That was our problem. There was mischief and the government tried to counter that—fair enough—but the solution, in a sense, was difficult, caused many problems and disadvantaged rural students.

The Senate rural affairs committee, chaired by my good friend Senator Nash, which looked last year at the question of access to education by rural students, clearly disagreed with the government’s approach and recommended against closing altogether the two out of three workforce participation avenues as planned by the government. Even the Victorian parliament’s Education and Training Committee, chaired by Labor member Jeff Howard and with an effective Labor majority, unanimously agreed, saying:

... the Committee believes that the removal of the main workforce participation route will have a disastrous effect on young people in rural and regional areas.

And that comes from the Australian Labor Party. The truth of the matter is that you cannot increase access to higher education by underrepresented groups, such as rural kids, by putting obstacles in the way of those students accessing higher education.

As a result of the compromise reached between the government and the opposition, the amended version of this bill will keep the existing second and third workforce participation routes—that is, firstly, students who worked part-time for at least 15 hours a week for at least two years since leaving school or, secondly, students who have been out of school for at least 18 months and have earned at least 75 per cent of the maximum rate of pay under wage level A of the Australian Pay and Classification Scale, which is about $19½ thousand in 2009 over an 18-month period. It is open to students whose family home is located in a very remote, remote or outer regional area as defined by the Australian Standard Geographical Classification, ASGC, and the following conditions that also apply: the young person is required to live away from the family home to study and the combined parental income for the relevant tax year does not exceed $150,000.

Financial responsibility was always a big consideration for the coalition and we always wanted to ensure that any changes proposed by us would be budget neutral. The estimated
cost to the youth allowance package as a result of the agreement between the government and the coalition is about $104 million over the estimates period ending 2013-14. To fund this it will be necessary to reduce the value of the Student Start-up Scholarships to $1,300 in 2010 and $2,115 in 2011 and subsequent years, indexed from 2011. This provides savings of about $102.8 million over the estimates period ending 2013-14.

The coalition believe that, while this is a good start and goes some way towards addressing our concerns about access by rural students, more should be done. I concede that there are anomalies. Every time you have a map and you mark a line on a map there will be anomalies and inconsistencies. When I was in the gymnasium this morning my good friend the member for Hinkler, Mr Neville, was talking about some of those anomalies. I concede, and I am sure that the government would concede, that no matter what system you have there will always be anomalies. But, to partly ameliorate that, I intend to move on behalf of the coalition an amendment that will seek to preserve the second and the third workforce participation routes for students in inner regional areas as defined by the ASGC.

I am also happy to say that the other issue which troubled the coalition about this bill, that of retrospectivity, has also been finally resolved. Under the bill as it was originally proposed by the government, many students around Australia would have found themselves in a very difficult situation. Essentially, the law was being changed midstream and the government would have left thousands of students floundering.

This was an issue of equity as well. It was an issue of equity because, in making their decisions about their studies, many students around Australia relied on the information provided to them by teachers, counsellors and Centrelink officials. They, in good faith, made their decisions about their future appropriately, based on the official advice that they received. The government was attempting to change the rules halfway through the game, and that is not fair. The basic principles of the rule of law demand that legislation not be made retrospective and thus disadvantage people who have done nothing wrong but have merely followed the law as it was originally stated. The basic principles of decency demand that the people currently in the system be allowed to proceed and that any changes be introduced only with the future in mind and not affect any current students.

I am glad to see that the government has made amendments to the bill to keep the existing workforce participation rules for students until 1 July 2010, which removes all retrospectivity from the bill. I also welcome other changes to the original bill that came about through intervention by Senator Xenophon and the Australian Greens—namely, the establishment of a Rural Tertiary Hardship Fund, worth $20 million. The government has already agreed to the creation of a rural and regional task force should the legislation pass. This task force will consider how the $20 million fund could be delivered, from 2011, to help prevent the barriers to rural and regional students attending university.

As I stated at the outset, the coalition broadly support the bill but could not do it wholeheartedly until our valid concerns regarding retrospectivity and access for rural and regional students were considered and addressed. They have been partly addressed. I believe that the agreement achieved with the government makes for a better deal for rural students than they would have received under the original, unamended bill. But, as I have said, it is not an optimal outcome. That is why I will be seeking a further amendment
to extend the scope for students who can achieve independence through workforce participation. This is an issue that the coalition take very seriously and we intend to revisit it and make it right when we are back in government.

I do not do this very often in the Senate, but I would like to thank some people. This has been a long—some might even describe it as tortuous—process of negotiation with the government. I would like to thank my National Party friend Senator Nash and my Liberal colleagues in rural seats for their ardent and consistent advocacy for rural students. I thank Senator Fielding, who I know will contribute to the debate later, for his counsel on these issues and unwavering support for rural students. I would also like to thank Senator Hanson-Young and the Greens, and Senator Xenophon, for playing, I think, a constructive role in this debate. I should thank Ms Gillard and her staff, and Mr Pyne and his staff. Finally, I should thank Senator Carr, who, as always, despite his robustness in the chamber, is a delight to deal with outside.

Senator Nash (New South Wales) (10.10 am)—It is always a delight to follow my very good colleague Senator Mason. At the outset, I would like to commend him for the work he has done on this issue. It has been, as he said, a particularly arduous process for nearly a year now. I think it was last May that we started on this process. It has been particularly difficult for those students who are living in regional areas. I would also like to thank and commend the work of my Nationals colleague Darren Chester, the member for Gippsland. He has been absolutely relentless in making sure that we get the right outcomes for regional students right across the country.

When this legislation, the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2], was first brought into the chamber, it was greeted by this side with disbelief, in a lot of ways, because of what the government was putting forward. We did say at the time that there were positives to it, there were some things that we agreed with, and we still hold to that. We have been very open and honest about our measurement of the legislation and how it would operate, particularly the increase to the threshold for youth allowance, which we saw as a positive thing.

At that time, the government made the decision to remove the criterion for students to access independent youth allowance through the gap year pathway. If ever there was a decision made without any consultation or any understanding of regional Australia, that was it. It was absolutely appalling. The government had no idea whatsoever of the pathways needed for regional students to access tertiary education. There is an incredible inequity that exists between our regional and metropolitan students that I will go into a little later. But for the government to look at removing that independent youth allowance criterion without putting any other measure in its place to make sure that regional students had a pathway to university was simply negligent. It was absolutely negligent.

At the same time, the minister for too many things, Julia Gillard—and there must be too many things because things seem to be slipping through the cracks now—also said that those students who had finished year 12 in 2008 and embarked upon the pathway of trying to access independent youth allowance by taking their gap year last year could no longer access that allowance. Snap! Bang! There goes the rug from underneath them. She literally changed the rules midstream. How appalling is that? I think I must have used the word ‘appalling’ about
10 times now and I will probably use it a few more times as well. I think, Senator Mason, you might have to help me out with a few more adjectives.

Senator Mason—I’ve got plenty, Senator Nash!

Senator NASH—Thank you very much, Senator Mason. All of those students who had, in good faith, embarked upon their gap year with a view to getting independent youth allowance for assistance were simply told by the minister, ‘Sorry, that option’s not available to you anymore. You’ll have to find some other way.’ That was not good enough. I know that my Nationals colleagues, my regional Liberal colleagues in particular and my not-so-regional Liberal colleagues like Senator Mason recognised the absolute failing in that particular policy. To the credit of the coalition, last year we got the minister to do a partial backflip, allowing those students who live more than 90 minutes away by public transport from their tertiary institution to be grandfathered so that they are able to get the independent youth allowance. But still tens of thousands of students who embarked on this process in good faith were left out on a limb.

What we have seen with the deal which the government has put to the coalition and has now been agreed is that all of those students will now not be hit with retrospective legislation. All students who finished year 12 at the end of 2008 and undertook a gap year will be able to access independent youth allowance this year. I have to say what a great decision that was. It should never have happened in the first place. This is the issue—this government going holus-bolus into yet another policy decision on the run, giving no thought to the detail, the impact and the effect that decision was going to have, particularly on regional students. At least that one has been addressed.

There is a grave inequity between regional students and metropolitan students when it comes to accessing tertiary education. I chaired the Senate Standing Committee on Rural and Regional Affairs inquiry into rural and regional access to secondary and tertiary education opportunities. It became blatantly clear that the financial inequity which exists between regional and metropolitan students is stark. We know that around only 33 per cent of regional students go on to tertiary education, compared to 55 per cent in metropolitan areas. That simply is not good enough and it should not be tolerated. We know that this is because of the financial hardship caused by the fact that regional students have to relocate to attend university. They do not have the luxury of a university or even a choice of universities within the bus ride which Senator Mason referred to earlier. In so many instances, they are forced to move away from home to attend university.

Through all the work which has been done, we know that it costs $15,000 to $20,000 a year to relocate a student to attend a tertiary institution. Where is the equity in that, when city students are able to access universities which are practically on their doorsteps and regional students have to travel away, at a cost of up to $20,000, to university? This is one of the key points which is wrong with the system as it currently stands. In my view, we need to revamp the whole system. We need to start again and have a good look at what are the appropriate measures for supporting tertiary education. The inequity which exists is simply intolerable. We should have in place a tertiary access allowance so that we can address that inequity.

If you have a student in Sydney whose parental income is, say, $70,000 and a student out in a regional area whose parents also earn $70,000, both students receive the same
amount of youth allowance, but on top of that, the regional student, who has to relocate, has to come up with $15,000 to $20,000 per year. That is simply not fair. People who choose to live in the regions should not be disadvantaged because universities do not exist where they live. That inequity leads to such a disparity between our regional students who go on to university and our metropolitan students who go on to university. We should be doing everything we can to encourage regional students to get to university, not make it harder. We know that students who undertake tertiary education in regional areas are far more likely to practise a profession in the regional areas. All credit to John Anderson when he set up the RAMA scheme because he knew that medical students from regional areas are far more likely to go back—about seven times more likely—to regional areas to work as doctors. And what is this government doing? It is trying to make it harder for regional students to get to university. How dumb is that? That is not a very flash adjective but it is about the best one I can come up with and is probably the most appropriate. It is a no-brainer that we should be doing more for regional students and not less. We should be giving regional students more support, not less.

This government has some bizarre view—that regional students should have to fend for themselves. It is indicative of the manner in which this government treats regional Australia. You see it time and time again. Regional Australia is absolutely disregarded by this government, not just in youth allowance but in a range of areas. The first Rudd government stripped more than $1 billion from country Australia. Regional development programs worth $436 million were scrapped and replaced with one program worth only $176 million. Existing agriculture programs worth $334 million were replaced with ones worth only about $220 million and most of those were about climate change. The second budget was worse. No specific program was put in place to support development in regional Australia and the area consultative committees across the nation were axed. The Department of Agriculture, Fisheries and Forestry was the only department hit with an extra efficiency dividend. It goes on and on. Land and Water Australia has been abolished and $12 million has been taken from the Rural Industries Research and Development Corporation. And this is a good one: they abolished the single desk for wheat—a good idea, if ever there was one!

And now look at what they have done for regional students across Australia. Not only have they done nothing; they have tried to make it worse. It is about time this government started to realise the importance of regional Australia to the future of this nation. Next time Kevin 747 is flying across regional Australia, he should look down and realise that those regional communities are the engine room of this country.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Senator Nash, you know that is disorderly. You should refer to honourable members by their correct title.

Senator NASH—I do apologise. Next time Prime Minister Kevin and his 747 plane are flying over regional Australia he should look down and make sure he recognises how important those people are to this country. What is most important about regional communities is the young people in those regional communities. They are the ones we should be supporting. We should be doing everything we can to ensure that they have a bright and sustainable future and a bright and sustainable future actually in those communities.

What happens if regional Australia simply ceases to exist? The way this government is
going there is a pretty fair chance of that happening. How are we going to feed ourselves? Where is the food production going to come from? How are we going to make sure that we can feed and water the nation? This government’s complete disregard for regional Australia is getting nothing short of breathtaking. Keep in mind that none of the changes made in this deal, which the government has backflipped on, would have happened if it had not been for the National and Liberal parties saying, ‘No, not on.’ I certainly commend the member for Sturt, Christopher Pyne, on being absolutely resolute in saying, ‘No, we will not let this happen as is.’ It would have happened if we had not stuck up for people, particularly in regional Australia, and the original legislation would have simply gone through.

The gap year students would have been forgotten. They would have had no chance of having any assistance this year, and they would have taken their year off thinking they could. They would have been absolutely hung out to dry by this government. The regional students that want to access independent youth allowance would have been completely hung out to dry—nothing, nada, for them. This deal is not perfect—far from it. At least some of those regional students are now being taken into account where they were not previously. Quite frankly, how did the government think it was the slightest bit appropriate that they not take into account all regional students, that they not take into account every single regional student that needs a pathway, every single regional student that needs support, every single regional student that needs some assistance to go onto tertiary education, because they should be supported? How on earth did they think picking some regional students was all right but then thinking, ‘Gee, we will leave these ones out of the bag over here. We won’t worry too much about them. It doesn’t matter as long as we have covered some regional students’? It is rubbish. They should have simply made sure that they had included all of them—every single one.

My guess is that it is all about dollars. We know that we need to be economically responsible in this country. But when this government has blown billions of dollars on school halls—some of which the schools did not want—and billions of dollars on pink batts that have gone into ceilings, it has probably created the worst governmental debacle in terms of running a program that this country has ever seen. Billions and billions of dollars have been wasted. What are they saying now? ‘Let me see, those regional students that fall outside our lines on our maps—we’re expecting them to be the ones to cough up for the budget neutrality.’ Well, that is not on. How can they possibly sit there on the other side of this chamber knowing about all the waste, knowing about all the billions of dollars that have just gone up against the wall, and then turn around to those regional students who are going to miss out on the opportunity of getting independent youth allowance and say: ‘Too bad, so sad. We’re going to leave you out because we’ve got to be budget neutral and you’re the losers.’ It is just extraordinary. It is the most arrogant display from a government and shows the complete disregard they have for regional students.

What makes Mrs Smith’s daughter or son in one part of the country, in the regions, different to Mrs Jones’s daughter or son in another part of the country? I will give you the answer to that: absolutely none. So why has the government gone down this road of picking a line on a map and saying, ‘This regional student living on this side will be okay, but the one on the other side we actually don’t care about. By the way, chat to each other across the lines on the map because you’ll probably be able to see each
other.’ It is stupid. The lines on those maps are just wrong because it is not about those regional zones; it is about how far the regional student is from the university. That is the issue. It is not about where in a region they live; it is about how far they live from the university that is the important thing. That is why, quite rightly, the coalition is going to—as my good colleague Senator Mason has already flagged—move an amendment to include the other inner-regional zone on that map.

Do you know what I think, colleagues? I think, if the government do not accept that amendment, then the people of Australia are going to think: ‘Why not? Why aren’t they accepting that amendment? The coalition are putting forward that all regional students should be able to access independent youth allowance if they have to leave home to go to university.’ Maybe I am a little bit biased about all of this but I think that most Australians are pretty sensible people and they think pretty clearly. When the coalition say to them, ‘We tried to get all regional students taken into account,’ and the government do not pass our amendment, then the government are effectively saying, ‘We don’t care about all of the regional students; we will just do some.’ Let me tell you what the people of Australia are going to think—I could be wrong but I do not think I am: ‘Why is this Rudd Labor government treating regional Australians unfairly? Why is the Rudd Labor government creating a divide between regional Australians?’

Let me be absolutely clear on this. If only some regional students and not all of them from this point on are able to access independent youth allowance it is the government’s fault. It is nobody else’s fault but the Prime Minister’s and Minister Gillard’s. It is nobody else’s fault but theirs. Do not let anybody tell a different story, because that is where the buck stops. It is a bit like health. Apparently the buck stops with the Prime Minister when it comes to health. But what sort of buck was that? It certainly did not stop there very long. He promised the people of Australia he would fix the hospitals but he neglected to tell them, ‘Not for a very, very long time.’

The responsibility for fairness and equity lies with the government. The Liberals and Nationals have done everything that they possibly can to get the right outcome for regional students. After all of this, if regional students and their families want some fairness and equity they will throw out Kevin Rudd’s Labor government and they will put the coalition into government, because it is the only way we are going to get any fairness or equity not only for regional students but for regional families across the country from one side to the other. This government is never going to do it.

If the government does not agree to this amendment and regional students miss out on getting access to independent youth allowance, it will be on the government’s head. Those on the other side will have to live with it. Every time one of those students cannot go to university because they cannot afford it and this government does not give them any financial assistance, all of those on the other side of this chamber and in the other place should hang their heads in shame because it is entirely their responsibility. They can fix it, they can agree to this amendment and they can make sure all regional students are covered. They should do it; it is the right thing to do. If they do not, it just shows their negligence when it comes to regional Australia.

Senator BARNETT (Tasmania) (10.30 am)—I stand today, together with my coalition colleagues in this place, to speak on this Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] and to say that the gov-
ernment backdown on the youth allowance is welcome. It has been an absolute farce. What we have seen are rural and regional Australians being neglected over the last many months since this legislation was first introduced last year. We had a few minor changes last year from the Minister for Education, Ms Gillard, who tried to squirm out of what was an obvious problem. That was a half-baked measure; it did not do the job.

As a result of the prosecution by coalition senators and coalition members across the country, particularly in rural and regional seats, the government has finally relented. As a result of pressure from the families of those men and women who want a decent education, particularly in rural and regional areas, it has finally relented. The aspect of the government’s bill that is particularly reprehensible and which has now been fixed as a result of public pressure is the issue of retrospectivity, which should be a no-no for any government. For this Labor government to persist month in, month out and be hell-bent on trying to ram it through the parliament is a disgrace.

As a coalition we demanded three key changes to the youth allowance legislation last year and they were to remove all retrospectivity from the legislation, to ensure a pathway exists for regional, remote and very remote youth by retaining the existing gap year provisions for those students and to ensure that the changes were budget neutral. After being told that it was impossible to get those amendments up and passed, the government listened to the coalition, listened to people in rural and regional Australia and listened to the families affected regarding retrospectivity. It has finally relented and backed down.

Sadly, there are thousands and thousands of students across this country that have been left in limbo. Here we are at the end of March and the university year is well and truly underway. Schools are well and truly underway and they do not know and did not know what the future holds.

At this point I commend Christopher Pyne for relentlessly and vigorously pursuing this matter and pursuing Minister Gillard. In the Senate, Senator Brett Mason has done a sterling job to highlight the concerns, fears and anxieties of families across the country. I also commend Senator Nash for leading the Senate inquiry into this matter and for prosecuting the case particularly for rural and regional Australians and the people that she represents. She did a fantastic job.

Retrospectivity has been entirely removed from the bill. All students who began a gap year in good faith last year will qualify for youth allowance under the existing provisions. The coalition succeeded in ensuring a pathway for rural, remote and very remote students, with the government making a further $104 million concession. This change will restore all three workforce participation tests for students classified as outer regional, rural and remote who wish to apply for the independent rate of youth allowance. The changes will remain budget neutral as requested by the coalition.

My understanding is, under the revised plan, the government’s original changes required young people in rural, remote and very remote areas to find 30 hours of work a week for 18 months over two years to qualify for the independent rate of youth allowance, which was clearly impossible to meet. Thanks to the coalition, the families affected and the pressure that they put on the government, they will now be able to qualify by working 15 hours a week over two years or by earning $19,532 over an 18-month period as is currently possible under the old rules. My understanding, and what I have been advised, is that that will mean around 7,600
students over four years will be able to access university from some of the most remote and regional locations in Australia.

I put on record my thanks for the hard work of the students at Launceston College in Tasmania in collecting the 1,217-signature petitions last year and which were tabled in the House of Representatives. I congratulate Rachel Wilkinson, Jessica Baikie and Hunter Peterson for their efforts in standing up for not just themselves but their fellow students in and around northern Tasmania. I also thank Trudy Lister from Launceston College for helping to organise all of that, working with Mary Dean in my office and others to make it happen. Those petitions were tabled last year and were part of the tapestry of public pressure on the government to make a difference. So congratulations and well done.

It is a great shame that the Labor members, particularly for Bass and the regional areas like Lyons, Franklin and Braddon, have been sitting on their hands. It has been left to the coalition senators in Tasmania and the coalition members and senators around this country to prosecute the case and to make the government see reason and implement these changes, and it has finally happened. There is still scope for improvement. I know Senator Colbeck is pursuing with great vigour this anomaly regarding Devonport and Bernie, with one city being classified as regional or outer regional and therefore qualifying but the other not. I know he is pursuing that with some vigour. There is still more work to be done. I know that the coalition has an amendment in the Senate to see if we can get the government to see reason. In any event, we are prepared to look at this, once this has passed, to see if we can fix any further anomalies. Following the next election, if successful, we look forward to fixing up any further problems that may lie hidden.

What it does confirm, however, is that the government has shown disdain for regional Australia, as it has done since the day it was elected, when it removed the Regional Partnerships program, a $400 million program that was so beneficial to rural and regional Australia, particularly Tassie. The mismanagement of this program has been bordering on the absurd, but it is consistent with its mismanagement of the pink batts fiasco and its school education revolution. It is not an education revolution; it is a waste revolution. It is a waste revolution of the nth degree in terms of the hundreds and hundreds of millions of dollars—in fact billions of dollars—that has been wasted. For months and months we have put our concerns on the record, but the government is just going ahead and wasting more and more money. The waste and mismanagement is shocking.

I want to say thank you to all of those families who have contacted my office and contacted the offices of coalition members around Australia to say, ‘We think the government’s system is unfair.’ As a result of that pressure—those letters, the emails, the petitions and the effort that has been made—we have been successful. You can make a difference in opposition, we have shown that. Congratulations to those who have prosecuted the case. There is still more work to be done, but we have fixed a terrible injustice for rural and regional Australia, a terrible injustice for the families affected by the retrospectivity. I am very sorry for the students who have been left in limbo, particularly over the last many months. I have had families in my office expressing their anxiety and concern for their kids and I have heard from the students directly. I am very sorry they have had to put up with this, and I hope we can put it behind us as soon as possible. The government should come clean and apologise for the inequity, the anomaly and the
injustice that has been caused. It should say sorry for that. I thank the Senate.

Senator HANSON-YOUNG (South Australia) (10.39 am)—I rise to speak on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2]. This is the second time I have spoken on this bill. We discussed this issue at the end of last year and this Senate failed to pass that legislation at that time, leaving students in limbo over the summer period and into the first semester of this year. Students and their families, unsure of how they were to fund their way through university this year, have contacted me—just as they have with Senator Barnett; he alluded to his meetings—saying that they had to take out mortgages on their houses in order to set their kids up and get them to university because no-one knew what was happening. So while I am disappointed that we are having to rise again to speak to this issue, and we were not able to resolve it at the end of last year, I am of course thankful that we are speaking to it now and that we are able to move forward in some respects.

Of course, this is a compromise by all sides: it is a compromise by the government, it is definitely a compromise by the opposition and it is absolutely a compromise by the Greens. By no means is this package perfect—far, far from it. We now see some positive parts of the package being able to move through. We are going to get money into the hands of students through ensuring that those scholarships are rolled out; students who have had to move away from home are going to get the relocation scholarship. That is wonderful. And we have removed the retrospective aspect, which we are thankful for because that is bad policy. That is what I said last year: it is just bad policy to introduce something that has a retrospective aspect. These young people, taking advice that was given to them by government departments in their own schools, took a gap year in order to get the financial support to get them through university. So I am very thankful that we have been able to remove that, and hopefully there will now be some clarity for young people around the country to make the decisions they need. Hopefully this will be done before the HECS census date of 31 March. That is why we are on such a tight time frame here, because you have to be checked in and enrolled in all of your courses by the end of this month otherwise you miss out.

Yes, we are delivering some clarity here, but there is one big sticking point that we have not dealt with: those young people who have to move out of home in order to go to university and get an education—whether they are from a remote area, an outer regional area or an inner regional area or are even moving from one city to another to go to the university that they have been accepted into—should not be penalised, but under this compromise package they still are. While a deal has been made to retain some of the old workplace criteria for some students, it has not done it for all of them and those students it affects are still penalised because they are forced to delay their studies for up to two years. We are still saying to young people, ‘In order to get the financial support that you deserve, you have to prove yourself by deferring your studies.’ If they have to move out of home and they become independent in order to go to university, then they should be recognised as such and the government should be supporting them. We should not be penalising young people who work so hard through high school to get the grades to get into university and get accepted into their courses by then saying to them, ‘We don’t believe that you’re on your own; we don’t believe that we need to support you. You have to prove yourself a bit more. We’re not going to give you the support you deserve.’ Ultimately, this package still allows
for that to happen. I think the Greens have been the first to try to get something through and get money into the hands of many more students so that we can get things moving. And while it is absolutely a compromise from all sides, we obviously have not been able to come up with a solution that helps everybody, and that is the next step.

Why is this a problem? It is a problem because the government wanted to introduce a major reform package without putting one extra dollar into it. What government in its right mind would announce a huge reform package in any other area than student income support without putting in the money to make that reform package work? We are in the midst of discussing the reform package for health. How will that reform package be carried out? It will be carried out through the sweetener of extra money because the government knows that there is no possible way that they can implement with any credibility a major reform package and not fund it. Yet when it comes to students, our youngest and brightest Australians, trying to get to university and get their education to become the leaders of tomorrow, the government says: ‘No, you can do it on your own. We’ll reform the sector for you, but we won’t give you any extra money to help you get there.’ That has been the big failure of this package from day one.

We have heard story after story over the last few months from prospective students and their families about how the inability of all sides in this place to come up with something we could agree on has left students and their families in limbo. I am thankful that today we are finally able to put forward something to move on, but the campaign of equality for student income support is definitely not over. Students right around the country need to make sure that their voices are heard on this right up to election day and beyond. Whoever is in government, be it the Labor Party or the coalition, need to be told loud and clear that students can no longer be expected to scrimp their way through in order to get a good quality education.

We need to invest in the education of our future leaders, and the best way of ensuring that students get a good quality education is to make sure that they are supported. Students pay more for their education today than they ever have, yet we are making it tougher for them to get the benefit of that. Even under this new reform package, where those students will get something, they are still going to have to work part-time jobs or even more than part-time jobs to get themselves through university because we have not seen an increase in the youth allowance rate.

Universities Australia, based on all their information—and they are the experts in this field—suggest that it costs students $670 a fortnight to fund their living and educational costs to get themselves through university, yet the government is scrimping by giving only some people $371, while the other young people entitled to youth allowance get less. We need to see a major injection into student income support, and with that we need to see reforms of rent assistance for young people. We need to see some proper focus on ensuring that students who are paying more than ever for their education are able to get the most benefit from that by being supported and not having to scrimp their way through just to cover costs.

Some of the stories that I have heard from students and their parents since May last year, when the government first announced this reform package, have been heartbreaking. I have heard about families of two or three in which the youngest child stops aspiring to get good year 12 results and says: ‘What is the use? I am not going to be able to go to university. Mum and dad simply cannot afford it. My older siblings are there, but I
am not going to be able to get there.’ That is the type of pressure we are putting on young people—17-year-olds and 18-year-olds—through this package. I know that there are some good things in it, and that is why we have tried to get some of the money rolling out there, but the major issue of supporting those young people who are disadvantaged purely on the basis of the location of their family home is not being addressed in this package.

If you have to move out of home and become independent because you have to go to a university that is not down the road—whether you have to move from a city to another city, from a regional centre to another regional centre, from a regional centre to a metropolitan area or from a remote area to somewhere else—you should be entitled to the full independent rate of youth allowance. Why do we want to disadvantage those young people who have worked so hard to get into university only to make it harder for them based purely on where their families live? It simply does not make any sense.

Students here in Australia receive among the lowest rates of income support in the OECD. While the Greens support the passing of this bill and understand that it will improve the targeting of that income support, the fact is that we should be giving more support to all students. We need to see an injection into the income support bucket. The government cannot sit idly by and take credit for introducing a major reform package without funding it properly. That is how we got into this mess in the first place.

I have said numerous times already that this bill represents a total compromise from all sides, regardless of the spin. We will hear the opposition say that they ‘won all these things’, we will hear the government say ‘the opposition have folded’ and we will hear everyone say that they had their successes, but let us call it what it is: this is not a perfect package. It is an absolute compromise, and we still have a long, long way to go. We need to ensure that those young people who should be supported are entitled to that support. If the government want to fulfil their education revolution, they have to get some money out there and into the hands of students to get them through university. That is what has to happen. We should not be punishing young people because of their aspirations and we should not be making their position even more difficult because of their family circumstances.

The Greens will not be moving any amendments to this bill, despite how poor it is. A group of students are still being punished, and young people who need to access some of this money are still being forced to defer their studies. You should not have to defer your studies just to get the support you deserve. It is bad policy. We know the deferral rates. We know about the issues that arise when young people—particularly those from remote and outer regional areas, which are the areas that this compromise affects—defer their studies. We know that those young people are less likely to go to university once they defer. That is the core fact of the matter, and it is bad policy for this Senate to insist that that is a good thing. It is bad policy.

Having said that, the Greens will not be moving amendments in this debate because we know that it has taken quite some time to get to this point. While this package is not perfect, we need to get the money out there and into the hands of students. We need to move forward. But this is definitely not over. Young people around the country who have to move out of home in order to go to university should be supported in doing that. It should not be based on the fact that they happen to live in one area versus another area. They should not be forced to defer their studies. It is bad policy to say, ‘Yes, we want
you to go to university, but you put that off for a little bit because it suits us.’ It is bad policy and it needs to be fixed.

Let’s get this legislation passed so that we can get things moving, but this needs to be on the election agenda of all parties. The thousands of young people and their families around the country who contacted all of us over the last nine months need to think very hard about the type of government they want and the types of people they want representing them in the Senate to ensure that this issue does not fall off the agenda. We should not be penalising young people for having aspirations to go to university, and under this package we are still doing that. It is not perfect; it is a total compromise. Do not buy the spin from either side that this is a win, because it is not a win; this is a compromise. It is not perfect. Let’s get it through; let’s get the money out there. The fight is not over.

Senator IAN MACDONALD (Queensland) (10.54 am)—I thank Senator Fielding for allowing me to interpose ever so briefly. I want to add my support to the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] and congratulate Christopher Pyne and my colleague Senator Mason on the fabulous work they have done to ensure this backflip by the government. It is one backflip of the government that I support and congratulate them on. As Senator Hanson-Young said, it is not perfect, it is a compromise, but it is a great win for rural and regional students—students who under the original Labor proposal would have been very seriously disadvantaged against their capital city counterparts.

In cobbled this together, the Labor Party has used a classification that has brought up some very silly results. They have used the ‘Census of Population and Housing’ paper, but even the ABS in promoting this classification some time ago put in the classification a warning that it should only be used for the purposes for which it was done. It said:

Equally, no geographical classification can safely be used as a surrogate for other variables without extensive testing of assumptions.

Obviously there was no extensive testing of assumptions. Where I come from, Townsville and Cairns are in—they get the advantage of the new arrangement that the coalition has negotiated—but the city of Mackay is out. The town of Proserpine, 100 kilometres north of Mackay, is in and the little town of Sarena, 20 kilometres south of Mackay, is in, but Mackay is out. It is just a crazy system. Rockhampton is out; Townsville and Cairns are in. Good luck for Townsville and Cairns—I am delighted about that—but what about poor old Rockhampton? What about Gladstone? Gladstone is out, and yet Townsville and Cairns in.

I want to know what Kirsten Livermore, the Labor member for Capricornia, is going to do about this. I want to know what Mr James Bidgood, the Labor member for Dawson, is going to do about his constituents in Mackay who will miss out. His constituents in Proserpine, Bowen, Ayr, where I live, and Townsville will be fine, but what about Mackay? If I were a parent in Mackay I would be camping on Mr Bidgood’s doorstep at the moment until I got some justice. What about Mr Chris Trevor, the Labor member for Flynn? Is he going to allow this to go through without a whimper? He certainly was going to allow the CPRS to go through without a whimper, and that would have destroyed the jobs of many people in his electorate. We will wait and see what he does.

This backflip is good work by the government, as far as it goes. If they had used a better classification and put a bit more energy into this rather than berating the opposition over the last three months, we might
have had a better result. Congratulations again to Mr Christopher Pyne and Senator Mason on the concessions they were able to draw from the government and, begrudgingly, congratulations to the government for accepting that and making it better for many people, but regrettably not for the people of Mackay.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.58 am)—Today we are once again talking about the level of income support we provide to help our kids get to university. You would think a clever nation would make it easier to get to university, not harder. But guess what: the Rudd government is making it harder for some kids to get to university, especially thousands of kids in regional areas. The question we have been asked is: do we want to disadvantage regional students and put them two years behind people living in the city? That is exactly what the government’s changes to youth allowance will do. The Rudd government’s changes to youth allowance eligibility criteria will force school leavers from regional areas to delay their study plans by two years in order to go to university. Many may well decide to not bother going to university if it means having to wait so long just to qualify for youth allowance. It is already hard enough for regional students to get into university with the extra cost of having to live away from home and now the Rudd government wants to put them two years behind their city counterparts.

The Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] will make it even harder for kids in country areas to go to university and harder for all those kids that need to relocate to go to university. It is a crazy policy. As I said, a clever nation would be making it easier for our kids to get to university, not harder. That is why, back in November, the Senate tried to get the government to change their mind on this crazy policy that would sell out kids in rural and regional areas and those who had to relocate to get to university. Unfortunately, the Rudd government stubbornly refused and was even willing to withhold scholarships from kids so that they could try to ram through this crazy policy of forcing kids to delay their university study by two years.

That was just a few months ago. A few months on we find that the National Party in coalition with the Liberal Party has rolled over, done a backflip and sold out thousands of kids in the regional areas of Australia. That is right, the National Party and the Liberal Party in coalition have caved in to the government’s pressure and struck a deal that will leave regional kids as second-rate citizens. In fact, the coalition have cobbled together some half-baked deal that will see no extra money for our kids. They have cut back student scholarships and it still leaves students in places such as Ballarat, Bendigo, Sale, Shepparton, Traralgon, Wangaratta, Warrnambool, and Wodonga out in the cold. That is just in Victoria. What about other parts of Australia, such as Albury, Wagga Wagga, Orange, Dubbo, Tamworth, Rockhampton and we heard just before from a coalition senator about Mackay? It is a farce.

Let us remember that we are talking about real kids with parents who want the best for their kids. Every year thousands of students who need to relocate in order to go to university now will have to delay their studies by two years in order to qualify for youth allowance. Time and time again, regional communities are treated like second-class citizens and now we have the National Party with the Liberal Party in coalition doing a deal that will clearly treat regional areas as second-class citizens. Both the government and the coalition are equally guilty because both parties campaigned on giving a fair go
to regional students. Both parties now have abandoned these kids when it matters most.

This bill just proves the divide between city and country when it comes to politics. It is a disgrace that in the entire Senate there is only one senator willing to stand up and fight for the country students and make sure that they are not being dudged. Even the National Party have sold out regional communities once again and do not have the guts to stand up when they are negotiating with the government. Until yesterday, the National Party and Liberal Party coalition said they would not sell out regional communities on the youth allowance. But, clearly, they cannot be trusted.

The Senate first passed amendments that would have had ensured rural and regional students were not disadvantaged but the government refused to accept the Senate’s decision and instead elected to leave students high and dry. The Rudd government had a choice between providing a more generous package for students or providing them with nothing at all. The government went for the option of giving students nothing at all. Since November, students have been left in limbo wondering what is going on with their education while the government has been off playing politics with the issue. This is ridiculous and it is not the way any government should ever behave.

Just a few weeks ago thousands of students across the country began a new chapter in their lives and started their studies at university. But for many of these students, instead of going out to orientation days or buying the books for their courses, they were sitting back at home still not knowing their fate because the government was refusing to budge on the bill. Thousands of students have been left in limbo because of the Rudd government's arrogance and stubbornness and its commitment to taking a sledgehammer to Australia’s higher education system.

The government has tried to hold the Senate to ransom by cutting all the scholarships until the Senate passed the youth allowance changes. We warned of this when it changed the scholarships earlier last year. The government’s actions are reckless and they have put the welfare of students, particularly those from regional areas, in jeopardy. The changes to youth allowance eligibility criteria are blatantly unfair and will see fewer people from the country area heading to university instead of trying to get more kids to go to university.

Family First voted to amend the government’s bill so that students who were forced to relocate would be eligible for youth allowance under the existing criteria. These were sensible changes but the government was stubborn and unwilling to listen to the concerns of ordinary Australians and would not have a bar of it. It remains a fact that Australian university students receive among the lowest levels of income support across the OECD countries. Now the government wants to cut the regional students out instead of helping them get to university. What kind of education revolution is this? What kind of education revolution sees a government scrap scholarships for students before putting new ones in place, then make it harder for kids to qualify for youth allowance? Instead of making it easier for students to go to university we have a situation now where 20 per cent of all students in my home state of Victoria who have applied for university this year have missed out. This is not an education revolution—it is penny pinching. It is backwards policy. It fails to invest in Australia’s future.

The changes to youth allowance will put us even further behind and it is not something that Family First can support. It took
months of campaigning and public pressure to get the Rudd government to just come to their senses. It reluctantly did a backflip on its original policy and granted an exemption for students who were in their gap year. This may have fixed one issue but it still does not go to the heart of the problem that regional students are being sold out and disadvantaged compared to students in the cities. The government thinks that it has wide support for its policies but that is because the government has started to lose touch with the people. It has clearly stopped listening to families in regional Australia and thinks it is so high and mighty that it can tell them what is best for them without listening to their opinion.

Take, for example, the letter I received from a council in regional Australia which passed a motion regarding the youth allowance bill. It says:

Dear Senator,

At council’s recent meeting, it was unanimously resolved to correspond to the Prime Minister, the minister for education … the members of the Federal Senate to vigorously oppose the Federal Government’s intention to drastically reduce our rural and regional students’ access to tertiary education by proposing to make changes to the youth allowance bill.

The government needs to understand that we are talking about real people, real kids and real families and about education and allowing the young to get to university. We are not talking about names and numbers on a piece of paper. Thousands of students are going to be worse off under the government’s changes to youth allowance, and it is ridiculous for us to be penny-pinching when it comes to the future of Australia, which is our kids.

I have a media release from Christopher Pyne which I received late yesterday. It says that since May last year the coalition, which is the National Party and the Liberal Party, has sought three changes to the youth allowance legislation, as its second bullet point says, ‘to ensure a pathway exists for regional’ youth. In the next few lines they talk about what they have achieved but they conveniently leave out ‘regional’. They are quite happy to put down ‘outer remote areas’ but they conveniently leave out ‘regional’. How can you leave out regional Australia if you are for regional Australia? It is outrageous to think of that. The government was in trouble on this issue, and the National Party and the Liberal Party, in coalition, have caved in and

GET REEAL spokesperson Di Doyle warned of continued low education outcomes and shortages of professionals in the region under the new legislation.

This is about the bill that we are talking about here. It goes on to say:

Most of Victoria’s and Australia’s country kids would face an uphill battle to get to university.

There is this quote from Ms Doyle:

“In the past thousands of country kids took a gap year so they would be deemed independent from their families and thereby gain the youth allowance. The government has now made it all but impossible for our students to do that.”

This follows on from the quote:

Despite her assurances to the contrary, Julia Gillard’s package falls well short for most country families who remain severely disadvantaged under the new proposals.

Clearly, the government has misread the situation and how much regional areas are relying on youth allowance in allowing kids in those areas to get to university. It is a shame that the Rudd government has not been willing to listen. It is a shame that the National Party, with the Liberal Party in coalition, have decided to sell out regional Australia.

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sold out regional Australia. There is no other way to look at this issue. Yes, you are going to move an amendment. But you know you could have held out and got more for regional Australia. It is wrong. I think the government will pay the price at the ballot box at the next election over this issue.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (11.11 am)—In summing up, I would like to thank all senators for their contributions as to the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2]. Given this is the second time we have had to deal with this matter, there is a fair bit that people have contributed. The fact of the matter is that, when it comes to a Senate debate of this type, one always remains somewhat amused at the gyrations of senators seeking to position themselves for the inevitable compromises that are involved with a reform of this type. I am certainly amused in this circumstance given the posturing and the strutting of senators, which is not unknown in this chamber, and I have no doubt we will hear a great deal more of it yet before we reach the end of this process. The difficulty is that throughout that pantomime that we have to endure we often lose sight of what is actually being achieved. I think it is worth restating that, as a result of these changes—this is what the initiatives that this government has brought before this parliament will mean—support for students will be directed much more to those that need it. In fact, as a result of the government’s initiatives, there will now be 29 times the number of scholarships available to Australian students, should this bill be passed, when compared to when this government came to office in 2007. What this scheme does is provide assistance for 150,000 university students who receive youth allowance, ABSTUDY and Austudy and will receive a $2,128 start-up for a scholarship every year.

Senator Nash interjecting—

Senator CARR—It is a reduction. I acknowledge that it is a reduction on what we actually put to this parliament. It is a reduction, and part of the cost of the compromises that you have made is a reduction of $100 per student. Every student should bear that in mind. The cost of these compromises is $100 a head.

There is $2,128 as a start-up for a scholarship student every year and $1,300 in 2010 if this legislation passes. Do not assume that this legislation will pass, because the opposition have moved amendments which they know cannot be accepted. When they play these games—when they engage in these gestures—and when they provide these opportunistic and, quite clearly, hypocritical and fraudulent devices, they should bear this mind: the consequences will be registered.

The measures we have here include the raising of the parental income test. This is what is at stake here: 150,000 university students have the opportunity to receive a substantial benefit and that is put at risk by yet another bit of political gamesmanship by people who have already struck a deal. The parental income test under these measures will be raised so that families with two children studying away from home can earn more than $140,000 before their allowance is cut out completely. That is a massive benefit. Students who choose to move to study may be eligible for an additional relocation scholarship worth $4,000. That is what the opposition are putting at risk: $4,000 for students who are obliged to relocate. That is in the first year of study and there is $1,000 each subsequent year. So we are not talking about just the $4,000 but the $1,000 that comes thereafter.
As a result of these changes, from 1 July 2012 students will be able to earn up to $400 a fortnight—$236 up from the old scheme—without having their payments reduced. The other great benefit of this scheme, which the opposition choose to gloss over—choose to put at risk—is that the age of independence will reduce progressively from 25 years to 22 years by 2012, which will see an estimated 7,600 new recipients of the independent rate of allowance. It will be reduced to 24 this year, if the legislation is passed.

These are genuinely landmark reforms. They have the unanimous support of 39 university vice-chancellors across this country. They have been so concerned at the opposition’s shilly-shallying and political manoeuvring that they have written to every senator urging this chamber to pass this legislation. They know the consequences of the opposition’s political gamesmanship for the 150,000 Australian students who will miss out on the enormous benefits that this government wishes to introduce.

You, on the other side of the chamber, have been defending your scheme, which Professor Bradley described as desperately unfair. What we are doing is replacing a scheme that was desperately unfair. So when you get teary-eyed about this, bear in mind—

Senator Mason—I did not defend the current scheme.

 Senator CARR—I accept that. Senator Mason has indicated that the coalition now supports these new schemes. Senator Mason personally understood this. I have always said that Senator Mason has a better understanding of the consequences of these manoeuvrings than most of his colleagues. But it bears repeating that the scheme that people have been defending in here saw a family with two children aged 17 and 19 at home receiving a part income support when the total family income was just over $100,900 when compared with the previous cut-off of $60,000. That is the model you thought was great in the past.

What the Bradley review found, when they went to the detail of it, was that the current student income scheme—the old scheme—was incredibly poorly targeted and found that 36 per cent of independent students living at home were from families with incomes above $100,000. Professor Bradley’s research found that 18 per cent of students in this situation came from families earning incomes of above $150,000 and that 10 per cent of families who were receiving support had earnings of over $200,000. So the old scheme was not only incredibly unfair but fundamentally unjust.

We have an opportunity here today to put a new set of arrangements in place. If the amendment that has been foreshadowed is carried by this chamber, that is put at risk. This chamber gets up tomorrow night for a seven-week break. So there is a real issue here that cannot be simply glossed over by some procedural device or some attempt to pretend that you are doing anything other than what you are committed to.

Senator Mason, I do not envy you your position in a party full of such ignorant people. It must be difficult being a man who actually knows something about these topics to have to come in here and argue such an indefensible position. I understand how hard this can be, from time to time, when you have members of the House of Representatives who treat this place in a way that suggests that they do not really understand the consequences of what they are doing. Senator Mason, I am sure you would be aware that the member for Sturt actually wrote to the Deputy Prime Minister on 16 March. And while he wrote his usual sanctimonious stuff about how he would like to see more, he said:
We do believe there is still scope for improvement to the legislation for the provision of further concessions to also apply for students from inner regional areas.

I want to make sure those senators that may be living in some dream world and think they can play games with the lives of 150,000 Australians understand this. What Mr Pyne says is, ‘However, as agreed with you, we will ensure passage of the legislation this week so that Commonwealth scholarships can be made available as soon as possible to students.’

Senator Nash—Stop talking and get on with it.

Senator CARR—Just as long as you understand, Senator Nash, what those words ‘ensure passage’ mean. You cannot go outside and say that you were not signed up to the deal, because what we have now is a set of arrangements to give effect to landmark reforms that this government has introduced—that this government has ensured will provide enormous benefit to the people of this country—which will be supported by the coalition, unless we have another event like we saw last year with Mr Turnbull when you say one thing and mean another. We are about to discover what the truth of that matter is. The member for Sturt has committed your votes, in writing, to this proposition.

We all know the difficulty of this place. Those opposite are all experts who think they can run the government from the opposition benches. We know the game. On the one hand, you say the education spending that we are engaging in is a waste; on the other hand, in another part of the chamber, they say that we need to spend far more. There is a bit of a dichotomy in perspective here. This government has almost doubled the amount of money spent on universities, so it is hard to say that we have not spent enough and it is certainly very difficult to say that money is wasted—but it is suggested across the benches that we should spend more.

We are saying that this legislation is about investment in our university system for the future of our country. We are very proud of it. We also say, though, that there is not a bottomless pit that we can just keep digging and pouring money into. We have made very strategic investments and we are—

Senator Mason—It is good to hear you say that. I agree with you.

Senator CARR—Senator Mason, I am very clear about this. There has to be an approach to social reform that is measured against our capacity to pay.

Senator Mason—Absolutely.

Senator CARR—Senator Mason, you say you agree with that, so we are both signed up to the proposition that these measures have to be paid for. We cannot sustain the view that we just tip more money in and fix the problem. That is the position that you have agreed to. We are saying our priorities are right, and I look forward to the discussion of the amendments in detail. I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (11.26 am)—I table two supplementary explanatory memorandums relating to the government amendments and request for amendments to be moved to the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2]. The memorandums were circulated in the chamber on 23 February and 16 March 2010.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.27 am)—by
leave—I move amendments (1) to (3) on sheet 6094:

(1) Schedule 1, item 3, page 4 (line 23), after “(10B)”, insert “,(10BA)”.

(2) Schedule 1, item 3, page 5 (after line 4), after paragraph 1067A(10B), insert:

(10BA) This subsection applies if the Secretary is satisfied that the person is required to live away from home and has had to relocate a distance of not less than 100 kilometres from their main place of residence to attend a higher education institution.

(3) Schedule 1, item 5, page 6 (line 20), after “(10B)”, insert “,(10BA)”.

These three amendments deal with retaining the existing pathway to access the youth allowance by students who have to relocate more than 100 kilometres. This is to ensure that those students can relocate. If these amendments do not pass, then people in regional areas that are not covered by the amendments that the coalition and Labor have agreed to—these people that have to shift more than 100 kilometres—would miss out and therefore would have to hold off their studies for two years.

These amendments have the same effect as the amendments I put forward back in November, so this is nothing new. It is to make sure that regional areas and even people in the city area that have to shift away from home to get to university are looked after. It is to make sure that the old rules, the old criteria, for youth allowance still apply. This is at least some way of enabling regional areas to not miss out and to make sure they get to university and to make sure they are not treated like second-hand citizens.

Unless this amendment is passed, students in towns such as Ballarat, Bendigo, Sale, Shepparton, Traralgon, Wangaratta, Warrnambool and Wodonga will basically have to qualify for youth allowance and therefore have a two-year gap rather than just the one year. So I commend these amendments to the Senate. I am hoping that there will be support to make sure that students in regional areas at least have some support if they have to relocate some distance to get to university.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (11.30 am)—The government will not be supporting these amendments. The first relates to the question of further relocation concessions. The advice I have been given is that the cost to the bill of acceptance of that measure will be $815 million. We are not accepting that. The second is the question of further concessions on the independence criteria. The advice I have been given is that the cost to the bill would be $1.7 billion. The government clearly cannot accept such an impost.

Senator MASON (Queensland) (11.31 am)—I first of all thank Senator Fielding for his strong advocacy for rural students during this long debate. I would like to remind both Senator Fielding and, indeed, the Senate that if it were not for these negotiations rural students would be worse off. The coalition has secured over the next decade or so hundreds of millions of dollars to assist rural students go to university. That is a fact. The coalition did that. If the coalition had not done it, the money would not be there. Let us put that on the table fair and square. The coalition did that through negotiations with the government. We are proud of it and we make no apologies for it. We cannot support these amendments. We will be moving our own amendments which have a similar thrust very shortly. I should also note this: if the coalition are elected later this year, we will review student support, particularly in relation to rural students. This may indeed, Senator Fielding, as you have flagged in this amendment, be a policy we can look at. But
at the moment certainly the opposition will not be supporting these amendments.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.32 am)—It is worth not letting this go too quickly. It is interesting that the Rudd government, through the minister, can say the cost is too high. What was the cost of that pink batts fiasco? What was the cost to the Australian taxpayers of that fiasco? The government are quite happy to turn a blind eye to that, but when it comes to our kids’ future they do not want to invest in them at all. They do not want to invest in our kids’ future, but they are quite happy to waste money the way that they have. Then they come in here to say they want to penny pinch with our kids. This is an investment in our future. This is an investment in our kids, the next generation coming through. Rural and regional areas need doctors and dentists and accountants. They come from rural and regional areas. Fewer people coming from there that go to university means fewer people going back to rural and regional areas. It is a fact. Here we are not able to support making sure that regional areas—places like, and I am sure Senator Ronaldson will be interested in this, Ballarat, Bendigo, Sale, Shepparton, Traralgon, Wangaratta, Warrnambool, Wodonga and other regional areas of Australia—all miss out on youth allowance. It is very hard to allow that to happen. Surely we should be looking after these people. Surely there should be more done.

They were all done and all silent, even the National Party, on this issue about an amendment for regional kids. The National Party should be standing up for regional areas. The National Party should be standing up for regional areas. They have sold out again. The media release from Christopher Pyne yesterday said that last year the coalition sought three changes. They did that with us. It was Family First votes that forced the government to rethink this as well. And here they are saying, ‘We wanted to get a pathway to exist for regional kids.’ The media release yesterday said that the coalition had succeeded in ensuring a pathway for rural, remote and very remote students. There is nothing about regional areas—nothing at all. You have backed down and sold out regional Australia. You cannot explain it. Even one of your coalition senators came in, and they cannot explain why this area is supported and that area is not. This is a way of including regional areas in some way. Surely it should get supported.

Senator RONALDSON (Victoria) (11.35 am)—I do want to speak briefly on this, and I will speak briefly during the opposition’s amendment. Let us be absolutely crystal clear about this. The coalition was presented with a legislative fait accompli which would have completely and utterly ripped the guts out of non-metropolitan students. We were presented with a proposal that would have ripped the guts out of regional and rural kids. This started off with a government who proved again it did not give a damn about rural and regional kids because it is a government that does not understand regional and rural kids. For the Minister for Innovation, Industry, Science and Research, who is at the table today, to be talking about this being a pantomime is an indication of what his view is of this bill.

This is just a political game for the minister. It is just a pantomime that you play with because you do not care and you do not understand. You have viewed this as a pantomime. You have viewed regional and rural Australia as a pantomime from the very moment you stepped foot in this place. You do not care. You view this as a game. You do not understand the pressure on regional and rural families and their kids. Your pantomime involves coming in here and attacking others when you are quite comfortable living in your big house in Melbourne and making
the occasional foray into marginal seats. That is the minister’s interest in regional and rural Australia: the occasional foray into a marginal seat. You do not understand it. You live in your McMansion in Melbourne and do not understand regional and rural kids.

I will tell you what it is like, Minister—someone who lives in Melbourne and does not give a damn about it. I will tell you what it is like to have to make choices about whether your kids do or do not get higher education. What a fantastic choice that is! This government embarked on this because it does not understand what it is all about. It does not understand what it means for a husband and wife to sit down and make a decision about which of their kids is going to be given the opportunity to go on to university or other higher education. That is the decision country parents have to make. That is the decision they have to make. As I said in this place two months ago or whenever the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 last came up, when I was the member for Ballarat—and the minister, again, has no understanding of this—I had a family from Stawell come down to me and ask, ‘On what basis do I make a decision about which of our kids is going to go to Melbourne to study?’

It was on the back of that that the previous government made changes to give kids a chance; to give country families a chance. You tell me what is equitable about country kids and country parents having different options to those of metropolitan parents. What is fair about that? This piece of legislation, as originally introduced, was going to be the damnation of rural and regional kids. We have had to claw it back. I might not actually disagree with some of the things Senator Fielding said. We are being presented with a fait accompli whereby a decision has to be made; hence the reference to the letter from the shadow minister for education.

Senator Mason—Better than it was.

Senator RONALDSON—Absolutely. Again, I give my thanks to the member for Sturt, Christopher Pyne, and, while I am at it, to Senator Mason, Senator Nash and others who are here, who have fought very hard to get us into this position. But let us not delude ourselves about the outcome of what the government is doing. No, it is not the best option, and we do not pretend it is. We have an amendment in relation to inner-regional communities. But I say to the minister: when you have an understanding of the pressures facing country kids and their parents then let us have a talk about it, but do not have the gall to come in here and describe what we are doing as a pantomime. That is not a reflection on us; that is a reflection on the families in country Australia. They do not view this as a pantomime; they view this as nothing more and nothing less than the future of their kids. Their kids should have the opportunity to do what their metropolitan cousins are doing. That is what this debate is about. The government should hang its head in shame for putting us in this position. Have we fought for those country kids and their parents? Yes, we have. Is it an optimal outcome? No, it is not. We do not pretend that it is, but it is 1,000 per cent better than it was originally.

Question negatived.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (11.42 am)—I move government amendment (6) on sheet BV265 revised:

(6) Schedule 1, item 3, page 6 (after line 9), after subsection 1067A(10D), insert:

(10E) This subsection applies to a person if:

(a) the person’s family home is in a location categorised under the Remoteness Structure as Outer Re-
gional Australia, Remote Australia or Very Remote Australia; and
(b) the person is required to live away from home (see section 1067D); and
(c) the person is undertaking full-time study (see section 541B); and
(d) the person’s combined parental income (as defined in point 1067G-F10 of the Youth Allowance Rate Calculator in section 1067G) for the appropriate tax year (see Submodule 3 of Module F of that Calculator) is less than $150,000.
(10F) For the purposes of paragraph (10E)(a), Remoteness Structure means the Remoteness Structure described in:
(a) the document entitled “Statistical Geography Volume 1 Australian Standard Geographical Classification (ASGC) July 2006”, published by the Australian Statistician, that was effective 1 July 2006; or
(b) a document specified in a determination under subsection (10G) to be a replacement document.
(10G) The Secretary may, by written determination, specify a document for the purposes of paragraph (10F)(b). The document must be one published by the Australian Statistician.
(10H) A determination under subsection (10G) is not a legislative instrument.
Following negotiations with the opposition, the government has moved amendments to maintain the workforce participation criteria for independence for young people from remote and rural areas who are required to relocate to study. The government has been reasonable and gave this concession to secure passage of the bill. We have written agreement, as I have indicated, from the shadow minister for education that the bill will pass following these concessions. Under the government’s amendments, young people who are in full-time study will be able to get support under the old arrangements if they are required to live away from home to study when their family home is in a location characterised under the Australian Standard Geographical Classification, ASGC, as outer-regional Australia, remote Australia or very remote Australia and their parents’ income is less than $150,000 per annum. To fund this amendment, the value of Student Start-up scholarships will be reduced from $1,434 to $1,300 in 2010 and from $2,254 indexed to $2,128 in 2011, indexed in subsequent years.

This is, effectively, the nature of the arrangement that had been entered into between the government, through the Deputy Prime Minister, and the shadow minister. If honoured, it will deliver passage of the bill. What we have seen here today is the political posturing of senators who are seeking to move a motion to include the inner-regional areas, which they know the government cannot accept. We have had Senator Ronaldson come down here and talk about where I live in Pascoe Vale in Melbourne—a well known centre of wealth! This is a man who abandoned Ballarat to take up refuge in the Senate but wants to talk to us about relative disadvantage.

This is an issue that we hold dearly. We think that this is a measure that can be delivered. But to blow out the budget to include provisions that the opposition now seeks to include, outside the terms of the agreement that they have struck, would cost hundreds of millions of dollars and blow up to a half a billion dollar hole in the budget. It would require, alternatively, massive cuts to the value of student start-up scholarships. Such a reduction in support to those in need would undermine the integrity of the reform package as a whole, including the key pillars of adequate scholarship payments and a fairer parental income test. Young people from inner regional areas generally have more options in terms of how and where they can choose to study. Young people from inner
regional areas who face limited study options may be able to receive assistance from the $20 million hardship fund that the bill also provides for.

Let me make it very clear: the opposition did not push the inclusion of the details they are now seeking to include, in terms of inner regional areas, in the deal that they negotiated with the government. This is a new element that they have discovered, after the announcement of the terms of the compromises that have been made to secure passage of this bill. What we are seeing now, at the last moment, is this new element introduced. I can only question their commitment with their playing of these games. In politics leadership requires you to say no when you know what is being proposed is wrong, when you know that such a proposition cannot be accepted. That is why I say this is a pantomime. It is not about whether or not people are concerned about the welfare of individual students; it is about the political posturing of the coalition when it comes to playing games in relation to the deal that they have struck with the government.

The government will reject amendments which are outside the terms of the agreement struck between the Deputy Prime Minister and Mr Pyne, which have been acknowledged under the terms of Mr Pyne’s letter of 16 March, where he says:

As agreed with you we will ensure passage of the legislation this week so that Commonwealth scholarships can be made available as soon as possible.

To play out this game other than that is to engage in a pantomime, and that is what is going on right now. What we have now is a position where the coalition will be called upon to honour its word. That is what is going to happen. And sooner or later the realisation of the meaning of that concept will become apparent to all of those on that side of the chamber.

Senator MASON (Queensland) (11.48 am)—Subject to the amendment that I will be moving shortly on behalf of the opposition, the opposition agrees with the government amendments. We are rapidly approaching point zero in this debate. After months and months of debating this issue, it comes down to this: the government, quite rightly, and Professor Bradley in her report of late last year, quite rightly, point to increasing access for young Australians to university as being a key challenge for this country. The opposition accept that; we accept what Professor Bradley said. Professor Bradley is quite right to say that Indigenous kids suffer disadvantage—she is right. And she is quite right that kids from low-socioeconomic backgrounds suffer disadvantage—we accept that; the government and Professor Bradley were right to say that.

But the government has never really understood this: rural and regional kids also suffer distinct disadvantage in entering higher education. That is perhaps the absolute crux of the debate: to us the government has not sufficiently understood that rural kids face an extra challenge going to university. That is why, Minister, this is no pantomime. We are desperately concerned that more kids from rural sectors get to university. As you and I have discussed, both here and else-where, we both know—and I know Ms Gillard knows this—that fewer and fewer kids are coming from rural areas to university. That is bad not just for rural kids but for our country. That is why for months we have been negotiating this.

Over the next 10 or so years, because of these negotiations, the coalition has secured hundreds of millions of dollars for rural kids. It is not perfect—I accept that. Senator Fielding is right: there are anomalies. And Senator
Macdonald is right: it is not perfect; there are anomalies. When you draw a line on a map, you are dead right—that is what is going to happen. But this is the best deal we could muster, and I am proud of it. It is not perfect, but we have secured hundreds of millions of dollars extra for rural kids over the next decade—and, I hope, access for all Australians: rural, regional, Aboriginal and those from low-socioeconomic backgrounds. I hope all of them have greater access. The coalition has done its best, despite some of the cynicism in the Senate today, to secure more for regional kids. I accept it is not perfect, but by God it is a hell of a lot better than it was six months ago.

Senator HANSON-YOUNG (South Australia) (11.51 am)—I want to reiterate my concerns about the negotiations and the agreement between the government and the opposition over this amendment. I am glad we are getting something moving. We all know that we have 24 hours now to get something through before we break. Students could be left with nothing if we do not agree on something by Thursday afternoon, because the HECS census date is March 31. I am glad that there has been some agreement to get something through, but, no, the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] is not perfect. This is a total compromise. The result is that we have picked winners and losers, and that is not good policy. It is not good policy for any government to be picking winners and losers based on the fact that it did not put any extra money into the bucket. I take the point of the Minister for Innovation, Industry, Science and Research that we do not have an endless bucket, blah, blah, blah. If you want to implement major reform you have to fund it—that is the crux of the problem. If you want to put money into the hands of students through scholarships, bravo! Student advocates have been advocating that for years, and I must say that they were advocating it to the coalition when it was in government as well. For years, students have been asking for some money to help at the beginning of each semester. This was not the government’s idea; this was something that the government decided to run with. It was never their idea. This was an idea that came from students themselves, but the government did not fund it—the government wanted to ensure that it had a budget neutral package. You cannot put up a major reform package and not fund it properly. That is why we are in this sticky position.

The basis of this amendment means that we are passing something that picks winners and losers—bad policy. We are saying that some kids deserve to be treated independently but they still have to defer their studies—we are still punishing them—and yet other kids do not have that avenue at all. All I need to do is look at my home state of South Australia. Families and students from right around South Australia have contacted me—as they have from the rest of the country—asking, ‘What is going on?’ They are confused about the situation. They are in limbo and are desperate to know what is going to happen. Students from Loxton in South Australia have contacted me out of concern. They want to get to university and need support to do that. They will be able to defer their studies, earn $19,500 and get independent status, get that support and get on to university. They still have to defer their studies, which we know means that most of them will not actually go on to university. But kids from Mount Gambier do not even have that avenue. It is unfair. We have picked winners and losers. It is bad policy.

We need to get something through. I accept that. I do not want this issue to continue to be a political football about who supports students most, because we know about their
credibility out there. The government has not put any extra dollars into the fund and the coalition did not do it when it was in government. I think the scores on the board are fairly even, actually. What we need to do is look forward and ask what we are going to do. I hope that, at the very least, the taskforce with the $20 million can help us move some way forward. There are going to be students who will be affected next year by these changes or lack of changes. There are some ways forward on this.

I am disappointed that it has taken until this point for the government and the opposition to agree on something and that it has turned out to be a bit of a dog’s breakfast. Let us move on. I am concerned that we now have 24 hours to get something passed in order to ensure there is some money in the hands of students. I am prepared not to stop debating this issue until we get something through before we leave here this week. If people do want to play games about this, play them out there in public; do not play them in here where they are actually going to affect the lives of individuals. Parents have taken out mortgages on their homes because they have not known what is going on and their kids needed to start university this year. They need to start making repayments on those mortgages. We need to get the money into the hands of students sooner rather than later. We cannot delay this any more.

Senator MASON (Queensland) (11.57 am)—I move an amendment to government amendment (6) on sheet BV265 revised:

(1) Paragraph (10E)(a), after “Remoteness Structure as”, insert “Inner Regional Australia,”.

As I flagged in my speech in the second reading debate, this amendment reflects the coalition’s continuing concern for rural students and also, in a sense, reflects that whatever happens there will be anomalies. Whenever lines are drawn on maps there will be anomalies. This amendment will cater for more students and make more funds available for, let us face it, one of the most disadvantaged groups when it comes to access to higher education. That is why the coalition is moving this amendment. But we also move it in the spirit that there is no easy answer here. When we are dealing with disadvantaged groups and their access to higher education, all we can do is our best. The coalition believes it is important to put a marker in the sand about what we consider to be one of the most disadvantaged groups in terms of access—we do this unapologetically. I think I flagged in my second reading contribution that if the coalition is elected at the next federal election we will review student support and, in particular, matters of equity in relation to rural students because for too long those kids have missed out. I agree with Senator Hanson-Young. Okay, there is a lot of politics in this but in the end we have to do the right thing by 100,000 or 150,000 students and we have to do it pretty quickly. But politics always intervenes. These kids have missed out in the past and we are unapologetically very, very concerned about their access.

Senator NASH (New South Wales) (11.59 am)—I would like to very briefly reiterate my earlier comments. The amendment simply says that all regional students should be treated the same. By including the inner regional zone, all regional students should be treated the same. The government has this view that all men are equal but some are more equal than others. We think all regional students should be treated equally, not just some.

We have said all the way through this debate that we do recognise there are some parts of this legislation that are good: the increase to the thresholds, the relocation allowance and the start-up scholarships. We recognise there are a lot of students out there
who are very keen to see that those happen, which is why we have been trying to negotiate an outcome so that those students who are keen to see those three areas of change go ahead are accommodated. We recognise that, but at the same time the negotiations were about ensuring that all regional students were treated fairly. The fact that this government has brought forward a deal that does not include fair and equitable treatment for all regional students is just appalling, and that is why we have moved this amendment.

On this side of the chamber, we are the coalition and we are in opposition. We hope that does not last too long, but we are in opposition. It is this government’s responsibility to deliver legislation for this country. It was Prime Minister Rudd and the Minister for Education, Ms Gillard, who made the decision to treat regional students unfairly. Do not anybody ever forget that. No matter any of the outcomes of this legislation, the coalition is in opposition and we have done our absolute best to make sure we get the best outcome for regional students. At the end of the day, it is the Labor Party in government and it is its choice to treat regional students unfairly. Quite frankly, the people of Australia should rally against that.

Senator WILLIAMS (New South Wales) (12.01 pm)—I add to the comments of my colleague Senator Nash. This amendment brings some fairness into this equation. We have a situation in New England, where I live, where people in Tamworth, who are classed as inner regional, are excluded from the benefits being negotiated, yet we have areas such as Cairns and Townsville which are classed as outer regional. It is simply unfair.

We make the point that this whole debate has been about a fair system for getting people in regional areas into tertiary education. Unfortunately, about 30 per cent of people in regional Australia who complete year 12 go on to tertiary education, whereas some 55 per cent of students in the urban areas and city areas go on to tertiary education. We need these people in regional areas to undertake tertiary education. They are the ones most likely to return to regional areas to give us the services we so desperately need such as doctors, dentists and nurses. If we have any obstacles in front of them to restrict them from getting a tertiary education, then those regional areas will pay the price.

This legislation was brought forward by the Rudd government in the May budget last year. It has stalled. It should have been here and settled months ago. We even changed the agenda last November, when the government brought on the Carbon Pollution Reduction Scheme, to settle this issue on youth allowance. We wanted it settled. The government has made the changes and the changes are unfair. With the amendments, we will make it a little bit better for some of those people in regional areas, but there are many others in those inner regional areas, as defined on the index, who will simply be treated unfairly.

On dependent youth allowance, parents on a $70,000 per annum combined income receive for their student $100 a fortnight to go to university, which is fine if you live in Sydney around the corner from a university—$100 a fortnight is probably good financial assistance to them—but in a regional area where you have to travel and where some $20,000 cost is the burden on you for accommodation and meals what is $100 a fortnight? It is nothing.

The whole youth allowance system needs to be looked at. In my opinion, it needs to be torn down and rebuilt so we have a fair system where people in regional Australia can have the opportunity to get a tertiary education and deliver those essential services back
to regional areas. Already we have got the Prime Minister this week saying the government will spend some $600 million to get more doctors, specialists and nurses to regional areas. This is a start. Get an education system where those people in regional Australia can have the opportunity to get a tertiary education. That is why I strongly support the amendment put forward by my colleague Senator Mason. Areas such as inner regional should be included in this backflip by the minister as well. People in Tamworth and similar areas should not have to miss out.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.04 pm)—It was very interesting to hear Senator Carr say that the coalition, which is the National Party and the Liberal Party, did not include inner regional in their agreement with the government. That is interesting. Where was the National Party when you were sitting down with the minister agreeing to a deal that cut out rural and regional areas? Where were they? They are here now. But where were they when the minister said that they did not include inner regional in the deal? That is funny. The National Party did not seem to want to stand up then.

Now they have come back with this amendment. I will support this amendment because it does do something for regional areas, but I am surprised now that you are coming back in here after you have done the deal. You are allowing the government to walk all over you. They pick and choose when they bring legislation into this chamber. You know that. They have winked too early. You have sold out regional areas and now you are trying to scramble and claw them back. It is a joke. You should have realised they were always going to do this at the last minute and say, ‘We need to get this through.’ You folks have allowed them to mismanage this whole situation.

First of all, the Rudd government took away the scholarships early last year. I warned them, ‘You shouldn’t have done that unless you dealt with youth allowance at the same time.’ You could see this coming. The government have been devious from day one with the youth allowance changes, and I am telling them that they are getting caught out by people like the Rural Education Equity Alliance, whose media release is headed ‘Dismay at youth allowance deal’. The government have been deviously working on this all the way through, have come in here at the last second and have only really started to negotiate at the eleventh hour. It is disingenuous. It is just a joke to think that we are here, at the eleventh hour, trying to look after regional areas. I will support this amendment. It will be interesting to see if we divide on it, because I will be calling for a division, and I hope those people in the National Party who are here will call for a division as well.

Senator MASON (Queensland) (12.07 pm)—In reply to Senator Fielding’s comments, I understand that Senator Fielding has contributed enormously to this debate over the past 12 to 14 months, and I know he has been a consistently passionate advocate for rural students. I accept that. But I have to remind the Senate that we are the opposition. My friend Senator Carr represents the government here. The government wanted to take away rights, welfare and access from rural students. I accept that. But I have to remind the Senate that we are the opposition. My friend Senator Carr represents the government here. The government wanted to take away rights, welfare and access from rural students. That was the government’s proposal. And the coalition has secured greater access for those rural students. We have secured, over the next 10 or so years, hundreds of millions of dollars to enable those students to go to university. I accept and I think everyone in the opposition would accept that it is not perfect. I know that, and I know a lot of my colleagues are not particularly happy about it. Some of them think we
could have done better. But do you know what? We are the opposition. This is the best deal we could get, and it is worth hundreds of millions of dollars over the next 10 years or so. Never forget that it was the government’s intention to narrow those pathways to independence and that we fought so hard against that. The government wanted to reduce it to one pathway. The coalition, by virtue of its negotiations, has retained those three pathways. It is very important that the Senate remember the context within which this debate has been so keenly contested over the past 15 or 16 months. I think the coalition overall has done a very good job in securing what it can for rural students. But it is not perfect.

Senator RONALDSON (Victoria) (12.09 pm)—I vividly remember being at two meetings in Corangamite organised by the Liberal candidate for Corangamite, Sarah Henderson, in relation to these changes when they were first floated. I remind everyone in this chamber that the first round of these changes disenfranchised young people who had finished school in 2008 and who were taking a gap year. Let us get this debate into some perspective. We started this fight on the back of 2008 students who had taken a gap year on the back of what they had been told by student counsellors and—

Senator Williams—Centrelink.

Senator RONALDSON—Centrelink and others. I appreciate some of the things my colleague Senator Fielding is saying, but let us go back and see what this fight was about and how far we have come. We have come a long way. It fascinates me. Where were those Labor members back when this debate first started? Where were those Labor members on behalf of their constituents? Where was Darren Cheeseman in Corangamite when this debate first started? Was he supporting the kids who had taken a gap year for 2008? Was he there to be seen? Was he in the Geelong Advertiser or the Geelong Independent or the Colac Herald? Was he in there saying, ‘This is a shocking decision!’ No, he was not. He rolled over; he did not have the intestinal fortitude to stand up for the kids in Corangamite, for which he will be penalised very strongly. I will finish on this note, but I want to take you back, Mr Chairman, to when this debate first started—back to the fact that kids who finished in 2008 were going to lose their entitlement because of a retrospectively effective piece of legislation. We have taken this a long, long way.

Question put:

That the amendment (Senator Mason’s) be agreed to.

The committee divided. [12.17 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes............ 32
Noes............ 32
Majority........ 0

AYES

NOES
Arbib, M.V. Bishop, T.M. Brown, C.L. Carr, K.J. Bilyk, C.L. Brown, B.J. Cameron, D.N. Collins, J.
### Commencement information

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### Schedule 1, item 1, page 4 (lines 8 to 11), omit subsection 1067A(4), substitute:

(4) For the purposes of Part 2.11, this Part and section 1070G, a person is independent at a time in a period specified in an item of the table if at the time the person is at least the age specified in the item:

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<tr>
<th>Item</th>
<th>Period</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The period starting at the start of 1 April 2010</td>
<td>24 years</td>
</tr>
</tbody>
</table>
### Age when person becomes independent

<table>
<thead>
<tr>
<th>Item</th>
<th>Period</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>and ending at the end of 31 December 2010</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The year 2011</td>
<td>23 years</td>
</tr>
<tr>
<td>3</td>
<td>A year after 2011</td>
<td>22 years</td>
</tr>
</tbody>
</table>

(3) Schedule 1, page 4 (after line 14), after item 1, insert:

#### 1A Application of amendment affecting independence age

Subsection 1067A(4) of the *Social Security Act 1991* as amended by item 1 applies for the purposes of working out a person’s eligibility for, or amount of, youth allowance for a day, or fares allowance for a journey on a day, that is on or after 1 April 2010.

(4) Schedule 1, item 3, page 4 (line 23), omit “or (10C)”, substitute “, (10C) or (10E)’”.

(5) Schedule 1, item 3, page 5 (line 1), omit “January”, substitute “July”.

(7) Schedule 1, page 6 (before line 10), after item 3, insert:

#### 3A Application of amendments about workforce participation

(1) Subsections 1067A(10), (10A), (10B), (10C) and (10D) of the *Social Security Act 1991* as amended by items 2 and 3 apply for the purposes of working out a person’s eligibility for, or amount of, youth allowance for a day, or fares allowance for a journey on a day, that is on or after 1 July 2010.

(2) Subsections 1067A(10E) and (10F) of the *Social Security Act 1991* as amended by item 3 apply for the purposes of working out a person’s eligibility for, or amount of, youth allowance for a day, or fares allowance for a journey on a day, that is on or after 1 January 2011.

(8) Schedule 1, heading to Division 3, page 6 (lines 14 and 15), omit the heading.

(9) Schedule 1, item 5, page 6 (lines 16 to 23), omit the item, substitute:

#### 5 Application of amendment

The amendment made by this Division applies for the purposes of working out a person’s eligibility for, or amount of, fares allowance for a journey on a day that is on or after 1 April 2010.

(10) Schedule 1, item 11, page 8 (line 7), omit “January”, substitute “July”.

(11) Schedule 1, item 18, page 13 (line 3), omit “January”, substitute “July”.

(12) Schedule 2, item 4, page 20 (line 19), omit “$717”, substitute “$650”.

(13) Schedule 2, item 4, page 20 (line 22), omit “$1,127”, substitute “$1,064”.

(14) That the House of Representatives be requested to make the following amendment: Schedule 2, Part 1, page 24 (after line 33), at the end of the Part, add:

#### 4A Transitional rule for student scholarship start-up payment

(1) Subsection 592G(1) of the *Social Security Act 1991* does not prevent a person from being qualified exactly twice in 2010 for a student start-up scholarship payment if:

(a) the person undertakes full-time study in an approved scholarship course on 1 April 2010; and

(b) the person becomes qualified for youth allowance on or after 1 July 2010 but before 29 July 2010; and

(c) when the person becomes qualified for youth allowance, the person is not independent (see section 1067A of that Act).

(2) To avoid doubt, subitem (1) does not allow a person to qualify more than twice in 2010 for a student start-up scholarship payment.

#### 4B Transitional rule for relocation scholarship payment

(1) This item applies if:
(a) a person qualifies for a relocation scholarship payment on or after 1 July 2010 but before 29 July 2010 because the person is not independent (see section 1067A of the Social Security Act 1991) but is required to live away from home (see section 1067D of that Act); and

(b) the person undertakes full-time study in an approved scholarship course on 1 April 2010; and

(c) the earliest time at which the person was required to live away from home (see section 1067D of that Act) in connection with the course was not more than 6 months before the person started full-time study in the course in 2010.

(2) Subsection 592L(2) of the Social Security Act 1991 does not apply to affect the amount of the first relocation scholarship payment to the person.

Note: The amount of that relocation scholarship payment to the person will therefore be $4,000 (under subsection 592L(1) of the Social Security Act 1991) unless subsection 592L(3) of that Act applies.

(15) Schedule 2, item 14, page 27 (line 25), omit “1 March”, substitute “15 April”.

(16) Page 35 (after line 11), at the end of the Bill, add:

Schedule 4—Higher education assistance for rural and regional students
Social Security Act 1991
1 After Chapter 2B

   Insert:

Chapter 2BA—Higher education assistance for rural and regional students
Part 2BA.1—Higher education assistance for rural and regional students
1061ZZFW Scheme for higher education assistance for rural and regional students

(1) The Minister must, by legislative instrument, determine a scheme for paying $20 million, in the period starting on 1 January 2011 and ending at the end of June 2013, for assistance for the undertaking of higher education by people under 25 years old who both:

(a) have their main place of residence in a rural or regional area; and

(b) would experience financial hardship in undertaking higher education without the assistance.

(2) Without limiting the generality of subsection (1), the scheme may deal with the following:

(a) the form of the assistance;

(b) the circumstances in which payment is to be made, or assistance is to be provided, to particular persons;

(c) the amounts of payments to, or assistance for, particular persons;

(d) which persons qualify for payments or assistance;

(e) administrative matters, such as determination of entitlement and how and when payments will be made or assistance will be provided.

(3) The Minister may, by legislative instrument, vary the scheme, but not so as to reduce the total of payments to less than $20 million or delay the day by which that amount is to be paid.

These are essentially consequential amendments to give effect to the arrangements entered into between the government and the opposition in terms of changes to the start-up dates and changing the age of independence, which have effects for student start-up scholarships and relocation scholarships, relax parental income tests for payment of youth allowance and tighten workforce participation criteria for payment of independent youth allowance.

Senator MASON (Queensland) (12.24 pm)—The opposition supports these amendments. They are consequential to the government’s previous amendments, and we support them.
Question agreed to.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (12.25 pm)—I present the statement of reasons and a statement by the clerk:

The statements read as follows—

Parliamentary Counsel - Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 BV265

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

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation

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

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

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

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

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

Amendment (14)

The effect of this amendment is to expand the circumstances in which persons will be eligible for student start-up scholarship payments and relocation scholarship payments in 2010. It is covered by section 53 because it will increase the amount of expenditure out of the Consolidated Revenue Fund under the standing appropriation in section 242 of the Social Security (Administration) Act 1999.

Amendment (16)

The effect of this amendment is to provide for a new scheme requiring the expenditure of $20 million for assistance for the undertaking of higher education by certain people. It is covered by section 53 because it will increase the amount of expenditure out of the Consolidated Revenue Fund under the standing appropriation in section 242 of the Social Security (Administration) Act 1999.

Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] SHEET REVISED BV265

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

Amendments (14) and (16)

The Senate has long followed the practice that it should treat as requests amendments which would result in increased expenditure under a standing appropriation, although this interpretation is not entirely consistent with other elements of the established interpretation of the third paragraph of section 53 of the Constitution.

On the basis that these amendments would result in increased expenditure under the standing appropriation in the Social Security (Administration) Act 1999, it is in accordance with the precedents of the Senate that these amendments be moved as requests.

Bill, as amended, agreed to, subject to requests.

Bill reported with amendments and requests; report adopted.

BROADBAND

Return to Order

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.26 pm)—by leave—I wish to advise the Senate that the National Broadband Network implementation study report that is the subject of a Senate order for
the production of documents was received by the government on 5 March 2010. The government is currently considering the implementation study. Accordingly, I am not in a position to comply with the Senate order. The implementation study is a comprehensive document which runs to hundreds of pages. It considers, among other things, the operating arrangements for NBN Co., the ownership and structure of the company and network design issues. Putting the study together required a multidisciplinary approach and an enormous and sustained effort, together with extensive shareholder consultation and input from NBN Co. The study has synthesised this extensive input into a significant number of recommendations to government. It is not uncommon, and in fact it is sensible, responsible and appropriate, for governments to take some time to consider reports they receive before decisions are made about release and the next steps. The government is considering the report carefully before making decisions about the next steps.

I appreciate that crossbench senators are genuinely interested in the implementation study and the rollout of the National Broadband Network. I also welcome the fact that many of them broadly support getting a more competitive market structure in telecommunications for the benefits of consumers and businesses in this country. However, I will take this opportunity to note the hypocrisy of those opposite on this particular issue. The Howard government, on many occasions, failed to release reports or studies they were provided with or did so after a significant period of time. I am advised that between 1 July 2005 and 2007 only one motion for the production of documents in the Senate was agreed to. For them to now criticise the government for lack of transparency and for not releasing the implementation study after having only received it on 5 March, less than two weeks ago, is the height of hypocrisy.

Senator Minchin wants to pretend the past did not happen. He seems to have amnesia. He wants to pretend that he is the bastion of transparency and accountability when in fact his track record suggests the opposite. What is more, Senator Minchin claims that the implementation study needs to be released so that the telecommunications reform bill can be considered properly, yet Senator Minchin and his colleagues have already indicated they will vote against the bill irrespective of the content of the implementation study. It is just a little hypocritical. They say, ‘Release the report so we can consider it and decide,’ yet they have already decided to vote it down.

You continue to be engaged in a filibuster. I noted with interest that in this morning’s papers an unnamed Liberal source was boasting about the filibuster, boasting about the number of speakers that were all going to take their 20 minutes, thus ensuring that this bill would not at any stage get to a vote. Those opposite, drunk on their position and drunk on their ability to frustrate the government in this chamber, have indicated that they are going to continue to filibuster. There in black and white in this morning’s newspapers is an opposition drunk on arrogance, drunk on its ability to frustrate the government’s legislative program in the Senate, boasting that they intend to ensure that this bill will not get to a vote this week.

The National Broadband Network will transform the competitive dynamics of the telecommunications sector in this country. It will drive a new era of productivity and growth in this country. Back in April last year we committed to undertaking a detailed implementation study in order to optimise the development of the NBN policy settings and the rollout. The implementation study
team of McKinsey-KPMG has worked closely and in a complementary way with NBN Co. Ltd and its executive chair and CEO, Mr Mike Quigley, who has vast experience in the telecommunications sector. In December last year Mike Quigley noted that the parallel and complementary work streams being undertaken by NBN Co. and the lead adviser were sensible. He said:

... there are significant benefits and synergies from a close cooperation and this is exactly what is happening. NBN Co and the Lead Adviser team of McKinsey/KPMG are working closely together on many issues and I believe the Government was very wise in setting up this dual stream approach at the beginning of a project of this size and complexity.

The government remains committed to ensuring the successful rollout of the NBN policy.

SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (WEEKLY PAYMENTS) BILL 2010

Second Reading

Debate resumed from 15 March, on motion by Senator Wong:

That this bill be now read a second time.

Senator HUMPHRIES (Australian Capital Territory) (12.32 pm)—The Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010 enables weekly payments for certain members of a class of people who receive social security periodic payment, family tax benefit or the baby bonus. It is intended to target people who are assessed as being vulnerable, such as those who are homeless or at risk of homelessness. The measure was foreshadowed in the homelessness white paper, The road home: a national approach to reducing homelessness, which was released in 2008. The amendments allow the secretary of the department to identify at-risk individuals, generally by discussion with them, who may benefit from weekly rather than fortnightly payments. The class of people from whom the individuals might be drawn will be determined by a legislative instrument to be made by the minister, which will then be laid before the parliament.

I think it is important to note that a trial of this scheme with around 1,700 disadvantaged welfare recipients was conducted some years ago under the Howard government in 69 Centrelink customer service centres by the then Department of Employment and Workplace Relations and Centrelink from October 2005 to April 2006. We took the view, shared it seems by the present government, that greater flexibility in tailoring welfare assistance to the needs of citizens is a positive thing.

For some individuals, the option of weekly payments will be a valuable and appropriate fallback. The government has made it clear in the bill that it has no intention of weekly payments becoming a mainstream measure, reserving it for those who are regarded as highly disadvantaged and at risk, for example, of becoming homeless. The coalition support this bill and support action that will help people who are, regrettably, living on the streets move into more permanent accommodation. We believe that, in the process of taking people from homelessness to a home, we should give people not merely shelter but the tools to live independently.

The issue of homelessness in the Australian community today is a very complex and multifaceted problem. From discussions with people who are homeless and from talking to agencies who assist people who are homeless, it is clear that there are many dimensions to this problem. Accordingly, we have some misgivings about the nature of the government’s overall response to homelessness. The Prime Minister’s pledge to halve home-
lessness by 2020 is unrealistic or, at least, lacks the apparent trappings that would describe the way in which the government will actually deliver on this very significant, perhaps even bold, promise. For example, the Prime Minister has recently announced—when attempting to lift the profile of the government’s pledge to halve homelessness—further assistance to the Personal Helpers and Mentors Program which, while very welcome, amounted to the equivalent of only around $33 per homeless person per year. I do not need to tell people in this place that $33 per person per year is barely enough to buy a homeless person a roof over their head for one night, much less for one year. It is true that the Rudd government’s tokenism is no alternative for real action on an issue that the Prime Minister himself has described as ‘a national obscenity’.

The Prime Minister and the Minister for Housing have conceded that the rate of homelessness has risen since this pledge was made. In a recent report in the Australian entitled ‘Kevin Rudd losing the fight on homelessness’, a number of welfare agencies that are closely involved in addressing the issue of homeless people in a very practical and personal way indicated that in their estimation the rate of homelessness had ‘significantly increased’ since the Prime Minister’s pledge, a view conceded by the housing minister. We believe that the Prime Minister himself has described as ‘a national obscenity’.

The government’s failure to deal with the housing affordability crisis, which the Prime Minister described as ‘the ultimate barbecue stopper’ before the last election, places enormous pressure on all other areas of the housing market. Less affordable homeownership means more stress on private rentals, which means more stress on social housing, which in turn can have a bearing on the quantum of emergency and other housing accessible by people on the streets of our cities. To the extent that we are talking about a shortage of beds—and, as I said, it is much more complex than that—it follows therefore that fixing housing supply at every level needs to be part of our response to homelessness in this country.

As I said, the coalition do not oppose this measure. We believe it is a good measure that will assist many who are at risk of homelessness to better balance their budget by containing the consequences of unwise decisions they or those around them might make. It is an important measure but it needs to be supplemented with the necessary social support, planning and other measures to ensure that what has been promised to the homeless is indeed delivered to the most vulnerable people in our society. On this question, these Australians certainly deserve less talk and more action.
The Greens will be supporting the Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010. We see this as a positive move and a positive response by the government to help people who are struggling with disadvantage and struggling to stretch what is very limited income to cover all the essentials of life. We see this as a positive approach the government are taking—versus the negative approach they are taking to income quarantining, for example. Income quarantining is a punitive approach that we believe impacts negatively on people and demonises them, whereas this approach is about how we can help people to better manage their finances in a positive way. So the Greens think that is a good move.

We also think it is good that there has been a trial and there has been consultation with community based organisations—again, as opposed to the approach the government have taken to income quarantining, where there was no consultation with community and welfare organisations: once the bill was introduced, it was a fait accompli. It is quite obvious from the government’s response to the committee inquiry that they are trying to push it through, come what may, despite the overwhelming number of submissions to the inquiry that pointed to the problems with income quarantining and its negative impacts—and, obviously, we will be debating that particular legislation in the not-too-distant future. Here the government have actually demonstrated they can get it right. They can get the approach right. They can consult with people. They can help disadvantaged people balance their budgets and manage their finances through a positive approach, rather than demonise people through a negative approach.

One of the issues that was raised—and I know the government is aware of this; I am just seeking to ensure that there is clarification of this when the government responds—is that this is a voluntary measure. It will not be imposed on people. It is voluntary. I understand the government has committed to that. We want that on the record to ensure this measure is not used to pressure people, that it is a voluntary measure. Having said that, as I articulated, the Greens do support this measure. We think that it is an important measure, that it will help people who are struggling to stretch their limited finances to cover the essentials and that it will also address the issues, although in a small way, around homelessness and stop people falling into homelessness. So, as I said, we will be supporting the bill. I would appreciate it if the government could confirm that this is a voluntary measure.
fordability Scheme. This is the biggest single investment in social housing ever made.

Although housing is critical, there are a number of other challenges many people need to overcome to get housing and stay housed. Fixing homelessness is not something that can be achieved just by providing a roof and walls. In fact, the need to address these challenges as well as resolve the under-supply of housing is emphasised in the government’s white paper. For these reasons, we are working hard to put an end to homelessness by providing the support people need to sustain their housing and linking our new housing program to intensive, specialist support to break the cycle of homelessness.

Centrelink’s role in reducing and preventing homelessness is critical, particularly as Centrelink provides income support payments to 6½ million people in Australia, many of whom are disadvantaged, vulnerable and socially excluded. Accordingly, Centrelink has a major part to play in identifying those people at risk of homelessness and assisting them to stabilise their housing situation. Centrelink has put in place systems to identify customers who are homeless or at risk of becoming homeless. These systems will enable Centrelink staff to assess whether a customer requires assistance from a Centrelink social worker to make certain that the necessary support is given to ensure that they stay housed. This will allow Centrelink to improve and tailor its services to those customers who are most vulnerable to homelessness.

Since October 2009 Centrelink has begun to establish a network of Centrelink community engagement officers. This program currently consists of 90 specialist staff, located throughout Australia, supporting some of the most vulnerable people in our community. These officers are working with non-government organisations such as drug and alcohol rehabilitation services, with mental health services, with hostels, boarding houses, refuges and drop-in centres, providing better access to income support and other services available through Centrelink.

Question agreed to.

Bill read a second time.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Cash)—Order! It being 12.45 pm, I call on matters of public interest.

Business

Senator CAMERON (New South Wales) (12.45 pm)—I rise on a matter of public interest, and that is the disappointment felt by many at the persistence of the short-term, opportunistic thinking in the business community. Recent contributions from business on important policy questions have failed to consider the national interest or the long-term interest of Australian society and the economy. But it has not always been this way. The Business Council of Australia, contending with a Howard government incapable of making long-term decisions on infrastructure, investment, skills development or having a credible response to climate change, commissioned a study on short-termism in Australia. The study was published in 2004 as an annual review under the title Seeing between the lines; looking beyond the horizon. In order to briefly outline what it meant by short-termism, the BCA made the following points:

Creating lasting value, sustained growth and quality of life require Australia to extend its vision and time horizons.

They said:

The Business Council of Australia has a strong interest in the causes of, and solutions to, short-termism.

And they went on to say:
At a more general level, there is also concern among BCA Members that the dynamics of change are forcing individuals, investors, businesses and Government to develop shorter time horizons in their decision-making, this could have significant implications for the adequacy and composition of public and private investment.

As a result, Australia’s ability to sustain economic growth, and thereby sustain individual well-being and quality of life over time is likely to be compromised.

The BCA report went on to note a Duke University and University of Washington study of 401 senior financial officers of major US companies. This report found the following: 78 per cent of those surveyed would give up economic value in exchange for reporting smooth earnings growth; 55 per cent of respondents would delay the start-up of profitable investment projects to avoid missing an earnings target; and four out of five executives said they would defer maintenance and research spending to meet earnings targets. Commenting on these findings, Campbell R Harvey, an international business professor at Duke, said:

I was shocked by the honesty of the executives’ responses. There was no cover-up—they are telling it like it is. Perhaps they see this research paper as the first step in defusing the cycle of short-termism.

Unfortunately, many of the lessons and recommendations from this report have been forgotten by key members of the Business Council of Australia and most certainly by the opposition, whose political agenda is based on short-termism, opportunism and populism.

The nature and structure of the international finance sector and its short-term demands for ever-increasing returns was, in my view, part of the spiral that led to the global financial crisis. It seems to me that, when a government seeks to address the long-term issues facing the nation such as climate change, health and education, short-termism from the opposition and the business community comes to the fore. This has been made clear in recent statements and submissions to government from the Business Council of Australia.

There was a time quite recently when the BCA was unequivocal in its support for a market based solution to the threat of climate change. On 24 November last year, BCA President Graham Bradley issued a statement which made it clear that, in the view of the BCA, the introduction of the Carbon Pollution Reduction Scheme in Australia was of such fundamental importance and long-term consequence that it required bipartisan support. Mr Bradley went on to say that, when passed, the legislation would enable Australian businesses to plan for and make the required decisions about investments to transition Australia to a low-emissions economy. But on 11 February this year, in a speech to the Australia-Israel Chamber of Commerce, Mr Bradley saw fit to be far more equivocal on the task facing this country in tackling climate change. Mr Bradley and the BCA backtracked on their support for a market based mechanism to reduce greenhouse gas emissions and sought to hide behind the outcome of the Copenhagen conference to justify this.

It is not only the BCA that is running away from the market; it is the Liberal Party that is running away from the market as well. In that same speech, Mr Bradley outlined five reforms he and the BCA consider the most important challenges facing Australia. Tackling climate change simply did not rate a mention. In my view, this was an example of short-termism writ large. It is an appalling example of policy weakness and political opportunism aimed at cosying up to a Liberal Party lurching dangerously to the right and, in doing so, giving comfort to a Liberal leadership who will do anything to win votes,
who will promise anything to win votes, who are untrustworthy and extreme.

The failings of the business community, represented by the BCA again, came to light in the BCA’s 2010-11 budget submission. In so many ways the submission is entirely predictable. It makes the perennial call for ‘ongoing structural reforms of our system of workplace relations’. For the BCA, it is as if the government had not already reformed the industrial relations system to deliver a balanced and fair system for all Australians. Of course, we all know that the BCA’s call for further reform is actually code for winding the clock back to Work Choices. We all know Work Choices was the manifestation of the Liberal Party and BCA’s long-cherished dream to destroy collective bargaining and union organisation in Australia.

Everyone knows what the Howard government’s AWAs, supported by Mr Abbott, the Leader of the Opposition, meant for Australian workers. Sixteen per cent of all AWAs reviewed by the Office of the Employment Advocate excluded all protected award conditions. The conditions that were ripped away by Work Choices were leave loading, penalty rates and shift loadings. Only 59 per cent of the AWAs retained declared public holidays. So public holidays were gone for workers under Work Choices. Only 22 per cent of the AWAs provided a wage rise during the term they covered. Protected award conditions most often modified were overtime penalties, rest breaks and public holiday pay. Six per cent of AWAs failed to meet the annual leave minimum standard. Labor will not be going back to a discredited policy that undermines decency and fairness in the workplace. We will not be going back to where John Howard was and where Tony Abbott was. That is not for us.

On the question of fiscal priorities, the BCA’s submission makes it clear where their priorities lie. After re-asserting that fiscal responsibility on the part of government has strong public support, which, no doubt, it has, the submission sets out the BCA’s hit list for fiscal rectitude. In a simplistic and uncaring manner, the BCA submission sets up the 10 biggest Commonwealth expenditure programs for real cuts over time. From this list, we can see that the BCA support real cuts to revenue assistance to the states, including my home state of New South Wales, cuts to pensions and other payments to seniors, cuts to family tax benefits, cuts to Medicare, cuts to disability support pensions, cuts to health-care special purpose payments, cuts to unemployment benefits, cuts to government school payments to states, cuts to pharmaceutical benefits and cuts to higher education support. No doubt the extreme Right of the Liberal Party will be looking at this and saying, ‘Way to go, BCA.’ The BCA’s hit list would have little public support and would, if implemented, introduce the worst aspects of the US dog-eat-dog society into Australia. We are not for that on this side of politics.

How is it that an organisation that expects to be taken seriously by a social democratic government believes that the budget should be balanced at the expense of the weakest and most vulnerable in our society? How could these people be so out of touch? It is because they do not inhabit the same world as the vast majority of Australians. Mr Graham Bradley is the BCA president. He is a professional company director. Mr Bradley’s director fees can be fairly accurately estimated as being in the order of $1.5 million last year—not bad for a handful of part-time jobs. Mr Greig Gailey is the immediate past president of the BCA and is currently its vice-president. Mr Gailey’s total remuneration from Zinifex for the 2007 financial year was $16.69 million, including a termination payment of $13.5 million.
Mr Ralph Norris is on the BCA board. He is the managing director and CEO of the Commonwealth Bank. Mr Norris was paid total remuneration of $9.2 million in 2009, including $1.17 million in short-term incentives. No wonder they like short-termism when they can pick up $1.17 million in short-term incentives. Short-termism can be highly profitable for some, especially if you are a banker. Also on the board of the BCA is Mr Richard Goyder. As Managing Director and CEO of Wesfarmers, in 2009 Mr Goyder was paid a total of $8.126 million and a short-term incentive of $1.1 million. There are others on the board of the BCA who I am certain are paid far in excess of the wildest dreams of most Australians.

BCA board members would never have to worry about how they put the next meal on the table. They would never have to worry about how they pay their mortgage or pay their rent. They would never have to worry about what sacrifices they have to make to send their children on a school excursion. They would never have to worry about where the money will come from to pay the doctor’s upfront bill. They would never have to worry about buying a prescription drug for their sick kids.

Senator Birmingham—Whatever happened to the crackdown on executive salaries?

Senator CAMERON—Is it any wonder they are so out of touch with what is real in this economy and in this society? They live in the world of the super rich, a world of harbour-side mansions and luxury cars, the best that money can buy. They are oblivious to the day-to-day struggles of ordinary Australian families. The interjectors on the other side simply want to stand up for the big end of town, who simply want to let the market rip, who want to go back to Work Choices and to workers being completely subservient to multimillionaires in this economy. That is the history of that lot over there. And do not be fooled by the new face of Mr Abbott, because Mr Abbott is one of the most extreme, right-wing officers in this country. This is what we would be faced with if he ever became Prime Minister of this country.

We as a government deal in the real world. The BCA has called for lower business taxes and lower personal taxes and they want to increase the GST on ordinary workers. We do not hear many complaints from the opposition on that. We all know that this would make ordinary Australians pay more while the big end of town get off with less. That is unacceptable. We all know that these taxes are regressive. This government wants to build a good society, a society where the market serves society, not the other way round. We should not allow short-termism, self-interest and greed to be the basis of this society. That is why we say: reject the BCA proposition, reject the arguments from the coalition on these issues and make sure that we do build a society that we can be proud of and a society that is sustainable into the future. (Time expired)

South Australia State Election

Senator BIRMINGHAM (South Australia) (1.00 pm)—This Saturday, South Australian voters will face a real choice when they go to the polls in our state election, a choice between continuing the 15 years of shallow, spinning leadership by Mike Rann or the straight-talking real action of Isobel Redmond. Today I want to highlight three key areas that South Australian voters need to be aware of as they go to the polls. I want to highlight Labor’s outrageous refusal to countenance making full use of our stormwater resources, Mike Rann’s godlike claims to have made the rivers run to South Australia and, finally, Labor’s dirty deals on upper
house preferences in the Legislative Council election.

Firstly, to stormwater, and it is no surprise to anybody that water remains the No. 1, No. 2 and No. 3 priorities for South Australian voters. Water has been for a long time and still is, rightly, the top priority in the minds of everybody. But, just as it was with desalination, national management of the Murray and anything else to do with water management, Mike Rann and the state Labor Party have had to be dragged kicking and screaming to even consider what they might choose to do on stormwater management.

The Liberal Party have led this debate. Isobel Redmond has outlined details of plans for stormwater capture, stormwater storage and stormwater use. Under her stormwater plan, 89 billion litres will be added to our water supply—treated, safe water fit for consumption—reducing pressure on the Murray and irrigators.

Senator McEwen—At what cost?

Senator BIRMINGHAM—you might oppose it, Senator McEwen, but indeed so do your state Labor colleagues. What did the South Australian environment minister and stand-in water minister—when you are too ashamed to have the federal party minister out speaking for you—Jay Weatherill have to say on 8 February about stormwater use? He said:

We are not going to do it …
We will never do it.
And:

We are not going to be having people drinking road run-off.
He was joined by the health minister, John Hill, on 16 February, who said:

This is a potentially dangerous and poorly conceived plan by the Liberals that could put the health of South Australians at risk.

Mike Rann, Jay Weatherill and John Hill have turned what should be a sensible debate and dialogue and discussion about stormwater into a dirty scare campaign. That is what they have tried to bring this debate down to—a dirty scare campaign.

Let us look at the evidence. Recycled stormwater that has been purified of contaminants has been used and demonstrated in South Australia already by the City of Salisbury Council working in conjunction with the CSIRO. The CSIRO has developed and demonstrated purification processes to drinking standard. The aquifer storage, transfer and recovery process is proved by the CSIRO in its paper, What is Recharge? Turning stormwater into drinking water, which says:
The Salisbury project shows the potential for treated stormwater to go into the main supply.

In another publication, The Science of Providing Water Solutions for Australia, the CSIRO says that adding treated stormwater to main supplies is ‘cheaper, more energy efficient and has a lower carbon footprint’ than desalination.

The Environment Protection and Heritage Council, the Natural Resource Management Ministerial Council and the National Health and Medical Research Council’s National Water Quality Management Strategy document, Australian guidelines for water recycling, managing health and environmental risk, and augmentation of drinking water supplies, states:

Highly treated stormwater can be used as a source for drinking water augmentation.

The CEO of the National Water Commission stated that ‘all options should be on the table’ and that we certainly should be ‘encouraged to have an open mind’ with regard to the use of stormwater. Far from an open mind, far from listening to the CSIRO, the National Health and Medical Research Council and
the Environment Protection and Heritage Council, Premier Rann, Minister Weatherill and Minister Hill obviously have closed minds. Never mind that it may already be happening or underway or under development in Iowa in the US, Milford, Santiago, California, Essex in England, Singapore or in South Africa—no, they have closed minds and they say they will never do it, never consider it.

That is an outrageous proposition. The water minister, South Australian Senator Wong, should be condemning her state colleagues, particularly her factional friend Minister Weatherill for his gross irresponsibility in ruling out the use of stormwater and for his failure to accept that we should pursue every option to maximise our water efficiency and reduce our reliance on the River Murray. We should never say never to any option. Yet that is exactly what Rann Labor are doing when it comes to stormwater. Far from educating people, they choose to scare them. It is an irresponsible election tactic and I trust the South Australian people will see through it.

I trust they will also see through the latest claims on floodwaters, the claims by Mike Rann that he has a godlike ability to make it rain and that he can shift the waters to South Australia. He got the front page in the Advertiser yesterday saying that he had stitched up a deal that ‘waters would flow’. He said on ABC radio yesterday morning:

New South Wales did not have to give up one single drop of water to us. But it’s about negotiating, it’s about doing the hard yards, it’s about actually going out there and doing deals which are about benefiting our state.

This claimed deal by Premier Rann is nothing more than a stitch-up between Labor mates. It is a stopgap headline by Premier Rann’s Labor mate premiers in New South Wales and Queensland to see him through an election. Indeed, it was exposed as a stitched-up deal by none other than the chief executive of the Department of Premier and Cabinet yesterday, the head of Premier Rann’s own department, who released a statement that said:

The newspaper report is inaccurate to the extent that no deal has been done. Rather, the release announces negotiations that will be ongoing with officials to be involved in the water volume calculations and release mechanisms. While the Public Service has not been involved in these specific negotiations to date, I expect that to occur.

That is quite transparently a Labor Party stitch-up—a discussion between Premier Rann and Premier Keneally, possibly of no further substance than that. No documentation could be released because no documentation exists. There is nothing more here than a shallow attempt by the Labor Party to get Premier Rann out of trouble by saying he has some water that in reality he has nothing to do with. It is not just that there was no deal on this water; the reality is that this water will flow anyway and the prior deals show that Premier Rann had left South Australia exposed to a very bad situation. He struck a deal earlier this year on some early floodwaters that eventuated in December and January. But on that deal the New South Wales government, in its own paperwork that it released in February this year, stated:

If there were to be additional inflows into the Menindee Lakes from a subsequent event, the NSW Office of Water would surcharge Lake Wetherell and Lake Pamamaroo to 609 GL. Then depending on the additional volumes, would divert water into Lake Menindee and Lake Cawndilla if the volume would ensure a minimum of 400 to 500 GL in these lakes.

That is from documentation released by the New South Wales Office of Water earlier this year that demonstrates quite transparently that, in the event of further floods, their intention was to fill up the Menindee Lakes system first. All four of those lakes would be
filled first and South Australia could be kept waiting. On Monday the New South Wales Office of Water released a further statement, saying that, while it is too early to estimate the total volumes that will pass into the Barwon-Darling River, the early assessment is that there will clearly be enough to justify directing water into Lake Menindee. The statement said that in the coming days water will commence flowing from Lake Pamamaroo into Lake Menindee for the first time since 2002. Clearly, Mike Rann was panicked when at 9 am on Monday the New South Wales Office of Water announced it was going to start filling the remainder of the Menindee Lakes. He needed a quick political solution, and that is when he got on the phone to his Labor Premier mates. That is when he struck his deal that is not written down anywhere, has not been discussed by any of the public servants and does not really exist.

The real problem for Premier Rann is that anybody who understands geography and the natural flow of water would realise that this water was going to come to South Australia anyway. The Bureau of Meteorology estimates that the run-off from the Queensland floods is some 6,215 gigalitres. That is more than six trillion litres of water. The Menindee Lakes system can only take another 1,100 gigalitres. Lake Victoria can take less than 200 gigalitres. So, even allowing for evaporation, irrigation take-off, seepage and all the losses that would occur along the way, the simple truth is that this water was going to have nowhere else to go but downstream. There is probably so much of it that it will have to flow into South Australia. It is actually nature doing its job, geography doing its job and gravity doing its job. It has nothing to do with whatever Premier Mike Rann might claim that he has been doing.

Finally, I would like to reflect on the dirty preference deals the Labor Party has stitched up for its South Australian Legislative Council race. I credit voters with plenty of intelligence. They usually get it right. Sometimes, unfortunately, they realise in retrospect that they have elected the wrong body. But I accept that at the time they might have been thinking about wanting to change—and, of course, they will come to regret it later on. I accept that voters have plenty of intelligence, but they are quite often time poor. Having made their decision when they go to the ballot box, they want to get in and out of there as quickly as possible. That is fine when it comes to voting in lower house elections. They have to allocate every preference and they at least are responsible for how those preferences are allocated. But for upper house elections in South Australia, as for this chamber, they have the choice of voting above the line. The voters do not allocate their preferences in the overwhelming majority of instances; the parties or the candidates allocate the voters’ preferences for them once they choose to put that ‘1’ above the line.

Therefore, it is of grave concern when dirty deals appear to have been struck that will deliberately distort the voters’ intent. Several such examples exist from the lodgement of tickets for the South Australian Legislative Council election. We have an Independent running in support of an independent commission against corruption. An Independent for an ICAC. The South Australian Liberal Party has for a long period of time had a clear-cut policy supporting the establishment of an ICAC. Mike Rann opposes it. So where do you think the Independent who supports an ICAC might direct their preferences? To the Liberal Party? No. They directed them to the Labor Party, to the very party that opposes the policy platform on which the candidate is standing. It is an outrageous concept that that Independent is flicking their preferences off to a party that is
standing for the polar opposite of what they stand for.

The Fair Land Tax-Tax Party, a party that has been taking out full-page advertisements attacking the Rann government over the extent of land tax is, lo and behold, preferring the Labor Party ahead of the Liberal Party in the Legislative Council election. So the party that has overseen a massive increase in land tax is getting the preferences of a party that is campaigning against land tax.

Senator Mason—How does that work? It’s outrageous.

Senator BIRMINGHAM—It is an outrageous proposition indeed, Senator Mason. But the most amazing thing of all—and you will like this, Madam Deputy President Cash—involves the Independent Climate Sceptics, who have drawn column A on the Legislative Council ballot paper. The material from the Independent Climate Sceptics makes it pretty clear that they believe that an emissions trading scheme will never, ever prevent climate change; that extra CO2 makes the earth greener, with extra plant growth; that climate change is natural and warmer periods occur without human CO2 emissions being the cause; that CO2 increases rarely correlate with the earth’s temperature rising and that any correlation is therefore incidental; and that the alarmist theories propounded by the IPCC and other political bodies are crippled by huge uncertainties. Not only are they the mob that are preferring the Labor Party ahead of the Liberal Party but—wait for it!—the Labor Party is preferring the Independent Climate Sceptics ahead of not just the Liberal Party but the Save RAH Party. So a group of doctors with whom you might disagree on policy but who care about our health system and are campaigning on that are less worthy of Labor Party preferences than the Independent Climate Sceptics. This is the party that Senator Wong used to be the state president of.

Senator Hurley interjecting—

Senator BIRMINGHAM—Indeed, Senator Hurley, you can take credit as well, if you like. The Minister for Climate Change, Energy Efficiency and Water is the most senior minister represented in the Labor Party in South Australia, yet her party has decided to preference the Independent Climate Sceptics higher on the list than a bunch of active and concerned doctors on policy matters. This is outrageous.

These preference deals are constructed by fraudsters and charlatans; people who want to distort the will of voters. They are in bed with the Labor Party. Going into this election the voters need to be aware that, if they choose to vote above the line for any of these organisations that are in bed with the Labor Party, their vote may end up where they least expect it to end up. They may have concerns about climate science, an independent commission against corruption or land tax but, despite those concerns, their votes could well end up supporting Labor Party candidates who stand for the polar opposite of what those voters are supporting. Let the voter beware.

Political Advertising

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.15 pm)—This afternoon I will be moving a motion that asks the Senate to call on the government to amend the Commonwealth Electoral Act before the next federal election to incorporate a truth in political advertising unit to monitor and regulate political advertising to ensure it is true and accurate. Following Senator Birmingham’s speech, I expect that both the opposition and the government will support this move to insist that voters not be misled on their way to the bal-
lot box. This is a move not just to help clear up some of the nastier politics that we are seeing unfold now in South Australia and Tasmania but to give voters a break from the persistent corrosion and erosion of the body politic by parties who wish to mislead electors about their opponents.

I also foreshadow that I will bring in legislation for a commissioner for integrity in politics. I believe we very badly need an independent arbiter of some of the nastiness and fraudulent behaviour that we see creeping into politics. In South Australia at the moment the Labor Party is running ads against the Liberal leader, Isobel Redmond, which imply that she is not concerned about some dangerous drugs, and ecstasy is named. They also imply that in some way or another she wants to be soft on murderers in prison who may vote for her in return. I went to Adelaide last Friday to campaign for the Greens and I found the attack ads from Labor that misrepresent the leader of the Liberals in South Australia not just tasteless but disgusting, as they are aimed at getting people to change their votes on false premises. They try to fit a woman who has integrity. Even though she is not in the political camp that I am in, she is leading a genuine party to an election and is prepared to enter into debate on a wide range of issues. She should not be traduced in the way those Labor Party ads are doing.

In my home state of Tasmania, in the elections in 2007 the Liberal Party apparatchiks entered into an arrangement with the Exclusive Brethren. They used the issue of gender to warn the electorate that they should be fearful for their families because of Greens policies. Mr Mantac, who came from Prime Minister Howard’s office to the Tasmanian Liberals as their director, denied any connection with the Exclusive Brethren, but in a court case taken by a transgender citizen in Tasmania it was shown that Mr Mantac not only had knowledge of this attack but was an instrumental figure in misleading the electorate in a way which post-election required both the Exclusive Brethren and Mr Mantac to apologise to the voters of Tasmania. After the event it was too late. The voters of Tasmania had been misled on their way to the ballot box.

We now have in Tasmania an attack on the Greens coming from the Labor Party, which is very similar to the attack in South Australia on the Liberals, on the basis of drugs policy and prison policy. In both cases it is a complete misrepresentation of the Greens. It has got front-page articles in all three Tasmanian newspapers today. The Advocate has the headline ‘Girl gets automated ALP attack’. This article is about a nine-year-old girl who turned to her mother and said, ‘What’s heroin, Mum?’ The mother made inquiries and found out that this was a phone call from a Labor Party member who is currently in Western Australia. She recorded it as an attack ad on the Greens. She said she knew that this was not Greens policy but believed it might be in the future. In other words, it was a concocted and completely fraudulent representation of the Greens to the electorate, including to children who picked up the phone. You have to wonder how low this process has gone and why we as legislators who stand for decency, integrity and truth are not moving to cut this off at the pass.

Both Liberal and Labor have been involved in this process up to their necks. It is time it stopped. I can stand here and defend the Greens, but they need to look after themselves. The right of voters to be properly informed on their way to the ballot box is being attacked. Alison Andrews of the Examiner in Launceston is not a partisan journalist but she wrote today:

… I’m angry.
I’m annoyed at being treated like an idiot and cross at the thousands of dollars that have been spent on electioneering by candidates and party strategists acting like rude, spoilt children.

I’m talking about the dirty tricks campaigning that has exploded upon us in the desperate last days before Saturday’s election.

It has included the voting rights for prisoners’ policy taken to extremes so that suddenly interstate newspapers were writing stories about Port Arthur killer Martin Bryant getting the right to vote.

That is no party’s policy, but Labor claim it is. It will not matter to them whether they are peddling the truth because we do not have an institution which prevents such presentation and misleading of the voters. Ms Andrews goes on to say:

There are the brochures being distributed across the state alleging that the Greens plan to legalise heroin as well as give Tasmania’s worst criminals the right to vote.

Both of these are not manifestly or directly contrary to the Greens’ policies and their actions in parliament. She goes on:

And yesterday we had the telephone calls to householders again across the state with a recorded message from a so-called mother of two—this is by Labor—warning people not to vote for the same party for all the above reasons.

Don’t the people who dream up these smear campaigns realise that this is not the sort of behaviour that I expect from the people who aspire to represent our state, regardless of how I plan to vote.

We as politicians have a responsibility for what our party room and backroom boys and girls are doing. We are directly responsible for how the party behaves under these circumstances. It is appalling the way the Labor Party in both states is behaving on this occasion and as the Liberal Party has done on previous occasions in Tasmania.

It is time we cleaned this mess up and I intend to help do that. I will challenge both parties with a ‘truth in advertising commission’ through legislation and an integrity commissioner before the next election. I hope that both the Liberal and Labor parties will support this much-needed Greens move to give voters a fair go in the way of future elections in this country.

South Australia State Election

Senator HURLEY (South Australia) (1.24 pm)—I listened carefully to what Senator Bob Brown said and I should tell him that in South Australia we do have a mechanism to deal with misleading advertising. I find it very interesting that he has praised the leader of the Liberal Party, Ms Redmond, because the only occasion on which the electoral commissioner in South Australia has found ads to be misleading is in the case of Liberal Party advertising. The person Senator Bob Brown is defending as being a person of integrity is the only political leader found to have put out misleading advertising, as ruled on by the South Australian electoral commissioner.

I think the voters of South Australia, as Senator Birmingham said, do need to be aware, but they do not need to listen to him whining about a few preference issues in the Legislative Council vote. The voters of South Australia need to beware of the possibility of electing a Liberal government that is inept, that has spent its time divided and that is concentrating on internal disputes rather than on the good of South Australia.

Senator Birmingham referred to the Premier, Mike Rann, talking to his Labor Party mates in other states. Yes, Premier Mike Rann does talk to his Labor Party mates in other states. In fact, he also talks to the Labor Prime Minister here in Canberra, a move that was mirrored in a pathetic attempt by Ms Redmond last week to come to Canberra and
discuss issues about water. But Ms Redmond was unable to emulate the Premier. Her visit was very largely a flop, whereas the Premier, Mike Rann, returned to South Australia with significant defence contracts and significant financial assistance with infrastructure projects—all things which ensure that South Australia is now in the best position it has been in for many decades.

South Australia certainly has a record low unemployment rate, which is something that would have been inconceivable 10 years ago. People were resigned to the fact that South Australia would be a state languishing down the bottom and that it would always have a relatively high unemployment rate. Premier Mike Rann got in and made sure that South Australia had a strategic plan which included bringing the employment rate up to the national average. He thought big, he had big plans and he went about ensuring that those plans succeeded, and they have to a very large extent. When the Rann Labor government first introduced the strategic plan, people ridiculed it and said that he would be lambasted in the end because he had set such high targets they would never be reached. Most of those targets have been reached, and we are now setting even higher targets. Premier Mike Rann and his Labor ministers have the runs on the board.

South Australian voters should beware of voting in a Liberal team—I use that word loosely—that is very unstable and that has had its hospital plan and stadium plan costings comprehensively discredited. It is an opposition that has gone around making promises on the basis of a $1 billion saving in the hospital plan, but that saving has been discredited. The costings are based on back-of-the-envelope calculations—from an architect who has had no experience with building hospitals—submitted to the Liberal Party. The initial costings of the plan were double what it now says they are. It is on the basis of these dodgy costings that the Liberal opposition is going around making promises.

As for stormwater, which is one of these things that they will fund on the basis of these dodgy costings, the Rann Labor government has been very concerned about water and stormwater and has built a number of stormwater storage and recovery ponds around Adelaide and the state, building on the excellent work that has been done at Salisbury over many decades. Indeed, out at Andrews Farm, I lived next door to an aquifer storage centre that was built from the Better Cities funds from the Hawke government. These stormwater retention ponds have been put in place over a large number of years, over successive governments. They have been very successful. They have been used—again, I was in the northern suburbs—to water agricultural crops, and that is their best use. They water ovals for councils, agricultural crops and the market gardens in and around the northern suburbs of Adelaide.

Whether that water is suitable for drinking is something that is still an unproven technology. The CSIRO states very clearly that more research needs to be done in this area. We have already seen what happened in Queensland when it was suggested that recycled water be used for drinking water. It was soundly rejected by the population there because people felt that adequate research had not been done. Adequate research has not been on drinking water.

We see again the Liberal opposition using those half-truths, part-statements and twisting them around to make some semblance of a policy. They talk about billions of litres of drinking water coming from that stormwater idea. This is a consistent theme. They talk about these ideas as though they are going to be implemented in the next term of government when they know, and we all know, that those plans will not be implemented in the
next term of government—not the stadium, not the hospital refurbishment, not a lot of their other policies and promises, because they simply do not have the money to do it. They will have even less money when it is clear that not only is their idea for the refurbishment of the Royal Adelaide Hospital probably not physically possible but also the costings, I am sure, will prove to be completely wrong.

From my point of view, I know the election is going to be extremely tight. The Rann Labor government has been in power for two terms and people do have some feeling that governments should not be in place for too long. The Rann Labor government has suffered from that perception. Ms Redmond came to power in between two warring factions of the Liberal Party in South Australia. She has made good use of that position and she has been seen as a fresh face. The backroom people in the Liberal Party have made sure that she is not very often in the media, that her appearances are carefully scripted, that she sticks to the mantra and ignores specific questions about her policies, her costings and the validity of those costings.

The Labor Party in South Australia acknowledge that the election will be tight. They acknowledge that they cannot run on what they have achieved in the past eight years. They have put forward a series of policies to take South Australia forward into the future and build on the work that has been done in South Australia—in the mining exploration area, which is just coming to fruition, and work in the defence area. We see at the moment the building of housing and other facilities at Edinburgh to expand the number of Defence Force personnel. We see expansion out at Techport with manufacturing of defence materiel, which has wonderful spin-offs, and building on the work of DSTO in South Australia.

We have also seen a huge building of infrastructure in South Australia. The Northern Expressway is being built and the vast improvement of South Road, including an underpass, is well in train. These will have great benefits for the economy and for transport. We have already seen at Outer Harbour the dredging of the port, which has enabled Outer Harbour to keep dealing with the booming exports in our agricultural industry in South Australia, in grain and wine and so on. That was an early Labor government initiative on infrastructure that is now reaping tremendous benefits for exports from South Australia.

Not resting on its laurels, the South Australian government has continued to spend on infrastructure. This is something that we on this side of the house talked about constantly during the term of the Howard government, which was remiss in building that kind of infrastructure that would ensure continued prosperity. I was certainly very pleased during that time to be able to point to my own home state, where the Labor government was building infrastructure to ensure that we maintained our edge and built on that to go ahead for the future.

You cannot talk about infrastructure and the future without also talking about education. Again the Rann Labor government has placed a great emphasis on education in all sectors—primary, secondary and the tertiary sectors. For example, the Rann Labor government had great success in attracting tertiary institutions into South Australia, such as the Carnegie Mellon Institute, which is focusing on post-graduate opportunities, and building on the fantastic work of the tertiary institutions already in South Australia—the University of South Australia, Adelaide University, and Flinders University.

The Rann Labor government has a vision of South Australia being a state that is known
for a highly skilled, educated population that is poised for future development. So the Rann Labor government has set in place the building blocks to ensure not only that that is possible but that it will happen. I am certainly very worried for my state that this good work might not continue if the Rann government is not re-elected. I think that would be a great shame. I do not see the Liberal opposition having any of that kind of vision for the future. I think they have concentrated in their policies on blocking development. They do not want a new hospital, they do not want a redevelopment of Glenside and they do not want redevelopment out at St Clair. They have concentrated on saying, ‘No, no, no. Let’s not change anything. Let’s block everything. Go for us!’ Whereas I would like to see a re-elected Rann Labor government taking risks yet again but making sure that I and my children—and, hopefully in due course, my grandchildren—have a state that we are proud to call our own.

Emissions Trading Scheme

Senator BOSWELL (Queensland) (1.38 pm)—I rise to bring to the attention of the Senate the looming failure of yet another plank in the Rudd government’s climate policy. The Home Insulation Program is an ongoing debacle and a disgrace and the Green Loans Program is also battered and broken. Meanwhile, large-scale renewable energy projects are unravelling, damaging hundreds of millions of dollars of investment which was supposed to take Australia to 20 per cent renewable energy by 2020. These renewable energy projects are collapsing because of the Rudd government’s failure to understand the ramifications of changes to policy, changes such as those to domestic solar energy assistance and the solar credit multiplier which contributed to the renewable energy certificate market being flooded, devalued REC prices and pulled the rug out from under the large-scale energy projects.

Yesterday two of my colleagues, having given notice, moved a motion on the major flaws in the RET legislation that had led to a dramatic drop in the price of renewable energy certificates and stalled investment in the renewable energy sector. They noted that the delays had already caused a loss of jobs at the Musselroe Bay Wind Farm development in Tasmania and threatened the proposed expansion of the Hallett Wind Farm in South Australia. They called on the government to get cracking with the legislation and to ‘release any modelling or other analysis’ on which the government’s new proposal is based. They also called on the government to ‘provide assurances’ that the legislation will not result in unreasonable additional costs in power prices to end users.

The sad irony is that the government’s policies are actually hurting the very jobs and businesses that backed the government’s message on green power. Last week I asked Senator Wong what immediate action the government would take to keep the wolf from the door of the New South Wales sugar-milling cogeneration plants, which are due to call in the receivers. The New South Wales sugar cooperative and Sunshine Energy, in northern New South Wales, support over 600 farmers, 400 direct workers and more than 300 employees in the transport and field sectors. They built two major cogeneration plants with partner Delta at a cost of $220 million. The government has announced changes but these will come too late—in January—to save these plants. They need assistance today to stop them from going under; they cannot wait till January. With the flood of solar credit certificates, REC prices dropped from over $50 to under $24—but they have come up a bit—making it impossible for them to meet financial commitments without selling the plants’ RECs at very low prices, thereby reducing their ability to meet future commitments. The sugar cooperative
is also at risk of being affected if receivers do not operate the cogeneration plants to supply steam and electricity to its mill in the crushing season, which starts in June.

This New South Wales project is Australia’s largest baseload renewable electricity generation project and results in an annual saving of 400,000 tonnes of greenhouse gases. Each cogeneration plant will generate enough renewable electricity for about 30,000 average sized North Coast homes. These plants use renewable fuel sources, help reduce greenhouse gases, decentralise the supply of baseload electricity and meet community expectations for cleaner energy. But, as the operators of the plants explained in their submission to the COAG review last year:

Both plants are under extreme financial pressure with the flood of solar RECs hitting the market and the impacts on prices. It has put the cogeneration projects at Broadwater and Condong in a precarious position. We are forced to sell RECs in a depressed market to cover operating cost and bank loan repayments.

With current REC prices the project is losing in excess of $10 million per year from its revenue streams.

We are extremely concerned with the other introduced incentive schemes and bonuses as part of their economic support package that effectively subsidised solar and photovoltaic pumps to almost 80% of their capital cost and made the schemes eligible for up to 5 times normal REC generation. The government in their new system have effectively replaced government subsidies with “bonus” RECs and transferred a cost back to other renewable energy generators.

This led to REC prices that were a long way short of the estimates used in the government’s own modelling work. The McLennan Magasanik Associates report to the Department of Climate Change suggested that in 2009 REC prices would be around $70 per megawatt hour. The government estimated $70. Business got as low as $24. The New South Wales sugar venture invested $220 million, following the government’s own recipe to go green. Now they are going bust. As they say:

It is a ridiculous situation where our co-operative, with our partners, Delta, have spent significant capital on a renewable energy project and it is being destroyed by ill-conceived and wrongly directed government funds. It puts this project under considerable pressure and it will see the investment in renewables brought to a grinding halt if there is not a major change quickly the government will have completely destroyed any chance of meeting its renewable energy targets and may have destroyed a number of projects already in place, like wind farms and major bagasse generation projects like ours.

They say the government’s policies have effectively transferred profits from the renewable energy sector into the solar hot water sector and transferred costs from government rebates into the renewable energy sector. In their words, the renewable energy sector was not afforded the same rebates as solar, nor are they being given the same level of REC support as solar.

The government has said it will bring in changes from next January to rectify the problem. That will not help the cases I have already talked about. The damage is irreparable unless the government is prepared to fund the costs of its own mistakes, as it should.

The long-term problem is that the government could be creating a whole new set of problems with its changes. The original RET included measures to manage the impact of the policy on emissions-intensive trade exposed, EITE, industry. The February announcement gave no indication as to how EITE industries will be treated under the changes. Some industry voices say that the government’s changes significantly increase the cost of the RET scheme to electricity users, particularly the electricity-intensive
aluminium smelting industry. In particular, they say that the government has shifted the risk and impact to energy users. They have called on the government to (1) make an immediate statement that the competitiveness of Australia’s EITE industries will be maintained as part of the changes; (2) ensure the changes do not increase the complexity or uncertainty inherent in the RET scheme for large-scale electricity users; and (3) provide an ongoing true 90 per cent exemption from all RET (LRET and SRES) costs for the aluminium smelting activity, in recognition of its high electricity intensity.

The government may consider that this should apply to all electricity-intensive activities or all EITE activities. The government says that the LRET’s 41,000 gigawatt-hour target for 2020 has been set to achieve a level of large-scale renewable electricity generation above what was expected under the existing renewable energy target. But entities such as electricity retailers currently liable under the RET will be obliged to purchase RECs from both the LRET and the SRES. The government no longer knows what its renewable energy target is. For business, that is a scary thing because renewable energy is far more expensive than normal power. Under the changes, the 2020 target goes from 20 per cent to what? No one knows. This is because the LRET is capped but the SRES is not. The government must urgently release its modelling on the volume of SRES expected, because that is directly related to the power costs of liable entities—that is, the manufacturers and the job-creating industries.

The details of the new mechanism for obliging liable parties to purchase RECs created through the SRES will be finalised in consultation with stakeholders, says the government. However, concerns are being raised now by liable entities about the open-ended nature of the volume of the SRES. The high subsidies from federal and state governments will encourage a high take-up rate of the SRES. This means that energy users will have to buy an unknown but potentially increasing amount of SRES RECs at the $40 price. For example, if a liable entity is five per cent of the Australian market and there are 10,000 SRECs then they need to buy 500. But if 20,000 are created by small-scale generators then the liable entity would now have to buy 1,000. Liable entities—such as aluminium smelters and paper and cement manufacturers—would be responsible for buying their share of the volume regardless of how many are created. This is a big and costly risk to industry because renewable energy is a lot more costly than traditional forms of power. That cost comes off their bottom line.

Under the proposed small-scale renewable energy scheme, a 1.5 kilowatt solar photovoltaic installation in New South Wales, ACT or Queensland would receive an upfront subsidy of $6,200. The true cost is approximately $11,000. Under the ACT FiT scheme, that same installation would receive a premium tariff payment of 50.05 cents per kilowatt hour for a period of 20 years; therefore it would receive an annual subsidy of $1,034 for 20 years. Under the New South Wales FiT scheme, that same installation would receive a payment of 60 cents per kilowatt hour for a period of seven years; therefore it would receive an annual subsidy of $1,240. The government says:

Combined, the new LRET and SRES are expected to deliver more renewable energy than the existing 45,000 gigawatt-hour target in 2020. The degree to which the 20 per cent target is exceeded will depend on the uptake of small-scale technologies by households, small business and community groups.

And if state and federal governments make solar power attractive then potentially there is nothing to stop the target rising to say 25
per cent. This would represent a cost blow-out for high-energy users such as our paper, steel and cement industries. They cannot operate in a business environment where the cost of their major input, power, depends on an unknown number of households taking up massive government subsidies to install solar.

These subsidies are effectively being paid for by high-energy users, certainly not the solar householder. Ultimately the cost will be born by Australians in terms of lost jobs and industry if these added costs make our industries less competitive. This is a very serious issue. The government says they intend to bring in legislation to give effect to these changes to the RET in the winter sittings. They have a lot of work to do to get around the problems that I have outlined.

It seems that whenever this government tries to go green, it gets Australia into the red. I am raising these issues now so that the government has time to act on these warnings and avoid plunging industry into another round of capital losses. The end result is less renewable energy, not more. Unless the government is prepared to address these issues, we are going to face another disaster on the same scale as the insulation fiasco.

Political Advertising

Senator MILNE (Tasmania) (1.52 pm)—I rise today to support the remarks of my colleague Senator Brown when he said that what we desperately need in Australia is truth-in-advertising legislation. We also need electoral reform, very strong legislation on political donations to bring state electoral acts around the country into line, so that we do not have a situation where state governments can exploit loopholes in electoral acts, as the Labor Party in Tasmania has done in the lead-up to the election on Saturday.

There is a cancer in the culture of Tasmania. It is a cancer in the body politic. It set in 20 years ago under the then Liberal Premier, Robin Gray, when the William Carter royal commission released its report into the attempted bribery of Labor MP Jim Cox by Tasmanian media magnate and head of Guuns Kiln Dried, Edmund Rouse. The royal commission said that Premier Robin Gray had acted ‘deceitfully and dishonestly’ and had been ‘misleading and deceptively evasive’. The Premier of Tasmania was found by a royal commission to have exhibited that behaviour, and he was one of the Four Horsemen of the Apocalypse out on Saturday saying, ‘You can’t vote Green; you have to vote Liberal or Labor but not Green.’ This is a man who had been found by a royal commission to be deceitful, dishonest, misleading and deceptively evasive.

At the time, the royal commission investigated a group called Concerned Citizens for Tasmania. This anonymous group came out and said there had to be majority government and a second election. What the royal commission found was that it had been deliberately designed to mislead the community into believing that a group of well-meaning and concerned people had spontaneously come together to express their concern and to join others in voicing their protest about the Labor-Green accord, and it was found to have emanated from the Premier’s office. This is the man who came out in Saturday’s paper in Tasmania saying, ‘Trust me, don’t vote for the Greens.’ This is a man who the royal commission had fingered as having organised a campaign which was supposed to be spontaneous but which was set up to deceive the people of Tasmania.

That was a Liberal Premier, and the Liberal Party continued that in 2006 in the Tasmanian election. This was not just known in Tasmania. Senator Eric Abetz was a senior Liberal in Tasmania at the time. The Director of the Liberal Party, Damien Mantach, came out at the time and denied that the Liberal
Party had anything to do with the Exclusive Brethren attack on the Greens. He said, ‘I want to firmly put on the record that the Liberal Party of Tasmania, during last year’s state election, at no time paid for or placed advertisements for any members of the Exclusive Brethren.’ Subsequently, as a result of a very brave act and a brave court case by Martine Delaney, it came out that the ads for the Exclusive Brethren had been billed to the Liberal Party and the Director of the Tasmanian Liberal Party had to say at the time, ‘I know it doesn’t look fantastic.’ No, it does not. It was deceitful. It was designed to mislead.

With this election now in Tasmania we have the Labor Party doing precisely the same. In 2006 there was a group called Tasmanians for a Better Future. Just like the Concerned Citizens for Tasmania before them, under the Electoral Act they did not have to say who they were or how much money they had or anything else. It was a secretive group and the organisation was the result of Corporate Communications run by Tony Harrison, who worked for Robin Gray in the eighties. So aren’t they a nice little bunch of people? Out they came with a slogan that said ‘Tasmanians for a better future’. Coincidentally, Paul Lennon, the Premier of the day, had the slogan ‘For a better Tasmania’. To this day, the Tasmanian people do not know who bought the 2006 election, who put their money into ‘Tasmanians for a better future’ or who those people are. The only person who has come forward and said he was part of it is Michael Kent, the former head of the TCCI, the Tasmanian Chamber of Commerce and Industry.

Now we have David Bartlett, the man who said that he wanted to lead the Labor Party in Tasmania and that he wanted to have a kind, clever and connected Tasmania. What the Labor Party is doing in Tasmania is not kind, not clever and not connected. Dirty dialling is not kind. The electoral advertisement designed to deceive—because there is no legislation in Tasmania to prevent it—is not clever and it is not connected. It will backfire on the Labor Party, I have no doubt. But the point is that the people of Tasmania are being bombarded by advertising which is putting out lies and misleading the community in that state.

We have had a succession of these premiers and these Four Horsemen of the Apocalypse. There was Michael Field, who broke his word and broke the Labor-Green accord—a signed document. He said he would not reintroduce security legislation and then he did so. He misled the parliament and he lied to the people of Tasmania. Paul Lennon was exactly the same—a Labor Premier of Tasmania, disgraced because of the relationship between his government and the forest industry. There was John Gay, Gunns, the Ralphs Bay canal development, and Tony Rundle, a former Liberal Premier. Need I go on! The extraordinary thing is that the four of them—Labor and Liberal premiers—have all broken their word to the people of Tasmania by saying, ‘Don’t vote for the Greens.’

The Greens are the only people in this context who have not broken their word and have stuck to what they said they would do. We have kept to the documents we signed. The people of Tasmania know that we will press for truth in advertising and it is up to Kevin Rudd and Tony Abbott to now come out and support truthful advertising. That is what we want. The Prime Minister’s office and the Leader of the Opposition’s office both know and must act.

The PRESIDENT—Order! The time for this debate has expired.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citi-
I inform the Senate that the representative arrangements put in place for Senator Sherry for Monday and Tuesday will continue for today and tomorrow. Senator Sherry is unwell and unable to fly to Canberra. I have notified the party leaders. The same representative arrangements will continue for the next two days.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator BRANDIS (2.00 pm)—My question is to the Minister for Immigration and Citizenship. I refer to the findings of the coronial inquiry into the deaths of five persons arising from the sinking of the SIEV36, delivered in Darwin earlier today. Can the minister confirm that the three individuals whom the coroner found conspired to cripple the vessel—Brahimi, Ghulam Mohammadi and Salman—were given permanent protection visas by your government in October last year? Why were permanent protection visas rather than temporary safe haven visas provided to those persons?

Senator CHRIS EVANS—I thank Senator Brandis for the question. I have only just had a chance to read the—

Senator Cormann—How convenient.

Senator CHRIS EVANS—Senator, it only came down an hour and a half ago.

Senator Brandis—if I can read it, why can’t you?

Opposition senators interjecting—

The PRESIDENT—Order! Ignore the interjections.

Senator CHRIS EVANS—I have just read it, Senator Brandis. I am telling you I have just read it. I must say—

Opposition senators interjecting—

Senator CHRIS EVANS—Mr President, the constant interruptions this week mean I am unable to help people.

The PRESIDENT—Order! Ignore them.

Senator CHRIS EVANS—Thank you, Mr President. I am trying to help Senator Brandis. I have read the coroner’s report and I must say I find the findings very disturbing indeed. Obviously the government will respond when we have had a chance to consider the report more clearly. But in terms of the actual question, the decision to grant the visas was made independently by the department after a careful and rigorous assessment of the merits of each individual case. The protection visas were granted in accordance with Australian law and Australia’s international obligations under the United Nations refugees convention after consultation with the Northern Territory Police, who were responsible for the investigation. The Northern Territory Police made clear at that time that there was insufficient evidence to charge any person with criminal offences relating to the explosion. Furthermore, I asked the department to consult the Northern Territory Police about the finalising of the group’s protection visa applications. The Northern Territory Police confirmed: The NT Police supports the granting of permanent visas for the passengers.

The group had completed all health, security and identity checks. As I say, after seeking the advice of the Northern Territory Police that decision was taken. I would also remind the Senate that the coroner has referred these matters to the Northern Territory Police for their consideration as to whether any charges ought to be laid. (Time expired)

Senator BRANDIS—Mr President, I ask a supplementary question. Given that the coroner has now found that these three individuals were, to quote him, ‘part of a plan to cripple the boat’ and that the consequence of their conduct was to place in peril the lives of nine Australian Defence Force personnel, will the minister now take immediate steps to
revoke the permanent protection visas in respect of those three individuals?

Senator CHRIS EVANS—Clearly not. Senator Brandis would be the first person to criticise me for taking action prior to—

Senator Fierravanti-Wells—Come on, Chris, you said it at estimates. Go back to what you said at estimates.

Senator CHRIS EVANS—Senator, what I said at estimates was that if charges were laid and convictions were recorded we would take action. What you are asking me to do is to pre-empt the decision of the Northern Territory Police, to pre-empt their investigation and to take action in relation to someone’s status in this country on the basis that the police are investigating. You are well aware, as I am sure most of the senators are, that the decision to cancel a person’s visa under section 501 of the act may be taken, but it is based on an assessment of their character, and those are made after charges have been laid and convictions recorded. It clearly is inappropriate for me to take action until such occurrence.

Senator BRANDIS—Mr President, I ask a further supplementary question. Is it therefore now the policy of the Rudd government, Minister, that, even though a person may be found to have lied to a coronial proceeding and to have been responsible for conspiring to cripple a vessel thereby imperilling the lives of ADF personnel, they are still of good character?

Senator CHRIS EVANS—I understood Senator Brandis was a respected member of the Brisbane legal profession and he would work on the presumption of innocence. They are very disturbing findings.

Senator Fierravanti-Wells—You said at estimates you would go back when the answer came down. Come on.

Senator CHRIS EVANS—Senator, I am happy for you to produce the Hansard of what I said, and we will debate it if you want to debate it, but I think your memory needs testing. Senator Brandis will be very aware that the police have now been charged by the coroner to further investigate and see whether charges should be laid. When those charges are laid, if they are, then people will go to trial and at the end of that trial, if they are convicted, the department will make considerations under the character provisions of the act, as you would expect. But it would be totally inappropriate for me to try and initiate that process when no charges have been laid and the coroner has asked the Northern Territory Police to investigate. You, above anyone in this chamber, would know that, Senator Brandis. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! If you want to debate the issue, the time to debate the issue is at the end of question time. Time is set aside deliberately to debate these issues.

Paid Parental Leave

Senator FEENEY (2.07 pm)—My question is to the Minister representing the Treasurer today, Senator Conroy. Will the Rudd government fund its paid parental leave plan in the budget, and are those plans fully costed and fiscally responsible? Is the minister aware of alternative proposals for a paid parental leave plan, and how does the government’s plan compare in terms of reducing the tax burden on families, businesses and the economy? Is the minister aware of any new public views on such alternatives?

Opposition senators interjecting—

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

Senator CONROY—I thank Senator Feeney for that question. The government has no plans to introduce a big, new tax to
fund paid parental leave and remains committed to keeping taxation—

Honourable senators interjecting—

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

Senator CONROY—The government remains committed to keeping taxation, as a share of GDP—

Honourable senators interjecting—

The PRESIDENT—Senator Conroy, resume your seat. On both sides, there needs to be silence so question time can proceed.

Senator CONROY—As I was saying, the government remains committed to keeping taxation, as a share of GDP, below the level that we inherited from those opposite, but the Leader of the Opposition wants to introduce a big, new tax on families and businesses. The opposition leader’s reckless thought bubble is such a bad idea that the former Treasurer, Mr Peter Costello, has been spurred to write an opinion piece to warn us just how silly it is.

Honourable senators interjecting—

The PRESIDENT—Senator Conroy, resume your seat. Order! I remind both sides of the chamber that the time to debate these issues is at the end of question time. Senator Conroy, continue.

Senator CONROY—How silly it is—that is what Mr Peter Costello thinks. Those opposite have hankered after Mr Costello. Where is Senator Fifield now, or Senator Ronaldson or Senator Brandis? Where are they all today? Mr Costello cannot believe that the Leader of the Opposition would go against Liberal Party philosophy and introduce a big, new tax just so he can cosy up to a sector of the electorate that does not like him. Even Senator Joyce can hear the alarm bells that Mr Costello refers to. Senator Joyce has said that the scheme will push up the prices of staple—(Time expired)

Senator FEENEY—Mr President, I ask a supplementary question. How important is it to support small businesses with a responsible tax policy as they, along with Australia as a whole, recover from the global recession?

Senator CONROY—As Senator Joyce has said, the scheme will push up the prices of staple foods, such as bread and milk. Senator Joyce: big, new tax; increases in the prices of bread and milk. He also said that this big, new tax should be only temporary. Tell us, Senator Joyce: how is it going to be temporary? Are we going to tell people to stop having babies?

Senator Abetz—Mr President, I rise on a point of order. The Leader of the Government in the Senate has sought to claim that there have been inappropriate opposition interjections. I put to you, as a point of order, that when ministers are allowed to directly provoke, by name, and refer in the first person to senators across the chamber, it is likely that interjections will flow. I therefore invite you, Mr President, to bring the minister to order.

The PRESIDENT—There is no point of order.

Honourable senators interjecting—

Senator Sterle interjecting—

The PRESIDENT—Order! Senator Sterle: order! Comments should be made to the chair and not across the chamber.

Senator CONROY—I accept your admonishment, Mr President. Senator Joyce has now been pulled into line—temporarily, at least—and says that he supports the coalition’s big, new tax. He calls our scheme a ‘rebadged baby bonus’. Under the opposition’s scheme, pensioners and working families will pay more to provide up to $75,000 to high-income earners. Their plan is a baby
bonus jackpot for the wealthy. The point continues to escape the Leader of the Opposition. We are still recovering from the worst global recession— *(Time expired)*

**Senator FEENEY**—Mr President, I ask a further supplementary question. Does imposing a big, new tax on business to pay for certain programs have detrimental consequences? How would the Rudd government’s responsible, sustainable and fully funded paid parental leave scheme avoid such consequences?

**Senator CONROY**—Again, I refer to Mr Costello. He says that the opposition leader’s silly, big, new tax to fund parental leave will reduce the competitive edge of Australian business. I quote: ‘Companies that already operate maternity schemes will close them and encourage employees to go on the government entitlement.’ The end result would be that ‘private benefits will be socialised, spending will rise and taxes will increase’. It does not get any more damning from the lips of Mr Costello, whom those opposite have hankered after. Rather than the temporary tax Senator Joyce wants, the opposition leader’s plan will lead to price hikes for working families and pensioners and tax increases across the board. I hear a deafening silence from that end of the chamber. You do not have to take my word for it; take Mr Costello’s word. *(Time expired)*

**Home Insulation Program**

**Senator BARNETT** *(2.15 pm)—*My question is to the Minister for Climate Change, Energy Efficiency and Water, Senator Wong. Is the minister aware that over 60,000 homes have been installed with underperforming and non-compliant foreign insulation under the government’s failed Home Insulation Program? Will this underperforming and non-compliant material be removed from the 60,000-plus homes and, if so, what will be the cost to the taxpayer? *(Time expired)*

**Senator WONG**—I thank the senator for the question. I would remind the senator, through you, Mr President, that the Home Insulation Program provided for the use of insulation that complied with Australian standards. Obviously the dramatic escalation in demand for insulation that occurred under the program meant there was potential for the importation of some poor quality insulation products. If people are concerned that poor-quality product was utilised in relation to their home, it is open to them to contact the safety hotline on the program call centre, the number for which has been made public.

I understand that the ACCC and some officers of fair trading have received claims about imported insulation. I am advised that the department continues to work with relevant agencies, including state and territory fair trading authorities and the ACCC, to ensure any import quality issues are addressed. Obviously the government encourages anyone with evidence of product used under the program not meeting the requirements to report these to the department so that these claims can be fully investigated. It is the case that all insulation products, as I said, that were utilised under the HIP were intended to meet Australian standards. This was a mandatory requirement. It is a requirement which existed from day one. The government, in fact, took it a step further by publishing an approved list of products on the program website. That measure—that is, the publication of that approved list—was intended to help both householders and installers choose the appropriate product for their climate zone and individual circumstances. Only products on this list were eligible for use under the HIP from 24 December 2009. *(Time expired)*

**Senator BARNETT**—Mr President, I ask a supplementary question. How many homes have had insulation installed made from pa-
per? What is the fire risk of this type of insulation?

Senator Wong—Again, this issue goes back to the fact that the mandatory requirement under the Home Insulation Program was that insulation products used under that program were to meet Australian standards. It should be clear as well that the additional approved products list, which was published on the website, extended the information available to consumers and to installers—and ‘approved products’ obviously meant those that had been tested by a laboratory and were proven to meet the standard. I should also note in relation to this compliance question that installers were required from December 2009 to affix a product label to the roof cavity and attach one to the householder’s copy of the work order form.

Senator Barnett—I have a point of order on the issue of relevance. There were two very specific questions in terms of how much of the insulation and how many homes have been installed with insulation made from paper—whether it is yellow pages or otherwise. Can the minister please address that question in the remaining six seconds.

The President—Senator Wong, I do draw your attention to the question. You have six seconds remaining.

Senator Wong—I am asked about the nature of products and what was installed and I am outlining the measures the government took. (Time expired)

Senator Barnett—Mr President, I ask a further supplementary question. Notwithstanding the refusal of the minister to answer that question, given that the government’s Home Insulation Program was designed to stimulate the Australian economy, how much of the insulation installed in Australian homes was in fact imported, creating stimulus overseas and not in Australia?

Senator Wong—the government has made clear that we set a quality standard for the use of home insulation products and really all of your questions, through you, Mr President—

Opposition senators interjecting—

The President—Senator Wong, I cannot hear you because there is a debate taking place across the chamber. It is completely disorderly.

Senator Wong—I making the point that the government did set mandatory requirements for the—

Senator Ian Macdonald—You are to answer the question!

The President—Ignore the interjections. It is disorderly, Senator Macdonald, you know that.

Senator Wong—As I was saying, I am asked about what—

Senator Ian Macdonald interjecting—

The President—Senator McDonald! It is not an opportunity for you to ask the question again.

Senator Ian Macdonald—Mr President, I rise on a point of order. The minister was asked a question and we sought an answer. The point of order is on the question of relevance. Why is she allowed to say she wants to make a point about something completely irrelevant? I ask you, Mr President, to insist that she directly address the question or sit down if she is incapable of doing it.

Senator Ludwig—Mr President, on the point of order, the minister has been answering the question and has been directly relevant to the question. In fact, the minister has been going through the point of answering the question. It is not a case that in taking a point of order the questioner can in this instance insist that the President undertake an action; he could humbly request. The point
of order that he has made is not only objectionable but also out of order.

The PRESIDENT—There is no point of order, as I had already drawn the minister’s attention to the question. Secondly, I cannot direct the minister how to answer the question. The minister has 29 seconds remaining. Minister, I draw your attention to the question and ask you to address the question.

Senator WONG—Thank you, Mr President. I am seeking to do that because I was asked about the quality of insulation products. What I am doing is outlining for the benefit of the Senate the mandatory requirements which would apply to all insulation installed under the program. It may be that there were operators who did not comply with those mandatory requirements, and the government is undertaking an inspection program to deal with those issues. I have already indicated that it was a mandatory requirement that insulation comply with Australian standards. (Time expired)

Defence Properties

Senator BOB BROWN (2.23 pm)—My question is to the Minister for Defence. Is it the case that the Brighton Army barracks, just north of Hobart, was sold by the previous government on to the private market for $136,000? Is it true that those same barracks are now on the market from the purchaser for $35 million?

Senator FAULKNER—I thank the Senator for his question. I am aware of media reports regarding the sale of lots from the former Brighton army camp located, as I understand it, on the main highway between Hobart and Launceston. I can confirm that the 62-hectare site was sold through an open market tender process for $150,040, including GST, in 2003. It is true that this price was significantly below the independent valuations received by the then government. In August 2002, the Australian Valuation Office valued the site alone at $200,000. I am advised that in August 1999 the Office of the Valuer-General for Tasmania valued the property at $2.4 million, including a land valuation of $370,000.

I am aware of concerns that have been expressed about lack of consultation, the sale price and the future use of the land. I am advised that the property developer who purchased the land sold 40 ex-Army huts from the site in 2003 for $200,000. A newspaper article now reports—Senator Brown has referred to it—that after investing $1 million the property developer is selling these sites for $35 million, which is obviously a great deal more than the original total investment and certainly a great deal more than the sale price. (Time expired)

Senator Minchin interjecting—

Senator Abetz—Stop giving these sleazy answers!

The PRESIDENT—Order!

Senator BOB BROWN—Mr President, I ask a supplementary question. Seeing that Senator Abetz has interjected, does the minister know if there was any reference by the former Minister for Defence to Tasmanian Liberal senators before the sale of this Army barracks? Can the minister say—

Honourable senators interjecting—

The PRESIDENT—Order! I need to hear Senator Brown. The interjections are disorderly.

Senator BOB BROWN—Can the minister say how the Valuer-General got the valuation of this property so very wrong?

Senator FAULKNER—No, I cannot say if there had been any contact by the previous Minister for Defence with any senator from any political party or, at this stage, with anybody else. I am not aware of that information. I am also not aware of any information about the Australian Valuation Office. I only
know from the information available to me that the Australian Valuation Office valued the property, on the basis of a market sale on 19 August 2002, at $200,000. The advice I have is that the valuation noted the difficulty in valuing the Brighton site, given the contamination and the heritage and environmental constraints on the property and the high supply of residential land available in Hobart at that time. Finally, I utterly reject the imputation from Senator Abetz. (Time expired)

Senator BOB BROWN—I thank the Minister for his response on this appalling transfer of $30-plus million from the public to the private developer.

Senator Ian Macdonald—Do you have a question?

Opposition senators interjecting—

The PRESIDENT—Order! Continue, Senator Brown.

Senator BOB BROWN—I cannot continue with that sort of interjection, Mr President. I will not continue with that sort of interjection.

The PRESIDENT—Continue, Senator Brown. I am asking you to—

Senator BOB BROWN—I take a point of order, Mr President. Is it in accordance with standing orders that I have to continue with the interjections coming from the Liberals close to me, under these circumstances?

The PRESIDENT—There is no point of order. I will pull up the interjectors. As you know, I am fairly consistent in asking that people be heard in silence. The interjection had taken place and I thought it was appropriate for you to continue with your question. Senator Brown, continue.

Senator BOB BROWN—Thank you for your ruling, Mr President. That said, I ask a further supplementary question. Will the minister review all future potential Defence sales of land into the public sector, to see that the public is not sold out as it was on this occasion?

Senator FAULKNER—I can say to Senator Brown that Defence disposes of surplus property in accordance with the Commonwealth property disposals policy. I do not pretend to be absolutely expert in every detail of that policy but it certainly requires property to be sold on the open market at market value. The process for open market sales include sale by tender, by auction and by private treaty. If there is any further information, Senator, that I can provide to you on that, I am happy to do so, but the policy does allow for sales to state and local governments. There is no question of that in certain circumstances.

Finally, let me say again: I utterly reject the interjection from Senator Abetz. I provided a factual answer to this question. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the gallery of a delegation from the Tibet Autonomous Regional Committee of the National People’s Congress of the People’s Republic of China led by Mr Xiang Bapingcuo. 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

Building the Education Revolution Program

Senator HEFFERNAN (2.30 pm)—My question is to the Minister representing the Minister for Education, Senator Carr. Given that the New South Wales Teachers Federation has called for a public inquiry into the BER school building program, does the minister agree with the view—
Honourable senators interjecting—

The PRESIDENT—Order! Senator Heffernan, as I said, people are entitled to be heard in silence when the question is being asked.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Heffernan, continue.

Senator HEFFERNAN—The unions are their friends, not ours. Does the minister agree with the Federation’s view: Principals, teachers and parents have raised concerns that some BER projects are costing more than the original estimates and far more than regular construction costs. There is much speculation that builders’ mark-ups, management fees and multilayered bureaucracy are greatly inflating the cost of work under the BER.

Can the minister advise if the Labor government intends to call for an inquiry into the wasteful spending at schools, not only in New South Wales but in all states and territories?

Senator CARR—I thank Senator Heffernan for his question. The question goes to the achievements of the Building the Education Revolution program.

Senator Minchin interjecting—

Senator CARR—I thank Senator Minchin, as you would appreciate, that the Rudd Labor government has invested $63.7 billion in school education in the last three years compared to $33 billion that the Liberals invested in the previous three years while they were in government. This government has almost doubled the funding for schools.

Senator Abetz—Mr President, I rise on a point of order. Sessional orders require the minister to be directly relevant. He has now gone for one minute and has not even strayed near the particular question, which was in relation to wastage as asserted by the New South Wales Teachers Federation.

Senator Conroy—Mr President, I rise on the point of order. I make the point that Senator Carr is being directly relevant to the substance of this question. This question was an attack on the efficiency of this program, of the competency of this program and the purpose of this program. That is what the New South Wales Teachers Federation have alleged according to those opposite. They are lending their shoulder to that allegation. Senator Carr’s answer goes to the heart of the assertion that underpins this question. I put it to you absolutely that Senator Carr’s answer is directly relevant to this question.

The PRESIDENT—Order! Senator Carr, I do draw your attention to the question. You have 56 seconds remaining to answer the question.

Senator CARR—Thank you, Mr President. This government has almost doubled the funding for schools in less than two years. We have almost doubled the funding. Now we are being accused by the troglodytes of New South Wales of not doing the right thing by the children of this country and by the parents of this country in terms of the educational services of this country. What this government has done—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Carr, relax and resume your seat. On both sides, I need silence so that we can proceed.

Senator CARR—There are certain troglodyte senators in this chamber that take the view that spending on education is wasteful. That is the allegation: that spending on education is wasteful. That is an allegation we reject. For the on-costs that are provided by the Commonwealth to block-grant authorities including the states, 1.5 per cent of the total BER funding will be available. (Time expired)
Senator HEFFERNAN—I am not actually a member of the New South Wales Teachers Federation; this is their question. Mr President, I ask a supplementary question. In another letter to the Auditor-General, the New South Wales Teachers Federation raised their concerns, citing a long litany—

Honourable senators interjecting—

The PRESIDENT—Order! On both sides, Order! Senator Heffernan, continue.

Senator HEFFERNAN—in another letter to the New South Wales Auditor-General the New South Wales Teachers Federation raised their concerns, citing a long litany of BER failures. If an inquiry is instigated by the Auditor-General, will the government encourage principals to come forward with their concerns about waste and mismanagement? Can the minister give a similar assurance about federal departmental officials?

Senator CARR—This is a magnificent program that has been a part of the doubling of funding for school education in this country in two years. Those opposite think this is wasteful. Those opposite clearly take the view that the largest—

Honourable senators interjecting—

The PRESIDENT—Order! Obviously people are a little bit excited about the issue. Debate it post question time.

Opposition senators interjecting—

The PRESIDENT—That is the time to debate the issue!

Senator CARR—This is the largest single modernisation program of schooling in this country’s history, yet those troglodytes opposite take the view that education is not to be a priority in this country. We reject that. This government is determined to ensure that we get the maximum possible benefit from that investment, and that—

Senator Abetz—Mr President, I rise on a point of order. How on earth is this answer directly relevant, as required under sessional orders? Sessional orders require direct relevance. The question was dealing with whether or not the government would cooperate with the Auditor-General. It has nothing to do with how much has been spent et cetera. Will the government cooperate if the Auditor-General in New South Wales has an inquiry? That is the question. He ought be required to be directly relevant, or sat down.

Senator Ludwig—Mr President, on the point of order: Senator Heffernan, on behalf of the Queensland-New South Wales teachers union, asked the minister a question and the minister has been answering that question directly. The minister has been dealing with both the BER and the Auditor-General’s role, and the minister has been continually answering that question—notwithstanding the interjections from the opposition, which may in fact mean that he cannot be heard. But he has been answering the question directly and with relevance, although it was from, it appears, the New South Wales teachers union rather than Senator Heffernan.

The PRESIDENT—Senator Carr, there are 20 seconds remaining, I draw your attention to the question.

Senator CARR—The Auditor-General would be aware that the Commonwealth has imposed restrictions upon the education authorities and non-government block grant authorities that there not be any greater than 1.5 per cent of their BER funding used to cover administrative costs. In addition, states, territories and block grant authorities have agreed that there will be no more than four per cent—(Time expired)

Senator HEFFERNAN—Mr President, I ask a further supplementary question. Given the documented up to 250 per cent over real costs to this program, can the minister assure witnesses of no career disadvantage or in-
timidation as a consequence of any evidence they might give to such an inquiry?

Senator CARR—We are not in the business of intimidating witnesses or fabricating evidence before Senate inquiries, or any other form of inquiry. That is the preserve of those opposite. What we have is clearly a case where there are benefits accruing to 9,526 schools across this country—$16.2 billion of benefit to 9,526 schools across this country. Which schools do you want to see deprived of that money? You should now name them. Name them!

Honourable senators interjecting—

The PRESIDENT—Order! Shouting across the chamber does not assist the conduct of question time.

Senator CARR—This is the greatest modernisation program in the history of schooling in this country. If those opposite want to stop the money going to Australian schools, name the schools—(Time expired)

Asylum Seekers

Senator FORSHAW (2.42 pm)—Mr President, my question is to the Minister for Defence, Senator Faulkner. I ask: what is the defence minister’s response to the handing down today by the Northern Territory Coroner his findings into the explosion and fire aboard SIEV36, which resulted in the deaths of five Afghan men?

Senator FAULKNER—As Senator Evans indicated, the government is examining the coroner’s finding from his inquiry into the tragic events of 16 April last year, but I can certainly make some preliminary comments in answer to Senator Forshaw’s question. The coroner concluded that at least three passengers were involved in a plan to set fire to the vessel and that crimes may have been committed in connection with the explosion. He is referring his findings to the Northern Territory Police and the Northern Territory Director of Public Prosecutions.

The coroner praised the conduct of the ADF after the explosion. He said in his findings that the timely and proactive response by the ADF to these deaths is commendable, as is the cooperation shown with the coronial process. The coroner noted the great efforts, professionalism and bravery of the ADF members collectively in rescuing survivors from the SIEV36. He specifically commended the bravery of ADF members Faunt, Keogh and Jager.

I do acknowledge that the coroner also noted that the boarding and management of the SIEV36 was deficient in a number of respects, covering the boarding, search, securing and management of the vessel, as well as communications with the passengers. The Coroner noted that the ADF had taken appropriate action to address practices and procedures which had been identified in the inquiry officer’s report. He said that he was satisfied that the recommendations were being acted upon and that an incident such as occurred on SIEV36 is unlikely to occur again. The coroner noted he had been assisted by the ‘frank and honest evidence of the ADF witnesses’, but made adverse comments about the evidence given—(Time expired)

Senator FORSHAW—Mr President, I ask a supplementary question. What further action, if any—

Senator Bernardi interjecting—

The PRESIDENT—Order!

Senator FORSHAW—It is a serious issue, Senator Bernardi.

Opposition senators interjecting—

The PRESIDENT—Order! Please continue, Senator Forshaw.

Senator FORSHAW—I will start again. What further action, if any, is the minister
taking with respect to the coroner’s report and findings?

Senator FAULKNER—I have certainly asked my department to examine the coroner’s report thoroughly to ensure that the appropriate remedial action is being taken to address these deficiencies and to report to me if any further action is needed. I also inform the Senate that this month I will be visiting Border Protection Command in Darwin for the specific purpose of seeing at first hand the practices and procedures they follow in boarding SIEVs and the training and preparation they provide to the personnel involved in Australia’s maritime border operations. I will take that opportunity to personally thank the men and women who work hard and sacrifice much to ensure the effectiveness of this important task.

There is no doubt that this was a terrible tragedy. It claimed the lives of five people and had an impact on many others, including the men and women of the Australian Defence Force who were involved. As we all recognise, the ADF personnel assigned to vital border protection responsibilities together with their civilian colleagues in other government agencies do an extraordinary job under sometimes very difficult circumstances indeed. The SIEV36 tragedy is among the most extreme of the situations they have confronted. I am very satisfied with and proud of the way the ADF personnel involved in the incident dealt with the rescue in extremely difficult circumstances where they themselves were at great risk and suffered injuries. I am confident that the ADF has taken a thorough and appropriate approach to ensuring that we learn lessons from this incident. Within two months the ADF had completed an internal inquiry, which I tabled in the Senate. The report was completed in June last year and made 59 recommendations going to the policy, procedures and training for boarding operations for SIEVs. (Time expired)

South Australia State Election

Senator FERGUSON (2.48 pm)—My question is to the Minister for Climate Change, Energy Efficiency and Water, Senator Wong. Does the minister endorse the decision of her party in South Australia to preference the independent climate sceptics ahead of candidates committed to saving the Royal Adelaide Hospital?

The PRESIDENT—Senator Wong, you need to answer those parts of the question that refer to your portfolio.

Senator WONG—I thank Senator Ferguson for the question, because if he wants to talk about who is preferenceing whom perhaps he would like to come clean on what relationship the Liberal Party has with the other party he mentioned. Perhaps he would like to come clean on what relationship the Liberal Party has with some of the parties preferenceing the Labor Party in the Legislative Council. I can tell you where the climate sceptics—people who deny the science and deny the risks that climate change poses to this country—are: they are on that side of the chamber. They are Senator Bernardi, Senator McGauran and, most of all, Senator Minchin. Let us remember that these are people who tore their own party apart and tore down a leader rather than take action on climate change. So, if Senator Ferguson wants to
come in here to talk to us about another party in South Australia and climate scepticism, I suggest that he have a look in his own party room, because the Australian people are very clear which of the parties of government is serious about climate change and which is the party that has extreme views. Senator Minchin, from South Australia—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Wong, just hold on for a moment. The time to debate it is at the end of question time.

Senator WONG—Senator Minchin seriously asserted on national television that climate change is some left-wing conspiracy to de-industrialise the Western world. If it were not so loony, it would be funny. If it were not from a man who aspires to become a senior minister in a government, it would be funny. But it in fact demonstrates just how extreme some of the views of the South Australian Liberal Party are.

Honourable senators interjecting—

The PRESIDENT—Again, Senator Wong, you need to answer those parts of the question that go to your portfolio.

Senator FERGUSON—Mr President, I ask a supplementary question. On the assumption that the Labor Premier, Mike Rann, as Minister for Sustainability and Climate Change also supports the independent climate sceptics, is climate change or health the government’s No. 1 priority?

The PRESIDENT—Again, Senator Wong, you need to answer those parts of the question that go to your portfolio.

Senator WONG—I think that was actually a question for Mike Rann. I am a little confused. If Senator Ferguson is asking me which of the two is the state government’s election policy priority, I will say this to you: it is quite clear what the Rann government has done for South Australia: it has brought additional jobs and additional economic activity. It has a plan for the future, as opposed to a Liberal Party team which is demonstrably divided. This week, Ms Chapman, who I think is a mentor of one at least of those opposite, was not even prepared to back her leader in the week prior to the election. So South Australians do have a very clear choice, Senator. They have a very clear choice between a government that has delivered for the state—it has delivered jobs, delivered defence projects and delivered economic activity that is going forward—(Time expired)

Senator FERGUSON—Mr President, I ask a further supplementary question. How does preferencing the independent climate sceptics ahead of Save the Royal Adelaide Hospital support this government’s belief that climate change is the greatest moral challenge of our time?

Senator WONG—Is Senator Ferguson, with a straight face, really suggesting that those on that side have any credentials when it comes to who questions climate science? We are clear on what the consensus science is. You have a bunch of people with extreme views over there who will never countenance action on climate change. We are clear about our views—

Honourable senators interjecting—

The PRESIDENT—Order! The time to debate the question is at the end of question time. I remind senators of that.

Senator WONG—What is interesting is that clearly the moderates in the Liberal Party have no say on the tactics committee, because they are quite happy now to let Senator Abetz and others run a whole heap of questions, including in relation to state elections. The reality is that those opposite have many amongst them who will do and say anything to avoid taking action on cli-
mate change. They think it is some left-wing conspiracy. (Time expired)

Research and Development

Senator FIELDING (2.54 pm)—My question is to the Minister representing the Minister for Agriculture, Fisheries and Forestry, Senator Carr. I refer to the report by the rural R&D corporations which showed there was a return of $11 for every $1 spent on agriculture research. Given the enormous benefits which flow to the agriculture sector from this research, can the government explain why it has taken a backward step and cut spending on science and innovation as a proportion of GDP? Does the government actually expect Australian farmers to be competitive on the global stage when the level of Commonwealth funding is shrinking?

Senator CARR—Senator Fielding, I must say I am a little puzzled by your suggestion that this government is not committed to science and innovation. We have had the biggest increase in expenditure on science and innovation for 25 years. I just find that proposition that you put to me extraordinary and, in the context of last year’s budget, it is frankly nonsensical. What I can say is that, in terms of the importance of research and development, this is a government that is committed to driving productivity and, in terms of the agriculture, forestry and fishery sector, we have actually seen an average increase of some 2.2 per cent. The research and development corporations are estimated to have spent around $460 million on research and development in 2008-09 and the Australian government has contributed $207 million.

Under the previous government—I am sure Senator Fielding would be interested in this—industry levies and Commonwealth matched funding to the research and development corporations in 2006 was $442 million. In 2007 it was $439 million, in 2008-09 it was $451 million and in 2009-10 it is estimated to be $444.68 million. Levies collected from industry vary, as you would be aware, Senator Fielding, because of the various impacts on changes in production which are caused by drought, other climatic conditions and commodity prices. But the level of government support—as I thought, Senator Fielding, you would appreciate—is actually increasing when it comes to the issues of science and innovation, which is something that I am personally very proud of. (Time expired)

Senator FIELDING—Mr President, I ask a supplementary question. Given that this country has been built on the back of the agriculture sector and given the vital role that agriculture still plays in our economy, what is the government planning on doing about the fact that 50 per cent of Australia’s agricultural scientists and academics will retire over the next five years?

Honourable senators interjecting—

The PRESIDENT—Order! Shouting across the chamber is disorderly on both sides. I am asking the minister to answer the question.

Senator CARR—Again, this is a nonsensical proposition that is being put to the government. What you saw is that the previous government committed only $13.89 million on other discretionary research and development programs in the period 2007-08. The Rudd government has committed $30 million in 2008-09 and $41.6 million in 2009-10. What we have on the other side of the chamber is the view that is expressed by Mr Abbott: playing politics on important issues is the order of the day. What he says is, ‘Our job is to ferociously criticise and, where necessary, oppose the government, and if in doubt our job is to oppose.’ That is the policy...
position of the previous government, the current opposition.

Senator Abetz interjecting—

Senator Conroy interjecting—

Senator Colbeck—What happened to Land and Water Australia?

The President—Senators Conroy, Colbeck and Abetz!

Senator Carr—It is the opposition’s policy now to oppose for the sake of opposition. That is their idea: oppose everything and seek to undermine—(Time expired)

Senator Fielding—Mr President, I ask a further supplementary question. How can the government justify splurging $1.1 million on parking fees for three offices of the Department of Agriculture, Fisheries and Forestry, wasting $26,320 on a departmental planning retreat and squandering $17,699 on a managers’ conference? Wouldn’t the government agree that this money could be better invested in agricultural research to secure Australia’s food security?

Senator Carr—I cannot verify any of the figures that Senator Fielding has put to us this afternoon. What I can say, though, is that what we have is a sharp contrast between the performance of this government and the performance of the previous government. What we have is an opposition that is actually in the business of opposing for the sake of opposing. They are not in the business of discussing food security, water supply, research and innovation, or building for the future of this country in any way. What you have is an opposition that really is all about trying to oppose for the sake of it. Senator Fielding, I think you should have a look at the record. You should look at the facts and you should actually ask yourself why you are lining up so often with this opposition.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

South Australia State Election

Senator Fisher (South Australia) (3.02 pm)—I move:

That the Senate take note of the answer given by the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) to a question without notice asked by Senator Ferguson today, relating to the South Australian election.

Rudd Labor backed Rann Labor in preferring the independent Climate Sceptics Party in the South Australian election: this from Rudd Labor and Rann Labor, parties which parade as environmental evangelists. Only now Rann Labor is leading the charge in ‘coming clean’. They parade as environmental evangelists yet preference environmental change sceptics. These guys, the independent Climate Sceptics Party, are the carbon cheer squad of Australia. Rann Labor is preferring them in the South Australian election and Rudd Labor is backing that preferring. And why not do so when the Australian public has learnt to be sceptical of Rudd Labor and sceptical of Rann Labor when they say they will deliver on the environment? The environmental evangelists are in reality climate sceptics, backing a carbon cheer squad.

Why wouldn’t the South Australian electorate expect this from Rann Labor and Rudd Labor when on water, nationally and in South Australia, Rudd Labor and Rann Labor have failed to deliver for the environment, let alone for man. Why wouldn’t the Australian public be sceptical about Rudd Labor’s and Rann Labor’s environmental credentials when both Rann Labor and Rudd Labor repeatedly fail to deliver on the environment, and Rudd Labor fails to deliver on the envi-
environment in respect of a supposedly successful yet suspended Home Insulation Program?

Let us start with water—the No. 1, No. 2 and No. 3 issue in South Australia, my home state. The environmental evangelists in Rudd Labor and Rann Labor would have the Australian electorate believe that there is a national agreement to look after the environment and the River Murray. What a mockery is that agreement! How can there be a national agreement when states have the veto? How can there be a national agreement when states have the veto? How can there be a national agreement when Rudd Labor and Rann Labor allow Brumby Labor to walk away with the Sugarloaf Pipeline; to put Melbourne on the teat—that is effectively the Murray—when Melbourne at that time was not even on the Murray Goulburn teat? How can there be a national agreement to manage the Murray and deliver for the environment when that happens?

How can there be a truly national agreement to deliver for the Murray, to deliver for the environment, when what Rann Labor does—and all that Rann Labor does—is run a charade of a High Court challenge against Victoria’s trading cap on water from the Murray? That is a really genuine, working national agreement, ain’t it?

No, the Australian people are sceptical of the environmental credentials—so called—of both Rudd Labor and Rann Labor. How can there be environmental credentials from Rudd Labor when it promised to invest in infrastructure for the Menindie Lakes and to look after the environment? By upgrading Menindie infrastructure Rudd Labor could stop some of the most rapid evaporation of water that occurs in water storage places across the nation. Not a sod has been turned, as Senator Birmingham pointed out yesterday, on that election promise.

How can there be environmental credentials from Rann Labor when Rann Labor has failed to take any of the first real steps to weaning Adelaide off the Murray? It is a city that is not even on the Murray yet it continues to be on the teat of the Murray River.

How can there be a genuine national agreement to manage water when South Australia continues to have to beg other states for any benefits from what has effectively been the greatest wet in the north for more than 30 years? Mike Rann would have us believe that 400 billion litres—swimming pools of it—is going to come to South Australia—all down to Mike and his negotiating prowess. Well, big whoop, mate. Big whoop Mike! Is that water a Rann-made consequence? You have to be kidding. It ain’t Rann made; it is mother-nature made. There is so much water coming down from the record rains in the north that no man, least of all Mike Rann, could hold it back. It was going to happen anyway. It was going to happen without Mike, and it should happen without Mike come the election in South Australia this weekend. Mother nature knows what happens when you let the bottom silt up: the mouth of the Murray— (Time expired)

Senator McEWEN (South Australia) (3.06 pm)—If the people of South Australia were wondering whom they should vote for on Saturday, that performance from Senator Fisher and a previous question from you, Mr Deputy President—as well as the bleatings earlier on today from Senator Birmingham about preference arrangements—would have probably consolidated in the minds of any South Australians who were in doubt that their vote should definitely go to the Rann Labor government. Their vote should go to the Rann Labor government because that government is not full of weirdos, wackos, extremists and climate change deniers like we have seen here today. There was a question from you, Mr Deputy President, about preference arrangements and indeed you mentioned health
care and asked why Labor was not preferencing a group—the group that purports to support the Royal Adelaide Hospital. That is because Labor in South Australia supports a health plan that includes the building of a new hospital. If you were really going to support health care in South Australia, you would most certainly support that plan. That gives me the opportunity to mention that in the last week the Rudd Labor government has made massive commitments to healthcare improvements in Australia and will be rolling those out, which of course will also benefit the people of South Australia.

Another reason why the people of South Australia should vote for the Rann Labor government is that you can trust the Rann Labor government. I like to posit here the comparison between what Mr Rann has delivered and the element of lack of trust in the federal opposition leader, Mr Abbott. Mr Abbott has a track record of backflipping and reverting to type in many areas. I mentioned health before, and, of course, he was the Minister for Health and Ageing in the former government for a period of time during which $1 billion was ripped out of the healthcare budget of Australia. Let us have a look at the statistics of what Mr Abbott did. He cut $108 million from public hospitals in 2003 and $172 million in 2004. In 2005 he cut $264 million out of Australia’s healthcare budget and a further $372 million in 2006, in what was, thankfully, his final year as health minister. We have more evidence of Mr Abbott’s untrustworthiness in the area of industrial relations. We know that he has had a conversion on the road to Damascus in a number of areas, but let us not forget that Mr Abbott and the Liberal Party and all those Liberals sitting on the opposite side of the chamber are absolute rusted-on supporters of Work Choices. If the people of South Australia want to posit what would happen if the Liberals got back in South Australia, they could be sure that the Liberals in South Australia would support a federal Liberal government—if we were to have one, God forbid—in bringing back Work Choices; that is what they are about.

Finally, I will mention another magnificent backflip on the part of Tony Abbott.

_Opposition senators interjecting—_

_The DEPUTY PRESIDENT—Order!_ Senator McEwen, you must refer to the Leader of the Opposition by his proper title.

_Senator McEWEN—I_ apologise—Mr Tony Abbott, who is, of course, a good friend of Isobel Redmond, who holds herself out to be the Leader of the Opposition in South Australia although we are not sure if she will be there after the election; we are not sure if it will be her or—what’s her name?—Vickie Chapman, the other woman that got dunned by people like you, Senator Bernardi. But let us get back to Mr Abbott’s record on paid parental leave, which has been discussed here numerous times this week. What was his original position on paid parental leave? ‘Over my dead body!’ is what he said. How can we possibly believe him now when the way he wants to attract female voters is by pretending that he supports paid parental leave, because it is electorally prudent for him to do so? But we know that in his heart he does not believe it. He is untrustworthy, and so are the Liberals in South Australia.

(Time expired)

_Senator BIRMINGHAM (South Australia) (3.12 pm)—_How remarkable, how astounding and, indeed, how pathetic! We have just heard a Labor Party senator from South Australia who told us that we could trust the Rann Labor government and then went on to talk about Tony Abbott and the federal Liberal Party and the Howard government and absolutely everything and anything that she could possibly think of except Mike Rann or the Rann Labor government in South Austra-
lia. Why? Because she had not one good thing that she could come up with to say about them, not one achievement from eight long years of government, not one achievement from his 15 long years of leading the Labor Party, not one achievement from his 30-plus years since he proudly first climbed the steps of the South Australian Parliament House with Don Dunstan, to revolutionise the state. Not one achievement in his 30-plus year career and Mike Rann wants to take it out another four years, or so he claims. But if you want to talk about leadership, Senator McEwen, let us have a look at whether Mr Rann and his wife are perhaps about to head off to Rome after this election. Former Senator Vanstone has got a six-month extension, so I understand—a nice convenient extension of her time. I wonder why that has been granted. I wonder for whom that seat is being kept warm—for Mr Rann, I am sure, who has long harboured ambitions to head over to Rome.

If Senator McEwen wants to talk about trust in South Australian Labor—and she has now left the chamber—she has got to ask the question as to why the voters of South Australia have delivered throughout this campaign, in poll after poll after poll, their verdict that they no longer trust Mike Rann or his spin-driven breed of Labor governments. That is because they have seen him and his government in action for eight years, and they look and smell just like this lot opposite—all talk, no action; all spin, no substance. These are the problems that Rann Labor has. They are the same problems that Rudd Labor is starting to acquire. The South Australian public and the Australian public are seeing through them.

Today, Senator Wong, the climate change minister—she is the former South Australian Labor Party president and is a senior South Australian minister in the Rudd government—was asked about preference deals that remarkably see the Labor Party empowering the climate change sceptics candidates. That is right, Mr Deputy President! For all the lecturing and hectoring that we get in this place from Senator Wong and Comrade Senator Carr about climate change, they decide that they will be the ones to empower the sceptics by preferencing them in the Legislative Council election in South Australia. That is right; they are preferencing the climate change sceptics—not ahead of just the Liberal Party but ahead of the Save the RAH Party. What is the Save the RAH Party? It is a group of doctors. Those doctors are obviously such radicals that the Labor Party could not bring themselves to preference a bunch of people with whom they might disagree over the building of a hospital ahead of people with whom they apparently claim to disagree on the greatest moral challenge of our time!

How can you stand there in all credibility, Senator Wong and Senator Carr—or anybody else on that side of the chamber—and talk about the greatest moral challenge of our time and criticise the fact that some on this side of the chamber might question the science from time, and then go and empower the sceptics by delivering them your preferences?

Senator Wong, at the conclusion of her answer, accused the Liberal Party of being willing to do or say anything. Well, this is a clear act of a Labor Party that is willing to do or say anything—to do any dirty deal on preferences—to win itself seats in parliament. They will deal with any candidate—they will give a leg-up to any candidate—who is out their standing on any platform that will filter votes through to them. They have done it with the climate change sceptics. They are doing it with the Fair Land Tax Party. They are doing it across the board. They are doing it with the independent commission against corruption candidates. In all these platforms...
you would not expect voters to want their preference to go to the Labor Party but the Labor Party has done dirty deals to ensure that those votes filter through to them so that they can profit. That is what you call doing or saying anything. That is what you call empowering the sceptics. This is a government and a party that is morally bankrupt. And that is what we are seeing from Premier Rann in this campaign.

**Senator WORTLEY** (South Australia) (3.17 pm)—It comes as no surprise that those opposite want to pick on an issue like this rather than to stand up and speak about the policies which they do not have—the policies that they will not be able to deliver on in South Australia. We know that in South Australia the government has been delivering to the people. We know that South Australia is a state moving forward. The imagining, the thinking and the learning of the Rann government is something that South Australians should be proud of. In fact, we know that it has been the Rann government that has really brought South Australia into the 21st century.

Let us have a look at the state’s strategic plan, which sets out the goals of the government—its targets—and articulates the vision of the future. South Australia, under the Labor government, looks to a strong, safe, fair, healthy, smart and, in fact, green future. Let us look at just some of these things. An example of the Labor government’s imaginative, thoughtful and open style of innovative government is that of action on the environment. It surprises me that those opposite would want to touch on the environment as a means of speaking about the South Australian election. Let me tell you that the Rann government goes to the election with a proud record on the environment in South Australia. Let us just have a look at that.

*Opposition senators interjecting—*

**The DEPUTY PRESIDENT**—Order! Senator Wortley has a right to be heard in silence.

**Senator WORTLEY**—The Labor government in South Australia is determined to safeguard our fragile waterways and protect our unique biodiversity. We are seizing the opportunities inherent in renewable resource management. Let us have a look at some of that. The government in South Australia is looking at renewable energy as the way forward. In South Australia we have proactively fostered working initiatives such as hot fractured rock geothermal exploration; solar energy in schools and other public buildings including—as I stated last week in this chamber—in Parliament House; wind technology; tree planting; a plastic bag ban; feed-in tariff mechanisms; and a highly successful refund deposit plan for plastic bottles and aluminium cans.

We know, too, that the South Australian government’s geothermal regulatory and approvals framework pursuant to the Petroleum and Geothermal Energy Act 2000 has been extraordinary in its outcomes to date. In fact, South Australia has attracted more than 58 per cent of geothermal investment in Australia for the period 2002 to 2013. Because these projects cover diverse geological provinces, testing is occurring over a range of potential sources of energy. Major petroleum exploration and production companies are involved and the share market shows strong support.

The implications are clear: when it comes to the issue of climate change and the environment, the Rann Labor government is out there. This technology will enable us to reduce emissions, better adapt to the changing climate, and deal with the changes that the future will undoubtedly bring in terms of carbon-constrained economic settings. In fact, as I have noted, the Rann government
fosters recycling and innovative waste management, has initiated wave power technology and has returned more than 500 gigalitres of water for environmental flows. And that is not talking about the additional measure that has been announced this week. Our state has a renewable energy target of 20 per cent by 2014, and the energy efficiency of government buildings will be improved by one quarter over the 2000-01 levels by 2014.

The Rann Labor government in South Australia is committed to the environment but it is also committed to a healthy South Australia. I note that those opposite have raised this issue. It is continuing to work to reverse the effect of the years of neglect our health system suffered under the Liberals. (Time expired)

Senator BERNARDI (South Australia) (3.22 pm)—It is quite astounding: there is a Premier whose name dare not be spoken in this chamber. In 10 minutes, we have probably heard Mike Rann’s name mentioned twice or maybe three times. There is a very good reason Labor do not want to acknowledge Mike Rann. Mike Rann has been a failed premier. He is damaged goods and the Labor Party, particularly Senator Wortley and Senator McEwen, know it. It was not that long ago when their faction was having a little tete-a-tete at parliament house in South Australia. They decided then that they wanted to install Kevin Foley as Premier, because they know that Mike Rann is damaged goods and electoral poison.

What have we got? We hear today from the Labor Party all about their environmental record. I have to say I am torn. I support climate sceptics because they have got it right more often than this government has got it right. I also support the Save the Royal Adelaide Hospital campaign, because the doctors there know what the health and welfare needs are of South Australian community. But this government and the Rann government were asked to choose between health and climate change sceptics. What did they choose? They chose the climate change sceptics. This flies in the face of their constant assertions that climate change is the greatest moral challenge of our time.

Let me suggest to you that when faced with a moral challenge this government has been exposed again and again and again. The South Australian election is not only about morals and the choices that the South Australian premier has made; it is about the morals and integrity of this government. I would say that Senator Wortley and her crew have been left wanting. Their sails have fallen and they are floating becalmed in a sea of guilt and failure. You know that, Senator Wortley. You know that, because the hypocrisy is clear for all to see. Not only has the leader of your government said that climate change is the greatest moral challenge of our time, but even the hapless and failed and deeply unpopular—and I do not just mean at home, I mean the deeply publicly unpopular—Mike Rann has said that climate change is ‘something I am passionate about’. We can add that to the list of what Mike Rann is passionate about, because his other passions are very clear.

What we also know is that no-one in the Labor Party is passionate about him. You wanted to get rid of him, Senator Wortley, and your colleagues in South Australia wanted to get rid of him because they know that he is electoral poison. He cannot be trusted. That is why you do not want to utter his name more than once or twice. You want to go into all your diatribe and dribble, Senator Wortley, about what this government or the Rann Labor government has achieved.

The fact is they have achieved very little. Whatever you say about their commitment to the environment, their commitment to hosp-
tals or their commitment to South Australia, it has all been undone because you were forced to make a choice. You sided against the ‘great moral issue of our time’. How can you be proud of that? I suspect it was a pretty tough ask: which one of the Labor senators was going to come in here and defend it? Senator Wong had a crack at it in question time and failed miserably, because she could not justify why she was asked to endorse the climate sceptics ahead of the campaign to save the existing hospital.

We would ask the same of you, Senator Wortley, or of Senator McEwen: why have you been asked to endorse the climate sceptics rather than Save the Royal Adelaide Hospital? You talk about a plan but you are comparing a plan with the great moral issue of our time. You are caught in a conundrum. It is a conundrum where you have been forced to make a choice and your choice has been exposed. The choice you failed to make was to replace the damaged goods, Mike Rann—that is, the passionate Mike Rann, the Mike Rann that is apparently taking South Australia forward. If that is forward we might as well get Kim Carr to take this country forward, because it is going back to the socialist fifties.

There is an appalling government in South Australia. You know that. We know that. Mike Rann is the unutterable name in the election. That is why, as you drive through the good burbs of Adelaide, you do not see pictures of Mike Rann. They are certainly not where he lives, because he lives in Norwood and his electorate is out in the working-class suburb of Playford or Elizabeth. You do not see pictures of Mike Rann, because he is electoral poison. He is the Mark Latham of the South Australian election. No-one trusts him. No-one can rely on what he says. And no-one can rely on the words or actions of the Labor Party. They have been caught—caught in their own tautology and nonsense.

Question agreed to.

NOTICES
Presentation

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) recognises that 22 March is World Water Day, an initiative of the United Nations Conference on Environment and Development to draw attention to the plight of the estimated 2.6 billion people lacking access to basic sanitation and the 884 million people who lack access to safe and clean drinking water;

(b) notes:

(i) that the theme for World Water Day 2010 is ‘Clean Water for a Healthy World’, and

(ii) the United Nations Children’s Fund/World Health Organization report Progress on sanitation and drinking-water – 2010 Update, released in the week beginning 14 March 2010, and expresses concern that the sanitation Millennium Development Goal target is likely to be met 30 years and one billion people too late;

(c) expresses concern that more than 1.4 million children die each year as a result of unclean water and poor sanitation, which is one child every 20 seconds dying from diarrhoea;

(d) notes that for every dollar invested in sanitation, the United Nations development program estimates $8 is returned in increased productivity;

(e) acknowledges the important role Australia is playing in delivering improved sanitation to communities in Asia and Africa under the Water and Sanitation Initiative;

(f) encourages the Australian Government to take a proactive role and send a high level delegation to the Sanitation and Water for
All meeting in Washington, DC in April 2010; and

(g) calls on the Australian Government and AusAID to report annually on its water and sanitation program, as it already does for its health and education programs, including reporting on the proportion of development aid spent on sanitation.

Senator Ian Macdonald to move on the next day of sitting:

That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on the National Broadband Network, be amended to omit “30 April 2010”, and substitute “12 May 2010”.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes with concern the recent death of an 18-year-old Murri youth in Brisbane after his repeated requests for medical attention were allegedly denied by staff at the Arthur Gorrie Correctional Centre;

(b) expresses concern at the growing disproportionate and alarmingly high rates of incarceration of Indigenous Australians, with a national rate of 171 per 100 000 incarcerated and a staggering 646 per 100 000 incarcerated in the Northern Territory;

(c) notes that new ‘tough on crime’ laws introduced by state and territory governments invariably lead to higher rates of Indigenous incarceration but produce little change in Australia’s comparatively low rates of serious crime; and

(d) calls on the Federal Government and the Council of Australian Governments to act to implement the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody.

Senator Eggleston to move on the next day of sitting:

That the time for the presentation of the report of the Economics References Committee on the Australian dairy industry be extended to 13 May 2010.

Senators Pratt and Birmingham to move on the next day of sitting:

That the Senate—

(a) notes:

(i) nuclear weapons are one of the most serious threats faced by humankind,

(ii) the unanimous finding of the International Court of Justice in its 1996 Advisory Opinion that, ‘There exists a clear obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control’.

(iii) the Nuclear Non-Proliferation Treaty (NPT) Review Conference to be held at the United Nations (UN) in New York from 3 May to 28 May 2010,

(iv) the letter dated 24 February 2010 to parliamentarians from the UN Secretary-General (Mr Ban-Ki Moon) encouraging greater involvement of parliamentarians and highlighting his five-point proposal for nuclear disarmament founded on a fundamental principle that nuclear disarmament and nuclear non-proliferation are mutually reinforcing and inseparable, which was supported by the Inter-Parliamentary Union in April 2009, and

(v) parliamentarians across the political spectrum and from around the world are concerned about the rising threats from the proliferation of nuclear weapons to new countries, the potential for terrorists to acquire or produce nuclear weapons, and the maintenance of nuclear weapons and policies to use them by states currently possessing such weapons;

(b) recalls:

(i) the report of the 1995 Canberra Commission on the Elimination of Nuclear Weapons,
(ii) the unanimous recommendations of the 2009 Joint Standing Committee on Treaties inquiry into nuclear non-proliferation and disarmament, and
(iii) the report of the 2009 International Commission on Nuclear Non-proliferation and Disarmament;
(c) affirms:
(i) that all NPT parties have an obligation to fulfil their undertaking under Article VI of the NPT ‘to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective control’, and
(ii) that all states have an enduring interest in the central role of the NPT in the international nuclear disarmament and non-proliferation regime, and attaining at the NPT Review Conference meaningful progress on each of the NPTs three pillars, namely nuclear disarmament, nuclear non-proliferation and the peaceful use of nuclear energy;
(d) welcomes the intention of Australia and Japan to take forward a package of practical nuclear disarmament and non-proliferation measures for the NPT Review Conference; and
(e) calls for:
(i) an unequivocal commitment by all states to the goal of a world free of nuclear weapons,
(ii) the nuclear weapons states to commit to reducing the role of nuclear weapons in their national security strategies, including strengthened negative security assurances not to use nuclear weapons against non-nuclear weapons states,
(iii) all states that have not yet signed and ratified the Comprehensive Nuclear Test-Ban Treaty to do so with a view to its early entry into force, and
(iv) the immediate commencement and early conclusion of negotiation of a fissile material cut-off treaty.

Senators Fifield and Bernardi to move on the next day of sitting:
That the Senate—
(a) notes with great sadness the passing of respected disability advocate Dr Paul Collier;
(b) offers its sincere condolences to the friends and family of Dr Collier, particularly his mother Wendy, sister Joanne, brother-in-law David and his three nephews for their tragic loss; and
(c) notes his tireless and passionate work in seeking to improve the lives of people with disabilities and the valuable contribution he made to the community.

Senator Bob Brown to move on 17 June 2010:
That the following bill be introduced: A Bill for an Act to establish the Office of the National Integrity Commissioner, and for related purposes. National Integrity Commissioner Bill 2010.

Senators Barnett and Crossin to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) World Tuberculosis Day on 24 March 2010 represents an important opportunity to acknowledge the global impacts of tuberculosis (TB), which causes 2 million deaths annually,
(ii) the Western Pacific region accounts for more than 20 per cent of the global burden of TB, with an estimated 1.4 million new cases each year,
(iii) Australia is not exempt from the impacts of TB, in particular, due to the proximity of the Torres Strait Islands and Papua New Guinea where TB rates are very high, and
(iv) that 2010 marks the halfway point for the Global Plan to Stop TB; and
(b) calls on the Government to maintain its efforts to achieve the important targets laid out by the Global Plan to Stop TB.

Senator Farrell to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the over-allocation of water within the Murray-Darling Basin, combined with the emerging impacts of climate change, has led to significant environmental problems, including those faced in the Lower Lakes and the Coorong,

(ii) improving the health of Australia’s rivers requires us to take less water from them and that the fastest way to improve river health is by purchasing water entitlements from willing sellers,

(iii) in the longer term, the historic over-allocation and emerging climate change must be addressed under the forthcoming Murray-Darling Basin Plan, with a new lower limit on water use that is based on science, and

(iv) there have been recent calls by politicians that seek to undermine the need for scientific integrity in determining this limit by demanding that less additional water be provided to the environment; and

(b) urges:

(i) the Government to maintain its purchase program, and

(ii) the Murray-Darling Basin Authority to set new diversion limits that are based on science to ensure the key environmental assets in the basin are protected as set out in the Water Act 2007.

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

That the Senate calls on the Government to amend the Commonwealth Electoral Act 1918 before the next federal election to incorporate a Truth in Political Advertising Unit to monitor and regulate political advertising to ensure it is true and accurate.

Senator Ludlam to move on the next day of sitting:

(a) the ‘unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI’, agreed by consensus at the 2000 Nuclear Non-Proliferation Treaty (NPT) Review Conference;

(b) the statement made by Australia on 30 April 2008 at the NPT Preparatory Committee meeting that, ‘at an appropriate time, the international community will likely need to consider complementary legal frameworks, including a possible nuclear weapons convention, for the eventual abolition of nuclear weapons’;

(c) the statement made by the then Australian Labor Party foreign affairs spokesperson, Mr Robert McClelland, on 17 September 2007, that the proposal to establish a Nuclear Weapons Convention is ‘timely and responsible’ and that ‘ultimately the question to be asked is not why there should be a nuclear weapons convention but why the international community has not yet agreed to start negotiating one’;

(d) the recommendation contained in report 106 of the Joint Standing Committee on Treaties that, ‘the Australian Government make clear in international fora its support for the adoptions of a Nuclear Weapons Convention’ and ‘allocate research and consultation resources to the development of a Nuclear Weapons Convention with a clear legal framework and enforceable verification’;

(e) the Australian Government sponsored International Commission on Nuclear Non-Proliferation and Disarmament report statement that, ‘An important project for the medium term will be to develop, refine and build international understanding and acceptance of the need for a Nuclear Weapons Convention – a comprehensive
international legal regime to accompany the final move to elimination’;

(f) the first proposal in the United Nations Secretary-General’s five-point proposal on nuclear disarmament urges, ‘all NPT parties, in particular the nuclear weapon-states, to fulfil their obligation under the treaty to undertake negotiations on effective measures leading to nuclear disarmament. They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear-weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations’; and

(g) the 10 March 2010 resolution of the European Parliament on Treaty on the Non-Proliferation of Nuclear Weapons which noted:

‘a. a distinct lack of progress in achieving concrete objectives in pursuit of the goals of the NPT Treaty ... coupled with greater demand for, and availability of, nuclear technology and the potential for such technology and radioactive material to fall into the hands of criminal organisations and terrorists,

b. that nuclear weapons states that are signatories to the NPT are delaying action to reduce or eliminate their nuclear arsenals and decrease their adherence to a military doctrine of nuclear deterrence,

c. called on Member States to make a coordinated, positive and visible contribution to the 2010 NPT Review Conference discussions, in particular by proposing an ambitious timetable for a nuclear-free world and concrete initiatives for revitalising the UN Conference on Disarmament and by promoting disarmament initiatives based on the “Statement of Principles and Objectives” agreed at the end of the 1995 NPT Review Conference and on the “13 Practical Steps” unanimously agreed at the 2000 Review Conference’.

Senator Ludwig to move on the next day of sitting:

That on the release by the Government of any exposure draft of legislation relating to the implementation of its announced paid parental leave scheme, the document or documents stand referred to the Community Affairs Legislation Committee for inquiry and report by 3 June 2010.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.27 pm)—I give notice that, on the next day of sitting, I shall move:

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

Trans-Tasman Proceedings Bill 2009

I also table a statement of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Purpose of the Bills
The Bills implement into Australian law the Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement 2008 (the Agreement). Companion legislation to implement the Agreement is before the New Zealand Parliament. The purpose of the Bills is to establish a cooperative scheme to streamline the resolution of trans-Tasman legal disputes, and provide a single point of reference for rules regarding how such proceedings are conducted.

Reasons for Urgency
The Australian and New Zealand Bills were introduced into the respective Parliaments as a matter of priority in late 2009. The New Zealand Bill was introduced before the Australian Bill. There is a risk that delaying consideration of the Australian Bill to Winter 2010 could result in Australia
falling behind New Zealand in the implementation of its domestic arrangements necessary to meets its international obligations under the Agreement, and delay the commencement of the cooperative scheme which has bipartisan support and will benefit businesses and individuals operating in the trans-Tasman environment.

LEAVE OF ABSENCE
Senator O’BRIEN (Tasmania) (3.28 pm)—by leave—I move:
That leave of absence be granted to Senators Lundy and Sherry for 17 March and 18 March 2010, for personal reasons.
Question agreed to.
Senator PARRY (Tasmania) (3.29 pm)—by leave—I move:
That leave of absence be granted to Senator Johnston from 17 March to 19 March 2010, on account of parliamentary business and for personal reasons.
Question agreed to.

NOTICES
Postponement
The following items of business were postponed:

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 18 March 2010.

General business notice of motion no. 738 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Responsible Takeaway Alcohol Hours Bill 2010, postponed till 18 March 2010.

HOME INSULATION PROGRAM
Order
Senator CORMANN (Western Australia) (3.30 pm)—I, and also on behalf of Senator Birmingham, move:
That the Senate—
(a) notes:
(i) the persistent and continuing refusal of the Prime Minister and several other ministers to clarify when they were first told about inadequate training and safety issues for workers involved in the home insulation program,
(ii) reports that direct advice was provided to the Prime Minister and other ministers involved in Labor’s home insulation fiasco about fraud, safety risks and training inadequacies in relation to the ill-fated program, and
(iii) reports that the home insulation program implemented was redesigned from that initially recommended by the Department of the Environment, Water, Heritage and the Arts so as to spend the funds allocated faster as part of the stimulus package;
(b) considers that public release of all information about what the Government knew about inadequate training and safety issues for workers is in the public interest; and
(c) orders that there be laid on the table by 12 pm on Thursday, 18 March 2010, any information, including, but not limited to, letters, emails, spreadsheets, minutes of meetings, reports, and briefing notes, held by the Prime Minister, the Minister for the Environment, Heritage and the Arts, the Minister for Climate Change, the Minister Assisting the Prime Minister for Government Service Delivery, the Minister Assisting the Minister for Climate Change, and their respective offices and departments, concerning:
(i) safety warnings in relation to the home insulation program,
(ii) training issues in relation to the home insulation program,
(iii) fraud in the home insulation program,
(iv) the design of the home insulation program initially proposed by the Department of the Environment, Water, Heritage and the Arts, and
(v) changes made to the design of the home insulation program initially pro-
posed by the Department of the Environment, Water, Heritage and the Arts.

Question agreed to.

Senator O’BRIEN (Tasmania) (3.30 pm)—by leave—On the basis that the Greens supported the motion, the government opposes the motion. Recognising of course that the motion of senators Cormann and Birmingham, with the support of the coalition and the Greens, has a majority in the chamber, we will not call a division.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.31 pm)—by leave—The motion by senators Cormann and Birmingham goes to the alleged refusal by government ministers to clarify when they became aware of various matters associated with the implementation of the Home Insulation Program, as well as the formulation and design of the program. As the Senate is well aware, several detailed statements have now been made by ministers both in this place and in the other place over the last several weeks in relation to the administration of the Home Insulation Program. To suggest, as the opposition do in this motion, that ministers have been anything but up-front in relation to these matters is disingenuous. The Prime Minister himself has taken full responsibility for resolving the issues that have arisen as a result of the roll-out of the Home Insulation Program, including in relation to safety concerns of some householders.

The government does welcome scrutiny in relation to this issue. The government has commissioned a review by Dr Allan Hawke to consider issues around design, delivery and administration of the previous Home Insulation Program. Minister Combet, on learning that the ANAO has undertaken some initial planning work regarding a performance audit of the Home Insulation Program, invited the Auditor-General to conduct the audit to expedite it. In addition, the Senate Standing Committee on Environment, Communications and the Arts has established an inquiry into the program, in which the government has been participating. Departments have been answering detailed questions and providing significant volumes of information on request.

However, what the government does not welcome is a fishing expedition on the part of the opposition, a fishing expedition that is designed to achieve little more than to tie down ministerial officers in government departments. Of course to identify such a broad range of documents in a request as wide as that is to embark on a process that would clearly amount to an unreasonable diversion of resources—a diversion of resources that the government cannot and will countenance. Accordingly, given the breadth of this motion as indicated by this vote today, the government had no sensible alternative but to oppose it.

Senator CORMANN (Western Australia) (3.33 pm)—by leave—The government continue with their ducking and weaving. The minister just said that answers have previously been provided in this chamber and in the other place. The reality is that the government has refused to provide answers and advise the Senate. They have refused to tell the Australian people when they first became aware of the safety risks for workers involved in the Home Insulation Program, when they first became aware of the issues in relation to training for those involved in the Home Insulation Program and when they first became aware of the levels of fraud in this rushed home insulation fiasco. There is a whole series of unanswered questions.

This government has become so arrogant so quickly. This government does not respect and accept the legitimate and important role of the Senate. It does not accept the impor-
tance of scrutiny on the government’s performance. This is why we get this dismissive attitude here today, which is just the same as what the Prime Minister said a couple of days ago. He was asked to release a letter from Minister Garrett to the Prime Minister, in which it is understood that Minister Garrett might have brought forward various safety risks for workers involved in the failed Home Insulation Program to the Prime Minister’s notice. The Prime Minister arrogantly said: ‘We’re not going to give it to you but if you want it just lodge an FOI request. Just put in an FOI request and we’ll see what happens.’

This is a government that before the last election was running up and down every main street in every regional town and capital city saying: ‘We’re going to be all different. This is going to be a new era of openness and transparency in government.’ Senator Faulkner was paraded out there as somehow giving credibility to this proposition that the Rudd Labor government was going to be open and transparent. It was just a fraud. This is just another example that Labor is nothing but all talk and no action.

COMMITTEES
Reform of the Australian Federation Committee
Establishment

Senator PAYNE (New South Wales) (3.35 pm)—I seek leave to amend general business notice of motion No. 751 by deleting the words ‘on 13 May 2010’ and substituting ‘at the conclusion of the Senate Select Committee on the National Broadband Network’.

Leave granted.

Senator PAYNE—I move the motion as amended:

(1) That a select committee, to be known as the Select Committee on the Reform of the Australian Federation, be appointed at the conclusion of the Select Committee on the National Broadband Network, to:

(a) inquire into and report by 24 August 2010 on key issues and priorities for the reform of relations between the three levels of government within the Australian federation; and

(b) explore a possible agenda for national reform and to consider ways it can best be implemented in relation to, but not exclusively, the following matters:

(i) the distribution of constitutional powers and responsibilities between the Commonwealth and the states (including territories),

(ii) financial relations between federal, state and local governments,

(iii) possible constitutional amendment, including the recognition of local government,

(iv) processes, including the Council of Australian Governments, and the referral of powers and procedures for enhancing cooperation between the various levels of Australian government, and

(v) strategies for strengthening Australia’s regions and the delivery of services through regional development committees and regional grant programs.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by any minority group or groups or independent senator or independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, and 1 nominated by any minority group or groups or independent senator or independent senators;

(b) participating members may participate in hearings of evidence and delibera-
tions of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.

(6) That the committee elect a 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 anytime when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(8) That 3 members of the committee constitute a quorum of the committee.

(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 2 members of a subcommittee include a quorum of that subcommittee.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.36 pm)—Mr President, I seek leave to make a further amendment.

Leave granted.

Senator BOB BROWN—I apologise for not giving forewarning about this, Senator Payne. Your amendment is just now being circulated. I move:

Paragraph (1), omit “That a select committee, to be known as the Select Committee on the Reform of the Australian Federation, be appointed at the conclusion of the Select Committee on the National Broadband Network, to”, substitute “That the following matter be referred to the Legal and Constitutional Affairs References Committee”

Omit paragraphs (2) to (13).

I would be happy to delay the matter until tomorrow if Senator Payne so wished.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.38 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator FIELDING—I thank the Senate. I have not seen the amendment, but I think it just changes it from a select committee to a references committee. A select committee seems fine to me, so I will vote for the select committee.
The DEPUTY PRESIDENT—The question now is that Senator Bob Brown’s amendment to Senator Payne’s amended motion be agreed to.

Question negatived.

The DEPUTY PRESIDENT—The question now is that Senator Payne’s amended motion be agreed to.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.40 pm)—Mr Deputy President, I ask that the opposition of the Australian Greens to that last motion be recorded.

SAME-SEX RELATIONSHIPS

Senator HANSON-YOUNG (South Australia) (3.40 pm)—I move:

That the Senate—
(a) notes:
(i) the first same-sex marriages were celebrated in Mexico City in the week beginning 7 March 2010, following the recent passage of legislation removing discrimination on the basis of sexual orientation, under that city’s Marriage Act, and
(ii) Mexico City joins Portugal, Canada, the Netherlands, Sweden, Belgium, Norway, Spain, South Africa and many states in the United States of America that already recognise same-sex marriage as a reality;
(b) recognises that all Australians deserve to be treated fairly and equally, regardless of their sexual orientation and that Australia is becoming increasingly isolated internationally, by refusing to remove discrimination on the basis of sexual orientation from the Marriage Act 1961 (the Act); and
(c) calls on the Australian Government to remove all discrimination from the Act on the basis of sexuality and gender identity and extend the legal right to marry to all.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.40 pm)—I seek leave to make a short statement in relation to the motion.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—The government believes that all couples who have a mutual commitment to a shared life should have the opportunity to have their relationship officially recognised. That is why the Rudd government supports the development of a nationally consistent framework that provides the opportunity for all couples who have a mutual commitment to a shared life to have their relationships officially recognised. Such a framework can be implemented consistently with the government’s commitment to maintain the current definition of ‘marriage’ in the Marriage Act 1961. This is the most appropriate way to provide the opportunity for all couples who have a mutual commitment to a shared life to have their relationships officially recognised.

Question negatived.

Senator HANSON-YOUNG (South Australia) (3.41 pm)—Mr Deputy President, I would like it specified on the record that it was the Greens who voted yes and the Labor Party and the opposition who voted no.

The DEPUTY PRESIDENT—I think that was carefully explained by Senator Ludwig.

POLITICAL ADVERTISING

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.42 pm)—I move:

That the Senate—
(a) notes Labor’s advertising attacking Liberal opponents in South Australia and the Greens in Tasmania using inferences of support for criminality; and
(b) deplores this desperate tactic and calls on Labor to restore decency to its campaigning and to not mislead voters on the way to the elections on Saturday, 20 March 2010.

Question agreed to.

Senator O'BRIEN (Tasmania) (3.42 pm)—I seek leave to make a brief statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator O'BRIEN—We recognised that Senator Brown had the support of the coalition on this motion. He therefore had a majority in the chamber, and we did not call a division.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.43 pm)—I seek leave to make a brief statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—This is an important motion about decency in election advertising and about truth in election advertising. I am surprised that Labor's ads attacking the leader of the Liberal Party in South Australia, Isobel Redmond, who did not deserve to have an advertisement misleading voters about her integrity, and equivalent ads by Labor on the Greens in Tasmania, who likewise have been misrepresented. The important point here is not that Labor is again misrepresenting its opponents but that voters are being misled on their way to the ballot boxes on Saturday by these very nasty advertising tactics by Labor in both South Australia and Tasmania. I would have thought it was time that the government moved for decency and truth in political advertising, and I will have a further motion on that matter tomorrow.

WHALING

Senator SIEWERT (Western Australia) (3.44 pm)—I move:

That the Senate calls on the Government to investigate, through the processes of the International Whaling Commission, the recent claims by Greenpeace and the 'Tokyo Two' Junichi Sato and Toru Suzuki of corruption and embezzlement within the whaling industry.

Question negatived.

CAPTAIN PETER BETHUNE

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.45 pm)—I move:

(a) notes the courage of Pete Bethune, the captain of the Sea Shepherd boat the Ady Gil, which was sunk in the Southern Ocean while trying to protect whales from illegal poaching; and

(b) calls on the Australian Government to use all diplomatic channels to provide support for Captain Bethune following his arrest in Japan on trespass charges.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.45 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I thank the Senate. The Australian government does not support this motion. New Zealand citizen, Peter Bethune, was arrested by Japanese authorities in connection with his boarding of the Shonan Maru II in the Southern Ocean on 15 February 2010. Australia has no jurisdiction in relation to Mr Bethune’s arrest. This is a matter for Japan, which, as the flag state of the Shonan Maru II, has exclusive jurisdiction over its vessels on the high seas in relation to such matters and for New Zealand, which owes consular responsibilities to its own citizen.
The government has previously made clear that private citizens have no right to board vessels on the high seas without consent and should not attempt to do so. The government has also made clear that dangerous and confrontational methods, including some of those pursued by the Sea Shepherd Conservation Society, are absolutely inappropriate, including the throwing of projectiles from one vessel to another. The Australian government has repeatedly called on all parties in the Southern Ocean to show restraint. While we are opposed to whaling, we do not support violent and unlawful activity.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.46 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—I thank the Senate. That craven attitude from the government towards Tokyo on the matter of whaling takes it to a new depth. Mr Bethune was captain of the Ady Gil, which was run down by the Japanese security ship protecting the whalers in the absence of the Australian and New Zealand governments on the high seas. The Australian government does have jurisdiction. All countries which are signatories to proper and decent behaviour on the high seas do have legal jurisdiction. This Australian government has failed to take action to implement its own signature at the bottom of the laws governing proper behaviour on the seas that make it illegal for one ship to run down another in the circumstances in which the Ady Gil was smashed and the six men aboard came within an inch of their lives being taken by the reckless and deliberate action of this whaling support ship. The Australian government, like the New Zealand government, has stood aside so far and done nothing about implementing its obligation to see that such illegal behaviour by a ship at sea, in waters to which we are the closest nations, is brought to book. So, far from Senator Ludwig’s asseveration that Mr Bethune was in some way at fault here for purveying rotten butter, the fact is that he is turning a blind eye to the smashing and sinking of a ship, with the clear possibility of killing the six people aboard, by a Japanese ship in flagrant breach of international law. This government should act.

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

The Senate divided. [3.53 pm]

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

Ayes............ 7
Noes............. 43
Majority....... 36

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

NOES
Arbib, M.V. Back, C.J.
Barnett, G. Bernardi, C.
Bilyk, C.L. Bishop, T.M.
Brown, C.L. Bushby, D.C.
Cameron, D.N. Carr, K.J.
Cash, M.C. Colbeck, R.
Collins, J. Conroy, S.M.
Cormann, M.H.P. Crossin, P.M.
Farrell, D.E. Faulkner, J.P.
Feeney, D. Ferguson, A.B.
Fifield, M.P. Fisher, M.J.
Forshaw, M.G. Forster, M.L.
Hurley, A. Joyce, B.
Ludwig, J.W. Marshall, G.
McEwen, A. Mclucas, J.E.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S. *
Polley, H. Pratt, L.C.
Ryan, S.M. Stephens, U.
Senator PARRY (Tasmania) (3.56 pm)—At the request of Senator Minchin, the Leader of the Opposition in the Senate, I move:

That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than 9.30 am on Thursday, 18 March 2010, the interim report of the National Broadband Network Implementation Study provided to the department in August 2009.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.56 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! I remind senators that Senator Brown has the call.

Senator BOB BROWN—Thank you, Mr Deputy President. The Greens will support this motion because it is seeking information that the Minister for Broadband, Communications and the Digital Economy ought to be giving to the parliament. However, I want to point out that in the matter of seeking information relating to the Australian Federal Police raid on the Sea Shepherd ships in Hobart the opposition turned down the request for information. I am, with the Greens, fiercely supportive of the idea that when the government keeps under lock and key information that is important to making decisions for this nation it ought to bring forward that information.

But the opposition is being selective. There is no excuse for the opposition joining with the government to stop this parliament having information which it ought to have on the matter whaling in the Southern Ocean and about what action the government is or is not taking. Senator Parry, who is very new in this place and does not know the ropes, will complain that police matters should be left undiscovered. That is quite wrong and Senate advice has always been to the contrary. It is up to the government to sort out what matters are sub judice or might otherwise compromise police action. But it is not up to the opposition to determine that nothing shall be discovered whatsoever—that is the case in point here. The opposition is putting a blanket prohibition on the search for information which ought to be available and which would have been available were my motion to have gone ahead. Notwithstanding that, the principal of getting information in this place is more important than the opposition’s stubborn refusal to support my motion. (Time expired)

Senator PARRY (Tasmania) (3.59 pm)—I seek leave to make a brief statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator PARRY—Senator Brown is correct: we are selective about which motions we support and which motions we do not support. We judge each motion on its merits.

Question agreed to.

Senator O’BRIEN (Tasmania) (3.59 pm)—I seek leave to make a very brief statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator O’BRIEN—The motion moved by Senator Parry, having the support of the Greens as indicated by Senator Brown, had the majority in the chamber. We therefore did
not call a division. We note the bargaining for votes in the future.

HUMAN RIGHTS: BURMA

Senator LUDLAM (Western Australia) (4.00 pm)—I seek leave to amend general business notice of motion No. 750 standing in my name today, relating to human rights and electoral conditions in Burma.

Leave granted.

Senator LUDLAM—I move the motion as amended:

That the Senate:

(a) notes that:

(i) the 5 March 2010 report of the United Nations Special Rapporteur on the situation of human rights in Myanmar documents ‘a pattern of gross and systematic violation of human rights which has been in place for many years and still continues’,

(ii) the Special Rapporteur states that ‘the possibility exists that some of these human rights violations may entail categories of crimes against humanity or war crimes under the terms of the Statute of the International Criminal Court’,

(iii) the Special Rapporteur recommends that ‘UN institutions may consider the possibility to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes’,

(iv) on 9 March 2010 Burma announced the election laws for the forthcoming election based on the 2008 constitution that:

(A) excludes persons serving prison terms and public servants from standing for election,

(b) may prevent the National League for Democracy (NLD), headed by Aung San Suu Kyi, and winners of the country’s last election, from registering if Aung San Suu Kyi remains a party member, and

(c) annuls the results of the 1990 election, which saw the NLD win more than 80 per cent of the vote, and

(v) on 10 March 2010 the United States of America (US) Assistant Secretary of State, Mr Kurt Campbell, said that the election laws were ‘disappointing and regrettable’, and the US State Department spokesperson, Dr Philip Crowley, said ‘given the tenor of the election laws that they put forward, there’s no hope that this election will be credible’;

and

(b) welcomes:

(i) the Government’s statement on 15 March 2010 to the UN Human Rights Council expressing its support for ‘investigating possible options for the establishment of a United Nations commission of inquiry’, and

(ii) the statement of the US acknowledging the significance of the Special Rapporteur’s recommendations to create a commission of inquiry which ‘underscores the seriousness of the human rights problems in the country, and the pressing need for the international community to find an effective way to address challenges there’.

Senator LUDLAM—I seek leave to make a very brief statement as to the intent of the motion and the amendment.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDLAM—I thank the Senate. This motion, as senators may be aware, is congratulating the government, which is something that happens all too rare in this place for obvious reasons. In this case, quite unambiguously, the government has taken quite an important lead internationally on Burma’s foreign policy. The Greens and the Burmese pro-democracy movement in exile and within that country have been calling for
a very long period for an investigation into possible options for the establishment of a United Nations commission of inquiry into war crimes and crimes against humanity in Burma. Overnight, the Australian government has indicated that it will support possible options for such a commission of inquiry. That is to be welcomed unconditionally. We have been calling for this move for quite some time. In the UN Human Rights Commission, a report was tabled overnight. The progress report of the Special Rapporteur on the situation of human rights in Myanmar noted:

... a pattern of gross and systematic violation of human rights that has been in place for many years.

... ... ...

Given the gross and systematic nature of human rights violations in Myanmar over a period of many years, and the lack of accountability, there is an indication that those human rights violations are the result of a State policy that involves authorities in the executive, military and judiciary at all levels.

The government needs to take prompt and effective measures to investigate these facts. I am pleased to be standing in the chamber today to acknowledge that the government has taken that step. These moves are all too rare. It puts us in a position of taking international leadership. I commend this motion to the Senate.

Question agreed to.

HUMAN RIGHTS

Order

Senator HANSON-YOUNG (South Australia) (4.02 pm)—I move:

That the Senate—

(a) notes that:

(i) the National Human Rights Consultation delivered its report to the Attorney-General (Mr McClelland) on 30 September 2009, more than 6 months ago, and

(ii) the Attorney-General released a statement that the Government will provide a response in the coming months; and

(b) orders that there be laid on the table by the Minister representing the Attorney-General, no later than 4 pm on 11 May 2010, the Government’s response to the National Human Rights Consultation report which was delivered to the Attorney-General on 30 September 2009.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.03 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—The government is giving serious consideration to the recommendations of the National Human Rights Consultation committee and the Attorney-General indicated when releasing the report that the government will respond in the coming months.

Question agreed to.

Senator O’BRIEN (Tasmania) (4.03 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator O’BRIEN—The government recognised that Senator Hanson-Young’s motion, with the support of the coalition and the Greens, had a majority in the chamber. We did not call for a division.

Senator HANSON-YOUNG (South Australia) (4.04 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Is leave granted?

Senator O’Brien—No.

The DEPUTY PRESIDENT—Leave is not granted.
Senator Bob Brown—I did not hear the no to the request seeking leave. I am wondering who it came from.

The DEPUTY PRESIDENT—All I have to do is hear a no, Senator Brown. You do not have to hear it. I have to hear it and I did hear a no.

Question agreed to.

COMMITTEES
Cyber-Safety Committee
Membership

The DEPUTY PRESIDENT (4.05 pm)—Pursuant to the order agreed to earlier today, the Senate will proceed to the ballot to appoint a senator to the position to be nominated by a minority group or Independent senators. The candidates are Senator Fielding and Senator Ludlam. Before proceeding to a ballot, the bells will be rung for four minutes.

The bells having been rung—

The PRESIDENT—Order! The Senate will now proceed to a ballot. Ballot papers will be distributed to honourable senators, who are requested to write on the ballot paper the name of the candidate for whom they wish to vote. The candidates are Senator Fielding and Senator Ludlam. The Clerks will now distribute ballot papers to honourable senators. I invite Senator Fielding and Senator Siewert to act as scrutineers.

A ballot having been taken—

The PRESIDENT—The result of the ballot is as follows: Senator Ludlam, 37 votes; and Senator Fielding, 35 votes. Senator Ludlam is therefore elected as the member of the Joint Select Committee on Cyber-Safety nominated by a minority group or Independent senators.

MATTERS OF PUBLIC IMPORTANCE
Building the Education Revolution Program

The ACTING DEPUTY PRESIDENT (Senator Ryan)—The President has received a letter from Senator Parry proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The Rudd Labor Government’s continued failure to implement its ‘education revolution’ in a timely, efficient and cost effective manner, including its failure to:

(a) deliver and connect computers in schools;
(b) establish the trade training centres;
(c) improve learning outcomes; and
(d) create jobs through the Building the Education Revolution Program.

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 ACTING 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 BERNARDI (South Australia) (4.21 pm)—If ever there has been a matter of public importance whose discussion is clearly justified, it is this one. Labor’s Building the Education Revolution has much in common with the comrade revolutions of yesteryear, because Labor have failed at every turn to implement a change or anything of benefit to schools and communities in a timely and cost-efficient manner that does not waste taxpayer funds. They have talked about the delivery and connection of computers in schools, they have said that
they would establish trade training centres, they have said they would improve and increase learning outcomes and they have said that they would create jobs. They have certainly created jobs; they have also created many multimillionaires out of the people tendering for and getting these building contracts who have been able to charge two, three, four or five times more than the market rate, and that has meant that taxpayers have not got value for money.

For more than two years the Australian people have been smothered in the spin, the rhetoric and the empty words of the government, and it is starting to catch up with them. It is about all talk and no action. Where they have taken action and where they have implemented initiatives, they have failed—they have been duds or they have been wasteful. There is no other way we can explain it. Mr Kevin Rudd and his team of yesteryear people are in way over their heads. They cannot justifiably manage the money that the Australian taxpayers have entrusted to them.

If we want examples, we do not have to look far. Every day there is another page on the waste that is associated with this government. Just today, in the Australian there was an article about the Pleasant Hills Public School near Wagga Wagga. It has 15 students. I am sure it is a fine school. They required a few extra works under the Building the Education Revolution: a partition in a classroom, a higher opening between two classrooms and installation of an art sink—all very practical and sensible things. The problem is that the quote for this work and a few other jobs came to in excess of $249,000. In this amount, $77,000 was spent on design documentation, field data and site management. Nearly 25 per cent of the cost of installing an art sink, a partition in a classroom, a sandpit and a few other bits was spent on planning and design documentation. The site works were $60,000-odd, and then there were anomalous costs: preliminary work of $25,000, substructure work, superstructure work and site services. All of these things are much more than the taxpayer should or would be willing to pay if the government were actually responsible. The Pleasant Hills parents and citizens committee told their local MP:

We will be getting all that was requested but we feel that the costs associated with the work is not value for money for the taxpayers’ dollar …

Even the beneficiaries of this realise that taxpayers are being ripped off by this government’s lack of control and ability to implement a reasonable program.

The New South Wales Teachers Federation has written to the Auditor-General to ask for an inquiry into the school building program. The Deputy President, Gary Zadkovich, said a school:

… may receive an $850,000 trucked-in prefabricated classroom or library when it knows a fully furnished brick home would cost half that…

A prefab versus a brick structure—a rip-off for the taxpayers. It is all because of the blind and naked ambition of the government to buy their way back into power regardless of long-term cost.

On a recent radio program it was said that covered outdoor learning areas were costing about $950,000 under the comrade revolution over there, but only a few years ago a slightly smaller covered outdoor learning area cost about seven-tenths of that. It is appalling mismanagement of money. In my state of South Australia, where the hapless and hopeless Rann government has been shown to be much better than this government, I have had numerous reports of electricians who were told, ‘Just quote whatever you like under this Building the Education Revolution. We’ll accept it. This is the way to pay for your holiday home or a new boat to go fishing in.’ This is the rotting that is
going on, and people out there are concerned. They are concerned because the government has lost control and they turn to us in the coalition to hold this government to account, but when we do, when we ask the government very pertinent and reasonable questions, what do we get? We get class warfare from Senator Carr in the Senate. I am sure it would be no surprise that Senator Marshall—who I think received one vote for President of the Senate—will probably conduct some other class warfare as well. It is a great shame because the Australian people deserve better. Yes, they do deserve infrastructure spending, but it needs to be prudent. It needs to be reasonable use of taxpayers’ money because anything else is sentencing generations of future Australians to debt that is completely unnecessary.

The teachers federations are up in arms about it; the legitimate, honest and reputable tradesmen are up in arms about it; the parents and friends and committees are up in arms about it. The coalition is very concerned about the waste and what it is going to do to our future. The only people who do not seem concerned about this waste are those on the other side. They are in denial. They are saying, ‘This is all good. It’s much more important to roll these programs out irrespective of the cost.’ Quite frankly, that is not how a reasonably minded person thinks. Anyone who argues against the logic that you should not be paying above the odds and that you should not be throwing too much into an economy at one time because it does not have the ability to cope and it will change and inflate prices really has to be barking mad. It will be interesting to hear the response from the other side and how they defend this enormous waste of money.

In conclusion, last night I had the great fortune to attend a function for the Australian National University Liberal Club. I met a young lady there who recently featured on television. She should be famous as the person who belled the cat on the fraud of the Prime Minister. Ms Angela Samuels was in the audience of Q&A when the Prime Minister thought he would get an easy ride, but he did not. The young people of today realise what a fraud he is and they can see through him. Ms Samuels stood up and asked the Prime Minister about his computer revolution and how he was going to deliver it. The Prime Minister told this young lady porky pies. She shook her head and the Prime Minister admonished her on national television. Ms Samuels, you can stand proud and you can stand tall because you are one of the few people in the public who was prepared to bell the cat on the Prime Minister. He was telling you fibs on Q&A, he has been telling the Australian people fibs and he should be ashamed of how his programs have been implemented.

Senator COLBECK (Tasmania) (4.29 pm)—I too rise to make a contribution to this motion on the Rudd government’s complete failure to implement what it termed with great fanfare during the election as the ‘education revolution’. I recall saying to some people at the time that revolutions are usually accompanied by chaos and all sorts of mismanagement, and we have seen it again—complete and utter chaos in the management of this program, really demonstrating this government’s complete lack of capacity to run programs. In my view, this program has the capacity to be a bigger problem for the government than its scandalous pink batts program. Once this program is properly scrutinised—and we know the government is trying to batten down the hatches, get everyone to stay quiet and hold off on releasing all the information that it possibly can for as long as it possibly can—and once all this starts to come out, I think you will see that this is going to be a bigger problem for the government than was the pink batts program.
Senator Bernardi has already put some of the information on the table as to concerns that have been raised with him. A real sign of the significance of the problem is that the New South Wales Teachers Federation—part of the Labor Party’s own—is now saying that it is concerned about the rort, the overpricing, the overcosting of this program and has written to the Auditor-General in New South Wales saying it wants the Auditor-General in New South Wales to look at it. We know the Auditor-General here is going to look at it at a federal level, but I do not hold much hope that we will see anything on this program before the election. I would like to think that we might but I doubt that we will. That is no reflection on the Auditor-General; it is just the way things are going.

We can go right back to the start and look at the way this program started. Right at the outset we had signs outside schools. Every school regardless of whether it had a project up and running yet got a school sign out the front proudly saying that this school would be the beneficiary of the education revolution. It is about the only successful part of this program—the government has managed to get signs up outside every school. But the signs have to stay there for two years, right through the election. In Tasmania, they even offend the Electoral Act. Bruce Taylor, the Electoral Commissioner, has deemed them to be electoral matter under the state Electoral Act 2004. The ruling leaves no doubt that these signs are designed to provide a political advantage to the government. So, that was at the very outset of this program.

Senator Jacinta Collins interjecting—

Senator COLBECK—We saw the signs in place. I will take the interjection because I worked in the construction industry for many years and I saw many, many construction signs out the front of schools. A genuine construction sign had the name of the contractor, the name of the project, the name of the architect and the details of the project. I saw dozens and dozens of school project signs in my time and I know what they look like. They do not look like anything like this and they were not declared to be electoral advertising under the Electoral Act. So, Senator, if you want to interject then you go for your life because we know exactly what they are and we know exactly what they were designed to do. Of course, they have to be covered up at election time; the electoral officer said that. The local member for Braddon, Mr Sidebottom, said they were no different to a sign on a road. Well, there are not too many roads that I know that are actually polling booths. There are not too many roads anywhere in this country that double as a polling booth. Here you have, outside polling booths all around the country, these electoral signs that are deemed to offend the Electoral Act.

Next we can look at what has been occurring as part of the program. Senator Bernardi has already detailed some of those things. When you start talking to contractors who are involved in these projects you hear the problems that they are facing. When you talk to the school communities you hear the problems they are facing. There are delays in project commencement. There are no completion dates on contracts or completion dates that are a long way out. You see very, very poor documentation in some cases, which is causing contractors to have to put contingency into their pricing because they do not know what they are going to miss.

I have spoken to a school which had to have its power lines changed and its septic tanks moved because the documentation did not include those sorts of things. These things are all leaving shortfalls for the schools in finishing the projects and causing delays. Contractors are having to price the projects two or three times because they have been over-specified and have to be cut back.
or they have been over-calculated and then cut back.

*Senator Jacinta Collins interjecting—*

**Senator COLBECK**—Senator, it is not common when you get decently documented projects.

*Senator Jacinta Collins—* It is common.

**Senator COLBECK**—Well, I do not know what construction industry you are working in but it certainly was not the situation in the construction industry that I worked in, I can promise you that. Quality documentation is absolutely paramount and there are significant problems that are occurring in the schools with respect to this. There is no question that it is having a detrimental effect on school communities. You see genuine contractors who say, 'We don't worry about these projects too much. We have decided we will take a few of them that we know we can manage and we let the rest go through to the keeper because they are creating too many hassles for our businesses. They are causing us too many problems to have to deal with.'

Just like we saw with the pink batts fiasco, we are seeing cost overruns and we are seeing rorting of projects. The situation in New South Wales where you have projects that are costing multiple times the cost for equivalent types of structure is an absolute disgrace. That is the sort of rubbish you see when you start to inflate an industry the way that this program has done, just like we saw with the pink batts fiasco.

*Government senator interjecting—*

**Senator COLBECK**—Well, senator, I understand it. I have spoken to the contractors. I hope you have the opportunity to do so.

*Senator Jacinta Collins interjecting—*

**Senator COLBECK**—I have spoken to a lot of people so I understand what is going on in this project and its management is just like the pink batts program. It will end up being a bigger problem for the government than the pink batts program was. This will be a major problem.

I will go to a couple of particular examples. With the Strahan primary school we see a school of 60 students receiving the same amount of money as a school in another state with only one student. The school thought that they were going to get about $900,000. They did their numbers and they got the fine detail of the program, but students at one level were only counted as a half, which put them just under the threshold. So they did not actually have the money to do what they wanted to do. The expectation was created in the school that they would get a certain thing, but the reality was that this school with 60 students got exactly the same amount of money as a school with one. This program will, as I have said, end up being a bigger problem than the pink batts debacle. *(Time expired)*

**Senator MARSHALL** (Victoria) *(4.37 pm)*—I am rather pleased that Senator Colbeck finally got around to actually giving us an example, for the first time after two speakers, but the trouble is that the example he has given has got nothing to do with their claims of rorting. What schools get in terms of money is determined by the actual program and the prerequisites of the program, the program guidelines; that is what people get. A school will either get the money or not, depending on the program guidelines. What those opposite are saying is that there is all this supposed rorting going on, but I really have to question the veracity of some of those claims, because Senator Bernardi did not give one example. He said to us, ‘The only thing I can say to you is to look in the *Australian* today.’ He did not talk about a particular school. He said, ‘Look in the *Australian* today.’ This is a matter of public im-
portance that they have raised today and, given the extent of their research, the one example they could give is not even their example; it relies on the *Australian*. Let me tell you that over the last six or seven months the Liberal Party have been coming up with examples from the *Australian* about the education revolution which this government has embarked upon. Every time that those claims have been investigated they have been proved to be inaccurate or simply untrue. I notice that he did not refer to any previous *Australian* newspaper allegations, just one today. But I dare say that when that claim made by the *Australian* today is investigated we will find that is probably also inaccurate and untrue.

Senator Bernardi said he knows that contractors, builders, are charging two, three, four or five times as much as the actual building price. That is the claim that he makes; he makes the claim and then leaves it. Where is the evidence of that? Where are the examples of that? He gave no evidence and no examples. He then went on to say he has had numerous reports—and I will try to quote him as best I can; if I misquote him I will apologise later, but I wrote it down as he said it—of electricians being told to charge whatever they like so they can pay for their holiday home or buy a boat to go fishing.

*Opposition senators interjecting—*

**Senator MARSHALL**—Come on! That is what he said. I know those over there are trying to gild the lily, but does anyone really think that public officials are going around to electricians saying, ‘Charge two, three, four or five times as much as it’s worth; in fact, charge anything you like to pay for a holiday house or to buy a boat’? He went on to say that other people are telling porky pies. Quite frankly, I think that is a porky pie, I think that is a fib and I question the veracity of those claims. If he had any examples of corruption like that, he would be in here naming the contractors, the people that are actually making those offers to those electricians—but he doesn’t. He comes in and he simply makes these things up to try to give the impression that there is actually rorting going on in this system. Anyone that sat through the Senate estimates program would know, after hours and hours and hours of questioning of the department, that this program is being monitored and that one of the things it is being monitored for is value for money. The prices that are being put in are challenged and questioned.

**Senator Ferguson**—That’s rubbish.

**Senator MARSHALL**—That is not rubbish. Let me tell you, Senator Ferguson, that you were not in those Senate estimates hearings and, quite frankly, I am not sure you know what is going on with this program at all. I will be very pleased if you can come up with one example. Do not come and say, ‘Oh, yes, the *Australian* wrote something today,’ if that is the best you can do, because I do not think that is true.

Senator Bernardi said he was proudly at the Australian National University Liberal Club meeting the other day and a woman, who happened to be at the ANU Liberal Club—a member of the Liberal Party, I suspect—‘exposed’ all these rorts. Again, there were no examples of anything. It is about trying to build some sort of scandalous image of what is going on. Start giving some examples! If there are examples of fraud or corruption, who don’t you tell somebody about them? Quite frankly, in the biggest spending program that we have ever seen in this country to rejuvenate the education system, whereby every school in this country—and in every electorate—is getting a new building, if there is an example of any form of mismanagement, say so. Do you know what? There is a complaints mechanism in
the department. And do you know what else? Every school principal has to sign off on the projects. They have to sign off on the plans. We have this nonsense that somehow people are getting buildings they did not want and people are getting bad value for money on things they did not want—when the school principal has to sign off these things. Quite frankly, Senator, the claims you make have no veracity, you do not come with any evidence, you do not come with any examples and the only school you are able to name was the school at Strahan, which Senator Colbeck named, and that was not about any rorting and was not about mismanagement. It is just that they did not get as much money as they would have liked, because they did not meet the program criteria, when the program criteria are there for everyone to see. It is all transparent and open. So really it is about saying, ‘We would have liked some more money.’

Another example which I found quite extraordinary, and it was the best example, was the one Senator Bernardi used about the outdoor coverage of a sandpit. He said, ‘Do you know what? A smaller covering for a sandpit that was only done a year or so ago only cost seven-tenths of what this one cost.’ If it were smaller and if it were a couple of years ago, one would expect that probably it did only cost seven-tenths, or 70 per cent, of what this one cost. There is a terrific example for you! There is massive mismanagement! After a couple of years for a bigger covering it actually cost 30 per cent more—well, go figure. You are wasting the Senate’s time with this ridiculous matter of public importance. You come here with two speakers that cannot provide an example of any rorts or mismanagement and just make these ridiculous claims which the evidence simply does not back up. None of the evidence backs them up.

Senator Colbeck wanted to tell us that this has the capacity to be a big problem. That can apply to anything. Is it a big problem? He wants to say it is a big problem, but if it is a big problem, please tell us why. Tell us why it is a big problem. It is a big problem because he wants it to be a problem. That is what he wants. He wants it to be a problem. If there are any examples in this massive building project process that we have undertaken in every school across the country, tell us.

I am not saying that every project has been managed to perfection. Anyone would be a fool to suggest that. But if you have any evidence that there is a problem, why don’t you go through and do the right thing? You say, ‘We’ve got many complaints.’ What are they; who is making them and why haven’t they complained to the right officials in the department so that they can be addressed?

I notice no-one on the education committee seems to be here running the case you are running—because they sat through the estimates hearings and they know the process. They know the tests that are being applied by the department at every level through this process. The evidence at Senate estimates is that in every case when these concerns were raised—whether they were raised through the Australian or through other forms—every one was resolved to everyone’s satisfaction. In nearly every case there was a basic misunderstanding of what people were supposed to get.

I get around too. I see the schools with the buildings that are going up and I see very happy principals and very happy school communities. I see very happy teachers, happy students and happy parents, because this is the biggest revolution in the education system that we are engaging upon in this country. I probably will not have time to get to the great things we are doing with com-
puters, national curriculums and many other reforms.

Senator Colbeck—Please do!

Senator MARSHALL—I would love some more time, and if you want to give me some more time I would be happy to take it. I can talk about these things all day, because this is a good-news story for this government. After years and years of neglect under the previous government this government is modernising the education system. We are putting a national curriculum in place. We are putting computers in schools for students at the critical year levels, when they actually need them.

Opposition senators interjecting—

Senator MARSHALL—They are in there. They are being rolled out. This is a great success story. It is great news. Why is it that you do not want school kids to have computers? Why don’t you want them to have school computers? Why don’t you want them to have new gyms, new common areas, new works being done and new buildings? All those things which update the environment in which students learn improve the educational outcome. Why is it that you do not want to do that? Why do you not want to improve the educational outcomes for our students? Why are you so anti-education in this country? Come and tell us which school should not get the building that has been allocated to them. Tell us which school should not get the computers.

This is the hypocrisy of the Liberal Party members on the other side of the chamber. When these things are being opened or when they are being built, those opposite come along, and the local member comes along, and stands there with the building in the background. They say: ‘Isn’t it wonderful? Can I get my photo taken with the new school building? Can I get my photo taken at the introduction of the new computers? I want to be associated with all that.’ But they come into this place and they say: ‘This is a terrible waste of money. We don’t think it is any good. We don’t want to be part of it.’ Well, you are nothing but hypocrites over there and you ought to get on board and start supporting the future of this country. The fundamentals of our future prosperity are based in education.

This government is improving the education outcomes at every level. It is something that you should have been doing in your wasted 11 years in government, but you completely ignored it. It is an absolute disgrace. We know—and I think the Australian community will know—that the Liberals cannot be trusted to look after the education needs of this country. Mr Abbott cannot be trusted to look after the education needs of this country. I think the longer these things are exposed and the longer these broad accusations, with no evidence and no examples, keep coming to the fore, the more the Australian people will start to see that they can have no trust in the Liberals or in Mr Abbott with respect to some of these things.

As part of the Australian government’s $42 billion Nation Building education stimulus plan, $16.2 billion is being invested over three years for the Building the Education Revolution program to fund infrastructure projects at primary and secondary schools. I just want to explain to you the size of this program and how exciting and beneficial it is going to be. As at 31 December 2009, the Building the Education Revolution is funding 24,009 infrastructure projects valued at $16.2 billion. That is the size of the program. Are those opposite suggesting that we should not be doing that? I think it is what they are suggesting, because all they want to do in here is to say no to everything. It does not matter whether there are good grounds to say no; they simply want to say no.
The economic stimulus plan one-year report released on 3 February 2010 shows that within 11 months around 24,000 projects were approved to build and upgrade learning spaces in 9,524 Australian schools. This is an extraordinary achievement. That is our achievement. That is our record. And all you want to do is to make up these hypothetical problems, and come in here and whinge and whine about the program. I am not surprised, because you have nothing to say about education. You have no vision for education. You have no vision for this country. You ignored education for the last 11 years. You ripped millions and millions of dollars out of the higher education sector. You did nothing about reform in the industry. You must sit there and squirm because for 11 years the opportunities were wasted and now you see us doing so much in two years. It must annoy you. It must frustrate you.

Instead of getting up in the Senate and just saying no, and whinging and whining and making things up, why don’t you sit down and think about some hard policy development? Why don’t you try and develop a policy position for a future education system in this country? Why don’t you come in here and have a serious debate with us about the future of education?

Have we heard or seen or sniffed a policy on education from that side of the chamber? No. Those opposite cannot be trusted with education. They do not want to have a policy because it is so easy just to say no. They come into this chamber and say no for the sake of saying no. That is all they are good at. They say no. They come in. They make things up. The veracity of some of the contributions in this place in this debate from that side of the chamber have to be seriously questioned. The porky-pies that Senator Bernardi referred to I think apply more to him than anyone else.

**Senator Bernardi**—Mr Acting Deputy President, on a point of order: I was loath to interrupt Senator Marshall but I would, while he is still in the chamber, like to express my concern that there was a very strong suggestion that I had told lies in this chamber. I reject that in its entirety. I would invite Senator Marshall to reconsider the language that he has used and to withdraw it, because the assertion is absolutely false.

**Senator MARSHALL**—Mr Acting Deputy President, on the point of order: I listened very carefully to Senator Bernardi’s contribution. He accused the Prime Minister of this country of telling porky-pies and fibs. He did not consider that language inappropriate himself. The chair did not pull him up and I have simply used his own language back at him.

**Senator Bernardi**—Mr Acting Deputy President, on the point of order: the Prime Minister has repeatedly lied to the Australian people. That is not a point of order. Nothing I have said in this chamber is incorrect.

**The ACTING DEPUTY PRESIDENT (Senator Ryan)**—Senator Bernardi, I will ask you to withdraw your aspersion on the member of the other place.

**Senator Bernardi**—I will withdraw it if it is unparliamentary, but I would ask Senator Marshall to withdraw the implication that I was telling lies.

**The ACTING DEPUTY PRESIDENT**—I will go back to that point of order.

**Senator Chris Evans**—Mr Acting Deputy President, on a point of order: the first contribution by Senator Bernardi was not a point of order. The second contribution, from Senator Marshall, was not a point of order. The third contribution, the second that Senator Bernardi made, was not a point of order. I would ask you to rule that there are no points of order, that everyone ought to restrain
themselves and that we ought to get on with the business.

The ACTING DEPUTY PRESIDENT—Thank you, Senator Evans. Senator Marshall, I was not in the chamber when Senator Bernardi made his comments. I did not catch the comments of Senator Bernardi that you are referring to. I have pulled up Senator Bernardi and he has withdrawn the statement with reference to the Prime Minister. I would ask you to reflect on what you said and, if you did make specific comments about Senator Bernardi and cast aspersions on him, to withdraw those specific aspersions regarding porky-pies and fibs, which I believe was your phrase.

Senator MARSHALL—I will, on the basis that you have asked me to. I just point out that it is surprising that he feels he is able to use those exact words against the Prime Minister in his contribution.

The ACTING DEPUTY PRESIDENT—Thank you, Senators. I remind senators of the standing orders with respect to casting aspersions and using particular phrases on members of the Senate or the other place.

Senator FERGUSON (South Australia)—I too would suggest that Senator Marshall gets a tape and has a look at what he said. He may wish to change unions or else join the Showmen’s Guild. I am not quite sure which. Much of what Senator Marshall has said in this matter of public importance is certainly no defence of this government’s so-called education revolution. This is not an education revolution; it is a building revolution. To talk about the building of gyms, halls and a music centre—which is partly learning—as an education revolution is the greatest misnomer I have ever seen.

Senator Furner interjected and said, ‘Talk to any school principal and parents and friends association; they love it.’ Who would not love it? The government comes with buckets of money that you do not have to raise at your school and the expense of which you do not have to justify. People can put in an enormous quote for any building. Try to find one principal and one parents-and-friends association that would say, ‘I don’t want the money.’ It is government money borrowed from the people to put into this so-called education revolution program. I am not the slightest bit surprised that principals and parents-and-friends associations love it. They might not love it in 20 years time when their children are still paying for it. I am sure Senator Furner’s children will not want to pay for this in 20 years time. The way things are going, with the amount of money that this government is borrowing and the lack of scrutiny on the tender operations that have gone into this whole education or building revolution, has to be seen to be believed.

Senator Marshall said, ‘Give us some examples.’ I have one from my home town. I am not going to name the contractor, so the contractor will not suffer. I can tell you that the foundations for the building are down—that is as far as it has got. It is well in excess of $1 million, to the best of my knowledge. The school is going to build a music centre for some 30-odd students in a school of 260. It is an area school that used to have 600 students. They knocked over the newest building, which was the junior primary school, to put this hall there—and it has not yet been built. Only the other day, I was approached by a staff member who said to me, ‘When this hall is complete, we will have to close five classrooms in the school.’ I said, ‘That is ridiculous; this is supposed to be an extra hall.’ He said, ‘We will have to close five classrooms because there is no budget for cleaning an extra room in the school. We as a community cannot raise it.’ Once they have to clean the new hall that is being built under
this education revolution, they will have to close five classrooms in the school.

That is what I call a revolution! It should be a revolution, because people know that, in doing this and setting up these new halls, schools are getting buildings that most of them never asked for. They will always say yes if the government is giving something away; they will never say, ‘No, I don’t want it.’ They will always say, ‘Yes, I want it.’ Many of them never asked for them in the first place and, because they were given a Christmas present, they said, ‘Yes, we will take it.’

That is only one part of the matter of public importance today. We have had a lot of people talking about the buildings that are being put up and there are so many examples of people working out a quote, adding a bit and then thinking, ‘The government is going to pay for this, so I’ll add a bit more and, just for fun, I’ll add a bit more,’ and they still get the job. There is no scrutiny whatsoever of whether or not value for money is being obtained from the builders of these halls. I know that in country South Australia there are buildings that are costing twice as much as an equivalent building would have cost prior to this money being offered.

But what are the other parts of this matter of public importance today? One part is about delivering and connecting computers in schools. I remember that a Labor election policy was to revolutionise classroom education by putting a computer on the desk of every upper secondary student. What a farce. There were going to be over a million computers. So far I think about 180,000 have been distributed. Some who were promised in June last year computers when they went home for Christmas holidays still have not received them. A computer on every desk! We will get to the next election and they still will not have their computers. I am absolutely sure about that.

What about the promise to establish trade training centres? The Rudd government promised new trade training centres built in Australia’s 2,650 secondary schools. How many have been built? I think one. I know there is one in the Prime Minister’s electorate.

Senator Jacinta Collins—That’s not true. I’ll give you the details on it.

Senator FERGUSON—Perhaps you can give us the details, Senator Collins, but it certainly is not 2,650. Not only that, they have changed what they are offering. The program was so underfunded that schools were forced to pool funds to build something that resembles a trade training centre and time share access with other schools. This means that there could be one trade centre for every 10 schools—not the 2,650 that were promised by the Prime Minister prior to the last election.

They say they are going to deliver improved learning outcomes. Well, can I tell you that in the education revolution there is not much in the buildings—or many of them that have been built—that is going to improve the standard of education in Australia. If in fact the government is so sure that they are getting good value for money in the money that is being spent through these buildings that are being built, I would say let the Auditor-General have a good look. Let him have a good look and you will be exposed. This government will be exposed for the enormous rorts that have taken place in this industry. It is all right for Senator Marshall to say: ‘Show us. Show us.’ There are not many people who want to endanger the livelihoods of some contractors who have successfully tendered for these operations. But I can tell you that when they speak to
you on a one-to-one basis they can give you example after example.

Senator JACINTA COLLINS (Victoria) (5.02 pm)—I congratulate Senator Ferguson on this occasion because, having listened to three Liberal Party senators speak to this motion, with 2½ minutes remaining he actually got to the detail and the issues around the motion. Let me remind anyone listening to this debate what the motion actually suggests, and then I will try and insert some facts into this debate rather than irresponsible and scurrilous allegations never sustained by any evidence. We have listened to the claims of rorting and not heard one example. We have listened to the claims that we are inflating an industry. Senator Ferguson described these measures as a Christmas present.

I think we need to take a step back and look at what these measures were designed to deal with. Certainly the Labor Party went to the last election promising an education revolution because this particular area of social policy had been neglected for many, many years at both state and federal levels. We were supported in that policy and we were elected with it as a very clear policy commitment. Further to that, when the Rudd government was confronted with the global financial crisis, we identified education as a key area where we could stimulate the economy with long-term investment designed to bolster the skills and infrastructure and at the same time deliver jobs. This whole debate has ignored the stimulus aspect.

As a senator who has sat through the Senate inquiry into the stimulus measures and countless estimates hearings about the implementation of this program, I am absolutely amazed at the quality of what has been put into this debate by the opposition. It simply goes to show that Tony Abbott’s claim that they were finally going to start working as an opposition is simply vacuous. Why haven’t you had contribute to this debate those senators that have been asking questions about this program in Senate estimates? Why hasn’t there been some quality about the detail in this discussion? Why is Senator Brett Mason not contributing to this discussion as the shadow parliamentary secretary? Why do we simply have baseless and inaccurate claims proffered? The comparison between these programs and the difficulties that we are having with the insulation sector are ludicrous. The suggestion that what the Rudd government has been able to do in schools compares to the difficulties in insulation is just laughable.

This is another example of the scaremongering—and fairly flippant, glib scaremongering at that—that the opposition continues to try and peddle out. Nothing has changed under Tony Abbott as leader—nothing at all. I had my office go back and look at the last time scaremongering was attempted in this area, because I could remember back in November last year exactly the same allegations being raised. As I said, I sat through countless Senate estimates hearings and heard case after case examined but at the end of the day resolved without the difficulties that were being put forward.

Senator Arbib highlighted this point back in November in question time. He indicated that, on the last stocktake that I am aware of that occurred here, there had been only 60 complaints, with one unresolved complaint, out of 24,000 schools. I am sure those figures have changed between then and now, because, yes, in a very complex delivery process there are going to be ongoing difficulties. There are going to be cost overruns. There are going to be time delays. And yes, indeed, in any major program there is going to be some degree of rorting. That is why it is the responsibility of any person in public life, if they are aware of rorting, to report it.
Senator Bushby—That is what we are trying to do.

Senator JACINTA COLLINS—They are trying to report it, is the interjection. This debate has not reported any rorting at all. I challenge the opposition to report the detail of any of the rorting that you claim is occurring. But, no: we have no facts, no detail of any of these matters. The only case that was raised whilst I was here was raised by Senator Ferguson and was somewhat amusing.

Senator Bernardi—I thought you were here for all of them.

Senator JACINTA COLLINS—No; I was not here for all of yours.

Senator Bernardi—You said that at the start.

Senator JACINTA COLLINS—No; I did not. I said ‘from what I’d heard’. Senator Bernardi, you are being a little bit precious, but that is fine; I am used to that. Let us go back to what I was about to address with respect to Senator Ferguson.

Senator Joyce interjecting—

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order, Senator Joyce.

Senator Joyce—I withdraw the comment I made.

Senator JACINTA COLLINS—I missed it at this distance; perhaps another time, Senator. Senator Ferguson gave us one example. He said that he had spoken to a teacher, and he said he was aware of a school where they had knocked over one of their newest buildings. He kept talking in terms of ‘they’: ‘they’ did not have arrangements for cleaning. Many of these cases are quite similar to the other types of cases that arose in questioning in Senate estimates that, as I indicated, Senator Arbib was able to demonstrate had been easily resolved. The ‘they’ he is referring to here is the school community. If an existing structure was demolished, the school community chose to do that. If one particular teacher decides to have a chat with Senator Ferguson, and that is our only example of rorting, I wonder about the priorities that the opposition has at the moment that lead us to devoting our time to this debate.

Again, we should go to the facts. Senator Ferguson certainly attempted in his last 2½ minutes to address the motion, which was a good start, but, again, he did not stick to the facts. This motion relates to the digital education revolution. We committed to provide funding to education authorities to achieve a one-to-one ratio by 31 December 2011, and we are on track to deliver that commitment. I am extremely tired of listening to the opposition seeking to inflate the time lines that were provided by the government with these measures. Some of those time lines related to how we saw the economic stimulus roll out; some of the other time lines related to our broader education revolution policies. But of course this opposition has forgotten the global financial crisis, because the stimulus was so successful for the Rudd government. Australia was the only country that did not go backward in recession, and that was because of the proactive actions we took in measures such as this, where the public at large accepts that the federal government has stepped in and helped keep Australians in employment while at the same time considerably improving the infrastructure available to them in schools. How that is described is somewhat amusing, too: the notion that it is just school halls and that no educational advantage will arise from these investments—just school halls. Talk to any teacher about the advantage for a school of having a space in that school environment where the whole school can come together—and this is new for many schools—and, secondly, a space that is available for multi-purpose use. Enormous educational advantages can come out of that.
But let us go back to some of the other facts and time lines that have been exaggerated or inflated to suit the opposition’s purposes. The Trade Training Centres in Schools Program was, if I recall correctly, the only other issue that Senator Ferguson sought to raise. Let me go back to the facts in this area. Under a 10-year $2.5 billion Trade Training Centres in Schools Program, Australia’s 2,650 secondary schools are each eligible to receive between half a million dollars and $1.5 million. Since the Trade Training Centres in Schools Program commenced, the Australian government has approved $809.9 million to fund 230 projects benefiting 734 schools. Of the 230 approved projects, 150 involved schools working together to establish joint facilities. I do not really see why joint facilities are such a problem. There are 110 projects underway to construct or refurbish trade training centres, and 46 projects have commenced construction. There are also five trade training centres for which construction has been completed.

A number of schools are delivering qualifications, some in anticipation of their new trade training centres being completed late this year. Approximately 70 trade training centres are scheduled to be completed by the end of this year. The estimated time frame for building a trade training centre is between 12 and 18 months, depending on the project’s size and complexity. This is consistent with the time taken to construct Australian technical colleges. To choose to continue to try to inflate the time lines to attack the government and misrepresent our policy does not stand the opposition in any stead but fails to deliver on what Tony Abbott said his new leadership would provide.

This is not a genuine opposition. This is not even an informed opposition. You should take the time to inform yourselves of the facts of the policy and deal with the criticism of it in an accurate and appropriate fashion. The scaremongering was something that we were told would be of the past. The pretence or belief that you were still in government was also something that we were told would be of the past. We were going to have a strong and vibrant opposition. I really wonder where that genuine new opposition is.

There is no question that Building the Education Revolution was an ambitious program and that we had taken on with our federation an enormous challenge to deliver this program. But we thought it was incredibly important during the global financial crisis to escalate work in this area and help maintain and deliver jobs. The longer term investment in education is, of course, critically important as well. One of the reasons education was chosen was that it had established processes for delivering this type of infrastructure, but we never pretended that it was going to be a song, that it was going to be easy. We knew that we were dealing with multi-layers of bureaucracy but we were delivering during the global financial crisis and we were protecting Australian jobs.

There is the suggestion that this was a Christmas present and that value for money has not been achieved. On one part we accept that if we had sat on our hands and examined our navel for a little while, we could have thought up better ways to do certain things. We are happy to accept that. But then, again, we might have been just too late to protect the jobs that we needed to protect. We may well have ended up in a recession in Australia. But, no, we decided that timely and effective action was required last year, and that is what the Rudd government delivered.

Most people, when you discuss with them the problems and the difficulties in delivering this program, understand the broader circumstances that relate to it, and they are incredibly pleased to receive what the oppo-
osition tells us does not really deliver—an educational advantage. They understand that, yes, there will be issues with powerlines, that there are water tank problems and that there are all sorts of complexities involved in delivering them. I can remember the principal of one of my schools saying to me: ‘But, gee, that training package that was produced for principals was tremendous. It helped us understand how to manage some of these difficulties.’ I have not met one person similar to what you have characterised as highlighting support for this very, very empty motion.

I suggest that, on future occasions, if you are going to come forward in the chamber in debates such as this, you provide some evidence of your claims and, indeed, that the senators contributing to the debate actually address their own motion. (Time expired)

Senator BUSHBY (Tasmania) (5.17 pm)—I congratulate Senator Collins on her contribution to this debate because at least she ran the government lines to some extent—the typical spin that the government puts out about the Building the Education Revolution and the other aspects of it. They go out and tell people that they are delivering in accordance with their promise, particularly the one about the global financial crisis and the need to take action quickly. I also thank her for her acknowledgment that the government admits that it has not got it all right, but what could it do? ‘We needed to take action so quickly and the global financial crisis was upon us. We needed to get in there straightaway. So how about we just take $16 billion that we do not actually have yet and go off and spend it on new school halls and libraries, whether the schools need them or not, because that is a great way of getting $16 billion out of the hands of government and into the hands of the contractors who are going to do all the work and, therefore, we can save all these thousands of jobs.’

Senator Collins, it is great that you acknowledge that the need for speed has resulted in problems, because certainly it has resulted in problems. Today’s debate is not about the global financial crisis. I am aware of your comments about what our motion actually is. In terms of addressing the global financial crisis, you might be interested to know that, at the last economics estimates, Treasury officials acknowledged that there were other ways that money could have been spent in order to deliver the same outcomes. Any outcomes that were achieved by the response to the global financial crisis could have been achieved by any number of options, and they did not need to include this one. Can I tell you that it should not have included this one in all sorts of ways—certainly not in the way it was delivered. This is where we come to the problems that we are highlighting today, which is that the education revolution is not being delivered in a timely, efficient and cost-effective manner.

Both Senator Collins and Senator Marshall asked for examples, and I am conscious that Senator Bernardi did provide a very good example, as did my colleague Senator Ferguson. One example that I would like to highlight from my home state of Tasmania is that of Wesley Vale Primary School. This school is situated between Devonport and the commuter town of Port Sorell, which is a rapidly growing area. I think it is probably one of the fastest growing areas in Tasmania. Wesley Vale school has been allocated $900,000 for a new school hall. It sounds fantastic. As noted by Senator Collins, school halls are fantastic things. However, the interesting thing about this particular school is that down the road, in Port Sorell, which is, as I mentioned, one of the fastest growing areas in Tasmania, both the Liberal Party and the Labor Party at a state level have promised to build a brand new school. This is just a couple of kilometres away from
Wesley Vale school, which is basically situated in the middle of a farming area, with nothing around it except farms. A few of the farm kids go to Wesley Vale Primary School but the vast majority of the kids who go to it come from Port Sorell, which does not have a school. Regardless of the outcome of the election this Saturday, whoever wins government is going to build a new school at Port Sorell within two years.

Certainly the parents and friends of Wesley Vale have raised this issue with the government, but they have been told, no, they have to build the school. They have to take the $900,000 and build it. The reality is that, within two years or soon after, that school is going to be closed. What a waste of taxpayers’ money. This is $900,000 that we probably do not have yet. We will probably sell some bonds—Senator Joyce is in the chamber—and raise that money from China. We will get that $900,000 and spend it on a new school hall for a school at Wesley Vale which does not need it and which will almost certainly be closed within two years or soon after. And Labor says it is not a waste of money.

The sole defence of any of these examples that I heard from either of the senators who spoke on behalf of the government today was that all the principals in the schools take the money. They all accept it, so therefore it has to be good. But if you turned up and offered somebody a brand-new car, saying to them, ‘In return for the brand-new car, we are going to take your two-year-old one and scrap it.’ They would say, ‘That sounds great! It’s a newer model and a better car. I’ll take it.’ Would it matter to most of those people that you paid twice as much as it was worth? If you are offering to give them a new car and to take away their old one, they are going to take it. It is not really a defence to say that they took it. It is human nature that when schools are offered brand-new buildings they are going to say yes. That is quite apart from situations like Wesley Vale Primary School, where they said, ‘No, we don’t want it’, but were told they had to have it anyway.

Related to that was the point that not many people are complaining, that they have received only 60 complaints. It is probably worth noting that there are terms in the contract for the building work at all of these schools that say that if the principal or anybody associated with the building makes a public statement then they lose the money. I have already established that, of course, if you offer them the money they are going to take it. But, if they make any public statements about the need for it, or the fact that it is a waste of money because they have new classrooms and do not need new ones, then they lose the money. So there is a great built-in disincentive not to make public statements or comment on projects which would be inefficient and not cost-effective.

Then there are concerns, particularly for contractors but also in many schools, about payback and the fear of what would happen to them if they did speak out—not so much in terms of the project but in career advancement and so on. When you are dealing with Labor this is a real concern. I am talking about my own observations in my home state. So 60 complaints in those circumstances is actually pretty high, I would suggest, and demonstrates the courage in the circumstances of the 60 people who have complained.

I would like to have talked about computers in schools because, quite clearly, this is another case where Labor has failed dismally to deliver its promise. I will read a quote from Kevin Rudd’s campaign launch on 14 November 2007:

... Labor will undertake a ground-breaking reform by providing for every Australian secondary
school student in years nine to 12 with access to their own computer at school.

Quite clearly, they have failed dismally to deliver this: a tiny percentage of students have computers.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! The time for this discussion has now concluded.

COMMITTEES
Finance and Public Administration Legislation Committee
Report: Corrigenda

Senator FARRELL (South Australia) (5.25 pm)—On behalf of the Chair of the Senate Finance and Public Administration Legislation Committee, Senator Polley, I present a correction to the report of the committee on the provisions of the Governance of Australian Government Superannuation Schemes Bill 2010 and related bills.

Ordered that the document be printed.

Australian Crime Commission Committee
Report

Senator HUTCHINS (New South Wales) (5.25 pm)—I present the report of the Parliamentary Joint Committee on the Australian Crime Commission on the examination of the annual report for 2008-09 of the Australian Crime Commission, together with the Hansard record of proceedings and additional information.

Ordered that the report be printed.

Senator HUTCHINS—I move:

That the Senate take note of the report.

I am pleased to table the report of the Parliamentary Joint Committee on the Australian Crime Commission on the annual report 2008-09 of the Australian Crime Commission and also to have an opportunity to speak. As you know, government senators do not have that opportunity all that much at the moment.

The committee is pleased to report that the Australian Crime Commission continued to deliver efficient criminal intelligence and operational services during the past financial year. For example, during 2008-09 the ACC made nearly 6,000 disseminations of intelligence and other products to partner agencies—an increase from approximately 4,000 the previous year. In addition, the ACC produced more strategic intelligence reports and more operational intelligence reports in 2008-09 than in the previous financial year. What is more, the commission has continued to refine and improve its intelligence and information systems and services which are well received by clients of the commission. This reflects the ability of the commission to appropriately target the dynamic and changing nature of criminal activities throughout Australia.

The commission has significantly disrupted and deterred serious and organised criminal activity with its continued conduct of six special intelligence operations, six special investigations and two taskforces in the period 2008-09. The ACC recorded a surplus of $8.17 million for that financial year. The annual report states that these savings arose from rationalisation of ACC accommodation across the country; IT initiatives, including contract negotiations and a reduction of contractors; reduction in staffing; vehicle fleet optimisation; and reductions in spending, including on travel and capital purchases. While the committee generally welcomes these efficiencies, one issue of concern is the continuing downward trend in staffing numbers at the commission, which began several years ago and resulted in a decline in staffing numbers during 2008-09 from 573 to 518. In particular, the committee has noted that the number of secondes from state and territory police forces fell from 103 to 74 during the period.
The committee believes the effectiveness of the Australian Crime Commission board has been improved by the implementation of the committee’s previous recommendation to include on the board the Commissioner of Taxation. While the board had functioned effectively, the amount of work requiring financial expertise and ATO cooperation made the commissioner’s appointment a sensible one. The committee welcomes this change. Having conducted a thorough inquiry, the committee also notes the high quality of and compliance with the annual reporting requirements and the dedication of the people working for the commission. It is apparent the commission has worked in an effective and professional manner with oversight bodies and other law enforcement agencies.

The committee thanks Mr Lawler and all officers of the Australian Crime Commission for their contributions to this inquiry. The committee looks forward to continuing its productive working relationship with the Australian Crime Commission.

Finally, I would like to express the gratitude of the committee to two staff members of the parliamentary joint committee who have moved on to other committees: Nina Boughey and Danielle Oldfield. I commend the report to parliament.

Question agreed to.

Senator COONAN (New South Wales) (5.30 pm)—I present the fourth report of 2009 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 4 of 2008, dated 17 March 2010.

Ordered that the report be printed.

Senator COONAN—I move:

That the Senate take note of the report.

In tabling the committee’s Alert Digest No. 4 of 2010 and the fourth report of 2010, I draw the Senate’s attention to some important provisions of the Personal Property Securities (Corporations and Other Amendments) Bill 2010 and of the Transport Security Legislation Amendment (2010 Measures No. 1) Bill 2010. The Personal Property Securities (Corporations and Other Amendments) Bill 2010 is related to the personal property securities acts passed last year to implement the area of major reform.

In this bill there are a number of provisions which raise issues of concern for the Scrutiny of Bills Committee in relation to constructive knowledge and shifting the onus of proof to a defendant to prove his or her state of knowledge of relevant matters. The statutory imputation of knowledge to a person or entity, or ‘constructive knowledge’ is an area of concern to the committee because the standard of knowledge being applied for legal purposes is necessarily different from the person’s actual knowledge.

The committee agrees that it may be an appropriate standard in some circumstances so that a defendant cannot avoid liability by wilfully remaining ignorant of relevant information, but in order to avoid trespassing unduly on personal rights and liberties the committee does expect that the approach is taken only in limited circumstances and that a full justification is provided in the accompanying explanatory memorandum.

An additional burden is placed on a defendant when the onus in relation to constructive knowledge is shifted to the defendant by requiring him or her to prove that property was acquired without actual or constructive knowledge.

The provisions of concern include schedule 1, part 9, proposed subsections 588FP(7)(b) and 588FP(9), which relate to preventing a company granting security in-
interests to persons associated with the company. The explanatory memorandum provides a limited explanation of the effect of these provisions, but there does not appear to be a clear justification for the use of constructive knowledge in these subsections.

The committee appreciates that this is complex legislation—very arcane in some respects—and not a matter that I as the chair of the committee would normally raise, but I do so today because it does relate to a national scheme. We consider that these circumstances make it especially important to ensure that all provisions are appropriate and that they are adequately explained. This is the very substance of what this very committee is about. Therefore, the committee will seek the Attorney-General’s advice about the need and justification for each instance of constructive knowledge in this bill.

Other areas of interest to the Scrutiny of Bills Committee arise from the Transport Security Legislation Amendment (2010 Measures No.1) Bill 2010. There are a number of provisions in this bill that raise concern because they may trespass unduly on personal rights and liberties. These include items 17, 18 and 19 of the bill, which relate to extending the existing ability of maritime security inspectors to take photos on board a security regulated ship and on a security regulated offshore facility. The new power provides for the ability to make any still or moving image or any recording—for example, a digital image or video—of equipment on the ship or offshore facility.

In addition, item 19 inserts additional scope to this power so that a maritime security inspector can also make any still or moving image or any recording of equipment in a place, vehicle or vessel under the control of a regulated maritime industry participant.

The committee recognises that there can be sound reasons for extending the powers of security personnel, but expects that proposals to do so fully articulate the justification for the approach and ensure that appropriate safeguards and oversight are in place. In this case, the explanatory memorandum states at page 10 that the provisions ‘modernise the options for recording media’, but there is no detail about whether this is for the convenience of security inspectors or is substantively warranted, what safeguards are in place to prevent the misuse of the power and whether the use of these powers can be audited generally or individually reviewed if a person has a complaint. The committee is therefore concerned that these provisions may trespass unduly on personal rights and liberties and therefore will seek the minister’s advice about the justification and need for them.

Another area of similar concern in the same bill relates to the new powers to appoint security assessment inspectors. The explanatory memorandum accompanying the bill explains that appointed security assessment inspectors will be able to survey the extant security environment at a regulated maritime site and examine the effectiveness of current security policies; this will enable timely responses to changing and emerging threats to be developed to identify systemic policy and operational weaknesses. Currently the act does not have any explicit powers of entry into security regulated areas other than for departmental officers and law enforcement officers.

Proposed section 145E specifies the powers of an inspector, which include the ability to enter and inspect an area under the control of a maritime industry participant, to make any recordings of the area, observe the operating procedures and discuss them with an employee or another maritime participant.

Proposed section 145F provides that powers may be exercised without notice at a security regulated port or otherwise after giving rea-
reasonable notice to the maritime participant. Subsection 145E(3) will provide that ‘a security assessment inspector must not subject a person to greater indignity than is necessary and reasonable for the exercise of the power’.

While the committee recognises the importance of ensuring that security measures are available and effective, it is also important to ensure that an appropriate balance is struck between the proposed action and any trespass on personal rights and that a full justification of the powers is included in the explanatory memorandum accompanying the bill.

I could go on to detail the report further. But, on a related note, as the Senate is aware, the committee has embarked on an enquiry into the future direction and role of the Scrutiny of Bills Committee. The committee has considered it appropriate to examine a number of matters, including what, if any, additional role the committee should undertake in relation to human rights obligations applying to the Commonwealth. It is particularly the consideration of whether the committee should augment its terms of reference by including consideration of human rights obligations applying to Commonwealth legislation that is exciting considerable interest.

The option of greater parliamentary scrutiny in relation to human rights by existing parliamentary committees—namely, the Standing Committee for the Scrutiny of Bills and the Standing Committee on Regulations and Ordinances, was raised in the National Human Rights Consultation, colloquially referred to as the Brennan report. It is interesting that 202 submissions to the consultation committee expressed support for greater parliamentary scrutiny in relation to human rights, and a number of them proposed that augmented powers be given to the Scrutiny of Bills Committee. Obviously, there are issues as to whether or not that would be appropriate and, indeed, whether or not that would be the preferred way to go. But the option of greater parliamentary scrutiny of human rights obligations is a matter that will be canvassed in the report, and no doubt, when we report to the Senate on 14 May, I think, I will be in a position to talk more fully about scrutiny from a human rights perspective. I commend the report.

Question agreed to.

MINISTERIAL STATEMENTS

Zimbabwe

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (5.40 pm)—I table a ministerial statement by the Minister for Foreign Affairs, Mr Smith, relating to Zimbabwe.

Whistleblower Protection

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (5.41 pm)—I table the ministerial statement by the Special Minister of State, Senator Ludwig, on whistleblower protection.

Senator RONALDSON (Victoria) (5.40 pm)—by leave—I move:

That the Senate take note of the document.

In relation to the ministerial statement on whistleblower protection, I have not as yet seen the recommendations referred to in the minister’s statement which I think were tabled today, but I note that the government agreed to 10 wholly, to 11 in principle and to one in part. It does not agree to the full recommendations. Given they were tabled only late this afternoon, the opposition are not in a position at the moment to say what we will or will not be supporting in that regard.

My understanding—and Minister Ludwig may be able to indicate if this is correct by
nodding across the table—is that this was a unanimous report by the House of Representatives Standing Committee on Legal and Constitutional Affairs. That is my understanding. I am working on that basis, but it may not be so, and I will clarify that in due course.

I do note that the government hopes to introduce whistleblower protection legislation by the end of the year. I have a feeling that in this term of parliament that will not be relevant. But I think it is worth while placing on the public record that, while this was an election commitment—as the ministerial statement says, ‘to provide best-practice legislation to encourage and protect public interest disclosures’—I note that it took some seven-plus months after the election for the Attorney-General to refer the matter to the House of Representatives Standing Committee on Legal and Constitutional Affairs for it to consider and report on a preferred model. It is a very substantial report so I am not surprised that it took a further seven months for the committee to prepare that. But I do note that, according to the ministerial statement, that report was released on 25 February last year. So it has taken some 11 months for the government to respond to that committee report, which to me seems an inordinate amount of time for something that was apparently an election commitment by the government to ‘provide best-practice legislation’. The reality is that that legislation is unlikely to be introduced before the next election.

I will finish on this comment: there seems to be remarkable clearing of the decks, if I can put it that way, in relation to a whole range of things at the moment, but it is only delaying outcomes. With regard to this whistleblower protection legislation, the report came out in February 2009 and we now have the ministerial statement, in late March 2010, with an undertaking to do this by later this year. There seems to be remarkable slippage, and this is another example. I appreciate that the minister was not the minister at the time this was done, so it is not directed at him, but there is remarkable slippage. This is again another example of lots of words but very little action. I thank the chamber for the opportunity to speak briefly on this. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Environment, Communications and the Arts References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—The President has received a letter from a party leader seeking a variation to the membership of a committee.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (5.45 pm)—by leave—I move:

That Senator Birmingham replace Senator Boswell on the Environment, Communications and the Arts References Committee for the committee’s inquiries into sustainable management by the Commonwealth of water resources, and the administration and effectiveness of the Green Loans Program, and Senator Boswell be appointed as a participating member of the committee.

Question agreed to.

HEALTH LEGISLATION AMENDMENT (MIDWIVES AND NURSE PRACTITIONERS) BILL 2009

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.
SAFE CLIMATE (ENERGY EFFICIENT NON-RESIDENTIAL BUILDINGS SCHEME) BILL 2009

Report of Economics Legislation Committee

Senator FARRELL (South Australia) (5.47 pm)—On behalf of the Chair of the Economics Legislation Committee, Senator Hurley, I present the report of the committee on the Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MILNE (Tasmania) (5.48 pm)—by leave—I move:

That the Senate take note of the report.

This piece of legislation, the Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009, is one that I introduced to the parliament and I am pleased that the Senate agreed to refer it for consideration by the Economics Legislation Committee. This legislation has been a long time in the thinking and the working, and it was really something that had been worked on by Lend Lease and WSP Lincolne Scott Advanced Environmental. It is actually world-leading legislation, although you would not know that from the dismissive way in which it was treated by the economics committee of the Senate. I draw attention to the fact that it has the support in Australia of people as diverse as, for example, Tim Flannery, who was chair of the Copenhagen Climate Council, and of the CEO of Lend Lease, Asia-Pacific and Global. It also has the support of David Gottfried, who is the founder of the US Green Building Council and World Green Building Council, and I would like to read for the Senate what he had to say about this particular piece of legislation. He said:

I believe the Efficient Building Scheme that they have developed is a leading the way for our movement as it searches for a simple, fair, low-cost solution which is both appropriate and effective for our industry. By providing real incentive and investment certainty, it makes it financially viable for building owners to undertake the energy efficiency improvements that are needed, and which will benefit us all.

The proposal will deliver economic benefits including skills and services as well as result in reducing the infrastructure burden on our cities. The Efficient Building Scheme is a world-leading solution and I commend it to the Australian government as a step change in thinking to drive emissions reductions, while at the same time driving economic growth.

David Gottfried
CEO, Regenerative Ventures
Founder: U.S. and World Green Building Councils.

This legislation also has the support, interestingly, of Rand Corporation, one of the largest corporations in the world. A non-profit organisation, it is one of America’s oldest research institutes. I doubt that a piece of legislation has ever come into this parliament which has even been on the radar of Rand Corporation, let alone one that has a group like that saying:

Commercial real estate may be sufficiently unique in terms of longevity of assets, diversity of building types, and financing and leasing characteristics to merit specifically tailored white-certificate/abatement programs such as Australia’s Efficient Buildings (sic) Scheme.

So this legislation was developed, thought about and circulated to the US Green Building Council and globally. It has been looked at all over the place. But the economics committee, frankly, could not have been less interested. When the hearings were on for this particular piece of legislation there was minimal turn-up by members of the committee. When the hearings were over and the chair’s draft was circulated, I submitted six
pages of comment on the chair’s draft. The chair did not circulate those comments to the rest of the committee. When the committee met to consider the legislation, the other members of the committee had not even read the comments I made on the bill, yet they all felt quite happy to say, ‘Okay, pass it; let it go through.’

What was the conclusion of this? The conclusion was:

… the committee does not support the legislation. Rather, the CPRS must be the priority, supported by the range of complementary energy efficiency measures currently being pursued by the federal government.

So the answer is: ‘We’ll have the CPRS. We don’t want this world-leading solution’—which ultimately will be taken up somewhere else in the world and we will see it boomerang back to us, when we could have been leading in this field.

What the government is saying is that the CPRS will provide a sufficient price signal to drive energy efficiency in non-residential buildings, with the complementary measures that the government is proposing. What are they? The government is proposing that, at the time of sale or lease, the energy intensity of a building has to be reported, but it is based on the NABERS assessment of that energy intensity, which is inappropriate for developing the kind of scheme that we are talking about because it includes factors such as the level of occupancy and all sorts of things that are irrelevant to what we need here for a fair and decent baseline.

The exciting thing about the hearings from my point of view was that nobody could actually say what is wrong with the simple proposition that is being put forward in the bill in terms of a tool for finding exactly what the energy intensity of a building is. That is what is exciting about this whole proposal, because it just requires the building owners to submit their bills, effectively, and from those bills you can work out the average energy intensity of a particular building type, whether it is a shopping centre, a hospital, a school or whatever it might be. You can look at the climate zone, the particular type of building, then work out the average and take the scheme from there.

But no. We now have a situation where the economics committee does not understand what is being proposed, or else it would not have made recommendations saying that it will be enough to collect the data that the government is proposing to collect and, from that, formulate a scheme—because the data that is being collected will not be sufficient to be able to formulate a scheme that has both sticks and carrots in terms of energy efficiency.

It is a grave disappointment to me that this was not taken seriously in this parliament. It suggests to me that there is no real drive to seriously reduce emissions in Australia, because, according to conservative research published by the Australian Sustainable Built Environment Council, there is huge potential. It says:

Electricity demand in residential and commercial buildings can be halved by 2030, and reduced by more than 70 per cent by 2050 through energy efficiency.

It goes on to talk about the extent to which we can make savings in greenhouse gas emissions and make these buildings not only more efficient but also healthier workplaces in which people actually have greater productivity. During the inquiry we visited a building here in Canberra which has had that kind of refit. What you find is that people are healthier, happier and more productive in those buildings, plus the building has much less of a footprint on the environment.

When I come to assess what has gone on here in terms of the recommendations that
the government majority report has made, I find that there is a complete misunderstanding of the scope of the government’s proposed Mandatory Disclosure of Commercial Office Building Energy Efficiency program, which, as I said, does not provide the right kind of data and is limited to commercial office buildings only. Are we to assume that the government is only intending to develop a scheme for office buildings? Does it think schools, hospitals and shopping centres ought not to be included in such a scheme?

Furthermore, it should worry industry particularly that the government is saying that the government should collect and analyse data from the mandatory disclosure initiative to identify factors that correlate with the emissions intensity of non-residential buildings. One can only assume that this means the government intends to investigate the relationship between building age, size and emissions intensity. ‘What then?’ you say. It is not clear how this information will be used in the future. Does it foreshadow a move by the government to pick winners in this sector, with selective subsidies and exemptions? It does not seem to be a step towards introducing anything like the efficient building scheme, because what we want to do is establish a level playing field on which all non-residential buildings of a certain type, size and climate zone would be treated equally, with the only exception being heritage buildings.

I have to say the Senate and the Parliament of Australia have not been well served by this report. It is superficial in its analysis. It is confused. That is the best thing you can say about it. It is totally confused. It fails to understand what was being attempted here, fails to appreciate the opportunity for huge reductions in greenhouse gas emissions from non-residential buildings and demonstrates a lack of commitment from both the government and the coalition to energy efficiency in the non-residential sector. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (WEEKLY PAYMENTS) BILL 2010

Consideration resumed.

In Committee

Bill—by leave—taken as a whole.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (5.59 pm)—by leave—I move:

That the House of Representatives be requested to make the following amendments:

(1) Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedules 1 and 2</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>3. Schedule 3</td>
<td>Immediately after the commencement of Schedule 1 to the Family Assistance Legislation Amendment (Participation Requirement) Act 2009.</td>
<td>1 January 2010</td>
</tr>
</tbody>
</table>
Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

(2) Page 14 (after line 10), at the end of the bill, add:

Schedule 3—Family assistance participation requirement

Family Assistance Legislation Amendment (Participation Requirement) Act 2009

1 Subitem 13(2) of Schedule 1
Omit “1 May 2010”, substitute “1 July 2010”.

2 Subitem 14(1) of Schedule 1
Omit “1 May 2010”, substitute “1 July 2010”.

3 Subitem 14(3) of Schedule 1
Omit “30 April 2010”, substitute “30 June 2010”.

(Quorum formed) I table a supplementary explanatory memorandum relating to the government requests for amendments to be moved to this bill. The explanatory memorandum was circulated in the chamber today.

Senator SIEWERT (Western Australia) (6.01 pm)—I do not wish to give the government a heart attack; I am not going to object to any of the amendments. I seek clarification about the question that I asked in the second reading debate, as the minister did not get time to quite finish her summing up of the debate. I would appreciate it if I could get an answer to that. Hopefully then we can move speedily to resolve this bill.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (6.02 pm)—I will respond to Senator Siewert’s question, as I know we rushed to the end of the second reading debate. She asked whether the measure was voluntary. It is a very important question, because it relates to this bill’s intention to create the opportunity for weekly payments of income support payments to people who are homeless or at risk of being homeless. In answer to her specific concern, the recipients of a social security benefit, a family tax benefit or a baby bonus will be offered to be paid on a weekly basis provided that the customer falls within a class of persons as specified in the legislative instrument, and that instrument will specify that a person must agree to be paid weekly before the secretary can determine that he or she is to receive payment.

I go to the amendments that are before us this afternoon. The government amendments to this bill are actually unrelated to the introduction of the weekly payments. This bill is merely a convenient vehicle to make an unrelated amendment to family assistance law. I thank senators—the opposition, the Greens and the Independents—for their assistance in bringing this bill and the amendments forward in a noncontroversial manner.

This amendment is actually a necessary consequential amendment due to the timing changes in other legislation, specifically the changed start date for the youth allowance changes. These amendments will delay the start date of the new education participation requirements for family tax benefit, FTB, for children aged 16 to 20 until 1 July 2010, and this aligns with the new start date of the youth allowance changes.

Last year the parliament passed the Family Assistance Legislation Amendment (Participation Requirement) Act 2009 to make sure that young Australians completed year
12 or an equivalent vocational qualification. This was one element of the Compact with Young Australians agreed by the Council of Australian Governments in April last year. Under the compact and the 2009 legislation, children aged 16 to 20 need to be enrolled in a course of study that will lead them to achieve year 12 or equivalent, or need to have completed year 12, and this complements existing rules for family tax benefit part A for those 21 and over and for family tax benefit part B. These changes were due to come into effect from 1 May for existing customers. However, given the delayed start date for the youth allowance changes, it makes sense to shift those dates to 1 July 2010 so that those who transfer from family tax benefit A to youth allowance benefit from the more generous youth allowance parental income test will have it apply from that date.

Senator HUMPHRIES (Australian Capital Territory) (6.05 pm)—I just want to put on the record that the opposition supports the amendment that the minister has just spoken of for the reason that she mentioned—namely, that the amendments are essentially to facilitate a synchronisation of this legislation with the legislation considered earlier today on the payment of youth allowance. Therefore it does not interfere with the intent of this legislation to facilitate weekly payments of certain benefits in certain circumstances.

Senator SIEWERT (Western Australia) (6.06 pm)—I also indicate the Greens’ support for the amendments, basically for the same reasons.

The TEMPORARY CHAIRMAN—The question is that the requests to be agreed to.

Question agreed to.

Bill agreed to, subject to requests.

Bill reported with requests; report adopted.
what was, I regret to say, a dissenting report from a Senate committee inquiry into the Electoral Act, the act which this bill addresses.

The government is seeking to change a number of provisions in the Electoral Act through the schedules in this bill. First amongst these changes is the fact that it will restore the close of rolls period to seven days after the issue of the writ for an election. That means that the electoral rolls will close seven days after the issuing of the writ. The bill will also repeal the requirement for provisional voters to provide evidence of identity before their votes are admitted to scrutiny. I repeat: voters will not have to prove their identity before their votes are admitted to scrutiny. It will enable pre-poll votes cast in an elector’s home division to be counted as ordinary votes wherever practicable, which was a recommendation from the inquiry by the Joint Standing Committee on Electoral Matters. It will also allow the Australian Electoral Commission, or AEC, to process enrolment transactions outside the division for which the person is enrolling and enable electors to update their enrolment details electronically, which was another recommendation of the Joint Standing Committee on Electoral Matters. Finally, it will restrict the number of candidates that can be endorsed by a political party in each division.

I would like to speak briefly to each of these schedules. First amongst these is the amendment regarding the closure of the rolls. I consider the closure of the rolls seven days after the issue of a writ to be a threat to the very integrity of the electoral roll. Currently, the AEC gets an extra seven days to verify new enrolments and then an extra four to verify changes of address. So, with the closing of the roll at 8 pm on the day the writs are issued, which is normally three or four days after the election is actually called, the AEC then has some further time—seven days and four days respectively—to confirm new enrolments and changes of address.

The previous government, in which I was proud to play a small part, reduced the time between the calling of the election and the close of the rolls. They did that to protect the integrity of the roll and to prevent fraudulent enrolments. There are some who will say, unfairly, that we do not have much of a problem with fraudulent enrolments. But history shows that there have been any number of fraudulent enrolments on the electoral roll. We have had cats on the roll. I think ‘Cura-cao Cat’ was an actual enrolment—I stand to be corrected on that—in Queensland. We have had an investigation into rorts of the electoral system and the electoral roll with regard to preselections and voting in general elections. These sorts of things need to be contained because we want to maintain the integrity of our electoral system.

The ALP is proposing here to return to the old scheme, where 520,000 new enrolments and changes to enrolments were submitted to the AEC in the seven days before the closing of the rolls prior to the 2004 election. The AEC was expected to deal with 520,000 new enrolments or changes prior to the 2004 election. It is pretty unreasonable to expect an agency or an organisation to be able to check and verify credibly those changes to the electoral roll. The coalition maintain that the evidence is there to say that the changes that we implemented and introduced, which the ALP is seeking to roll back, actually supported a highly accurate electoral roll. The evidence we have is based on AEC reports. In 2007 just over 100,000 people missed the close of rolls deadline. Compare that with 2004, when there was a much longer period of time for people to amend their disclosure, when 168,000 people missed the deadline. So, by changing that and having a definite date that
was linked categorically to the issuing of the writs, there was a 40 per cent reduction in the number of people who failed to enrol.

The coalition believes that a return to the previous system of seven days would discourage citizens from making or maintaining their enrolment during the ordinary course of the year, as human nature so often is to say, ‘I will have plenty of time to do that after the election is called or after the writs are issued.’ By providing an earlier and more definite date, it helps the process be drawn to people’s attention. It also allows the AEC to effectively process and scrutinise those changes to make sure the integrity of the electoral roll is maintained. These changes in the schedule will increase the opportunity for selective fraudulent enrolment.

Schedule 2 of the bill deals with the evidence of identity for provisional votes. The coalition is opposed to any attempts to weaken the proof of identity provisions relating to enrolling or provisional voting. If we weaken them, if we subsume them, it is only natural there are going to be more attempts to enrol fraudulently. Weakening proof of identity provisions would remove a deterrent to people failing to maintain their enrolment or seeking to take part in multiple voting. It does happen. I do not have the figures exactly, but the AEC figures reveal that 70 to 75 per cent of provisional voters showed ID when voting. It is widely accepted; voters regard it as important thing to do. But of those who failed to provide ID, which is about nearly 34,000 people, only one in five subsequently provided proof of ID by the cut-off date. Labor has argued that the attrition rate stems from voter apathy. It thinks the result of the election is already known. But that is not what is important. What is important is that we know those who are casting ballots are doing so in accordance with our electoral law.

There are some extremely close votes, most recently in the Swan and McEwen electorates where counting continued for weeks after the election. In McEwen, the result of the poll was subject to a court case over some disputed votes. We are talking quite literally about a dozen or so votes that really count and can sway an election. We spent a long time in our history saying that every vote counts. We say to the citizens of Australia, ‘Your voice and your say can make a difference.’ There is proof positive because a dozen or so people in McEwen and not many more in Swan made the difference to an election.

If we cannot rely on the integrity of the votes cast, it could call into question the actual mandate or the election result overall. These are the sorts of things that, as a conservative, I would seek to avoid, that we make sure that we stand with what works and build upon the vision of our forefathers. We need to have disincentives for those who fail to correctly enrol. We need to make sure that the benefits are there for those who do the right thing, who correctly enrol and who maintain their enrolment. The coalition and I are against this weakening of these provisions.

Schedule 3 of this bill deals with amendments to prepoll voting. The coalition supports the schedule relating to prepoll voting because current administrative procedures relating to prepoll votes can be cumbersome. Often they take place many weeks after polling day. These changes will enable prepoll votes to be counted on the night of the election, which provides an earlier result of the vote. That is important for the people of Australia. We want to get the results of our votes known as early and as accurately as possible because, as I said, we have seen some disputes over the votes cast continue over many weeks. If we can avoid that, it strengthens our political system. We also support these
changes because they appear to have no adverse effects on the integrity of the roll or on the application of practices on polling day.

Schedule 4 deals with an amendment to the processing of enrolments. Once again, the coalition supports this amendment because it will allow the AEC to transfer the processing of enrolments to divisional returning officers. It is expected that this provision will improve efficiency as workloads will be able to be spread out between offices in busy times. These changes also allow people that are already involved to update their details electronically. It is an acceptance that Australia is moving along the digital highway and many voters enrolled to vote will find this a more efficient means of maintaining their electoral details.

Schedule 5 is an amendment regarding the nomination of candidates. The coalition supports the amendment to restrict the number of candidates that can be endorsed by a political party in each division. This provision is relatively new and it stems from a by-election that took place in New South Wales where a single party sought to ‘flood the field’ by nominating many candidates. The reason political parties may seek to do that is that it delivers a higher percentage of informal votes. People get tired of numbering all the boxes, particularly if there are 10 or 12 candidates from the same party. It has been statistically shown that there is an increased number of informal votes when there are a high number of candidates. It mainly relates to the failure to correctly number all the boxes on the ballot paper. I support that because I really do think formal votes are an important thing.

I want to stress that there needs to be the ability for anyone to nominate for parliament in this country who fulfils the requirements under the act. I would hate to see people discouraged from putting their names forward, whatever their cause is—that is, if it is legal in this country. Of course, there are some who would have more of my support than others, but that is not the point. The point is that one of the great opportunities for people is to be an Australian citizen and nominate for parliament because of a cause or because of an issue or because of something that they think is truly very important. In considering this, I do not regard that this final provision is an impediment to our democracy or our democratic rights. It is well-intentioned to ensure that the votes cast are valid votes and to make it as easy and as workable as possible for the electoral roll to get a fair and reasonable result that is in accordance with the views of the electorate.

In supporting these bills, I have reservations about some of the provisions in them. It would be my hope that we can amend them to more reasonably deal with the concerns that I have outlined, and that I am sure my colleagues will outline shortly. In doing so, I recognise that the Labor Party feels very strongly about some of these provisions as well. I just hope there is some negotiating room in them because I am sure we are agreed we want to stamp out electoral fraud. I am sure we agree that we want to minimise the risk of incorrect electoral roll details. But in order to ensure the integrity of our electoral roll we need to make sure that we are not taking steps that are retrograde, that go back to where it has been proven historically that there is going to be some sort of compromise of the integrity of the electoral roll. I regard schedules 1 and 2 as areas of concern for the reasons I have outlined, but most importantly because the old provisions were shown to have worked through the AEC. If something works, why would you seek to roll it back to something that did not work as effectively or as efficiently?

In the couple of moments I have left, I would like to once again emphasise to the
Senate how important the validity of the electoral roll is to the integrity of our parliamentary democracy. We have one of the oldest parliamentary democracies in the world. It has been running continuously, we have had our highs and our lows and our ups and downs, but it works and it works very well. We need to continue to maintain the opportunity for Australians’ votes to be valid and to count because, as I mentioned, a single vote or one or two votes can change the outcome of an election. When you change the outcome of an election, you also change the outcome of the policy agenda. I recall that in this place there have been any number of votes, and some conscience votes, that have aroused a great deal of passion on both sides of the debate, where there has been no political party divide, that have been lost by a single vote. We should be mindful that in the future the very nature of our social policy or our economic policy and the very future of our governments and the direction of our nation can change on a single vote. I would urge all of my colleagues to reflect on that in making these changes to the electoral roll lest they have an unintended consequence of supporting electoral rorting, fraudulent enrolments or invalid votes, which can compromise the very cornerstone of Australia’s federation.

Senator Ryan (Victoria) (6.27 pm)—I reiterate the comments of my colleague Senator Bernardi. I am now a member of the Joint Standing Committee on Electoral Matters, but I was not at the time of its report into the conduct of the 2007 election. The Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010 comes from the recommendation of the government majority in that report. But underlying the philosophy of this bill, and indeed of an inquiry we recently conducted into the provisions of the New South Wales automatic enrolment act, is the fact that we seem to be rewarding, encouraging or otherwise dismissing people from their personal or individual responsibilities. The Electoral Act requires that people enrol. The Electoral Act requires that people update their details within a certain number of days after they move house. And the Electoral Act requires that they turn up and attend at a polling place on election day.

Whether or not people agree with that, and there are quite a number who disagree with those particular provisions of our electoral system, the reality is that we should not be excusing people for failing to update their electoral details. It is a requirement of individuals under the act at the moment and I do not think that we should be effectively permitting people to not do so. We have seen in history—and the Australian Electoral Commission has this pointed out—that as a general rule electoral enrolment stays above 90 per cent. There seems to be a philosophy, and this was pointed out by some in that other inquiry I mentioned earlier into the automatic enrolment provisions, that, if it is 91 per cent and not 92 per cent, we have a problem—that there one million extra Australians excluded from the roll. That was the language of the government majority in that inquiry.

The coalition challenges that language, because no-one is excluded from the electoral roll in Australia. They have to fill out a form and submit it in a reply-paid envelope or at a divisional returning office. That is not a particularly difficult task to comply with. It is not a particularly onerous provision. Could it be easier? Yes, and there have been discussions about changes through which electoral enrolments would be done by other means. But what matters more when it comes to an electoral roll is that there be absolutely no perception that it lacks integrity. I challenge the government majority’s language about other transactions with government being
done in other ways, which led to these recommendations. Whether the government agrees with it or not, the coalition strongly believes that filling out a form to get a Medicare card or to make other transactions with government is not as important as the legitimacy of our electoral process.

The last election in my home state of Victoria was close in the electorate of McEwen. One of the great things about Australia—and I commend the AEC for their work on this—is that, following the court challenge and the consideration by a Federal Court judge of a number of disputed ballots, there was really no challenge to the validity of the result. Its legitimacy was accepted. The popular acceptance of the legitimacy of such results when they are that close is substantially dependent upon the integrity of the conduct of the election, and the electoral roll plays a significant part in that. If there had been questions over substantial numbers of votes, such a close election could have been brought into question. In my home state of Victoria in 1999, the state government was effectively decided in the electorate of Geelong by the votes of fewer people than there are in a football team, but the legitimacy of the result was not questioned.

A bill like this, just as the automatic enrolment provisions suggest, proposes that we go too far in seeking to cast the net wider, so absolving people of their individual responsibilities. Complying with the act and enrolling is not that hard. It is false to say that people in Australia who are not enrolled to vote are excluded from doing so. They are not. In the majority of cases they have failed to comply—though there may be the odd individual exception—with the terms of the act. Some people have described the electoral enrolment form as the ‘purple people eater’. It was described as such before the Joint Standing Committee on Electoral Matters. However, while it may be possible to design a form better, it is not the most complex government form I have filled out. When my friends applied for the baby bonus before the government started making it more difficult to do so, they felt that the form for the baby bonus was substantially more complex.

As Senator Bernardi pointed out, this bill contains five schedules. Schedule 1 reverses the initiative of the previous government that ensured that the rolls closed on the day that the writs were issued rather than seven days afterwards. Senator Bernardi also pointed out the fact that there were over a half a million people under the previous provisions, which the government is seeking to reinstate, who enrolled after an election was called. It is absolutely impossible for the Australian Electoral Commission, with its resources, to check the validity of every single one of those applications for enrolment and be confident that each of them is valid to the extent that it should be on the roll. It is just not possible to process that amount of information in that short a period.

It is also important to note that under these provisions, along with the strong AEC education campaign that was funded by the previous government, we saw a substantial number of people who updated their details when the election was called. The coalition opposes schedule 1 of the bill because the responsibility of people to update and maintain their details, the ability of the AEC to run education campaigns and the inability of the AEC to effectively oversee a rush of enrolments in the last two days before an election campaign gets underway means that the legitimacy of results that are particularly close could be called into question.

I make the point that people’s maintaining their enrolment details is important because it is fair that candidates and members of parliament know their electors. We do not have
election day enrolment, and presumably one of the reasons is that that did not lead to very good outcomes historically. People enrolling on the day was messy and time consuming. It has happened in other countries, but the Australian system requires a constantly updated roll, and that roll means that candidates and members of parliament in the lead-up to election campaigns have an opportunity to know who their electors are. I think that is a particularly important principle that our system protects, and it is a principle that we should continue to protect.

Schedule 2 of the bill repeals the requirement for provisional voters to provide evidence of identity before their votes are counted. This is also a particularly important provision. I note that in its report on the 2007 election the AEC pointed out:

Approximately 75 per cent of provisional voters showed evidence of identity when voting. Obviously, there were a number of people who did not attend and present proof of identity after polling day within the prescribed period, which would have allowed their votes to be counted. I say again that this is not a particularly onerous requirement. As I understand it, there was no evidence provided by the AEC that administrative errors had excluded people from the electoral roll. By that I mean that no government error has excluded anyone from the electoral roll; rather, the people excluded were generally those who had failed to maintain their enrolment correctly.

It is particularly important that, when we have a number of electorates that tend to be close in their results, electors have confidence that everyone who votes is legitimately entitled to vote. Having people turn up and cast provisional votes without identification or without being required to produce some subsequently places this in danger. Again, I think we are getting our priorities wrong when it comes to, on the one hand, protecting the integrity of the roll and, on the other, allowing people who have not necessarily complied with the Electoral Act to vote on the day. We are not talking about a number of people that might bring into question the legitimacy of our electoral roll. We have above 90 per cent enrolment, a number that many countries in the world would aspire to if they had a similar system, and I think we tamper with that at our peril.

I go back to the electorate of McEwen, which was decided after many months, after a High Court challenge and a Federal Court judge reviewed individual ballot papers, and I do not think that particular election result would have any greater legitimacy if these provisions had been enacted. Similarly, I think that there is a risk that such close results could have their legitimacy challenged, if not legally then purely on the basis of public perception, if there had been a massive enrolment in the days after the election was called or there had been a weakening of the identity provisions that are required for people to cast provisional votes.

As Senator Bernardi outlined, schedule 3, which enables pre-poll votes in an elector’s home division to be cast and counted as ordinary votes on election night, effectively, is a sensible amendment. There has been a dramatic increase over the last 20 years in the number of people casting pre-poll votes. I understand—although I am happy to be corrected—this is because over that period the strict application of the eligibility to cast a pre-poll vote is no longer applied in the same way. I have my concerns with the substantial increase in the number of pre-poll votes in a compulsory voting environment—I think there is something to be said for everyone voting on one day—but I do not make any particular comment on that other than to say that that aspect of the bill is supported by the coalition and makes a great deal of sense.
It will allow a much greater proportion of the votes to be counted on election night.

Schedule 4 is an administrative amendment that allows the AEC to more effectively process enrolment transactions. Again, the coalition supports this schedule. It makes sense for the AEC to be able to utilise its resources to process the number of enrolment changes in the way it sees fit and there is no way, in my view, that this in any way challenges the legitimacy of the electoral roll. The coalition supports that particular aspect of the bill.

Finally, schedule 5, which did not come out of the government majority report into the conduct of the 2007 election by the Joint Standing Committee on Electoral Matters, reflects the events of the Bradfield by-election where a particular party endorsed nine candidates in a field of 22. This proposal makes a great deal of sense, although there have historically been multiple endorsements by some other political parties that have not been quite as confusing for voters. Whether that was the intention of the party or not I cannot attest, but I think that, in the modern political era, limiting political parties to endorse one candidate, with all the benefits and privileges they have under other parts of our electoral laws, is a legitimate move. The coalition will be supporting that schedule.

I mentioned earlier that the philosophy underlying this bill is similar to that underlying the government majority recommendation with respect to the automatic enrolment provisions. I restate the view that it is unreasonable and inaccurate to describe the number of Australians who are not on the electoral roll as being excluded from our electoral process. They have the option of participating. All they have to do is fill out a form, Senator Hanson-Young. It is not that difficult. We should not be encouraging a permissive approach to the electoral roll. I have outlined why these provisions should not be compared to getting a drivers licence or a Medicare card. To get a passport or a drivers licence in most states is not easy—you have to provide a substantial amount of identification and it has to be demonstrated to a particular officer’s satisfaction that you are who you claim you are. Our electoral enrolment provisions are nowhere near that strict. Our electoral enrolment provisions ask that you simply find a witness who will sign the form and attest that you are who you claim you are.

This bill and the amendment that the government has proposed talk about comparison of signatures, in terms of counting provisional votes. If, for example, we moved to the automatic enrolment provisions that the government majority of the Joint Standing Committee on Electoral Matters recommended, we would have no signatures to compare. When we are looking at legitimacy of elections, the perceived legitimacy of a result is actually more important than casting the net ever wider to drag people in who are not complying with the law as it currently stands. It undermines the current provisions of the Electoral Act, which have compulsory enrolment and compulsory attendance as part of them.

I will conclude by saying that the coalition opposes those changes. There has been no demonstrated benefit from the changes that the government has outlined that satisfies the potential risk of fraudulent enrolment. Australia is one of the countries where it is particularly easy to enrol. We do not have registration or driver enrolment like some American states do, but I do not think there are many aspects of their electoral system that Australians would aspire their own electoral system to copy. We have a form. It is administered by the Australian Electoral Commission, which is held in high regard. The form
is not complex to fill out; in fact, it is easier than forms for some government benefits. If people do not comply with that, we have a history of funding substantial education and enrolment campaigns, all of which have a high degree of success.

When we are looking at our electoral enrolment, the metric is not simply the number of people enrolled; the metric is the degree of faith in our political process. I look back at the election for the seat of McEwen at the last election and at an election in 1999 in Victoria. I liked one result; I did not like the earlier one. But the fact that we could have a change of government to a minority government based on one seat, based on fewer people than there are in a football team voting in the seat of Geelong, is testament to our electoral system. I fear that changes like this and the automatic enrolment provisions may not have such widespread acceptance. Are there issues with younger people, certain demographics and social groups not enrolling to vote? Yes, there are, but the AEC has a fine track record of encouraging and facilitating the enrolment of those people, particularly with the schools program and particularly with younger people. Is there more work to do? There is, but this aspect would reduce the incentive for that work to continue and would undermine the strong provisions of our Electoral Act and the integrity that is generally respected by all, so the coalition will be opposing these provisions of the bill.

Senator HANSON-YOUNG (South Australia) (6.44 pm)—I rise to make a brief contribution to the Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010. The bill before us today is an essential measure to restore integrity to Australia’s electoral system. Schedule 1 is particularly important in allowing Australians to enrol to vote or to change their enrolment details seven days after the election writs are issued, rather than by 8 pm on that day. When the Howard government amended the Electoral Act to close the electoral roll on the day the election was called, it was very clear that their motivation was one of political interest rather than sound public policy. In taking action, they disenfranchised hundreds of thousands of first-time voters and did democracy in this country a great disservice.

The Greens have been concerned about this issue from the day these changes were made. We moved an amendment to that original bill, the Commonwealth Electoral Act (Political Donations and Other Measures) Bill, and today we welcome the government finally taking action. I understand that back then the government and the coalition argued here in this place that the changes to the act were necessary to reduce the administrative burden on the AEC and the potential for electoral fraud. Strangely enough, however, an audit conducted by the AEC of South Australians who changed their address from the week in issuing the writs in 2001 found no evidence of electoral fraud in a roll of one million people.

Could it be, however, that perhaps the coalition tried to amend the Electoral Act to disenfranchise a demographic that polls showed were not necessarily sympathetic to their government? Could it be? Let me serve as a reminder to this place that no party should be able to change the goalposts of our electoral system to achieve what is politically best for it. I hope that this kind of cynicism is something of the past.

The AEC tells us that in 2007 only 17,208 Australians enrolled or updated their details by the 8 pm deadline on the day the election writs were issued. In the previous election in 2004 under the old seven-day rule, the number of people who updated or changed their enrolment or enrolled was 423,975 individual voters. There is clearly a stark difference...
between the 17,000-odd and the close to 424,000 people who updated their details. This, of course, is not surprising given the fact that young people in particular are a demographic likely to move around more frequently, and the Prime Ministers of both persuasions seem to always keep their cards close to their chest around election times, not wanting anyone to know when that election date will be set. If we here as senators do not know when the next election is, and we are unable to look into that crystal ball, I am staggered as to how we believe that young people who are changing their addresses all of the time would be able to predict an election any better than we can.

Unfortunately, young people and first-time voters are often the demographic that is overlooked politically, often in this place as well as the other. We only have to turn to the game playing that has characterised the debate over youth allowance and student services here in this place to see exactly what I am talking about. It is hard to conceive of the coalition taking this kind of approach to other demographics within the community and clearly, obviously, their key voter groups. But, sadly, when it comes to young people, our political culture all too often says, ‘That’s okay; they’re just young.’

However, young people have a vital role to play in our democratic system. After all, it is the young people who are the leaders of tomorrow and it is they who will have to deal with the consequences of some if not all of the decisions that are made here and into the future. For instance, on climate change it is young people who have a real and genuine concern for the issues and what this means to them for their future and the future of our planet. Unfortunately, we have a Leader of the Opposition who does not seem to understand these issues and dismisses their concern and we have a Prime Minister who, while talking about action, does very little to deliver it.

We have a responsibility as political leaders to ensure that young people are empowered politically and encouraged to participate in our electoral process.

Debate interrupted.

DOCUMENTS

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

Forestry

Senator ABETZ (Tasmania—Deputy Leader of the Opposition in the Senate) (6.50 pm)—I move:

That the Senate take note of the document.

I rise to speak on the Regional Forest Agreement between the Commonwealth and New South Wales: Final Report on Progress with Implementation of New South Wales Regional Forest Agreements. The Senate would be aware that the governments of both persuasions—Liberal and Labor, state and federal—got together to deal with the vexed issue of forests around the nation. One thing that is often forgotten in relation to the discussion of our usage of our forests is that these regional forest agreements were based on robust scientific research that determined the genuine values of the various forest types and the appropriate approach in relation to maintenance of those forest types, whilst also recognising that, as part of nature, humans do have the right to harvest our forests. But what we have got to do is harvest them in a responsible and sustainable manner. That is what the regional forest agreements did.

For those that seek to condemn the regional forest agreements I simply remind them that wood products are in fact a carbon sink. The forestry sector in this country is the only industrial sector that consumes more...
CO2 that it actually produces. In other words, this is the only industry in Australia that is cleaning up the atmosphere, yet we have this bizarre situation of the Australian Greens in particular seeking to attack the forest industry at every opportunity. The fact that that is wearing a bit thin with the electorate is now becoming quite obvious. For the forthcoming state election in my home state of Tasmania the Greens have circulated a policy document to the electorate that has five major points on it, the fifth one being forestry. In his election speech the Greens leader did not touch on forestry or the pulp mill, I am informed.

Clearly, it is fading off their agenda, and the reason is the Australian people are a wake-up to the fact that if they use wood products for their housing and packaging they are in fact using carbon sinks instead of carbon-producing products such as aluminium, plastics, steel, cement and concrete—all non-renewable. The great thing about forestry is that every tree that is harvested can be replaced and can be regrown, and the cycle of nature continues. You cannot do that with concrete. You cannot do that with aluminium. You cannot do that with polystyrene or plastics for packaging. But you can do that with wood products.

That is why these regional forest agreements are so very important, because they provide the sensible balance that the Australian people are seeking as to their forests. They do want some protected, but they also see the good sense in harvesting them in a sustainable way and in a way that ensures the sustainability and enjoyment of those forests for future generations. Indeed, in my home state of Tasmania we have got over 40 per cent of the state locked up, so when people hear the mantra of the Australian Greens they can rest assured that our forests are sustainably managed; there is a lot of forest in reserve and—this is the good news—we are using a genuinely Australian grown renewable product that will be available for generations to come, unlike all those other materials that are non-renewable, are often toxic and, of course, leave a huge carbon footprint. I recommend the report to the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to government documents were considered:


General business orders of the day nos 40, 42 to 45, 47 to 49 and 51 relating to government documents 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.

Adelaide Festivals

Federal-State Relations

Senator McEwen (South Australia) (6.56 pm)—While I like being in Canberra, I like even better being home in South Australia with my constituents. There is a lot happening in South Australia at the moment, particularly in Adelaide at this time of the
year. The Adelaide Festival of Arts, the Adelaide Fringe Festival, WOMADelaide, the Clipsal 500 V8 car race, the Adelaide Film Festival, the Adelaide Cup, Adelaide Writers Week, the rugby sevens and various music festivals all fall within weeks of one another. It is no wonder that we call March in Adelaide ‘Mad March’. This year the Adelaide Festival and the Fringe Festival both celebrated 50 years of activity in South Australia. These iconic South Australian events continue to break attendance records year after year and provide a strong economic boost to the state.

Last year’s Fringe Festival injected some $27.2 million into the state, with over 530 events being held across 260 venues. This year’s Fringe was breaking records even before it started. It is set to be the biggest-ever event in the history of the Adelaide Fringe, with 705 shows across the city. When it came to a close last Sunday, the 2010 Adelaide Fringe Festival eclipsed all previous records, with more than 300,000 tickets sold over the three-week event. I welcome the announcement by Premier Mike Rann that the Adelaide Festival of Arts, like the Fringe Festival, will be an annual event from 2012. That is an indication of the state government’s commitment to the arts in South Australia.

There is a lot more happening in South Australia too. We are no longer the rust-bucket state. John Brumby cannot call us a ‘backwater’ without grossly offending every South Australian. The transformation of South Australia into a confident, sophisticated, economically secure state owes much to the great leadership of Premier Mike Rann, who has successfully led South Australia for two terms and will, hopefully, secure a third term as Premier at the state election on Saturday, 20 March. In the past eight years, Premier Rann has delivered for South Australia and for South Australians. Under the state Labor government, the unemployment rate has dropped, the crime rate is down and, for the first time in years, substantial projects are being built across the state.

Change in South Australia has been particularly noticeable in the last couple of years, when South Australia has really flourished with the partnership of the Rann government and the federal Rudd Labor government. The Rudd government’s Nation Building and Economic Stimulus Plan has been of great benefit to South Australia. For example, as at September last year, in the electorate of Sturt alone 190 projects at a value of over $111 million were underway as a result of the economic stimulus plan.

Part of that plan was of course investment in schools. Investment in schools in South Australia has been a great success because of the partnership between Mike Rann and the federal government, both determined to make the most of the economic stimulus plan and the opportunities that it gives. All of the principals, teachers and students that I have spoken to are very appreciative of the government’s investments in education and are grateful to have new buildings, new classrooms and new technology after years of neglect by state and federal Liberal governments.

I have visited a number of projects at schools with local state members of parliament, including Grace Portolesi, the member for Hartley; Robyn Geraghty, the member for Torrens; and Lindsay Simmons, the member for Morialta. They are very hardworking local members of parliament and it is a great privilege to be able to work with them in their electorates.

The partnership between the Rudd government and the Rann government has benefited the education sector in South Australia, and in fact across a number of sectors and industries South Australia is steadily gaining
prominence nationally as a result of solid investments that are securing the longevity of the state. Construction, it seems, is everywhere in SA. Last month alone, the remote South Australian town of Ceduna celebrated the official opening of the first stage of their streetscape project, which was made possible through a contribution of $100,000 from the federal government’s economic stimulus plan. In February, Port Lincoln, another South Australian regional town, celebrated the opening of the upgraded Nautilus Theatre, a great community facility funded with over $188,000 from the federal government. A $2.1 million foreshore redevelopment was opened in Whyalla last month, with over $700,000 coming from the Rudd Labor government.

Funding of almost $600,000 for other councils across the Eyre and Yorke peninsulas was announced last month. That will help 13 ready-to-go community infrastructure projects get underway. Through the Regional and Local Community Infrastructure Program, the federal government has delivered a billion dollars to build or renew community facilities across Australia, making it the largest single investment in the nation’s history. I am very pleased to see so many South Australian regional and rural areas benefiting from that great program.

Labor governments like to get things done. Since the Rudd Labor government came to office, the Australian government’s investments in South Australia’s road and rail infrastructure have increased by 264 per cent compared to the investments made over the duration of the Howard government. These investments include $500 million for the South Road upgrade; $451.2 million for the Northern Expressway extension; almost $300 million for the electrification of the Gawler rail line; $291 million to extend the Noarlunga rail line; $61 million to extend the world’s longest guided busway, our fabulous O-Bahn; and $45 million to build overtaking lanes and upgrade the Sturt Highway throughout South Australia.

Just last week I was really pleased to see that the federal government has allocated $3.6 million to Renmark, in South Australia’s Riverland, to upgrade the safety of local intersections. There have been investments in road and rail infrastructure, creating jobs and securing a safer future for local communities in South Australia and there is also evidence of the South Australian and Rudd Labor governments’ planning for an increase in population—planning ahead and adhering to the South Australian government’s strategic plan, which was so visionary and well thought out. It was implemented, of course, by Mr Rann, the Premier of South Australia.

There has been much talk, especially in this place, about the challenges that the future holds. I note that South Australia is in great shape to confront one of those challenges—climate change. The South Australian state government has been recognised internationally for its pioneering role in implementing strategies to protect the environment from climate change. The South Australian government was one of the first governments to pass legislation on greenhouse targets, and the South Australian state government continues to encourage individuals and the local community to work together to reduce carbon emissions.

We have recorded a number of achievements. South Australia was the first state to ban the use of plastic shopping bags, it is the only state in the country to have a comprehensive bottle and can refund scheme to encourage recycling, and the state is rolling out solar panels in schools. It is the combination of the smaller projects, together with the larger schemes, that is enabling South Australia to lead the way nationally in the fight against climate change.
With the assistance of the federal government, South Australia is tackling water issues head-on, too. With a federal investment of $328 million in Adelaide’s urban water supplies, the city’s desalination plant will be doubled in size, with the capability to secure half of Adelaide’s future water needs. Other projects, such as the $100 million Waterproofing Northern Adelaide project, to which the federal government has contributed $38 million, are demonstrating the state and federal governments’ commitments to investing in alternative water supplies to meet the demands of a growing population, and securing South Australia’s water supplies for the future.

South Australia is proving to be a hub for renewable and alternative energy sources. South Australia has around half of Australia’s wind power capacity and about 25 per cent of the nation’s grid-connected domestic solar photovoltaic capacity. The Rudd Labor government works in collaboration with the South Australian state government to make a concerted effort to invest in alternative energy sources throughout the state.

Next Saturday, South Australia has a clear choice. South Australians can elect a state government, led by Mike Rann, that will be confident, visionary and progressive or they can elect a government under the Liberals that will be riven with divisions, hamstrung by ineptitude and that will have no coherent plan for the future. I think that I have outlined that there really is no choice for South Australians next Saturday and that they should re-elect the Rann Labor government.

**Tasmania State Election**

**Senator ABETZ** (Tasmania) (7.06 pm)—In three days, at this very time, the people of Tasmania will have determined whether they intend to change the government of their state. As a Tasmanian I hope there will be a change of government—a real change. And make no mistake—real change will only occur with a majority Liberal government. Labor has run its course. It is rife with cronyism and incompetence.

Labor is tired, arrogant and has run out of ideas. Indeed, when the campaign started on 13 February the headlines in the newspapers screamed that Labor would be undertaking a dirty campaign. Five weeks later the headlines are still screaming about Labor’s dirty-trick campaign. Nothing has changed throughout that five-week period.

Desperate David, or Premier Bartlett, is really running one of the worst campaigns Tasmania has ever witnessed. Indeed, he has now descended to what is called ‘Robo calls’, where automated phone calls are made and messages are left. When questioned about it, the Premier pretended he had no knowledge. However, the Deputy Premier acknowledged that it was discussed at a leadership group. One just wonders whether the Premier might be part of the leadership group. The State Director of the Labor Party down there also just happened to say, ‘Yes, the Premier did know about it.’ So one wonders who is telling the truth.

Talking about that, it is interesting that in the seat of Braddon the three sitting Labor members have all had to resign in disgrace from ministerial positions—Mr Best for being economical with the truth about the use of a government supplied vehicle, Mr Kons for lying to the parliament and Mr Green for signing up to a sleazy deal before the last election. He faced two criminal trials with hung juries on both occasions. Mr Green has said that he might be dumb but he is not corrupt. I am willing to accept that explanation, but if that is his explanation he should not be running for public office again.

We move to the south of the state and we have the hapless Mr Sturgess, with the Robertson disease, the ‘Don’t you know who
I am ministerial arrogance that Labor members seen to revel in. Not content with making a fool of himself in that regard, Mr Sturgess is also known to use expletives to constituents in front of women at Christmas parties and then blows up with a fellow female Labor candidate. We have another Labor candidate, Ms Singh, who was caught out at one of those all spin and no substance press conferences, descending to the F-word to berate her staff. You have to love how Labor treats its workers. And referring to workers, who can forget Ms Wriedt’s resignation and the taxpayer funded settlement to a chauffeur of over $50,000 plus the guarantee of a job—all courtesy of the Tasmanian taxpayer.

Because Labor is picking up the vibe that it has passed its use-by date, it is now picking candidates for renewal—candidates such as David O’Byrne in Franklin who is the new hope, the face, Labor’s future, the man who invited the mad Marxist President of Venezuela, Hugo Chavez, to Australia. When questioned why, he said, ‘To create goodwill between nations.’ That is very honourable, but it was no answer to why he picked on the madman, Hugo Chavez. From all the world’s leaders that he could have chosen, it was the mad Marxist from Venezuela. That was his No. 1 choice. Closer to home, it was Mr O’Byrne who had Mr Dick Adams MHR, the long-serving Labor member for Lyons in the other place, expelled from his union because Mr Adams condemned Labor policy at the 2004 election. This is the new face of Labor in Tasmania. It sounds more like the old 1950s style Labor face to me: accept no dissent, support Marxist leaders, sing Solidarity forever and when you catch your breath preach class warfare. Labor is run down. Its talent gene pool is compromised, to put it politely.

Labor now has Mr Rudd—that great public administrator of Fuelwatch fame and of GROCERYchoice fame—fronting advertisements. It is for GROCERYchoice that the Prime Minister said, ‘Compare your shopping prices between Swansea and Strahan in Tasmania.’ What a great service. The fact that it is a good five hours apart or more completely escapes this great man’s knowledge. Then you can go through the pink batts and so it goes on. But I have to say that marginally I would give the points to Mr Rudd over Mr Bartlett. It is marginal—cigarette paper stuff dividing them—but I think the chances are Mr Rudd is a better performer than Mr Bartlett. For them to be reduced to hauling out this now discredited Prime Minister is indicative of how low the Labor campaign has got.

Tasmanians have the choice. If they vote Greens, they will get a leader who used to be an advertising spiv—great on spin, presents well but fails on substance. What is more, he has now admitted that all his election promises are tradeable if he can somehow deal himself into government. Thank goodness the Liberals and Mr Hodgman have said ‘No deals.’ The question arises: which of the Greens policies are fundamental and which are dispensable? They say they want to power share. In what way they have not said. Their big spending promises, combined with Labor’s reckless spending promises would bankrupt our state—something we cannot afford given the huge 1.1 per cent surge in the unemployment rate last month. That is a surge that is 11 times the national average—and Labor asks to be re-elected.

But back to the Greens. If you want a quick summary of what Greens in government would be like, look no further than Mr Peter Garrett. That is what those that come from the environmental movement bring to public policy and to public administration. I say to the Tasmanian people: if you want a repeat of Mr Peter Garrett, in Canberra, in Hobart then vote Greens. If you do not want to do that, the Tasmanian people have a great
choice in the Liberal team and Mr Will Hodgman.

Mr Will Hodgman is showing the sort of leadership and vision that Tasmanians are crying out for after a decade of incompetent Labor government. The state Liberals, so ably led, have as one of their major policy principles to restore integrity to government. They have policies to actually have ministerial standards. They have policies for a better health deal. They have policies for the disabled, for Parkinson’s sufferers, for our islands—King, Flinders and Bruny—and all this with the lowest election price tag in relation to promises in dollar terms. You see, sound, well thought-out targeted investment is a lot cheaper than the mad cash splash spending spree of both the Labor Party and the Greens.

Tasmanians know Mr Hodgman and all his team are committed Liberals. But what I also say to Tasmanians is that not only are they committed Liberals; first and foremost they are committed Tasmanians. So, unlike with Labor or the Greens, if there is a conflict between the Liberal Party and the best interests of Tasmania, Tasmania will not only come first under a Hodgman Liberal government; Tasmania will come first, second and third each and every time. Tasmania will come first. Mr Hodgman, along with his fresh, vibrant and capable team, will always put Tasmania’s interests first. Tasmania has the opportunity to shed the Labor shackles, not by voting for the Peter Garrett types in the Australian Greens but by voting for the Liberal Party. I wish Mr Will Hodgman and his team every success as they bring about real change in Tasmania.

Senator adjourned at 7.16 pm

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Commissioner of Taxation—Public Rulings—
Taxation Determinations—Addenda—TD 92/174 and TD 93/126.
Notices of Withdrawal—TD 58, TD 92/183, TD 95/43 and TD 2004/29.
Taxation Rulings (old series)—Notices of Withdrawal—IT 2518, IT 2523, IT 2556, IT 2597 and IT 2598.
Customs Act—Tariff Concession Order 0924092 [F2010L00376]*.
Defence Act—Determination under section 58B—Defence Determination 2010/12—Disturbance allowance—amendment.
Federal Court of Australia Act—Select Legislative Instrument 2010 No. 47—Federal Court (Corporations) Amendment Rules 2010 (No. 1) [F2010L00655]*.
Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—NPF Directions Nos—
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—

Australian Public Service Commission.
Department of the Prime Minister and Cabinet.
Infrastructure, Transport, Regional Development and Local Government portfolio agencies.

* Explanatory statement tabled with legislative instrument.