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SITTING DAYS—2010

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FORTY-SECOND PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Temporary Chairs of Committees—Senator Hon. Alan Baird Ferguson
   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 McGewen
Chief Opposition Whip—Senator Stephen Shane Parry
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby

The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

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

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

Heads of Parliamentary Departments

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

Hon. Alan Griffin MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Hon. Warren Snowdon MP
Hon. Dr Craig Emerson MP
Senator Hon. Nick Sherry
Hon. Justine Elliot MP
Hon. Kate Ellis MP
Hon. Greg Combet AM, MP
Senator Hon. Mark Arbib
Hon. Maxine McKew MP
Hon. Dr Mike Kelly AM, MP
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Bob McMullan MP
Hon. Anthony Byrne MP
Senator Hon. Ursula Stephens
Hon. Laurie Ferguson MP
Hon. Jason Clare MP
Hon. Mark Butler MP
Hon. Richard Marles MP
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<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</td>
<td>Hon. Warren Truss MP</td>
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<td>and Local Government and Leader of The Nationals</td>
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<tr>
<td>Shadow Minister for Resources and Energy and Leader of the Opposition</td>
<td>Senator Hon. Nick Minchin</td>
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<tr>
<td>Shadow Minister for Employment and Workplace Relations and</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Deputy Leader of the Opposition in the Senate</td>
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<td>and Manager of Opposition Business in the House</td>
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<td>Shadow Minister for Infrastructure and Water</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Attorney-General</td>
<td>Senator Hon. George Brandis SC</td>
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<td>Shadow Minister for Health and Ageing</td>
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<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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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of The</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Finance and Debt Reduction and Leader of the</td>
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<td>and Sustainable Cities</td>
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<td>Shadow Minister for Broadband, Communications and the</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]
SHADOW MINISTRY—continued

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

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

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

Shadow Assistant Treasurer
Hon. Sussan Ley MP

Shadow Minister for COAG and Modernising the Federation
Senator Marise Payne

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

Shadow Minister for Justice and Customs
Mr Michael Keenan MP

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

Shadow Minister for Veterans Affairs
Mrs Louise Markus MP

Shadow Minister for Ageing
Senator Concetta Fieravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

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

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

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Tourism
Mrs Jo Gash MP

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

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

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

Shadow Parliamentary Secretary for Defence
Mr Stuart Robert MP

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

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

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

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
Senator Hon. Richard Colbeck
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The President (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

Petitions
The Clerk—Petitions have been lodged for presentation as follows:

Television Black Spot Program
To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That the analogue transmitters, which serve the community of Sisters Beach in the State of Tasmania and which were installed by the Waratah-Wynyard Council under the Television Black Spots Program, are failing. As a consequence, Sisters Beach viewers are no longer able to receive transmission from ABC TV or SBS TV and there is a real probability that the current transmissions from Win Television and Southern Cross Television will also fail and be lost.

Your petitioners ask/request that the Senate:
Seek and obtain a commitment from the Australian Government to provide the infrastructure whereby a digital transmission service to Sisters Beach will be provided within a reasonable time.

by Senator Bilyk (from 193 citizens)

Beef and Beef Products
To the Honourable President and Members of the Senate in Parliament assembled:
The petition of the undersigned shows that we strongly oppose the importation of Beef and Beef Products from countries that have had cases of Bovine Spongiform Encephalopathy (B.S.E) as categorised.

We the petitioners ask that the Senate support the Beef Producers of Australia, the domestic processing sector of Australia and the Australian consumers of Beef and Beef Products and quash the decision of the executive Government that would in effect unwind import restrictions of this categorised Beef and Beef products into the Commonwealth of Australia.

by Senator Stephens (from 10 citizens)

Notices
Presentation
Senator Fieravanti-Wells to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the Senate disallowed three therapeutic groups established by determination of the delegate of the Minister for Health and Ageing in January 2010, with the objective of ensuring a full Senate inquiry currently being conducted by the Community Affairs References Committee was complete and had reported to the Senate prior to these measures being implemented,

(ii) the Minister for Health and Ageing failed to:
(A) adequately consult with relevant stakeholders outside the Government and therefore has not taken into account the impact of these measures, particularly on patients and the clinical justification for the creation of new therapeutic groups on the basis of 'interchangeability at the patient level', and

(B) provide adequate justification, other than a need to provide budget savings, for these measures,

(iii) the Government has failed to recognise the need to ensure doctors and patients and other stakeholders require information regarding the implementation of these measures,

(iv) the attempt by the Government to usurp the role of the Senate in inquiring into measures prior to their implementation by ignoring the referral of these matters to the Community Affairs References Committee for inquiry and report by 30 June 2010, and

(v) the need for the Senate to fully understand all issues relating to the forma-
tion of these therapeutic groups to ensure the inquiry by the Community Affairs References Committee is completely informed of all information; and

(b) orders that there be laid on the table by 12 pm on Wednesday, 12 May 2010, any documents, records, advice or other information received, compiled, requested or commissioned by the Minister for Health and Ageing, the Department of Health and Ageing and the Pharmaceutical Benefits Advisory Committee and its subcommittees relating to the determination and establishment of new therapeutic groups under the National Health Act 1953 since 1 July 2007, including issues pertaining to interchangeability of medicines and products with such groups.

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

That the Senate notes the resolution put to the United States of America’s House of Representatives on 10 March 2010:

REMOVAL OF UNITED STATES ARMED FORCES FROM AFGHANISTAN

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Afghanistan—

(1) by no later than the end of the period of 30 days beginning on the day on which this concurrent resolution is adopted; or

(2) if the President determines that it is not safe to remove the United States Armed Forces before the end of that period, by no later than December 31, 2010, or such earlier date as the President determines that the Armed Forces can safely be removed.

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

That the Senate calls on the Government to uphold the Environment Protection and Biodiversity Conservation Act 1999 in the Millewa Forest by immediately stopping red gum logging.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.32 am)—I move:

That government business be interrupted at 12 noon to allow consideration of the bills listed below at 12.45 pm till not later than 2 pm today.

The list is as follows—

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2008 – Resumption of second reading debate

Private Health Insurance Legislation Amendment Bill (No. 2) 2009 – Resumption of second reading debate

Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009 – Resumption of second reading debate

Family Assistance Legislation Amendment (Child Care) Bill 2010 – Resumption of second reading debate

Fisheries Legislation Amendment Bill 2009 – Resumption of second reading debate

Trans-Tasman Proceedings Bill 2009

Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009—Resumption of second reading debate (subject to exemption from the bills cut-off order)

Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009 – Resumption of second reading debate

Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009 – Resumption of second reading debate

Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 – Resumption of second reading debate

Antarctic Treaty (Environment Protection) Amendment Bill 2010

Appropriation Bill (No. 3) 2009-2010

Appropriation Bill (No. 4) 2009-2010—Resumption of second reading debate
Issues from the Advances under the annual Appropriations Acts – Report for 2008-09 – Consideration in committee of the whole

Question agreed to.

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.33 am)—by leave—I move:

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

(1) consideration of a motion relating to the implementation of Government programs, as circulated in the chamber; and

(2) orders of the day relating to government documents.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs

References Committee

Variation of Reference

Senator BARNETT (Tasmania) (9.33 am)—by leave—I move:

That the resolution of the Senate of 4 February 2010, relating to the terms of reference of the Legal and Constitutional Affairs References Committee on the review of government compensation payments, be amended by omitting all words after “30 September 2010”, and substituting:

The administration and effectiveness of current mechanisms used by federal and state and territory governments to provide discretionary payments in special circumstances, or to provide financial relief from amounts owing to governments, namely:

(a) State statutory schemes relating to children in care;

(b) payments made under ‘defective administration’ schemes, such as the Commonwealth Scheme for Compensation for Detriment caused by Defective Administration;

(c) act of grace and ex gratia payments; and

(d) waiver of debt schemes.

Question agreed to.

NOTICES
Postponement

The following items of business were postponed:

Government business notice of motion no. 3 standing in the name of the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) for today, relating to a proposal for capital works in the parliamentary zone, postponed till 13 May 2010.

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 13 May 2010.

General business notice of motion no. 694 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Protection of Personal Information Bill 2010, postponed till 11 May 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 11 May 2010.

COMMITTEES

Community Affairs Legislation

Committee

Reference

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.35 am)—I move:

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.

Question agreed to.
BUSINESS
Consideration of Legislation

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.36 am)—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
Trans-Tasman Proceedings Bill 2009

Question agreed to.

PARLIAMENTARY ZONE
Approval of Works

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.36 am)—At the request of Senator Faulkner, I move:

That, in accordance with the Parliament Act 1974, the Senate approves the proposal by the Department of Parliamentary Services to construct a vehicle storage facility near the Parliament House loading dock.

Question agreed to.

NOTICES
Withdrawal

Senator XENOPHON (South Australia) (9.37 am)—Mr President, I withdraw business of the Senate notice of motion No. 1.

WATER (CRISIS POWERS AND FLOODWATER DIVERSION) BILL 2010

First Reading

Senator XENOPHON (South Australia) (9.37 am)—I, and also on behalf of Senator Hanson-Young, move:

That the following bill be introduced:

A Bill for an Act to enable the Murray-Darling Basin Authority to manage the water resources of the Basin as a single system during periods of extreme crisis, and for related purposes.

Question agreed to.

Senator XENOPHON (South Australia) (9.37 am)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON (South Australia) (9.38 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Now, more than ever, the state of the Murray-Darling Basin is the most pressing environmental and social crisis this nation faces.

For more than a century, state and federal governments have treated this river like some kind of magic pudding.

They have over-allocated the river time and time again, and my home state of South Australia has paid the heaviest price.

We’re the ones being asked to watch the Lower Lakes die.

Our irrigators are the ones who are suffering the most.

And all of us are the ones facing the very real prospect of not having enough water for critical human needs within a decade.

And I must say, the response to this current crisis by the state and federal governments has been nothing short of underwhelming.

The Council of Australian Governments agreement on the Murray-Darling Basin has so many holes in it, if it was a boat it would sink.

I have said on numerous occasions that I believe only a federal take-over will achieve the once in a hundred years fundamental reform of the river system that is so desperately needed.
We need one river system with one set of rules. And only a true national take-over can achieve that.

However, in the absence of a full federal take-over, this Bill gives the Murray-Darling Basin Authority the power to manage the water resources of the Basin as a single system during periods of extreme crisis, in situations where there is significant rainfall in areas of Australia.

This would mean that one single Authority will be able to make decisions as and when required in the overall, national and best interest of the Murray-Darling Basin, rather than relying on the individual and, perhaps at times, selfish, interests of each state and territory coming into play.

There have been two occasions in recent months in Queensland, where floods and heavy rain have resulted in overflowing rivers.

Each year, wild weather events around the country continue to take place—flooding in the north while there’s drought in the south.

There’s no doubt we are seeing the effects of climate change, and given the dire situation our Lakes are facing, it only makes sense to send these waters south.

I was pleased that, earlier this year, New South Wales recently reached an agreement with South Australia to divert 148 gigalitres to South Australia, just enough to save Lake Alexandrina and Lake Albert for at least another year.

While this generosity is appreciated, it seems like South Australia is constantly being left to beg for water from the eastern states.

Under this Bill, in events of significant rainfall in areas of Australia and during periods of extreme crisis, the Murray-Darling Basin Authority will take full responsibility for the management of water resources.

I have consulted the experts on this issue in developing this Bill and at this time I would like to take a moment to thank Professor Mike Young from the University of Adelaide for his time.

Based on science, the definition of an extreme crisis under this Bill is considered to be: When the level of water in lake Alexandrina is continuously less than +0.0 Australian Height Datum (sea level) for more than 3 consecutive months; and,

When allocations to high security water entitlement holders in any irrigation district have been below 20 percent for more than 2 consecutive years.

If the lakes are below sea level then quite simply no water can flow to the Coorong.

Under this Bill, when these levels or periods are reached, the Murray-Darling Basin Authority will be able to address the crisis from a national perspective but to ensure the Lower Lakes survive, including by making the groundwater and surface water allocation decisions necessary for system maintenance and to maintain river heights at a minimum level; for the environment; for salinity management and for water uses and holders and water access entitlements or water access rights.

It will also empower the Murray-Darling Basin Authority to share, manage and allocate Basin water resources, make allocations to entitlement holders and allow the diversion of water from flood-affected states or where there is significant rainfall.

The reason the Murray-Darling Basin Authority would have these powers is because, as a national body, it will act in the interest of all states and territories.

Currently, we have states and territories, each with vested interests making decisions about the Murray-Darling in the interest of their own states. But what is needed in the long term is a full federal takeover—one concentrated authority—to make decisions about the Murray-Darling in the best interest of the river and of the nation.

I understand this Bill is an interim measure as we await the Basin Plan’s release next year but we cannot wait until next year.

I believe it’s a vital measure to give our rivers a fighting chance—and it’s needed now.

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

Leave granted; debate adjourned.

WORLD WATER DAY

Senator SIEWERT (Western Australia)

I seek leave to amend in the
terms circulated in the chamber general business notice of motion No. 757, standing in my name for today, relating to World Water Day.

Leave granted.

Senator SIEWERT—I ask that the amended motion be taken as a formal motion.

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

Senator O’Brien—I have not seen the amended form. I apologise if it has been circulated and I have not got it. I wonder if this could be postponed so I can check it.

The PRESIDENT—we will defer consideration of this matter and come back to it.

COMMITTEES
National Broadband Network Committee
Resolution of Appointment
Senator PARRY (Tasmania) (9.40 am)—At the request of Senator Ian Macdonald, I move:

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”.

Question agreed to.

Economics References Committee
Extension of Time
Senator EGGLESTON (Western Australia) (9.41 am)—I move:

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.

Question agreed to.

WORLD WATER DAY

The PRESIDENT—Is there any objection to amended general business notice of motion No. 757, standing in the name of Senator Siewert for today, relating to World Water Day now being taken as formal? There being no objection, you may now move the motion, Senator Siewert.

Senator SIEWERT (Western Australia) (9.41 am)—I move the motion as amended:

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 publicly on its water and sanitation activities, including reporting on the proportion of development aid spent on sanitation.

Question agreed to.

**DR PAUL COLLIER**

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (9.42 am)—I, and also on behalf of Senator Bernardi, move:

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.

Question agreed to.

**WORLD TUBERCULOSIS DAY**

Senator BARNETT (Tasmania) (9.42 am)—I, and also on behalf of Senator Crossin, move:

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.

Question agreed to.

**WATER**

Senator FARRELL (South Australia) (9.43 am)—I move:

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 lead 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.
COMMITTEES
National Capital and External Territories Committee

Reference
Senator PARRY (Tasmania) (9.44 am)—by leave—I move:

That the provisions of the Territories Law Reform Bill 2010 be referred to the Joint Standing Committee on the National Capital and External Territories for inquiry and report by 11 May 2010.

Question agreed to.

LEAVE OF ABSENCE
Senator PARRY (Tasmania) (9.45 am)—by leave—I move:

That leave of absence be granted to Senator Birmingham for 18 March 2010.

Question agreed to.

Senator Milne—I raise a point of order, Mr President. I would just like an explanation for why Senator Birmingham is absent today. Is it for personal reasons?

The PRESIDENT—I hear what you say.

It is not really a point of order. Senator Parry?

Senator Parry—Mr President, I neglected to indicate that it is for personal reasons.

INDIGENOUS AUSTRALIANS INCARCERATION
Senator SIEWERT (Western Australia) (9.46 am)—I move:

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 O’BRIEN (Tasmania) (9.46 am)—by leave—I move an amendment to the motion as circulated in the chamber:

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 O’Brien, by leave, moved the following amendment:

Omit paragraph (d), substitute:

(d) notes that the Government has worked with the states and territories to develop the National Indigenous Law and Justice Framework, the first comprehensive na-
tional policy document to address Indigenous law and justice matters; and

(e) notes that the Government will continue to provide leadership at the national level to prevent deaths in custody, reduce over-representation in jails and recidivism, and provide full and equitable justice to Indigenous communities.

Question—That the amendment be agreed to—put and passed.

Main question, as amended, put and passed.

Question agreed to.

Original question, as amended, agreed to.

TRUTH IN POLITICAL ADVERTISING UNIT

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.47 am)—I move:

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.

Question put.

The Senate divided. [9.52 am]

(Amendment agreed to—put and passed.)

Ay es……………….. 7

Noes……………….. 37

 Majority……………… 30

* denotes teller

AYES

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

NOES

Adams, J. Back, C.J.
Bernardi, C. Bilyk, C.L.
Bishop, T.M. Boswell, R.L.D.
Boyce, S. Brown, C.L.
Cameron, D.N. Cash, M.C.
Collins, J. Cormann, M.H.P.

Farrell, D.E.
Ferguson, A.B.
Forshaw, M.G.
Hogg, J.J.
Hurley, A.
Ludwig, J.W.
McEwen, A.
Moore, C.
Parry, S. *
Pratt, L.C.
Sterle, G.
Trood, R.B.

The PRESIDENT—I understand there could be further divisions. Senator Ludlam, we will deal with your motion.

NUCLEAR NON-PROLIFERATION

Senator LUDLAM (Western Australia) (9.55 am)—I am hoping this one does not cause a division, actually, but I suppose we will see. I move:

That the Senate notes:

(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 ‘[u]ltimately 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’.

Question put.
The Senate divided. [9.56 am]
(The President—Senator the Hon. JJ Hogg)

Ayes........... 7

Noes........... 36

Majority........ 29

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

NOES
Adams, J. Back, C.J.
Bernardi, C. Bilyk, C.L.
Bishop, T.M. Boswell, R.L.D.
Boyce, S. Brown, C.L.
Cameron, D.N. Cash, M.C.
Collins, J. Cormann, M.H.P.
Crossin, P.M. Farrell, D.E.
Feeney, D. Ferguson, A.B.
 Fifield, M.P. Forshaw, M.G.
Furner, M.L. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Ludwig, J.W.
Thursday, 18 March 2010

McEwen, A.          McLucas, J.E.
Moore, C.            O’Brien, K.W.K. *
Parry, S.            Polley, H.
Pratt, L.C.          Ryan, S.M.
Sterle, G.           Troeth, J.M.
Trood, R.B.          Wortley, D.

* denotes teller

Question negatived.

NOTICES
Postponement

Senator PARRY (Tasmania) (9.59 am)—by leave—I move:

That general business notice of motion no. 761, standing in the name of Senators Pratt and Birmingham for today, relating to nuclear non-proliferation, be postponed till the next day of sitting.

Question agreed to.

COMMITTEES
Publications Committee
Report

Senator CAROL BROWN (Tasmania) (10.00 am)—I present the 17th report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

Electoral Matters Committee
Report

Senator CAROL BROWN (Tasmania) (10.00 am)—I present the Joint Standing Committee on Electoral Matters Report on the 2007 federal election—Events in the division of Lindsay: review of penalty provisions in the Commonwealth Electoral Act 1918 and I move:

That the Senate take note of the report.

Senator HUTCHINS (New South Wales) (10.01 am)—Madam Acting Deputy President, I did not anticipate that this report would be delivered at this time; I thought it might have been delivered a little later. As many senators would be aware, I was intimately involved in the exposure of what might be one of the dirtiest political tactics that the coalition perpetrated in the last federal election. My colleagues and I were alerted by internal Liberal Party sources that the Liberal Party was going to distribute fake leaflets in the seat of Lindsay in the 2007 election and we were given the opportunity to catch the perpetrators of this action.

It was indeed very gratifying for us in the Labor Party to get a hold of the perpetrators because, as many Liberals in New South Wales would know, they used similar racist material in the 2004 election against our candidate in the seat of Greenway. The candidate in Greenway for the Liberal Party, a well-known member of the Hillsong Church, Louise Markus, was the beneficiary of a sustained and constant, anonymous, racist attack by people associated with the Liberal Party in 2004. As I recall, in 2004, the swing against the Labor Party in Greenway was somewhere in the vicinity of 11 per cent, but I think the informal vote was even higher because our candidate was of the Muslim faith.

Senator Ryan—I raise a point of order on relevance, Madam Acting Deputy President. I am a member of this committee and it was inquiring into the 2007 election, as the report outlines. I believe Senator Hutchins is referring to an election several years before that which was not covered by the committee.

The ACTING DEPUTY PRESIDENT (Senator Cash)—Thank you, Senator Ryan. The Senate would understand that wide latitude is given when debating these matters. However, I would draw Senator Hutchins’s attention to the report.

Senator HUTCHINS—I will make the point, Madam Acting Deputy President, that I understand Senator Ryan is trying to defend his outrageous colleagues in New South Wales, which is good for a Victorian.

Senator Ryan—On the point of order, Madam Acting Deputy President: Senator
Hutchins can cast aspersions across the chamber, but I think that is a complete misrepresentation and is still irrelevant to the report.

The ACTING DEPUTY PRESIDENT—There is no point of order.

Senator HUTCHINS—Thank you, Madam Acting Deputy President. I did not realise that Senator Ryan, who I understand has quite an honourable record of being fairly enlightened and is one of the few liberals left in the Liberal Party, would get up and support his outrageous conservative, racist colleagues in New South Wales. It is interesting that he would get up and do that.

In that election in 2004 the Liberal Party and their conservative allies within the seat of Greenway used the racist material to quite good effect against the Labor Party candidate, Eddie Husic. As I said, not only did we suffer a significant swing against us but we also had a significant informal vote because people were led to believe that they were voting for some Muslim extremist to go into parliament. I want to say that Eddie Husic, who is quite an honourable man, is of Bosnian Muslim extraction. I think his family is European in ethnic origins, but the Liberal Party were targeting him. I think Scott Morrison, the spokesman for immigration in the other House, was executive director of the New South Wales Liberal Party at the time.

Senator Ferguson—Madam Acting Deputy President, I rise on a point of order. Senator Hutchins has been here long enough to know that when you are talking about people in the other place you refer to them by their proper title and this is the second time he has done it so I would ask you to draw it to his attention.

Senator HUTCHINS—I was referring to the member for Cook and I was in the electorate of Cook for many years until I moved west. We used to hold the seat of Cook once upon a time. Of course when the member for Cook was director of the Liberal Party in New South Wales, these activities occurred. I think it might be stretching the bow to think that he may have been associated with those activities; nevertheless, they did occur on his watch.

They were successful and the cronies and the morons within the Liberal Party in New South Wales thought they could get away with it again in Lindsay. So a few nights before the election in 2007, a hand-picked group of morons in the Liberal Party in New South Wales were dispatched to go and leaflet an area in the seat of Lindsay, North St Marys, which is full of men and women from an Anglo-Celtic background, to say—I cannot recall the exact words of the leaflet—that part of our policy was to build a mosque and to allow increased Muslim immigration into Australia.

Fortunately, because there are some decent men and women in the Liberal Party in New South Wales, we were alerted to the fact that this scam was about to occur and I was one of the few people who were involved in making sure that we caught them in the act. We caught them in the act when they were leafleting with these disgraceful, racist leaflets. We caught them because I sat waiting near the home of Jackie Kelly, the then member for Lindsay. I sat there waiting for them to come out of her home and go from there to North St Marys. Jackie Kelly lives in a very salubrious part of Penrith right on the Nepean River. We waited there and Jackie Kelly’s husband, Gary Clark, and a number of other people from the Liberal Party, including a member of the Liberal Party state executive, Jeff Egan, were dispatched to North St Marys to anonymously leaflet these unauthorised documents in that area. But fortunately, because there are some good people in the Liberal Party in New South
Wales, as I said, we were alerted to this and we caught them in the act.

You may well recall, Madam Acting Deputy President Cash, that not more than two days later a photograph of Jackie Kelly’s husband appeared on the front page of the *Daily Telegraph* in Sydney where he was covering his face with the leaflet that he was distributing. There was also a member of the executive of the state Liberal Party, Jeff Egan, who had been a councillor on Blue Mountains City Council and was a member of the right wing or the conservative part of the Liberal Party in New South Wales, and his brother. I actually saw Jeff and his brother distributing these leaflets. I pulled them up and said: ‘You should not be doing this. This is wrong. Just go home.’ After I told them to go home, they continued to leaflet the area. I do not know what was going through their bloody minds at the time, but they continued to operate. There were about a dozen of these Liberals there at the time doing this. I was amazed because I had known Egan for some time since he was on the Blue Mountains City Council. I just could not believe that a man of his standing would perpetrate the sort of racist activity that the Liberal Party involved themselves in at the time.

Madam Acting Deputy President Cash, as you would be well aware, a number of people involved in that operation were subsequently convicted and fined for their activities. I must say that I find it amazing that the magistrate convicted Gary Clark on my evidence, even though I never saw Gary Clark actually put the leaflet in a letterbox, but he dismissed the case against Jeff Egan, the state executive member of the Liberal Party, who I did see put the leaflet in a letterbox. Gary Clark is Jackie Kelly’s husband and is not a bad sort of a fellow, but he was convicted on my evidence. I find it interesting that Jeff Egan was not convicted. Subsequently, a few of us had a private prosecution for assault brought against us. I can inform the Senate that I was not convicted because they did not proceed with the assault charges.

I just want to say to the New South Wales Liberal Party—and I am glad that Senator Ryan here is one of the true liberals in this place—that their conservative, racist actions were pulled up on that day. Hopefully, we will never see that sort of action again. Hopefully, we will never again see an attempt to divide the community on racial or religious grounds like the attempt made by those silly men on that day a few days before the election. The one thing I am grateful for is that I think it contributed to the loss of the seat of the Prime Minister.

 Senator RYAN (Victoria) (10.12 am)—I do not know if a compliment from Senator Hutchins is something that necessarily helps a new senator on this side of the table; however, I will correct him by saying that I often get called a neoliberal rather than a liberal. Senator Hutchins has undertaken to link what was a bipartisan report of the Joint Standing Committee on Electoral Matters to a slur on the Liberal Party. I assume that Senator Hutchins will also at some point get up and defend the state of the New South Wales Labor Party and the endemic corruption that seems to have existed therein over decades, but today is not the time for that discussion, just as it is not the time for the discussion of the 2004 election in the electorate of Greenway.

Going to the actual report that the Joint Standing Committee on Electoral Matters brought down: there is no-one on this side of the chamber who does not condemn the activities that are covered by this report. That is one of the reasons that the report was bipartisan, and I will go into that in more detail shortly. It is also the reason—and I want to put this on the record—the New South Wales
division of the Liberal Party acted instantly upon these events being made public. Senator Hutchins pointed out there was a political cost to the Liberal Party when these events were made public and the reality is that there was a political price. The people who undertook these activities brought shame on themselves and did not act in the interests of the thousands of Liberal Party members and volunteers who work hard in election campaigns around the country. I challenge Senator Hutchins, after all the slurs upon the New South Wales Liberal Party he just tried to get into Hansard, to find a member of this parliament, either in the Senate or the other place, who would in any way defend those activities. Because he simply will not. That is reflected in the conduct and findings of the Joint Standing Committee on Electoral Matters into this issue.

I personally condemn those activities. They have no place in Australian behaviour, or, particularly, in Australian politics. I seek to ensure that the public record reflects that the Labor Party in New South Wales took immediate action against those people when those activities became known. There is no evidence whatsoever, there was no evidence displayed in the court case, that there was any encouragement of, condoning of or even implicit permission for this sort of behaviour. Those people will be condemned because the public record reflects that.

I do not want to go into Senator Hutchins’s reflections upon the trial. I do not think that this is the place to do that. But that does lead me to the report of the Joint Standing Committee on Electoral Matters. I was not present at the hearing but I am a member of the committee. The inquiry was conducted with a view to examining whether the current provisions in the Electoral Act are sufficient to deter and punish this kind of behaviour. Such behaviour needs to be strongly condemned and there needs to be a deterrent to prevent it from occurring again.

This report brings down some recommendations to change the Electoral Act. They change the burden for a defendant to make it an offence of strict liability. They dramatically increase the penalties but they do not provide for incarceration as a sentencing option. The reality of that—and it reflects the government’s view as well as the opposition’s—is that there is very little prospect of someone actually being sent to prison for this sort of offence. But there has been a substantial increase in the penalty provisions that apply for such an offence, and, by making it a strict liability offence, saying that one did not necessarily know what they were doing is not going to be a defence.

Australia has a very proud record. One of the reasons these events stood out was that they are so rare. As I said earlier, the Liberal Party acted immediately against the people involved in these events. The government and the opposition have issued a bipartisan report with recommendations to amend the Electoral Act to provide greater deterrents and greater penalties for such actions if they occur again. We hope—I assume on both sides—that we never see something like this again.

Going back to Senator Hutchins’s comments, I think it is particularly inappropriate to try and link in some way the actions of a few irresponsible people to a previous election. Senator Hutchins had every opportunity, if he had wished to, to bring accusations of breaches of the Electoral Act against people who he implied were involved in the 2004 election campaign. I was not involved in that campaign directly, being new to this place, but, as far as I am aware, no evidence has been brought forward to a committee. His comments were nothing but a slur
against people—I will not repeat his accusation.

These events were not a proud moment in Australian electoral history. They were not in any way, however, symbolic of the thousands of volunteers—on both sides, but particularly on our side of politics in this case—that get involved in day-to-day election and political activities. The Joint Standing Committee on Electoral Matters report recommends some changes to ensure that there are greater deterrents and there is greater punishment for people who undertake such activity.

Again, Senator Hutchins, I do not think it was appropriate to talk about other election campaigns—nor was it appropriate to reflect on the particular trial and the fact that certain people were convicted and certain people were not. This report reflects well on the Joint Standing Committee on Electoral Matters, for the very reason that it is bipartisan. I think it will be of interest to those who want a more considered view of the events of the Lindsay election in 2007.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.19 am)—I put forward a dissenting report to this inquiry into the events in the division of Lindsay. The Joint Standing Committee on Electoral Matters has yet again failed to tackle the matter of truth in advertising. It is all very well to look at who authorised or did not authorise a document, but both of the big parties are locked into a campaign to prevent there being an independent watchdog on lies, misrepresentation and fraudulent behaviour through electoral advertising. I call both of the big parties to account on this. It is corrupt practice that is being aided and abetted by what their political representatives do in this place, and it is time it was stopped.

Today the Labor Party are distributing leaflets in Tasmania claiming that the Greens would strip resources from Catholic and private schools. That is manifestly untrue. The Labor Party knows that the Greens support every dollar going to the Catholic and private school system but want to see the public system get better funding. This concocted misrepresentation, this lie, going to the Tasmanian voters from the Labor Party apparatchiks in Tasmania is being aided and abetted by the Liberals, who have just voted down a move to get truth in advertising. Why is that? Because in 2006 it was the Liberals, with the Exclusive Brethren, who were peddling lies and concocted misrepresentation about the Greens to deceive voters on their way to the ballot box. We also see it in South Australia, with the Labor Party’s attack on Isobel Redmond, the head of the Liberals. This is a total misrepresentation of a decent woman with the concocted advertising that we are seeing from the Labor Party in that state, misleading voters on the way to the ballot box in South Australia.

I ask you, Madam Acting Deputy President, is it not manifest that the representatives of the big parties in this parliament are aiding and abetting corruption of the political system by refusing to move to end this lying and fraudulent behaviour in electoral advertising material? Why do they do it? Because it does deceive voters and it does change votes. It is the worst of political behaviour but it is being aided and abetted by members of the big political parties in this parliament.
time and again, because they refuse to move to support the Greens in having this matter cleaned up. It is abhorrent behaviour and it is time it was called to book. And it is time the people of Australia got some gumption and some decency out of their politicians in moving to end this fraudulent behaviour which deprives the people of Australia of their right to be honestly dealt with in the run-up to elections. Labor does it; the Liberals do it; the Nationals do it. They fail time and time again to move for truth in advertising. I have put on the books today a move for there to be an independent commissioner for integrity in electoral matters. I have no doubt that Labor and Liberal will vote that down as well, because they want lies, because they back fraudulent behaviour and because they are in the business, manifestly, of corruptly misleading voters on the way to the ballot box.

It is time this was cleaned up. I say to the Prime Minister, Kevin Rudd: you should be supporting a change to the Electoral Act to insist on truth in political advertising. I say to the Leader of the Opposition, the Hon. Tony Abbott: you should be supporting the Greens’ move to clean up the Electoral Act and to give the Electoral Commission the power to insist on truth in advertising. When you vote down motions that aim at that end, you are manifestly supporting lying, fraudulent behaviour and corruption of the political process. You cannot have it both ways. These are strong words but they need to be said and the challenge needs to be issued in this parliament. It is disgraceful behaviour by the big parties. They come in with a report like this where partisan politics takes place and they are fighting about who was the worst in a process of defrauding the people of Lindsay of their right to be properly informed. But they refuse to support moves to clean up the Electoral Act to prevent this from happening again. They are talking about who authorised or did not authorise material. That is important; the Electoral Act is strong on that. But when it comes to truth in advertising, and properly and decently dealing with your opponents in a mature and educated democracy, they will not have a bar of it. They should hang their heads in shame. It is disgraceful behaviour by both Liberal and Labor, and it is rolling itself out now with these Labor attack ads in both Tasmania and South Australia: as it did with the Liberal attack ads just at the last election. It is time it stopped.

I can tell both parties I will campaign on this all the way to the federal election. You can turn down our moves to bring decency into our electoral system, to stop the lying and the fraudulent behaviour and the misleading of voters—

Senator Ian Macdonald—What about your lying on the Traveston Crossing dam?

Senator BOB BROWN—We get Senator Macdonald in here defending that lying and fraudulent behaviour and misleading of electors. And here he is in full flight in defence of that system. It is disgraceful behaviour by that senator. But it is not him that counts; it is the leader of his party, who will not stand up for truth in advertising—

Senator Ian Macdonald—You are so dishonest.

Senator BOB BROWN—He calls me dishonest. Here we go with attack on the process, not on the issue of truth itself, because they will not face up to it.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Cash)—Order! Senator Bob Brown is entitled to be heard in silence.

Senator Bernardi interjecting—

Senator BOB BROWN—You withdraw that comment. Madam Acting Deputy President, I ask that that comment be withdrawn.
The ACTING DEPUTY PRESIDENT—Senator Brown, it was not a comment on the record and as such I would ask you to continue.

Senator BOB BROWN—I would not expect it of that cowardly senator to withdraw that comment. I am talking about Senator Bernardi. That is behaviour that we would be expecting to get—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senators, we will resume the debate on the motion. Senator Bob Brown, you have two minutes and 36 seconds left.

Senator BOB BROWN—And ultimately that is it: cowardice by politicians who will not stand up for the democratic system—for the right of voters not to be lied to, which is rampant in politics at federal and state level; and it is time it was cleaned up.

Senator Ian Macdonald—What about the Traveston Crossing dam?

Senator BOB BROWN—Senator Macdonald wants to defend it but he will not get away with it. We will continue to campaign for a new integrity in political matters while ever the Liberal and Labor parties in a cowardly way refuse to tackle the issue of fairly representing to the electorate truth when it comes to electoral campaigns.

Senator RONALDSON (Victoria) (10.28 am)—I want to speak on this report of the Joint Standing Committee on Electoral Matters and draw honourable senators’ attention to the recommendations, which were bipartisan and, in my view, subject to further inquiry in relation to some of the legal issues—a sensible move-forward proposal. I do want to make some comments this morning in relation to the comments of Senator Hutchins. Why Senator Hutchins would choose to approach this matter the way he did, given that we are talking about this report, is beyond me. But with him having done so and having opened this up, I might have some comments to make as well.

I am sure Senator Hutchins is listening, and I ask him to reflect on the TWU official who assaulted a Liberal booth worker at the St Clair High School booths before the 1996 Lindsay by-election. I agree entirely with Senator Ryan’s comments on this matter. Any behaviour of the sort that was brought forward in this report is inexcusable, and in no way would we support that. We will not sit here and cop it from people like Senator Hutchins, whose own union completely and utterly owns him, when a TWU official was out there assaulting a Liberal booth worker. What a nerve Senator Hutchins has to come in here today and talk about ills and wrongs—what an absolute nerve!

Maybe Senator Hutchins will reflect on the comments he made today, because they invite further discussion about another man who may well be here shortly, and that fills me with absolute horror. It clearly does not fill the Prime Minister with horror, because I think that today your national executive, Mr Acting Deputy President Bishop, will make a decision to bypass the views of local people in Herbert and put in place a poll-rorter by the name of Mr Tony Mooney. This rorter, who was fingered by the Shepherdson inquiry, will apparently be the next candidate for the Labor Party for the seat of Herbert. Is that the quality of people that this Prime Minister wants?

It is absolutely fascinating that the Prime Minister is prepared to let Mr Mooney go through because he is a serious Labor powerbroker, but that it is a different matter in Tasmania. I notice in this morning’s Australian that Mr Kevin Harkins has been paying for the ALP memberships of workers. That is a nice how-do-you-do, isn’t it? Is that the way the Australian Labor Party plays the
game—by a third party paying for memberships? The *Australian* quoted one of these workers as saying:

“I didn’t actually renew the membership but the ALP sent (me a letter) saying I renewed the membership,” he said. “If they want me to stay a member, then I will stay ... but I didn’t want to pay for it.

“I don’t mind being a member but I probably wouldn’t have done it of my own accord. If they asked me to renew it, I probably wouldn’t.”

No, he would not, because someone else had paid for it. Is Senator Hutchins proud of that sort of behaviour? He has just come back into the chamber, which I am very pleased about. He should come back into the chamber, in light of the comments that he made.

But let us return to Mr Mooney. What is the impact on the locals of someone being named in the Shepherdson inquiry? What is the view of the locals of someone being imposed on them from on high? I will tell you what the outcome is: there will be a new political party formed in North Queensland, a fact that is alluded to in a letter received by one of my colleagues. Is it a conservative party? Is it a Pauline Hanson style party? Is it a new National Party or a new Liberal Party? No. Guess what it is. It is a new Labor Party.

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It will be known as the North Queensland Labor Party—NQLP. The letter says:

Following recent events within the ALP there is now a move on by the grassroot members of the Townsville ALP to form its own political party to be known as the North Queensland Labor Party (NQLP).

The bottom line is that the local membership have now gathered the trenchant impression that they are only in the party to hand out papers and have no say whatsoever as to what occurs within the ALP.

Therefore following these recent events in particular the asset sales by the Bligh Government the disaffected ALP members of Townsville have no other alternative but to form their own political party. A party where its members have a say, input and one that wholly represents North Queensland in Brisbane and Canberra, not to be there just to make up the numbers for the mandarins.

At this point it is expected that ... 200 disaffected local ALP members will defect ...

The party will campaign on a diversity of issues such as the asset sales, Kevin Rudd’s big Australia, which only serves to put more pressure on home affordability, the constant flow of boat people courtesy Kevin Rudd’s policies.

I repeat that:

... the constant flow boat people courtesy Kevin Rudd’s policies.

The letter goes on:

And above all a party that fights to return the economic wealth generated in North Queensland
to North Queenslander’s, not to the hip pockets of southerner’s …

The party also plans to run a high profile candidate at the forthcoming Federal election for the seat of Herbert and other North Queensland seats. It will also target State seats and Council seats, not just in Townsville but right across North Queensland as a party that wholly represents North Queenslander’s.

The time has come and it’s long overdue for North Queensland to have a voice down south not just whimpering yes men, which is presently the case.

Here we have the local ALP branches in North Queensland so upset about the behaviour of the Prime Minister and the power-brokers that they will now be forced to form their own political party.

Is it any wonder that the ALP members in Townsville and the community of Townsville will look at the appointment of Tony Mooney as an imposition of someone who was named in the Shepherdson inquiry for rorting? How are they going to view the Australian Labor Party in relation to this matter? My view is that they will look at the behaviour of the Prime Minister, the national executive and the Labor Party at a national level and say, ‘We are not prepared to tolerate the likes of Tony Mooney, with a nod from the Prime Minister, getting a seat in parliament.’ Tell me the difference between Kevin Harkins and his behaviour and Tony Mooney and his behaviour. I will tell you what the difference is: the factions are pulling the strings in relation to Tony Mooney and they are not going to pull the strings—

(Time expired)

Senator XENOPHON (South Australia) (10.38 am)—I will be brief. I welcome this report. I think it highlights a number of inadequacies in our current electoral laws. I do wish to comment briefly on recommendation 3:

The committee recommends that the Australian Electoral Commission should, at the next federal election, record all polling booth offences that are reported, the actions that were taken and provide an appraisal of the adequacy of the powers under the Commonwealth Electoral Act 1918 to deal with polling place offences.

I would have thought that the appropriate way to deal with this is to look at what we know with a view to amending the Electoral Act in order to ensure that those offences do not occur in the first place or, if they do occur, there are stronger provisions in place by way of both penalty and enforcement so that the AEC can do its job to deal with these rorts. Maybe I misunderstood the wording of the recommendation, but I would have thought that, if there is evidence of quite unacceptable behaviour in the past that compromises the integrity of our electoral process, we ought to be drafting those laws now rather than looking at amending them after the next election—I think that is pretty axiomatic.

I agree with the comments made by Senator Bob Brown: we do need truth-in-advertising legislation. There is real scope for stronger laws in relation to that. If corporations in this country engaging in trade or commerce made the sorts of representations that have been made in the course of election advertising, they would be in trouble—they would be in breach of the Trade Practices Act and could find themselves facing prosecution under the Fair Trading Act. There is real scope for some further reforms with, I hope, bipartisan support so that there is greater rigour in scrutinising the claims made in election advertising in this country.

Senator IAN MACDONALD (Queensland) (10.40 am)—I also support the recommendations of this committee and agree with the very eloquent words of Senator Scott Ryan in relation to this. It is very important that we have truth in the political and
electoral systems. That is why it always sickens me when I hear the Greens political party carry on in their holier than thou way. I indicated to Senator Bob Brown that I would be speaking about this as he was dishonestly saying that I was defending rorters. He knew that was dishonest when he said it. I could not be bothered—

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—Senator Macdonald, you cannot reflect on another senator in that way. You should withdraw those remarks.

Senator IAN MACDONALD—I withdraw, Mr Acting Deputy President. Let me just state the facts. During Senator Brown’s contribution I said to him, ‘What about your action with the Traveston Crossing dam in Queensland? That was dishonest,’ to which he replied, ‘There’s Senator Macdonald defending the rorters.’ I do not know what terminology you give to that, but it certainly was not truthful—but that is the way the Greens political party carry on. I am talking about the Traveston Crossing dam; he is pointing at me and saying, ‘There’s Senator Macdonald defending the rorters.’ I was not defending the rorters; I was pointing out to the Senate and to Senator Brown, who knew it in any case, that in fact it was his political party who tried to pull the wool over the eyes of Queenslanders. I think Senator Brown canoed down the Mary River; at the least he was in the area of Traveston Crossing saying, ‘We’re going to save Queensland from this dam. We’re going to save the Mary River. We’re totally opposed to the Traveston Crossing dam.’ That was just before the Queensland state election, and then what did he do? The Greens political party in Queensland gave voting preferences to Anna Bligh’s Labor Party, who were committed to building the Traveston Crossing dam. It was a relatively close election in Queensland.

The difference, and the reason Anna Bligh won government, was that Labor received the preferences of the Greens political party in the crucial electorates in the Queensland election. Because of that, Labor won the state election and proceeded with their policy, which they had announced, to build the Traveston Crossing dam, against all ecological and environmental advice and against the petitions of environmental activists and local people. All were totally opposed to the dam—and, I might say, so were the Liberal and National parties. But the Greens, by giving their preferences to Labor, ensured that the Labor government would have its way and that dam would be constructed.

You ask me about the semantics of what you would call the Greens. You make up your own mind. But it seems to me that they are perhaps even worse than Mr Rudd and his all-spin, all-talk and no action program. The Greens simply say one thing for the hearing of voters and do the exact opposite. The sooner the Greens political party are brought to account, as soon as the hypocrisy of their policies is better known by the Australian public, the better off democracy in Australia will be.

I say this time and time again: many people support the Greens political party because they believe it stands for the environment and trees and koalas when in fact it is a very radical left-wing socialist party which some, rightly in my view, describe as being a communist party by another name. I do not associate those remarks with every single one of the Greens senators in this parliament. There are some who I think are genuine environmentalists, but there are some who I think the public of Australia should carefully watch in what they say and what they do, particularly before close elections, as I understand are occurring in South Australia and Tasmania at the present time.
I leave that there and again refer to Senator Hutchins’s quite amazing contribution to the debate on this report. What concerns me about electoral reform in this state is that it does not address the widespread rorting for which the Labor Party in my state of Queensland is well known. I refer back—admittedly it was a few years ago but it encapsulates so well the culture of the ALP in Queensland—to when Karen Ehrmann, then a Labor councillor on the Townsville City Council, was jailed for vote rigging. In her evidence, then and at subsequent inquiries, she referred to the culture of the ALP in vote rigging, mainly for internal Labor Party purposes. As we all know, Mr Mike Kaiser, formerly a Queensland Labor member of the state parliament, was forced to resign over false enrolment claims. I might add that he has just been appointed on the nod of the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, to a $450,000 job in government relations in a government company called NBN Co Ltd. That is what happened to Mr Kaiser after this vote rigging, but Mr Kaiser was only following what was the culture of the Labor Party at the time. At the time of inquiries into Ms Ehrmann’s part, back in October 2000, an article was written by David Solomon, which said:

Ehrmann said her prosecution and jailing had been due to her falling out with the faction over her refusal to support Councillor Tony Mooney in his bid for preselection for the state seat of Townsville. She said she had been warned of the consequences of supporting the Left’s Mike Reynolds. ‘We were threatened, we were bullied, we were pushed from pillar to post and warned that if we did not support Tony Mooney we would be destroyed,' Ms Ehrmann told the inquiry. ‘I would be destroyed politically and publicly.’

The article went on:

There was a large-scale falsification of the electoral rolls—a federal criminal offence—and Ehrmann says that mail was also stolen and Electoral Commission documents improperly obtained and used by the Labor Party.

The series of articles at the time went on to talk about that culture of vote rigging and fraudulent action in the Queensland Labor Party in those years and, as Senator Ronaldson mentioned in his contribution, it seems to be all happening again.

The locals in Townsville, according to press reports, certainly do not want Mr Tony Mooney as their candidate; they want Councillor Jenny Hill, quite an effective councillor on the current Townsville City Council. They want her or the former burger king, a very prominent Townsville gentleman, who owns all the McDonald’s franchises in Townsville. The locals want one of those two. But Mr Rudd has indicated that he would prefer Mr Mooney and so, as I read press reports, the National Executive of the Labor Party has unilaterally said from Sydney, ‘That is who you will have to represent you in Townsville.’ Going a bit further south into the marginal seat of Dawson, they have also said that, against local wishes, in appointing the Mayor of Bowen—or Whitsundays as it now is—as their candidate. (Time expired)

Senator BERNARDI (South Australia) (10.51 am)—I rise to make some comments on the Joint Standing Committee on Electoral Matters Report on the 2007 federal election—events in the division of Lindsay: review of penalty provisions in the Commonwealth Electoral Act 1918, because this report is of great importance and interest to the people of Australia. They need to know that the conduct in and during elections is above and beyond reproach. We heard earlier Senator Hutchins’s attack on the Liberal Party, in which he referred to the events in Lindsay, which have been condemned by Liberals and most notably by the Prime Minister at the time, who said:
I condemn what happened. It was an unauthorised document. It does not represent my views. It was tasteless and offensive.

Yet Senator Hutchins is in some way trying to suggest that something improper has happened because one man was convicted and another man was not. It is an extraordinary claim and accusation, because there is a marked contrast between the treatment of those who do improper things within the Liberal Party organisational capacities and those who do the wrong thing in the Labor Party. In the Liberal Party they get kicked out, they get asked to leave or they get suspended. What happens in the Labor Party if you do the wrong thing, if you rort the electoral roll and you have to resign from your seat in Queensland? You get a job, a $450,000 job, with no other candidates announced and no advertising for it. That is what happens if you are a rorter in the Labor Party: you get rewarded. What happens if you are a rorter in the Labor Party? You get to be put forward for preselection as a Prime Minister’s choice, as Senator Ronaldson mentioned. In the seat of Herbert in Queensland, the person that the Prime Minister of this country has chosen, having used his authority to override the wishes of the local electorate, is a rorter. Once again, in Labor rorters are rewarded, an inconvenient truth that Senator Hutchins does not want to acknowledge in this parliament.

But how can we touch upon hypocrisy without going to the high priest of hypocrisy and the party of hypocrisy? Quite frankly, that is the Greens movement. It is a continuing disappointment that the public claims of the Greens do not match their behind-the-scenes dealings and that their calls for accountability and adequate scrutiny never apply to their own organisation or policies; somehow it all goes through to the keeper. The other day I used what I would say was an intemperate phrase in here about how the Greens wished to mark businesses associated with the Exclusive Brethren with some sort of green Star of David and I withdrew that use of the Star of David because it offends so many who suffered under the hideous Nazi regime. But the inconvenient truth for Senator Bob Brown is that his press release that went out in 2006 or thereabouts actually asked for a register of Exclusive Brethren businesses—because they dared oppose some of the Greens’ extreme left Marxist policies. He wants a register of businesses based on religious belief or because you are a member of a particular organisation. What a hideous and grotesque thing to want to introduce into Australian public life! So proud of this is Senator Bob Brown that, when it was exposed to public scrutiny, he removed it from his website—just that line—so he could have plausible deniability. But we have a copy of that document, because it is appalling and goes to the very heart of the hypocrisy of the Greens movement.

What about the Greens’ drug policies? They deny they want to deal drugs. They deny they want to make penalties for the illicit use of drugs less severe. If you go to their website, you will find that they want to initiate a trial of prescribing heroin to registered users and addicts. That sounds to me like handing out drugs. They want to have injecting rooms. They want to give the vote to murderers, rapists and other people who are in prison. These are the sorts of policies that the Australian people are not aware of when they vote for the extreme green movement. As Senator Macdonald said, they have a public image where they seem like an environmental party that is actually interested in koalas. Let me tell you that I am more interested in people than koalas. I want to save the lives of people. The koalas might have to look after themselves for a while, particularly the koala that runs around claiming to be from the Wilderness Society, collecting
bucketloads of cash and tipping it into the extreme green movement, whose fundrais-
ing—if unorthodox—methods led to calls that Senator Bob Brown might go bankrupt, so the money started to pour in for his legal fund. I wonder about the declarations of who donated to that fund or about when Senator Bob Brown stood up in this place and talked about the disclosure of electoral donations, yet he had line after line after line of anonymous donations flowing in through his fund-
raising efforts.

These are all questions about the integrity, the reliability and the veracity of what is said inside and outside this chamber by a move-
ment, an organisation, that is as deceptive as it is— I am trying to choose my word to go here very carefully. Let me make it very clear that the Greens are an organisation, a political party, that say one thing and do ano-
other. They talk about integrity, they talk about reliability, they talk about transparency and we do not actually see much action. I am not sure why they do not get examined more closely and I am not sure why the public statements of their leaders are not examined more rigorously and why they are not con-
tinually reminded of them. With my party, with the Labor Party and with the National Party it seems our comments are on the re-
cord and are there to be examined, and we are reminded of them regularly, but some-
how the Greens seem to escape this. I register my disappointment as to that and I hope that it will change.

In conclusion, going back to the events in the division of Lindsay, it was a sham, it was very poor form and it meets with the support and approval of no-one that I know in the Liberal Party. It is something that most Aus-
tralians, I am sure, find undesirable in their political system. Accordingly, it is only right and proper that we support stronger penalties that are realistic and practical, and that is why this report has my endorsement. I will

leave my comments at that and express once again my support for the findings of this re-
port.

Question agreed to.

**BUDGET**

**Consideration by Estimates Committees**

**Additional Information**

**Senator FURNER** (Queensland) (10.59 am)—I present additional information received by committees relating to estimates as listed at item 6 on today’s *Order of Business*.

*The list read as follows—*

- Community Affairs Legislation Committee—2 volumes
- Legal and Constitutional Affairs Legislation Committee—2 volumes
- Rural and Regional Affairs and Transport Legislation Committee—2 volumes

**ANTI-PEOPLE SMUGGLING AND**

**OTHER MEASURES BILL 2010**

**AUSTRALIAN RESEARCH COUNCIL**

**AMENDMENT BILL 2010**

**THERAPEUTIC GOODS (CHARGES)**

**AMENDMENT BILL 2009**

**THERAPEUTIC GOODS AMENDMENT**

**(2009 MEASURES No. 3) BILL 2009**

**First Reading**

**Senator CHRIS EVANS** (Western Aus-

tralia—Minister for Immigration and Citi-

zenship) (11.00 am)—These bills are being introduced together. After debate on the mo-
tion for the second reading has been ad-
journed, I shall move a motion to have two of the bills listed separately on the *Notice Paper*. I move:

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

Question agreed to.

Bills read a first time.
Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.01 am)—I move:

That these bills be now read a second time.

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

Leave granted

The speeches read as follows—

That this bill be now read a second time.

Anti-People Smuggling and Other Measures Bill 2010

General Introduction

Conflicts and turmoil in Afghanistan, the Middle East and Sri Lanka are driving a global surge in asylum seekers, with large numbers of displaced persons seeking resettlement in foreign countries.

Figures published by the United Nations High Commissioner for Refugees in its most recent Global Trends Report reveal that, at the end of 2008, there were some 42 million forcibly displaced people worldwide. This includes 15.2 million mandated refugees, 827,000 asylum-seekers (pending cases) and 26 million internally displaced persons.

The report indicates that people seeking asylum in Australia reflects a worldwide trend driven by insecurity, persecution and conflict.

However, when looking for settlement in stable, democratic nations such as Australia, asylum seekers often fall prey to people smugglers.

People smuggling is exploitive and dangerous. People smugglers are motivated by greed and work in sophisticated cross-border crime networks. They have little regard for the safety and security of those being smuggled, endangering their lives on unseaworthy and overcrowded boats.

In two tragic incidents last year, people smuggling ventures ended in loss of life and serious injuries. It is nearly nine years since the tragic sinking on 19 October 2001 of “SIEV X” resulting in the deaths of 146 children, 142 women and 65 men.

People smuggling is a pernicious trade. And the Government has a comprehensive, hardline approach to combating the scourge of people smuggling.

The Government is devoting unprecedented resources to protecting Australia’s borders and developing intelligence on people smuggling syndicates. We are working cooperatively with Australia’s regional partners to disrupt people smuggling ventures overseas. And we are subjecting people smugglers to the full force of Australian law.

This bill will strengthen the Commonwealth’s anti-people smuggling legislative framework, supporting the Government’s plan to combat people smuggling.

First, the Bill will ensure that people smuggling is comprehensively criminalised in Australian law with tough penalties for the most serious forms of this crime.

In particular, the Bill will amend the Criminal Code Act 1995 and the Migration Act 1958 to introduce a new offence of providing material support to people smuggling. The Bill will also introduce a new aggravated offence in the Migration Act for people smuggling involving exploitation or danger of death or serious harm.

Second, the Bill will amend the Telecommunications (Interception and Access) Act 1979, the Surveillance Devices Act 2004 and the Australian Security Intelligence Organisation Act 1979 to ensure appropriate tools are available to investigate people smuggling activities and enable law enforcement and national security agencies to play a greater role in support of whole of government efforts to address people smuggling and other serious threats to Australia’s territorial and border integrity.

New People Smuggling Offences

This Bill will introduce new people smuggling offences.

New Offence - Supporting the offence of people smuggling

Organised criminal syndicates depend on enablers and facilitators who play a vital role in supporting the criminal economy. Targeting those who organise, finance and provide other material support to people smuggling operations is an important ele-
ment of a strong anti-people smuggling framework.

This Bill will introduce a new offence of providing material support or resources for people smuggling activities. Such support or resources could include, but would not be limited to, property that is tangible or intangible, currency, monetary instruments or financial services, false documentation provided by corrupt officials, equipment, facilities or transportation.

The offence applies if a person is reckless as to whether the money or resources they provide will be used in, or to assist, a people smuggling venture. It will not apply to a person who pays smugglers to facilitate their own passage to Australia or who pays for a family member on the same venture.

The Government is determined to reinforce the message that people should use authorised migration processes in seeking asylum and migrating to Australia, and in supporting others to come here. People in Australia should not support the life-threatening business of people smuggling by providing finance or other assistance.

The maximum penalty for this offence is imprisonment for 10 years or 1,000 penalty units or both. This penalty reflects the gravity of supporting a person or organisation to engage in the serious, dangerous offence of people smuggling.

New Migration Act Offence - People smuggling involving exploitation or danger of death or serious harm

The Bill will introduce a new aggravated offence in the Migration Act for people smuggling involving exploitation or danger of death or serious harm. The offence will apply to people smuggling ventures to Australia. The Criminal Code already contains such an offence, which applies to people smuggling ventures to foreign countries.

The offence will apply where a person, in committing an offence of people smuggling, endangers the life of the victim or risks serious harm to them. The offence will also apply where a person commits the offence of people smuggling either with the intention that the victim will be exploited after entry into Australia or the victim is subjected to cruel, inhuman or degrading treatment.

The maximum penalty for this aggravated offence is imprisonment for 20 years or 2,000 penalty units or both.

Mandatory minimum penalties

Currently, the Migration Act contains mandatory minimum penalties for aggravated offences involving five or more persons. A minimum sentence of eight years imprisonment with a non-parole period of five years is prescribed for people smugglers who are repeat offenders. A minimum sentence of five years imprisonment with a non-parole period of three years is prescribed in any other case for these offences.

The use of mandatory minimum penalties reflects the seriousness of the activity being prosecuted. It allows the court to determine an appropriate penalty within the minimum and maximum set by the Parliament.

This Bill extends the application of the higher mandatory minimum penalty to the new aggravated people smuggling offence involving exploitation or danger of death or serious harm. Extending the higher minimum penalty for people smuggling offences involving exploitation or danger of death or serious harm will reflect the very serious nature of this offence and the harm and danger caused to the victim.

The Bill will also extend the application of the higher mandatory minimum penalty to persons who are convicted of multiple aggravated people smuggling offences in the same hearing. Currently, the higher mandatory minimum penalty for repeat offenders only applies where a person has a previous people smuggling conviction. The new provisions will ensure the mandatory minimum penalty can be applied where the people smuggler has organised numerous ventures over a period of time but is coming to the court for the first time in relation to multiple charges.

Harmonisation of Laws

The legislative framework for criminalising people smuggling is contained in the Migration Act and the Criminal Code. Together, the legislation covers ventures entering Australia and ventures entering foreign countries, including those that transit Australia. The Bill will harmonise offences in both Acts.
For example, the Bill will provide greater alignment between the Criminal Code and the Migration Act offences by addressing an existing discrepancy which requires the prosecution to prove that a people smuggler obtained or intended to obtain a benefit when prosecuting a people smuggling offence under the Code, an element not required by the Migration Act.

As noted, the Bill will also introduce the aggravated offence of people smuggling involving exploitation or danger of death or serious harm into the Migration Act. This offence will align with the existing offence in the Criminal Code relating to exploitation or danger of death or serious harm.

The amendments introduced by this Bill will also restructure and retile the Migration Act provisions relating to people smuggling to ensure they are readily identifiable.

These amendments will also achieve greater clarity and consistency, improving the readability of the legislation.

Greater harmonisation across Commonwealth legislation will ensure the strongest possible framework for prosecutorial and investigative action on people smuggling activities.

Better tools to investigate people smuggling
Consistent with the Government’s national security strategy, the Bill will amend the Interception Act, the Surveillance Devices Act and the ASIO Act to ensure that Australia’s law enforcement and intelligence agencies have the appropriate tools to combat people smuggling.

The protection of Australia’s territorial and border integrity from serious threats such as people smuggling is critical to Australia’s national security. It is therefore appropriate that Australia’s national security agencies should be given greater flexibility to respond to people smuggling and other serious threats to our territorial and border integrity.

ASIO powers to investigate serious border security threats
The Bill will amend the ASIO Act to enable ASIO to use its capabilities to respond to serious threats to Australia’s territorial and border integrity, including people smuggling. This will support the Government’s intelligence led approach to combating people smuggling, and is consistent with the ‘all hazards’ approach to national security.

ASIO is currently limited to using its intelligence capabilities in relation to prescribed heads of security, which do not include border security threats. The amendments contained in the Bill will enable ASIO to specifically use its capabilities to assist the whole-of-government effort in combating people smuggling and other serious threats to Australia’s territorial and border integrity.

Interception and surveillance powers for people smuggling offences
The Bill will make consequential amendments to the Interception Act and the Surveillance Devices Act to ensure that investigative tools under both Acts are available in relation to the new and amended people smuggling offences. These tools are already available in relation to a range of serious people smuggling offences in the Migration Act and the Criminal Code. Existing accountability and reporting mechanisms in these Acts will continue to apply to these powers.

Amendment to the definition of ‘foreign intelligence’
The Bill amends the definition of foreign intelligence in the Interception Act to align it with the concept of foreign intelligence in the Intelligence Services Act 2001 (ISA).

Currently the definition of foreign intelligence in the Interception Act limits the collection of foreign intelligence to information relating to foreign governments and foreign political organisations where it is important to the defence of the Commonwealth or to the conduct of the Commonwealth’s international affairs.

This position no longer adequately reflects the contemporary threats to Australia’s national interests. The amendments recognise that in an increasingly interconnected global community, activities such as people smuggling are usually undertaken by non-State actors, and will enable information about foreign individuals or groups operating without government support to be collected.

The Bill also recognises the broader nature of the contemporary threat environment by allowing the collection of foreign intelligence about non-State...
actors where it is in the interests of Australia’s national security, foreign relations or national economic well-being.

These amendments will ensure that there is consistency in the scope of functions undertaken by national security agencies. In practice, this will enhance the ability of national security agencies to collect intelligence about people smuggling networks and other non-State actors threatening national security.

Conclusion
In conclusion, this Bill bolsters the Government’s hardline and comprehensive approach to combating people smuggling, by enhancing the Commonwealth’s anti-people smuggling legislative framework.

The Bill ensures that people smuggling activities are consistently and comprehensively criminalised, with a new offences of providing material support for people smuggling.

The Bill equips our law enforcement and national security agencies with effective investigative capabilities to detect and disrupt people smugglers.

It demonstrates the Government’s commitment to addressing the serious nature of people smuggling activities and to targeting those criminal groups who seek to organise, participate in and benefit from people smuggling activities.

I commend this Bill to the Senate.

Australian Research Council Amendment Bill 2010

This is an appropriation Bill to support:

- the ongoing operations of the Australian Research Council
- and three specific initiatives.

It will fund the high-quality research we need to address the great challenges of our time, to improve the quality of people’s lives, to support the development of new industries, and to remain competitive in the global knowledge economy.

The bill updates the special appropriation amount administered by the Australian Research Council to include:

- new funding for Research in Bionic Vision Science and Technology
- new funding for the Super Science Fellowships Scheme
- continued funding for National ICT Australia
- an additional out year

Inventing a bionic eye was one of the big ideas proposed by the Australia 2020 Summit in 2008. The Government has embraced this idea, which promises not only to give and restore sight to tens of thousands of people around the world, but also to generate know-how that can be applied in many other areas.

Australia is already a global leader in bionics. This new investment will reinforce our leadership in one of the most demanding and inspiring fields of scientific research.

The Super Science Fellowships Scheme is an integral part of the $1.1 billion Super Science Initiative announced in the 2009 Budget.

The Super Science Initiative furthers the objectives of the Government’s innovation strategy, Powering Ideas, by building on Australia’s strengths in space science and astronomy, marine and climate science, and the sciences that will underpin the industries of the future, including biotechnology and nanotechnology.

While the Super Science Initiative is primarily about building the infrastructure needed to support cutting-edge research, it is also about nurturing the talented individuals who will perform that research.

The Super Science Fellowships Scheme will offer 100 three-year fellowships to early-career researchers working in fields targeted by the initiative.

This is one of several measures the Government has introduced to give the best local and international researchers a real chance to build a career in Australia.

Super Science Fellowships are designed to encourage and support the next generation of researchers. They complement our Australian Laureate Fellowships for established researchers and Future Fellowships for researchers in mid-career.
National ICT Australia – better known as NICTA – is the largest information and communication technology research organisation in Australia. As well as undertaking user-inspired basic research, it also plays a vital part in research training and commercialising research outcomes through spin-out companies and technology licensing.

NICTA is funded jointly by the communications portfolio and by the innovation portfolio through the Australian Research Council.

The 2009 Budget extended NICTA’s funding for another four years from 2011-12 so that it can continue its vital work. This Bill gives effect to that decision.

In addition to providing for these specific measures, the Bill also adjusts the Australian Research Council’s funding cap for the financial years beginning on 1 July 2009, 2010 and 2011 in line with indexation, and sets the funding cap for the financial year beginning on 1 July 2012.

The Bill will increase spending by approximately $889.6 million over these four financial years.

The proposed amendments change only the administered special appropriation; they do not alter the substance of the Act or increase departmental funds.

This is routine but important legislation that will advance our efforts to build a fairer and more prosperous Australia through innovation.

I commend the Bill to the Senate.

Therapeutic Goods Amendment (2009 Measures No. 3) Bill 2009

This bill is the fourth in a series of bills to implement reforms to the regulation of therapeutic goods in Australia through amendments to the Therapeutic Goods Act 1989.

The bill reflects the Government’s commitment to maintaining the position of Australia’s Therapeutic Goods Administration as a leading global regulator of therapeutic goods and to continue to strengthen and enhance this well-deserved position.

This bill builds upon the other therapeutic goods reform bills approved by Parliament over the past year to further strengthen and improve Australia’s therapeutic goods regulatory framework.

As I announced in late June during the introduction of the previous amendment bill, this Bill includes a new regulatory framework for cellular and tissue based therapy products, known as biologicals, so these products can be regulated as a specific therapeutic goods group.

Implementation of the biologicals framework was agreed to in 2006 by the Australian Health Ministers’ Conference and it was among other improvements that were to have been adopted as part of the legislation underpinning the proposed Australia New Zealand Therapeutic Products Authority, or ANZTPA [anz-ter-puh].

The Rudd Government committed to moving forward to implement these improvements. We have delivered on that commitment with the majority of improvements now implemented through the reform bills that have been passed by the Parliament this year and in this current bill that I put before the House today.

Schedule 1 of this bill will implement the new framework for the regulation of biologicals and will bring Australia’s regulation of these products in to line with other leading therapeutic goods regulators around the world including the United States, Canada and the European Union.

Biologicals include such things as skin tissue for use in grafts following burns and bone for grafting.

It is envisaged that a legislative instrument will be made under the biologicals framework to declare that organs donated for transplantation and assisted reproductive tissues, such as IVF embryos, will not be classified as biologicals for regulation under the Act. Instead organs will continue to be regulated by the Organ and Tissue Donation and Transplant Authority established by this Government and Assisted Reproductive Tissues will continue to be regulated under current arrangements.

The new framework will enable the overarching regulatory principles that apply to all other therapeutic goods to be adapted and applied to biologicals by including a new Part 3-2A in the Act. The principal benefit of the new biologicals Part is its ability to apply different levels of pre- and post-
market regulation requirements based on the relative risk of each biological.

It will also ensure that all biologicals used in Australia are properly assessed and regulated, as currently many are exempted and do not fit neatly under the medicines or medical devices frameworks.

To enable this to occur, classes of biologicals will be set out in the regulations to be made under this Bill. The lowest class will include biologicals that are of a relatively low risk level while the other classes apply to biologicals of incrementally higher risk levels. For example, those biologicals that have been extensively manipulated or are intended to be used for a purpose that is not their usual or original purpose would fall under the highest risk class.

The rigour of the application and assessment process and post market monitoring for biologicals will be aligned to these risk-based classes, so that higher risk biologicals will be required to provide a higher level of information to confirm their safety, quality and efficacy.

This approach means that sponsors of biologicals in lower risk classes are not required to comply with unnecessary requirements that are relevant only to higher risk biologicals.

Only those biologicals that are approved and included in the Australian Register of Therapeutic Goods or otherwise given an exemption under this new Part will be able to be imported, exported, supplied or used in Australia. This is consistent with all other therapeutic goods such as medicines.

The new Part will also apply criminal offence and civil penalty provisions to dealings with biologicals in the same way as they apply to other therapeutic goods. Were this not the case, the Act would be inconsistent in its application, and sponsors of biologicals or other therapeutic goods might have an incentive to frame the claims in relation to the nature of their product so that it would come under the more lenient offence and civil penalty provisions.

A feature of the new Part 3-2A for biologicals is its ability to deal flexibly with urgent medical circumstances. Unlike medicines which may be readily mass produced, biologicals are produced from cells and tissues. As a result the amount able to be produced and available on-hand at any one time may vary. Also, there will always be minor differences between biologicals of the same product – for example, bone tissue from one donor will not be exactly the same as bone tissue derived from another donor.

The new Part will require that all biologicals must meet certain standards and be manufactured according to good manufacturing practice.

However, there may be exceptional circumstances where a patient is critically ill and urgently requires a biological for treatment but where none that conform to the requirements are available and no other approved therapeutic good is appropriate.

The Part will provide that non-conforming biologicals can be used in such circumstances if the patient’s doctor believes it is clinically necessary and the patient or their guardian consents.

The decision to use non-conforming biologicals in exceptional circumstances would be made as it is now on a case-by-case basis by the doctor and the patient or their guardian. It is important that this bill reflect the limited but critically important role for exceptional release.

The bill provides that details for exceptional release will be set out in the Regulations. The requirements will be similar to those for access to unapproved medicines under category A of the current Special Access Scheme where patients are critically ill and no other approved therapeutic good is appropriate.

In implementing the new arrangements, the Government is committed to making sure that sponsors and manufacturers of these products will be able to transition smoothly and easily to the new regulatory arrangements so that the supply of biologicals to those who need them will not be affected. As part of this commitment the Government has undertaken extensive consultation with the industry over the past year, including explaining the proposed framework to sponsors and manufacturers and setting out the steps they will need to take to comply with the framework.

To further support the transition, the amendments in this bill establishing the framework will not commence until a date to be proclaimed within 12
months. This will ensure that the remaining consultation and work on the supporting details, such as the product-specific standards, can be finalised and in place to commence at the same time.

Schedule 1 also includes specific transitional provisions for applications for inclusion of a biological in the Register as a medicine or a device that are under consideration by the TGA at the time the new biologicals arrangements commence. Those applications will continue to be assessed as either a medicine or a device depending on which group they are currently regulated under. Where the application is approved the biological will then be included in the Register and moved to that part for biologicals.

This will prevent applicants needing to make a new application or having the application assessment process being restarted or protracted as a result of the application being transferred for consideration by the biologicals assessment area. However, input is routinely provided by the biologicals assessors into these applications to ensure they meet the necessary standards.

The existing arrangements in relation to advertising of therapeutic goods, review of decisions and other general provisions in the Act will be applied to biologicals in the same way that they are for other therapeutic goods.

Associated amendments will also be made to the Therapeutic Goods (Charges) Act 1989 to enable annual charges to be payable by sponsors to maintain the inclusion of their biological in the Register. These charges apply to all therapeutic goods and reflect the work of the TGA to monitor products on an ongoing basis.

The biologicals industry sector has long-awaited this new framework and has begun readying itself to implement the new arrangements.

Turning now to Schedule 2 of the Bill, this Schedule brings together the current range of somewhat inconsistent provisions that indemnify the Minister, the Secretary and others acting as required under the Act and replaces these with a single provision.

This Schedule does this by including a new section 61A in the Act to provide that the Commonwealth, the Minister, the Secretary and others with powers and functions under the Act, the National Manager of the TGA and others empowered or authorised to do certain things under the Act can do so without fear that civil legal action can be taken against them for doing so, as long as they do not act in bad faith.

This is consistent with Commonwealth legislation for other regulatory agencies, such as the Australian Prudential Regulation Authority Act 1998.

In other amendments in the Bill, Schedule 3 will provide greater flexibility to recall specific batches of therapeutic goods where there are safety, quality, efficacy, presentation or performance concerns about only those affected batches. Currently in some cases where there are safety, quality, efficacy, presentation or performance concerns the entire entry for the good must be suspended or cancelled to enable recall of batches to occur. This approach is unnecessary and excessive in some circumstances where only a small number of batches are affected.

Consistent with the provisions included in the Therapeutic Goods Amendment (2009 Measures No 2) Act 2009 which enable information to be sought from a person who previously held a conformity assessment certificate for a medical device, Schedule 4 of this Bill enables information to be sought from people who previously had a medicine included in the Register.

Schedule 5 clarifies that unpaid annual charges are a debt due to the Commonwealth to ensure that they are able to be recovered as the TGA operates on a full cost-recovery basis through the work it undertakes.

Finally, Schedule 6 of the Bill includes a number of minor amendments.

These include providing that where a person asks to vary the conditions of registration or listing for a medicine the application for this must be accompanied by the relevant fee to enable the TGA to assess and respond to the request. This will principally support post-market monitoring of those medicines that are required to have an approved risk management plan as a condition of their registration and where the sponsor may wish to make a change to the agreed plan.

This final Schedule of the Bill will also clarify what is meant by new information in regard to reviews of decisions made under the Act so that it
now includes any information that the sponsor had at the time of the original decision but was not provided to that decision maker. This is referred to as initial new information. It will also include any information that the sponsor had at the time the original decision was reconsidered and a new decision was made, but was not provided to the Minister or their delegate. Such information is referred to as later new information, reflecting that it relates to the later review of the original decision.

This will ensure that where such information exists the original decision maker or the Minister is given the opportunity to review it and make a decision having taken it into account. Currently the later new information can be provided directly to the Administrative Appeals Tribunal as part of a review of a decision made under the Act and the Tribunal does not need to remit the matter to the original decision maker to give her or him the opportunity to consider it.

The amendments in this Schedule will support the Minister or their delegate being provided with all pertinent information on which to make a decision and remove a loophole that enables such information to be withheld from that decision maker and lodged later for consideration by the Administrative Appeal Tribunal.

The Government intends to make further improvements to the therapeutic goods regulatory regime in the coming year to round out the improvements implemented through legislative amendments this year.

In particular, we intend to introduce further legislation to improve the advertising arrangements for therapeutic goods which are broadly acknowledged to be less than ideal at present.

In conclusion, this Bill provides a substantial raft of improvements to the Act and the regulation of therapeutic goods in Australia. Together with the wider regulatory reforms implemented this year, this Bill will reinforce Australia’s international position as a leading therapeutic goods regulator.

Therapeutic Goods (Charges) Amendment Bill 2009

This bill makes consequential amendments to the Therapeutic Goods (Charges) Act 1989 as a result of the Therapeutic Goods Amendment (2009 Measures No. 3) Bill 2009 which I have just discussed.

This Bill allows annual charges to be imposed for the continued inclusion of biologicals in the Register. This is consistent with the inclusion of other therapeutic goods in the Register.

It also provides that where a medicine or biological is temporarily suspended from the Register under the Therapeutic Goods Act 1989 it can continue to be taken to be included in the Register for the purpose of the Charges Act. This is because the medicine or biological is only temporarily suspended for part of the year and during the suspension the usual regulatory work necessary in relation to the good continues.

A similar provision is already in the Charges Act for medical devices. This amendment just makes consistent the treatment of all therapeutic goods that are suspended.

Ordered that further consideration of the second reading of this bill/these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.01 am)—I move:

That the Anti-People Smuggling and Other Measures Bill 2010 and the Australian Research Council Amendment Bill 2010 be listed on the Notice Paper as separate orders of the day.

Debate (on motion by Senator Chris Evans) adjourned.

TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) 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 Trade Practices Amendment (Australian Consumer Law) Bill 2009.
SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT
(INCOME SUPPORT FOR STUDENTS)
BILL 2009 [No. 2]
Returned from the House of Representatives

Message received from the House of Representatives informing the Senate that the House has made the amendments requested by the Senate to the bill.

Third Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.02 am)—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (WEEKLY PAYMENTS)
BILL 2010
Returned from the House of Representatives

Message received from the House of Representatives informing the Senate that the House has made the amendments requested by the Senate to the bill.

Third Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.03 am)—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

COMMITTEES

Economics References Committee
Reference

Senator XENOPHON (South Australia) (11.03 am)—I move:

(1) That the following matters be referred to the Economics References Committee for inquiry and report by 24 June 2010:
(a) allegations of abuse, recently widely reported in the Australian media, against employees, volunteers and followers (including ex-employees, ex-volunteers and ex-followers) of the Church of Scientology and any associated entities, including:
(i) coerced abortions,
(ii) unsafe occupational health and safety practices,
(iii) unconscionable, misleading and deceptive conduct in the context of goods and services provided and charged for by the Church of Scientology and any associated entities, and
(iv) the harassment of followers and ex-followers of the Church of Scientology and any associated entities;
(b) the adequacy of the Model Criminal Code and its application in respect of the offence of psychological harm;
(c) the adequacy of current consumer protection laws in respect of goods and services provided by the Church of Scientology and any associated entities, and its fundraising practices generally;
(d) the adequacy of current occupational health and safety laws and workplace relations laws in respect of the allegations of conduct occurring within the Church of Scientology and any associated entities; and
(e) any related matters.

(2) That in undertaking this inquiry, the committee will not inquire into the validity or otherwise of the belief systems of the Church of Scientology and any associated entities.

This relates to matters that were in part dealt with last week. We are back again, dealing with the concerns that have been put to me by many Australians who are former mem-
bers of the Church of Scientology. These individuals have told terrible stories of horrendous abuse. The intent of last week’s motion, as is the intent of this week’s motion, was to have an inquiry where people can have their say. The reason people need to have their say is that they need a voice. They need an opportunity to speak out safely in the context of a Senate committee where consideration can be given to whether we need to change the law so that people, such as those who have approached me, can get the protection they deserve as Australian citizens.

The issues are these. Initially, several months ago, when I spoke out about this organisation—which I see as a dangerous organisation that engages in criminal activity on a systematic basis—I put up a motion that there be a specific look at the Church of Scientology. It was put to me privately by a number of colleagues—and I will not name them because what they put to me was very much in good faith and with goodwill—that it would be more appropriate that there be a broader discussion about the tax-free status of charities and religious organisations as to whether a public benefit test should apply, as is the case in the United Kingdom. The United Kingdom has a test that has been in place for many of years, which has withstood rigorous examination and which looks at the public benefit an organisation does balanced by the harms of that organisation. It is interesting to note that in the United Kingdom the Church of Scientology has had difficulty in getting a tax-free status because of their activities, because of the harm caused and because of the nature of the organisation and the way it is structured. Secrecy has something to do with that to a considerable degree.

That motion for an inquiry was not successful because it was deemed to be too broad an inquiry. I accept fully that those senators who spoke to me privately, thinking this was a way forward, did so in good faith. I am back to square one in a sense in looking at a specific inquiry into this organisation that does not—and I emphasise does not and will not—inquire into the validity or otherwise of the belief systems of the Church of Scientology and any associated entities.

This is not about religious belief. This is not about belief systems, this is about behaviour. There is a fundamental difference. I do not want to stand in the way, and nor should this place stand in the way, of questioning a person’s belief systems, but when we have mounting evidence of cases of abuse, of cases where this organisation says it is above the law because of its own court system—a parallel court system, it seems, to the laws of this nation—then I think that is worth looking at. I think it is worth looking at because no-one should be above the law; no organisation should be above the law.

This motion follows extensive media reports—we saw one on Four Corners last week about this organisation; the Sunday Night program on Channel 7 looked at the Church of Scientology—and it is important that we look at these allegations of abuse made against employees, volunteers and followers, including by ex-employees, ex-volunteers and ex-followers of the Church of Scientology and all of its associated entities. A number of very disturbing practices have been alleged, including coerced abortions; unsafe occupational health and safety practices; unconscionable, misleading and deceptive conduct in the context of goods and services provided and charged for by the Church of Scientology and other associated entities; and the harassment of followers and ex-followers. These are matters that ought to be looked at in the context of a Senate inquiry because a Senate inquiry can hear the evidence and make recommendations. I emphasise and note that there will be ample
opportunity for the organisation, for the Church of Scientology, to give its evidence fairly before any inquiry so that those former followers, the victims of the church, can give their evidence. They can be questioned, as can the Church of Scientology.

But we need to look at the adequacy of the Model Criminal Code. We need to look at whether there should be a definition of psychological harm in our laws and whether our current laws, for instance in relation to stalking and harassment, are adequate. I say they are not, because the evidence that has been put to me by many followers, ex-followers of the Church of Scientology, is that the modus operandi of this organisation is that they will have numerous operatives from this organisation harassing people, and our current anti-stalking and harassment laws are inadequate because they relate to one individual harassing someone on a continual, a repeated, basis. But where you have a situation where a number of individuals from the same organisation, on a daily basis on some occasions—day in, day out—harassing people, it is very hard to get a conviction under our current laws because there are different individuals involved in doing this, not one organisation. That is a flaw in the current law and that is something I believe a Senate inquiry could look at.

It also needs to look at the adequacy of current consumer protection laws in respect of the goods and services provided by this organisation and the tactics they employ, and I say they are unconscionable tactics. They are getting people to part with their money or to sign over their homes by using incredible high-pressure tactics and people lose their homes to this so-called ‘church’. These are matters that I think need to be the subject of scrutiny. Do we need stronger trade practices laws, laws that relate to this sort of unconscionable behaviour? It seems that our current laws are too narrow. And if somebody wants to take on the church, this is an organisation that has spent literally tens of millions of dollars in its annual budgets in years gone by to take on people, to sue them for defamation, to basically, in many cases, render people bankrupt because they cannot afford to take on the very deep pockets of the Church of Scientology in litigation. There is no access to justice for these individuals when you are talking about an organisation that can spend millions and millions of dollars on any one piece of litigation.

There is also an issue about the adequacy of current occupational health and safety laws as they apply to those followers, those who have worked, who have volunteered for this organisation. So many people have come forward and told me about their work, that they were working 60, 70, 80 hours a week and getting paid $30, $40, $50 a week, or less than that. I was told this morning outside the front of Parliament House that if you were really lucky you could get $50 a week. Here we have a government which has put up fair work legislation repealing Work Choices, and I commend the government for doing that. But here are some horrendous stories of occupational health and safety breaches, industrial relations breaches, which I believe our current laws do not adequately cover, and that concerns me deeply.

I just wanted to read a statement that was made to the media yesterday, and I want to read it onto the record because I think it is important to do so. It is from Janette Lang, who very courageously and bravely spoke out about her experiences in the Church of Scientology. I want to read in full what she said to the media, to the public yesterday, because it took a lot of courage on her part and I am very grateful that she has done so. Her statement goes as follows:

My name is Janette Lang and for 13 years I was a member of the Church of Scientology.
I cannot find the words to express the damage that has been done to me by this organisation, and the hardships that members are forced to endure.

I have never told this story publicly, in fact, I haven’t even told members of my family. But I am speaking out today because the time has come for victims of Scientology to be heard.

When I was 20 years old I fell pregnant to my boyfriend.

At the time he had been recently recruited into the Church.

When his Scientology bosses found out about the pregnancy, they told him that I had to have an abortion or it would ruin his career as a Scientologist and destroy any chance of me being accepted by the organisation.

We fought for a week. I was devastated, I felt abused. I was lost ... and eventually I gave in.

On the day I had the abortion I asked not to be fully sedated just in case I got the courage to say ‘no’ and pull out of the operation.

But I was fully sedated, and the operation took place.

It was my baby, my body and my choice, and all that was taken away from me by Scientology.

After the abortion my partner did not even pick me up.

Scientology would not allow him to leave work.

In 2002 my husband and I were separated by the Church.

My husband was told to go to America to train as a spiritual counsellor and if I objected I was told I would be kicked out of the organisation and never see him again.

While he was over there I was forbidden from contacting him.

After a year we agreed to divorce.

At the time I was a full member of Scientology. I worked full-time, making just $2000 a year.

At nights I would be forced to stay and work back until 2am, with my five-year-old and eight-month-old daughters sleeping on the couch in the office.

In 2003 I fell pregnant again to another man who was studying to be a Scientologist.

I was put through the Scientologist court system because of this relationship, and was ultimately ordered by an official of the Canberra church to have another abortion.

If I didn’t do this I would be cut off from the organisation. My children would not be able to see their father, I would not be able to see my sister and I was told I would get cancer and die.

I am speaking out today because I know I am not alone.

There are others that have gone through what I have gone through, and I am scared that more people will go through the same horrors unless there is an inquiry.

All we want is a chance to have our say to a Senate Inquiry.

And I say to Kevin Rudd and Tony Abbott, please don’t make us suffer in silence.

They are powerful words, from a woman on whose part it took a lot of courage to speak out. I think it is important that we hear those words. I am very grateful also to Liz and James Anderson, who spoke out on Four Corners and met a number of my colleagues and senators yesterday. I am very grateful to all of my colleagues that had meetings with Liz and James and Janette. All of them gave them a sympathetic and fair hearing. I am very grateful for the decency of my colleagues for doing that. They saw as many people as they could yesterday, and I was very impressed at the decency of my colleagues on both sides who were prepared to see these people at short notice to hear their story. I am very grateful for that.

I believe having a Senate inquiry is the best way forward. This is about law reform, about the protections we need to give to individuals that are caught up in organisations which behave unconscionably, unfairly and in some cases absolutely brutally. It is important that we have this inquiry. To say that this goes to the police indicates, I think, a lack of knowledge in the way that the police operate and their constraints. It is not a criticism of
the police forces in this nation. They are constrained by our current laws. Our harassment laws and our laws in respect to psychological harm are not adequate.

I refer honourable senators to the Model Criminal Code, which has not, as I understand it, been adopted fully in relation to psychological harm in the states. It states:

Harm to a person’s mental health includes significant psychological harm, but does not include mere ordinary emotional reactions such as those of only distress, grief, fear or anger.

That is fair enough. But it is interesting to note what was said by the Standing Committee of Attorneys-General, the Model Criminal Code Officers Committee in relation to consideration of the psychological harm back in September 1998. They received a number of submissions. I think this extract is quite revealing in terms of the way this organisation operates to stifle debate, to stifle people having their human rights being respected. The committee report said, in relation to submissions made about psychological harm:

...the Church of Scientology produced a very lengthy submission which argued that the activities of religious groups should not be included but rather that the activities of “de-programmers” should be included. The manifesting inconsistency in such an approach did not appear to occur to them. There was also apparent a letter writing campaign to similar effect. Neither the Church of Scientology nor the letter writers addressed the undoubted fact that some groups employ such harmful and extreme techniques, whether or not a particular group does in fact do so. It is likely that some groups from both sides of the contest between religious groups and ‘deprogrammers’, employ harmful and extreme techniques.

I think that ‘manifest inconsistency’ of this organisation ought to be noted. It was noted by the Standing Committee of Attorneys-General and it indicates, I think, a need for law reform in terms of harassment laws and the issue of psychological harm.

There are also, broadly, the issues of protecting consumers in this country. Liz and James Anderson, for instance, spent something like $450,000 on courses for this church. It is the very different from other religions. But this is not about a person’s religious beliefs; it is about the high-pressure tactics that are employed for people to part with their money, to sign over their houses, to work for years and years and years for a pittance. At the end of that they have nothing. They have to restart their lives again in order to provide for their families, in order to get on with their lives to be able to even afford a down payment on a home. They are left with nothing. I spoke to people outside the front of Parliament House this morning and a number of our colleagues visited them. I was very grateful that Senator Christine Milne and Senator Ludlam from the Australian Greens spoke to them and very grateful for the support that Senator Milne gave to Janette yesterday at a media conference in relation to this. I am grateful that the member for Bass, Jodie Campbell, came out and spoke to these people. I am very grateful for Jodie Campbell’s support in terms of speaking to them and hearing their stories. I am also grateful for Senators Joyce and Scullion coming out and speaking to them.

I urge my colleagues to reconsider their position. If you say that this is not the way forward, then tell me what is the way forward. These are Australians who have been treated horrendously, without recourse to justice and without recourse even to telling their stories. The time has come for them to tell their stories safely and for us as legislators to look at some fundamental reforms so that people can be treated decently.

Senator CHRI$$ EVANS (Western Australia—Leader of the Government in the Senate) (11.22 am)—I will say at the outset that I appreciate the sincerity and the passion that Senator Xenophon brings to this issue. I
know it is genuine, and I know he seeks to represent people who have been damaged by their engagement with the Church of Scientology. I think, though, that we have had difficulty in responding to Senator Xenophon’s various motions on the subject, as he seeks with his normal persistence to get support for a proposition that effectively would have the Senate inquire into the Church of Scientology. He has packaged it in different ways. Today he stressed some of the legal issues and consumer issues and other things that he would like to have examined, but I think Senator Xenophon is honest enough to say that at the heart of this is an inquiry into the Church of Scientology and how they react and interact with their members.

I acknowledge that the concerns Senator Xenophon raises are serious. The evidence of persons he referred to who have been in parliament over the past day or two and others who have been in the media is quite disturbing. In response, though, we have seen this before. There were similar allegations about the operations of the Exclusive Brethren, into whose activities Senator Bob Brown sought to have a similar type of inquiry. I am happy that, for once, I can say with some confidence that the government has been totally consistent on this matter. I responded to the issues that Senator Brown raised in relation to the activities of the Exclusive Brethren in the same way that I do today to those Senator Xenophon raised in relation to the Church of Scientology.

I am no fan of sects or religions that look to control their members. In fact, I am passionately opposed to such activity. To be brutally frank, I am not a great supporter of what I have seen of the operations of either the Exclusive Brethren or the Church of Scientology, but that is a personal opinion and should be valued no more highly than anyone else’s personal opinion about these organisations. But what I am strongly against is any suggestion that Senate committee processes be used in a way that I do not think fits with the role of the Senate. It is tempting to address some of these concerns in that way, but the role of the Senate is to inquire into issues of public policy and public administration. We do have to use our powers and capacity wisely. It would be very easy for Senate committee processes to be brought into disrepute if people thought these processes were being used for purposes beyond the Senate’s role in public policy and public administration.

I have a fundamental concern about our saying that we are going to have an inquiry into a particular organisation, because at various times a majority in this chamber will have a view about a particular organisation. At times there might have been a majority in this chamber in favour of inquiring into the Wilderness Society or into the CFMEU and the way it operates. It is very appealing for some. I see Senator Abetz’s eyebrows being raised. He is thinking, ‘That has some merit,’ because of his particular concerns about that union, but I think on this issue Senator Abetz has fundamentally been consistent as well—and I am worried that we actually agree on this matter as it is very rare that we do agree. But think through what happens if you single out an organisation and say that the Senate is going to inquire into it because it wants to use that inquiry to air claims about that organisation, to allow people under parliamentary privilege to make claims about those organisations—not in a court but to make very serious claims of criminal behaviour as referred to by Senator Xenophon—and to have them tested by the Senate in a Senate hearing.

The Senate is not a court of law. We do not have the protection and the processes that a court of law has. We are a group of senators who come together to inquire into issues of public policy and public interest. I think it
is a fundamentally dangerous step for us to say that we are going to inquire into particular organisations and allow people to make their claims in regard to those organisations—not claims about policies but claims about personal treatment and, very fundamentally to the issues Senator Xenophon raises, claims about criminal behaviour. I think this is a step that the Senate ought to consider very carefully, and the government takes the view that we should not take that step. As I said, we responded to the claims about the Exclusive Brethren the same way, I would respond to claims about the Menzies Research Institute, the CFMEU or the Wilderness Society in the same way. It is a very dangerous thing for us to have what could be seen as a witch-hunt against an individual organisation, be it a religion, a trade union, a community organisation or a company. I do not think that is a step we ought to take.

However, I do regard the allegations made by Senator Xenophon and the former members of the Church of Scientology very seriously. They are allegations, in large part, about criminal behaviour. We have always argued that those matters ought to be referred to the police: if people have issues of concern that involve alleged criminal behaviour, the police are the appropriate authority to go to. I understand that Senator Xenophon, when he received earlier advice regarding allegations of criminal behaviour, did take those allegations to the Australian Federal Police—I think at the end of last year. I understand that the AFP made a preliminary assessment of the allegations and advised Senator Xenophon that, unless there was further evidence of a Commonwealth offence, the allegations he raised would be best brought to the attention of state police, which has been done, and it is the appropriate thing to do. Senator Xenophon has sought today and in other debates to focus on some of the policy issues around these concerns, but I think fundamentally it is about having an inquiry into the Church of Scientology, bringing forward witnesses who are concerned about their treatment and airing those claims. As I said, that has some appeal, but I think there are some serious concerns that really need to be considered by the Senate before we go down that path.

I am personally open to trying to assist Senator Xenophon to find a way through on this. We have dealt with, over the years in Australia, real difficulties in tackling activities of sects or religions that have perhaps too much control over their members or are closed organisations. The claims about the Exclusive Brethren were not the first. The Church of Scientology will not be the last. There have been a range of sects over the years about which there have been concerns with the way that they have related to their members and the way that they have operated. That is of public concern. We need to work out how we deal with those more properly. Senator Xenophon referred to psychological issues of control and other things. These are not easily dealt with by state laws or by state police departments. That is a fair point. He identifies a serious public policy issue about how government authorities, police authorities and law enforcement authorities should respond to those problems.

But my view, and the government’s view, is that a Senate inquiry is not the way to go. A Senate inquiry into a particular organisation is not the way forward. We need to deal with these claims in way such that procedural fairness, respect for people’s rights in terms of claims made against them, people’s ability to defend themselves adequately and protection against capricious or badly motivated claims—all those sorts of issues that we have to take seriously—are maintained. Those things are not address properly in the Senate inquiry process. The government will not be supporting this particular proposal by
Senator Xenophon. It is not the first and I am sure that it will not be the last. Persistence is one of his great traits, and he is dealing with a serious issue. But I do not think that this is the answer.

On a personal level, I am prepared to engage in how we might come up with a better answer. The issue of the Exclusive Brethren troubled me, this troubles me and claims about other sects have troubled me. I think that as political leaders and public policy makers we need to work through how we adequately respond to very serious allegations against these sorts of organisations but equally against other community based organisations.

As I said, we understand Senator Xenophon’s motives. I am sympathetic, obviously, to those who have provided their concerns to him and publicly. We need to be able to respond to those. But I do not think that this is the way forward. It is not an attempt to fob Senator Xenophon off, but I fundamentally think that the Senate ought to be very cautious about how it proceeds in inquiring into individual organisations.

I recall that the Howard government had a majority in this place only a little while ago. A precedent that said that one could inquire into individual organisations may look very attractive to someone who has a majority in this place. It may look very attractive to a coalition of interests in this place. I am not sure that we want to set a precedent like that, which would be set if Senator Xenophon’s motion is carried, so we will be opposing it, consistent with the position that we have taken on the other matters that Senator Xenophon has raised and consistent with our response to the matters that Senator Brown raised in relation to the Exclusive Brethren.

Maybe what our focus should be is how we actually organise public administration and law enforcement in this nation to allow such concerns and claims to be properly tested and responded to in a way that is not looking at any particular organisation. We need to establish a framework. I am happy to continue to look at that issue and take up any ideas that come forward from Senator Xenophon or others. But we will not be supporting the resolution.

Senator MILNE (Tasmania) (11.34 am)—I thought that the coalition might wish to speak on this, but clearly not. I am also very aware that we have a number of Senate reports to discuss in a very short time, so I am not going to take all the time that is available. But I want to say how very disappointed that I am at the contribution from Senator Evans for the government. I have no doubt about his sincerity when he says that he is concerned about these organisations. But the excuse that the government uses every single time that the issue of cults is brought to this Senate is that they will not inquire into an organisation. The terms of reference of this particular inquiry are very clear. They are looking into the appropriateness of exemptions in regards to tax law, occupational health and safety practices—which is again the responsibility of the Commonwealth—and the adequacy of consumer protection. All of these things are responsibilities of this parliament. To stand here and say, ‘Oh, that’s code for a general look and therefore we’re not going there,’ is to suggest that Senate committees are incapable of framing an inquiry to its terms of reference. It is to suggest that Senate chairs and committees cannot ask witnesses to be relevant to the terms of reference. Of course they can. What we have here is a total cop-out.

We heard the government and the coalition when they were in government saying, ‘Oh, yes, we’re terribly concerned about this happening.’ But they never offer any solutions. How are you going to address it, then?
We are going to have a tax law debate here very shortly and we are going to be looking at the tax benefits provided to those who invest in managed investment schemes. So it is okay to have a debate on the appropriateness of tax deductions upfront on managed investment schemes and changes to the tax law in relation to that. But when it comes to talking about tax laws as they pertain to religious or any other organisations, religious organisations are not allowed to be discussed in this Senate. Why not? Why shouldn’t we be able to apply the public benefit test?

You will find that most religious organisations would be able to come here and talk about that. The United Church would talk about Uniting Care. The Anglican Church would talk about Anglicare. The Catholic Church would talk about St Vincent de Paul, their education systems, their health systems and their welfare provisions. There are an endless number of things that those religious organisations could and would talk about in the event that they were ever asked.

In Britain, there is a public benefits test. We talk all the time about which organisations and initiatives should have tax deductibility. We talk all the time about accelerated depreciation for private sector business and so on. Why would we not ask about the appropriateness of tax deductibility or tax exemption for this particular group of people in our society? It seems to me that in this country if you want to get a huge tax benefit, if you want to completely abuse the health and safety laws of this country, if you want to have absolutely no scrutiny of how you extract money from the people in your organisation and how you spend it, then you need only declare yourself to be a religion and you will be immune. Can you imagine any other workplace where people are exploited, are expected to work long hours every single day of the year and are paid very poorly, but about which everybody says, ‘No, we wouldn’t go into that workplace’? Unions are trying to support people in workplaces and we have non-unionised workplaces about which we say, ‘We don’t want to know. We don’t want to know if people are exploited. We don’t want to know how they raise their money or how they spend it.’ In fact, this is an ideal scenario for someone: all you have to do is declare yourself to be a religion and you can declare yourself exempt from scrutiny of the laws of Australia, whether they relate to raising money, occupational health and safety, wages, exploitation or brainwashing—the whole shebang.

I heard this morning, for example, that this organisation puts pressure on parents to sign over the guardianship of their children, as young as eight years old, to part of the organisation. Senator Bernardi said the other day, ‘Leave then, if you don’t like it.’ That suggests no understanding of the level of brainwashing that goes on in this particular cult, or in the Exclusive Brethren for that matter, because if you leave you leave behind contact with your children, parents, siblings and/or friends—all of the group that you have spent your time with. You are harassed. You are cut off. Everyone in this parliament knows what it is like when you fall out with friends, family or whomever for whatever reason and how difficult that is to manage. But imagine if you were being coerced. Imagine if you had this kind of pressure. Yesterday, Senator Xenophon read out a statement from an ex-member of the Scientology group. We heard about a situation where people were being pressured into doing things that they did not want to do. You cannot walk away from that. A belief system that is enforced through the levels of psychological coercion really bothers me and it should not be exempt from public scrutiny.

Having said that, what has the government or the coalition done since they both expressed concern about what is going on in
the Exclusive Brethren cult? Nothing. When truth in advertising legislation was introduced to stop these kinds of cults putting out election advertising material that told blatant lies, what did they say? They said, ‘No, we don’t want truth in advertising.’ We even had the Liberal party lying, saying that they had nothing to do with Exclusive Brethren advertising and then being forced to admit after a state election that Damien Mantach, a former director of the Liberal party in Tasmania, was up to his neck in it, that they had written, authorised and placed ads with complete lies attacking the Greens. This is a problem we have—

Senator Ronaldson—Madam Acting Deputy President, on a point of order. I think that expression has always been viewed as being unparliamentary and I think it is not unreasonable to view it as being directed at this side. I ask the Senator to withdraw.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Milne, I am sure you will be careful with your choice of words in this instance.

Senator MILNE—Thank you, Madam Acting Deputy President. I believe the parliamentary expression is ‘a stranger to the truth’. I will use the parliamentary expression for the words I used—that is, the pamphlets were a stranger to the truth.

Senator Abetz—Madam Acting Deputy President, a point of order: I know it is always very difficult for a Green to say they got it wrong but the standing orders do require an unequivocal withdrawal and I seek such an unequivocal withdrawal.

Senator MILNE—I withdraw the term ‘lie’, but I point out that Damien Mantach, a friend of Senator Abetz, had to admit in court that the Liberal party placed and wrote those advertisements for the Exclusive Brethren, having said previously that they had nothing to do with them and had no knowledge of them.

Returning to Senator Xenophon’s motion, it is inexcusable for this parliament to turn its back on group of people who are bringing forward allegations of not adhering to Commonwealth law. That is what I am asking about. I want to see occupational health and safety laws enforced in Australia. I want to see appropriate tax deductibility, tax exemptions and so on, because every time you have an organisation not paying tax there is a dollar less to be spent on health, welfare and all the things the community agrees we need to spend money on. If you say they should not pay tax then they should be able to demonstrate a public benefit. I think that is a reasonable expectation from the community.

I hear around this parliament that once again we are not going to have support for an investigation into the appropriateness of the tax law, we are not going to have an investigation into occupational health and safety practices, we are not going to have an investigation into not adhering to the laws in relation to fair remuneration in this country and we are not going to have an investigation into the adequacy of consumer protection. So I ask the government and the coalition to tell me how they are going to address these matters if we are not going to have a Senate inquiry. Saying, ‘Go to the police,’ is no good because if you go to the police you have to have evidence to get a conviction. But from where are you going to get people to come forward and give evidence, when clearly part of the allegation is that people are brainwashed and coerced and their families are harassed? If someone wants to give evidence, there is absolutely no doubt there will be other people inside the sect giving evidence against them—people reinforce all the fears and divisions that are going on in those communities. It is an unrealistic expectation and they know it, which is why we need to
have a Senate inquiry into compliance with Australian law.

I think it is disgraceful and cowardly for the Senate not to support this motion, which seeks the law to be applied and which calls for an investigation into whether or not the law as it pertains to this matter is being applied in Australia and into the appropriateness of the law as it stands. I say to Senator Xenophon that I have been moving on every single tax law in relation to tax exemption for carbon sink forests. I suggest that he should join me on every single tax bill that comes through here from now on. He can join me. I will move mine on exemptions for carbon sink forests and he can move his on exemptions for this, and we will have this debate every time until the government or the coalition comes up with a suggestion about how they intend to deal with it if it is not going to be through a Senate inquiry.

Senator ABETZ (Tasmania) (11.45 am)—I indicate on behalf of the coalition that we will not be supporting the motion. To seek to curtail the time on this debate—I know it is not the usual thing to do—I would draw the attention of those who want to reflect on the reasons and rationale, to the speech I gave on Thursday, 11 March in the Senate Hansard, commencing on page 19, because that sets out a lot of the reasons. I once again put on the record that we accept that Senator Xenophon comes to this with sincerity and genuineness, but I would also ask him—and Senator Milne, without her getting too upset about these things—to understand that men and women of good will can approach a topic and come to different conclusions as to how a matter or an issue ought be dealt with. But we so often see the extreme nature of the Australian Greens in that it has to be their way or the highway. There is no shade of grey; it has to be completely their way.

I have been asked, in relation to a number of matters—I dare say rhetorically—that if this is not the way forward, what is? Interestingly enough, given that I have led the coalition in this debate, I have received a lot of emails for and against this inquiry. There is one former scientologist who has emailed me to say that they have reported a matter to the New South Wales Police and it is being investigated. I say to that person, ‘Well done. That’s the proper way to go.’

I thank Senator Xenophon for bringing three former scientologists to my office yesterday afternoon. I see them in the gallery and I thank them for the time that they spent with me. As a result of that discussion I simply say—and I will say this now publicly—that, in relation to the allegations made by Senator Xenophon about people working long hours and not being paid for them, I publicly call on the Fair Work Ombudsman to examine the records. We have a Fair Work Ombudsman in this country—formerly the Workplace Ombudsman, now with a different name—who has the power, on the basis of a complaint, to examine such things. Indeed, of his own volition the Ombudsman could undertake an examination. I make that public call today for the Fair Work Ombudsman to follow up, and I will also give him notice that at Senate estimates in May I will be asking the Fair Work Ombudsman what he has done in relation to this matter.

In relation to allegations of taxation I say they should be reported to the Australian Taxation Office. I remember on one occasion I had concerns about the way the Australian Greens were dealing with their situations financially in relation to the electoral laws. I did not seek a Senate inquiry into it. I reported the matter to the Australian Electoral Commission and they undoubtedly made a determination.
Similarly, I have very real problems and concerns about the way the Wilderness Society does business, which has now been highlighted. Let us remind ourselves that the Wilderness Society is the industrial arm of the Australian Greens. They have now descended into a fiasco, with court orders being issued against each other. An AGM was held here, which was declared illegal, and another AGM held. They are in absolute disarray. The temptation is sweet to have a Senate inquiry into the Wilderness Society. But would it be the right thing to do? I have to say that I think the answer is no. What I have done in the past in relation to the Wilderness Society is refer my concerns to the Australian Taxation Office. They have, I believe, according to law, dealt with those matters appropriately.

In this public debate about whether there should be such an inquiry I have heard raised all manner of arguments, including that we have had inquiries into Australia Post. Yes, we did; but, with respect, that is a government business enterprise, and I would say that that is different. Has the Senate had an inquiry into whether Tasmania ought to have an AFL team? Yes, we have. But, despite being a Tasmanian and passionately wanting a Tasmanian team in the AFL, I got some criticism in my home state of Tasmania for not supporting such a move—because I thought it was inappropriate.

I would like to think that I—and the coalition—come to this debate with absolutely clean hands and a consistency of purpose. I ask those in this place: do we have the power to have such an investigation? You betcha; absolutely. But the way individual freedoms are protected in this country is not by the government or the parliament using all the powers that are potentially available to it.

In relation to the motion dealing with unconscionable, misleading and deceptive conduct, I am reminded of a leader of a political party in this place, who claimed that if he had to pay his legal bills he would become bankrupt and would therefore have to forfeit his seat in the Senate. The bill was only about $200,000. He had assets and a capacity to mortgage and get a loan. Nevertheless, he put that out there—aided and abetted by a nearly compliant and sycophantic media in this country. He said, ‘I am opening an account or people can donate.’ And donate they did. He raised $200,000. But, when the required amount of money had been raised, did he put out a media release saying, ‘Stop donating please; that which I have called for has come in’? No. He allowed the fund to keep going—didn’t he, Senator Milne?—from $200,000 to $400,000 to $600,000 to $800,000 to $1 million and more. People were genuinely donating thinking they were saving Senator Bob Brown from bankruptcy and expulsion from the Senate when he already had more than $200,000—more than the money needed—in his own back pocket. I say ‘in his own back pocket’ because the money was paid into an account that only bore his signature—

**Senator Milne**—Madam Acting Deputy President, on a point of order: I would ask Senator Abetz to withdraw that. As he well knows, Senator Brown has conformed to all of the disclosure provisions required in this parliament. All the details of that account are clearly there on the disclosure provisions of the parliament for everyone to see.

**The ACTING DEPUTY PRESIDENT (Senator Crossin)**—Senator Milne, this is a debating point, but I will draw Senator Abetz’s attention to the motion that we have before us of Senator Xenophon’s.

**Senator ABETZ**—Which seeks an inquiry into unconscionable, misleading and deceptive conduct. I thought I was making the point so exceptionally well that it forced
Senator Milne to seek to raise a spurious point of order. Those in the gallery listening and those reading the *Hansard* in the future will note that the allegation I made about the money going into his personal account only bearing his signature was not denied. It is a great sense of disclosure when you can put in $10,000 anonymously. That is disclosure, according to the Australian Greens. But enough of that. All I am saying is that people that want to come to this debate need to come with clean hands. Senator Xenophon does, and I accept that without doubt. I say to some of the others in this debate that their own conduct may not necessarily be in the same category as Senator Xenophon’s.

It is my very strong view that these matters that are complained about should be going to the appropriate authority. I met with a young group of Mormons just the other day. It was interesting. They put in a submission to the Henry tax review about tax deductibility for church organisations. I wonder whether other organisations have done so, because that could have and would have been a good and appropriate vehicle for some of these things to be canvassed. We still await the outcome of the Henry tax review. I will not be holding my breath that we will be seeing that any time soon, but let us hope that we do see it some time before the budget. Given that the Australian people paid for it, I dare say they are entitled to see it as well. Once again, it may be asserted that I digress, albeit slightly.

In relation to the email traffic that has come to my account in recent days, there is a lot of ‘He said’, ‘She said’. ‘My name is being used in public,’ according to one. ‘I categorically deny the allegations’ was the email that came back. Should we, as a Senate, try to set ourselves up as a judge and jury to decide between ‘He said’ and ‘She said’? I do not think so. Unfortunately, that is what we will be asked to do when we have to determine things such as whether people had coerced abortions. For somebody who is about as anti-abortion as one can be, this is a very painful and concerning topic. I do not like abortions full stop, let alone coercive ones. It is a very serious matter.

I recall my time as a lawyer dealing with people that believed they had been coerced into having an abortion by mums and dads who were of the view that if the pregnancy went ahead it would bring shame upon the family. The tears and the heartbreak were just as real, undoubtedly, as those that were coaxed and coerced whilst they were with Scientology. But are we going to have an inquiry into all those coerced abortions? I also know of examples where mainly menfolk—it does not reflect well on us—were coercing girlfriends to have abortions, with similar pain and similar trauma. Do we inquire into those coerced abortions as well or do we say that only when an organisation coerces somebody into an abortion is it worthy of inquiry? We have to be very careful as to the path we seek to go down in relation to these matters.

With these issues, to use terms such as Senator Milne did, that this is a total copout by Senator Chris Evans, does not really add any maturity, any intellectual rigour or, indeed, any compassion to the debate. What I would invite honourable senators to do is to consider the principles.

People are sometimes harassed when they leave organisations. I know it happens from time to time when someone ‘rats’ on their political party. I saw what happened to somebody who left the Greens. I saw what happened to somebody who was a sitting senator in this place when he decided to leave the Australian Labor Party and sit on the crossbenches. Do we have an inquiry into the Greens and the ALP for their harassment of these individuals? Let me say quite clearly...
that I am sure that that may well have been the case for people who left the Liberal Party as well—that people may well have reacted with a considerable degree of displeasure. I dare say that if former Senator Don Chipp were still alive he might be able to tell some stories about some of the harassment he may have suffered when he left the Liberal Party to form the Australian Democrats. Do we really want to have full-scale inquiries into these things?

The issue is whether the law is being abided by. That is the threshold test. If the tax law is being breached, the case should be taken to the tax office. If employment laws are being breached, the case should be taken to the Fair Work Ombudsman. If occupational health and safety laws are being breached, the case should be taken to Safe Work Australia. And so the list goes on. If there has been false imprisonment, the case should be raised with the police. We have the crime of false imprisonment on our statute books.

In relation to the capacity of people to air their concerns and grievances, I say to you, Senator Xenophon, that you have done a fantastic job. You have aired people's concerns and grievances exceptionally well. The media have also aired those concerns. They have shown an orange traffic signal—if not a red one—to people, cautioning them that, before they get involved in the Church of Scientology, they may well want to think not once or twice but many times, given the very genuine and heartfelt stories of those who see and quite rightly describe themselves as victims of the Church of Scientology.

I leave my comments there simply to sum up as I began: we accept the sincerity with which Senator Xenophon approaches this matter, but I ask him to accept that men and women of goodwill can look at an issue and come to different conclusions.

Senator XENOPHON (South Australia) (12.03 pm)—I will not go over old ground in summing up the debate on this motion, but I want to make this clear to my colleagues: mark my words that, if this vote goes down, I will be talking about it again in the first sitting week after the break. There will be another motion. This issue will not go away.

I thank my colleagues for their contributions. Senator Milne, thank you for your support and for the compassion that you showed to Janette Lang yesterday. I am very grateful for that. I am also grateful for the contribution of Senator Evans, the Leader of the Government in the Senate, who spoke on this motion today. He said a number of things that indicated to me that the language of the government on this issue has shifted in the last week. Last week the government was saying, 'We've got the Henry tax review; we're not going to look at this.' That was it, basically. I do not take issue with that. The government is entitled to go down that path. But I think there has been a shift in the government's language. There is genuine concern about what is going on in the Church of Scientology and about whether the laws of this nation are adequate to protect those people who are victims of the Church of Scientology, both those who have escaped from the Church of Scientology and those who are still in it.

I will refer to the contribution of Senator Abetz in more detail in a moment, but there is consistency between the government and Senator Abetz in that they both opposed a past motion on the Exclusive Brethren and now oppose a motion on the Church of Scientology. But sometimes consistency can be bad if you are consistent for the wrong reasons. Senator Evans says that we should use the Senate committee process wisely to look at issues of public policy, public administration and matters in the public interest. I think that fairly summarises the position of Sena-
tor Evans. Surely it is in the public interest to look at these allegations in the context of whether the laws of this nation are adequate to protect people in cases of horrendous abuses of their human rights and where they have become destitute because they have worked for an organisation for years and years for a pittance. Surely it is in the public interest to look at whether our consumer protection laws can afford protection in relation to serious allegations where people have lost everything.

We have had an inquiry into occupational health and safety matters at Australia Post. The fact that Australia Post is a statutory body does not mean that we should not have an inquiry into the Church of Scientology. The Church of Scientology is still a separate organisation. There were specific allegations relating to Australia Post, and the Senate thought that it should go down the path of an inquiry into occupational health and safety issues there. But the matters raised here in relation to the Church of Scientology are much more serious.

Regarding Senator Evans’s comment that we are not a court of law, that is true—it is axiomatic: we are not a court of law and we are not here to make judgments of guilt or innocence. But, if a Senate inquiry heard evidence about alleged criminal conduct, or conduct that may not be criminal under our current laws but begs the question of whether, firstly, laws are being adequately enforced or, secondly, there ought to be some fundamental law reform, surely they are matters in the public interest. It is not for us to make findings of guilt or innocence—that is not our job. But, if allegations are brought forward, it begs the question of whether our laws are adequate. If they are not adequate we ought to look at law reform. That is what we should be doing here.

This is about allegations not just of criminal behaviour but of unconscionable behaviour such as psychological harm that are not covered by our laws, and that should be an issue for this inquiry. This is a serious public policy issue. I know what the position of the government and the opposition is, but I implore my colleagues to think of it in these terms. If we have an inquiry we will hear from a number of victims of the Church of Scientology. That might take a day or two of hearings. No doubt we will hear from the Church of Scientology, because they have been outspoken and they had a right of reply, which they exercised, to the comments that I made about that organisation a number of months ago. That is a fair and right thing to do. If the Church of Scientology says, ‘We don’t do these sorts of things; we think it’s wrong and outrageous,’ then surely they will not have a problem with our laws being changed to protect people from the circumstances that have been alleged. I think that the language of the government has changed in relation to this and I undertake here and now to engage with Senator Evans and other members of the government to see if there is a way forward so that these legitimate grievances can be dealt with such that people can have a voice and actually get some justice.

At the meeting this morning it was interesting to see how the Church of Scientology treats this place and the laws of this nation. It has a separate court system which strikes terror into the heart of anyone who is a member of the Church of Scientology. I spoke to a woman recently who was dragged before a so-called court process for days and days and days—a kangaroo court set up under the rules of the Church of Scientology. It was interesting that today a couple of goons from the Church of Scientology were in attendance, as I understand it. They were busy taking photographs of people at the very peaceful, civil meeting of former members of
the Church of Scientology. They were quite happy to take photos of members of parliament as well. These people think they are above the law and they are not.

I am grateful for Senator Abetz’s time yesterday and the genuine and sincere way that he met with and discussed the concerns of former members—Liz and James Anderson and Janette Lang. I am very appreciative of that. Senator Abetz is right: you can have goodwill on an issue and there are different ways of approaching it. I am glad he will call on the Fair Work Ombudsman to look at these matters and will take it up at estimates. But I suggest to Senator Abetz that current laws are not adequate when you deal with this organisation, because, if you speak out or make a complaint, you are cut off from your family—you are cut off from every support mechanism that you know. You are left completely alone, and that raises some big issues and big public policy questions. But, again, I am grateful to Senator Abetz for taking this up and seeking the intervention of the Fair Work Ombudsman also. I congratulate him for doing so.

Senator Abetz raised some tax issues. Again, I appreciate the context in which Senator Abetz raised these matters. They were raised in good faith and with goodwill and I do appreciate that. But, on the whole issue of our current taxation law, the decision of Justice Murphy—former Senator Murphy—in the High Court back in 1983 was quite transparent. It effectively indicated that you basically can get these tax benefits; we do not care what the norms are or what you believe in—that is it. I think that we need to look at the UK’s public benefit test. Senator Abetz raised the issue of ‘he said, she said’, particularly in relation to coerced abortions. I appreciate his genuine and passionate views in relation to this. My views are different: I believe that current abortion laws should stay as they are, particularly in my home state. I believe in a woman’s right to choose, but I also believe it should be a true choice and a free choice. And what we have heard about this organisation is that it is not. It was quite chilling to see the interview of Tommy Davis, spokesperson for the Church of Scientology in Los Angeles, by *Four Corners*. He said that if you are in the Sea Organisation—the Sea Org, their elite organisation—you cannot have children. The way he said it was quite chilling: ‘You cannot have children.’ How do they effect that? They put incredible pressure on women and on their partners to have an abortion. If you are in the Sea Org or, indeed, in other parts of Scientology and you have a child, you lose everything. My plea to Senator Abetz is that, if he is concerned about a ‘he said, she said’ approach, and if genuine concerns are raised, let’s look at that whole issue of forced abortions against the adequacy or inadequacy of our current criminal law on psychological harm and related matters.

Regarding harassment, Senator Abetz made the point that if you leave a political party you can be harassed. I saw some of the treatment that two members in the Legislative Council of the South Australian parliament got when they left the Labor Party—and I am sure it happens when you leave other political parties on both sides of the fence. That harassment might be a bit of abuse or vilification. What we are dealing with here is people being followed around the clock. They have people directly in their face. They are photographed. This morning, outside the front of Parliament House, one man told me how his house was under siege for 10 days. There was either a car outside or he was followed. That is not an uncommon story. I do not think anyone can reasonably say that any major political party would do that to their former members. They might give them some stick and a bit of grief, but
nothing like this systematic abuse of people’s rights.

I want to thank again the senators, MPs and staffers who have taken the time this week to talk to victims of Scientology. One of the main reasons so many victims tell me they want an inquiry into abuse within Scientology is that they believe there is some sort of therapeutic benefit in speaking out. As they emerge from an organisation whose very existence appears to rely on secrecy, they say they achieve real benefit from having someone publicly acknowledge their suffering. But it is much more than the therapeutic benefit, that cathartic benefit, of speaking out. It is because what is raised raises fundamental issues as to whether the laws of this nation need to be changed to protect individuals—whether we need to have that reform.

I expect that some senators have genuine reasons for wondering whether a Senate inquiry is the right way forward. One concern that has been raised with me is that a Senate inquiry could somehow be seen to be some kind of religious witch-hunt. Nothing could be further from the truth. I understand the fears, but I truly believe those fears are baseless. The terms of reference in this new motion specifically say that the inquiry is not to examine the beliefs of Scientology, only the behaviour of its members. It is there in black and white. I ask my fellow senators to consider what a slavish adherence to this stance might mean. If the Senate says we cannot inquire into the behaviour of any organisation if it claims to be a religion, haven’t we just given the green light to anyone who wants to be able to abuse others without scrutiny, without any accountability? Haven’t we just told those people, ‘Do what you like, abuse people, coerce abortion, commit fraud, exploit children, break up families, incarcerate followers, and as long as you call yourself a religion you can guarantee that we will look the other way’? That may not be what this parliament is saying, but I can tell you that is what some people are hearing. Is that what we were elected to do?

Other senators have argued that if there is evidence of criminal activity people should go to the police. The problem is that in a number of jurisdictions in this country some abuses are just not illegal; that the current Criminal Code, our laws, has not kept up with the behaviour of these organisations. I have said that Janette Lang bravely spoke yesterday, and I read her full statement into the *Hansard*. She spoke yesterday just a few metres from here in the Senate courtyard about how she was forced by Scientology bosses and by her Scientology boyfriend to have abortions. She was told that if she did not she would be cut off from her religion, her contacts, her support network and her husband and she would die of cancer. As she put it, it was her baby, her body, her choice, and Scientology took that all away from her.

Is this appalling? Of course. Is this illegal? In most places in Australia, the sad truth is probably not. What do you think would happen to Janette if she showed up at your average suburban police station with her story? Does anyone think seriously that there could be an investigation, let alone charges? The problem, as I see it, with being here in this place is that we can all be lulled into a false sense of security. There is a danger of thinking that just because we pass a law or another parliament passes a law it will be enforced. But, for most people, life does not happen in here; it happens out there. Out there, the victims of Scientology have suffered in silence for decades.

The criminal law safeguards that some are quoting in here have not protected anyone out there. There are defects and people fall through gaping cracks in the system. Others
have suggested that critics pursued by Scientology should use stalking laws to protect themselves. But what happens if you are followed by a different person from the same organisation every day? There are no laws in this country to deal with institutional stalking like that. Yet critics of Scientology, ex-members and journalists say that is what happens. What are the victims to do then?

The truth is that most politicians will, if they really want to, be able to find an excuse not to act, but over time excuses wear thin especially with victims who continue to suffer. But I do want to acknowledge Senator Evans and Senator Abetz and the very considered way they have put forward their position. I think there is a shift, a shift in the major parties in dealing with this, because they know this issue will not go away. The victims of Scientology just want the opportunity to speak out safely. One suggestion was that the victims turn to the media. Some have, and some will continue to do so. I promise you all now that I will help them as much as I can. But let us not pretend that the media do not get worried about long and expensive, albeit groundless, law suits that could cost a network millions of dollars and years of litigation, even when the stories are 100 per cent true.

Remember: this is an organisation that has spent tens of millions, possibly hundreds of millions, of dollars over the years silencing its critics in the courts. Ex-members say that Scientology sees the bankrupting of a critic as a victory. Ex-members and other critics have also claimed to have been followed, harassed, blackmailed and threatened after speaking out. Don’t we have an obligation to find a way to allow victims of Scientology to speak out safely? If we do not find a way to listen that will protect them, who will?

Let me be clear. If this motion goes down, I will come back in the next sitting week with another motion, and if that goes down I will come back with another and another. I will also continue to engage with my colleagues—with Senator Abetz, with Senator Evans—about a way forward. If there is another way forward to deal with these grievances, then I will be happy to hear it and work collaboratively with my colleagues on this. From what I am being told privately, I believe those stories of suffering are starting to cut through with many of my colleagues, and I understand why. My office and I have been listening to these heartbreaking stories for the last six months, so my challenge to my fellow politicians is simple: if you vote this down, if you say no today, please come back to me and talk to me about a way forward. The victims of Scientology want to be heard and I believe they deserve to be heard. It is time for all of us to stop thinking of new ways to say no and start thinking about better ways to say yes. It is time to stop talking about what we cannot do and start talking about what we can do for these people. I commend this motion.

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

The Senate divided. [12.25 pm]
(The Acting Deputy President—Senator PM Crossin)

| Ayes | 6 |
| Noes | 33 |
| Majority | 27 |

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

NOES
Adams, J. *  
Bernardi, C.  
Brown, C.L.  
Cash, M.C.  

Hanson-Young, S.C.  
Milne, C.  
Xenophon, N.  
Back, C.J.  
Bilyk, C.L.  
Bushby, D.C.  
Colbeck, R.  

CHAMBER
Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.29 pm)—I move:

That Business of the Senate orders of the day nos 1, 3 and 4 be postponed to a later hour of the day.

Question agreed to.

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

Second Reading

Debate resumed from 5 February 2009, on motion by Senator Sherry:

That this bill be now read a second time.

Senator SCULLION (Northern Territory) (12.29 pm)—I rise to speak on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2008. This bill makes some minor changes to social security law and family assistance law to improve the efficiency and effectiveness of the Social Security Appeals Tribunal in dealing with individual cases. This has been a bipartisan approach and that clearly is why it is in the non-controversial section today. There are a number of changes that allow Centrelink, when giving evidence through the Social Security Appeals Tribunal, to now make oral submissions, which is far more convenient. I know you are familiar with this matter, Madam Acting Deputy President Moore. The amendments are relatively minor in nature but will definitely improve the operation of the appeals tribunal.

We have always supported the bill. We support the bill today as much as we did when it was debated in the other place over a year ago. This bill was introduced into the Senate on 5 February 2009. It is a bill that is going to improve the operation of government service delivery and yet, tragically, it has been delayed by the process of government business in this place for a year. We have absolutely no idea why it has not been brought forward. I urge the government to stop delaying the passage of this important piece of legislation and pass it without further delay. I commend the bill to the Senate.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.31 pm)—I thank Senator Scullion for that contribution and remind him that the reason why we do not get the bills through this place is the filibustering on the other side. This is a very minor and technical bill and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.32 pm)—I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

**PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT BILL (No. 2) 2009**

**Second Reading**
Debate resumed from 29 October 2009, on motion by **Senator Ludwig**: That this bill be now read a second time.

**Senator FIERRAVANTI-WELLS** (New South Wales) (12.32 pm)—I rise to speak on the Private Health Insurance Legislation Amendment Bill (No. 2) 2009. Before I speak on that, I would like to pick up the point that the minister just made. If we are going to look at filibustering in this place, and if we are going to look at the health area, the minister should look at her own side before she turns around and criticises this side. In particular, she should look no further than in the health area where her minister, Ms Roxon, has bungled bill after bill and area after area. So do not come into this place and sanctimoniously tell us that we are filibustering. Look at your own side, look at the bungling and look at why legislation is not coming to this place because of your own bungling.

**Senator Brandis**—Look at the mote in your own eye.

**Senator FIERRAVANTI-WELLS**—Thank you for that poetic interjection, Senator Brandis. This bill, the Private Health Insurance Legislation Amendment Bill (No. 2) 2009, amends the Private Health Insurance Act 2007 to allow the minister to conditionally list prostheses on the Commonwealth Prostheses List and to allow her to create rules specifying criteria for listing. Prostheses are artificial devices attached to the body as an aid or substitute for body parts that are missing or non-functional. They can include cardiac pacemakers and defibrillators; cardiac stents to clear blockages in blood vessels around the heart; hip and knee replacements for sufferers of arthritis; intraocular lenses to treat cataracts in human tissues such as human heart valves, corneas; bones, part and whole; and muscle tissue. On the mention of cataracts: there was a bungle if ever I saw one.

The Private Health Insurance Act requires private health insurers to pay benefits for prostheses and for hospital treatment or hospital substitute treatment that is eligible for a Medicare rebate. Currently, more than 9,500 prostheses are listed. They are listed on the advice of the Prostheses and Devices Committee according to the mandatory and non-mandatory criteria. In order for new prostheses to be listed, an application requesting this must be made to the Minister for Health and Ageing. The minister can take advice when deciding whether or not to grant an application to list. As stated, there are also non-mandatory criteria set out in the administrative guidelines. These non-mandatory criteria state that a listed prosthesis should:

(a) be surgically implanted in the patient and be purposely designed in order to:
   (i) replace an anatomical body part; or
   (ii) combat a pathological process; or
   (iii) modulate a physiological process ... 

As highlighted in the second reading speech, the bill has particular relevance for people with diabetes who use insulin pumps to control blood glucose levels. Whilst insulin pumps are currently listed, there has been some ambiguity concerning their status due to the fact that they are not surgically implanted and do not require hospital admission. Insulin pumps may not be surgically implanted but they do replicate the function of pancreatic cells, which produce insulin. Accordingly, they may be considered a prothetic. This amendment bill will facilitate a new part of the prostheses list to include de-
VICES that are not surgically implanted but have an internal component that is integral to their effectiveness. This will remove the ambiguity for insulin pumps. The importance of this bill, by removing the ambiguity, is that it recognises the needs of many stakeholders with diabetes and the coalition supports such a move.

I would like to take the opportunity today to mention the Juvenile Diabetes Research Foundation and Kids in the House. JDRF represents 140,000 children and adults with type 1 diabetes and the tens of thousands more who care for them. I know that the JDRF is supported by many colleagues and I am proud of the support that the coalition gave them when in 2004, for example, Tony Abbott, the then health minister, committed $30 million to establish a centre for excellence for diabetes research over five years. The coalition government provided $442 million between 2000-01 and 2005-06 for Diabetes Australia and the National Diabetes Services Scheme. The scheme enables people with diabetes to access subsidies for essential products such as syringes, insulin infusion pump consumables and diagnostic products. The coalition government committed a further $667 million for the period beyond 2006-07 and supports the provisions of this bill affecting insulin pumps.

With respect to the conditional listing component of the bill, the important issue is how conditional listing is implemented in practice. The bill provides very little detail as to the process for conditional listing and the conditions which may be imposed. While we do not oppose the passage of this bill today, we have concerns about the lack of consultation undertaken and the lack of detail provided in relation to the conditional listing process.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.38 pm)—I thank Senator Fierravanti-Wells for her contribution, and on behalf of the government I acknowledged the opposition’s support for the Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009, which will make amendments to the Health Insurance Amendment (Diagnostic Imaging Accreditation) Act 2007 to broaden the scope of the Diagnostic Imaging Accreditation Scheme. The bill, as Senator Fierravanti-Wells said, establishes the transitional arrangements for existing diagnostic imaging practices, providing non-radiology services or a combination of non-radiology and radiology services that are not accredited under the scheme to enter stage 2 of the scheme on 1 July this year. These arrangements will enable non-radiology practices to transit into stage 2 of the scheme with minimal disruption to their business of providing Medicare eligible diagnostic imaging services to patients.

Senator Payne interjecting—

The ACTING DEPUTY PRESIDENT (Senator Moore)—I am just checking.

Senator Payne—I think the minister is confused as to which bill we are debating.

The ACTING DEPUTY PRESIDENT—I agree with you. Minister, we are looking at the previous health bill, which is the health insurance legislation—

Senator Brandis—Good to see the Rudd government’s got its act together!

Senator STEPHENS—Thank you, Acting Deputy President. I apologise. I picked up in the wrong folder in the non-controversial legislation.

Senator Brandis—Senator Payne had to draw it to you attention!

Senator Ian Macdonald—You should be in charge of insulation!
The ACTING DEPUTY PRESIDENT—Okay, senators, we might get back to the debate.

Senator Ian Macdonald—This is just a filibuster!

Senator STEPHENS—Thank you, Senator Macdonald. You know honest mistakes happen everywhere. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING ACCREDITATION) BILL 2009

Second Reading

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

That this bill be now read a second time.

Senator FIERRA V ANTI-WELLS (New South Wales) (12.40 pm)—I rise today to speak on the Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009, which proposes amendments to the Health Insurance Amendment (Diagnostic Imaging Accreditation) Act 2007 which established the Diagnostic Imaging Accreditation Scheme. The amendments seek to broaden the existing accreditation scheme to practices offering non-radiological diagnostic imaging procedures, which are currently not covered by the accreditation scheme. Diagnostic imaging covers a wide range of technologies used by medical practitioners to assist in diagnosis by allowing them to effectively look inside the human body and which includes X-rays, CT scans, MRI, ultrasound, mammography and PET scans. The Australian government provides Medicare rebates for diagnostic imaging services listed in the diagnostic imaging services table as set out in the Medicare Benefits Schedule. It is estimated that approximately 70 per cent of these services are funded by Medicare, and that amounts to several billion dollars of expenditure annually for around 20 million diagnostic imaging services.

The process of accreditation ensures that organisations meet defined safety and quality standards in the delivery of services. Importantly, accreditation provides a mechanism through which government can be assured that services supported by Medicare are being provided by organisations that are performing against those standards. The Leader of the Opposition, who was the then health minister, Tony Abbott, introduced legislation in 2007 to establish the Diagnostic Imaging Accreditation Scheme. At the time he recognised that accreditation would in time be extended to other diagnostic imaging procedures and the legislation was designed to allow for the introduction of accreditation schemes for other diagnostic imaging services. Minister Roxon has decided to proceed with further legislation, and this bill will amend the coalition’s 2007 legislation. It will also expand the reach of the accreditation scheme to all diagnostic imaging services provided to the Australian community.

Stakeholder groups were generally accepting of the initial scheme, and also of this move to widen accreditation across the diagnostic imaging sector. In general, they have not voiced major concerns and accept the scheme and its extension as an expected development and part of the ongoing staged process. However, through consultation processes concerns have been raised that include the suitability of a single accreditation model across a diverse range of medical practices and worries about duplication, costs and administrative burdens. Departmental information has suggested the costs for accreditation would not be overly onerous. However, the government must take note of these concerns and maintain ongoing consultations with all stakeholders on these issues as they develop the accreditation
process, particularly as many of the stakeholders captured under this bill are private specialist practices.

I note that the Minister for Health and Ageing has assured the House that the Department of Health and Ageing has consulted comprehensively with the health professions and industry and that the government will keep the burden of compliance to a minimum. In introducing this scheme in 2007, the coalition acknowledged that the scheme would provide benefits for consumers, the provider and the Commonwealth, which could be assured that services supported by Medicare were being provided only by organisations meeting an endorsed set of standards. While we do not oppose the passage of this bill today, the coalition seeks an assurance that an evaluation be carried out to ensure the scheme is working reasonably without an onerous cost burden being passed on to consumers.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.43 pm)—I thank Senator Fierravanti-Wells for her comments and the support of the opposition for the Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009. It is noncontroversial and I commend it to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2010

Second Reading

Debate resumed from 16 March, on motion by Senator Faulkner:
That this bill be now read a second time.

Senator PAYNE (New South Wales) (12.44 pm)—The coalition does not oppose the Family Assistance Legislation Amendment (Child Care) Bill 2010, which makes sensible, technical amendments to the childcare payment process. This bill will streamline the payment process and provide greater equity in certain important cases. It also allows the payment in arrears of childcare benefit, or CCB, when a childcare service cannot report daily attendance numbers because of circumstances beyond their control—that is, it is intended to deal with matters of natural disasters like a bushfire in Victoria or a flood in northern New South Wales or Queensland which may affect service lines and a childcare centre cannot send its electronic data reports.

This bill also simplifies requirements for four-weekly statements of payments to parents. It changes the suspension of childcare benefit automatically after 10 infringement notices in a 12-month period. In fact, soon this will be a discretionary process rather than an automatic suspension, depending on the circumstances of the case. The bill also extends the 30-day notification requirement of a childcare service ceasing to operate to 42 days when a centre is to cease functioning. It also clarifies the authority of the government to recover over advanced payments paid under the previous quarterly reporting system. It is the opposition’s view that these are all sensible amendments.

All childcare benefit approved childcare service providers are now required by law to operate under the Child Care Management System—the CCMS. This will bring all childcare services online and, using CCMS registered software, child enrolment and attendance information can be recorded daily. The data is given to the department electronically to allow calculation and payment of the childcare benefit fee reductions on behalf of those children using the childcare
service. This bill ensures reporting can be done where circumstances beyond one’s control, making it hard or even impossible to do the report.

The other amendments in this bill deal with compliance issues. Approved childcare services are required to provide statements to individual families receiving the childcare benefit fee reductions every four weeks. However, varying start dates for the statement period can vary for the children in the care of a centre. At times this has made it difficult and caused unintended complexities for the services and increased administrative costs. These will be ameliorated by more flexibility in when parents have their payments reported.

There is currently within the legislation an automatic outcome where if there are 10 infringement notices in 12 months for a contravention of civil penalty provisions relating to record keeping, access to records, requests from the secretary for further information and payback of remittances—those sorts of things—there is automatic suspension of the childcare benefit approval. Other suspension cancellation provisions applying to the CCB approval are discretionary. This amendment will extend suspension discretion to the secretary for the 10 infringement notices in 12 months. They can then consider the impact of an automatic ceasing of remittances on the families who are actually using the service.

Further, if a childcare operator intends to close a service, currently it is required to notify the secretary at least 30 days before it ceases operations. This does have an enormous impact on families, as it is very difficult to find alternative child care quickly in any location really, and we have seen what has happened with the collapse of certain childcare centres recently and what would happen to most families in those circumstances. Under this bill, the notification date is extended to 42 days, which will give greater time to families to find alternative care. I would also note for the record that the existing penalty regime will continue to apply in relation to failure to comply with this new 42-day requirement.

Prior to the CCMS, childcare benefit was paid quarterly in advance. If there was an overpayment, it was recovered during the next quarter. Services are now paid CCB weekly, or fortnightly in arrears. The amendments are retrospective to 29 June 2007, and will clarify that the authority to recover over-advanced amounts does in fact exist in law.

While the coalition does not oppose these sensible, technical changes, we continue to have serious concerns about the state of child care and early childhood education in this country. We note that there are differences, discrepancies even, between the operation of child care between the states and territories and differences in the interpretation of standards as a result. We also note that recent reviews are inevitably, in our view—and we have put these questions to officers through estimates process and in the other chamber—going to lead to increased costs in childcare centres in relation to some of the requirements which will be introduced by the minister. The government is not talking about those issues. The opposition believes they need more attention, but in relation to this particular bill we support these changes.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.49 pm)—I thank Senator Payne for that contribution, which clarifies the purpose of this bill, which is to simplify and clarify provisions relating to service obligations of providers and to clarify a process of continuous improvement around
the Child Care Management System. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

Bill passed through its remaining stages without amendment or debate.

**FISHERIES LEGISLATION AMENDMENT BILL 2009**

**Second Reading**

Debate resumed from 10 March, on motion by Senator Stephens:

That this bill be now read a second time.

Senator COLBECK (Tasmania) (12.50 pm)—The Fisheries Legislation Amendment Bill 2009 will amend the Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984 with three main objectives: to improve the ability of the Australian Fisheries Management Authority, AFMA, to provide an efficient, cost-efficient and effective fisheries management service through changes to the administration of fisheries licensing and the introduction of electronic decision making; to ensure that fisheries officers engaged in investigating suspected illegal fishing can be properly equipped to safely perform that function; and, to provide for consolidated arrangements regulating holders of fish receivers licences in the Torres Strait.

The e-licensing provision is something that has been developed in conjunction with the industry. It has been operating for a period of time. While that new provision comes into effect there is also the capacity for fishermen to continue to operate with the current paper-based system or the new e-licensing system. It does remove some of the restrictions on the trading of the trading of fishing concessions subject to certain prescribed circumstances.

With respect to defensive equipment, the provision is about things like bulletproof vests, extendable batons and handcuffs, and any other equipment that would need to be purchased under the prescribed regulations, but there are still opportunities for new pieces of equipment to be considered. With respect to the Torres Strait fish receiver licence, the provision clarifies the operation of the current scheme, which on commencement was found to be quite cumbersome and repetitive. Accepting this amendment to the legislation certainly makes it easier for people to operate within the system and reflects the true intent of the original act. The opposition is quite happy to support this piece of legislation.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.52 pm)—I thank Senator Colbeck for the support of the opposition of the Fisheries Legislation Amendment Bill 2009. It is non-controversial. It goes to improving the ability of AFMA to provide an efficient and cost-effective fisheries management service, and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

Bill passed through its remaining stages without amendment or debate.

**BUSINESS**

**Rearrangement**

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.53 pm)—I move:

That intervening business be postponed until after consideration of the government business order of the day relating to the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Pro-
TRAN-TASMAN PROCEEDINGS BILL 2009

TRAN-TASMAN PROCEEDINGS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009

Second Reading

Debate resumed from 16 March, on motion by Senator Faulkner:

That these bills be now read a second time.

Senator BRANDIS (Queensland) (12.53 pm)—The Trans-Tasman Proceedings Bill 2009 implements the agreement between the governments of Australia and New Zealand on trans-Tasman court proceedings and regulatory enforcement. The bill came about following the establishment of the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement in 2003. The working group’s terms of reference were to examine the effectiveness and appropriateness of current arrangements relating to civil proceedings, civil penalty proceedings and criminal proceedings relating to regulatory matters. Its membership comprised senior officials from relevant government departments in both countries.

In 2007 the Australian and New Zealand governments agreed to implement the recommendations of the working group. The agreement, based on those recommendations, was signed on 24 July 2008 by the Attorney-General and the New Zealand Associate Minister for Justice, Lianne Dalziel. Pursuant to that agreement, the bill allows civil proceedings from a court in one country to be served in the other country without additional requirements; extends the range of civil court judgments enforceable between the two countries—judgments could be refused to be enforced only if they conflicted with public policy in the country of enforcement; provides for interim relief to be obtained from a court in one country in support of civil proceedings in the other; allows the regime to be extended to tribunals on a case-by-case basis; adopts a common rule to apply when a dispute could be heard by a court in either country; encourages greater use of technology for trans-Tasman court appearances; allows enforcement of civil penalty orders across the Tasman; and allows fines for certain regulatory offences to be enforced across the Tasman where there is a strong mutual interest in doing so.

Introduced with this bill is the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009, which amends the Federal Court of Australia Act 1976 in relation to the conduct of trans-Tasman market proceedings, makes consequential amendments to seven acts and repeals the Evidence and Procedure (New Zealand) Act. The two bills reflect a mutual and bipartisan determination on the part of the governments of Australia and New Zealand to harmonise their legal systems as much as is possible. The negotiations that culminated in these bills commenced and were essentially concluded under the Howard government and have the support of the coalition. I commend the bills to the Senate.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.56 pm)—I thank Senator Brandis for his support of the Trans-Tasman Proceedings Bill 2009 and the Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009, which are important pieces of legislation. The reforms implement the agreement as based in the recommendations of the Trans-Tasman Working Group on Court Proceedings and
Regulatory Enforcement. I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.

AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES No. 1)
BILL 2009

Second Reading

Debate resumed from 9 September, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator IAN MACDONALD (Queensland) (12.58 pm)—Like my colleagues, we want to assist the government in getting this non-controversial legislation through in the time allowed. We realise that all of these are important pieces of legislation, and we are keen to help. That, of course, does not mean that we will not make some comments on legislation that is important. The Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009 provides a more flexible and appropriate security regime that will enhance air cargo security without imposing undue and excessive restrictions on industry participants. The air cargo sector plays an important role in Australia’s transport networks. In recent years, security in the sector has been challenged by developments and the industry and governments have met these challenges.

Given Australia’s record in air cargo security, we conclude that the security regime established by previous governments has in fact been effective, and we take some pride in that. As the security environment changes, Australia needs to respond. It should be the goal of both governments and the air cargo sector to ensure that the Australian airfreight network remains secure without imposing excessive regulation and costs on industry and the ordinary Australians who depend upon that sector. This legislation before us builds upon the strong foundation left by the coalition. It will enable us to maintain an air cargo security apparatus that enhances Australia’s reputation amongst our major trading partners for robust security. We want to ensure that we continue to have a system that is as effective and efficient as possible.

My only concern is that we seem to have one of these types of bills through every session. We appreciate that the government is not terribly good at running programs, running the country or, indeed, running its legislative program. That is why we have had to come in and help them today by restricting our speeches. We know from things like the insulation program delivery and what a fiasco that was that the government simply is not capable of governing. Notwithstanding that, it is a pity that transport security amendments—there are several such bills that have been through in recent times and more are being flagged—cannot all be brought together and dealt with so that we can ensure that our aviation security is as effective and safe as it could possibly be. With those very few comments, I indicate that the opposition support the bill and we commend it to the Senate.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.01 pm)—Thank you, Senator Macdonald, for your comments. We all share a concern that we have the highest standards of aviation security. I commend the Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009 to the Senate and I table an addendum to the explanatory memorandum relating to the bill.

Question agreed to.

Bill read a second time.
Third Reading
Bill passed through its remaining stages without amendment or debate.

TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009
Second Reading
Debate resumed from 24 February, on motion by Senator Wong:
That this bill be now read a second time.

Senator COLBECK (Tasmania) (1.02 pm)—The Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009 amends the Textile, Clothing and Footwear Strategic Investment Program Act 1999 to allow for a new Clothing and Household Textile (Building Innovative Capability) Scheme, which replaces the coalition’s TCF Post-2005 Strategic Investment Program for the 2010-11 to 2014-15 years. The new scheme will continue to provide grants to clothing and household textile designers and manufacturers in Australia to invest in innovation, but in various respects will be more restricted.

In November 2003 the then coalition government announced a long-term assistance package of $747 million for Australia’s textile, clothing and footwear industry. An important component was the extension of the TCF strategic investment program through to 2015. The post-2005 SIP scheme provided up to $575 million over 10 years. The object of the scheme was to foster the development of a sustainable and competitive TCF manufacturing and designing industry in Australia. The scheme was capped at $487.5 million for the first five years and $87.5 million for the last five.

The bill replaces the coalition’s post-2005 SIP scheme for the 2010-11 to 2014-15 years. While slightly more funding has been allocated, there are some concerns within the industry that the bill is unduly restrictive and uncertain. Particular issues include: exclusion of capital expenditure; the reduction in the grant for research and innovation, from 80 per cent to 50 per cent; concern that eligible entities do not include entities undertaking advanced textile related processes—for example, specialised coating and quilting—but could include major retailers; and concern that the eligible activities will not include those involved in the production of specialised textiles. The bill itself does not establish the details of the scheme; it provides authority, when enacted, for the scheme to be formulated.

I note that the coalition has proposed some amendments and I am very pleased that the government has acceded to them. I give notice that I will move those amendments when we move to the committee stage. We thank the government for its cooperation on that and, in that context, we have pleasure in supporting the bill.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.05 pm)—Thank you, Senator Colbeck. This is very important legislation, as you say. It has been led by Senator Carr. It sets the framework for the Clothing and Household Textile (Building Innovation Capability) Scheme, which is a key component of the Australian government’s textile, clothing and footwear innovation package, which is a project and a strategy close to Senator Carr’s heart. The BIC scheme will support and encourage innovation, and we do need to make Australian clothing and household textile manufacturers and designers internationally competitive. We are a government that is concerned to
I would like to note very quickly, while moving those amendments, the importance of this scheme. I recognise the comments of Senator Stephens and I note particularly that in my home town of Devonport there are two major employers involved in the scheme who have heavily invested through the SIP program. I know the difference that it has made and I recognise the importance of following on with this piece of legislation and the innovations that it can bring.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.07 pm)—The government accepts these amendments. I, therefore, have little more to say other than that non-controversial legislation can actually move through this place with great haste.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.08 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee Report

Senator O'BRIEN (Tasmania) (1.09 pm)—On behalf of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the provisions of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010, to—
Ordered that the report be printed.

CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN) BILL 2010

Second Reading

Debate resumed from 10 March, on motion by Senator Stephens:

That this bill be now read a second time.

Senator BRANDIS (Queensland) (1.09 pm)—I indicate at the outset that the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 has the strong support of the coalition. The bill aims to strengthen the existing child sex tourism offence regime and makes amendments to child sex offences committed outside Australia. The bill also introduces new offences for steps leading to actual sexual activity with a child. The bill aims to, among other things, ensure that behaviour involving sexual offences against children committed by Australians within Australia is also criminalised when it is committed by Australians overseas.

In 1994 the Commonwealth enacted a suite of new criminal offences targeting Australians who engage in the sexual abuse of children overseas, which is sometimes referred to as child sex tourism. The introduction of these offences fulfilled Australia’s international obligations to protect children internationally from sexual exploitation. In 2005 the former coalition government enacted a range of offences directed at the use of a carriage service, such as the internet or a mobile phone, for the sexual exploitation of children. That action was taken in response to the increasing use by offenders of new technical tools, such as the internet, to engage in the sexual exploitation of children.

This bill will implement a range of reforms to the 1994 and 2005 offence regimes to ensure that they remain effective and continue to meet the needs of law enforcement agencies in combating sexual predatory practices. The reality we face today is that rapidly changing technologies and the anonymity that the internet provides have resulted in unprecedented opportunities for child sex offenders. The coalition supports these reforms and the creation of the new offences which strengthened the current system so as to ensure that sexual exploitation is comprehensively covered whether committed online or through other devices, such as mobile phones or the mail.

On behalf of the coalition I want to briefly pay tribute to the Australian Federal Police and to acknowledge the role of the AFP’s Child Protection Operations in performing investigative and coordination functions within Australia for multijurisdictional and international online child sexual exploitation matters. These matters include those from Australian state and territory police; government and non-government organisations, including internet service providers and internet content hosts; the Virtual Global Taskforce; international law enforcement agencies; Interpol; and members of the public. The AFP investigates online child exploitation which occurs using a telecommunications service, such as the internet or a mobile phone. The types of offences investigated include accessing, sending or uploading child exportation and abuse material.

Grooming or procuring children over the internet is also investigated by the AFP. AFP investigators may also focus on internet sites carrying child abuse material and operated from an ISP in Australia. In cases where the site content is not hosted within Australia, the matter is referred to overseas law enforcement agencies. The coalition applauds the Australian Federal Police and state police...
forces for their hard and sometimes very distressing work to combat those who seek to harm the most vulnerable members of our community.

In closing, I want to point out that on 17 June 2008 Senator Bernardi introduced a private senator’s bill. His Crimes Legislation Amendment (Enhanced Child Protection from Predatory Tourism Offences) Bill 2008 did not receive government support and, as a result of a decision of the government, his bill was not allowed to be debated. Many of the measures in this bill are similar to the measures that Senator Bernardi sought to have the Senate enact two years ago. The delay of two years in legislating for these protective measures lies at the feet of the Rudd government. Nevertheless, tardy though it is, the government has at last acted, and the coalition supports the measures.

Senator XENOPHON (South Australia) (1.14 pm)—I, too, strongly support the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010. I welcome it. It is essential legislation for the protection of our children in the terms of the conduct that occurs overseas as well. I note Senator Brandis’s comments about the work that Senator Bernardi has done in relation to this and the bill that he put up in this place some two years ago. I, too, acknowledge the hard work of Senator Bernardi in relation to this.

I just want to seek leave in a moment to table a letter I have from the Minister for Home Affairs. I have been particularly concerned about the grooming of children via misleading information being put out online. A classic example is when a person lies about their age in communicating with a child they could also be lying about other circumstances. Honourable senators may be aware of the tragic circumstances involving Carly Ryan, where the perpetrator, the person responsible for her murder, was recently found guilty in the South Australian Supreme Court. The minister’s office—and I am grateful for the work of the minister, his staff and advisers in relation to this—proposed that a working group be established to address the issues raised in the bill that I have introduced with respect to misrepresentation of age to a minor and that the working group would consider how misrepresentation of age to a minor could be addressed by criminal laws both as preparatory conduct and also as criminal conduct in itself. They propose setting up a working group from the minister’s office, my office, the Attorney-General’s Department and the Australian Federal Police, as well as Susan McLean, Director of Cyber Safety Solutions. I seek leave to table that letter. I welcome that degree of cooperation with the government and I am looking forward to the law being strengthened as a result of the work of that working party.

Leave granted.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.16 pm)—I thank the senators for their support of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010, which reforms the Commonwealth child sex offences to ensure that children in Australia and internationally are better protected from abhorrent crimes. I would like to add my thanks, and the thanks of the government, to Senator Brandis’s comments in relation to the work of the Australian Federal Police and other international agencies involved in this work. Those who have to deal with these matters need to be supported. Sexual offences against children are abhorrent crimes.

But I would like to put on the record just for history that it was Senator Ludwig in opposition who tried to introduce a private
senator’s bill, which did not have the support of the then government. This is an issue that is of concern to all sides of politics and not made any better by trying to score points in that regard. Having said that, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

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) (1.17 pm)—by leave—I move government amendments (1) and (2) on sheet AF238:

(1) Schedule 1, item 4, page 26 (after line 15), after section 273.2, insert:

273.2A Consent to commencement of proceedings where defendant under 18

(1) Proceedings for an offence against this Division must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.

(2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

(2) Schedule 1, item 28, page 50 (after line 6), after section 474.24B, insert:

474.24C Consent to commencement of proceedings where defendant under 18

(1) Proceedings for an offence against this Subdivision must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.

(2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

I table a supplementary explanatory memorandum relating to the government’s amendments to this bill. The memorandum was circulated in the chamber today.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.19 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.19 pm)—by leave—That intervening business be postponed until after consideration of government business order of the day no. 4, the Antarctic Treaty (Environment Protection) Amendment Bill 2010.

Question agreed to.

ANTARCTIC TREATY (ENVIRONMENT PROTECTION) AMENDMENT BILL 2010

Second Reading

Debate resumed from 11 March, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator IAN MACDONALD (Queensland) (1.20 pm)—The Antarctic Treaty (Environment Protection) Amendment Bill 2010 aims to amend the Antarctic Treaty (Envir-
ronment Protection) Act to broaden the definitions of flora and fauna protected and not permitted to be brought into Antarctica. The key amendments give authority to the minister to include invertebrates as specially protected species and prohibit invertebrates being taken from Antarctica. The bill also broadens the definitions of organisms. It increases safeguards of specially protected species and it strengthens offences relating to the accidental introduction of non-native organisms into the Antarctic.

The treaty which governs the Antarctic continent for those who are parties to the treaty—and that is not everyone, I might add—was introduced and adopted to protect Antarctica from environmental harm and not to allow the continent to become the object of international discord. In fact it was always said that the Antarctic should remain an area of peace and science and, generally speaking, that has happened. The agreements that form part of the treaty have been enacted into Australian law to strengthen that scientific cooperation that I mentioned, protection of the Antarctic environment, conservation of plants and animals and preservation of historic sites—and I might just say there that the Mawson’s Huts Foundation, a privately funded group of people, have done a marvellous job in protecting Mawson’s Huts.

The bill also introduces into Australian law the designation and management of protected areas and the management of tourism—again very important, with the increasing number of international tourists visiting the Antarctic and Antarctic waters. It also provides for information exchange, the collection of meteorological data, hydrographic charting, logistical cooperation and communications and safety. Last year, in April, the Antarctic Treaty Consultative Meeting amended the Madrid protocol which underpins the treaty and agreed to include increased protection of the Antarctic’s flora and fauna. Those amendments are outlined in this bill. So we are actually discharging our duty as a participant in the treaty by introducing these new protocols into Australian law.

In an attempt to save just a fraction of time, I might indicate that, whilst we support the bill, we will not be supporting the amendments that, I understand, are going to be moved by the Greens. I want to indicate that the coalition and the shadow minister very much support the intent of the proposed amendments, but we do understand that it is important to get this bill through in the dying hours of this session of parliament. We will not be meeting again until May, when we will be entirely consumed by the budget issues. So, whilst the shadow minister has indicated general support for the proposed amendments, we have given an undertaking to the government to deal with this bill as noncontroversial and not to participate in what could become a quite lengthy debate on the amendments. Perhaps the amendments are of a nature that would support additional legislative action later in the year to achieve the goals that they attempt to promote. Certainly, for the moment, we will be supporting the bill so that it can pass into law and give even further and greater protection to the Antarctic continent.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.25 pm)—In 1990, as one of the Goldman Environmental Prize recipients, I handed President George Bush Sr a letter, at the White House, calling for him to endorse the Madrid protocol. America was holding out at the time. I like to think that the Goldman Environmental Prize winners had some influence on the United States going on to support the Madrid protocol, which is the vital document, by the world agreed, to protect Antarctica as a zone of peace and science. So I am very pleased that we are now adding extra
Australian legal strength to the protection of Antarctica, following ratification of the annex to the Protocol on Environmental Protection to the Antarctic Treaty 1998.

We must see this in light of the threat to Antarctica. There are now over 40,000 tourists going to Antarctica each year. There is an increasing scientific establishment, there are many more countries involved and the threat of introduced organisms and the unwanted invasion of species into the Antarctic ecosystem is increasing every year. So this legislation is to be welcomed. I might add that the threat to Antarctica at the moment from human action is cataclysmic. In addition, climate change and ocean acidification—and, indeed, the whaling activity of the Japanese, in contravention of the Antarctic Treaty—are just parts of a suite of unprecedented threats to the whole of the Antarctic ecosystem which will in turn affect every ecosystem on the planet, including our own continent.

The first amendment which I shall move is to recognise the World Heritage value of the Antarctic. There is no argument about that. But, once again, the opposition are saying that they support it but they will vote against it. They support the intent of it, but they will vote against their own intent on a simple matter like that. The second group of amendments requires the Minister for Environment Protection, Heritage and the Arts to use the powers available to protect whales in the Antarctic. Again, the opposition say they are in support of that but they will vote against it. Senator Macdonald said that the opposition support the intent of that but they will vote against it. This is a historic failure of the opposition. I do not want to gainsay the government here; this is a great opportunity for the government to support these amendments. But I note the failure of the opposition, through 13 years of government, to do the right thing and to recognise the obvious intrinsic values of the Antarctic continent bioregion and its oceans—that is, being not only of World Heritage value but the greatest World Heritage area that we have on this whole planet. It is the great white continent, this world park, which deserves recognition. I look forward to the government taking a different point of view and supporting these amendments so that they can pass the Senate today.

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (1.29 pm)—I thank Senators Ian Macdonald and Bob Brown, who have contributed to this debate on the Antarctic Treaty (Environment Protection) Amendment Bill 2010. The government agrees with the opposition that the proposed amendments to the bill are unacceptable because they are actually inconsistent with Australia’s longstanding policy position for Antarctica. Because of the unique legal and political circumstances of the Antarctic region, the Antarctic Treaty parties, including Australia, take the view that issues relating to the environmental protection and management of the Antarctic should be dealt with primarily in the forums of the Antarctic Treaty system and should not be conflated with issues relevant to World Heritage and the conservation of whales. Article 7 of annex II to the Madrid protocol specifically provides:

Nothing in this Annex shall derogate from the rights and obligations of Parties under the International Convention for the Regulation of Whaling.

Australia actively pursues international measures for the comprehensive protection of whales in the appropriate international forum, the International Whaling Commission. On that basis, I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.30 pm)—by leave—I move Greens amendments (1) and (2) on sheet 6052:

(1) Page 19 (after line 2), at the end of the bill, add:

Schedule 2—World Heritage values

Antarctic Treaty (Environment Protection) Act 1980

1 Preamble

After “AND WHEREAS it is desirable to make other provision relating to the protection of the environment in the Antarctic”, insert “and to recognise the intrinsic World Heritage values of the Antarctic”.

(2) Clause 2, page 2, at the end of the table, add:

3. Schedule 2 The day after this Act receives the Royal Assent.

These amendments would give recognition to the intrinsic World Heritage values of the Antarctic. I heard Senator Stephens read out an excuse for not doing that. Of course, it was not an excuse at all; it just skirted around the reason and said that, in some way or other, recognising the World Heritage value of the Antarctic should be done in some other forum. No, it should be done by this country; and it is one of those issues the Greens will continue to pursue. This great global asset should have World Heritage recognition and that should start in this parliament. If it does not start here, it is not going to occur anywhere else. It is time the Labor Party endorsed its own policy of recognising World Heritage value in Antarctica, as passed by the Labor Party’s national conference, and it has been given an opportunity to do that here in the parliament. Unfortunately, it is not going to. I will not call a division on the matter, but the Greens feel very strongly about that recognition. We have heard no good reason, and there is no good reason, why this is not being supported.

Senator IAN MACDONALD (Queensland) (1.32 pm)—The coalition have absolutely nothing to hide. Indeed, we have a very proud record of protecting the environment wherever it occurs. I think it is typical of the Greens political party that Senator Brown spent most of his speech attacking the coalition for taking exactly the same approach to these amendments as the Labor Party did. Did he attack the Labor Party? No, of course not, because he supports the Labor Party on every serious issue of policy. It just demonstrates yet again that the Greens are the far left wing of the Australian Labor Party. I point out that it was the Howard government that actually arranged for World Heritage listing of Heard and McDonald Islands in the Southern Ocean. Those islands near the Antarctic mainland are territories of Australia and the Howard government was able to ensure they were given a World Heritage listing.

I am surprised that the Greens leader did not mention that the Labor Party have changed their policy yet again. This is another example of how the Labor Party say one thing before an election to attract the vote from certain narrowcast groups and another thing afterwards. After they have been elected with the support of many people and with Greens preferences, they then change their policy. When it comes to this debate, where one would think Senator Brown would roundly criticise the Labor Party for reneging on their policy in relation to World Heritage listing of Antarctica, we hear barely a peep.

I should point out—and I am conscious of the time as I know there is another bill to be dealt with—that before the 2007 election their policy, as announced on 1 May 2006 by
Mr Albanese, then the shadow minister for the environment, was:

A Federal Labor Government will support World Heritage listing, working with other nations to give Antarctica the environmental status it deserves.

After the election, though, Labor changed their policy to:

... Labor will work to further strengthen the Antarctic treaty system with particular emphasis on enhancing environmental protection.

When Senator Wong, representing the environment minister, was questioned in June 2009 she said:

... the benefits of world heritage listing have already been achieved or exceeded in the Antarctic through the international agreement that comprises the Antarctic treaty system.

I might also point out to Senator Brown that, given his visionary hatred of the Liberal Party and the National Party, it is surprising he did not mention the fact that we supported a motion he moved in June 2009 which stated that the Senate:

... calls upon the Australian Government to pursue the lead role towards inscribing Antarctica on the World Cultural and Natural Heritage list.

The coalition actually supported that motion, because, as I said earlier, we do support the intent of these amendments. We actually supported Senator Brown’s motion. I point out to Senator Brown, in case he has forgotten, that the Labor Party actually opposed that motion. But is there any criticism of the Labor Party here? No, Senator Brown directs all his bile to the coalition for reasons which I guess, to any observer, are fairly obvious.

I repeat that the coalition has a very proud record in World Heritage listing. Fraser Island was listed by the Liberal Party, for example. In fact, all of the significant environmental protection advances in Australia’s history have been introduced by Liberal and National party coalition governments, and I again point out the fact that World Heritage listing of Heard and McDonald Islands was initiated under the Howard government.

The question of whales is something that I looked at for a considerable time when I was minister for fisheries. There is a very uncertain, I might say, legal regime in relation to who actually controls the waters around the Antarctic continent. You would have lawyers arguing for days about that, and of course the limited time that I have prevents me doing that in this debate. I would simply say that it is not always as simple as it sounds—that is, what Australia can do in a territory where Australia does not have a jurisdiction recognised by every other country in the world.

With those comments I indicate that, for the reasons I mentioned earlier, we are not going to prolong this debate, because we agreed with the government some time ago that we would assist the speedy passage of this bill for its further protection of Antarctica. I repeat a comment I made in my contribution to the second reading debate—that, if this is something that should be dealt with by the parliament, perhaps it would be appropriate for Senator Brown to bring in some sort of bill sometime in the future when we have the time to discuss it fully.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.39 pm)—Senator Bob Brown, I understand you have moved some controversial amendments in the non-controversial section of the proceedings, which is perhaps a little unorthodox. I understand the clerks are in some trepidation at the prospect of what all this might mean, given that the standing orders are silent on this. I understand you do not intend to pursue this to a division. Have I understood you correctly?

Senator Bob Brown—I will listen to the debate.
Senator CARR—I see. I think, Senator, the government—

Senator Bob Brown—Madam Temporary Chairman Boyce, on a point of order: Senator Carr was not here for the moving of these amendments. He can make the matter controversial if he wishes to. It is not my intention to do so.

Senator CARR—Thank you for your advice, Senator Brown!

The TEMPORARY CHAIRMAN (Senator Boyce)— Senator Carr, look at the bill, please.

Senator CARR—Yes, I know. The government does not support the amendments that Senator Bob Brown has moved because they are effectively inconsistent with the longstanding policy position of this government and, I understand, other governments in regard to Antarctica, and inconsistent with the objects of the legislation and the purposes of the bill.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.41 pm)—I am horrified that Senator Carr says that recognising the intrinsic World Heritage values of the Antarctic contradicts the longstanding position of the government, because, as I said earlier—and I am indebted to Senator Macdonald for backing me up on this—the Labor Party went to the last election on that very policy and has changed it since.

On the matter of the opposition supporting the motion I moved which did not have the effect of law on World Heritage values, yes, I have noted that. And now I am moving amendments which will have the effect of recognising the World Heritage values of Antarctica in law, and the opposition do just what the government are doing and back off, saying, ‘Well, now we won’t support it.’ They are prepared to support an ineffective instrument moved by the Greens—that is, a motion—but when it comes to putting it into law suddenly the opposition back off. It is all inexplicable and, I think, quite irresponsible. I have moved the amendments, and we will see the government and the opposition vote them down.

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.42 pm)—by leave—I move Greens amendments (3) and (4) on sheet 6052:

(3) Page 19 (after line 2), at the end of the bill, add:

Schedule 3—Interaction with laws for the protection of whales

Antarctic Treaty (Environment Protection) Act 1980

1 At the end of Part 1

Add:

7B Interaction with laws for the protection of whales

(1) Nothing in this Act has the effect of reducing or removing an obligation upon any person to protect whales or other cetaceans under:

(a) international law; or

(b) Division 3 of Part 13 of the Environment Protection and Biodiversity Conservation Act 1999; or

(c) any other law.

(2) In exercising powers and performing duties under this Act, the Minister must act in a manner that gives the greatest effect towards the protection of whales and other cetaceans under:

(a) international law; and

(b) Division 3 of Part 13 of the Environment Protection and Biodiversity Conservation Act 1999; and

(c) any other law.

Note: Division 3 of Part 13 of the Environment Protection and Biodiversity Conservation Act 1999 sets out offences relating to killing, in-
serving, taking etc., treating and possessing cetaceans.

(4) Clause 2, page 2, at the end of the table, add:
4. Schedule 3 The day after this Act receives the Royal Assent.

These amendments require that the minister for the environment ‘must act in a manner that gives the greatest effect towards the protection of whales and other cetaceans’ under international law, Australia’s domestic law and any other law. It simply requires the minister to act to protect whales using what powers are available. I commend the amendments to the committee.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.44 pm)—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

APPROPRIATION BILL (No. 3) 2009-2010

APPROPRIATION BILL (No. 4) 2009-2010

Second Reading

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

That these bills be now read a second time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.46 pm)—I rise to speak on Appropriation Bill (No. 3) 2009-2010 and Appropriation Bill (No. 4) 2009-2010. Together these two bills appropriate just over $2 billion in additional funds from the Consolidated Revenue Fund. Appropriation Bill (No. 3) 2009-2010 appropriates just over $1.69 billion for the ordinary services of government. The largest elements of this bill include: $510.8 million for the Department of the Environment, Water, Heritage and the Arts for the Solar Homes and Communities Plan, now rebadged as the solar credits scheme, and I will return to that issue soon; $290.1 million for the Department of the Environment, Water, Heritage and the Arts to meet increased demand under the Home Insulation Program brought forward from 2011 and 2012, and I would also like to elaborate on that wondrous scheme in just a short while; and $639.2 million for the Department of Defence, although this amount will be offset by reductions in non-operating appropriations.

Appropriation Bill (No. 4) 2009-2010 appropriates $311 million for the other annual services of government. The largest element of this bill includes: $167 million for the Department of Infrastructure, Transport, Regional Development and Local Government, the bulk of which, $120 million, will be allocated to strategic projects, or ‘slush funds’, some may suggest; and $34.1 million for the Department of Immigration and Citizenship to expand the accommodation capacity of Christmas Island, a venue that the Labor Party used to deride and are now expanding in response to increased ‘irregular’ maritime arrivals. Unfortunately, the ‘irregular’ is becoming far more regular under a Labor government.

In addition to these appropriations, these bills provide for the minister to claw back unused funds provided previously for depreciation and make-good amounts. I have talked to those issues in previous appropriations. Neither the bills nor the explanatory memorandum provide estimates of the savings expected from these clawbacks. This mechanism is part of the government’s so-called Operation Sunlight. After all the Labor Party’s blow-outs and reckless and wasteful spending, savings must be found somewhere.
So the government has turned to Operation Sunlight to claw back funds put away in previous years to replace and maintain assets. Provisions to fund future asset maintenance and replacement are an oft-used management and accountancy practice. Taking money from these provisional accounts does not make a saving for the taxpayer. Future taxpayers will need to make up the amounts that we previously put away. In summary, the government, having borrowed too much from our future, is now borrowing from our past.

Let’s consider Operation Sunlight in more detail. The name makes you think about openness, transparency and good ordering of the taxpayers’ balance sheet, but it is nothing of the kind. There is no transparency or openness, and the government has not provided any certainty on what savings Operation Sunlight will deliver—nor at what cost. So in the end we are not even sure if this aspect of Operation Sunlight will deliver. No doubt there will be an army of public servants tracking down every last provision for funds set aside against every last printer. But how much will all this cost? Will they actually provide returns commensurate with all the effort? This is the kind of information that the taxpayer deserves to know. At the very best, it is the sort of information that competent managers of the public purse would find out before making a decision to claw back these funds. The concept of due diligence seems a foreign one to this government. All of this shows that the forecast of Operation Sunlight is not so much more sunlight as more cloudiness. The lack of transparency is a function of the Labor Party trying to hide its reckless and wasteful spending. The Labor Party is looking in every hollow log they can find. Nothing is safe from a government that has no idea how to balance the books and absolutely no idea about the value of money.

These bills will be supported, as appropriation bills always are, by the coalition, but people are waking up to the waste of this government and people are fearful of the monumental debt that this Labor government is building up. You cannot escape from the waste by giving the green light to shonky pink batt installers and then spending hundreds of millions in removing or fixing that insulation. The critique of Labor Party management is best exemplified by the so-called Home Insulation Scheme. You cannot escape from the waste of building school halls for one student or paying three or four times normal construction rates. The Australian public are once more awake to the overspending and lack of control of costs that the Labor Party are responsible for in their Building the Education Revolution. It certainly was revolutionary for the people who were lucky enough to score a contract from the Prime Minister. He provided a once-in-a-lifetime windfall gain for the people in the appropriate places. You cannot escape the $850 million blow-out in a $150 million program in only 18 months.

In summary, the government cannot escape from the charge that it is an incompetent manager of the public purse. It fails at due diligence, it fails to protect the taxpayers’ dollars and it is sinking this country into debt that will take decades to pay off. But, worse, the money is simply being wasted. There will be no legacy for the Australian people except a large interest bill that we will keep on having to fund every year.

These appropriation bills once more highlight to the Australian people that the Labor Party in their form, in their verse, in what they say, in how they act, have absolutely no control over costs. It is an absolute travesty that they sit there on the treasury benches without any diligence whatsoever. They lack the decisiveness, they lack the capacity and they lack the acumen to be able to manage
the nation’s books, and the result of that is for all to see. The result of that is there every week when we see the extension of the nation’s debt. This is a result of not only ridiculous ideas but absolutely no control over how that appropriation is spent. It is no wonder when it comes from a party that has no experience of running a business. There is no one on the Labor Party frontbench, from what we can perceive, that has any real experience of ever running anything. So the capacity to control costs has become self-evident. They have the rhetorical flair, no doubt; their rhetorical flair is in abundance. But their actual capacity to control the costs, to bring things in on budget, to make sure that we are prudent with the nation’s finances, to keep our debt down, is not there. As is the case with appropriations, we will be supporting these appropriations. We will be supporting the appropriations under process but we support the appropriations with absolute contempt for this government’s growing and excessive lack of financial prudence. If the Australian people do not pull these people into gear, we are going to get ourselves in a financial predicament that will take decades to fix up.

Senator IAN MACDONALD (Queensland) (1.55 pm)—Senator Joyce has concluded his remarks and we do have a couple of minutes left before we need to vote on this very important piece of legislation. Part of the appropriations is the running of this particular establishment. I am livid that the government has spent money on rearranging the roadway around this Parliament House. I am also livid at the money they have spent on the führer bunker in this building. And it distresses me that the water features around this building, which have now been turned off for a couple of years, remain in a most undignified state—they have canvas across them. Yet, where money for this building could be properly used—on addressing those issues and stopping the sacking, as I understand, of some 25 or more attendants in this building, meaning that those attendants remaining have to do twice the work—we have the government wasting money on not only rearranging the traffic around this building but then, having done it once, coming back with an expenditure of something like over a million dollars, I understand, to put in traffic calming around this building.

All this money is spent at the same time as this government is taking out the offices of senators and members—not ministers, I understand, but senators and members—those pot plants which were such an attractive feature of this building and which helped reduce greenhouse gas emissions, which the Labor Party used to be keen on but we do not seem to hear much about these days. I wish the government in its appropriations of money would spend money in this building appropriately and not on stupid things like rearranging the traffic flow around this building. I do hope the government will redress the expenditure allowing senators and members pot plants, that do help with greenhouse gas emissions and do make offices and the arrangements for our staff working in this building much more pleasant, rather than wasting money on a traffic system around this parliament which was not broken and did not need fixing.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.57 pm)—I move:

That these bills be now read a second time.

Question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.
Advances to the Finance Minister
In Committee

Consideration resumed from 27 November 2009.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.58 pm)—I move:

That the committee approves the statement of issues from the Advances under the annual Appropriation Acts as a final charge for the year ending 30 June 2009.

Question agreed to.

Resolution reported; report adopted.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator HUMPHRIES (2.00 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. I refer the minister to his answer in question time yesterday where he said that he would not exercise his powers to revoke the permanent protection visas of those who were found by the NT Coroner to have given false testimony and been part of a plan to cripple the SIEV36 until the NT DPP had decided whether to lay charges and secure convictions against these individuals. Does the minister accept that the capacity for him to revoke these visas on character grounds is already made out under section 501 of the Migration Act and by virtue of the coroner’s findings?

Senator CHRIS EVANS—I thank Senator Humphries for his question. I am not sure whether Senator Humphries was at Senate estimates on Tuesday, 20 October 2009, but Senator Fierravanti-Wells and I traversed this ground then. I would recommend that you read that Hansard, because I went through very carefully why we had taken the action that we had, what process I had put in place and what advice I had sought to ensure that we maximised our capacity to pursue convictions for anyone who was found to have done the wrong thing or who was referred by the coroner back to the police. I am very well aware of what my powers are but on every occasion I have taken advice as to how we would maximise the Commonwealth’s interest in prosecuting successfully anyone who may have acted unlawfully or criminally while on that boat. We have sought at every stage to seek the appropriate advice so as to maximise that possibility.

I remind the senator that when considering these matters last year I specifically engaged with the Northern Territory Police to seek their views on whether or not we ought to grant the visas, being aware that the power of cancellation remained with me if charges were laid.

Senator Humphries—It is your power.

Senator CHRIS EVANS—Senator Humphries, I have made it very clear that it is my decision. As I said very clearly at Senate estimates in October, we look to maximise the position so as to ensure that we could prosecute any criminal activity. We sought advice from the Northern Territory. They agreed with the process that I put in place. Now they will consider the coroner’s findings. If they lay charges successfully and someone is convicted of a criminal offence, we will be able to cancel their visas.

Senator HUMPHRIES—Mr President, I ask a supplementary question. Minister, do you accept, firstly, that the coroner has found that these three individuals were part of a plan to cripple the SIEV36; secondly, that their evidence under oath was not truthful; and, thirdly, that you therefore now, as of today, have compelling grounds under section 501 of the Migration Act to revoke these people’s visas?

Senator CHRIS EVANS—I am very aware of the coroner’s findings. As a result of his findings, he has referred his findings to
the Northern Territory police for them to consider whether or not they ought to pursue criminal charges. The Northern Territory Police will make that decision. But when they found they had no basis for laying charges last year, they agreed that we could proceed to grant visas, knowing that the cancellation of those visas was a power available under the character provisions of the Migration Act. I would suggest to the senator that the Liberal Party give very careful consideration not just to the point that the Attorney-General made yesterday about possible prejudice to any trial but to their own experience in the Haneef matter, where people sought to act politically rather than in an appropriate manner under the Migration Act. I think, Senator, that you will find I have acted in accordance with advice and perfectly appropriately.

Senator HUMPHRIES—Mr President, I ask a further supplementary question. Does the minister acknowledge that a failure to act immediately in the light of these damning findings by the coroner can only send the strong signal that blatant acts of sabotage endangering life are acceptable tactics for those wishing to obtain entry to Australia?

Senator CHRIS EVANS—What is clear to me is that the Liberal Party would pursue a political point than have a successful outcome of prosecution of anyone who has committed a criminal act in relation to this incident. This government is absolutely committed—

Opposition senators interjecting—

The PRESIDENT—If senators wish to debate the answer that the minister is giving, the time to do that is at the end of question time.

Senator CHRIS EVANS—This government is absolutely committed to trying to ensure that any person who is responsible for criminal activity in relation to this incident is brought to trial and punished if found guilty. Everything that I have done in relation to this matter is directed at maximising our capacity to do that. The Liberal Party might consider whether the sort of attitude that they take now is in the best interests of a successful prosecution or just in the best interests of some cheap headline today. I have acted in the best interests of the Commonwealth in discharging my duties in this matter, and the record will show that.

Hospitals

Senator BILYK (2.06 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Can the minister outline for the Senate why the government’s plans to ensure that Australians everywhere can access the health care that they need are necessary and how they are an improvement on what has gone before?

Senator LUDWIG—I thank Senator Bilyk for her question regarding the need for accessibility and sustainability in the health care system in Australia. The Rudd government is delivering the reform needed to ensure that Australians can get the health care they need. These reforms are all the more necessary following the callous actions of the current Leader of the Opposition, who as health minister gouged $1 billion out of the public health system and capped GP numbers.

Let me lay out more explicitly a little bit of the groundwork. The Howard government’s 2003 budget papers showed progressive cuts to the projected spending on public hospitals of, first, $109 million, then $172 million, then $265,000 and then $373 million. Further advice from the Department of Health is that the final year of the agreement saw a cut of $497 million. All of those cuts were presided over by the then Minister for Health, the current Leader of the Opposition. The opposition leader lacks credibility on
health. He lacks a sense of fairness when it comes to the need to make sure that all Australians, not just those who are rich or well off, can access the health care they need. The 2003-04 budget papers of the Howard government made it absolutely clear. They were making these cuts because they expected fewer people to go into public hospitals after the government drove the private health insurance rebate. The money that the opposition leader ripped out of the hospital system could have funded an extra 1,025 hospital beds or 760 GP training places by 2007-08. (Time expired)

Senator BILYK—Mr President, I ask a supplementary question. Can the minister outline for the Senate the government’s plans to train a record number of doctors. In particular, how would this get more doctors out into the bush communities, which are suffering the worst effects of the nationwide health workforce shortage?

Opposition senators interjecting—

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

Senator LUDWIG—I thank Senator Bilyk for her supplementary question regarding the Rudd government’s record investment in our doctors and specialists. We are providing $632 million to train a record number of doctors over the next 10 years. We will deliver 5,500 new or training general practitioners, 680 medical specialists and 5,400 work experience pre-vocational GP program places. Those opposite are disingenuous when they claim to care about rural and regional areas. When they were in government they ripped $1 billion from the public hospital system and capped GP places. This created a situation where shortages are impacting on 59 per cent of all Australians, in towns across Australia including Ballarat, Dayboro, Coffs Harbour and Yea. (Time expired)

Senator BILYK—Mr President, I have a further supplementary question for the minister. Can the minister inform the Senate of the government’s actions to support nurses and midwives?

Senator LUDWIG—I thank Senator Bilyk for her second supplementary question about the crucial part of our health workforce reform. The Rudd government’s reforms in this area—recognition of the skills and experience of nurses and midwives—are long overdue. Last year’s budget included an extra $120 million commitment to improve maternity services, to facilitate access to the MBS and PBS for the patients of nurse practitioners and of appropriately qualified and experienced midwives. I am very pleased that the Senate finally passed this legislation this week six months after it passed the House and after two Senate inquiries. It is a shame that the Liberal Party in the Senate could not bring itself to make a clear statement of support for our hard-working nurses. Instead, they were only in a position to not oppose this legislation. Nevertheless, our reforms are a win for the community, which will enjoy the benefit. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the president’s gallery of a former senator, the Hon. Jim Webster. On behalf of all senators, I wish you a warm welcome and trust you enjoy question time.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Taxation

Senator JOYCE (2.12 pm)—My question is to the Minister representing the Treasurer, Senator Conroy.

Government senators interjecting—
The PRESIDENT—Wait a minute, Senator Joyce. You are entitled to be heard in silence. On my right!

Honourable senators interjecting—

The PRESIDENT—Senator Joyce, wait a minute. Senator Carr and Senator Minchin! Senator Joyce, continue.

Senator JOYCE—I am glad they love me; I have missed them.

The PRESIDENT—Senator Joyce, ask your question.

Honourable senators interjecting—

Senator Cameron—You know the Libs loathe you!

The PRESIDENT—Senator Cameron, I am waiting.

Senator Forshaw interjecting—

The PRESIDENT—Order! Senator Forshaw! Senator Joyce, continue.

Senator JOYCE—Given the supposed commitment that Labor made to the Australian people prior to the last election that a Labor government would be open and transparent, which part of the principle of open and transparent are you following by withholding the Henry tax review since last year? Furthermore, considering Labor’s commitment to a principle of fiscal conservatism, what part of the principle of fiscal conservatism are you following by the leaking of sections of the Henry tax review and the uncertainty this is causing in the marketplace?

Senator CONROY—I thank Senator Joyce for his question from exile. The answer is: yes, it is a big new tax, and it will put up the price of bread and petrol.

The PRESIDENT—Senator Conroy, come to the question.

Senator CONROY—Sorry. I thought I was actually right on the question, Mr President. I thought I was spot on the question, because I was sure that was the question that Senator Joyce was going to ask me—

Senator Joyce—Mr President, I rise on a point of order on relevance. Is the minister—

The PRESIDENT—Senator Joyce, I have already asked the senator to come to the question. I hear that you are going to take a point of order on relevance. I understand that. I have already asked the senator to come to the question.

Senator CONROY—As I was saying, I welcome the question from Senator Joyce because what we are seeing here is an attempt by those who are advocating big new taxes to criticise the ALP for its commitment to keep taxation in this country below the levels—

Senator Joyce—Mr President, I rise on a point of order on clarification. Is the minister saying that the Henry tax review is a big new tax?

The PRESIDENT—Order! There is no point of order.

Senator CONROY—I appreciate that those opposite, particularly Senator Joyce, are very coy about their desire to introduce a big new tax but this government has an absolute commitment, as part of the Henry tax reforms—a commitment that we gave before the last election, which Senator Joyce referred to when he was asking his question—to keep taxation levels across the economy lower than those we inherited from those opposite: one of the biggest-spending, biggest-taxing governments in the history of Australia. It was bigger than in Gough Whitlam’s period—

Senator Abetz—Mr President, I rise on a point of order. Under sessional orders the minister is required to be directly relevant in answering the question. The question was very concisely referring to principles of openness and transparency. The minister
should be asked to be directly relevant or to sit down.

**The President**—The minister has 28 seconds remaining. I draw your attention to the question, Senator Conroy.

**Senator Conroy**—Thank you, Mr President. I appreciate that very much, because the question, which Senator Abetz chose to ignore, involved references to ALP commitments before the election, which is exactly what I was debating. It also talked about fiscal conservatism. So there are a broad range of issues that are available in answering this question.

**Senator Abetz**—Mr President, I rise on a point of order. Sessional orders require the minister to be directly relevant. A question that is framed referring to a specific pre-election promise does not allow the minister to traverse every pre-election promise that Labor may have made. This was one about openness and transparency and that is what, under sessional orders, the minister needs to address. If he cannot—and we all think he cannot—he should sit down.

**Senator Ludwig**—Mr President, on that point of order, what we have had from the opposition, in the taking of that point of order, is a traverse across a range of complaints that that opposition spokesperson may have. What this minister has been doing is answering the question that has been asked. The question was asked in a number of parts, including more than simply about transparency. So those opposite do not have the opportunity to reframe the question but should, if they are going to take a point of order, take a proper point of order and raise the particular issue. My submission is that there is no point of order being raised. The minister has been answering the question. The difficulty, from the opposition’s perspective, is that they want a specific answer to a specific question but they are not entitled to that. They are entitled to ask a question and have an answer that is relevant to the question asked.

**The President**—I cannot tell a minister—as I have said repeatedly in this chamber—how to answer a question. I did draw the minister’s attention, on a previous point of order, to the question. I draw the minister’s attention again to the question and the fact that there are 12 seconds remaining to address the question.

**Senator Conroy**—I am disappointed, but not surprised, to hear those opposite playing politics—their usual political games—with something as important as tax reform. *(Time expired)*

**Senator Joyce**—Mr President, I have a supplementary question. I presume, from the first answer, that the Henry tax review is a big new tax. It seems that that was all the answer we got.

**Honourable senators interjecting**—

**The President**—Order!

**Senator Joyce**—The first part of the answer that Senator Conroy gave was that it was a big new tax. My supplementary question is: does the Labor government stand by its promise before the election to Independent Contractors Australia that there will be no change to the existing personal services income laws?

**Senator Conroy**—The Rudd Labor government is focused on the big picture. We are about what the tax system should be for the next decade. The opposition—those opposite—are only interested in playing day-to-day politics. We have created a national debate on important issues—not just on tax—

**Honourable senators interjecting**—

**The President**—Order! Senators Hefernan and Sterle!

**Senator Joyce**—Mr President, I rise on a point of order on relevance. This question
tells about existing personal services income laws. The minister is giving a ramble. It has nothing to do with the question. Can you direct him to the question.

The PRESIDENT—I draw the minister’s attention to the question. You have 38 seconds remaining, Senator Conroy.

Senator CONROY—As I was saying, we are creating a debate on intergenerational issues—health reform and climate change—and on the areas specifically discussed in the question by Senator Joyce. But I am not going to speculate on what the Henry tax review contains. It would be utterly irresponsible to do so. I am not going to speculate upon what an independent tax review panel may or may not have recommended. It will be released, as the Treasurer has indicated, some time prior to the budget.

Senator Joyce—Mr President, on a point of order: once more, the question talked directly to existing personal services income laws. The minister, so far, has not even broached that part of the question once. He has not even mentioned it once. He has talked all around the issue. In the 14 seconds that are remaining, can you please direct the minister to answer the question that was asked of him?

The PRESIDENT—I cannot direct the minister to answer the question in a way that you may want it answered. He did refer, in his response to you, directly to the question that you asked. I draw the minister’s attention to the question. There are 14 seconds remaining.

Senator CONROY—The independent tax review panel has sifted through a wealth of input and has given us its recommendations. As we have always said, we will consider these and release these. (Time expired)

Senator Joyce—Mr President, I ask a further supplementary question. We did not get anywhere even close to an answer. It is an absolute disgrace. Does the government believe the existing personal service income laws are, to quote Senator Sherry ‘a threat to the integrity of the taxation system and a threat to the working conditions of employees’? Is the government policy now what was promised before the election? Is it Senator Sherry’s anti-small business statement?

Senator CONROY—I appreciate that Senator Joyce was not able to finish all of his question in his 30 seconds. I am not going to speculate. I am not going to simply accept the assertions that Senator Joyce has made about what he claims Senator Sherry has said and what he claims is a contradiction. I will look into this matter and, if there is anything to the claimed contradiction that Senator Joyce is seeking to put to me, I will get some further information and come back to the chamber. On the remainder of his question, let me be very clear—Senator Joyce—we will not be supporting your maternity leave big tax. We have no intention of putting up the prices of bread and petrol, as you are supporting.

Senator Abetz—Mr President, on a point of order: once again, sessional orders require that the minister be directly relevant to the question. To assist the minister, the question was: is the government’s policy what was promised before the election?

Government senators interjecting—

The PRESIDENT—Order! I have to hear the point of order first.

Senator Abetz—Can I finish?

The PRESIDENT—Excuse me. I have to hear the point of order first. You will be heard in silence, Senator Abetz.

Senator Abetz—The question was: is the government’s policy that which was promised before the election or is it Senator Sherry’s anti-small business statement?
Government senators interjecting—

Senator Abetz—The Hansard will disclose that that is what was asked. Senator Conroy said that he did not take on face value that which Senator Joyce asserted Senator Sherry said. That is fine.

Senator CONROY—How do you know what—

The PRESIDENT—Order! Senator Conroy.

Senator Abetz—I happen to have actually listened to the question—unlike you, Senator Conroy.

Honourable senators interjecting—

The PRESIDENT—Order! If others wish to come into this point of order at the end they are entitled to, but there is to be no debating across the chamber.

Senator Abetz—Clearly, the minister was not being directly relevant and he should be sat down.

The PRESIDENT—There is no point of order. I draw your attention to the question, Senator Conroy. You have 15 seconds remaining to come to the question that was asked by Senator Joyce.

Senator CONROY—I do appreciate that last attempt at a point of order because, clearly, Senator Abetz was clairvoyant. He knew what Senator Joyce was going to say.

The PRESIDENT—Senator Conroy, come to the question and do not debate the issue.

Senator CONROY—Thank you. As I said at the beginning of my answer, I am not going to take on face value the report to the alleged contradiction—(Time expired)

Nation Building and Jobs Plan

Senator MILNE (2.28 pm)—My question is to the Minister Assisting the Prime Minister on Government Service Delivery, Senator Arbib. Since the federal government required the states and territories to suspend their planning laws to enable the stimulus package schools and social housing buildings to proceed quickly, what is the minister’s response to the many community complaints from all around Australia that developments that would not meet local and state environmental and social standards and laws are being rushed through? What action is he going to take to make sure these Commonwealth funded developments are compliant?

Senator ARBIB—Thank you, Senator Milne, for the question. For the economic stimulus to have had the desired effect on the economy, it was essential that it flowed quickly to support jobs. One of the key drivers of efficiencies in project implementation across the nation-building and economic stimulus plan has been the streamlining of—

Honourable senators interjecting—

The PRESIDENT—Order! The time to debate these issues is at the end of question time.

Senator ARBIB—the streamlining of planning processes put in place by the states and territories. This matter had been long discussed and raised during COAG meetings and also during the negotiations on the COAG partnership agreement that was signed on 5 February 2009. In the early days of that plan, the government sector set to work with states and territories to streamline planning processes, cut red tape and fast track the delivery of key projects. The conditions of Commonwealth funding required that projects funded under the stimulus plan be completed within very tight time frames to ensure immediate fiscal objectives are met.

The government is determined that the projects be rolled out quickly and support jobs in local communities. Already almost 50,000 projects have been approved, and more than 38,000 of these projects are un-
derway. The states and territories have developed processes in each jurisdiction through coordinators-general to streamline planning provisions. The extension of these specialised planning provisions beyond the Nation Building and Jobs Plan is a matter for each relevant state or territory government. At all times our Coordinator-General has worked with state coordinators and also state government departments to ensure that the stimulus package is rolled out in an orderly and proper fashion. The stimulus package is fulfilling its desired intent: 200,000 jobs in this country protected because of the stimulus plan including, according to the Master Builders Association, 50,000 jobs—(Time expired)

Senator MILNE—Mr President, I ask a supplementary question. Given that the Coordinator-General is seeing to it that these projects are rolled out in a proper fashion, how is it that in Evandale in Tasmania a social housing development has been approved when it does not meet the rules that the Commonwealth set, including those for energy efficiency and access to public transport and essential services?

Senator ARBIB—I do not have advice in relation to the matter raised in the good senator’s question. I am happy, Senator, to seek out that information and provide it to you as soon as possible.

Senator MILNE—I appreciate that. Mr President, I ask a further supplementary question. We would like to know why the Commonwealth is not implementing its own rules. Further, what safeguards have been put in place to prevent schools such as St Luke’s Grammar in Sydney withdrawing from existing planning processes under which they would very likely have been unsuccessful and then being waved through unchallenged through the stimulus package?

Senator ARBIB—As I said earlier, these matters of planning are dealt with by state government departments and state coordinators-general. Also, they are scrutinised by state parliaments. I inform the Senate that no program in the history of this country has had as much oversight and scrutiny as Building the Education Revolution. In fact, something like 300 boxes of documents have been provided to the New South Wales upper house. Every document on the Building the Education Revolution is on the public record for schools and the media to go through and look at what has been delivered. In relation to the social housing program, I want to talk about some of the fantastic outcomes for people who are on housing waiting lists.

(Indigenous Affairs)

Senator SCULLION (2.33 pm)—My question is to Senator Evans, the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs. A number of houses have been renovated in Ali Curung near Tennant Creek in the Northern Territory under the Strategic Indigenous Housing and Infrastructure program. How many houses have been renovated in Ali Curung to date? What was the total cost of these renovations? Who agreed that the little maintenance work that has been completed constituted a renovation and authorised payment?

Senator CHRIS EVANS—I thank the senator for his question. I am not sure whether I have the specific information that the senator requested, but I will try to answer his questions as best I can based on the brief I have. I am not sure that I have specific information on that particular community, but it is true that the Australian government is committed to delivering 750 new houses, 230 rebuilds and 2,500 refurbishments of houses in remote Northern Territory commu-
nities by 2013. Work is currently underway in 47 communities and the Alice Springs and Tennant Creek town camps. There are over 60 new houses under construction in a variety of communities, and those include two new houses in Wadeye. There are also 90 existing houses in poor condition being built or refurbished. Over 120 rebuilds and refurbishments have been completed and handed back to the Northern Territory government for allocation to families.

A recent assessment of the program by independent consultants found that the changes in recommendations of the 2009 review had been implemented and had put the program on track to achieve its targets of 750 new houses, 230 rebuilds and 2,500 refurbishments over the period to 2013. The assessment also found that the administration costs of the program are currently below eight per cent and that the end-of-year target of completing 1,000 rebuilds and refurbishments and 150 new houses is achievable.

That is the response that I can give on general matters affecting Indigenous communities in the Northern Territory. I do not think that I have a brief on the particular community that the senator referred to, but I am happy to take that part of the question on notice.

Senator SCULLION—Mr President, I ask a supplementary question. I thank the minister for the answer and for taking the particulars of that question on notice. Can the minister explain how houses can be handed back to tenants without glass in the windows and with no cupboards or shelves in the kitchens? Are these houses to be counted in the government’s report as completed renovations?

Senator CHRIS EVANS—Obviously, I am not able to confirm whether the claim implicit in the senator’s question is correct or not. I assume that he is making the allegation that those conditions apply. I did say that the government has had the program assessed by independent consultants, who have found that the program is on track. If the senator has identified particular issues of concern, he ought to make them known to the relevant departmental people or to the minister’s office directly. Clearly, we would want to investigate all of the complaints that he has made. We do, as I say, have a report that says that the program is on track, but any concerns that he has will be addressed. (Time expired)

Senator SCULLION—Mr President, I ask a further supplementary question. Minister, I am sad that you do not have the briefs in front of you. If you could provide the details on notice, I would appreciate it. Today it has been reported that one of the SIHIP alliance partners has been sacked, reportedly for not meeting construction targets. Was the purpose of scaling back the scope of the refurbishments simply designed to cut time and money from the SIHIP so the government can pretend that they have met their promises? Do the government place their own image and rhetoric above the needs and comfort of Aboriginal Australians?

Senator CHRIS EVANS—I am not sure what point Senator Scullion is trying to make, but it is the case that agreement has been reached between the Australian and Northern Territory governments and Earth Connect Alliance that Earth Connect Alliance will cease its operations under SIHIP. Territory Alliance will now take on the work that was being delivered by Earth Connect at Groote Eylandt and a number of other communities. The Australian government has appointed a transition manager to work with local residents, the program directors and alliance partners to ensure that the change is managed in a way that minimises disruption to work in these locations.
As part of the change process, Territory Alliance has already agreed to continue the employment of all locally engaged employees in those communities. The Australian and Northern Territory governments are determined that the SIHIP will deliver high-quality works in a timely and cost-effective way. (Time expired)

Economy

Senator POLLEY (2.38 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery and Minister for Employment Participation, Mark Arbib. Can the minister inform the Senate how the government’s economic stimulus has supported jobs and economic growth—

Honourable senators interjecting—

The PRESIDENT—Order! Please wait a moment until there is silence, Senator Polley. Continue.

Senator POLLEY—Can the minister inform the Senate on how the government’s economic stimulus has supported jobs and economic growth? What do market economists have to say about the impact of economic stimulus? What has been the trend of Australia’s unemployment rate since the stimulus has commenced? How has this stimulus helped support economic activity during the downturn? What examples is the minister aware of where local jobs have been supported as a result of the education stimulus?

Honourable senators interjecting—

The PRESIDENT—Order! Senator Conroy and Senator Abetz! If you want to debate the issues across the chamber, do so at the end of question time.

Senator ARBIB—He said that the Australian economy was in great trouble because of the global financial crisis in 2009, but:

A large part of the divergence between expectations and reality reflects the fact that aggressive policy action—fiscal and monetary—worked. And it worked quickly.

We have seen that reflected in the ABS labour force figures for February, which showed unemployment continued to track down to 5.3 per cent in February. Those opposite normally at this point would be thanking Peter Costello. I note today there are no mentions of Costello.

Economic stimulus has supported 200,000 jobs. The economy has added 180,000 jobs in the last year alone. Without the stimulus package, the economy would have contracted by 0.7 per cent last year. We would have been plunged into a fourth quarter re-
cession. As I said earlier, the master builders are saying that the stimulus package is supporting 50,000 jobs—(Time expired)

**Senator Brandis**—Was it the best way to spend the money, Mark? You think you spent a few billion too much, don’t you?

**The President**—Order! Senator Brandis, if you want to debate the issue the time is at the end of question time.

**Senator Polley**—Mr President, I ask a supplementary question. Is the minister aware of any comments from senators and members about the high quality of projects under the education stimulus? Has the government been approached with requests from members who voted against the stimulus now wanting to attend the opening of the projects that their party has denigrated in the media?

*Honourable senators interjecting—*

**The President**—When there is silence we will proceed! Senator Cormann! Senator Heffernan! Senator Cameron! I am waiting to call the minister. Minister.

**Senator Arbib**—Over on the other side the coalition senators talk about the Building the Education Revolution program and they criticise it. But out there in the community, Liberal Party MPs are supporting it. Today, Mr Laming, the member for Bowman, said at the doors, in relation to Building the Education Revolution:

Look I am very grateful for every one of the projects in my electorate. They are all of high quality and the community appreciates them.

There you have it: the real feeling of the Liberal Party on the education stimulus—‘high quality’, ‘the community appreciates them’ and ‘very grateful’. But it gets better.

*Honourable senators interjecting—*

**The President**—Order! Senator Arbib, resume your seat. I realise some people are excited that there are forthcoming elections this weekend, but shouting across the chamber does not assist the conduct of question time—on both sides.

**Senator Arbib**—Mr Laming has been so badly caught out. He said he did not have a single problem with the schools stimulus. In his own seat there are 48 primary schools and $86 million worth of projects—not a single problem. A journalist said, ‘So you are delighted?’ Mr Laming said, ‘Absolutely, yes, I’m happy.’ (Time expired)

**Senator Heffernan interjecting—*

**The President**—Senator Heffernan, there is a time at the end of question time if you wish to debate the issue, along with your colleagues who wish to debate it.

**Senator Polley**—Mr President, I ask a further supplementary question. Is the minister aware of any threats to jobs in the form of a ‘great big new tax’? What would be the effect of such a ‘great big new tax’ on employment and economic growth? Why is it important for those looking for work to have policies designed that do not cost jobs?

**Senator Arbib**—We know now that the greatest threat to jobs in this country is the coalition and, certainly, its off-the-back-of-the-envelope commitments. Senator Joyce let the cat out of the bag this week in terms of paid parental leave. In the *Herald Sun* he admitted, finally:

We have to acknowledge that this is a tax.

He is talking about Mr Abbott’s paid parental leave scheme. It is a tax. We know about it—a great big new tax that is going to impact on jobs and business and rise costs for consumers. He went on to say:

It would rise the cost of products. It would rise the cost for consumers.

That is the shadow finance spokesperson.

*Honourable senators interjecting—*
The PRESIDENT—We are not making much progress because people are continuously shouting across the chamber.

Senator ARBIB—It only took 34 days for him to break his promise that there would be no new taxes, but it is exactly the same as the $1 billion that was ripped out of the health system by Mr Abbott, and guess who was the finance minister at the time: Senator— (Time expired)

Building the Education Revolution Program

Senator MASON (2.47 pm)—My question is to the Minister representing the Minister for Education, Senator Carr. Is the government aware of Hastings School at Port Macquarie and the construction under the Building the Education Revolution of a covered outdoor learning area, which is a facility with no walls and is effectively a slab of concrete, a number of pillars and a roof, at a cost of almost $1 million? Can the government assure the Australian taxpayers that they are not being ripped off?

Senator CARR—The Hastings Public School is a matter that has received considerable public attention of late. I notice it is in the Australian again. Obviously, we have a model of behaviour here whereby the Liberal opposition feels it necessary to have News Limited do their research for them. It is a very risky proposition. In respect of Hastings Public School, I can confirm that approximately two weeks ago the New South Wales minister, after consultation, I might add, with Minister Arbib’s office, agreed to an independent audit of the cost of the covered outdoor learning area, or COLA. This was well in advance of the issue being raised in the media by the opposition. I am advised that the audit has been carried out and that a quantity surveyor has looked at the costs incurred in constructing this structure and whether they are reasonable in all the circumstances. This audit, and all such audits, is a detailed investigation that involves interviewing the school principal or whoever raised the concern. It includes a review of the tender documents as well as the estimated construction sum documents.

I am advised the audit will be finalised by the end of the week and that the New South Wales minister will advise the Deputy Prime Minister of the outcome of the audit early next week. This is a proper and responsible way to react to these allegations by receiving expert independent advice before acting. It is a pity the opposition did not follow that course of action instead of relying upon out-of-date information. (Time expired)

Senator Heffernan interjecting—

The PRESIDENT—Senator Heffernan, it is your colleague who wants to ask the supplementary question.

Senator MASON—Mr President, I ask a supplementary question. Is the government aware of a survey conducted by the New South Wales Public Schools Principals Forum which showed that 117 out of 200 schools surveyed believe the construction projects under the Building the Education Revolution do not provide value for money or have, through delays, seriously disrupted classes and student activities? How can the government maintain that this $16 billion fiasco is a good spend of taxpayers’ money if nearly 60 per cent of schools themselves disagree, or does the government know best?

Senator CARR—What we do have here is a clear difference of opinion between the government and the opposition. The opposition voted against—

Senator Faulkner interjecting—

Senator CARR—Senator Faulkner, you are quite right. The opposition voted against the biggest modernisation program in the history of the Commonwealth. What the op-
position would have, and in fact they would prefer this, is young Australians—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Carr, resume your seat.

Senator Bernardi interjecting—

The PRESIDENT—Senator Bernardi!

Senator Ronaldson interjecting—

The PRESIDENT—Senator Ronaldson! Minister, continue.

Senator CARR—It is quite clear that the opposition would prefer young Australians to study in conditions of monastic austerity, armed only with quills for pens, in a world ruled by mad monks. That is not a view that this government shares. We take the view that Australians are entitled to have the very best facilities that this country can provide. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! When there is order we will proceed. Senator Mason, you are entitled to be heard in silence.

Senator Ronaldson interjecting—

The PRESIDENT—Senator Ronaldson!

Senator Ronaldson interjecting—

The PRESIDENT—Senator Ronaldson, I am waiting to call Senator Mason.

Senator MASON—I am looking forward to some monastic austerity myself, Mr President. I ask a further supplementary question. Is the government aware of comments by one of the school principals responding to the New South Wales Public School Principals Forum survey who said: I cannot be more annoyed. The whole process has been completely bungled …

When will the government accept full responsibility for the waste and mismanagement of this $16 billion fiasco?

Senator CARR—What we have here is a very clear example where the Rudd Labor government has, within the space of a little over two years, doubled the amount of money that has been available for improving the learning conditions of Australian children across 10,000 schools right across this country. Principal after principal across this country has endorsed the opportunities that have now arisen as a result of this government’s programs. We have a situation whereby, as a result of this program, we have 10,000 schools better off as a result of the actions taken by this government, in sharp contrast with the neglect that we have seen by the previous government. In fact, it is said the view that has been taken is that this is wasteful. This is a view that the conservatives of this country hold. It is not the view that Australians hold. (Time expired)

Emissions Trading Scheme

Senator XENOPHON (2.55 pm)—My question is to the Minister for Climate Change, Energy Efficiency and Water, Senator Wong. Following the COAG agreement, a review began in November 2009 into the eligibility of new small-scale technologies and heat pumps as part of the renewable energy certificates scheme. When will this review be finalised and reported? What steps will the government undertake as a result of the recommendations?

Senator WONG—I thank Senator Xenophon for the question. I did anticipate some earlier questions from the opposition, but I was not so lucky today.

Honourable senators interjecting—

Senator WONG—It must be because Senator Birmingham is not in the chamber. I am asked about the renewable energy scheme. By way of background, and I assume the senator is aware of this, the government did introduce a significant increase in the renewable energy target which was
passed by the parliament last year. This stands in stark contrast to the record of the opposition when in government where, not only did they preside over a reduction in renewable energy over the period that they were in government—

Senator Minchin—We introduced the MRET.

Senator Wong—You actually presided over a—

Senator Minchin—We introduced the MRET. What are you talking about!

Senator Wong—Thank you, Senator Minchin; I will take that interjection. You actually presided over a reduction in that period in government and then, in relation to the introduction of the MRET, in fact you ignored the review that you yourselves commissioned, conducted by former Senator Tambling, who recommended increases in the RET. You did not take that advice and, as a result, when you left office it had actually declined. In relation to the eligibility of small-scale technologies and heat pumps, what the government indicated is that we would send, through the COAG process, some specific issues that were not addressed when the expansion of the renewable energy target was first discussed by COAG. So, in the discussion as to the design of the expanded renewable energy target, some specific issues that required further consultation with stakeholders and further analysis were referred for review and report to COAG by the end of 2009. The senator is correct: that did include the eligibility of heat pumps under the renewable energy target. (Time expired)

Senator Xenophon—Mr President, I ask a supplementary question. Can the minister provide a time frame in terms of that review? Also, as highlighted by Senator Bernardi on Tuesday, it is evident that heat pumps have swamped the market. Currently, a statutory declaration is required from the purchaser and from the installer stating that the installed unit is appropriate for the intended use. Who polices the statutory declaration process? How many, if any, spot checks have been conducted of these applications?

Senator Wong—in relation to the first part of that, I can indicate the Council of Australian Governments received a report on the specific renewable energy target issues in December and is expected to consider the outcomes of the review this year as part of the COAG process. In relation to the heat pumps issue, and I think Senator Xenophon has somewhat more facts at his disposal than Senator Bernardi did when asking the question, it is the case that, in September of 2009—

Senator Bernardi—You can’t answer a question without referring to me, can you, Minister!

Senator Wong—Very sensitive, Senator! I thought you were a big boy.

Honourable senators interjecting—

The President—Order on both sides! Time for these matters to be discussed is post question time. You may now continue, Senator Wong.

Senator Wong—Thank you, Mr President. As I said earlier this week, in September last year this government took action to close a loophole which existed in Prime Minister Howard’s legislation regarding oversizing of heat pumps. The regulations introduced by us do require statutory declarations for units with a capacity over 700 litres. The declarations must also cover the fact that the unit is appropriately sized for its intended use and that there—(Time expired)

Senator Xenophon—Mr President, I ask a further supplementary question. Could the minister indicate how many spot checks
have occurred as a result of statutory declarations? Finally, given heat pumps can be either solar or electricity based, on what justification are electric heat pumps eligible for renewable energy certificates?

Senator WONG—Senator, the advice I have is that the Office of the Renewable Energy Regulator undertakes a desktop analysis of all statutory declarations provided for the creation of renewable energy certificates from heat pumps and has undertaken site visits of a sample of heat pump installations in line with its compliance framework. I am also advised by the department that the installation of commercial heat pumps has been reduced significantly since this requirement was introduced. In relation to the second part of the question, I would make the point that heat pumps were and have been eligible within the eligibility framework of the renewable energy target since its inception. That was the case under the previous government. As part of our election commitment, the government, at that point, did maintain eligibility requirements. It should be noted that heat pumps use renewable energy from the ambient atmosphere, particularly from the sun, by concentrating that heat. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Taxation

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.01 pm)—I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Joyce today, relating to the report from Australia’s Future Tax System Review Panel.

It seems interesting that we have a government that are starting to accumulate a virtual library of unpresented reports. They are not going to release that KPMG-McKinsey report and now, most importantly, we have the Henry tax review. They stated that they would release this report early in the year. We now have the latest from Mr Swan, which is that it will be released by 11 May.

The DEPUTY PRESIDENT—Order! Would Senators please conduct their conversations outside the chamber. If you wish to remain, please sit.

Senator Hutchins—Mr President, I rise on a point of order. It is not infrequently that Senator Joyce gets an opportunity to speak and I would be appreciative if people could move outside the chamber.

The DEPUTY PRESIDENT—Senator Hutchins, that is out of order because I had already asked senators to leave the chamber, and you well know it.

Senator JOYCE—I am enamoured by the fact that the Labor Party like to hang around to listen to every word I say. That is good. They should listen. The point I want them to take note of—and it is very important—is this. When are we going to get the Henry tax review? If these people are supposed to be prudent fiscal conservatives, when will we get the opportunity to plan how the major revenue item of our nation is going to be ascertained? It is not just the opposition that has huge queries about the competence of this government and its incapacity to release the document. Where is this document? On which coffee table in Mr Swan’s office is this document now sitting?

Senator Boyce—Maybe they just can’t understand it!

Senator JOYCE—Or they can understand it but they are terrified by what it says. More to the point, why is there strategic leaking by the Labor Party of sections of this
report? How do you possibly manage to put the statement of a fiscal conservative hand in glove with the leaking of details of the major revenue-obtaining item of the government? Why don’t you just have the fortitude and the decisiveness to release this report? Now Mr Swan, in his latest contribution to ACCI, said they will definitely release it by 11 May. Surprisingly enough, that is budget day. They will have it released by the day of the budget. They said it was going to be released early in the year. Has May now become early in the year? As far as the Labor Party is concerned, the middle of the year has now become early in the year. This is the height of imprudence by the Labor Party. This is the height of irresponsibility by the Labor Party. Major questions are being put by our major exporters. Don Argus is on the record clearly stating that he has serious concerns. This concern is being fanned by the flames of the uncertainty that has been brought about by the Labor Party.

Our good friends in the fourth estate are starting to ask serious questions about why the Labor Party has been so coy about releasing a major document. What do people in the press gallery need to do? When do they get their chance to go through this document? The Australian public have a right to know what is in it. Are you going to go forward with the Henry tax review? Every day these questions have to be asked. Are you serious about this? Are you going to withdraw it? What is the purpose of the Henry tax review if no-one gets to see it? It has been about 85 days now. What on earth are you doing with it? Has this become a new form of origami? What is the purpose of this document? Does the paper come in soft crunching forms to be used around other sections of Mr Swan’s office? What are you up to? The nation is fascinated. Has the Henry tax review become an elaborate doormat? Is it now being used by Dr Henry to entice hairy nosed wombats from their burrow? Maybe it is ceiling insulation. We know we have paper for ceiling insulation. Who would know with this crowd, the Australian Labor Party? What exactly has happened to this premier financial document of the nation?

This is a crowd that is financially out of control. This is a crowd that is racking up debt on a trajectory never seen before. This is a crowd that has no control over finances. This is a crowd that is putting upward pressure on interest rates. This is a crowd that owes money to every man, woman and child everywhere else in the world. This is a crowd that is a huge financial risk to our nation. It is there for all to see. Their critique of management is no better exemplified than in the Home Insulation Program. The same management critique that brought a national disaster out of putting fluffy stuff in the ceiling is now being given to the Henry tax review.

Senator MARK BISHOP (Western Australia) (3.07 pm)—Senator Joyce ends his contribution by saying, ‘What is this crowd over there doing?’ What is this crowd doing? I will take the bait, and I will give Senator Joyce and the chamber some guidance as to what this government is doing in responsible fiscal administration of the Australian economy. This crowd is being balanced, this crowd is being responsible, this crowd is being responsive, this crowd is being considered and this crowd is being thoughtful. All of those adjectives describe our approach, as demonstrated in the past 2½ years, to the administration of the Australian economy: thoughtful, responsible, balanced, responsive and considered.

And in the context of the Henry tax review, it is not really greatly surprising to hear those opposite have not had any interest at all in engaging in the content or the substance of that debate. In terms of the independent tax review, we have taken, as I said,
a sensible, responsible approach to long-term tax reform and that is why the government, which has received the report from Dr Henry, is giving it active consideration in the responsible offices and, as has been indicated by the Treasurer, at the appropriate time prior to the budget in May the report will be released.

We have not engaged in any useless or senseless or inconsistent speculation as to what the review might contain; we have not been floating stories and suggestions in the media as to where it might be going. The report has been commissioned, its terms of reference were made public, it has been the subject of thorough analysis, and it is now the subject of response to the government of the day, and the Treasurer, as I indicated, is giving it active consideration. But, as I have said, all along we have provided a well-considered explanation as to where we are going, as to the importance of tax reform in this country, which I might suggest has been the hallmark of all governments since the Hawke government took power in 1983.

The Hawke government instituted tax reform at a range of levels in this country, and I must say that when the Howard government came into power in 1996, for good or for bad, it introduced the GST, which was a form of tax reform. So all we are doing is continuing the long-term path that has been established in this country by successive governments: identify a problem, appoint an expert or a panel of experts to investigate the issue, consider community input and views, receive the report, and then, instead of releasing the report the day after it is received in the responsible office, give it some thoughtful consideration and consider how it might be integrated with the other issues that face the government of the day.

That is a considered, thoughtful, responsible, responsible approach to the Henry tax inquiry. It is a thoughtful, considered, balanced, responsive plan for going ahead in due course when Mr Swan chooses to release the report for publication some time prior to the budget. When one thinks about it that will be some time over the next 10 weeks. This review has been two years in the making, but it is part of 25 years of ongoing reforms. There has been 25 years of substantial reform by, first, the Hawke and Keating governments and then by the Howard government. Further work has been commissioned. It has been received and it will be released, along with, I suggest, a very useful action plan for the implementation of those matters that are considered worthwhile and appropriate.

In terms of the other matters that were raised by Senator Joyce, he cloaks his argument by presenting questions on the Henry tax review relating to the mishmash of a maternity leave policy that his leader presented early last week. That was simply a plan for uncertainty in the future. It is a reckless idea, thought up the night before, put on paper as a few words in a public forum and released as such. There was no consideration as to its real costings, no consideration as to its impact on the corporate sector in this country, no consideration as to its flow-on effects on those smaller elements in the business community, no consideration given at all as to whether it can be a one-off payment—(Time expired)

Senator CORMANN (Western Australia)
(3.12 pm)—The Rudd Labor government is a secretive government; it is not an open and transparent government. The Rudd Labor government is a tricky government which selectively leaks, according to its political self-interest, parts of reports whenever it suits it. This is a government that is no longer governing in the national interest; it is a government that is focused on its political self-interest. And we are now being told that
the Henry review report is going to be released before the budget. The government has had it for 85 days, and we are now being told it is going to be released before the budget. But was that a spontaneous decision? Was that as a result of the Prime Minister’s instinct for openness and transparency? No, it was not. The Prime Minister had to be shamed into it. The Prime Minister had to be shamed into a concession when even his senior cabinet colleagues could see that he was going down the wrong path. They tapped him on the shoulder and they said, ‘Kevin, we should really release this before the budget.’ Finally there was a degree of concession.

But who knows in what form it is going to be put out there, because we now have a plethora of reviews across government that are being kept secret, whether it is the National Broadband Network implementation study, which is being kept secret, whether it is the underlying information on the economic modelling of the government’s flawed emissions trading scheme—its $120 billion great big new tax on everything—or whether it is reports into when the government was first told about serious safety risks for workers involved in the home insulation fiasco. They are just some of the reports that the government is keeping secret, and of course before the election we were told that this was going to be a new era of openness and transparency.

The Rudd Labor government, like Labor governments before it, is a high-taxing, high-spending, high-borrowing government. This government did not wait for the economic downturn to start ratcheting up taxing and spending. In its first budget, well before the global economic downturn, the Rudd Labor government increased taxes by $20 billion. That included the $3.1 billion tax grab on alcopops, the $2½ billion tax grab on the North West Shelf project in Western Australia. It also included student taxes. You really have to wonder: what does this government have against young people?

Here we are, 85 days from when the government received the Henry tax review report, and we still have not seen it. What do they have to hide? What is their secret tax plan? Are they planning to remove the capital gains tax discount? Are they planning to increase capital gains tax? Are they planning to increase the GST? We know that the Prime Minister wants to steal 30 per cent of the GST from the states, but do they want to increase the rate? Do they want to increase the Medicare levy? Do they want to introduce death taxes? Do they want to introduce a resource rent tax, which is going to be another attack on states like Western Australia? Do they want to get rid of negative gearing? Who knows, because this secretive and tricky government are keeping it secret. This is a government of all spin, no substance. They are focused on a pre-election political strategy to time the release of this report to minimise any fall out for themselves in terms of their re-election chances. All talk, no action; all spin, no substance.

Contrast this with us. Tony Abbott and the coalition put forward a proposal for a national paid parental leave scheme which is fully funded. We were very transparent about how we would raise the funds to pay for it. We are out there, open in the public domain. Contrast that with Labor’s secret plan. If Labor, in the lead-up to the next election, were to come out and rule out taxes, I would say to the Australian people: you cannot trust a word they are saying. Just look at what they said before the last election. Before the last election Kevin Rudd and Nicola Roxon gave the most emphatic promise that they would retain the existing private health insurance rebates. What happened after the next election? We know what happened after the election: they have now tried twice to ram legis-
lation through this Senate which would reduce or scrap altogether private health insurance rebates for millions of Australian, a measure which would be bad for our health system and bad for 11 million privately insured Australians. We know that this government has a track record of saying one thing before an election and doing another after the election. Clearly, Australians cannot believe one single word that this government says about taxes. *(Time expired)*

**Senator CAMERON** (New South Wales) *(3.17 pm)*—I find it absolutely amazing that Senator Joyce, in his belated return to the floor of the Senate, after being told by the party leader that he needs to pull his head in, is raising the issue of tax and the Henry tax review. For Senator Joyce to talk about issues such as irresponsibility and uncertainty is the height of hypocrisy. The irresponsibility of Senator Joyce in terms of his lack of understanding, lack of grip, lack of knowledge about the portfolio that was given to him by an opposition leader who was desperate to paper over the cracks and the problems in the coalition—as part of that papering over he gave Senator Joyce and the National Party the hold of the levers of what could be the economy of this country—is absolutely mind boggling.

This government has a good record on tax. We are proud of our record on tax. I will tell you what we want to do: we want to make sure that the people who can pay the tax pay tax and those who need the help can get help. That is the way this government operates. For Senator Cormann to start mentioning Western Australia, after the National Party in the west have said that Senator Cormann has failed Western Australia, that Senator Cormann is not delivering for Western Australia, again shows he has a bit of a hide. He is trying to take the heat off the divisions and the cracks between the coalition and the Nationals in Western Australia. To come here and try to attack us on tax is a bit rich. If you are not doing the job for Western Australia, let someone come in that is going to do the job for Western Australia. The Nationals know that you are not doing the job for Western Australia. Your own side know that you are not doing the job!

They talk about secrecy. This is a former government, under Howard, who their own side described as mean, tricky and nasty. Your own national president described you as mean, tricky and nasty! So don’t come in here trying to tell us about what we should be doing, because on tax we are not mean, we are not tricky and we are not nasty the way the coalition were mean, tricky and nasty in their political position when they were in government. We will be delivering a doubling of the low-income tax offset from $750 in 2007-08 to $1,500 by 1 July 2010. We are delivering on tax. We are not like the coalition, who want to sit back and do negative carping—just say no to everything that comes up here. For the coalition to talk about the national interest is an absolute joke. You have not put the national interest upfront with any issue. It has been short-termism, trying to score political points and ignoring the interests of this nation.

You are an absolute rabble and a joke as an opposition—an absolute joke. You do not have the courage of your own convictions. What are you doing with this great big new tax that you want to introduce on big business in this country? You are actually trash-ing the values and the commitments that you have argued for years is the way forward—the low-tax coalition! What does Mr Abbott do as soon as he becomes leader? He starts a big new tax on the top end of town—a big new tax on big business. It is clear that not even Andrew Bolt can find a good word for your taxation approach. Not even Peter Costello can find a good word for your big new tax—not one word of support for what
you are doing. Everyone knows it was just a thought bubble. Everyone knows it was a knee-jerk reaction. It is quite clear that you have no idea what to do in the national interest, and your own side has you picked. (Time expired)

Senator FIFIELD (Victoria) (3.22 pm)—I have a confession to make. I hesitate to do so, because I fear I might earn the ire of Senator Adams and Senator Cormann, but I am actually quite a fan of Senator Conroy. I know the Prime Minister is not, so I am very proud to stand with Senator Conroy today. I think he more closely approximates an economic rationalist than most of his Labor colleagues, putting a box around the NBN. What’s $42 billion between friends? He is very solid on the US alliance and he is a bit of a fan of free trade. I think many of my colleagues on this side were very sad when Senator Conroy lost his position in this chamber representing the Treasurer, so I was delighted today to see Senator Conroy reprise that role in the absence of Senator Sherry.

It is because I am such a fan of Senator Conroy that I felt disappointed by him today—or let down would probably be a better way of putting it. That is why I feel compelled to join in the debate today to take note of his lack of answers to Senator Joyce’s questions on the Henry tax review. I think we all remember when the Henry tax review was announced on 13 May 2008—almost two years ago—the excitement about and anticipation of the review. The review was announced in the context that there had not been—and I quote from the press release of the Treasurer, Mr Swan—’a comprehensive review of the Australian taxation system, including state taxes, for at least the last 50 years’. That is true if you ignore the new tax system of the coalition. It is also true if you ignore that great economic summit down at Old Parliament House, out of which came the famous option C: the Keating consumption tax model. If you ignore those two significant events, Mr Swan’s statement is true.

We were extremely excited when we heard about the tax review. At that time we were told that the final report to the Treasurer would be by the end of 2009. The government were true to their word: on the death knock of 2009—I think it was Christmas Eve—the report was handed to the Treasurer. We have waited and waited and waited for the government’s response, but waiting is sometimes a good thing because it gives you a chance to reflect. While I have been waiting I have been reflecting on another project that Dr Henry was deeply and intimately involved with, and that of course was the new tax system—the GST. I recall the response of the member for Griffith, Kevin Rudd, at that time when he said:

When the history of this parliament, this nation and this century is written, 30 June 1999 will be recorded as a day of fundamental injustice—an injustice which is real, an injustice which is not simply conjured up by the fleeting rhetoric of politicians. It will be recorded as the day when the social compact that governed this nation for the last 100 years was torn up.

He went on:

It will be recorded as the day when the parliament of this country said to the poor of the country that they could all go and take a running jump. The member for Griffith would have been extremely disappointed when the then leader of his party, Mr Beazley, announced the end of the rollback policy. Labor were going to abandon the rollback policy of repealing the GST. I was incredibly surprised that the Henry review specifically said that it would look all Australian government taxes except the GST, because I would have thought that, remembering Fundamental Injustice Day, the member for Griffith would have thought, ‘The first thing I want to do with a new tax system is abolish the GST,’ which he did not
do. I am glad he did not, because I think the GST was an important reform. Clearly this government does not have the strength of its own convictions.

The Treasurer, on the *Insiders* program a few weeks ago, finally declared that we would have the benefit of the Henry review by the budget. He did not say ‘before the budget’; he said ‘by the budget’. The reason was that this is a review that this government wants to bury. Senator Bishop did acknowledge the work of the Howard government and the previous Keating government in tax. This government has yet to do anything on tax. It will not do anything on tax. It wants to bury this review. This is not a reformist government.

Question agreed to.

**Nation Building and Jobs Plan**

Senator MILNE (Tasmania) (3.27 pm)—

I move:

That the Senate take note of the answer given by the Minister Assisting the Prime Minister for Government Service Delivery (Senator Arbib) to a question without notice asked by Senator Milne today relating to the stimulus package.

I rise to note an answer given by Senator Arbib, the Minister Assisting the Prime Minister for Government Service Delivery. In particular, I want to talk about the rollout of the stimulus package. In so doing, I note that the Greens supported the stimulus package to enable the money to be spent around the country on school buildings and on social housing. I am particularly pleased that there has been a big injection of funding into social housing. That being said, in the negotiation of the stimulus package, the Treasurer, Mr Swan, signed off on a series of agreements with the Greens and one of those related to energy efficiency, and I want to read it to the Senate. It has the signature of Wayne Swan, the Treasurer, on it, and it is dated 12 February 2009. One of the paragraphs reads:

The government commits to ensuring that social housing built under the second stage of the package includes appropriate draft proofing, solar hot water heater or equivalent, energy-efficient glazing and a water tank.

Now I want to move to the affordable housing proposal for 23 Arthur Street, Evandale in Northern Tasmania. I asked the minister how it is that that proposal can be approved when it does not meet the rules that the Commonwealth set regarding energy efficiency as agreed with the Greens as a condition of passing the stimulus package. It has no access to public transport and essential services. I can tell you that Evandale in Tasmania does not have a public transport system serving it. There are very few shopping facilities, except for a convenience store and a post office. The medical centre has one doctor, and he is not accepting any new patients. There is a real crisis in terms of GPs in Northern Tasmania.

What we have here is the prospect of locating this affordable housing where it requires total reliance on the use of a private car, with the closest shopping centre with supermarkets a 34 kilometre round trip. To access government services or hospital facilities, you have to go further still. That means you are putting people into a situation where they do not have access to services and you are locking them into further poverty in that they have to use private cars all the time.

This was discussed as part of the package. In terms of the actual housing, why is it that the government signed on to an agreement with the Greens saying that all these houses will have these particular energy efficiency features but now we find that that is not what is being proposed? The people of the town have the right to ask: how is it that the government said that these things will be part of the layout, environmental planning, design et cetera but that simply has not happened? All we have from the minister is a rave about
how much money has been spent on schools and affordable housing.

Australians have a right to be very concerned after the complete mismanagement of the insulation scheme and the Green Loans scheme. Since the Commonwealth required the states to abandon their planning laws at both a state and level, these buildings are being built outside the planning system. We have an example in Shoalhaven. Units which would never have been given the green light had they been proposed by private developers are being built there. Two-storey blocks are rising in areas otherwise allowing only single-storey housing. The units are away from shops and there is little space for parking. There is worry about the whole thing. You have here a situation in which you are cramming lots of units onto a block in a way that never would have been permitted under the local government scheme.

You also have a situation in which schools—for example, St Luke’s Grammar in Dee Why—have withdrawn their development applications from the council and had the work approved under the government’s fast-track school buildings scheme. They were not going to be able to get what they wanted to do approved, withdrew it, put it through the stimulus package funding and it went straight through because nobody had an opportunity to comment or object to the planning scheme. The St Luke’s principal has said—and I realise that this was quoted in the press; it may not be true—that she knew that the work would be unpleasant for neighbours but when it was finished it would be fantastic. I am worried that in a few years time we will have substandard buildings as a result of this package. (Time expired)

Question agreed to.

COMMITTEES
National Capital and External Territories Committee
Meeting

Senator McEWEN (South Australia) (3.34 pm)—On behalf of the Joint Standing Committee on the National Capital and External Territories, I seek leave to move a motion to enable the committee to meet during the sitting of the Senate today.

Leave granted.

Senator McEWEN—I move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 4.15 pm.

Question agreed to.

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

Returned from the House of Representatives

Message received from the House of Representatives informing the Senate that the House has made the amendments requested by the Senate to the bill.

INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR BILL 2010

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

MINISTERIAL STATEMENTS

Sri Lanka

Conduct of the 2007 Federal Election

Senator Faulkner (New South Wales—Minister for Defence) (3.34 pm)—I table ministerial statements on Sri Lanka and on the conduct of the 2007 federal election,
together with the government’s response to the report of the Joint Standing Committee on Electoral Matters on the same matter.

**Afghanistan**

Senator FAULKNER (New South Wales—Minister for Defence) (3.35 pm)—by leave—Today I present my third ministerial statement on Afghanistan. I remain committed to keeping the Australian people fully informed about progress in the campaign and our military contribution.

Since my last statement, President Obama announced the United States’ revised strategy for Afghanistan. Australia fully supports that revised strategy.

2010 will be a pivotal year in the campaign. In recent weeks there has been much reporting of Operation Moshtarak in central Helmand province. Operation Moshtarak is the practical implementation of General McChrystal’s new strategy, which places paramount importance on protecting the population, reversing the Taliban’s momentum and creating the space to develop Afghan security and governance capacity.

Australia’s Mentoring and Reconstruction Task Force has made great progress in its work with the Afghan National Army 4th Brigade. In a recent joint operation with our Afghan partners, we established a permanent security presence in the Mirabad Valley, east of Tarin Kowt. During the operation 50 caches of weapons were seized, which included rocket propelled grenades and mortars, improvised explosive device components and thousands of rounds of ammunition.

Our gains were also most recently demonstrated with the capture of Mullah Janan Andewahl, a key facilitator of improvised explosive devices, who is considered to have been behind a number of executions and organised attacks against the local population.

The taskforce continues to have a strong reconstruction capability that will maintain the high tempo of engineering work, through projects such as the construction of girls’ high schools and the re-development of the Oruzgan Ministry of Energy and Water compound. It is efforts such as these that help to win the support of the Afghan people, build trust in the Afghan government, and make the insurgency less relevant.

I would also like to respond to some recent suggestions in the media that the Australian forces training the Afghan National Army in Oruzgan are prevented from guiding Afghan soldiers through real-life combat situations. This is patently false and misrepresents the role our troops are playing. It also shows a lack of understanding of the mentoring and partnering process. Partnering involves the embedding of a small group of ADF personnel within a larger Afghan National Army battalion. They plan, execute and review operations with their Afghan counterparts. Together they regularly face the lethal threat of rockets, small arms and improvised explosive devices.

The primary focus of our military mission in Afghanistan is to train the 4th Brigade in Oruzgan to the level where it is able to take responsibility for the security of the province. Most of the fighting our soldiers see is in Oruzgan, where our primary base is located. Although concentrated on Oruzgan, elements of Australia’s forces also participate in operations outside the province. In Operation Moshtarak, for example, ADF personnel conducted operations in Kandahar province to disrupt insurgent routes in Helmand. Australia has other force elements deployed in support of broader ISAF efforts, such as our artillery group in Helmand and our Chinooks.

The focus of the coalition is turning to the insurgency in Kandahar province. I expect
Australian forces will again be involved in supporting General McChrystal’s strategy. Australia will play its part, which could again see ADF elements and their ANA partners supporting the fight.

Australia is making a very significant contribution to the coalition effort in Afghanistan. The government believes that the current level of our contribution is appropriate. On current operational planning, Australia will maintain an average personnel level of around 1,550 throughout 2010. I say ‘average’ because shifting operational requirements mean troop numbers in-theatre inevitably fluctuate.

I am also pleased to announce that Australia will fulfil a request by ISAF to provide 10 personnel from within our embedded staff in Afghanistan to develop a training concept for Afghanistan’s Combat Arms Artillery School. This school will provide artillery training for the whole of the Afghan National Army and contribute to a broader NATO effort to enhance training across the spectrum of Afghan National Army requirements.

Wounded in action

In my last statement, I undertook to regularly and openly report about the status of ADF personnel wounded in action in Afghanistan. Today, I provide the most up-to-date information available. It is a harsh reality that the men and women of the ADF work in a dangerous environment. This danger was again made clear only a couple of days ago, when five Australian soldiers were wounded when their vehicle was struck by an improvised explosive device. I am advised that all five soldiers are now stable, although two remain in a serious condition. Some of them will be returning to Australia shortly for further specialist care. Our thoughts are with these soldiers and their families.

Since the beginning of 2010, 13 Australian soldiers have suffered wounds as a result of battle. Three have returned to Australia for specialist care and, as I have said, others may return due to the recent incident of 16 March. Let me take this opportunity on behalf of the government, and I know all senators, to wish those wounded personnel all the best for a full and speedy recovery. As Minister for Defence I have now met and talked to a number of wounded soldiers and discussed their treatment and rehabilitation with them and their families. Defence is committed to ensuring that our troops that are wounded receive excellent care and their families are supported, but there is always room for improvement in this area.

Defence is also working hard to progress and implement the outcomes of our force protection review. Some measures are under way, including replacing some body armour, improving counter measures against improvised explosive devices (IEDs), and improving IED detection equipment. Consideration of the remaining recommendations is well under way, including enhanced medical support, the upgrading and hardening of living and working accommodation in Tarin Kowt, as well as other capability enhancements. This work will continue to be progressed as a priority.

Leadership in Oruzgan province

During this decisive period in Afghanistan, Australia faces a particular challenge with the anticipated departure from Oruzgan of our senior partner, the Netherlands. Unless a new Dutch government decides otherwise, we understand the Dutch will proceed to implement parliament’s decision to relinquish leadership in Oruzgan province from August 2010.

If, as expected, the Netherlands relinquishes leadership in Oruzgan province later this year, they will leave a legacy of success. The Dutch have developed strong relationships with the local community, with the pro-
provincial administration and with non-
government organisations. The number of non-government organisations in Oruzgan has risen from six to over 50 since 2006. The number of basic health clinics has increased from one to six. The number of operating schools has more than doubled since 2006.

NATO is working to identify a new senior partner in Oruzgan, and I will not pre-empt the outcome of that work. But the challenge this poses to our deployed forces and the Dutch replacement is not insignificant. There will be operational impacts as forces flow in and out of the province; as force enablers, such as the hospital, are replaced; as responsibility for base maintenance is transferred. Along with Australia, replacement forces will also need to harness Dutch knowledge about the province. The transition process will be, on any view, an added challenge.

Mr Deputy President, there are a number of other challenges for the international coalition, including the issues of civilian casualties, detainee management, and Afghan government-led reintegration and reconciliation efforts. These are very important issues and I address them in detail in the full ministerial statement which I intend to incorporate at the conclusion of my remarks. I commend those elements of my statement to the Senate.

I also acknowledged the progress NATO has made in taking a more inclusive approach in consultations on Afghanistan. To further strengthen our relationship with NATO and to help ensure we are included in all relevant NATO and ISAF decision-making processes, I have agreed to post a senior ADF officer, Major General Dawson, as the Australian military representative to NATO. And, at the request of NATO, on my direction the ADF has also placed a second senior ADF officer, Major General Power, as the senior military adviser to the Afghan Minister for Defence, General Wardak.

The early gains of Operation Moshtarak highlight the value of ISAF’s revised strategy. As Admiral Mullen said in New York only a few days ago, ‘The objective is not the enemy’s defeat but the people’s success.’

Enormous difficulties will continue to test our resolve. As Australia responds to these challenges, I remain committed to keeping the Australian public and the Australian parliament fully informed. I look forward to delivering a further report on Afghanistan in the next sitting of parliament. I commend my full ministerial statement to the Senate and I seek the leave of the Senate to have the full ministerial statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Statement by the Minister for Defence
Senator the Hon John Faulkner
Ministerial Statement on Afghanistan
18 March 2010

Mr President, today I present my third Ministerial Statement on Afghanistan. As with the previous two statements, my intent is to be frank and comprehensive. I remain committed to keeping the Australian people fully informed about progress in the campaign and our military contribution.

The Government is immensely proud of the continuing efforts of the men and women of the Australian Defence Organisation serving in Afghanistan and their colleagues from other Australian Government agencies. Australia is committed to achieving our mission in Afghanistan: to fight insurgency and deny sanctuary to international terrorist groups such as al-Qaeda, who still threaten and attack innocent civilians the world over; to assist in stabilising Afghanistan; and to stand firmly by our alliance commitment to the United States.

Recent Developments
Revised ISAF Strategy

Mr President, since my last statement, the US Administration and NATO have acted decisively against the insurgency. In December, President
Obama announced the United States’ revised strategy for Afghanistan. The US is already deploying the additional 30,000 US military personnel promised for the International Security Assistance Force (ISAF). NATO advises other coalition nations are contributing 9,000 extra troops to the campaign. Australia fully supports the revised strategy for Afghanistan. The planned enhanced civilian component of Australia’s effort in Afghanistan is being designed to ensure our efforts are fully aligned with the broader coalition strategy.

2010 will be a pivotal year in the campaign - for Afghanistan, and for Australia. In recent weeks there has been much reporting of Operation MOSHTARAK, in which Afghan National Security Forces and ISAF forces have pushed into the strategically important area of central Helmand province. Operation MOSHTARAK is the practical implementation of General McChrystal’s new strategy which places paramount importance on protecting the population, reversing the Taliban’s momentum, and creating the space to develop Afghan security and governance capacity.

As General McChrystal, Commander of ISAF forces said, “The government of Afghanistan is in the position now of having the opportunity...to prove they can establish legitimate governance.” The strategy is that once Afghan and ISAF troops gain control of the region, the Afghan Government will move in quickly to establish civil authority and government support. Shuras (community meetings) are held to ensure local needs and concerns are understood and accommodated. ISAF is working with the Afghan Government to establish the conditions in which basic services can be provided to the Afghan people. This is where progress needs to be made – with the people of Afghanistan experiencing the benefits of security, better governance, justice and economic opportunities. It is critical this opportunity be seized.

Operational Update

Mr President, I would like to take this opportunity to update the Senate on Australian operations in Afghanistan. ADF operations in Oruzgan continue to improve the situation in the province. The Mentoring and Reconstruction Task Force has made great progress in its work with the Afghan National Army 4th Brigade. In a recent joint operation, Afghan troops and their Australian mentors established a permanent security presence in the Mirabad Valley, east of Tarin Kowt. During the operation they seized weapons from over fifty caches, which included rocket propelled grenades and mortars, Improvised Explosive Device components, and thousands of rounds of ammunition. The improvement to security in Mirabad has boosted the capacity of the ANA 4th Brigade to protect the population from the insurgency and paved the way for development in that region.

Our gains were most recently demonstrated with the capture of a key Taliban insurgent commander in a joint Afghan National Security Forces (ANSF) and Australian Special Operations Task Group (SOTG) operation. Mullah Janan Andewahl, a key facilitator of Improvised Explosive Devices used against the local population and international forces, is considered to have been behind a number of executions and organised attacks against the local population in the Mirabad district.

The Task Force continues to have a strong reconstruction capability that will maintain the high tempo of engineering work, through projects such as the construction of girls’ high schools and the re-development of the Oruzgan Ministry of Energy and Water compound. It is efforts such as these that help to win the support of the Afghan people, build trust in the Afghan Government, and make the insurgency less relevant.

The Task Force also has the additional task of supporting and protecting Australia’s civilian presence in Afghanistan. The ADF ensures that Australian officials are afforded the highest level of protection, and the support necessary to carry out their tasks.

Mr President, I would also like to respond to some recent suggestions in the media that the Australian forces training the Afghan National Army in Oruzgan are prevented from guiding Afghan soldiers through real-life combat situations. This is patently false and misrepresents the role our troops are playing. It also shows a lack of understanding of the mentoring and partnering process. Partnering involves the embedding of a small group of ADF personnel within a larger Afghan National Army Battalion, or Kandak. As
part of their mentoring duties the Australians plan operations with their Afghan counterparts. They execute those operations with their Afghan counterparts. And then they review those operations with their Afghan counterparts. Together they regularly face the lethal threat of rockets, small arms and improvised explosive devices.

Australian troops put their lives on the line every day in an extremely dangerous and hostile environment. To date, eleven have lost their lives and over a hundred have been wounded. The Australian forces partnered with the Afghan National Security Forces in Oruzgan province live, work and fight side-by-side with their Afghan counterparts.

The primary focus of our military mission in Afghanistan is to train the 4th Brigade in Oruzgan to the level where it is able to take responsibility for the security of the province. Most of the fighting our soldiers are involved in is in Oruzgan, where our primary base is located. Although concentrated on Oruzgan, elements of Australia’s forces also participate in operations outside the province in response to operational requirements. In Operation MOSHTARAK, for example, Australian Defence Force personnel conducted operations in Kandahar Province to disrupt insurgent routes in Helmand, which will have a direct impact on security in Oruzgan. Australia has other force elements deployed in support of broader ISAF efforts, such as our artillery group based with our British allies in Helmand, and our Chinooks that conduct activities in a range of provinces.

The focus of the coalition is turning to the insurgency in Kandahar province. I expect Australian forces will again be involved in supporting General McChrystal’s strategy. Australia will play its part, which could again see ADF elements and their ANA partners supporting the fight in areas nearby which have a direct bearing on the security and stability of Oruzgan province and the Australian forces deployed there.

Mr President, as this description of our operations attests, Australia is making a very significant contribution to the Coalition effort in Afghanistan. We are the largest non-NATO contributor to ISAF and the tenth largest overall. Through my frequent dealings with our ISAF and other coalition partners I know that Australia’s contribution and the efforts of our troops are widely recognised and greatly appreciated. The Government believes that the current level of our contribution to Afghanistan and ISAF is appropriate. On current operational planning, Australia will maintain an average personnel level of around 1,550 throughout 2010. I say ‘average’ because shifting operational requirements mean troop numbers in theatre inevitably fluctuate.

Our operations in Afghanistan are dynamic. Varying seasonal conditions demand flexible responses. For example, each year between March and November, with 2010 no exception, Australia contributes a Rotary Wing Group, consisting of two helicopters, operators and maintenance personnel, to provide air-lift support to coalition operations in southern Afghanistan. This contribution is essential, yet its requirement is seasonal. I am also pleased to announce that Australia is able to fulfil a request by ISAF to provide ten personnel from within our embedded staff in Afghanistan to develop a training concept for Afghanistan’s Combat Arms Artillery School. This school will provide artillery training for the whole of the Afghan National Army, and Australia will play an integral role in its establishment. The Australian team will work to develop a training needs analysis and operating concept for the Artillery School located in Kandahar. This will contribute to a broader NATO effort to enhance training across the spectrum of Afghan National Army training requirements.

Wounded in Action

Mr President, in my last statement, I undertook to regularly and openly report to the Australian people about the status of ADF personnel Wounded in Action in Afghanistan. Today, I provide the most up-to-date information available. It is a harsh reality that the men and women of the ADF work in a dangerous environment. The threats to our deployed personnel are serious.

This danger was again made clear only a couple of days ago, when five Australian soldiers were wounded when their vehicle was struck by an Improvised Explosive Device. I am advised that all five soldiers are now stable, although two remain in a serious condition. Some of them will be returning to Australia shortly for further specialist
care. Our thoughts are with these soldiers and their families. We wish them a speedy recovery.

All up, since Operation SLIPPER commenced, 113 ADF personnel have been Wounded in Action. Since the beginning of 2010, 13 Australian soldiers have suffered wounds as a result of battle. Three have returned to Australia for specialist care, and as I have said, others may return due to the recent incident of 16 March. Of those wounded in 2010, twelve soldiers were involved in improvised explosive device attacks and one soldier was wounded during contact with the Taliban. The specific injuries include five soldiers who suffered fractures, two soldiers who suffered hearing loss and one soldier who suffered a penetrating wound. One soldier suffered from a laceration and one received wounds from other causes. Three of the soldiers suffered mild traumatic brain injury.

In 2009, in addition to those four who were tragically Killed in Action in Afghanistan, 37 Australian soldiers have suffered wounds as a result of battle. Thirty soldiers were involved in improvised explosive device attacks either during dismounted patrols or in vehicles – underlining the constant danger these devices present to our personnel. Five soldiers suffered gun-shot wounds. Ten soldiers suffered concussion and other non-penetrating mild brain injuries while six soldiers suffered fractures. Seventeen soldiers have returned to Australia for medical care and rehabilitation.

Let me take this opportunity on behalf of the Government, and I know all Senators, to wish those wounded personnel all the best for a full and speedy recovery. As Defence Minister I have now met and talked to a number of wounded soldiers and discussed their treatment and rehabilitation with them and their families. Defence is committed to ensuring that our troops that are wounded receive excellent care, and their families are supported, but there is always room for improvement in this area.

Of course, one of the biggest challenges for any Minister for Defence is to ensure the men and women of the ADF are protected when deployed on an operation. As reported in my previous statement to Parliament, Defence is working hard to progress and implement the outcomes of our Force Protection Review. Some measures have been implemented already, including replacing some body armour, improving counter measures against improvised explosive devices (IEDs), and improving IED detection equipment. Consideration of the remaining recommendations is well underway, including enhanced medical support, the upgrading and hardening of living and working accommodation in Tarin Kowt, as well as other capability enhancements. This work will continue to be progressed as a priority.

Since my last statement, there have been no Australian fatalities in Afghanistan. This is heartening and gives great credit to the professionalism of our people, as well as their equipment, training, and discipline that mitigates the risks they face. We must not, however, become complacent. It would serve us well to remember those 11 soldiers Killed in Action in the service of their country since we deployed to Afghanistan, and the families, friends and colleagues of these 11 brave men.

In 2009, the international coalition suffered 508 fatalities in Afghanistan. And the Afghan National Security Forces face the day-to-day reality of losses. Today, I pay tribute to those men and women who have fought alongside Australians, and who commit themselves to the service of their own countries and the Afghan people. Their efforts will not be forgotten.

Leadership in Oruzgan Province

During this decisive period in Afghanistan, Australia faces a particular challenge with the anticipated departure from Oruzgan of our senior partner, the Netherlands. As you would be aware the coalition government in the Netherlands has dissolved following disagreement between the coalition parties about their future military commitments in Afghanistan. It will be several months before a new Government is in place. Unless a new Dutch Government decides otherwise, we understand the Dutch will proceed to implement Parliament’s decision to relinquish leadership in Oruzgan province and draw down its military forces from August 2010.

Whether the Dutch continue to make any contribution in Afghanistan is a matter for the Dutch to determine once a new Government is formed. Australia would, of course, welcome a continued
Dutch commitment in Oruzgan. The Dutch Forces have been, and continue to be, a first rate partner to the ADF in Oruzgan province. Our forces work well together and have garnered mutual respect and delivered significant progress together.

If, as expected, the Netherlands relinquishes leadership of Oruzgan province later this year they will leave a legacy of success. The Dutch have developed strong relationships with the local community, with the Provincial Administration, and with non-government organisations. Under Dutch leadership, the number of non-government organisations in Oruzgan has risen from six to over fifty since 2006. The number of Basic Health Clinics has increased from one to six. The number of operating schools has more than doubled since 2006, and more than 130 accelerated learning classes have been established for students who missed out on education under the Taliban. And a new Oruzgan Business Development Centre has opened, providing Afghan men and women with bookkeeping, management, computer and language courses. Efforts such as these have made lasting improvements to the livelihood of the citizens of Oruzgan province.

On the issue of leadership in Oruzgan, NATO is working to identify a new senior partner in Oruzgan, and I will not pre-empt the outcome of that work. But the challenge this poses to our deployed forces and the Dutch replacement is not insignificant. There will be operational impacts as forces flow in and out of the province; as force enablers, such as the hospital, are replaced; and as responsibility for base maintenance is transferred. Along with Australia, replacement forces will also need to harness Dutch knowledge about the province. The transition process will be, on any view, an added challenge.

International Engagement

In recent weeks, both the Minister for Foreign Affairs and I have attended meetings with our ISAF counterparts. On 28 January this year in London, representatives from more than 70 countries and international organisations discussed improving governance and increasing foreign aid to Afghanistan, and pledged their long-term commitment to stabilising the country. Participants at that conference (including my colleague the Minister for Foreign Affairs, who reported to the House on the outcomes of that meeting), also acknowledged the difficulties faced during last year’s Presidential elections, and the requirement for the electoral system to be strengthened to deliver a fairer and more transparent election process. Australia is playing, and will continue to play, its part.

In early February, I attended a meeting of ISAF Defence Ministers in Istanbul. This meeting provided an important opportunity to discuss the campaign in Afghanistan directly with my counterparts, and hear first-hand of progress being made. Key themes of these discussions included the criticality of progress in ISAF’s mission this year and a developing optimism about how the campaign was progressing. I highlighted to that meeting, however, what I highlight now to the Australian people: gains made are often fragile, and we must be cautious of being overly hasty in transferring responsibility for security to Afghan security forces. The transfer must be conditions-based. It was a sentiment shared and echoed by others present.

I also acknowledged the progress NATO has made in taking a more inclusive approach in consultations on Afghanistan. To further strengthen our relationship with NATO and to help ensure we are included in all relevant NATO and ISAF decision-making processes, I have agreed to post a senior ADF officer, Major General Dawson, as the Australian Military Representative to NATO. And, at the request of NATO, on my direction the ADF has also placed a second senior ADF officer, Major General Power, as the Senior Military Adviser to the Afghan Minister for Defence, General Wardak.

Key Challenges

Civilian Casualties

Mr President, the distressing issue of civilian casualties is also a challenge for the international coalition. ISAF partners take all reasonable steps to ensure that contact with insurgents does not put the lives of Afghan civilians in jeopardy. However, as we have recently witnessed, tragedies do occur. I can assure Parliament that whenever there is a case where we become aware that an action of the
ADF has potentially led to a civilian casualty – either through credible allegations or through our own operational analysis – we take it very seriously. ISAF’s Commander, General McChrystal has stated repeatedly that the Coalition could lose this war if we do not keep faith with the Afghan people. Civilian casualties must be minimised and it is critical that, where allegations of civilian casualties arise, such incidents are properly investigated and the outcomes openly reported.

We have already reported on two incidents in 2008 - 5 and 15 July 2008 - where it was found that civilian casualties did, regrettably, occur. Defence has reassessed its Standard Operating Procedures to address these incidents.

I also want to address three incidents in 2009. The first is the 12 February 2009 civilian casualty incident, recently covered by the SBS Dateline program, in which six Afghans were killed and four injured. Any civilian casualty is a tragedy, but especially so when, as in this case, it involves the deaths of children. The Government and the ADF take incidents such as this very, very seriously. It is essential this incident be investigated thoroughly and due process followed.

In this case the Director of Military Prosecutions has not yet completed her review of the facts and circumstances surrounding the incident. Legal processes are continuing and I am advised that the Director of Military Prosecutions will be making a decision in the near future. At the earliest opportunity, when the legal processes have concluded, I will make the outcomes of the investigation public. Until then, it is inappropriate for me, or for Defence, to make specific comments about the case.

Two other incidents in 2009 are still under review. I am advised that Defence has completed the investigation into an incident that occurred on 11 August, in which one Afghan man was killed and another injured. The injured man was aeromedically evacuated to the Tarin Kowt military hospital for emergency treatment. Once final advice on the investigation has been provided to the Chief of the Defence Force, the findings will be publicly released.

I also wish to give the Senate advance notice of another matter that Defence is currently examining. Following a request received from ISAF in February this year, Defence is reviewing its records and operational documents to establish whether the ADF was involved in a particular operation in early 2009. I will make a public statement on this matter as soon as I am able to do so when more information is available.

Protecting the Afghan population and providing for their security remains ISAF’s top priority. But we should not forget that the greatest number of civilian casualties comes at the hands of the insurgents. The attack in Kandahar by Taliban suicide bombers last weekend resulted in the death of over thirty Afghan civilians and police. While we make every effort to avoid civilian casualties, the Taliban routinely uses tactics that deliberately put innocent civilians at risk.

**Detainee Management**

Mr President, I also want to address the issue of detainee management. Australia has a strong commitment to ensuring that our forces treat all detainees humanely, with dignity and respect, and in accordance with all of Australia’s obligations under domestic and international law. The Government, and the ADF, takes any allegation of detainee mistreatment extremely seriously. We will continue to ensure the proper handling of detainees and the ADF will continue to undertake appropriate investigations in the event of any allegations of mistreatment.

The ADF is currently upgrading its detainee screening facility in Tarin Kowt. As the Chief of the Defence Force has previously outlined during Senate Estimates hearings, third parties, including the International Committee of the Red Cross, conduct regular inspections of the ADF screening facility to verify it is of the highest standard. I have asked to meet with representatives of the International Committee of the Red Cross when I am next in Afghanistan. With this level of assurance and oversight, the ADF can be confident its practices will accord with our legal obligations and best practice.

The expected Dutch withdrawal from the leadership role in Oruzgan province also poses some challenges for detainee management. Australia has a strong commitment to ensuring that our forces treat all detainees humanely, with dignity and respect, and in accordance with all of Australia’s obligations under domestic and international law. The Government, and the ADF, takes any allegation of detainee mistreatment extremely seriously. We will continue to ensure the proper handling of detainees and the ADF will continue to undertake appropriate investigations in the event of any allegations of mistreatment.

The ADF is currently upgrading its detainee screening facility in Tarin Kowt. As the Chief of the Defence Force has previously outlined during Senate Estimates hearings, third parties, including the International Committee of the Red Cross, conduct regular inspections of the ADF screening facility to verify it is of the highest standard. I have asked to meet with representatives of the International Committee of the Red Cross when I am next in Afghanistan. With this level of assurance and oversight, the ADF can be confident its practices will accord with our legal obligations and best practice.

The expected Dutch withdrawal from the leadership role in Oruzgan province also poses some challenges for detainee management. Currently, under an arrangement with the Netherlands, Australian forces transfer detainees to the Dutch. I have asked for a review of this policy, noting the Dutch will be withdrawing their forces, and I
expect that I will be able to come back with an update on this issue in a subsequent report to Parliament.

Reconciliation

Mr President, on the issue of reconciliation and reintegration, Australia supports ISAF’s involvement in Afghan-led efforts to reach out to elements of the insurgency that might be prepared to permanently lay down their arms and rejoin their community. These efforts need to be consistent with the conditions set out by the Afghan Government. This includes acceptance of the Afghan Constitution and severance of links to terrorist groups. The Government has made it clear that we will not negotiate with hardline terrorists like al-Qa’ida.

Political reconciliation and, ultimately, settlement between the Afghan Government and insurgents is essential to a lasting and durable solution. The insurgency is not a monolithic and tightly structured organisation. There are a variety of reasons why different fighters take up arms. And there are also good reasons why some of them might want to contemplate an alternative to fighting. If provided with options such as employment and training opportunities in their communities, or participation in local decision-making processes, some insurgents may choose the peaceful alternative.

For these reasons, Australia supports Afghan-led reintegration efforts. As announced at the London Conference this year, Australia will contribute $25 million to the proposed Peace and Reintegration Trust Fund, subject to the establishment of appropriate governance arrangements. I have also agreed to place an ADF officer into ISAF’s newly formed Force Reintegration Cell. This small cell has been set up by General McChrystal to support reintegration as an essential element of his counter-insurgency strategy. It will provide support to the Afghan Government to establish conditions which will give disaffected individuals an incentive to reintegrate into the mainstream.

Pakistan

I also want to touch on the situation in Pakistan. Pakistan remains a critical partner in our efforts to tackle international terrorism and violent extremism. Encouragingly, Pakistan has made further headway against both over the past few months, including recent arrests by Pakistan authorities of senior Taliban leaders.

However, the international community needs to further support Pakistan in addressing its significant security challenges. Australia is contributing to the strengthening of Pakistan’s counter-insurgency capability through our Defence Cooperation Program. Over the last year, we have increased the number of Australian-based military training and education courses offered to Pakistan, from 70 positions in 2009, to over 140 positions in 2010. This training focuses on building a broad range of skills relevant to counter-insurgency warfare.

We are also working with Pakistan to enhance broader based strategic dialogue, to improve bilateral understanding and further our collective interests in regional stability.

Conclusion

Mr President, in conclusion, I can assure the Senate that the Australian Government remains committed to working with its partners in Afghanistan to achieve the best outcomes for the Afghan people. The Minister for Foreign Affairs plans to attend a meeting of ISAF Foreign Ministers in Tallinn, Estonia, late next month and the follow-up to the London Conference in Kabul midway through the year. I plan to attend the next NATO Defence Ministers’ Meeting in June this year.

Mr President, the early gains of Operation MOSHTARAK highlight the value of ISAF’s revised strategy. As Admiral Mullen, Chairman of the US Joint Chiefs of Staff, said in New York only a few days ago, “The objective is not the enemy’s defeat but the people’s success.” With a reinvigorated international effort, momentum is building. This new strategy provides a path towards peace and stability, towards ending the conflict, and, towards the completion of our mission.

Enormous difficulties will continue to test our resolve. As Australia responds to these challenges I remain committed to keeping the Australian public and the Australian Parliament fully informed.
Mr President, I look forward to delivering a further report on Afghanistan in the next sitting of Parliament.


Senator ABETZ (Tasmania) (3.48 pm)—by leave—I move:

That the Senate take note of the statement.

In the absence of the coalition’s excellent shadow minister for defence Senator Johnston, I make the following statement on behalf of the coalition and Senator Johnston. On behalf of the opposition we extend thanks to the government for the update on what is occurring with Australia’s operation in Afghanistan. This is a very important matter for this parliament and indeed for the Senate. The McChrystal doctrine, which is based upon the COIN strategy—counterinsurgency—is fundamentally very sound and the right way to go. This doctrine is about, firstly, engaging and securing the people of Afghanistan and giving them the confidence to go about their business and to see that the rule of law prevails. The second part is to secure them, through the enhancement of the Afghan National Police and the Afghan National Army. By mid-2011 the objective is to have 171,000 Afghan National Army troops and 134,000 Afghan national police to aid and assist in the stable governance of Afghanistan.

Following the US surge, the extra troops have already produced positive results, with the previous Taliban stronghold of Marja now under the control and guidance of the Afghan National Army and associated coalition forces. The US-led military surge, which will be increased to an additional 35,000 troops in Afghanistan, is being mirrored by the civilian surge of non-governmental organisations, aid workers and building contractors. Our contribution of 1,550 troops is our most significant contribution since Vietnam.

The Netherlands command in Oruzgan province is expected to come to an end in August this year, and that is regardless of the outcome of the election in the Netherlands. It appears certain that the withdrawal of their deployment will proceed. This is to be regretted, because they have been a very successful partner in what is a very dangerous and very difficult business of trying to secure this part of the world.

Australia is leading the way in training and promoting the development of the Afghan people in determining their own destiny. Indeed, we are paying $250 million towards getting that contingent to a capacity and capability that will endure, to provide long-term security for the people of this country.

Given the importance to our national interests of our continuing commitment in Afghanistan, I am pleased that the government has maintained the coalition’s military commitment in Afghanistan and that it has increased our troop numbers following the withdrawal of most Australian troops from Iraq. In closing, we want to acknowledge the sacrifice that has been made by 11 brave Australians on the field of battle in Afghanistan. We salute their service. We salute their sacrifice. We are indebted to them, their families and their friends. We also want to acknowledge those who have been seriously wounded—in particular, those with eardrum damage from IEDs. I commend the government for establishing the counter-IED task force and participating with the United States and the United Kingdom. Pakistan, on one border, is also of considerable concern to us. In thanking the government for this report...
today, we urge it to keep giving us these reports. They are very valuable. We support the government in this very difficult mission.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.53 pm)—I begin by reiterating the ongoing support that the Greens also have for our Australian Defence Force personnel in Afghanistan and to also send the message of best wishes and hope for a speedy recovery to those who have been injured. This includes the five personnel who were injured in the last couple of days, two of whom remain critically injured but all of whom, it sounds, mercifully, will survive the war activity that brought them to grief.

That said, I also reiterate that the Australian Greens, consistent with the majority opinion of the Australian populace at large, believe our troops should be brought home and should not be in Afghanistan. I reiterate that they are in Afghanistan because George W Bush, having gained control of Afghanistan, invaded Iraq and with former Australian Prime Minister John Howard went to war in Iraq, took the troops from Afghanistan and allowed the Taliban to regroup. It is a consequence of that action by the Bush administration that Australian troops are in danger, that there is such an extraordinary expense on the nations who are involved in Afghanistan and that the death toll of civilians in Afghanistan itself is mounting. We hope that Afghanistan will come out of all this as a nation that can find peace once again and have the ability for all of its citizens to prosper. We think the best way for that to happen is for Australia to replace its troop involvement with greater civilian aid and for there to be greater effort internationally, to give the Afghani people the increase in standard of living that will enable their nation to prosper into the future.

This parliament has never debated this issue. We have occasions like this and I thank Senator Faulkner, the Minister for Defence. Bringing to the parliament these statements on the progress in Afghanistan on a regular basis is a very worthy thing. But it is, nevertheless, a presentation of the government’s position with a response from one or two speakers and that is it. It is not a debate. It does not legislate. It does not give the opportunity for all members of parliament, as they should have, to be involved in the commitment, in whichever way, to this deployment in war of the Australian defence forces. This parliament is selling short the Australian defence forces by not having a full-ranging debate. As we see here, there are less than five per cent of members of parliament involved. That is simply not good enough and, I think, dishonest. Those Australians who put their lives on the line have to show commitment because not parliament but the executive has determined that they will be in Afghanistan in the service of this country.

I come to the withdrawal of the Dutch troops from Oruzgan province, which will leave the Australians there without the greater force and the more experienced force and the terrific work that the Dutch have done. This is because a vote in the Dutch parliament has insisted that the Dutch troops be withdrawn in August. In turn, that has led to the fall of the Dutch government. This is the first time a government outside Afghanistan has fallen over the Afghan war that we are engaged in. But a full parliamentary debate in Holland has led to a reiteration of the parliament’s determination that the Dutch do withdraw. There will now be elections in June which will see a new government form, but one would be speculating against the tide of events in Holland to believe that the Dutch populace will vote to change the decision made by the last Dutch parliament.

Where does this leave the Australian defence forces? It leaves them very exposed indeed and without the experienced and
greater force of the Dutch. The Minister for Defence said that there will be a replacement force. Who? The speculation is that it will be troops from the United States. That leads us to these questions. How experienced will they be? Will they be a complement of the 30,000 extra troops that President Obama has sent to Afghanistan? If so, they will be much less experienced than the Dutch defence force personnel and certainly much less experienced than the Australian Defence Force personnel.

It does raise the questions: what of the hospital that the Dutch have been maintaining? What of the infrastructure and the growth of NGOs and social services that the Dutch have been fostering? Is that what the replacement forces will be doing? I doubt it. What of the fact that the Dutch have been taking alleged Taliban detainees and, indeed, taking those that have been detained by the Australians? How are we going to replace the Dutch? Will the Australians have to receive the detainees? Will they be transferred somewhere else or will a replacement American force take over the detention of prisoners of war in these circumstances? These are extraordinarily important questions because they go to the wellbeing of the Australian Defence Force personnel in Afghanistan. The relationship with the populace itself is very, very important to the maintenance of the wellbeing of the Australian personnel there. One must fear on the basis of the facts that the extraordinary job the Dutch have done in maintaining and building the relationship with the Afghani people in Uruzgan province will not be emulated by a replacement force. Therefore, any relationship fostered by the Australians would not be as strong as the one fostered by the Dutch, and that would not be in the interests of the Australian forces themselves.

I again say to the government and opposition that, where our Defence Force personnel are engaged in a war, this parliament should be engaged in a full-on debate. While I commend the Minister for Defence for again reporting to the parliament, that is no substitute for a debate which engages everybody in this parliament, which comes to a vote and which provides alternatives. We have not had that because the executive has taken it upon itself to supplant the parliament in that responsibility, and we disagree with that process.

I end by again extending to the Australian Defence Force personnel who are in Afghanistan the total and complete support of the Australian Greens, even though we disagree with the executive’s decision to have them there. We thank them for serving Australia, we honour the commitment they give to this country and we wish them all—every single one of them—a safe return to this country at the earliest possible time.

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator FAULKNER (New South Wales—Minister for Defence) (4.03 pm)—I present four government responses to committee reports as listed on today’s Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

The documents read as follows—

Economics References Committee—Government’s economic stimulus initiatives.

Majority Recommendation

That the Government commission an urgent independent report to be prepared on the fiscal stimulus packages listed in Appendix 3 to include

(a) A cost benefit analysis of all the remaining projects, including the timing implementation for spending on those projects

(b) Recommendations on the feasibility of reducing, postponing or recalibrating the re-
remaining discretionary funding, on a project by project basis.

That the Report be published on the Department of Treasury's website within 14 days of its receipt.

Government Response

The Government does not consider it necessary to commission such a report.

The Council of Australian Governments (COAG) agreed in February 2009 that a Coordinator-General would oversee the Nation Building and Jobs package and would be supported by Commonwealth-Coordinators from key agencies, and Coordinators-General in each State and Territory. These governance structures, including regular and detailed reporting at the program and project level, are designed to ensure that projects are effectively rolled out, value for money is achieved, there is sharing of information and best practice and that any problems are quickly identified and addressed. Key programs covered by the COAG agreement with states and territories, including Building the Education Revolution and Social Housing, are reporting monthly.

Commonwealth agencies are relying on long-established processes and, where necessary, enhanced systems to ensure public funds are managed appropriately. A range of audit and compliance strategies have been put in place across programs. The Commonwealth is also working closely with the states and territories to ensure their tendering and procurement processes demonstrate value for money.

The projects announced in the 2009-10 Budget, which form part of the Government’s longer term third phase of the stimulus, reflect advice provided by Infrastructure Australia. Infrastructure Australia made project recommendations to the Government following economic analysis against its publicly available assessment methodology of seven key themes. These recommendations were guided by Infrastructure Australia’s national priority list of key infrastructure needs for Australia.

The fiscal stimulus measures have made an important contribution to this performance.

In year-average terms, the Australian economy grew by 1.4 per cent in 2009. This compares to the IMF estimate of an average contraction of 3.2 per cent for the advanced economies collectively. Without the fiscal stimulus, Treasury estimates that the Australian economy would have contracted for three of the four quarters in 2009 and by 0.7 per cent overall.

The Government notes that Australia was one of only three advanced economies to avoid recession during the global financial crisis. While full year growth data for 2009 is not yet available for all economies, it appears that Australia will prove to be the top ranking advanced economy for 2009.

Compared to the major advanced economies, Australia has the second lowest unemployment rate (behind Japan). Australia’s current unemployment rate of 5.3 per cent compares to double-digit rates reached in the US and European economies during the global recession. Since the collapse of Lehman Brothers in September 2008, while all of the major advanced economies have recorded job losses, Australia has managed to create over 170,000 jobs.

The fiscal stimulus measures have been designed to ensure they do not affect the sustainability of the budget and are withdrawn as the economy recovers. As indicated in the 2009-10 Mid-Year Economic and Fiscal Outlook, the stimulus peaked in the June quarter of 2009 and the gradual phasing down is expected to subtract from growth through 2010. This means that Australia is withdrawing stimulus one year ahead of the timetable recommended by the IMF for advanced economies.

Some aspects of the stimulus have been recalibrated to allow flexibility in managing the demand for individual programs and to ensure an appropriate level of support is provided to the economy. The Government has already announced re-phasing of some key components of the stimulus to ensure that the stimulus provides value for money.

The Government already has a robust reporting and accountability regime that includes: the requirements for all new spending proposals to be scrutinised by the Expenditure Review Committee of Cabinet; for costings to be agreed with the Department of Finance and Deregulation; and all new spending measures to be disclosed in the Budget Papers.
Senator Xenophon’s first recommendation
That the government advise the Committee its plans and timeline for a scale back of economic stimulus measures, with and/or without a coordinated approach by G20 nations. Further, that the Government advise what consultation will occur to prepare a clear and effective exit strategy.

Government Response
The stimulus measures have been designed to be withdrawn as the economy recovers. As indicated in the 2009-10 Mid-Year Economic and Fiscal Outlook, the stimulus peaked in the June quarter of 2009. The staged withdrawal of stimulus measures, that is already underway, will detract from economic growth in 2010.

The Government has also outlined its strategy for returning the budget to surplus as the economy recovers.

The Government’s medium-term fiscal strategy is to achieve budget surpluses on average, over the economic cycle; to keep taxation as a share of GDP, on average, below the level for 2007-08; and to improve the Government’s net financial worth over the medium term.

The Government will pursue a disciplined fiscal strategy to return the budget balance to surplus by:

- offsetting all new spending decisions since the 2009-10 Budget across the forward estimates by finding savings in other parts of the Budget;
- restraining real spending growth to two per cent a year when the economy is projected to return to above trend growth (2011-12); and
- banking increased tax revenue as the economy improves.

The implementation of the Government’s fiscal strategy is expected to result in the budget deficit falling from 4.5 per cent of GDP in 2009-10 to 1.1 per cent of GDP in 2012-13, and returning to surplus by 2015-16.

The Government’s approach to phasing out the stimulus and other support measures is consistent with the position agreed by the G20.

The G20 has played a central role in facilitating a decisive and coordinated response to the financial crisis and subsequent recession involving the introduction of unprecedented fiscal, monetary and financial support measures. As a result of these measures, economic and financial conditions have improved.

At their most recent meeting at St Andrews on 6-7 November 2009, G20 Finance Ministers and Central Bank Governors agreed on the need to avoid premature withdrawal of support measures. At the same time, they also agreed to cooperate on the withdrawal of support measures when recovery is assured, including through information sharing and working together to address any adverse spill-over effects of individual country strategies. At the same time, Ministers and Governors acknowledged that national plans will need to be implemented flexibly, taking full account of variations across countries and regions in the pace of recovery and financial market conditions.

Senator Xenophon’s second recommendation
Further to the Committee’s majority report, that an urgent independent report is conducted, it is recommended that this report include [a] review of the method in which household stimulus incentives are distributed, with a view to assess future options to distribute funds, if needed, via a debit card or voucher system.

Government Response
The Government does not consider it necessary to commission such a report.

Australia’s stimulus was designed on the principles of best practice fiscal policy of being timely, temporary, and targeted.

On timeliness, the Government responded quickly and decisively to the deterioration in the global outlook, implementing stimulus measures from October 2008. The measures were temporary as they did not lock the Government into higher ongoing expenditure, thereby not affecting the sustainability of the budget and these measures are being withdrawn as the economy recovers. Finally, the stimulus measures were targeted to ensure their effectiveness in boosting demand, in turn supporting jobs and economic activity. The large capital component of the stimulus also addressed long-term needs for economic and social infrastructure.
The first phase of the stimulus was primarily focused on providing immediate support to the economy and a large proportion consisted of direct payments to households. These payments were provided to low and middle-income individuals and households with dependent children. These are most likely to be liquidity constrained households and/or at the stage of their life cycle where they are most likely to spend a sizeable proportion of any cash payment.

There is now considerable evidence that the cash stimulus payments helped support the economy during its weakest phase. For example, in January 2010 retail turnover was 7.5 per cent higher than the pre-stimulus levels of November 2008, having remained largely flat throughout 2008. In addition, consumer confidence remains 43.0 per cent higher than the pre-stimulus levels of October 2008.

The Government has indicated on a number of occasions that it will not be providing compensation to members of the Stolen Generations. For this reason the Government has no specific comments to make on the aspects of the Bill relating to compensation for the Stolen Generations.

The Government continues its commitment to the ongoing healing of the Stolen Generations, and to working with them to make sure their voices are heard in the design of policies and programs to improve outcomes for Indigenous Australians.

On the 22 November 2009 the Australian Government announced its support for the establishment of a new national representative body for Aboriginal and Torres Strait Islander peoples to be known as the National Congress of Australia’s First Peoples, and committed $29.2 million to the setting up and initial operation of the body up until December 2013. The decision follows consideration by the Government of the report Our Future in Our Hands from the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, and an Indigenous Steering Committee and presented to the Government in August 2009. The model set out in the report resulted from twelve months of extensive community consultation across Australia including a national workshop of 100 Indigenous leaders and was based on the feedback from all of those consultations. The establishment of this body underpins the Government’s commitment to resetting the relationship with Indigenous peoples. It provides a voice for Indigenous peoples, the opportunity for partnership and the genuine engagement necessary if there is to be progress in closing the gap in life outcomes and opportunity.

The Government recognises that the Stolen Generations are in need of critical services to help trace and reconnect their families. In 2007-08, the Government committed an additional $15.7 million to important initiatives such as Link Up family reunion services and Bringing Them Home counsellors for Stolen Generation survivors.

On 13 February 2009, the first anniversary of the motion of Apology to Australia’s Indigenous Peoples, the Government announced a further expansion to the Link Up program with additional Link Up caseworkers and more administrative support
to help more members of the Stolen Generations trace, locate and reunite with their families. This was provided for in the 2009-10 Budget with an additional $13.8 million over four years. This additional investment will allow for up to 140 ‘Return to Country’ and institutional reunions.

The Government also recognises the critical need for healing services to overcome the trauma of removal, the impact of colonisation and the associated intergenerational effects. The 2009-10 Budget provided $26.6 million over four years for the establishment of a Healing Foundation to address trauma and healing in the wider Indigenous community, with a focus on the Stolen Generations. This initiative addresses a major recommendation of the Bringing Them Home report concerning healing and rehabilitation, and will help individuals, families and communities to move forward.

The Foundation has been established to support practical and innovative healing services, as well as training and research. It will work towards stopping the cycle of trauma and grief in Indigenous communities, particularly affecting the Stolen Generations and their families. The Foundation’s inaugural Board has been appointed and held its first meeting on 14 December 2009. The Foundation is expected to become fully operational in early 2010.

The Government’s national priorities for Australia, including the National Framework for Protecting Australia’s Children endorsed on 30 April 2009 by the Council of Australian Governments, and giving children the best start in life through early childhood and parenting programs, reflect a number of the measures recommended in the Bringing Them Home report.

The Government is working on an ongoing basis with Stolen Generations organisations and members at the grassroots level.

Since coming to office the Government has set a national priority to close the gap between Indigenous and non-Indigenous Australians. Australian Governments have agreed to a number of ambitious targets for Closing the Gap. By improving outcomes for all Indigenous people, members of the Stolen Generations will also benefit. Healing in particular underpins the Closing the Gap work.

Through a range of initiatives the Government has responded, and continues to respond to, the Bringing Them Home report. The Government recognises that members of the Stolen Generations have particular needs. For this reason, the Government has allocated additional funds in the 2009-10 Budget to address the specific family reunion needs of Stolen Generations members, supported by dedicated consultative mechanisms which ensure respectful participation in the implementation of those measures.

1 The Australian Government uses the plural when referring to the Stolen Generations to emphasise that the practice of removing children from their families, which began in the early nineteenth century and continued until the 1970s, affects more than one generation.

**RESPONSE TO RECOMMENDATIONS**

This section provides the Government response to each of the Committee recommendations.

**Recommendation 1**

The committee recommends that the Bill not proceed in its current form. (3.129)

**Response**

Supported. The Government has stated that it will not be providing compensation to members of the Stolen Generations.

**Recommendation 2**

The committee recommends that the Federal Government’s Stolen Generations Working Group (comprised of Stolen Generations’ representatives from the National Sorry Day Committee and the Stolen Generations Alliance) be charged with the responsibility of monitoring the implementation of the recommendations of the Bringing Them Home report, and providing advice to government on the implementation of outstanding recommendations of that report by the end of 2008. (3.130)

**Response**

Noted. The Government is mindful of the importance of engaging with the Stolen Generations in ways that will meet their needs. In mid 2008, members of the Stolen Generations’ Working Group came to a mutual agreement that future
engagement would be through separate processes outside the group.

In accordance with this request, the Department of Families, Housing, Community Services and Indigenous Affairs (the Department) now meets regularly with the Stolen Generations’ Alliance (SGA) Executive. The Department has corresponded and met with the National Sorry Day Committee (NSDC) to propose regular meetings, similar to those undertaken by SGA. The NSDC is still considering this proposal. The Stolen Generations Working Group no longer meets.

The Department is also engaging with members of the Stolen Generations at the grassroots level through meetings with local groups and individuals not represented by the two national organisations. The needs of the Stolen Generations in general and in relation to the Bringing the Home report recommendations are raised at these meetings.

Recommendation 3

The committee recommends that the Federal Government’s ‘closing the gap’ initiative be extended to establish a National Indigenous Healing Fund to provide health, housing, ageing, funding for funerals, and other family support services for members of the Stolen Generations as a matter of priority. The committee recommends that the National Indigenous Healing Fund be incorporated within the ‘closing the gap’ initiative as an additional and discrete element of focus and funding. (3.131)

Response

Noted.

On 26 May 2008, the Prime Minister announced that a forum of experts would be convened to map ways forward for healing among Australia’s Indigenous peoples, in particular the Stolen Generations. The Indigenous Healing Forum held on 16 and 17 September 2008 looked at the real impacts of trauma on individuals, families and communities, including children, and best practice models for recovery.

In order to get a range of views on Indigenous healing and its potential applications, a very broad representation from the government, community and other sectors as well as members of the Stolen Generations were invited to attend and contribute to the discussion.

The National Indigenous Healing Fund concept proposed by the Committee differs to the views expressed at the Forum and, indeed, in conversations with experts and members of the Stolen Generations themselves.

The Government recognises the critical need for healing services to overcome the trauma of removal, the impact of colonisation and the associated intergenerational effects. The 2009-10 Budget provided $26.6 million over four years for the establishment of a Healing Foundation to address trauma and healing in the wider Indigenous community, with a focus on the Stolen Generations. This initiative addresses a major recommendation of the Bringing Them Home report concerning healing and rehabilitation, and will help individuals, families and communities to move forward.

Ms May O’Brien from Western Australian and Mr Gregory Phillips from Victoria were appointed to lead the Aboriginal and Torres Strait Islander Healing Foundation Development Team of nine Indigenous members. The members of the Development Team included persons with strong expertise in healing programs, knowledge of Stolen Generations issues and knowledge around establishing a Foundation. Several members of the Development Team identify as Stolen Generations.

The team undertook consultations with key organisations and individuals as well as conducting community workshops across Australia to listen to community ideas for the Aboriginal and Torres Strait Islander Healing Foundation.

Following the consultations, a report was presented to the Government on the consultations, including recommendations for the establishment and remit of the Aboriginal and Torres Strait Islander Healing Foundation. The report was launched on 24 September 2009.

An Interim Board was appointed from the Development Team to organise incorporation and selection of Board members. The Aboriginal and Torres Strait Islander Healing Foundation was incorporated on 30 October 2009. The Inaugural Board was appointed in late 2009 and held its
first meeting on 14 December 2009. Current membership is:
Chair: Ms Florence Onus
Deputy Chair: Debra Hocking
Secretary: Judy Atkinson
Treasurer: Noeleen Lopes
Members: Graham Gee, Toni Janke-Demmery
Three further Board members are expected to be appointed early in 2010. With the finalisation of appointments to the Board, the Foundation will become fully operational in the first half of 2010.

**Recommenda**

The committee recommends that the terms and conditions of the National Indigenous Healing Fund be determined through the Council of Australian Governments (COAG), and that its processes and practical application be decided after consultation with the Stolen Generations Working Group (comprising of stolen generation representatives from the National Sorry Day Committee and the Stolen Generations Alliance). (3.132)

**Response**
Noted. The Government will consult with members of the Stolen Generations in formulating any policy and program delivery frameworks in this area.

With respect to the Aboriginal and Torres Strait Islander Healing Foundation, Stolen Generations were represented on the team developing proposals and consultations have included key Stolen Generations organisations as well as grassroots members.

Two key office bearers on the Healing Foundation’s Inaugural Board are Stolen Generations members, Chairperson, Ms Florence Onus and Deputy Chair, Ms Debra Hocking.

The Foundation has been established to provide practical and innovative healing services, as well as training and research and aims to stop the cycle of trauma and grief in Indigenous communities, particularly affecting the Stolen Generations and their families.

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**Joint Standing Committee on Foreign Affairs, Defence and Trade**

**Inquiry into Australia’s Relationship with ASEAN**

**Recommendation 1**

The Committee recommends that the Department of Foreign Affairs and Trade develop a single method of costing non-tariff barriers, to assist Australian FTA negotiators to identify, evaluate and target barriers to trade.

In negotiating Free Trade Agreements, the Department of Foreign Affairs and Trade seeks to affirm World Trade Organization (WTO) obligations relating to non-tariff measures and, where appropriate, to eliminate the application of non-tariff measures that operate to restrict market access or impose undue costs on exporters.

Non-tariff barriers to trade take a variety of forms and have varying impacts on trade. The range of non-tariff measures applied by Australia’s FTA negotiating partners, and the impact of these measures on Australia’s trade with them, varies considerably. The nature of such measures and their impact on Australian market access interests are always identified as part of Australia’s stance in negotiating FTAs.

However, determining a single “cost” of these measures would not be practicable, or necessarily meaningful, given the variety of different types of non-tariff measures. The variety of measures means that a range of analytical tools are needed to analyse their effects. While some measures (e.g. quantitative import barriers) may be susceptible to conversion to “tariff equivalent” measures, which can then be subject to reduction like normal tariffs, this approach is not appropriate for other measures (e.g. quarantine measures or technical regulations) which are best addressed through disciplines governing their application. The following examples illustrate the variety of measures that could potentially be major non-tariff barriers:

- quantitative limits – or tariff rate quotas - on the volume of imports of agricultural products. Such measures are required to be applied in accordance with WTO commitments.
import licensing - which may be administered on either an automatic basis (e.g. for statistical purposes) or non-automatic basis (e.g. for the administration of tariff rate quotas).

fees and charges associated with importation (or exportation) which are required under the WTO to be limited to the approximate cost of services rendered and not to represent an indirect protection of domestic products or taxation of imports (or exports) for fiscal purposes.

restrictions on imports for specific purposes, e.g. bans or quantitative limits on imports of alcohol products for religious reasons, or on imports of particular types of weapons for public safety reasons.

other non-tariff measures that may have an impact on Australian market access interests can include standards and sanitary and phytosanitary measures – which are also subject to WTO rights and obligations.

A range of research and academic work has been done on measuring non-tariff barriers and assessing their effects, and Australian negotiators take this work into account in trade negotiations, including FTAs. This work has proved valuable mainly as a research and analytical tool to inform negotiations.

Recommendation 2
The Committee recommends that the Department of Foreign Affairs and Trade reports annually to the Parliament on the impacts of individual free trade agreements.

The Department of Foreign Affairs and Trade (DFAT) reports regularly to the Minister for Trade on the impacts of individual free trade agreements.

The Department also regularly provides publicly-available assessments of the trade and investment relationship with partner countries including those with which Australia has negotiated FTAs. Examples of these analyses include articles on Australia’s trade relations with FTA partners Thailand and the United States, available on the DFAT website. In addition, information, statistics and resources on Australia’s trade partners, including FTA partners, is also available from the DFAT website and the Australian Bureau of Statistics.

While liberalised market access provided for by FTAs can be very significant in influencing exporters’ commercial decisions, a number of other factors also impact on international trade flows, such as fluctuations in exchange rates, the health of the international economy and variations in economic growth in different countries over time. It would not be possible to attribute differences in annual trade outcomes solely to the effects of FTAs. Assessments of FTA impacts need to be both qualitative and quantitative and should be on a medium to long-term basis as many of the impacts of a trade agreement take a number of years to be realised (e.g. through new investment decisions).

For the above reasons, the Government does not consider that annual reports by DFAT would be of value.

It should also be noted that the Minister for Trade reports to the Parliament at the commencement of an FTA negotiation. This includes an assessment of the expected impacts of the FTA. The Minister for Trade also provides the Parliament with regular updates on bilateral, regional and multilateral trade negotiations with significant developments through Statements to the Parliament.

Recommendation 3
The Committee recommends that when Parliamentary delegations visit South East Asian countries with which Australia has a free trade agreement, the Department of Foreign Affairs and Trade facilitate meetings with Asian policy makers to monitor progress with these treaties.

The Government considers that outgoing Parliamentary delegation visits are important to projecting Australian interests and to understanding the policy directions being adopted by foreign trade partners. The Department of Foreign Affairs and Trade (DFAT), through its network of overseas posts, provides advice and other assistance to Parliamentary delegations, including the facilitation of meetings. Arranging programmes and itineraries for Parliamentary delegations is a key responsibility of DFAT, and it will continue to make every effort to arrange meetings with Asian policy makers in accordance with the requests.
made to it by the Parliament of Australia prior to each proposed visit.

**Recommendation 4**
The Committee recommends that the Department of Foreign Affairs and Trade should ensure that future free trade agreements contain effective telecommunications chapters.

The Government will continue to make every effort to ensure that FTAs contain effective outcomes for the telecommunications sector, including pro-competitive regulatory provisions and substantial market access commitments for Australian telecommunication providers. The Government notes that recently concluded FTAs contain such provisions.

**Recommendation 5**
The Committee recommends that the Australian Government make representations to the Singapore Government with a view to assisting Engineers Australia, and other professions not covered by the free trade agreement, to obtain a mutual recognition agreement with Singapore.

For several years the Government has been engaging Singaporean authorities and the Professional Engineers Board (PEB) - through the Australian High Commission in Singapore - with a view to assisting Engineers Australia to obtain a mutual recognition agreement with Singapore. The Government will continue to make representations to the relevant Singaporean authorities on this matter, and on other mutual recognition issues, seeking to obtain mutual recognition agreements.

**Recommendation 6**
The Committee recommends that future bilateral free trade agreements include a professional services working group to assist in creating professional linkages, including mutual recognition agreements and when existing free trade agreements which do not contain a professional services working group are reviewed, this issue should be pursued.

Enhancing the ability of Australian professional service providers to sell their services abroad will continue to be a key objective in FTAs negotiated by the Government. This includes supporting efforts by Australian service providers to have Australian professional service qualifications recognised in foreign markets through mutual recognition arrangements. As professional services are largely industry-regulated, there is limited scope for governments alone to solve these issues. The question of whether seeking to include a professional services working group in an FTA is the most effective means for Australia to advance this objective will be addressed on a case-by-case basis, in consultation with relevant industry stakeholders. The Government further notes that demands for professional service recognition can also be made of Australia, and that a balanced approach is required in order to ensure that access opportunities in overseas markets are improved while maintaining professional service standards in Australia.

**Recommendation 7**
The Committee recommends that the Commonwealth Government should use its influence with the Asian Development Bank to ensure that the adherence to core labour standards become a precondition for loans.

The Government will seek opportunities when Asian Development Bank loan programmes are under discussion to ensure adherence with core labour standards, as articulated through the Fundamental Conventions of the International Labour Organisation.

**Recommendation 8**
The Committee recommends that human rights, core labour standards, and the environment be pursued in future free trade agreements and, when existing free trade agreements which do not contain such issues are reviewed, these issues should be pursued.

The Government will explore the inclusion of environmental protection and labour standards issues in FTA negotiations and reviews, on a case-by-case basis.

**Recommendation 9**
The Committee recommends that when the Department of Foreign Affairs and Trade reports annually to the Parliament under Recommendation 2, progress with regard to human rights, core labour standards, and the environment be included.
As noted in the response to Recommendation 2, the Government does not consider that reporting to Parliament on an annual basis would have value given the need to assess FTAs on a medium to long term basis, and because of the difficulties in isolating FTA impacts from annual trade flows.

Government Response to Report 94 of the Joint Standing Committee on Treaties

Australia-Russia Nuclear Cooperation Agreement

The Government thanks the Committee for its consideration of the Agreement between the Government of Australia and the Government of the Russian Federation on Cooperation in the Use of Nuclear Energy for Peaceful Purposes, done at Sydney on 7 September 2007 ("the Nuclear Cooperation Agreement"), which was tabled on 14 May 2008, and gives the following responses to the Committee’s recommendations. The question of taking binding treaty action remains under consideration.

The Committee’s recommendations covered a range of aspects related to Russia’s nuclear fuel cycle and the operation of the Nuclear Cooperation Agreement. Most of these recommendations related broadly to the question of confidence that Australian obligated nuclear material (AONM), i.e. Australian uranium and nuclear material derived from its use, would not be diverted for military purposes in Russia. As such, this response will consist of a section addressing the safeguards that would be applied to AONM, followed by specific responses to the Committee’s recommendations.

Protection of Australian Uranium – the Nuclear Cooperation Agreement in Context

Confidence that AONM would be used appropriately is based on a combination of factors:

(a) Russia’s commitments under the Nuclear Cooperation Agreement are binding in international law;

(b) Russia ceased production of fissile material for nuclear weapons many years ago;

(c) over time Russia will become increasingly reliant on imported uranium for its expanding civil power sector, so to breach a uranium supply agreement could have significant energy and economic consequences for Russia;

(d) all facilities using AONM must be on Russia’s Eligible Facility List with the International Atomic Energy Agency (IAEA), so to use such facilities for military purposes would also be a breach of Russia’s safeguards agreement with the IAEA;

(e) facilities on Russia’s Eligible Facility List are, by definition, eligible for, and may be subject to, IAEA inspections so should be prepared for that possibility;

(f) the facilities in which AONM is processed and utilised would be mutually determined through consultation with Australia;

(g) application of international-standard nuclear material accountancy and control measures at Russian facilities handling AONM would apply; and

(h) the Australian Safeguards and Non-Proliferation Office (ASNO) will receive detailed information on the disposition of AONM in Russia, which it will analyse for consistency with information from other sources including the IAEA and other suppliers, and ASNO’s knowledge of the processes and facilities involved.

Russia’s nuclear material security and accountancy have improved significantly in recent years. However, to ensure that Australia’s robust nuclear material accountancy and control requirements for AONM are understood and will be consistently applied, ASNO conducted a technical workshop for a group of Russian safeguards officials in Canberra on 8-11 December 2008. These discussions highlighted that Russian officials have a thorough understanding of nuclear accountancy and control, and provided further confidence that AONM in Russia will be appropriately controlled and accounted for. Further training could be provided if required. Furthermore, the US Department of Energy’s National Nuclear Security Administration (NNSA) reports that it has trained over 1,100 Russian and former Soviet
Union state personnel in physical protection and accountancy and control of nuclear materials at three training facilities of the Russian Federal Atomic Energy Agency (Rosatom).

**Safeguards address risk of diversion**

Safeguards are legal and technical measures to provide assurance that nuclear material and nuclear items are not diverted from peaceful use to nuclear weapons. Safeguards may be applied at the multilateral level – usually by the IAEA – and at the bilateral level, through bilateral agreements. Confidence that a state will not divert nuclear material from peaceful uses to nuclear weapons is not based solely on safeguards measures, but takes into account a number of factors. These include whether the state might have a motivation to divert, and its participation in relevant treaty regimes. Safeguards are not mechanistic. Determining the level of safeguards sufficient to provide confidence of non-diversion is a matter of judgment based on implementation experience by the IAEA and national safeguards authorities.

In the case of the five nuclear-weapon states recognised by the Nuclear Non-Proliferation Treaty (NPT), the risk they might divert nuclear material from peaceful uses to nuclear weapons is remote. They would simply have no need to divert such material as all nuclear-weapon states have sufficient stocks of fissile material for their nuclear weapon programs. Furthermore, all the NPT nuclear-weapon states ceased production of fissile material for nuclear weapons in the 1980s or early 1990s.

In the case of Russia it stopped fissile material production for weapons many years ago. In 1989 the Soviet Union declared it no longer produced high enriched uranium (HEU) for weapons, and in 1994 Russia declared its cessation of plutonium production for weapons. Indeed, Russia is pursuing an active program of releasing fissile material from its military stocks for civil use. Under the “Megatons to Megawatts” program Russia has down-blended some 380 metric tonnes of HEU, equivalent to at least 15,000 nuclear warheads, to supply the United States with low enriched uranium for power generation. This program is on-going, and will ultimately see the elimination of 500 tonnes of HEU, equivalent to at least 20,000 nuclear warheads. Russia has also committed to a program of disposal of surplus weapons-grade plutonium. In the Joint Statement on Nuclear Cooperation by United States President Barack Obama and Russian President Dmitry Medvedev on 6 July 2009, the US and Russia committed to “executing the Agreement between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation to dispose of 34 metric tons each of weapons-grade plutonium.” Under this Plutonium Disposition Agreement the plutonium will be converted into mixed oxide fuel for use in commercial nuclear power plants, thereby rendering it unsuitable for weapons use.

It is highly unlikely that Russia would, on the one hand dispose of its enormous surplus stocks of fissile material, and on the other hand seek to divert uranium from Australia or elsewhere and subject such uranium to all the processing required in order to produce material suitable for a weapon.

As surplus fissile material stocks run down, the need to verify that more is not produced will grow. Australia is a long-standing proponent of a fissile material cut-off treaty (FMCT), prohibiting further production of fissile material for nuclear weapons, and applying verification measures to relevant facilities, including in nuclear-weapon states. Verification will also be required as further nuclear disarmament steps progress.

**Legal basis for safeguards**

For states that are party to the NPT, the obligation to accept IAEA safeguards – and the corresponding responsibility of the IAEA to apply safeguards – is based on the states’ commitments under that Treaty.

Article III of the NPT requires non-nuclear-weapon states to accept IAEA safeguards on all their nuclear material, to verify fulfilment of obligations under the NPT not to acquire nuclear weapons. The IAEA has a corresponding responsibility to apply safeguards on all nuclear material and facilities in these states.

In the case of the five nuclear-weapon states recognised under the NPT (United States, Russia,
United Kingdom, France and China) there is no obligation in the NPT for these countries to accept IAEA safeguards, and there is no obligation for the IAEA to apply safeguards. It is bilateral agreements such as Australia’s Nuclear Cooperation Agreement with Russia that create an obligation for nuclear material or facilities to be eligible for safeguards. The United States and Canada have similar requirements in their bilateral nuclear cooperation agreements with Russia. However, there is no country arguing for the general application of IAEA safeguards inspections in nuclear-weapon states.

While under no obligation under the NPT, nuclear-weapon states have concluded “voluntary offer” safeguards agreements with the IAEA. Under such agreements nuclear-weapon states designate nuclear material as being subject to safeguards, and therefore eligible for IAEA inspection, by designating facilities using this material on an “Eligible Facility List”. The IAEA selects those facilities on the Eligible Facility List that it wishes to inspect. In practice the IAEA only inspects facilities where inspectors benefit through gaining experience with a particular type of facility, or where there is nuclear material being transferred to or received from a non-nuclear-weapon state. Where the IAEA chooses not to inspect particular facilities, this does not mean that inclusion of a facility on the Eligible Facility List is of no safeguards value. If a nuclear-weapon state were to use a facility on its Eligible Facility List for military purposes, this would place it in breach of its safeguards agreement with the IAEA. Furthermore, because any eligible facility may be selected for inspection, the facility operator should maintain nuclear accountability records and other safeguards procedures at IAEA standards so that an inspection can be readily performed if the facility is selected.

**Australia’s safeguards policy**

The Government permits supply of Australian uranium only where it is satisfied the uranium will be used exclusively for peaceful purposes. A network of bilateral nuclear safeguards agreements creates legally-binding commitments that AONM will not be diverted to any non-peaceful use. The Nuclear Cooperation Agreement with Russia meets all of Australia’s long-standing safeguards policy requirements.

To confirm that undertakings in the safeguards agreements are met, Australia makes use of several measures. In addition to the international safeguards system established pursuant to the NPT, and applied by the IAEA, ASNO maintains a nuclear accounting system for all AONM, consistent with internationally accepted standards for best practice for nuclear material accountancy and control.

ASNO receives regular reports and notifications from bilateral partners and consults with them to account for how all AONM is used. ASNO draws a conclusion on whether AONM has been satisfactorily accounted for, taking into account: - information provided by, and through consultations with, bilateral partners; - IAEA safeguards findings, transit matching data, etc; and - other information and analysis on nuclear activities in each country.

The details of the nuclear accounting system that Russia would apply under the Nuclear Cooperation Agreement would be outlined in a Memorandum of Understanding (MOU) between ASNO and the Russian Federal Atomic Energy Agency (Rosatom). The provisions of the MOU would be based on long-standing practice by Australia and other suppliers of nuclear material (e.g. European Union, United States, Canada). This practice is being reinforced through a document of “common understandings and practices with regard to the administration of obligation accounting and transfers pursuant to nuclear cooperation agreements” that Australia is developing with counterparts in the United States, Canada and the European Union, which will further validate Australia’s rigorous standards for obligation accounting.

**Recommendation 1**

The Committee recommends that the Australian Government not proceed with ratification of the Agreement between the Government of Australia and the Government of the Russian Federation on Cooperation in the Use of Nuclear Energy for Peaceful Purposes until:
(a) Russia’s reform process to clearly separate its civilian nuclear and military nuclear facilities is completed and independently verified.

The Nuclear Cooperation Agreement requires that all facilities eligible to process, use or store AONM be included on Russia’s Eligible Facility List under its safeguards agreement with the IAEA – a designation that formalises such facilities as civil. To use these facilities for military purposes would not only be a breach of Russia’s agreement with Australia, but also its safeguards agreement with the IAEA.

ASNO’s discussions with international counterparts, the nuclear industry and other reporting, as well as discussions with Russian authorities, indicate that the separation of Russia’s civil and military nuclear sectors has been completed. Russia’s civil and military nuclear programs were not closely intertwined prior to the separation. They were operated by the same organisation, but many facilities, including most if not all power reactors, have been used only for civil purposes.

Furthermore, as noted in the “Safeguards address risk of diversion” section above, Russia ceased production of fissile material for nuclear weapons many years ago. This fact further reinforces confidence that AONM will be processed, used or stored only in civil facilities.

(b) IAEA inspections are implemented for Russian facilities that will handle Australian Obligated Nuclear Materials.

The Government has no scope to implement this recommendation, as prioritisation of safeguards resources is a matter for the IAEA. The Government accepts the judgment by the IAEA Secretariat (with full support of the IAEA Board of Governors) that the priority for safeguards inspection resources is countering “horizontal proliferation” – i.e. ensuring that no further states acquire nuclear weapons. To redirect IAEA resources to increased inspections in nuclear-weapon states is not supported by a risk-based assessment of safeguards priorities.

The IAEA will be conducting some inspections in Russia where there are particular safeguards advantages in doing so. For example, during 2008 the IAEA inspected fuel assemblies in Russia prepared for supply to the Bushehr power reactor in Iran. Furthermore, Russia is committed to having IAEA inspections at the Angarsk international enrichment centre. Russia and the IAEA are discussing the modalities of the necessary arrangements, and inspections are expected to commence in 2010. Russia has asked the IAEA to perform inspections at other facilities, but to date the IAEA has not done so, for the reasons outlined in the “Legal basis for safeguards” section above. In light of this particular JSCOT recommendation, Australia has also asked the IAEA to consider some additional inspections in Russia, but again the IAEA has shown no inclination to do so.

(c) The Government is satisfied that the Russian Federation is complying with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) noting that this treaty is scheduled for review in 2010.

The Government is confident that Russia takes seriously its obligations under the NPT. The Soviet Union was one of the initiators of the NPT, and it and its successor state Russia have a long record of strong support for the Treaty. There have been no findings by the IAEA or NPT Parties of non-compliance by the Soviet Union or Russia with its NPT obligations. Russia’s commitment to the NPT was re-stated on 8 July 2009 in the G8 Summit in L’Aquila, Italy. The G8 members’ statement on non-proliferation included: “We underscore that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and reiterate our full commitment to the objectives and obligations of its three pillars: non-proliferation, the peaceful uses of nuclear energy and disarmament”.

As a nuclear-weapon state under the NPT, Russia has committed to several nuclear energy, disarmament and non-proliferation obligations, in particular:

Article I: Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear

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There is no evidence that Russia is in non-compliance with its obligation not to transfer nuclear weapons or other nuclear explosive devices to any recipient country. Following the dissolution of the Soviet Union in 1991, apart from Russia, three former Soviet republics – Kazakhstan, Belarus and Ukraine – were left with Soviet nuclear weapons on their territory. These three states agreed to the return of these weapons to Russia, and joined the NPT as non-nuclear-weapon states.

Furthermore, there is no evidence that Russia is in non-compliance with its obligation not to assist, encourage or induce any non-nuclear-weapon state to manufacture or acquire nuclear weapons. Russia is a member of the Six Party Talks whose aim is to disarm North Korea of its nuclear weapons, and reacted strongly to North Korea’s May 2009 nuclear test. Russia is also active as a permanent member of the United Nations Security Council in international efforts to halt Iran’s uranium enrichment and reprocessing-related activities.

Article III (2): Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

In accordance with NPT obligations, Russia requires the application of IAEA safeguards to nuclear material it supplies to non-nuclear-weapon states.

Article IV (2): All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

Russia fulfils its obligations under this Article through its extensive civil nuclear energy industry and its peaceful nuclear cooperation with other states. A key example is its creation of the international nuclear fuel cycle centre at Angarsk, which aims to provide security of supply for states requiring nuclear fuel, thereby removing any need for them to consider developing national enrichment capabilities.

Russia is also establishing a reserve of low enriched uranium for use by IAEA member states, which is likewise aimed at providing security of supply. The IAEA Board of Governors on 27 November 2009 welcomed this initiative, and authorised the IAEA Director General to conclude an agreement with Russia to facilitate such supply.

Article VI: Each of the Parties to the Treaty undertakes 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 international control.

Although there is debate about the pace and scale of the nuclear-weapon states’ compliance with this Article, since the NPT entered into force the Soviet Union/Russia has made reductions to its nuclear arsenal and has contributed to the effective cessation of the nuclear arms race, beginning with the Strategic Arms Limitation Talks in 1972.

Under the verifiable 1991 Strategic Arms Reduction Treaty (START) between the US and Russia, Russia is estimated to have reduced its nuclear arsenal to about 15,000 warheads (6,000 strategic and 9,000 tactical), down from a cold war peak of about 45,000. Under the 2002 Strategic Offensive Reductions Treaty (SORT or the Moscow Treaty), Russia and the United States both agreed to limit their deployed strategic nuclear warheads to between 1,700 and 2,200 each by 2012. Furthermore, on 6 July 2009 Presidents Obama and Medvedev in a statement of joint understanding outlined their goals to reduce their strategic warheads even further to between 1,500 and 1,675 under a replacement to START, which expired on
Russia ratified the Comprehensive Nuclear-Test-Ban Treaty in 2000. It has contributed responsibly to the development of verification arrangements for that treaty, including the establishment of the International Monitoring System.

Australia has been active in promoting nuclear disarmament and adherence to Article VI of the NPT, in various fora, including the Conference on Disarmament, the NPT preparatory and review processes and with nuclear-weapons states bilaterally. Australia will continue to do so, including with Russia.

(d) The Government is satisfied that Russia will not subsequently abandon this treaty or other nuclear treaties.

It is the view of the Australian Government that Russia will not abandon the NPT or other nuclear treaties, including the Nuclear Cooperation Agreement with Australia. The NPT is regarded by most states, including Russia, as the cornerstone of the international nuclear non-proliferation and disarmament regimes. Russia’s national security interests are served by the NPT. The Treaty constrains global nuclear weapons capabilities, including Russia’s major strategic rivals – notably China and the United States. The NPT stems the proliferation of nuclear weapons, thus decreasing the likelihood of regional nuclear wars, including on Russia’s extensive borders, thereby increasing Russia’s security. In addition, the NPT helps Russia’s commercial interests by establishing the conditions under which civil nuclear technology can be supplied.

The Nuclear Cooperation Agreement states that it is to remain in force for an initial period of 30 years (Article XVIII(2)). After the initial 30 year period, the Agreement shall remain in force indefinitely and shall only terminate 180 days after receipt of a notice to terminate by either Party (Article XVIII(3)). In the event of a termination of the Agreement, the peaceful-use and safeguards obligations remain in perpetuity on any nuclear material already supplied. If Russia did act in a manner inconsistent with the Nuclear Cooperation Agreement, the Agreement provides that Australia has the right to suspend its supply of uranium and require Russia to take corrective steps (Article XV).

Further nuclear disarmament is vital – this is why the Government is committed to Australia playing a strong leadership role on nuclear non-proliferation and disarmament. This commitment is reflected in Australia’s establishment, with Japan, of the International Commission on Nuclear Non-proliferation and Disarmament to reinvigorate international efforts on nuclear non-proliferation and disarmament. The Commission’s report “Eliminating Nuclear Threats” was launched on 15 December 2009. The goal of nuclear disarmament will be best enhanced through constructive engagement with the nuclear-weapon states, including through nuclear cooperation agreements.

(e) Further consideration is given to the potential ramifications for this agreement of recent political events affecting Russia.

The Government expressed deep concern about Russia’s military action in Georgia and its subsequent recognition of the “independence” of the Georgian regions of South Ossetia and Abkhazia. The Government supports the territorial integrity of Georgia and provided A$1 million in assistance to help Georgia recover from the intervention. As the Committee notes, on 1 September 2008, the Minister for Foreign Affairs, Stephen Smith MP, said that when considering the Nuclear Cooperation Agreement, the Government would take into account events in Georgia, Australia’s bilateral relationship with Russia and the merits of the agreement.

Since the publication of the Committee’s report, there has been progress under a European Union mediated ceasefire agreement of 12 August 2008 and an additional agreement of 8 September 2008. Russian troops have withdrawn from positions deep within Georgia to the disputed regions. Several rounds of international discussions on stability and security in the region have been held and are on-going.

The Government welcomes these developments. The Government notes also that members of the
international community have moved – bilaterally and multilaterally – to re-engage Russia on issues of common interest and concern. The US Administration of President Barack Obama has sought to “reset” relations with Russia, and President Obama visited Moscow on 6-8 July 2009. Negotiations on a European Union-Russia Partnership and Cooperation Agreement have resumed and EU-Russia Leaders Summits were held in May and November of 2009. NATO began a phased re-engagement with Russia and NATO foreign ministers met for a NATO-Russia Council ministerial meeting in Corfu on 27 June 2009.

The Government continues to monitor events in Georgia. A long-term solution to this long-running dispute remains elusive. Russia and Georgia remain in dispute over some elements of the agreements of August-September 2008. The maintenance of peace and security in Georgia will require ongoing commitment to the ceasefire agreements, including access by international monitors. The Government continues to call on Russia to exercise restraint, to respect the terms of the agreements, including in relation to its military presence in Abkhazia and South Ossetia, and to engage constructively in international discussions on stability and security.

(f) Further consideration is given to Article IX of the Agreement’s ‘State Secrets’, and the Government is confident that this article will not undermine the intent of this agreement.

The Government is satisfied that Article IX of the Nuclear Cooperation Agreement does not undermine the intent of the Agreement. Article IX does not compromise ASNO’s right to information about the use of AONM in Russia. This Article reflects the position that already applies under Russian and Australian law, namely that nationally classified information is not exchanged under nuclear cooperation agreements such as this. Russia proposed this provision to satisfy its domestic requirements for cooperation agreements to be clear on the kind of information to which they apply. Furthermore, this Article contains reciprocal rights and ensures adequate and appropriate protection of Australian information.

During the technical workshop with Russian safeguards officials on 8-11 December 2008, the application of Article IX was discussed to confirm mutual understandings of how this article would apply.

(g) Further consideration is given to the justification for secrecy of ‘Material Unaccounted For’.

The Government is of the view that no further consideration of this matter is required. The term “material unaccounted for” (MUF) relates to the difference between recorded quantities and measured quantities of nuclear material, and is a normal occurrence in the verification of nuclear accounts. It is a nuclear accounting measure that results from factors such as differences in measurement values from different measurement equipment or small traces of nuclear material held up in processing equipment (e.g. tanks, pipes, vessels). It does not necessarily equate to material missing. MUF can be negative (i.e. the measured quantity is greater than the recorded quantity) corresponding to an apparent “gain”, or positive (i.e. the measured quantity is less than the recorded quantity) corresponding to an apparent “loss”. Examples of MUF include the accumulation of small amounts of nuclear material in processing facilities, reconciliation of estimated and measured quantities, and rounding of measurements. When ASNO concludes that all AONM is satisfactorily accounted for, or when the IAEA draws the conclusion that all declared nuclear material is accounted for, this means that the explanation for any MUF is accepted as being satisfactory.

The question of publishing data on MUF in other countries is not a decision that can be made by Australia, but rather a decision for each bilateral partner. It is generally not the practice of governments or nuclear operators to publish MUF figures (though ASNO publishes Australia’s figures in its Annual Reports), and Australia’s bilateral partners do not agree to ASNO publishing MUF figures for AONM in their jurisdiction. There can be legitimate commercial sensitivity issues with publishing MUF figures for facilities. This matter was last considered more broadly in the context of the details of administrative arrangements as part of the Government-commis-
vised review of Australia’s role in the nuclear fuel cycle in 1983-85 (report to the Prime Minister by the Australian Science and Technology Council (ASTEC) – known as the ASTEC Report). The importance of respecting commercial confidentiality was reflected in ASTEC recommendation 15 that “the Australian Government seek agreement with its bilateral partners to make public the texts of the Administrative Arrangements, in such a way as to avoid adverse implications for physical protection and commercial confidentiality.”

In line with this ASTEC recommendation, at various times Australian officials have sought the agreement of bilateral partners to publish the Administrative Arrangements but agreement has not been forthcoming.

(b) The Australian Government discusses with the United States, United Kingdom, European Union, Canada and Japan, whether the problems of the past in relation to Russian nuclear material being stolen, have now been addressed satisfactorily.

Australian officials have had a series of discussions with officials from the United States, United Kingdom, the European Union, Canada, Japan, and the IAEA, to ensure the Government remains informed of the status of nuclear and radiological security in Russia, and will continue such discussions in order to ensure that the information available to the Government remains current. The information gathered to date by ASNO indicates that the security risks to AONM in Russia are not significant.

The improvement in security of nuclear materials in Russia over the last decade is important here. It is the nature of nuclear security that it remains under ongoing examination, and in that regard Russia is not alone in continuing to make improvements in nuclear security practices. Furthermore, Russia has committed itself in the Nuclear Cooperation Agreement to meet the requirements of the Convention on the Physical Protection of Nuclear Material (CPPNM) and the security guidelines set out by the IAEA in protecting AONM. Russia has also deposited its instrument of ratification with the IAEA on 19 September 2008 for the Amended CPPNM, making Russia the eighteenth state to do so out of the approximately 90 ratifications required to bring the Amended CPPNM into force.

Many of the countries with which Australian officials have consulted are also in the process of expanding, or have expanded nuclear cooperation with Russia. The US and Russia signed a nuclear cooperation agreement in May 2008. This was subsequently withdrawn from Congressional review in September 2008, but US President Obama and Russian President Medvedev announced in a Joint Statement on 1 April 2009 that the US and Russia would work to bring the agreement into force. Japan signed a nuclear cooperation agreement with Russia on 12 May 2009, and on 3 June 2009 Canada and Russia concluded an amendment to their nuclear cooperation agreement to expand the terms under which Canadian uranium can be used in Russia.

ASNO has also made use of the IAEA’s Illicit Trafficking Database (ITDB). The ITDB is an information system that lists incidents across a broad range of categories (including discoveries, unauthorised activities, unintended transfers and trafficking) related to both nuclear and radioactive material. The ITDB spans 1993 to the present.

In September 2009 the IAEA published a fact sheet on its ITDB reporting the total number of incidents world-wide for the period 1993-2008. The vast majority of incidents over this period relate to radioactive materials (e.g. radioisotopes used in nuclear medicine), not nuclear material. Moreover, in most cases, including in Russia, the quantities of material involved were small (typically in the gram to kilogram range).

Furthermore, according to the ITDB only a small number of confirmed incidences of unauthorised possession – 15 in total from 1993 to 2008 – have involved materials of significant proliferation concern, namely HEU and plutonium. Of these, the ITDB reports only two incidents having occurred in Russia – one in 1993-94 involving 2.972 kg of HEU and the other in 1995-96 involving 1.7 kg of HEU.

Any theft of nuclear material is a serious matter – especially in the case of HEU or plutonium that could contribute to a nuclear explosive. Nuclear material of Russian origin has been found in the black market, however, this material is believed
to have come from thefts in the 1990s, and importantly, not from the facilities that would be handling AONM.

AONM in Russia would be handled in civil facilities of the following types: conversion facilities; enrichment facilities; fuel fabrication facilities; and light water reactors. The AONM would be in forms that are less sensitive for nuclear proliferation:

- natural uranium – in the form of uranium ore concentrates and natural uranium hexafluoride;
- depleted uranium – in the form of uranium hexafluoride; and
- low enriched uranium (LEU) – in the form of uranium hexafluoride, uranium oxide fuel pellets, and fuel assemblies.

Natural, depleted and low enriched uranium is of low strategic value and will be mostly in forms that would be difficult to remove illegally – 400 kg drums of yellowcake, cylinders of uranium hexafluoride weighing between two and thirteen tonnes, and fuel assemblies, weighing around one tonne. Spent fuel has a high degree of “self-protection” against theft due to high radiation levels. As Australia has not given consent to high enrichment or reprocessing of AONM by Russia, in the foreseeable future AONM in Russia will not include material of high strategic value, i.e. HEU or separated plutonium.

While the quantities of Russian origin nuclear material described in the ITDB have been relatively small from the perspective of use in a nuclear weapon, there has been a considerable international effort to address the security of nuclear material in Russia over the last decade or more. In particular, the United States, European Union, Japan and Canada established substantial assistance programs in training, equipment upgrades etc – worth over $US10 billion – to improve the state of nuclear security in Russia.

A summary of international viewpoints on some of the nuclear and radiological security programs in Russia are outlined below. These reinforce the strong non-proliferation and security benefits that have resulted over the years through cooperative engagement with Russia.

A report commissioned by the Nuclear Threat Initiative in 2007 concluded that nuclear threat in Russia had dramatically improved since the mid-1990s as a result of US and other international assistance, and Russia’s own efforts. Further, then IAEA Director-General ElBaradei stated that “the cooperation between the Agency and Russia has also been exemplary in support of efforts for the application of international standards and guidelines to enhance the safety and security of nuclear power plants, research reactors and radioactive sources.”

In a media release issued on 23 December 2008, the then Secretary of the US Department of Energy Mr Samuel W Bodman said that “US cooperation with Russia to reach the goals of the Bratislava Nuclear Security Initiative has made the world a safer place”. Secretary Bodman went on to say that he was “proud of the work we [i.e. US and Russia] have accomplished together, which has made an enormous contribution to global security. These efforts demonstrate our recognition of the grave threat posed by a terrorist’s acquisition of nuclear weapons and our determination to prevent this from happening.”

On 15 July 2009 NNSA reported that NNSA, Rosatom and the Russian Ministry of Defence had successfully completed by the end of 2008 all nuclear security upgrades to Russian civilian and military sites under a plan crafted in 2005 by then-US President Bush and then-Russian President Putin at a summit in Bratislava, Slovakia (known as the Bratislava Nuclear Security Initiative). The US and Russia have also reached agreement on principles to sustain security upgrades over the longer term.

NNSA, through its Second Line of Defense Core Program has been also working with the Russian Customs Service to strengthen Russia’s overall capacity to detect, deter and interdict illicit trafficking of nuclear and radioactive materials at its borders. In this, NNSA is working to equip all 370 Russian border crossings with radioactive detection equipment by the end of 2011. As of July 2009, equipment had been installed at 161 sites. Additionally, NNSA has also been working with Russian authorities since 1996 to improve training, equipment and procedures for guard forces accompanying nuclear material shipments.

Russia has recently reiterated its support for measures to strengthen the non-proliferation re-
The Joint Statement of 6 July 2009 by United States President Barack Obama and Russian President Dmitry Medvedev on Nuclear Cooperation included the following undertakings:

“The United States of America and the Russian Federation confirm their commitment to strengthening their cooperation to prevent the proliferation of nuclear weapons and stop acts of nuclear terrorism.”

“To continue to improve the level of nuclear security and to combat existing and emerging threats, our experts will continue working to further improve physical protection systems at nuclear facilities and ensure that these improvements will be sustained in the long term.”

“We express our mutual desire to expand capabilities to combat illicit trafficking of nuclear materials and radioactive substances at the borders of our countries.”

Russia’s cooperation with NNSA has not been restricted to improving nuclear security in Russia. Since the establishment of the NNSA’s Global Threat Reduction Initiative (GTRI) in 2004, the NNSA and Russia have been working closely together to repatriate Russian-origin HEU fuel to Russia. Some recent actions under the GTRI include the return from Kazakhstan of 73.7 kg of Russian-origin HEU spent fuel, and the return from Romania of 53.7 kg of Russian-origin HEU spent and fresh fuel. The NNSA reported in a press release of 30 June 2009 that with the successful completion of the HEU removal from Romania, a total of approximately 862 kilograms of Russian-origin spent and fresh HEU fuel has been returned from Bulgaria, the Czech Republic, Germany, Kazakhstan, Latvia, Libya, Poland, Romania, Serbia, Uzbekistan and Vietnam.

Recommendation 2
The Committee reiterates its earlier recommendation, made in Report 81:

The Committee recommends that the Australian Government lobbies the IAEA and the five declared nuclear weapon states under the NPT to make the safeguarding of all conversion facilities mandatory.

For the reasons set out in the response provided to the recommendation in Report 81, the Government does not intend to action this recommendation.

Uranium conversion is not a primary point of proliferation concern, even less so in respect of nuclear-weapon states. The IAEA has not made safeguarding of conversion facilities in nuclear-weapon states a priority. Safeguarding of conversion facilities in nuclear-weapon states would not be an effective use of limited international safeguards resources.

The safeguards resource requirements would be substantial since most conversion facilities do not incorporate design features to facilitate application of safeguards.

Recommendation 3
The Committee recommends that Australian efforts to strengthen the resourcing of the IAEA be continued.

The Government accepts this recommendation.

Australia’s approach to budgetary issues in the UN and other agencies such as the IAEA aims to ensure that international organisations prioritise their work and deliver their outcomes in the most efficient and effective way. Australia works closely with other members of the Board of Governors of the IAEA to ensure the Agency is adequately resourced. To this end, at a special session on 3 August 2009, the IAEA Board of Governors approved a 2.7 percent real increase to the IAEA's 2010 budget along with a 2.7 percent price adjustment. The IAEA's regular budget for 2010 is Euro 318.3 million.

In addition to our annual assessed contribution to the IAEA's regular budget, Australia makes regular voluntary contributions to the IAEA's Technical Cooperation Fund and has also contributed to the Nuclear Security Fund.

1 The IAEA is currently investigating the origins of 8g of HEU found in the Netherlands in late 2009 in scrap stainless steel that had been shipped from or through St Petersburg.

2 Message of then DG IAEA, Dr Mohamed El Baradei to the 50th anniversary conference at the Diplomatic Academy, Moscow 11 December 2007.
Treaties Committee
Report: Government Response
Senator LUDLAM (Western Australia)
(4.03 pm)—by leave—I wish to speak briefly on the government response to the report of the Joint Standing Committee on Treaties, which Senator Faulkner has just tabled. The report was tabled a short time after I began my term here. It was just being wound up when I was appointed to the Joint Standing Committee on Treaties. This committee does enormously valuable work. It is a very valuable addition to the committees that we have here. The report was on the proposed Russian uranium deal which was on the verge of being signed at the time of the change of government. It was just as well that that deal was put on hold, because the JSCOT report worked very hard in scrutinising the expert evidence that was presented to the committee.

The committee has been resoundingly insulted by the government in the response that the minister has just tabled. John Carlson, the Director General of the Australian Safeguards and Non-Proliferation Office was quite conspicuous in his spruiking of safeguards as the answer to every concern raised by the committee, while failing to tell the committee that there had been no inspections of Russian nuclear facilities by the International Atomic Energy Agency since 2001. So how does the world know, as ASNO and the government so firmly believe with such enormous faith, that all is well in the Russian nuclear programs?

The government has issued a glib and dismissive response to the JSCOT report. To say that Russia is desperate for nuclear fuel and will therefore behave is not an argument that carries much weight or allays many of the concerns of the committee or, indeed, of the international community. That the government says that Australia has no scope to implement the suggestion that the IAEA actually do some inspections begs the questions: what exactly is our delegation doing in Vienna; how can we share the extraordinary confidence expressed at every turn by the government in the IAEA inspections when we cannot call upon them to actually do anything; and what opportunities are provided by being a member state of the IAEA if we have no voice in these fora?

There is no opportunity or leverage whatsoever to make suggestions or interventions regarding the appropriateness of safeguards activities in the countries to which we are considering selling uranium. Instead, we get these dismissive government responses saying, ‘Everything’s fine.’ The fact is that the people who wrote that government response do not know that everything is fine; rather, they are taking the word of people who do not know themselves. To say that no other countries are arguing for the general application of IAEA safeguards inspections in nuclear weapons states is to ignore the concerns that have been expressed quite regularly at Nuclear Non-Proliferation Treaty meetings and other fora by non-nuclear weapons states about the highly discriminatory nature of this treaty and the asymmetrical obligations and degrees of inspection that they are subject to in contrast to the cone of silence under which the nuclear weapons states—and none more so than Russia—conduct their business.

It is just blatantly false to say that Russia is complying with its disarmament obligations under the NPT. Russia is doing no such thing. Russia has an arsenal of more than 14,000 nuclear weapons with an explosive yield equivalent to 200,000 Hiroshima sized weapons. The reduction in the number of weapons held by Russia is no comfort since, in Vladimir Putin’s words, Russia plans to make its arsenal ‘more compact but more effective’.
So reading about the Australian government’s belief that Russia is upholding its obligations under article 6 of the NPT would be funny if it were not so serious. The joint standing committee noted that there is no imperative for early ratification of the Howard-Putin agreement and advises reconsideration of the agreement after the 2010 NPT review conference. That is coming up in a matter of five weeks or so. A legal opinion from Professor Donald Rothwell, Professor of International Law at the Australian National University College of Law, states that Australia has an international obligation to pursue work in good faith towards the objective of nuclear disarmament consistent with the nuclear non-proliferation treaty. Professor Rothwell states quite correctly that this obligation is heightened in the case of Australia’s interaction with a nuclear state that is a party to the NPT such as Russia and in relationships where parties are mutually engaged in matters related to nuclear disarmament, including nuclear energy and proliferation.

Some quite reasonable and sensible suggestions were made during the course of the inquiry, including: to renegotiate the key terms of the treaty if it is to proceed and not just rubber-stamp and wave it through; to allow for higher monitoring, verification and safeguard standards than are currently envisaged under either the proposed treaty or the International Atomic Energy Agency additional protocol—measures that were introduced in 1997 to strengthen the inspection authority of the IAEA; and to insert conditionality clauses into the treaty on the rule of law, democracy and human rights and a termination clause on nuclear disarmament, allowing Australia to terminate the treaty, inter alia, in the event that Russia does not make progress towards its disarmament obligations, which it clearly has failed to do thus far.

This is a flawed treaty and it will weaken Australia’s policy and practice on nuclear safeguards. It will compromise our efforts to rid the world of nuclear weapons and will make Australia complicit in serious failures of the Russian state, where the rule of law, democratic values and human rights are, quite simply, not being observed.

This government response is being taken by the Australian Greens as a dismissal of the findings of the Joint Standing Committee on Treaties and essentially paving the way to do what the mining industry has been demanding since Prime Minister Howard was in government—that we open the floodgates to sales of uranium to Russia. It is quite transparently preparing the ground for exactly that kind of move. While they might be popping champagne at the Minerals Council of Australia and in the offices of BHP and Rio Tinto tonight, we strongly believe that this is a move that the Australian public, the Australian government and probably the people of Russia will regret. This is an absolutely retrograde move. JSCOT very, very rarely tables a report on a treaty proposed by the Australian government with such strong language. It is extremely rare for the Joint Standing Committee on Treaties to recommend that treaty action not proceed. I do not know of many times that has occurred in the history of the committee. For the government to wait around for 12 or 18 months and then issue this trite, dismissive and factually incorrect statement in response is nothing more than what we might have read in a press release from BHP or Rio Tinto. JSCOT deserves more respect than that for the hard work that has been done on a cross-party basis. The people under the footprint of the mining industry where this material is excavated deserve better than that. Quite frankly, this is a move that the Australian people and the Australian government will regret.
Senator O’BRIEN (Tasmania) (4.11 pm)—I present the 5th and 6th reports of 2010 of the Selection of Bills Committee. Ordered that the reports be adopted.

Senator O’BRIEN—I seek leave to have the reports incorporated in Hansard.
Leave granted.

The reports read as follows:

SELECTION OF BILLS COMMITTEE
REPORT NO. 5 OF 2010
1. The committee met in private session on Wednesday, 17 March 2010 at 7.28 pm.
2. The committee resolved to recommend—
   That—
   (a) the order of the Senate of 11 March 2010 adopting the committee’s 4th report of 2010 be varied to provide that the provisions of the Personal Property Securities (Corporations and Other Amendments) Bill 2010 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 May 2010 (see appendix 1 for a statement of reasons for referral);
   (b) the provisions of the Tax Laws Amendment (2010 Measures No. 2) Bill 2010 be referred immediately to the Economics Legislation Committee for inquiry and report by 11 May 2010 (see appendix 2 for a statement of reasons for referral); and
   (c) the provisions of the Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010 be referred immediately to the Economics Legislation Committee for inquiry and report by 21 May 2010 (see appendix 3 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills not be referred to committees:
   • Agricultural and Veterinary Chemicals Code Amendment Bill 2010
   • Carer Recognition Bill 2010
   • Immigration (Education) Amendment Bill 2010
   • Ministers of State Amendment Bill 2010
   • Social Security Amendment (Flexible Participation Requirements for Principal Carers) Bill 2010
   • Tax Laws Amendment (Transfer of Provisions) Bill 2010
   • Therapeutic Goods Amendment (2010 Measures No. 1) Bill 2010.

The committee considered the Food Importation (Bovine Meat Standards) Bill 2010 and, noting that the bill had passed the Senate on 15 March 2010, resolved to recommend that the bill not be referred to a committee.

The committee recommends accordingly.
4. The committee deferred consideration of the following bills to its next meeting:
   • Defence Legislation Amendment Bill (No. 1) 2010
   • Insurance Contracts Amendment Bill 2010
   • Territories Law Reform Bill 2010
   • Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009.

(Kerry O’Brien)
Chair
18 March 2010

APPENDIX I
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Personal Property Securities (Corporations and Other Amendments) Bill.

Reasons for referral/principal issues for consideration:
The purpose of the inquiry is to examine the consistency of the PPS regime and the Bill with the means of recording and enforcing security interests under the Corporations Act.

Possible submissions or evidence from:
A-C’s Department ASIC
The Law Council.
Committee to which bill is to be referred:
Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
Possible reporting date:
May 2010
(signed)
Kerry O’Brien
Whip/ Selection of Bills Committee member

APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Tax Laws Amendment (2010 Measures No. 2) Bill 2010

Reasons for referral/principal issues for consideration:
To ensure that there are no further unintended consequences of the Bill, particularly relating to the amendments in Schedule 1

Possible submissions or evidence from:

Committee to which bill is to be referred:
Economics Legislation Committee

Possible hearing date(s):
Possible reporting date:
May 11 2010
(signed)
Kerry O’Brien
Whip/ Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010

Reasons for referral/principal issues for consideration:
To enable the Senate - through the committee process - to give adequate consideration to this very substantial reform of Australia’s consumer protection laws.

Possible submissions or evidence from:
Australian Competition and Consumer Commission
Australian Securities and Investments Commission
Australian Chamber of Commerce and Industry
Business Council of Australia
Law Council of Australia:
- Australian Consumer Law Group (Mr Gerard Mullins)
- Trade Practices Committee, Business Law Section (Mr Dave Poddar) Prof Stephen Corones - School of Law, Queensland University of Technology

Committee to which bill is to be referred:
Senate Economics (Legislation) Committee

Possible hearing date(s):
No preference

Possible reporting date:
21 May 2010
(signed)
Kerry O’Brien
Whip / Selection of Bills Committee member

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SELECTION OF BILLS COMMITTEE
REPORT NO. 6 OF 2010

1. The committee met in private session on Thursday, 18 March 2010 at 12.02 pm.
2. The committee resolved to recommend—That—
(a) the provisions of the Broadcasting Legislation Amendment (Digital Television) Bill 2010 be referred immediately to the Environment, Communications and the Arts Legislation Committee for inquiry and report by
12 May 2010 (see appendix 1 for a statement of reasons for referral);

(b) the provisions of the Building Energy Efficiency Disclosure Bill 2010 be referred immediately to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 11 May 2010 (see appendix 2 for a statement of reasons for referral); and

c) the provisions of the National Security Legislation Amendment Bill 2010 and the Parliamentary Joint Committee on Law Enforcement Bill 2010 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 June 2010 (see appendix 3 for a statement of reasons for referral); and

d) the provisions of the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 be referred immediately to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 12 May 2010 (see appendix 4 for a statement of reasons for referral).

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

• Insurance Contracts Amendment Bill 2010
• Social Security and Indigenous Legislation Amendment (Budget and Other Measures) Bill 2010
• Tax Laws Amendment (2010 GST Administration Measures No. 2) Bill 2010.

The committee recommends accordingly.

4. The committee considered the Territories Law Reform Bill 2010 and noted that, on 18 March 2010, the Senate had agreed to refer the provisions of the bill to the Joint Standing Committee on the National Capital and External Territories for inquiry and report.

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

• Defence Legislation Amendment Bill (No. 1) 2010
• Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009
• Water (Crisis Powers and Floodwater Diversion) Bill 2010.

(Kerry O’Brien)
Chair
18 March 2010

APPENDIX 1

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a commit-tee

Name of bill: Broadcasting Legislation Amendment (Digital Television) Bill 2010

Reasons for referral/principal issues for consideration:
1. The Government's solution to digital television blackspots is of significant importance to viewers, particularly in regional, rural and remote Australia. Local councils who to date have run self-help re-transmission facilities will be keenly interested in the solution.

Possible submissions or evidence from:
1. Residents in regional and rural Australia;
2. Local councils and regional community groups who currently operate self-help re-transmission services;
3. Broadcasters;
4. Satellite service providers;
5. Television reception equipment installers (eg: antenna technicians and satellite dish installers).

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

Possible hearing date(s):
Throughout April

Possible reporting date:
12 May

(signed)
Kerry O’Brien
Whip/ Selection Committee member
APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Building Energy Efficiency Disclosure Bill 2010
Reasons for referral/principal issues for consideration:
Contention over regulatory burden and changes in approach since the original scheme was announced by the government. Assumptions in regulation impact assessment have been widely challenged.
Possible submissions or evidence from:
Committee to which bill is to be referred:
Environment, Communications and the Arts Committee
Possible hearing date(s):
12 April 2010
Possible reporting date:
11 May 2010
(signed)
Kerry O’Brien
Whip / Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Security Amendment Bill
Reasons for referral/principal issues for consideration:
The government’s 448 page complex exposure draft of this legislation provoked expert response. A thorough examination is required of what adjustments have been made. The process of reviewing and amending these laws needs to contrast starkly with the undue haste with which the anti-terrorism laws were passed in the highly politically charged post-September 11 environment. An inquiry into the changes offers an opportunity examine if the laws remain necessary, effective and proportional to the extent threat.
Possible submissions or evidence from:
Law Council of Australia
Julian Burnside, Liberty Victoria
Phil Lynch, Director, Human Rights Law Resource Centre Ltd
Dr Patrick Emerton, Monash University Law School
Justice John Dowd, President, Australian chapter of the Intl Commission of Jurists Assoc. Professor Jude McCulloch, Castan Centre for Human Rights Law,
Rob Stary & Associates
Gilbert and Tobin Centre of Public Law, Faculty of Law, University of NSW Law Society of New South Wales
Australian Muslim Civil Rights Advocacy Network
Sydney Centre for International Law, Faculty of Law, Sydney University Australian Lawyers Alliance
Australian Human Rights Commission
Civil Liberties Australia
Committee to which bill is to be referred:
Legal and Constitutional
Possible hearing date(s):
Late May
Possible reporting date:
24 June
(signed)
Kerry O’Brien
Whip Selection of Bills Committee member

APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010
Reasons for referral/principal issues for consideration:
1. The Government announced last April its commitment to ensuring new premises were fitted with superfast broadband infrastructure.
2. This Bill implements the Government’s policy.
3. It will be of considerable interest to developers, state & territory governments, local councils and telecommunications companies.
4. The Government welcomes Senate scrutiny of the Bill prior to the Budget sittings.

Possible submissions or evidence from:
• Telecommunications carriers
• Developers and property groups
• State, Territory and Local governments

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

Possible hearing date(s):
Throughout April

Possible reporting date:
12 May

Kerry O’Brien
Whip / Selection of Bills Committee member

Foreign Affairs, Defence and Trade
References Committee

Report
Senator TROOD (Queensland) (4.13 pm)—I present an interim report of the Foreign Affairs, Defence and Trade References Committee, Equity and diversity health check in the Royal Australian Navy—HMAS Success.

Ordered that the report be printed.

Senator TROOD—I move:

That the Senate take note of the report.

I will make a few remarks with regard to both of these reports. These reports relate to the events that took place on the HMAS Success during 2009. The Foreign Affairs, Defence and Trade References Committee continues to remain very much seized of the matters that were brought to its attention as a result of the reference in November last year. It has, however, postponed further work on its inquiry in light of the fact that the Chief of the Defence Force has now appointed a commission of inquiry in relation to the events that occurred on HMAS Success and, indeed, the events that followed those events. The commission has already begun its work and is expected to continue for the next several months. It is in the very capable hands of former Justice Roger Gyles of the Federal Court. The committee intends that it will resume its inquiry once the commission of inquiry’s report has been presented. We anticipate that will be around the middle of the year.

Whilst the committee is willing to await the results of former Justice Gyles’ report it is appropriate that I take a moment just to express some of the concerns that the committee has with regard to this particular inquiry. In particular, I make the observation that the committee is deeply troubled by the events surrounding the reference with regard to the HMAS Success. The committee has received submissions on this matter and so far it has
not taken any further evidence. But it is fair to say—and I think I speak for all members of the committee in relation to this matter—that it is deeply troubled by the potential for the events on the HMAS *Success* to affect the lives and indeed the careers of the people involved. The committee will wait with great interest the results of Mr Giles’ inquiry before taking any further steps in that regard.

The committee is perhaps even more troubled by the insight that these events show us with regard to the administration of justice within the defence forces and more particularly on this occasion with regard to the Royal Australian Navy. Madam Acting Deputy President Boyce, you will be aware that the Senate has had this matter before it for a long period of time. Back in 2005, the committee, which I represent, presented a report to the Senate with some 40 recommendations on the administration of justice within the defence forces. Most of those recommendations were accepted by the then government and they have been in the process of implementation over the last several years. In that respect it is appropriate on this occasion to recognise the leadership that the Chief of the Defence Force has provided in ensuring that insofar as possible those recommendations have been implemented and that considerable reforms have taken place within the Defence Force with regard to the administration of justice.

In light of these developments, it is very troubling indeed that these events on the HMAS *Success* have come to public attention and, indeed, the events that followed from the disclosure of the behaviour which is now before the committee. As I said, we will await the results of Mr Giles’ inquiry before we take any further steps, but we are troubled by both the implications of this behaviour for the lives and careers of individuals and in relation to the wider question of administration of justice within the Defence Force.

The other matter I wanted to draw attention to is privilege. The committee was deeply disturbed to discover in the early part of its inquiry that there was, perhaps inadvertently, a potential for there to be a breach of privilege with regard to the committee’s activities in this inquiry. The second report to which I referred earlier, the report in relation to privilege, sets out in great detail the concerns the committee has. The concerns revolve around the issue of Department of Defence instructions called DEFGRAMs, and for the first of those the committee felt the need to seek the advice of Dr Laing, the Clerk of the Senate, and her advice was unequivocal. Her advice was clear that a DEFGRAM which had been issued by the Department of Defence was a DEFGRAM that seemed to be in contravention of the guidelines that apply to witnesses coming before parliamentary committees.

As a result of that observation, in part perhaps—but I think in part because of the need for the Minister for Defence to act on this matter—this DEFGRAM was withdrawn and two subsequent DEFGRAMs were issued, the third of which would appear to be in compliance with the guidelines for witnesses before parliamentary committees. Notwithstanding that, the committee remains concerned about this particular event and it remains concerned that the guidelines which are available do not make the rights of individuals who come before parliamentary committees entirely clear and allow them to be confident that their rights as citizens are protected.

In light of those continuing concerns, the committee has made two recommendations in its report. The first recommendation is that the matter of the guidelines be taken up by the Senate Privileges Committee for further
investigation, particularly for inquiry as to whether or not they may require some change in light of this particular event and perhaps other matters which have come before Senate committees.

The other recommendation relates to further change and reform within the Department of Defence itself and focuses particularly on the need for legal officers within the Department of Defence to be aware of the responsibilities they have to fully explain the entitlements of officers, soldiers, sailors, air men and air women within the defence forces to appear before parliamentary committees in whichever guise that is required of them. I commend these reports to the Senate. I note that the committee will be providing a further report on these matters later in the year.

Question agreed to.

Privileges Committee
Reference
Senator BRANDIS (Queensland) (4.22 pm)—by leave—I move:
That the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 be referred to the Committee of Privileges for inquiry and report by 12 May 2010 with particular reference to the provisions relating to the disclosure of taxpayer information to parliamentary committees and possible conflict with the Parliamentary Privileges Act 1987.

Question agreed to.

Rural and Regional Affairs and Transport References Committee
Report
Senator HEFFERNAN (New South Wales) (4.23 pm)—I present the first report of the Rural and Regional Affairs and Transport References Committee, The possible impacts and consequences for public health, trade and agriculture of the government’s decision to relax import restrictions on beef.

Ordered that the report be printed.

Senator HEFFERNAN—I seek leave to move a motion in relation to the report.

Leave granted.

Senator HEFFERNAN—I move:
That the Senate take note of the report.

There has been a lot said on this issue. There has been a private member’s bill passed through this Senate and there is another full report to come. I seek leave to continue my remarks later.

Leave not granted.

Senator HEFFERNAN—Because there is new science since the committee was first convened on this issue, because there is no real understanding of the transmissibility of a chronic wasting disease in North America and Canada, because the path to the cattle herd is still not scientifically confirmed, because most witnesses were not even aware of such a disease and because of the lack of knowledge of a lot of people who were taking a view on this particular issue, most of whom did not understand the difference between an import risk analysis and an assessment, we made a decision. I note there is a dissenting report, which is, to say the least, splitting hairs and I note that the government has altered its position. We decided there are to be further hearings and at those hearings there will be evidence of continuing investigation into the science, not only on the question of BSE but also on other diseases.

The World Trade Organisation rules allow us to invoke a clause for a full import risk analysis because of changed circumstances and things like the chronic wasting disease. There was a set of weasel words used in terms of what equivalency was for applying nations. In Australia we have, for instance, a birth to death traceability program which was interpreted by some people, without getting too aggressive, to mean that you could
have closed herd status traceability or states traceability. However, this year there have been 40,000 cattle that have come across the border from Canada with their herd demography being after 1999. In fact the latest BSE reactor, which was not disclosed to OIE for some time after it was discovered by Canada, was in the 2003-04 cattle herd up there. All this means that 40,000 cattle have been transported across the border into the United States and—given that there is no live test, given that there is no reliable dead test except in advanced cases and given that a lot of the world trade now is under 36 months or 30 months, for which there is no reliable dead test—Australia should err on the side of caution under the precautionary principle. I think what the government has decided is the right way to go, and I am not going to get into an argument as to why everyone changed their mind.

I think it is important to recognise, and I do so now, the work of all members of the Rural and Regional Affairs and Transport References Committee. We have done a lot of good work. If we had not done that work, we would not have changed the government’s mind. I think there is no question about that. That work alerted the public to the whole thing. It was distressing to see people who allegedly are peak body representatives not understanding the technical things and to see someone come to the committee and say, about the protocols that were agreed to by Mr McCutcheon from the department, that they agreed to them not having seen them and not having understood them. At one stage of the game some of these peak bodies—without naming them—did not even know there was trade over the border with Mexico. So if you are going to have livestock identification within 48 hours, obviously you have to go back—for the purposes of followers, calves—to the point of birth, which means that in the case of Canada and Mexico they would have to be traceable back to Canada and Mexico and then there is the power of the United States cattle lobby, which has told the US government, ‘We’re not interested in having traceability of that nature’. I think the report speaks for itself and I commend the report. I congratulate and thank the secretariat for their patience in putting this report together. I appreciate there is a dissenting report, which is some sort of face-saving, hair-splitting operation.

The ACTING DEPUTY PRESIDENT (Senator Boyce)—Order! It being 4.30 pm, debate is interrupted. I remind the Senate that standing orders provide for general business to be called on at this time. Before I call on general business, is leave granted for item 14 on today’s Order of Business, specifically on Senator Heffernan’s motion, to be completed?

Leave granted.

Senator STERLE (Western Australia) (4.30 pm)—I will not take up too much time of the Senate, but there is a dissenting report from government senators. I will not get into the semantics of a good stoush across the chamber with Senator Heffernan, which is unusual because we quite passionately combat each other. Senator Heffernan uses words like ‘weasel words’ and ‘face-saving’, and I think that is disingenuous of Senator Heffernan.

Senator Heffernan did say that there has been new science since the committee established this inquiry. I will not argue but it is also imperative everyone understands that in 2001, when the previous government put the blanket ban on the importation of meat from countries that had had BSE outbreaks, that was the right decision at the time. There is no argument about that. This decision to relax the importation rules was not taken because Minister Crean had nothing better to do. There was new science available. There is no
argument about that. Also, it is imperative that Australia understands that the beef industry approached government through the RMAC, the Red Meat Advisory Council, and its members. Its members include the Cattle Council of Australia; AMIC, the Australian Meat Industry Council; the Sheepmeat Council of Australia; the Australian Lot Feeder’s Association, MLA and the NFF.

To clear up a few things: the Minister for Agriculture, Fisheries and Forestry, Mr Burke, has decided to implement the IRA. Quite simply, he did that because he heard the concerns of the community, he heard the concerns of the committee and he heard the concerns of his backbenchers—being Senator O’Brien and me. It was a good decision. There is no argument about that. There are another couple of things I wish to take note of. If the policy had not changed, if the Australian government had not worked closely with the beef industry, and if there had been an outbreak in Australia of BSE—and I know that side over the will want to jump down and have a fight, and I am quite happy to have the fight with them—in meat in Tasmania, every bit of meat all over Australia would have had to have been taken off the shelves. Now that is not the case and that is good policy. There are a lot of beef producers out there who know that it is a good policy, and that was told to us on many occasions.

Another area I want to touch on is food labelling. I will conclude my remarks after this. I have absolutely no argument with food labelling. A lot of consumers want improved food labelling. We are moving down the path of addressing food labelling. But Australia’s border protection and quarantine protection should not be determined on the shelves of Woolworths, Coles or the butchers. That has to be done through quarantine. Food labelling should all come down to a choice for consumers. On that, I will conclude my remarks. The best way of reassuring the Australian community that effective protocols will be put in place is to provide for the safety of the imports through the IRA.

Senator MILNE (Tasmania) (4.34 pm)—I am very conscious of the time and so will limit my remarks. I welcome the tabling of this interim report of the Senate Standing Committee on Rural and Regional Affairs and Transport on the matter of importing beef products from countries that are BSE affected. When I moved for this inquiry last year, I did so because I was fully aware that the community had no idea what was going on and that it was being done in secret. I thought it was absolutely critical that it be brought to the attention of everybody—that is, all the stakeholders and the community—and has now happened. That the government has changed its mind is an extremely welcome outcome. As I have said many times in this house, it is the mature thing to do when you are wrong to change your mind. I am glad the government has done that and I am glad an IRA process will be undertaken, as should have occurred in the first place. Having said that, that goes for traceability as well.

Food labelling is something I have been passionate about for a very long time, and we have a lot further to go in labelling our food products in all sorts of ways. It is important that consumers can make informed judgments, particularly since the laws are so lax at the moment. As we know, if 50 per cent of the production costs are incurred in Australia then a product can be labelled as a product of Australia when in fact half of it can have been brought in from overseas. That has raised concerns in Tasmania, where packets of frozen vegetables have a beautiful photo of Tasmania on the front and the overwhelming majority of vegetables in the packet have been frozen and imported from China. The consumer deserves to know much more.
about what they are purchasing. As a result of this inquiry, that will be the case for imported beef products.

It is essential that the community has confidence in the food it is eating. The community needs to ask the question: why would you go from the situation of having an absolute guarantee that your public health is not going to be compromised to one where you are taking a negligible risk? That is what this does. It moves from zero risk to negligible risk. I understand the trade ramifications but, nevertheless, that is what we are doing and the community deserves an opportunity to comment on that.

I also want to take this opportunity to thank the committee secretariat and the fellow members of this committee, the rural and regional committee. The reason I wanted to particularly thank the secretariat is that they bend over backwards to make sure that the committee members have as much information as is possibly available, and also to include all committee members in trying to come to a consensus report and to consider it in an appropriate way. I know that they are overloaded, as indeed most of the secretariats of the committees in this building are, but, nevertheless, I wanted to particularly commend them for the work they do. I also want to commend the way that the committee works. Having been through an appalling process with the Economics Legislation Committee, it has made me realise just what a good culture exists in the rural and regional committee. People genuinely try to come to a consensus and, if they cannot, there is respect for the fact that there are dissenting views. They are expressed and at least there is a fair process. I want to commend the chairs of both the rural and regional references and the rural and regional legislation committees for creating a culture where that is possible and where people feel like their contribution is valued. I think that is important.

Question agreed to.

RUDD GOVERNMENT

Senator BARNETT (Tasmania) (4.38 pm)—by leave—I move:

That the Senate notes:

(a) the Government’s mismanagement of major programs, including the Building the Education Revolution and the Home Insulation Program and other major government initiatives;

(b) the incredible waste that has resulted from these mismanaged programs; and

(c) the impact that the waste has had on Australian states.

There is so much evidence now before the Australian public, it beggars belief. Labor made many promises in the lead-up to the 2007 election and many after coming into power. They have promised, but they have not delivered. And, worse still, what they have delivered has been done so badly and so poorly. You see, it is so easy to make promises, but the proper delivery of major projects requires sound financial management, proper planning and resourcing. It is so much more than just big ideas. We saw that under the Howard government. Its fiscal management was great, it paid off Labor’s debt—it took over 10 years to do that—and it left this country and this government with a surplus. But what has the Rudd government done? The waste and mismanagement has been supreme.

Before getting into some of the details, I would just like to note a few examples of the promises that the government made prior to the election. They wanted to bring petrol prices down. They wanted to bring grocery prices down. Well, they have failed. They wanted this takeover of public hospitals. There is a huge failure there, a big question mark. They said they wanted the budget to
remain in surplus and there would be no reckless spending. That has been an absolute failure. Laptop computers in schools for years nine to 12—it just has not happened. The students are still waiting. What about the 36 GP superclinics? We had the AMA dinner a few nights ago, and the Prime Minister stood up there saying he has delivered on health. Well, he has not delivered on the GP superclinics. I think we have two that are operating. What about the 260 childcare centres that would be operating around Australia in each of the communities that need them? That has not happened either. They promised no means testing of private hospitals. Well, they have broken their promise. I am so proud of the coalition. I am proud of the members in this Senate who said, ‘No, don’t break your promise!’ We said no to the breaking of that promise because Labor have a pathological hatred of private hospitals and anything private.

With regard to the Building the Education Revolution and the Home Insulation Program—the pink batts fiasco, which is what it is—I want to focus in particular on Labor’s environment credibility. The fact is it is in tatters. They came to government and they came to power claiming to have all of the answers on climate change and the environment, but two years later they have not delivered. In fact, they have delivered nothing but a string of broken promises. The pink batts Home Insulation Program has gone from bad to worse. It seems to be getting worse every day. We have a tragic situation where four young Australians have died, and their deaths are linked to the government’s pink batts Home Insulation Program. You have the 105 house fires. These are the house fires that we know of, but the number keeps increasing. It was 93 a week or so ago, and 82 a few weeks before that, but the question is: how many more houses are at risk? There were about 1,000 electrified roofs a month or so ago; now it is up to 1,500 electrified roofs and 240,000 dodgy installations.

The day before yesterday there was the answer to a question on notice from me for the Senate committee of inquiry into this matter, ably chaired by Senator Mary Jo Fisher. What was the answer to the question: how many insulation batts were from overseas? We discovered that, out of the 1.1 million homes that have so-called ‘benefited’ under this program, 40 per cent have batts from overseas and of that number one-fifth, or 20 per cent, were from China—that is, we are talking about over 60,000 Australian homes. We are talking about Australian families who have dodgy or non-compliant insulation in their homes. They do not know today whether they are safe; they do not know if their insulation is complying with the Australian standards.

We had Minister Wong in here yesterday saying that the standards are mandatory. She can say whatever she wants—there are 60,000 Australian families today who know, as a result of that answer to a question on notice that came through yesterday, that their insulation is either dodgy, underperforming or non-compliant and that those batts come from overseas, specifically China. That is a great shame. Those batts failed to meet manufacturers’ claims of thermal efficiency and were labelled incorrectly.

What is staggering new information about the 1.1 million homes is that 40 per cent of the insulation came from overseas. This was part of the government’s stimulus package: it was designed to stimulate the Australian economy, to stimulate jobs in Australia. We had Minister Arbib going on about the importance of jobs, jobs, jobs. Where were those jobs created? We know in relation to insulation that 40 per cent of them have been overseas: China, USA, Thailand and Malaysia. That was in that answer, which was ta-
bled yesterday, to a question on notice from me via that Senate committee. This is tragic.

Of course, this is consistent with what the government did with respect to the tax bonus and the money that went overseas. Over $40 million went, very sadly, to dead Australians, to people living overseas and to criminals in prison. That is where they sent that Australian taxpayers’ money. You could not get a worse example of waste and mismanagement. So the government seem to be consistently poorly managing our economy and poorly managing these important government programs. We know that Mr Garrett got the Home Insulation Program wrong. He reduced the $1,600 rebate to $1,200 and he is going to reduce it still in the months ahead. And of course $200 million has just gone up in smoke as a result of that ill-conceived decision. Now we have a rescue package, but we know that the 60,000 homes I referred to are in addition to the 240,000 homes with dodgy insulation and the 1,500 electrified roofs.

I want to read to the Senate of the concerns out there in the local community with respect to families, pensioners—older Australians—and what they have to say. This is from an article by Neil Mitchell in the Herald Sun today. It says:

As each ceiling does catch fire it becomes more obvious that Rudd and his Government have no clue what pain and fear they have created in the community and how many sensible, normally independent people are confused and scared.

The article refers to Frances, who is 82 years old and ‘lives in fear in Albert Park’ in Melbourne:

Frances had insulation installed by what sounds to have been dodgy operators on January 16. They left no details of what they had done and promised to send paperwork that has never arrived.

She doesn’t know if it’s dangerous but as she hears about the fires she becomes more nervous, and rightly so.

Asked to help Frances, the nice lady at Kevin Rudd’s hotline said there was nothing that could be done. A “quality audit” was under way, she said, but those houses were already selected—and hers was not one of them. The article goes on to talk about the scenario for Frances. She is feeling very confused and concerned. The article says:

So let’s absorb this. An elderly pensioner has had possibly dodgy insulation installed because of an ill-conceived, badly administered piece of Government grandstanding and now lives in fear.

How many Australians are in a position like Frances’? Can the government say how many? Can the government advise this Senate and the Australian people? Can they come clean and express their views? What are they doing about it? They say they are auditing 15 per cent. Frankly, that is not good enough. It seems to me and to others that there needs to be a full, proper and comprehensive audit so that the fear and anxiety can be removed. There are people, including on the other side, who are happy to stand up and spout the importance of older Australians and pensioners. Well, come on! Take a good look at yourself and think about people who are concerned and anxious.

The Prime Minister and Mr Combet, in their responses, spout along the following lines:

… prior to 2009 there were also a proportion of homes which had safety-related issues arising from insulation.

… … …

Melbourne’s fire brigade reports that in the six months to June last year there were seven fires related to insulation. Then this dodgy scheme was introduced and in the next six months the number of insulation-related fires jumped to 31.
Seven to 31 in that space of time! So they cannot just use the excuse, ‘Oh, there is always the odd fire in a roof.’ Come on! You have a fourfold increase in the number of fires in roofs. It is not good enough. People are living in fear and the government is not doing anything about it. I feel very upset and concerned for and on behalf of those Australians who have had enough. They want security; they want confidence in their own homes. They want to be able to walk through that front door, into the kitchen, and sit comfortably there and say, ‘We feel confident. We love our home; we are safe here.’ But that is not happening, as a result of the government’s mismanagement and misadministration of the Home Insulation Program. It is a great shame.

We heard the news just a few days ago about speculation as to whether insurance would cover people’s homes—would they be able to get insurance cover? If they paid the premium, as they had previously done, or if it is a new insurance policy, would the insurance company cover those homes? That was speculated about as well. I do not know the details about that. We have to get to the bottom of it. I would like to know. The Electrical Contractors Association estimates that the audit, if it was done properly and the rectification measures were undertaken, would cost some $450 million. Goodness me! It is a $2.45 billion program, and that is the amount of money that is required to fix it.


Senator BARNETT—The waste, waste, waste is something shocking, as Senator Fisher has indicated. And it goes from bad to worse, because if you add up all the costs we are talking about up to $1 billion in waste as a result of the government’s bungling and mismanagement of the Home Insulation Program. The government come in here and cannot say exactly how long it will take until the audit is complete, and they are only talking about the 15 per cent. They cannot say how much it will cost. Why won’t they? They have had weeks and weeks to work this out. It does not take that long. The government’s mismanagement and maladministration of this program is a disgrace, and they should hang their heads in shame. Something I have learnt in just the past 24 hours is that numerous people have been injured. Four Australians, tragically, have been killed as a result of their link to the Home Insulation Program, but how many Australians have been injured? I do not know the answer to that, and I would like to get to the bottom of it. We have a Senate committee hearing next week, and we will get to the bottom of it.

Senator Fisher—They won’t know.

Senator BARNETT—We will. Be assured: we will get to the bottom of this, whatever it takes, for and on behalf of the Australian people and Australian families. It is not good enough. In light of the time, I need to move on and refer to the Building the Education Revolution, as they call it. Do you know what I call it? I call it a waste revolution.

Senator Polley interjecting—

Senator Furner interjecting—

Senator BARNETT—That is what it is all about. We have heard a lot of interjections from Senator Polley and others. The fact is it is not good enough. What have we heard about the waste?

Senator Polley interjecting—

Senator BARNETT—Senator Polley, I will take that interjection. The unions support the Labor Party. What about the New South Wales Teachers Federation? What do they say about the importance of looking into the waste and mismanagement of this program? They say that it is shocking throughout New South Wales. They want the Audi-
tor-General in New South Wales—they have written to the Auditor-General in New South Wales—to conduct an inquiry to see if they can get to the bottom of it and say, ‘It’s not good enough.’ It is in writing. In fact, Ray Hadley had an excellent program on 2GB. I know Senator Heffernan was referring to this yesterday. I spoke to him today. He was telling us about a fence that needed to be fixed next to a school, and it was on Ray Hadley’s program this morning. It was a $1,000 project, and they said, ‘No, we can’t do it.’ The farmer wanted to fix the fence for $1,000 or thereabouts, or the farmer’s neighbour did, and the cost was $76,000. Let us get to the bottom of that: is it right or not? It was on Ray Hadley’s show this morning. Talk to Ray, and we will check it out. We will see what comes up on 2GB.

This is the sort of example of waste and mismanagement that you can see. The front page of the Australian today had a beauty: ‘School “Building the Education Revolution” costs double quoted price’. Double the quoted price! Senator Polley and her colleagues on the other side should understand that this is a waste revolution. It is affecting Australian families. You are spending Australia into debt, and that is the problem. The waste and mismanagement is something shocking. It has gone from bad to worse.

In the couple of minutes that are available I want to refer to one of the worst examples of waste and mismanagement. It is not GROCERY choice—that is bad enough, with over $8 million wasted. It is not the school stimulus debacle, with the $1.7 billion blow-out. Guess what—it is not in the laptops in schools, with the $800 million blow-out, where the promises have been breached and broken and kids in grades 9 to 12 have not received the laptops that they were promised prior to the election. It is not the Northern Territory housing program, under which $45 million was spent and not one house built. It is not the tax bonus waste, whereby $40 million went to dead people and to Australians living overseas. It is not the stimulus advertising, whereby $50 million in the current budget was spent on advertising the government program. It is not the broadband tender and the associated waste under that program. With the National Broadband Network there is that $30 million that was wasted as a result of the totally inappropriate behaviour by Senator Conroy, as the manager of that program. It goes on and on. It is not the climate change advertising—$10 million was wasted on that. It is not the 2020 Summit—$2 million was wasted on that. With all those recommendations they have come up with only nine, and we have not yet seen what the funding for those will be. Watch this space! We will be watching for a while to get outcomes from the 2020 Summit.

I will conclude on this promise relating to consultancies: this is an overarching, whole-of-government approach. This is typical Labor. In funding for consultancies, they have now hit the jackpot. They have hit $1 billion since they came into government.

Senator Ian Macdonald—That’s incredible.

Senator BARNETT—Yes, Senator Macdonald: $1 billion. It is now close to $1.1 billion. We know that is a lot of money. That is a jackpot. It is big money. We are not talking about hundreds of millions; we are talking about nearly $1.1 billion. But the amazing thing is that, prior to the election, the government promised to cut consultancies by $400 million. They wanted to cut it by $100 million a year over four years. They promised to cut spending on consultancies, but it has gone up and it is now well over $1 billion. That is a whole-of-government approach. This government have no idea of how to manage the economy or how to manage the government. That waste
is going to be paid for by Australian families and their kids for years and years to come, and that is shameful behaviour by the government. They should know better. They should hang their heads in shame and apologise to the Australian people and come clean. The Australian people, Australian families, say, ‘Enough is enough; this government should get it right.’

Senator McEwen (South Australia) (4.59 pm)—I have to say at the outset that I think that this motion is a waste of the Senate’s time. Nevertheless, I will respond to the motion that has been proposed, because it gives me the opportunity to outline some of the many successes of the government’s programs. It also gives me the opportunity to rebut some of the unsubstantiated claims made in the motion and repeated ad nauseam by Senator Barnett. Here in this motion we had the usual scaremongering and misrepresentations and being loose with the truth that we have come to expect from the opposition, which continues to waste the Senate’s time with these ridiculous motions. They make claims about the Building the Education Revolution program that do not stack up. Whenever they look beyond the front page of the Australian, which seems to be their major research tool, they discover that the claims that they make are not substantiated. Time and time again at Senate estimates these ridiculous claims that they make are found to be lacking in truth and not borne out by the facts. I am sure that the latest story in the Australian will suffer the same fate. Nevertheless, we will have that lazy opposition keep using the Australian as their primary source of information in an attempt to beat the government around with what turns out to be a wet lettuce.

The opposition in this motion talks about waste and mismanagement. Perhaps the Australian public would like to consider whether it is a waster of taxpayers’ money to continue to pay the senators opposite, who continue to bang on ad nauseam about the government’s extremely successful economic stimulus plan and continue to mismanage their responsibility as an opposition by just opposing everything that comes before the chamber. They oppose everything that comes before the chamber because they have no plans, no policy, no vision and no agreement between themselves about the way forward—nothing that they can put to the Australian people about what they would do as an alternative government.

I have made an error there. They have got one thing in their bag: a great big tax proposed by the opposition leader. It is a three billion dollar tax on business to pay for a paid parental leave scheme that is intended to make Mr Abbott more appealing to women voters. All it has done, though, is alert women voters to the fact that Mr Abbott is behaving in his usual, cynical, backflipping way in proposing a scheme for paid parental leave which he is on the record as firmly opposing. All his scheme has done is infuriate business, which the opposition claims to represent.

And it has garnered the amusing disdain of Mr Peter Costello, who I recall as Australia’s longest Treasurer—the longest serving Treasurer who never got to be Prime Minister. This is an opposition that stands up in here and talks about waste and mismanagement and how it is opposed to higher taxes. What does Mr Costello say about Mr Abbott’s plan? He says: ‘I have been to a lot of Liberal Party meetings in my life and I can honestly say I have never heard a speech in favour of higher tax.’ There you go. It is always disturbing for me to have to quote Mr Costello, but it was interesting to read that speech from him to Mr Abbott’s proposal. He is not fooled by it and we know that the people of Australia will not be fooled by it either.
Getting back to the government’s programs, which are the subject of this motion, you only need to scratch the surface of the Rudd Labor government’s initiatives to see how successful they have been. I remind you that we are talking about the initiatives that saved Australia from falling into recession. To suggest that they have been mismanaged is farcical. But, as I mentioned before, we expect nothing more from those on the other side, who seem to enjoy wasting the Senate’s time and take a reckless approach to the future of our nation by blocking crucial legislation from passing the Senate chamber.

I would like to ask senators opposite who are speaking to this motion: exactly what schools does the opposition want to not participate in the Building the Education Revolution program? Which ones out of the nearly 10,000 schools in Australia does it want to not have libraries, community halls, new infrastructure or new computers? I think that I have asked this question before. Senators on this side keep asking that question. We never get an answer from the other side. All we keep getting are pictures of coalition senators turning up at the openings of this school infrastructure with smiley faces, hoping that they can claim some of the credit.

The Building the Education Revolution program was part of the Rudd Labor government’s swift, smart and effective response to the global financial crisis. The Nation Building and Jobs Plan and the economic stimulus packages implemented across the country boosted the employment rate and saved hundreds of thousands of Australians from unemployment. It saved their families from the terrible situation of having the breadwinner unemployed and it saved the nation from the worst of the economic downturn that affected the whole of the world. The success of the stimulus in boosting the confidence of Australian consumers and businesses during the worst global recession in 75 years helped set Australia apart from other advanced economies and helped us avoid recession. Let us not forget that those on the other side voted against the package. They voted not to invest in our schools and infrastructure. They were completely out of step with the rest of the responsible community, who understood that that action by the Rudd Labor government was needed.

Since the stimulus package was implemented the government has watched with great interest the response of economists and commentators. I note, and it is worth putting on the record, that the Chief Economist of the Commonwealth Bank, Mr Michael Blythe, has said the:

... aggressive policy action—fiscal and monetary—worked. And it worked quickly.

Mr Blythe also said:

Targeting parts of our economy where there was some genuine demand and an immediate ability to spend was very smart.

And:

The limited rise in unemployment relative to expectations proved to be a positive “shock”, driving a rapid recovery in consumer confidence and the economy more broadly.

That was from the Commonwealth Bank’s Chief Economist. Michael Blythe is not the only economist to approve of the nation-building stimulus package. Economist James McIntyre, also of the Commonwealth Bank, said with regard to the construction industry:

The public sector construction component of the stimulus package was designed to kick in with a lag as private sector construction activity fell away in response to the confidence shock of the global financial crisis. The timing and effectiveness of that design is evident in the QIV 2009 construction work done figures.

Another economist, Craig James of Commsec, said:

Had it not been for the public sector, construction activity would now be more than 10 per cent
down on a year ago, stalling the momentum for
the broader economy.

A report put out by the OECD in mid-
February this year made it clear that the fis-
cal and monetary stimulus in Australia has in
no small part shielded businesses and citi-
zens from the initial, damaging impacts of
the global recession. That report said:

Although the global recession has not spared Aus-
tralia, its impact appears to have been less severe
than in most other OECD countries.

What a glowing report for the Rudd Labor
government, which acted decisively and ef-
effectively to address the global financial cri-
sis. It makes a mockery of the bleatings from
those opposite about the federal govern-
ment’s economic stimulus package and its
various components.

We know full well that the government
did the right thing with these programs and
that Australians are better off as a result of it.
But the opposition are blinded to the facts.
They did not want the nation-building eco-
nomic stimulus at all and they voted against
it. They wanted to send Australians into un-
employment. They wanted to deny our
schools, our health sector and the people of
Australia the infrastructure projects that have
been rolling out across the country—not just
in city areas either. We have helped many
regional and rural communities across the
country with their schools, infrastructure
and, in particular, roads and rail transport.
We developed our economic stimulus pack-
age with a view to the future. We knew that
we could not secure the economic future of
the country without strong infrastructure pro-
jects. They were desperately needed because
of the neglect of the coalition during its 12
long years in office.

Last night I spoke in the adjournment de-
bate about the growth and the successes in
South Australia as a result of the ongoing
partnership between the Rann Labor gov-
ernment there and the Rudd government. I
was very pleased to be able to outline how
that partnership has contributed to the eco-
nomic security and wellbeing of South Aus-
tralia and to its very welcome, very low un-
employment figures. South Australia is like
all states and territories across the country in
benefitting from the Nation Building and
Economic Stimulus Package. There are a few
more projects that I would like to mention,
which I was not able to last night. In particu-
lar, I would like to mention the opening of
the Panax Geothermal project, near Penola
on South Australia’s Limestone Coast, which
received $7 million from the federal gov-
ernment. That will create new jobs in that
region, in the south-east, and give us a head
start in developing new technologies that
will ensure energy security for the future. Is
the opposition opposed to that kind of project
as well? Are you going to tell the people of
Penola that you do not want that project to
go ahead? Are you going to tell the people of
South Australia that you do not want invest-
ment in alternative energies?

Senator Bernardi—You don’t even know
where Penola is!

Senator McEWEN—Of course, Senator
Bernardi would not want investment in alter-
native energies, would he? That is because
he is a climate change sceptic. He is one of
the many over there—he is one of the trog-
lodytes. He does not believe in this sort of
stuff. He does not believe in any other type
of energy: he just wants to live in his cave in
the dark burning his coal, as he has done.

Another recent announcement that I was
unable to talk about last night was the roll
out of fibre-to-the-premises network across
the entire town of Willunga—another place
that South Australian senators will be very
familiar with. Willunga has struggled to get
access to broadband technology of a quality
that will satisfy the education, household and
business needs in that important and growing region of South Australia. It was a very welcome announcement and I am very pleased that the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, agreed that that regional area would benefit from the rollout of infrastructure. It is essential to the development of the region.

I would like to take the opportunity to put this on the record, if I could go back to schools for a minute. It is worth while noting the financial commitment that has been made to schools as a result of Building the Education Revolution and the economic stimulus package. I want to highlight three programs: National School Pride, which has provided funding of $102 million to 788 schools; Primary Schools for the 21st Century, which has provided $1.19 billion to 693 schools; and Science and Language Centres for 21st Century Secondary Schools, which has provided nearly $78 million to 61 schools. Those are South Australian figures. They are not small amounts of money. They are big projects. They are big important projects that South Australia needs and that the Rudd Labor government was pleased to deliver to them.

Senator Furner—A lot of employment.

Senator McEWEN—Yes, and a lot of employment, indeed, Senator Furner. I know you are very concerned about employment and about working Australians, because before you came into this place, like many of us on this side, you supported working Australians. Who, in this chamber, did not support working Australians? Let me think—that’s right, it was those people on the other side of the chamber. What did they introduce? Something called Work Choices. What will they introduce if they ever, God forbid, get back into government? Work Choices. Why? Because the opposition leader, Mr Tony Abbott, is on the record as saying that he supports Work Choices. We all know that. He might not have much of a record as an economic administrator. I do not think Mr Abbott has ever held an economic portfolio. Heaven forbid that he has to rely on people like Senator Barnett or Senator Joyce, who has been providing him advice on financial matters. Senator Joyce, I think, had something to say about the paid parental leave package and its being a tax, but I do not have time to go further into that issue. It is just another interesting example of the kinds of divisions that we see in the coalition, which pretends that it would like to be the alternative government. Heaven help us if that ever happens!

When the Rudd Labor government announced our Nation Building Economic Stimulus Plan in February of last year, our economy had contracted and was on the brink of recession. We were facing the very bleak prospect of a million Australians being out of work. As a government, we were determined to do whatever we responsibly could to protect our economy, to protect jobs, and to protect small businesses. And that is what we have done. One year on, a combination of the economic stimulus and the resilience and hard work of Australian families, workers and businesses has meant that we have avoided recession and saved the jobs of tens of thousands of Australians. Together, we have achieved stronger growth than any other advanced economy, created jobs, kept unemployment levels down and, most importantly, put in place the bones of the infrastructure for a modern, responsive economy into the future.

To those on the other side who continue to bleat that they are unimpressed with the government’s innovative and astute actions: let me remind you of the statistics. The most recent labour force figures showed unemployment increased by just 0.1 per cent in February, rising to 5.3 per cent from Janu-
ary’s revised rate of 5.2 per cent. The fact that Australia’s unemployment rate has a five in front of it, after what the world economy has come through in the past 18 months, is a testament to the resilience of Australian employers and employees and the way they have got behind economic stimulus.

At 5.3 per cent, Australia’s unemployment rate remains lower than that of every major advanced economy except Japan. Since the start of the global recession, countries like Canada and the UK, and the European economies, have lost millions of jobs, and 6.8 million jobs have been lost in the US. The ILO’s recent *Global employment trends* report found that a total of 27 million people lost their jobs in 2009. That is a frightening statistic. It is a statistic that the Rudd Labor government knew was in the offing. When we introduced our economic stimulus plan it was with a view to preventing the worst of that terrible economic downturn affecting Australia.

I would like to conclude by reiterating that it is very unfortunate the opposition uses its time with these motions, which do nothing to advance Australia. These motions simply emphasise that the opposition is without vision, without plans and without forethought. The opposition are whingers, knackers and extremists and are out of date. They refuse to contribute meaningfully in this place and refuse to pass legislation, such as the CPRS legislation, the fairer health insurance legislation and the NBN legislation. They refuse to do anything at all constructive to assist Australians, Australian families and Australian businesses into the future.

You are the ones who are wasteful. You are the ones who are mismanaging your responsibilities as an opposition. You are a disgrace, and so is this motion.

**Senator FISHER** (South Australia) (5.19 pm)—I rise to speak in support of this motion, which recognises Rudd Labor’s failings in managing major projects—failings that have caused waste. Waste from their failed management of major projects is impacting on the states.

It is clear that Rudd Labor cannot get it right. It is clear that Rudd Labor cannot keep its election promises, cannot manage major projects and cannot achieve the goals it states for its major projects. All Rudd Labor can do is waste, as a result of its major projects, and rely on some sort of so-called mateship between Rudd Labor and state Labor. Rudd Labor promised, as part of its election promises—

*Senator Polley interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Moore)**—Senator Polley, will you cease shouting across the chamber.

**Senator FISHER**—Rudd Labor promised cooperative federalism. We have seen no results of that. Most spectacular failures from so-called cooperative federalism come to mind. Look at water. There has been no national management of water, no national management of any sort of relief for the Murray-Darling Basin and no results from cooperative federalism for health reform across the country.

Rudd Labor promised Fuelwatch. Result: waste. Rudd Labor promised GROCERYchoice. Result: waste. Rudd Labor promised NBN round 1. Result: waste—18 months of time and some $30 million of taxpayers’ money wasted. Rudd Labor promised green loans. Result: waste. In fact, the result was a program that is still, in name only, Green Loans but somehow does not have any loans left to be made. Laptops in schools—another Rudd Labor promise. Result: non-compliance. So much for cooperative federalism. Another Rudd Labor promise and another Rudd Labor failure.
What can we rely on Rudd Labor to do? It is pretty clear that if they could not run NBN round 1 how could we, and why should we, rely on and trust Rudd Labor to deliver NBN round 2? If Rudd Labor could not run and manage the Home Insulation Program round 1, how should we, and why should we, rely on and trust Rudd Labor to deliver on the Home Insulation Program round 2? If Rudd Labor could not manage and deliver a genuine national agreement to manage the Murray-Darling basin in a time of drought, how should we, and why should we, rely on and trust Rudd Labor to deliver a genuine national agreement to manage the Murray-Darling basin after one of the greatest wets in the north in the past 30 years? The pressure is hardly going to be on Rudd Labor now. Rudd Labor, state Labor and Rann Labor are going to say it has rained—particularly South Australian Labor—after months and months and months of saying, ‘We cannot make it rain.’ The pressure is off; the job is done; the job is right.

How can we trust Rudd Labor to deliver? How can South Australians trust Rann Labor to deliver again when they know they cannot trust Rudd Labor, they cannot trust state Labor and they cannot trust Rann Labor? How can the Australian electorate, and in particular the South Australian electorate, be expected to trust Labor governments, federal and state, which seem to rely on mateship to achieve results? South Australian Premier, Mike Rann, crow today that he somehow enjoyed results for SA from his good friend, from his mate, Kevin Rudd, due to a 20 or so year-long friendship with the Prime Minister. If that is the best the Premier, Mike Rann, can show as a result of a 20-year-long mateship with Prime Minister Rudd, then it has delivered few results for South Australia.

The ACTING DEPUTY PRESIDENT—Senator Fisher, I would remind you about the title of premiers.

Senator FISHER—I go back to the motion. Prime Minister Rudd, in referring to cooperative federalism, no doubt had in mind the many forms of friendship that Australian Labor enjoys. Minister Conroy effectively gets his mate Mike Kaiser appointed to NBN Co. The friendships amongst the ranks of the Labor ‘many’ enjoy varied forms. They range from factional friendships to perhaps some ‘flirty’ friendships. It is pretty clear that Prime Minister Rudd does not have a factional friendship with Premier Keneally. Undoubtedly, he does not have a flirty friendship either. Either way, he has not delivered any results from that so-called cooperative federalism. Mateship and flirty friendships are all very well, but they do not have a place in Australian politics.

What does have a place in Australian politics is delivery of policies based not on mateship or on friendship but on merit. The Australian people and the South Australian people know that Rudd Labor and Rann Labor are based on mates, mates, mates, backs, backs, backs: ‘I’ll pat yours, you pat mine’—flirt, flirt, flirt—based on spin over substance. The Australian electorate is ready for some substance over the spin.

Look at some easy examples from the federal perspective. Look at the Home Insulation Program, look at the mismanagement of the National Broadband Network and look—much as my Labor colleagues might not like to do—at the mismanagement of the Murray-Darling basin. Round 1 of the plagued Home Insulation Program, as foretold by the independent risk assessment from Minter Ellison, was done in too much of a hurry, the program was given to a department that was ill equipped to deliver it and the scale of the task was new to the department. They are policy wonks, not program wonks.
Despite the foretelling of these risks, Rudd Labor ploughed ahead. Rudd Labor ploughed ahead announcing a program in February 2009 for implementation in July 2009. It was five months in gestation before its implementation. In that mismanaged program, there were no plans like, ‘Let us make sure we put the right insulation in the right places,’ and, ‘We install the insulation that is suited for the purpose: we make sure that in hotter climates we do not install the sorts of insulation that keep hothouses hot’—basically, makes them mini-incubators—and, ‘Let’s make sure that in colder climates we do not install insulation that stops the heat from coming in.’ No plans—so the reverse occurred.

The Senate inquiry into the Home Insulation Program heard from some independent expert witnesses who talked, for example, about the experiences of the wrong sort of insulation for the wrong places. Professor Richard Aynsley told the committee that in the tropics there is a strong preference for metal roofs, because tiled roofs cannot take much treatment from tropical cyclones. He said:

Metal roofs do very well. However, in a humid environment with a metal roof facing a sky, particularly when there are low cloud conditions, the temperature of metal roofs can fall to eight degrees below air temperature at night. This is typically at about three or four o’clock in the morning. The humidity at that time is going to be around 80 or 90 per cent and the result of that cooling of the metal will be condensation both on the upper surface of the roof and on the inside of the roof.

... and so it actually rains inside these metal roofs in Townsville.

He also said:

If you have bulk insulation across the ceiling below that raining surface, you get moisture build-up in the insulation which affects its insulating properties. It will heat up dramatically during the day but it will destroy the top layers and often the lower layers of the material are still damp.

In short, he went on later to talk about moisture penetration and mould in the insulation.

Senator Bilyk interjecting—
Senator Polley interjecting—

Senator FISHER—Well you may laugh, colleagues—Rudd Labor colleagues, if I may. You would not be laughing, I might suggest, were you a homeowner in the tropics with the wrong sort of insulation fitted to the wrong sort of house in the wrong sort of climate. And we do not know how many of those there are because Rudd Labor says that, of the million or so houses fitted with insulation under its Home Insulation Program, it is only going to inspect about a quarter, if we are lucky. We do not know when it is going to start inspecting them. We do not know who is going to inspect them and how well trained they are going to be. We do not know how long the inspections are going to take. We do not know who is going to pay for it. We do not know what is going to happen once those houses are inspected.

To go back to the mismanagement in the first place, part of the trouble is that many of our Australian mums and dads do not know if they have insulation in their homes. They might think they have but, if they have not had a look, they might find they have not got any at all. And many of them do not know that they are supposed to have insulation in their houses when, in fact, they have not:

they are supposed to have insulation in their houses because the department administering
the scheme has already paid some shonk for, supposedly, installing insulation in those houses. And, by the way, there are many reputable players in the industry who actually have installed insulation and subsequently sent a bill to the department or sought the rebate in accordance with the scheme only to find they could not be rebated because someone else had already been rebated—in other words, the shonk has got there first. How was a reputable business supposed to have known that? And how is Minister Combet going to mop up the mess? How is he going to ensure that reputable operators who are owed money are paid their money when the shonks have already taken off with that money and vanished? And from where will the money come? What about the often well-intended workers attracted to the industry at the behest of the government, many of whom have reportedly not been paid—how are they going to have their wages paid by companies that no longer exist?

Has the government learnt from the failures and the problems that plagued the Home Insulation Program first time around? Is the government learning from the problems that Minister Combet—well-intended as he may be—is having in mopping up the mess? No. The first program was some five months in gestation, from February to July. What is happening with this program? Minister Garrett suspended the old one in February 2010 and Rudd Labor announced the new one in February 2010 to be implemented some five months later. So, a year on: same time frame, same haste. A year on: same bureaucratic shortcomings—on the say-so of the head of the rebadged department tasked with implementing the new program. Dr Martin Parkinson says that his program, his policy—I’ll get it right. It would be good if Rudd Labor would get it right. Dr Parkinson says that his department is experienced in policy, not in programs. In short, they are policy wonks, not program wonks. Once again we have a department, through no fault of its own, being tasked with a program that is potentially beyond its capacity. So: no lessons from the past, and the problems from the past are set to plague the new program in the future.

What of the goals of the Home Insulation Program? It was supposed to stimulate the economy. It was going to cost the Australian taxpayer some $2.7 billion and it now looks like it will cost that and then some by the time the mess is fixed up and the new program implemented—how is that a net stimulus to the economy? How does a program create jobs when workers were sacked at the stroke of a ministerial pen, when Minister Garrett suspended a supposedly successful program? How does a program achieve its so-called environmental aims when the wrong insulation is put in the wrong places in the wrong climates, meaning that householders have little option other than to use air conditioning when the insulation should have done the job and to use heating when the insulation should have done the job? How is it saving ‘carbon miles’ when insulation put in has to be taken out? How is it saving carbon miles when the insulation that was put in has to be taken out and disposed of somewhere, or is now not able to be put in because it is dangerous and dodgy and has to be disposed of somewhere—and, by the way, is not biodegradable? How is that a net environmental benefit? It simply is not.

Speaking of mateship, where was mateship and friendship—and the benefits thereof, supposedly—in the warnings that were apparently given from the South Australian Coordinator-General, Rod Hook, to his federal counterpart, the Commonwealth Coordinator-General, Mike Mrdak, about the dangers and the safety risks inherent in the first round of the Home Insulation Program?
Mr Hook says he warned Mr Mrdak. Mr Mrdak, in evidence to the Senate committee, effectively says, ‘Well, maybe you did, maybe you didn’t, but if you did I didn’t really hear it and I certainly didn’t pass it on.’ Did South Australian minister Gail Gago use Mike Rann’s mateship with Prime Minister Rudd to make sure the message got through? No. Yes, sure, the South Australian electorate will get less from a Liberal government than a Rann Labor government! Hardly. They could hardly stand to get any less than they have got from Rann Labor.

The National Broadband Network is mis-management supreme: $43 billion of taxpayers’ money in a gamble that has been described by industry leaders such as John Linton of Exetel as a ‘surprise’. But does anyone want a $43 billion surprise? A $43 billion surprise—and these are my words, not his—is hardly a well-managed program.

Senator Bilyk interjecting—
Senator Polley interjecting—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Would senators on my right stop shouting across the chamber.

Senator Fierravanti-Wells—What about those on your left?

Senator FISHER—Mr Linton went on:
So why did it come as a surprise—because it had absolutely no thought behind it …

As we embark on the $43 billion taxpayer spend over a decade to build the National Broadband Network, demand is shifting to wireless. There is a lot of forethought in that! Analyst Simon Molloy commented in the AFR recently:

You never know where the turning points are until they’ve gone past.

…  …  …  …

Communications users are voting with their dollars for mobility.

That is code for they are voting for wireless. But that is not what Minister Conroy and Rudd Labor are hell-bent on building.

While Minister Conroy spins a hole way downward with his National Broadband Network and his NBN implementation strategy, NBN Co. is embarking on some trial projects of its own. There are five national test sites where different roll-out techniques will be trialled. One of those is in the marginal semirural South Australian electorate of Willunga, which is about one hour’s drive south of Adelaide. In fact, it is the smallest of the test sites. Willunga’s local council put a submission to NBN Co. on Friday, 26 February and some three days later found out they were getting what they are getting. By the very next Monday, three days later, on 1 March, they found out they were getting what they supposedly wanted. The council’s group manager, Mr Brian Hales, said that it was ‘a bit of a surprise’. Was this a burst of efficiency from Minister Conroy, his department and NBN Co. or a welcome announcement in Labor’s most marginal South Australian seat, the state electorate of Mawson?

What the electorate can expect from Rudd Labor and Rann Labor is delivery for marginal seats and delivery based on mateship rather than on merit. There is no management of major projects. There is waste as a result of these major projects, and that waste clearly has an impact on the Labor states and our one Liberal state.

As for water and the lack of a national agreement for the River Murray, Premier Rann tries to say that the water coming to South Australia is of his making—probably part of his mateship with Prime Minister Rudd! It is clearly made by Mother Nature not by Premier Rann. The only things that are made by Rudd Labor and Rann Labor are the mismanagement of major projects and
the waste that follows therefrom. It is a tragedy.

Senator BILYK (Tasmania) (5.40 pm)—It was interesting that Senator Fierravanti-Wells asked that their side stop yelling.

Senator Fierravanti-Wells—I think you know what I meant.

Senator BILYK—It was a nice interlude that acknowledged that their side were getting a little worked up—

Senator Fierravanti-Wells—Next time you make a mistake, I’m sure we’ll point it out to you, Sunshine.

Senator BILYK—a little tetchy and a little overexcited about things.

The ACTING DEPUTY PRESIDENT—Senators on my left, stop shouting across the chamber.

Senator BILYK—I rest my case.

Senator Fierravanti-Wells—Senator Bilyk will never make a mistake in this place. She’s so perfect.

Senator BILYK—I take what Senator Fierravanti-Wells said. It is a compliment. I thank her for that compliment. I have asked him if he actually supports the NBN in Tasmania for Tasmanians.

Senator BLEYK—That is right; they try to rewrite Hansard.

Senator BILYK—That is right; they try to rewrite Hansard. Thank you, Senator Collins, for that interjection as well. They rewrite the history. They were so wonderful in their 12 years that the people of Australia voted them out. They were pretty good, weren’t they? As I said, Tony Abbott wants to rip money out of the NBN, which is one of the best things to happen to Tasmania in a long time—

Senator Polley—And the nation.

Senator BILYK—and the nation. Thank you, Senator Polley, for that interjection. We still have not heard from Will Hodgman. He has got till Friday night, as Saturday is election day in Tassie and South Australia. Will he have the moral fortitude and the courage to stand up to Tony Abbott? I do not think so.

Senator BILYK—I wonder what the Tasmanian senators on that side of the chamber really think about that. Are they just following Tony Abbott, like little sheep all in a row, doing what he says? After all, we know who rules the Liberal Party. It is Tony Abbott and Senator Abetz. The people of Tasmania want to be very frightened that Will Hodgman does not have the moral fortitude to stand up to them and support the NBN project in Tasmania for Tasmanians.

Let me get back on track. The opposition had 12 long years in government to make some improvements, but what did they do? Nothing. All they did was rip money out of education and health. They come in here and try to rewrite history. They have this alternative history. It is like a child’s fairytale. They try to rewrite history.

Senator BILYK—They try to rewrite Hansard.

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The people of Tasmania should be very bothered by that.

Those on the other side of the chamber are unreliable. They voted not to invest in schools and education. They voted not to invest in the infrastructure that was so greatly needed through the global financial crisis. The stimulus package that we intro-
duced helped save Australia from the worst parts of the global financial crisis. We on this side are working for a modern Australia and a modern economy. I ask those on the other side: what would Australia be like today if we had not intervened and if we had not had Building the Education Revolution, for example? They have no vision and they are out of touch. They just knock things for the sake of knocking things; they oppose things for opposition’s sake. They oppose everything that comes along.

They had their 12 years. Let us be reasonable about this. They had 12 years and they could have done a whole lot of work in the education area. They could have given some money to some of the schools that needed new facilities. But no, they would rather hoard it and not spend it on education. Nationwide our children have been missing out on all these benefits that the Rudd government is now introducing.

What do those opposite want to do? They want to introduce a big new tax. Of course they do not want to call it a tax; they want to call it a levy, because that is a little bit different. The big new tax on business will have an impact on Australian families, and anybody so naive that they do not think it is going to happen is, once again, living in the little alternative fantasy world that those on the other side insist on living in.

Let us talk about the historic and fundamental change to the future of Australian education. The My School website, for example, has opened up transparency and consistency in reporting of schools. Previously this did not happen. The Rudd government is delivering on the changes that will help build a better future for our children and for our nation. Let us have a look at the My School website. It will help us distribute around $2.5 billion in funding through the national partnerships. The My School website has allowed people to go onsite and compare their school with like schools so that they can see how well their school is performing. There have been comments to Julia Gillard, the Deputy Prime Minister and Minister for Education, in regard to the fact that really positive outcomes have already started happening because of the My School website. Some parents had been concerned about how their school was performing and they have now been able to verify their concerns and take action.

The Rudd government has committed a total of $1.5 billion to assess the low socioeconomic status schools. We have committed $540 million for literacy and numeracy and we have committed $550 million for improving teacher quality. Around 2,500 schools will benefit directly from these programs. The website data has identified 110 schools which would have missed out on this funding, schools that would not previously have picked up this funding. Julia Gillard, the Deputy Prime Minister and Minister for Education, has done a fantastic job in the short time that we have been here—compared to the length of time the opposition were in government and did nothing. She has come in and made fantastic progress in reforming the education system, as I said, so that our children can get a decent education and our children’s children can get a decent education, and that is one of the most critical things, I believe, for our children to achieve.

At the beginning of March she also released the final consultation documents for Australia’s first national curriculum. This will allow students to move around Australia knowing that they are studying at the same levels as students in other states. In our society today where people are moving fairly frequently, not just within their own areas but also interstate, I think it is an absolutely
wonderful program. This is a significant milestone for Australian education.

Opposition senators interjecting—

Senator Bilyk—The draft curriculum has been developed by education and curriculum experts. It has been shaped by the advice of teachers and principals and it will be one of the first in the world to be delivered online, making it dynamic and accessible. It has got a back-to-basics approach which I think is really important. It focuses on maths, English, science and history and provides a contemporary view of the world and the skills we need to find our way in the world.

Opposition senators interjecting—

Senator Bilyk—I do hear a lot of interjections from the other side but, having worked in the childcare industry for 12 years, I tell you that it does not matter to me how much noise they continue to make. I have worked in rooms with 25 to 30 screaming three-year-olds, and the behaviour on that side of the chamber is worse—I will acknowledge that—than a lot of the three-year-olds.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! Senator Bilyk, it has become too loud.

Senator Bilyk—Thank you, Madam Acting Deputy President. With regard to the national curriculum, as I said, it provides a contemporary view of the world and the skills we need to find our way in it, and for our children that has to be fantastic. Over 150 schools around the country will be trialling this curriculum. After years of neglect under the previous government, the Rudd government is modernising the education system. That is the stark difference between them and us. They did nothing. They took money out of the education system, and here are we trying to revolutionise both the education and the health systems.

We are putting computers in schools and building new school facilities and improving education outcomes for all students. Again I have to ask those opposite: why don’t you want students to have the new computers? Why don’t you want students to have new schools? Why don’t you want students to be able to enjoy the new facilities and the new buildings and the new outdoor areas?

Senator Polley—And the teachers—

Senator Bilyk—Thank you, Senator Polley, that is a great interjection—and the teachers! And the community as well, because these school halls are for the whole of the community to use. Not that long ago I had the pleasure of attending Kingston Primary School’s new hall for a community activity, and it was absolutely wonderful and everybody there was really pleased with it.

With regard to the absolutely bizarre comment from the opposition that somehow schools do not want these facilities, can I say that schools have to sign off on these facilities. Read the guidelines. The schools have to actually sign off. Nobody is forcing the schools to take these buildings. Why would you not want to improve education outcomes for all students? Why are the opposition so anti-education? I challenge them to tell me. I note there is a Tasmanian senator on the other side. I challenge them to tell me which schools they would not give the money to. Which schools in Tasmania do they not want to have those improvements? Which schools should we take the money from? Tell me which schools you would like us to take the money from.

Building the Education Revolution has not been mismanaged. Those on the other side come in here with their broad accusations but they have no proof. They come in here and
cite articles from the Australian. I think that is the work of their tactics committee. Every day they sit down in their office first thing in the morning, read the Australian, see what is in there and say, ‘We’ll have a question on that in question time or we’ll take that up at some other time.’ And off they go, citing the Australian like it is some wonderful—

Senator Colbeck—You don’t have to talk about the Australian.

Senator BILYK—I will take that interjection. It is not only the Australian; there are other forms of media that they quote. I did hear Senator Barnett talk about radio 2GB or 2GE or something. I am happy to stand corrected on what the actual radio station was. But everything that is said in the media, on the radio or in the newspaper, is gospel to them. It is just true.

Senator Polley—And email. Don’t forget email.

Senator BILYK—That is exactly right, Senator Polley. We cannot forget emails because emails are very important pieces of information. In fact, to receive an email you need a computer, and to be able to work a computer you need to learn how. Here are we, offering computers to students in schools, and those on that side knock them back, saying: ‘No, no, no. We don’t agree with that. We don’t think that should happen.’ You cannot trust those on the other side. The base hypocrisy of them when they come in here! They are happy to be there at the opening of extensions to schools or whatever. They are happy to come along and get in the photo shoots. I know of opposition members in the other place who have taken the credit for getting the funding. They have actually put it into newsletters. You cannot trust the Liberal Party.

The Rudd government will deliver; the Rudd government is delivering. The opposition had 12 years, as I said, and did nothing. They just cannot live with the fact that they are in opposition and we are in government. They cannot deal with it, so they want to rewrite everything and have their own alternative history. It would make really great reading if it was not so farcical. The government’s economic stimulus plan has worked. The Australian economy has worked well over the last 12 months. In fact, I wonder where we would be if the government had not taken that action. The Rudd government acted decisively and very, very quickly.

Those opposite, particularly in the Senate, are like Senate vandals. They just want to sabotage everything. They want to sabotage the economic and fiscal strategy that the Rudd government put up, which was designed to save Australia from the worst part of the global financial crisis. We have done that. We have kept Australians in jobs. Hundreds of thousands of jobs have been given to people because of Building the Education Revolution. Those on the other side are a risk to our economy because they are so negative. They are just going to block everything. They just want to bring in new big, fat taxes. Mr Abbott wants to bring in a big, fat tax, and that is only the beginning. I think it took him 34 days to change his mind on that. They have a relentlessly negative approach. As I said, they are in opposition and they just oppose for opposition’s sake. Let us talk about Mr Abbott and his big, fat tax.

Senator Polley—Do we have to?

Senator BILYK—I do not particularly want to, but we have to be fair about this. Mr Abbott has never held an economic portfolio.

Senator Bernardi—Have you?

Senator BILYK—No, but I am not the Leader of the Opposition. I have never laid claim to doing the things he has. Even Peter Costello would not have Tony Abbott as his deputy because he knew that Tony Abbott did not take economics seriously. Tony Ab-
bott opposed and voted against the stimulus package during the economic downturn and he said he would stop the school building program which is supporting tens of thousands of jobs and tradies and small business people. And here are we, helping every school in Australia.

Let us look at what those in opposition in Tasmania think about education. We all know how important education is. It transforms lives. Maybe that is the fear of those on the other side. Maybe they do not want an educated Australia. Maybe they are a little bit paranoid that people might learn things. They seem to have an anti-education program going on. Let me see what is happening in Tasmania. Mr Hodgman there was talking the other day about levies in schools. Let us think about what they are doing there. Under a Bartlett Labor government in Tasmania, 40 per cent of families do not pay school levies. But Mr Hodgman has made great claims about what will happen with levies. Less than 50 per cent of families stand to receive immediate benefit from the Liberal promise and the rest will have to either pay more or see kids and their schools go without. That is how much the Liberal Party in Tasmania—

Senator Polley—They will have to check with Senator Abetz.

Senator BILYK—Yes, they will have to check with Senator Abetz, because I am sure he is pushing for a leadership challenge. Will Hodgman cannot guarantee, and is not guaranteeing, that levies will be abolished. I can see Eric moving across to the other place, cruising his way in.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Order! Senator Bilyk, continue. I was referring to the interjections, not to you.

Senator BILYK—Thank you so much, Mr Acting Deputy President. I did say to the previous chair that it is fine; I worked with children around the three-year age group for a number of years. Although those opposite are worse, I am quite happy to just ignore them. But thank you for that.

Under a Will Hodgman government in Tasmania—should the worst scenario happen—there will be no more money for education. The department will be told to find the money, or they will have to recoup it from parents in high schools. It will mean moving away from literacy and numeracy programs. It will mean fewer books in schools. It will mean fewer pens and fewer school trips for students in Tasmania. As a Tasmanian senator, that is of great concern to me.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Order! It being 6 pm, the Senate will proceed to the consideration of government documents.

NBN Co. Ltd

Debate resumed from 11 March, on motion by Senator Birmingham:

That the Senate take note of the document.

Senator FURNER (Queensland) (6.00 pm)—I rise to speak on the motion to take note of the NBN Co. Ltd report for the period 9 April to 30 June 2009. Last week I was listening to this debate in the chamber and I have been listening to it today. What I have heard from the opposition is an argument of envy—envy like the green shamrock on St Patrick’s Day. Rather than coming up with reasonable, sustainable arguments on their issues associated with this magnificent policy that Labor have introduced, all those opposite can do is be envious, like they are of our ETS. If you look at their program, you can see that it was going to produce more carbon and cost more. That was their policy rather than—
Opposition senators interjecting—

Senator FURNER—That is right, at one stage they did support our CPRS but then they backflipped into their normal role. Lately, we have heard the opposition’s position on paid parental leave—another example of their envious position on the government’s proposal in this area. And, lo and behold, the opposition’s proposal has been demonstrated as a big new tax. All this week, the opposition’s position has been one of running untruthful, envious arguments against the Rudd Labor government’s successes. We heard them once again today arguing over the Building the Education Revolution—and bear in mind that they voted against it. They also voted against the $42 billion stimulus package that kept people in employment and helped them to hold onto their homes.

There was also a need for the government to inject funds into a depleted school infrastructure program—$16.2 billion. We had to put the funding in to stimulate that part of the economy and also to assist schools. Let us disregard the fact that the opposition will be turning up on the day that the school halls and science programs will be launched. They will be there for their photo opportunity, with big smiles on their faces. They will want to get a photo with the duty senator or the member in the hope that it will be in their local newspaper.

I will now go back to the NBN policy. The government has announced that it will connect 90 per cent of homes, schools and workplaces with fibre-to-the-premises infrastructure that is capable of providing broadband services and speeds of 100 megabits per second. That is 100 times faster than what most people currently have. The remaining premises will be connected with next-generation wireless and satellite technologies, which will be able to deliver speeds of at least 12 megabits per second to people living in remote places in rural Australia who had been forgotten under the previous government for 12 years. That is our policy on the NBN.

If I reflect back to the situation where I had to purchase a desktop PC—it was about 17 years ago when my son was moving through his education—I can still recall the slow connections in those days. Downloading items was always a task. It was as slow as a great-grandmother’s search for an elusive button in the haberdashery store. That is how slow it was in those days. The opposition want to keep us at that pace. They want to keep us in the past. They do not want to accept the fact that we have technology. They will not embrace technology. They are frightened of technology. That is the issue of those opposite. They are frightened of the Matrix. They have been overdosed on the Matrix movie. They have been overdosed on the Robocop movies. They do not like technology. They believe in all those science fiction movies that they watched day in and day out.

Let us have a look at what they thought of NBN, or broadband, when they were in government. They wanted to exclude it to only five capital cities. They did not want to accept the fact that we were in the bottom half of OECD countries for broadband take-up—16th out of 30 countries. They were not prepared to accept the fact that we paid more for broadband—20th out of 29 countries. Australia is the fourth most expensive country for low-speed connections and the fifth most expensive for medium-speed connections in terms of average monthly subscription prices. Those opposite want to keep us in the dark, rather than go where we are heading as a government—(Time expired)

Senator TROETH (Victoria) (6.05 pm)—I rise to speak to the NBN document
with regard to an urgency motion that the Minister for Finance and Deregulation, Mr Tanner, saw fit to move in the House this morning. The motion spoke about not putting the sites that have been chosen for the NBN to the Public Works Committee for scrutiny.

I have been a member of the Public Works Committee for five years, and I am now deputy chair. The *Manual of procedures for departments and agencies*, which the committee actually reviewed in this morning’s meeting, states that all Commonwealth expenditure on public works should be scrutinised by parliament—that is, referred to the committee. However, subsequent sections of the act provide that, under certain circumstances, a work may be exempted from scrutiny. One of the grounds for exemption is that of urgency. And I quote here section 1.44:

... agencies should write to the Committee at an early stage to inform it of the intention to seek an exemption.

Now, Mr Tanner or his office delivered the letter to the Public Works Committee this morning asking for an exemption after the committee’s meeting had finished. And he has form on this issue: in September last year, he again sought an exemption on the grounds of urgency. So, although he pays lip service to the work of the committee, he does nothing whatsoever to show that the government has faith in this committee to have proper scrutiny. As an added interesting point, paragraph 1.45 of the procedure manual states:

As action by the Minister for Finance … is necessary for all exemptions, Finance is responsible for coordinating necessary actions and must be informed at an early stage if an exemption to the Act is being sought.

Mr Tanner’s letter says: ‘Due to the late completion of the preparatory work for the first release sites, including the acquisition of network and geospatial tools, there has been insufficient time to refer the main works to your committee.’ The National Broadband Network has been on this government’s agenda since the government was elected in 2007, and yet the minister for finance cannot even find the time to deliver a letter to the committee in sufficient time for it to do its work.

But Minister Tanner is not the only minister at fault in this. Minister Conroy’s refusal to release the NBN implementation study highlights once again his determination to avoid scrutiny of Labor’s $43 billion National Broadband Network. The threshold at which government projects have to be presented to the Public Works Committee is $16 million. That is a drop in the ocean compared to $43 billion. Minister Conroy refuses to release key documents and he refuses to undertake any cost-benefit analysis. Twice in the last two days we have seen him refuse to comply with a Senate order to release the full report. He has refused to release a scientific study from the CSIRO that he publicly relied on. So the *Australian Financial Review* released it for him, after a protracted battle to obtain it under FOI, revealing that the document was only seven pages long. Now, even Minister Conroy, who has to read his question time answers from his computer so that he gets not one word wrong, will never, surely, be able to say to us that he did not have time to read a document that is seven pages long—not only that; it used Wikipedia as a key source. His demand that we not speak on his bill is also absolutely bizarre, given that sectors of our community want to know what is in the bill and how it is going to operate.

So last year Minister Tanner bypassed the Public Works Committee with a similar motion, but at least he informed us in writing. But today, and this is no stuff-up or coincidence, when it comes to the NBN, this government is using every trick in the book to avoid scrutiny, and as a member of the
highly respected Public Works Committee I take great exception to that. I would like to ask all ministers of this government, keen though they are to avoid any degree of scrutiny whatsoever, to look to what they are expending, see if this is a good use of government money and then allow the Public Works Committee to undertake its use of scrutiny or exemption, as the case may be, and make a reasoned decision about what is the best way to do its work. We do not want ministers standing in the way of— (Time expired)

Senator POLLEY (Tasmania) (6.10 pm)—I appreciate this opportunity to talk about the National Broadband Network and what it is going to mean to my home state. Those opposite, who keep knocking it all the time, do not want to look at the benefits that it is going to bring to Tasmanians in terms of opening up, for example, opportunities in education. They do not want to know what it is going to do in terms of benefits to the health system. But we know that, in their state election, Tasmanians are not prepared to risk Tony Abbott, with his history of ripping a billion dollars out of the health system. What we do need to put on the record is that the Tasmanian state Leader of the Opposition, Mr Hodgman, although he is the runt of that litter, is supportive of the National Broadband Network and its rollout. He can see the future benefits that it will bring to the state.

What is really interesting in terms of the benefits the NBN will bring is that people like those opposite, Senator Barnett and co., who come into this chamber and relentlessly rewrite history, knock the Labor government for the way we have handled the global financial crisis, for the decisive action that we took to ensure that Australians kept their jobs. We talk about funding and investing in infrastructure; they had 12 years of neglecting it. They ripped money out of the higher education system, they ripped money out of the health system and they did not invest in infrastructure in this country. They did not invest in training. They did not invest in education. They did not invest in the future of young Australians.

So what have we done? The Rudd Labor government, during the worst financial crisis in my lifetime, the worst in over 50 years, acted decisively. We did not take the advice of Helen Coonan; we did not put our heads in the sand and ‘wait and see’ what happened. We took action, and that action has paid off. Have there been problems? Yes, there have. But when I was out at the Kings Meadows High School in Launceston a couple of weeks ago, opening their new classrooms, I can recall seeing the former Bass MHR, Mr Michael Ferguson, looking very, very uncomfortable, because it was the opposition who neglected education—Senator Colbeck and Senator whatever-his-name-is who is walking out of the chamber and whom nobody in Tasmania actually knows. Michael Ferguson was squirming in his seat because he was embarrassed that we were there to open a facility that that school has been waiting for for a long, long time. I would like to see those opposite, Senator Barnett, for example, go to the Launceston Christian School and tell the principal and the students and the community that their funding will be taken away from them. I would like them to go to the Launceston Grammar School and tell them that their desperately needed classrooms and facilities will be taken away—

Senator Ian Macdonald—Mr Acting Deputy President, I rise on a point of order. We are discussing this document that I hold—I suspect that Senator Polley has never seen it. It is the NBN Co. Ltd annual report. I am looking through it and I cannot see anywhere a reference to the Launceston school or any other school, for that matter.
So I ask, Mr Acting Deputy President, that you bring Senator Polley to order to talk about the document we are on and not about anything else that might come to her mind.

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Thank you, Senator Macdonald. The debate is very wide ranging. The senator has been referring to the report. I would remind her of the report to which she is addressing her comments.

Senator POLLEY—It is amazing—you hit a nerve when you talk about the lack of investment from those that are passed, those that are part of history. Senator Macdonald is part of history; just ask John Howard—he knows all about the ability of the good senator on that side. But I am not going to be dissuaded from talking about the real benefits that national broadband will bring to my home state—in fact, to the nation. Those on the other side have no foresight. They have no policy. They do not want to hear about the benefits. They do not want to talk about the investment in our schools and the investment in infrastructure, because they neglected those areas for 12 very long years.

Opposition senators interjecting—

Senator POLLEY—The Australian people were not fooled at the last election, and I do not think they are going to be fooled again by a leader that promised there will be no new taxes. But what has he promised since? A big new tax. Who would he tax? The business community—those that the other side claim to represent in this place. The Australian people will not trust Mr Abbott because the risk is too great—the risk to their jobs, to the health system and to their children’s educational opportunities. The National Broadband Network is part of that. I feel very sorry for the Liberal senators opposite—

Opposition senators interjecting—

Senator POLLEY—who come into this chamber relentlessly trying to rewrite history. If they had their way they would deny all Tasmanian students the opportunities that they are now going to have with this investment in facilities which are going to benefit the entire— (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Order! Before I call Senator Macdonald, I will remind senators that, while it is the last day of the session, speakers are to be heard in silence. We have had some latitude, but it is getting a bit noisy in the chamber.

Senator IAN MACDONALD (Queensland) (6.16 pm)—I can barely speak—I am cut to the quick by Senator Polley’s personal attack on me, saying that Mr Howard did not like me as a minister! After appointing me a minister for nine years, I think Mr Howard had a good idea of my failings and my attributes. Mr Acting Deputy President, I can assure you that Senator Polley will not be a minister for nine months, nine weeks, nine days or even nine hours. Senator Polley, if you want to get into people’s records as minister, I will have you on any day, because you will never get there.

I also heard Senator Polley accuse the opposition leader and next Premier of Tasmania of being the runt of the litter. We did not take any notice of that. Coming from Senator Polley, who would take objection to that? Mr Hodgman, of course, is a member of a very distinguished Tasmanian family. Fancy Senator Polley, who comes from a family that seems to trade political posts and seats in Tasmania, having the guile and the gall to accuse someone else of being a runt of a political leader. Perhaps she should look in a mirror when she wants to make another comment like that.

I have been distracted from the NBN Co., and that is unfortunate, because I wanted to
refer to Senator Conroy’s comments yesterday in giving his excuses for not tabling the implementation study. He said:

Putting the study together required a multidisciplinary approach and an enormous and sustained effort, together with extensive shareholder consultation …

This is Senator Conroy saying he has had a delay in dealing with this because he had to have ‘extensive shareholder consultation’. You know who are the shareholders of the NBN Co.? Mr Tanner and—wait for it—Senator Conroy. So he had this huge delay consulting with himself! I can understand that Senator Conroy trying to find a brain in the person he was consulting with may have been difficult, but fancy using that for an excuse for delaying the implementation study!

I also came across recently, thanks to Senator Coonan, a report from back in 2008. I think this is instructive in this NBN Co. discussion. I quote from this news report:

But Senator Conroy said the Government would not contribute more than $4.7 billion, no matter whether the proposal was for an FTTN network or FTTH network—that is, a fibre-to-the-node or fibre-to-the-home network. The report continues:

‘Fibre-to-the-home has some wonderful potential but it is more costly and people have got to build the business case; they can’t expect the Government’s going to give more than $4.7 billion,’ he said.

That is Senator Conroy it is quoting. What are the facts? A couple of months later he is putting $43 billion into it—not the $4.7 billion that he said he would not go above. And he is saying there has to be the business case made. We have been saying to him for the last 12 months: ‘Where is your business case?’ He would say, ‘Oh, look, we didn’t do a business case but it’ll all be in the implementation study; you can see it all there.’ We would ask: ‘Where are you going to get the money from, Minister? Who’s going to invest in this? You said that private industry was going to have a 49 per cent share in it; they were going to invest in it.’ ‘It’s all in the implementation study,’ Senator Conroy would say. We would ask him, ‘How is it going to make a profit?’ He would say, ‘Oh, it’s all in the implementation study.’

Yet, here we are, on the verge of new legislation, with the company now up and running, and we have certainly not seen a business case for it. It looks like we are not going to see the implementation study. We will not see it because Senator Conroy has to consult with himself. He has to get Mr Kaiser, no doubt, the government relations officer dealing with the government who owns the company, to give him some advice. I know the sort of advice Mr Kaiser could give—ask the courts in Queensland when he was required to resign. This report highlights the farcical nature of the NBN Co. (Time expired)

Senator BILYK (Tasmania) (6.21 pm)—I also rise tonight to speak on the NBN report. NBN is a very positive story for Tasmania. The rollout of the NBN is on track and starting to deliver high-speed broadband to the first premises in Tasmania from this year. As a senator for Tasmania, I thank the Rudd government and the Bartlett government for their contribution to ensuring that Tasmania is moving ahead. To the retail providers that Senator Conroy announced this week on the Mornington proof of concept test centre—that is Primus, Internode and iiNet—I thank them too for their commitment to Tasmania, for their enthusiasm, for their contribution to the development of the technology and for their investment. For Tasmania, strong interest means competition, more choice and better and more innovative services for the people that live there. But of course we still have not heard the Leader of the Opposition in Tasmania come out and say he will continue to support the NBN rollout in Tasmania. He
has previously said he supports it, and I appre-
ciate that he said that, but since Mr Ab-
nett has said he is going to take money out of
the NBN we have not heard Mr Hodgman
come out and say that he will support it.

What we have heard this week, though, is
a whole pile of scaremongering and allega-
tions of corruption in regard to the Tasma-
nian government which are pretty rich com-
ing from senators representing the party that
gave us Robin Gray and Edmund Rouse. Let
us face it, those failed attempts to use bribery
and to corrupt the political process ended in
jail sentences. We know that the Liberal gov-
ernment were unable to even find enough
candidates to run in Franklin in Tasman-
ia. They had to get a failed candidate from
the Family First party to run. We know she has
got the support of Senator Abetz, so she has
had a bit of favouritism. They come in here
and they talk on and on and ridicule the
Tasmanian government, but the Tasmanian
Bartlett government is a forward-moving,
forward-thinking government and I hope the
people of Tasmania acknowledge that on
Saturday when they go to the polls.

Earlier this week Senator Bushby, and I
am pleased he is here to hear this, did not
mind attacking a previous member of the
Legislative Council. To my mind, her only
fault—if they are going to fault her, and I do
not fault her for this—is that she was an ex-
tremely hardworking member and supported
the people of Pembroke. But, no, Senator
Bushby had to come in here the other night
and, amongst other disgusting and scurrilous
attacks he made on a previous minister, bring
her personal life into the debate. It is an ab-
solutely inappropriate way for them to be-
have. The comments made the other night in
regard to Allison Ritchie are scandalous and
completely lacking in moral fortitude. Across
the political divide, in case Senator Bushby
had not realised this, there are a number of
politicians who employ family members on
their staff. His concern about Allison Ritchie
was that she employed members of her fam-
ily on her staff. In fact, although government
ministers cannot hire close relatives, there
are no restrictions on MPs. But obviously it
is okay if it is on their side! I could name a
few but I do not think that there is any point
in doing that. This is full of great hypocrisy:
they can do what they like but when it comes
to somebody in the Labor Party, no matter
where, if they are not labelling them with
some 1940s communist type label, which
shows you how far in the Dark Ages they are
still living, they have to have a go at them for
something else.

Let me point out the facts about the staff
in Allison Ritchie’s office. Allison was the
member for Pembroke from 5 May 2001
until 20 June 2009, so she had a number of
different staff members, as she was entitled
to. She was looking after the people of Pem-
broke, as I said. During that time she had
three people employed who were in some
way related to her. Two of these people were
actually employed by the Department of
Premier and Cabinet and underwent separate
processes. Senator Bushby forgot to mention
that the other night.

Senator Ian Macdonald—Politicisation
of the Public Service.

Senator BILYK—I will take that interjec-
tion. I just find it hard to believe—(Time
expired)

Senator BARNETT (Tasmania) (6.27
pm)—I stand to speak also on the NBN Co.
Ltd report for the period 9 April to 30 June
2009. In so doing, in the first instance I wish
to respond to a comment from Senator Pol-
ley, who was speaking on the same report.
As far as I am aware, that comment was one
of the lowest personal attacks on the Liberal
leader in Tasmania that I am aware of. Call-
ing Will Hodgman the runt of the litter was
totally inappropriate. Coming from Senator
Polley, coming from anybody, it was entirely inappropriate. I would ask Senator Polley to take the time, perhaps on the adjournment or at a time in the very near future, to stand in this place and apologise on the public record for that comment. If I have got that wrong, I stand to be corrected, but that is my understanding. As for calling Will Hodgman the runt of the litter, he is the Liberal leader, he is a man of credibility, he is a man of substance, and he is leading the Liberal Party. He is—yes, indeed—the son of Michael Hodgman QC, MP, with decades of experience in the federal and state parliaments. To say that he is the runt of the litter is an absolute disgrace.

Senator Polley is indeed from a well-established Labor family in Tasmania. I commend her for that and I commend her family for their contribution to the Tasmanian community. But I am absolutely astounded that she would use those words in this place, and the Tasmanian people would find that incomprehensible and most inappropriate and unfair. I put that on the record right upfront and I ask Senator Polley to correct the record and to apologise for that accusation, because it is totally inappropriate.

With respect to this particular report, I want to touch on the issue of the $100 million Senator Conroy announced on 1 March as having been injected, past tense, into the NBN Tasmania. I have the media release here in front of me. It says:

Media Release

Senator the Hon. Stephen Conroy

The headline says:

$100 million injected into NBN Tas as Stage 3 rollout is announced

The first sentence says:

The Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, today announced the Rudd Government would make an equity injection of $100 million into NBN Tasmania, to facilitate the further rollout of fibre-to-the-home broadband in the State.

I say right upfront that all Tasmanians, and all of us on this side, want better broadband services for Tasmania. We want it and we know that it is going to benefit Tasmanian families and communities. Senator Conroy made this statement where he said that he has injected the $100 million, but when I checked the company documents yesterday—

Government senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Order! Could senators please cease conversations across the chamber. We are debating at the moment.

Senator BARNETT—I do not mind the interjections, and I am happy to have the debate any time either in here or outside, because when you check the company documents from as late as yesterday that $100 million was not there. I go back to the fact that the Tasmanian NBN Co. Ltd was established and its first board appointed on 13 August 2009 as a wholly owned subsidiary of NBN Co. The government get lots of publicity, they make these grand statements and they put out a press release saying ‘$100 million injected’—past tense—to make you think that it had already been injected into the company and the money spent, when initially the amount was estimated at $700 million.

I have asked in this place—and the minister will not respond—exactly how much the federal government is putting in and how much the state government is putting in. We do not know. The initial announcement made about this was on 8 April last year. We are nearly at the one-year anniversary, and we still do not know how much money has been put in. This is typical of the waste and mismanagement of this government not just on
the NBN Co. and the Tasmanian NBN but also on a whole range of other things, whether it is the pink batts fiasco or Building the Education Revolution— I call it ‘the waste revolution’. We want to know. I would like the minister, Senator Conroy, to come clean and say where that $100 million is. It has not been invested. It has not been injected. He should retract his media release of 1 March and stand up, come clean and apologise if that statement is incorrect. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Australian Broadcasting Corporation

Debate resumed from 11 March, on motion by Senator Parry:

That the Senate take note of the document.

Senator Farrell (South Australia) (6.32 pm)—This report relates to the Australian Broadcasting Corporation. We have seen a number of important broadcasts over the last week on the South Australian election. Mr Acting Deputy President, you might recall that last week I spoke about some concerns in South Australia over the fact that the Leader of the Opposition in South Australia, Mrs Redmond, had arrived in Canberra unannounced to have a meeting with the Prime Minister on the issue of water. I think most Australians were quite concerned that she had decided to hop on a plane at the crack of dawn without telling anybody in Canberra that she was coming up here. It was a particularly busy day because we had the President of Indonesia here, and that was being widely broadcast on the ABC. Nobody could have missed the fact that the President of Indonesia was in town, and there was a great deal of concern about Mrs Redmond’s visit.

Some people had started to come to the conclusion that perhaps Mrs Redmond was not ready for government. On the ABC this week we saw some reports about continuing concerns over that issue. The candidate that Mrs Redmond beat for the leadership of the Liberal Party, Vicki Chapman, took 24 hours to announce that she was not intending to run against Mrs Redmond for the leadership of the party. We all know that in political parties division is death.

Senator Ian Macdonald—What has this got to do with the ABC?

Senator Farrell—All these things were on the ABC both last week and this week, Senator Macdonald.

Senator Ian Macdonald—That is a long bow.

Senator Farrell—If you had watched the ABC last week, Senator Macdonald, you would have seen how concerned South Australians were about the fact that Mrs Redmond turned up unannounced in Canberra. This week, South Australians are very concerned that it is now out in the open that Ms Chapman has decided that she is not going to keep her ambitions under control and she intends at some point to run against the leader.

Senator Ian Macdonald—Mr Acting Deputy President, on a point of order: I know we allow wide latitude in the debate, but the senator’s speech should be related in some way to the Australian Broadcasting Corporation’s annual report. We do allow wide latitude, but this is just beyond the pale. If he wants to speak on this, he should do so during the adjournment debate.

The Acting Deputy President (Senator Ryan)—Senator Macdonald, we have traditionally allowed wide-ranging debate. Senator Farrell is being quite innovative and I think he is getting to a detailed discussion of the report. But, as I understand it, his contribution should be considered within order. I remind Senator Farrell of the report to which he is speaking.
Senator FARRELL—I have to confirm that I did see all of these things on the ABC. What concerned me most was the arrogance of the Leader of the Opposition, Ms Redmond. She thought that she had won this election—she thought it was in the bag. Obviously, Ms Chapman was concerned that in fact she did have it in the bag and wanted to ensure that she could stake her claim to the leadership of the Liberal Party.

The ACTING DEPUTY PRESIDENT—Senator Farrell, you have been given some latitude. I encourage you to come to the substance of the ABC report rather than your observations of South Australian politics.

Senator FARRELL—I am very pleased to talk about the ABC. Of course, I went along to the ABC function earlier in the week. One of the things that we talked about, and those of you who attended that function would remember, was the iView.

Senator Ian Macdonald—Did they put on some good champagne? I think you’ve been having some!

Senator FARRELL—No. Senator Macdonald, what the ABC had done very brilliantly is to introduce iView. If you are interested in seeing the two events I talked about earlier, the Vicki Chapman challenge or the arrival of Ms Redmond to Canberra unannounced last week—

Senator Arbib—Arrogantly.

Senator FARRELL—arrogantly, as Senator Arbib said—you can look that up on iView. (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (6.39 pm)—Senator Farrell, it is little wonder that you and your ilk watch the ABC, because it continues to broadcast this typical pro-left, anti-right stuff that the ABC has been doing for years and years. This week was just another example. Do you know why? Because the ABC’s aim is to go in there and attack anything that is remotely right of centre. As with this week, last week, the week before and the week before that, you will inevitably see the ABC out there being anything but conservative. That is exactly what it does. I would like make some comments in relation to the report—

Senator Polley—Mr Acting Deputy President, I rise on a point of order. I draw your attention to the points of orders that were taken earlier about speakers being relevant to the report.

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Senator Polley, I have heard more references to the ABC report in the first minute of this contribution than I did in all of the last. There is no point of order.

Senator FIERRAVANTI-WELLS—Haven taken some interest in the ABC during my time in this place, I have looked at ABC annual reports. The thing that really concerns me is that, yet again, this report contains the usual concerns in relation to the ABC and, most importantly, the legal issues that the ABC has been involved in. As a consequence, it does not surprise me to see comments like those that Maurice Newman made recently. Fancy the chairman of the ABC board having to castigate his journalists and tell them at their briefing that they have to introduce more balance to the ABC, particularly in relation to the climate change debate, which has been absolutely appalling. Do these people not realise their charter? How often do we have to talk about it in this place for the ABC to work out that its charter requires it to deliver to the Australian public a balanced and non-biased service, for the benefit of all Australians, not just for the left-wing component of Australia?

Since Senator Farrell was given so much latitude to speak about what he watches on the ABC, I would like to raise concerns about what we have seen in recent years on
the ABC. We have seen the expose on Brendan Nelson; we saw the expose on Malcolm Turnbull; we saw the expose on Liz Jackson, who has been churning out the usual left-wing line for 13 or 14 years, with a partisan dump on Tony Abbott. I would like to know: when is the ABC going to do an expose on Kevin Rudd and the Labor government? That is what I would like to see. If the ABC is really non-biased and balanced, like its charter—

Senator Polley—On a point of order Mr Acting Deputy President, we are supposed to use the correct titles for those people in the other place, so it is ‘Mr Rudd’ or ‘the Prime Minister’.

The ACTING DEPUTY PRESIDENT—I did not catch that. Senator Fierravanti-Wells, I remind you of that protocol.

Senator FIERRAVANTI-WELLS—When will the ABC do an expose on Prime Minister K Rudd? That is what I would like to know. If the ABC are truly balanced, like they say they are supposed to be, then we might see that in election years. But, having watched the ABC over time, I do not think that is going to happen.

Senator Bilyk—So you do watch it?

Senator FIERRAVANTI-WELLS—Well, when you want to see the worst, you watch the ABC and SBS, Senator Bilyk. If you want to see the most left-wing portrayal in this country, you watch the ABC and SBS. If you bothered to trawl through the many hours of estimates when these matters have been seriously raised, you will know precisely what I am talking about.

My challenge to Mr Scott and to the board of the ABC is to give us some balance. Let’s see some reporting that is non-biased. Let’s see the board of the ABC do what it is supposed to do: ensure that the charter of the ABC is adhered to and that all Australians receive a non-biased and balanced service.

Senator IAN MACDONALD (Queensland) (6.44 pm)—I want to make a contribution on the Australian Broadcasting Corporation’s report for 2008-09. This corporation, this fully taxpayer-funded agency, is subjected to estimates committee scrutiny because it does receive total funding from the taxpayer. Consequently, like every other element of government expenditure, it should be subject to intense scrutiny. Regrettably, I have to say that when the ABC is called upon to answer questions about how it spent its money in a certain area, the officers have refused to answer. They have actually defied this Senate and this parliament by saying, ‘We know you’re entitled to that information but we are simply not going to give it to you.’

A case in question is the issue of what wages are paid to these high profile, on-air announcers, the sort of people that Senator Fierravanti-Wells was talking about: people who, some suggest, are of an unbalanced—in a policy sense—disposition; people who we know have worked previously for a certain political party. It is something that I think is important for us to know: this corporation should be subjected to the same scrutiny as every other corporation.

I use the case of Kerry O’Brien, not because I am particularly interested in Kerry O’Brien as the person, but I make the point that everybody in Australia knows the salary that Senator Kerry O’Brien gets. We know how much he gets for his travelling allowance. We know how he travels around the countryside—

Senator Fierravanti-Wells—we even know what sort of fuel he puts in his car.

Senator IAN MACDONALD—which sort of fuel he puts in his car, exactly. We know all of that. There is another Kerry
O’Brien who is paid from the same source, and yet we know nothing about him. I do not want this to be personal to Kerry O’Brien, the announcer, so let me remove him. It came up this way because of the story of the two Kerry O’Briens. But let me not talk about the ABC Kerry O’Brien. Let me talk about all of the high profile ABC presenters. What do they get paid? I think we are entitled to know. Are they on half a million dollars a year? Are they on $600,000 a year? Are they on $1 million a year? Do we get good value for the $600,000 a year we might pay them? I do not know what we pay them because they refuse to tell us. Do they travel business class, or do they travel down the back? Do they travel on Virgin or do they travel on Qantas? What do they get when they go away? Do they stay at flash hotels or very modest hotels? You know that about all of my colleagues on both sides of the chamber. But do we know it about these journalists who never seem to worry about attacking parliamentarians for their ‘huge’ salaries and their ‘great’ allowances. They can fly on aeroplanes—well, sorry, this is where we work and this is where we have to get to. But when you ask the ABC what their journalists are paid they refuse to tell us.

Do they have a clause in their contracts that says, because of their high profile that they get from taxpayer-funded appearances on the national TV, they are able to earn additional salaries because they are high profile faces? If they do, what extra salaries do they get by way of private appearances? I do not know. Perhaps their contracts prohibit them from doing that. Why wouldn’t the ABC make those contracts available? I do not want the names written down. They can cross out all the names before they give us the contracts. I am not interested in the individual person. What I am interested in is whether the ABC is spending taxpayers’ money appropriately and diligently. We know it for every other element of government expenditure. We know what the Secretary of the Department of Climate Change, Energy Efficiency and Water gets as a salary. We know where he stays. We know how much he gets as TA, but do we know it about the ABC high profile people? Of course we do not because the ABC refuses to say. The sooner this Senate insists that the ABC answers these questions the better we will be.

Senator CAMERON (New South Wales) (6.49 pm)—I would like to speak to the ABC annual report for 2008-09. We have just seen the campaign of hate and vilification for the ABC from Senator Fierravanti-Wells out here in full flight today. Senator Fierravanti-Wells has got form on the ABC. She thinks that the ABC is some communist plot to vilify the Liberal Party. What you need to understand Senator Fierravanti-Wells is that the ABC reports the truth. When they report the truth about the incompetence of the Liberal Party, when they report on the climate change deniers of the Liberal Party they are doing a public service. They are actually exposing the narrow-minded approach of the Liberal Party on a whole range of issues.

If the Liberal Party—I will come to the National Party in a minute—is so narrow minded that it cannot accept the signs of climate change then it is quite appropriate for the ABC to say the Liberal Party is a bunch of dills, that the Liberal Party is a rabble who really do not know where it is at. I think that it is appropriate for the ABC to deal with the Liberal Party on how they should be dealt with—as incompetents, as a divided party, as a party which now has a leader whose nickname is the ‘mad monk’, who when he came into parliament was the bad boy of the Liberal Party. Well, you have got him as your leader now.

It is appropriate for the ABC to trawl through things and have a look at someone
who has got to set himself up as the next Prime Minister of this country and is trying to be a Prime Minister—someone who is untrustworthy, someone who backflips on every commitment, someone who tries to set himself up as a weathervane Prime Minister. What a joke! Then those opposite criticise the ABC for actually focusing on the inability of the Liberal Party to have a policy or a direction for the future of this country. We know you in the Liberal Party hate that because when you go on there you are exposed for the frauds and charlatans that you are. That is the problem you have got with the ABC; it has nothing to do with how much Kerry O’Brien earns or whether you cannot stand his questioning or whether you will in the face of the truth. That is the problem with you lot: you have got absolutely no spine, you have got no values, you have got no commitments and you try to blame the ABC for all your weaknesses. Don’t come here bleating about the ABC. Try and have some strength, try and have some policies, try and have some commitments—and by that I mean real ones that will stand up to some scientific analysis, not what you get from Senator Bernardi, who goes onto the right-wing US websites to try to make himself the hero of the climate change sceptics. No wonder the ABC gives you a bit of a roughing-up when you get on there, because you do not deserve to be treated with any credibility. That is the problem for you lot: you have got no credibility, you are absolutely hopeless and the ABC are doing a public service in exposing you.

Let us come to the National Party and let us come to Senator Joyce, the human headline, the great retail politician who forced Mr Abbott to put him in to talk about the economic situation in this country—an absolute joke. Is it any wonder that the ABC would challenge the credibility of Senator Joyce on economic matters? Is it any wonder that they would challenge Mr Abbott on economic matters? The ABC are doing a public service for this country—(Time expired)

Senator BERNARDI (South Australia) (6.54 pm)—Following the very inventive approaches to discussing this document that both Senator Farrell and Senator Cameron have announced, I would like to briefly discuss the ABC for a moment. Before I get specifically to the content of the ABC report, I would like to address some of the content that has been provided not by the A team of the Labor Party, not by the B team of the Labor Party and not by the C team of the Labor Party but by the Z team of the Labor Party. If it is anything, it is the Z team because they have put out the most vile propaganda. I am not sure whether Senator Cameron was actually auditioning for a role on the ABC, perhaps on the Scottish language news or something like that, or for a role in the Melbourne Comedy Festival. Perhaps he was playing up to Senator Mark Arbib maybe to get a factional deal when they roll Kevin Rudd and install Julia Gillard.

Senator Arbib—Mr Acting Deputy President, I rise on a point of order. It would be good if Senator Bernardi could actually make some references to the report that he is speaking on. So far I do not think he has made one reference to it.

Senator Joyce—Mr Acting Deputy President—

The ACTING DEPUTY PRESIDENT (Senator Ryan)—I am happy to rule on the point of order, Senator Joyce. Senator Arbib, I believe you were here for a previous contribution where some wide latitude was given in respect of mentioning the ABC and discussion of this report. Senator Bernardi, continue and, as I have reminded other speakers, I remind you of the report to which you are speaking.
Senator BERNARDI—Thank you, Mr Acting Deputy President. I am coming to the nub of what this report is, and Senator Fierravanti-Wells summed it up when she said it is about the charter for the ABC. I can understand why those on the other side champion the ABC, because more often than not their perspective is portrayed in a favourable light. But we have seen those rare occasions on the ABC where they have investigated some of the haplessness and failings of the Labor Party. Senator Farrell claimed that because he saw it on TV it is relevant to this report, but I will not go down that grubby path. But I would like to raise a couple of truly serious issues. Firstly, I would like to know why the ABC pulled the only documentary that provided an insight into the Rudd Labor government. Why is *The Hollow Men* no longer on television? This is absolutely important. Perhaps, just perhaps, one of the powerbrokers, Senator Arbib or maybe Senator Cameron, did not like the caricatures of themselves given how they saw themselves in operation. Perhaps that was the case. I do not know how much influence they have there, but I know that, as they plot against Mr Rudd, in order to install Julia Gillard as the Prime Minister, they are desperately scrambling for chairs as it all falls apart around them. In the 2½ minutes that I have left, I would like to raise two further issues about the requirement for balanced, fair and unbiased presentations. I quite like the ABC and I watch it quite a lot.

Senator Bilyk interjecting—

Senator BERNARDI—There is another intellectual interjection from the other side! It is better to remain silent and be thought a fool than to speak and remove all doubt. I would like to address two particular shows. One is *Insiders*, which I enjoy on Sunday mornings. It is meant to be fair and balanced. What I find slightly annoying about it is that of the three commentators that sit there, being normally journalists in the chairs, two are always left leaning—and that has been admitted—and one is deemed to be from the fair and balanced and moderate side of the political debate. Why are there always two left-leaning journalists and one moderate, fair and balanced person? I think that is a legitimate question that needs to be asked. A similar question could be asked about *Q&A*, which is another show that I enjoy on occasions, if only to see the hysterical claims of some of the more extreme members of the left commentariat. But, once again, there is always a preponderance of people on the panel who, it could be quite legitimately claimed, are of a left-leaning persuasion. When you have got three and sometimes 3½—

Senator Fierravanti-Wells—Or four.

Senator BERNARDI—or, perhaps, four people that have a perspective that is more Labor orientated or left orientated, rather than having on the other side those of a fair and balanced persuasion, I think it calls into question exactly what is unbiased, what is fair and what is balanced. There has to be a modicum of sense in this. You do not want equal time on every issue because you are not going to have that sort of consensus, but there should not be repeated abuse and failure in this. I am concerned about it. (Time expired)

The DEPUTY PRESIDENT—Order! The time allowed for consideration of government documents has now expired.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA TO A JOINT MEETING OF THE HOUSE OF REPRESENTATIVES AND THE SENATE

The ACTING DEPUTY PRESIDENT (Senator Ryan)—A message has been received from the House of Representatives inviting senators to attend an address to the
House by the honourable Barack Obama, President of the United States of America.

COMMITTEES
Membership

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

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (7.00 pm)—by leave—I move:

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

Cyber-Safety—Joint Select Committee—
Appointed—Senators Barnett and Bushby

Fuel and Energy—Select Committee—
Discharged—Senator Joyce
Appointed—Senator Macdonald
Participating member: Senator Joyce

Legal and Constitutional Affairs Legislation Committee—
Senator Hanson-Young to replace Senator Ludlam for the committee’s inquiry into the provisions of the Anti-People Smuggling and Other Measures Bill 2010
Participating member: Senator Ludlam.

Question agreed to.

COMMITTEES
Community Affairs Committee
Report

Debate resumed from 11 March, on motion by Senator Parry:

That the Senate take not of the document

Senator MARSHALL (Victoria) (7.01 pm)—I want to speak to the Highway to health: better access for rural, regional and remote patients report of the Standing Committee on Community Affairs in the general context of cigarette smoking. I was a little distressed this week when I came to the parliament to find a letter from Philip Morris, which is beginning a campaign to say no to the proposed tobacco tax increase. Senators may know that there has been a Preventative Health Taskforce recommendation that the price of cigarettes should go up. They have in fact decided that the best policy measure available to government at the federal level to reduce the unnecessary death and disease caused by smoking is a substantial increase in tobacco tax. Evidence collected by the government’s Preventative Health Taskforce shows that a 21 per cent increase in the price of tobacco products would prevent 35,500 Australian children from becoming smokers by making cigarettes unaffordable. I think that is in an excellent objective. Presently, about 140,000 Australian schoolchildren smoke. Based on the latest available data from 2005, and if we put it in the context of Victoria, which is the state I represent, 31,138 Victorian children started experimenting with tobacco and a further 7,033 went on to become regular smokers. Of those who become regular smokers, many will become lifetime smokers and about half of them will die prematurely from cigarette smoking.

When I got this campaign letter and read through it and read some of the material they attached to their campaign letter, Philip Morris would have us believe that they have concerns about the tax revenue base of reduced smoking. They said that if we put the price of cigarette packets up there will be a greater use of illegal cigarettes which avoid the excise and, therefore, the government will reduce its revenue. They also say that it will encourage criminal elements to provide illegal tobacco to people instead of excise tobacco.

One of the things Philip Morris forget to mention is that if we reduce the sale of cigarettes they will lose their income. Strangely enough, through the whole campaign, they
do not suggest once what I suspect is their real concern—that an increase in the price of cigarette packets will drive down smoking or encourage people to give up smoking and, in particular, the price point will be reached where it is unviable for schoolchildren to start smoking and therefore reduce their profits. I suspect what Philip Morris is really on about is concern for their bottom line. That distresses me somewhat. This company produces tobacco and spends a lot of its marketing dollars pedalling this very unhealthy and addictive drug, to which there is no safe level of exposure, not deliberately to schoolchildren in the strict sense of the word but by making sure that it is available. The Preventative Health Taskforce suggests that what we really want to do is stop children taking up smoking in the first place.

In 2005, an estimated 140,000 boys and girls aged between 12 and 17 years smoked over 3,450,000 cigarettes between them in the week before the survey was conducted. That is a lot of cigarettes. I am not surprised that Philip Morris would engage in a campaign to stop the increase in excised tobacco recommended by the Preventative Health Taskforce because, if we stopped those children smoking nearly 3½ million cigarettes in a week, that would seriously affect their bottom line.

Smoking and the consequences of smoking place a huge burden on our economy, the health system and the public purse generally. The study of the burden from smoking related illnesses relates to the financial year of 2004-05, which is unfortunately the latest information available, and in that financial year the total social cost of tobacco use in Australia was estimated to be $31½ billion. This accounted for 56.2 per cent of the total social cost of all drugs, including alcohol and illicit drugs.

That figure includes some costs of involuntary smoking, passive smoking in the home and exposure of unborn children to the effects of their mothers’ smoking, and these costs are mostly imposed upon the young. Children under 15 years account for 25 per cent of deaths and 96 per cent of hospital bed days and 91 per cent of hospital costs attributable to involuntary smoking. Smoking costs the economy in lost productivity an estimated $5.7 billion in the workplace through workforce absenteeism and $9.8 billion in lost household labour through sickness and premature death. The estimated number of smoking-related deaths per annum is 15½ thousand deaths from smoking, and again the last figures were from 2003.

I just wanted to get some of those facts on the record because I do find it somewhat offensive that Philip Morris has mounted a public campaign with some nice printed leaflets saying no to any proposed increase in the excise and trying to explain to us that it is in our interest to keep the price of cigarettes low because we will get some extra excise, when that is nothing. It pales into insignificance against the cost that smoking inflicts upon our community. Even if we can stop one child taking up a lifetime of smoking, that would be a benefit. If we can seriously eat into children taking up smoking in the first instance, stop them becoming lifelong smokers, we will save half of those lives and, again, those figures are incredibly substantial.

Let me remind the chamber again: 140,000 Australian schoolchildren are estimated to smoke, and we, as legislators, should be doing all we can to reduce and discourage that. And for Philip Morris to run a campaign suggesting that it is in our best national interest to keep the price of cigarettes low just so we can protect some tax base, which pales into insignificance against the cost and the human tragedy of lifelong
smoking, I think is very disingenuous. They ought to just "fess up and admit to what they are—that is, people who peddle a drug to which there is no safe level of exposure—and they ought to acknowledge that is the business they are in. They ought to acknowledge there is no safe level of smoking, and they ought to assist the government and communities in ultimately wiping out their industry. There is no benefit to this economy, there is no individual benefit, and there is no safe level of smoking. It is something that, as a reformed smoker, I feel very strongly about.

I am concerned. I know how difficult it is to kick the habit and give up. I would be devastated if my children took up smoking given what we now know about the harmful effects of it. That is what Philip Morris ought to be spending their money on. They ought to be spending money on educating our children and adults; they ought to be spending their profits on ensuring people do not take up this terrible, addictive habit to which there is no safe level of exposure. There is no safe level for cigarette smoking. I was somewhat pleased that they started this campaign and drew it to my attention. I think it is disingenuous. They ought to be condemned for running this campaign. They ought to be assisting the community to kick the habit.

Senator BUSHBY (Tasmania) (7.11 pm)—I seek leave to continue my remarks.

Leave granted; debate adjourned.

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:

Economics Legislation Committee—Report—Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009. Motion of Senator Milne to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands. Motion of the chair of the committee to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

Treaties—Joint Standing Committee—Report 106—Nuclear non-proliferation and disarmament. Motion of Senator McGauran to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

**ADJOURNMENT**

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (7.11 pm)—I move:

That the Senate, at its rising, adjourn till Tuesday, 11 May 2010, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Westmead Millennium Institute

Senator CAMERON (New South Wales) (7.12 pm)—I would like to take this opportunity to express my admiration for the work that is being done in one of Sydney’s best kept secrets, the Westmead Millennium Institute. Like many residents of Sydney I have often been to Westmead Hospital to visit friends receiving treatment from the dedicated staff of the hospital. On my visits to the hospital I have always been focused on the car park to the right of the main entrance and I have never noticed that to the left of the main entrance is the headquarters of the millennium institute. I do not think many people would give it a second glance, and yet within that building hugely talented and committed researchers and staff are working to improve
the health of not only Western Sydney but also the nation.

In many areas of medical research, the institute is a world leader. The breadth and depth of medical research being conducted by the institute is amazing. We hear much about the need to improve the productivity of the nation. One of the key drivers of productivity is to ensure that we build the skills of the nation and, if we build the skills of the nation, then we need to make sure that the population is healthy, fit and well to carry out their work. Without the type of research work being done at the millennium institute many Australians who are making significant contributions to the productive performance of this nation would be unable to participate in the workforce due to ill-health.

The Westmead Millennium Institute is firmly ranked in Australia’s top 10 medical research institutes. It is performing world leading research by world leading researchers. The director of the institute, Professor Tony Cunningham, received an Order of Australia in this year’s Australia Day honours. He received his honour for his contribution to medical research in Australia and his groundbreaking work on viruses. I would like to congratulate Professor Cunningham on his award and I know that he believes the award is not simply recognition for himself but recognition of his highly-skilled team at the institute.

Professor Cunningham is rightly proud of the Millennium Institute and of his colleagues. Much of the work of the institute is directly linked to the critical health areas of diabetes, cancer, leukaemia and mental health. It was a privilege for me to meet Professor Cunningham and his researchers. My tour of the institute’s facilities began with an introduction to the researchers who lead the world in melanoma research and who discovered the first melanoma gene. Their work now includes genetic counselling for families who may have a predisposition to carry the gene that puts them at higher risk of melanoma. The researchers, Graham Mann and Helen Rizos, talked to me about their goals and ambitions, including their pursuit of a cure for melanoma.

The Millennium Institute has also led the world in its search for a cure for diabetes. The institute is home to a number of national centres, including the national pancreas transplant centre. Pancreatic islet cell transplantation is the only known cure for type 1 diabetes. Institute researchers have been focused on developing and improving islet cell transplantation techniques to enable type 1 diabetes patients to produce insulin for themselves.

Their research into different viruses, like SARS and other flues, chickenpox virus, shingles and HIV, has led to the development of vaccines, diagnostics and new approaches to therapies. The institute has until recently been home to five National Health and Medical Research Council centres for clinical research excellence. Work was undertaken in conditions like anxiety, renal medicine and chronic liver disease. The institute has invested heavily in technology needed to keep it at the top.

I spoke to a young doctor, Eddie Kinzana, a cardiologist who had just come from seeing his patients. He explained the high-tech equipment he was using and the molecular and gene therapy research work he is doing to find a solution to cardiac conditions that can result in sudden death. I was able to see a cell known as a dendritic cell, which was infected with the virus. The technology allows you to track this cell as it moves around searching for a cell to attack.

The Millennium Institute is also working in the area of mental health. Their brain researchers are currently working on several
vital projects including depression and ADHD. That is the first time that Senator Bernardi has not interjected on me when people were talking about brains! They are the managers on a groundbreaking trial called ‘I spot’. The aim is to identify brain markers for depression so that treatment can be tailored to individual patients.

What is impressive and perhaps unique about the institute is that all of its scientific leaders conduct clinical research. Their research has always been entrenched in the motto ‘Bench to bedside’. This approach has allowed greater translation of research findings and discovery into the development of new prevention strategies, diagnostics and treatments that are more effective.

Part of my tour included a short time in the Cancer Day Care Centre, which is located in the body of Westmead Hospital. A clinical trials research unit is based in the centre. I met a pathologist, Ms Rosemary Balleine, who is a specialist in translational oncology. She is one of the leaders in this field in Australia. She works in a small, windowless room where she can see the patients receiving their chemotherapy. She said she wanted to be kept grounded and in touch with what she was actually trying to achieve—that is, finding a cure for breast and ovarian cancer.

The researchers are immensely talented and committed people. They are making contributions to the future health of this nation. They are also an integral part of Western Sydney and make a huge contribution to the economic development and health of Western Sydney. The institute is also part of the Westmead Research Hub. This is a hub which consists of 850 researchers coming from the Westmead adult and children’s hospitals, with others coming from the Nepean and Blacktown hospitals. Many of the researchers at the Millennium Institute are also professors and senior lecturers who are linked to the Westmead Clinical School of the University of Sydney. They also provide educational expertise to medical, dental science, nursing and postgraduate students. When we put these two elements together, we have a huge resource for teaching and research for Western Sydney.

The scale of the work and the growth and success of the institute has meant that they have quite literally run out of space for research and teaching. There is a need to build a new facility that will bring together 450 scientists and allow greater collaboration and sharing of expensive equipment among its researchers and nearby hub partners. The lack of space is an issue that I will raise with Minister Roxon and my fellow Western Sydney parliamentarians. The researchers deserve appropriate facilities and, given the government’s commitment to health, we should ensure that the research facilities that drive the effectiveness of health delivery throughout the nation can operate efficiently and effectively.

While I was in the Cancer Day Care Centre one of the patients recognized me and gave me a wave. I went over to see him and asked him how he was going. He indicated to me that his prognosis was not good as he had lung cancer but that he was in the best possible place. He said he was receiving great care and everything possible was being done to assist him. He said there was no cure for him but he was sure that one day the researchers of the Millennium Institute would find a cure for others. This demonstrates the importance of the work of the Westmead Millennium Institute and the comfort, care and hope that it brings to individuals and families facing life-threatening disease.

South Australia

Senator BERNARDI (South Australia) (7.21 pm)—I rise tonight to talk about the
great state of South Australia, a state with unlimited potential, save that that potential is limited by the quality of the government that now resides on the Treasury benches. This government is led by a secretive, scandal-ridden and arrogant premier in Mr Mike Rann. For eight long years, South Australians have had to put up with Mr Mike Rann and all his spin—spin and no substance. Mr Mike Rann has stopped listening to the people of South Australia. He thinks he can tell them what is best for them. He has given my fellow South Australians no reason to trust him, and they are turning on him, just like his colleagues in the Labor Party. This is a man who ignored 60 traffic offences for one of his colleagues and then made him the Minister for Transport. How can we trust a premier who gives responsibility for road safety and transport to someone who has 60 repeat offences? He promised to address hoons and gangs and bikies but he has failed to. One could argue that, if anything, these problems are greater than they were eight years ago. Mike Rann has made South Australia the highest taxed state in the country. He does not care about prudent use of public money.

Mr Rann has a plan for hospitals that involves spending $1 billion more than necessary. The opposition—and, I hope, soon-to-be government in South Australia—would spend $1 billion less to deliver a better result for the people of South Australia. And what about the issue of water? We have suffered with water restrictions and great environmental problems in South Australia for a long time. Mr Rann has promised over and over again and has celebrated and trumpeted ‘national deals’ and ‘more water for South Australia’, but he has not fixed the problem. He has just been lucky that it has rained recently. He has failed to invest in new technologies—stormwater technology that would help secure South Australia’s water supplies for a long time. A proposal was put forward by the opposition for a desalination plant. It was mocked and ridiculed by Mr Rann when it was going to cost $400 million or $500 million. It suddenly became a good idea when it was going to cost three, four or maybe even five times that much.

This is a man who leads a government and is head of a party that has been caught out abusing the government’s email database to circulate ALP campaign material amongst the state’s public servants. Just recently the Rann Labor government, through the Department of Education and Children’s Services, circulated through its email database an email on ‘Labor’s commitments to students with disability’. The email included Labor’s policy on disability support, a Rann media release and funding commitments, all authorised by ALP Secretary, Michael Brown—a clear abuse of the caretaker nature of government after an election has been called. This was exposed by a man of great integrity in the South Australian parliament, shadow minister Rob Lucas, who said that it was a breach of caretaker convention—a clear breach of one of the most important conventions of our system of government.

The South Australian Liberal Party are clearly concerned about this, not in a partisan manner but simply because it is an abuse of the electoral system. It has written to the CEO of the Department of the Premier and Cabinet to seek an urgent investigation into this abuse by Mr Rann and his government. It would be alarming even if this failure were a one-off, but it is not a one-off. We have had secrecy and scandal that this government has hidden and tried to cover up. The No. 2 in the government there is a Mr Foley, who was plotting to overthrow Mr Rann at a very late-night dinner at Parliament House until that plan was hosed down. Mr Foley recently tried to hide a $168 million blow-out in the budget. Leaks from the Treasury have re-
revealed that Treasurer Foley had been trying to conceal a $168 million wages blow-out in the government’s budget. The annual wage bill increase for public servants was not 2.5 per cent, as claimed by the Treasurer of South Australia, but 3.1 per cent. Under a three-year agreement, this represents a 9.5 per cent increase rather than the 7.7 per cent increase claimed by the Rann Labor government—more spin that has been proved and demonstrated to be false. It is going to cost $168 million more than they are telling the people of South Australia about. In January of this year, the Liberal Party made that claim, and it was repudiated and denied. As recently as 5 March, Mr Foley was still quoting the same 2.5 per cent figure, but it is not true.

Shouldn’t we be concerned about a government that refuses to establish an anti-corruption commission? What have they got to hide? Despite calls from prominent South Australians and ordinary, regular members of the public who want to see an independent commission against the corruption in South Australia, Mr Rann and his team refuse to do it. Yet the Attorney-General, Mr Michael Atkinson, admitted a few days ago that improvements are needed to tackle corruption. When discussing it on Radio FIVEaa he said that improvements can be made and will be made if the government are re-elected. But, if they are not prepared to have an independent commission against corruption, how do they plan to fight it? Mr Rann says there should be a national plan, but as yet we have not seen any structure or substance to that. We have not seen any formal approach to the federal government about it. This is a man who will say and do anything—and his team will say and do anything—to sneak back into power.

And what about another recent abuse of the powers that this government has? Documents released under a Freedom of Information Act request revealed that Premier Rann and Treasurer Foley secretly agreed, in the weeks leading up to an election, to a massive $24,000 pay rise for a 28-year-old ministerial staffer in Mr Rann’s office. It was an increase of 26.4 per cent—a 26 per cent pay rise for a 28-year-old; it was fantastic! And he was back-paid to 1 October last year. While this was occurring, Mr Foley and Mr Rann gave no consideration to the trials and tribulations and the constant battle that many of the state’s public servants have been fighting. How out of touch can this government get? How arrogant and spendthrift can they be with taxpayers’ money?

They are not very confident with their future costings, either. The health minister, John Hill, refused to guarantee that the ALP’s hospital redevelopment would only cost $1.7 billion. He said that he hoped or was optimistic that it would be about $1.7 billion. But he could not make a guarantee. If he is not prepared to make a guarantee, it could cost $100 million, $200 million, $300 million or maybe even a billion dollars more. The ALP has spent so much time focusing on the innovation, hope, optimism and new approach that the Liberal Party is hoping to bring to South Australia that they have not even bothered to check their own costings.

Going back to the Treasurer, Mr Foley, again, announced the redevelopment of the Adelaide Oval. But it relies on money that has not been committed or promised by the federal government. They have no credibility. They are only interested in spin. They will say and do anything that they need to to stay in power.

They recently spent $40 million on a new computer system for work cover. But the government then had to cancel the long-standing bonus and penalty scheme because the new computer system could not cope with it. They left it out. The end result is that
60 per cent of businesses in South Australia will face paying higher work cover costs from the middle of this year. We already pay the highest work cover costs of any mainland state. Why do they have to rise because of inept bungling by the worst government in Australia? I note that there is a bit of mirth on the other side. I should say that it is the second-worst government, because the New South Wales government takes the cake. And I am sure that the Tasmanian government is equally as hopeless, so perhaps it is in the top three—a trifecta of failures for the Australian people. South Australia deserves better, and it will have better on Saturday.

**Baby Safe Havens**

Senator POLLEY (Tasmania) (7.31 pm)—On Friday 5 March 2010 employees of a water treatment plant in the Brisbane suburb of Pinkenba made the kind of discovery that will no doubt be ingrained in their memories for the rest of their lives. The body of a newborn baby girl was discovered among the debris and waste of the water treatment plant like a discarded problem that had been washed away. But this was not a problem to be flushed from view and from mind. This had been an actual baby girl, with an infinite lifetime of possibilities ahead of her, before her short life came to a dramatic and deeply saddening end.

It is unknown how she came to be washed into the treatment plant. She could have been stillborn unexpectedly, her frightened mother not knowing what to do and choosing to dispose of the body. She could have been a late-term illegal abortion, disposed of by the easiest means. No-one knows, because no-one knows exactly who this little girl was or how she came to be at that water treatment plant. But one thing is for certain: a water treatment plant is hardly a fitting resting place for an innocent baby born without any wrongdoing in her heart and no sins committed.

Immediately, concerns for the health and wellbeing of the mother were expressed by authorities. This is to be expected, as a newborn disposed of in this way is hardly likely to have come from a confident mother who was seeking appropriate medical attention. Childbirth at the best of times is a major ordeal requiring the strictest of monitoring. But, under the circumstances in which this baby must have been born, there is no doubt that the mother would have required some level of medical treatment. Alas, to date the baby and her mother have not been identified.

So how is this baby to be buried? How is she to be remembered? As the discarded debris and waste she was found amongst? As a Jane Doe with no identity to mark her short life? As a tragedy that no-one saw coming? As a mystery? This is how that little girl should be remembered: as a lesson to all of us. She symbolises what could have been. If her mother gave birth to a live baby amidst confusion, fear and issues that affected her decision-making and capacity to mother her child, she may well have seen abandonment as her only option. If a network of baby safe havens had been created across the nation in appropriate locations such as police stations and hospitals, an alternative would have existed. If these safe havens had been available, this mother may have delivered the baby to one of these havens rather than choosing to abandon her in a way that ultimately may have cost this newborn her life.

If this baby had been handed over under the protection of a baby safe haven, that baby could have been given a new lease on life, with adoptive parents to love and raise her. She would have grown from a baby to a little girl, playing with her Dora the Explorer dolls and driving her adoptive mother crazy by
asking her ‘why’ at every given moment. She would have grown from a little girl to be a big girl, tying her own shoelaces and riding a bike without training wheels. She would have grown from a big girl to an adolescent, finding an identity for herself amongst her peers. Then she would have moved from adolescence to adulthood, having created a unique identity and establishing herself in this world. She would have chosen a profession, found a soul mate, married, had children and then delivered them the same sense of security and belonging she would have been given by her new parents. It is a complete picture of a life that might have been and it is a beautiful picture.

But she will sadly never be a part of that picture. Instead she will be the horrific image that those water plant employees see every time they close their eyes for years to come. The horror of such a discovery is real and understandable. The horror of knowing that we continue to fail to do what we can to avoid this sort of tragedy occurring is anything but understandable. No sense can be made of a lack of proper and appropriate response to these cases of abandoned babies and abandoned bodies. Each time I hear or read of a new abandonment my heart aches with the knowledge that this baby may have been saved.

Perhaps some of these abandoned babies are stillborn and perhaps some would be abandoned in unsafe locations regardless of the availability of safe and legal alternatives. But the one undeniable truth is that someone, somewhere along the line, will choose to use a baby safe haven and that decision will result in the survival of that child. It only takes one baby to survive abandonment to make the effort worth it because there is no cost-benefit analysis that can be applied to a human life. There is no rationale that dictates X number of babies need to be saved to justify the establishment of baby safe havens because the number is not important. What is important is giving people choice: the choice not to abandon babies in cardboard boxes and doorways, the choice to use safe and legal havens that can offer protection and medical aid to the child and assistance and support to the parent.

This is an idea that I have continued to advocate for over 18 months. Over that period I have spoken in this chamber a number of times on this issue. I have collected hundreds of signatures on petitions calling for a nationwide network of safe havens and presented them in this chamber. I have written to all state Attorneys-General in a hope to gain state-by-state consistency and support in order to get the wheels turning. And I have continued to talk to anyone who expresses interest in supporting this proposal in order to give momentum to this cause. All of this, but the response from those who have the capacity to bring this idea to life is to cling steadfastly to the old way of responding to this issue. State Attorneys-General, whilst some expressed support for the idea, were universal in their decision not to push forward with coordinating a consistent approach for baby safe havens. Most held to the belief that current processes deal adequately with baby abandonment. But each and every abandonment proves that the current systems do not work. Anytime a mother chooses abandonment in a rubbish tip it proves that the current alternatives were not enough. Each time a baby’s body is found in a park it proves that a better way must be found. Offering a mother a safe place to relinquish a child without fear of prosecution or judgment may not save every child but it will save some.

Let me make this one most important point: when it comes to protecting our children, no number of choices or alternatives is too many. There should be no length that we will not go to in order to protect newborns.
They are our progeny, our legacy and our future. Our current systems are failing some of them, therefore we must step up and act.

I could spend forever talking about the details of my proposal for a network of baby safe havens. I could espouse the benefits and talk optimistically about all we could achieve, but tonight I will instead reflect on the fact that these abandoned babies are and were real people with a lifetime of possibilities ahead of them. Let us recapture the details of those babies who have been abandoned since I first spoke of the need for baby safe havens and how their lives turned out, or did not turn out. In January 2009, an eight-week-old baby abandoned by his mother on New Year’s Eve was reunited successfully with his family two days later. In April 2009, a baby was abandoned on a doorstep in Dubbo. She was found alive and after five months of public campaigning to locate her mother baby ‘Sunday’ was placed in permanent adoptive care. She is doing extremely well. In April 2009, the body of a tiny baby boy was found at a rubbish dump having been wrapped in a blanket and placed in a bin. He was named Nicholas by authorities, after the patron saint for children, and buried shortly after. In June 2009, a teenage girl was questioned after the body of a newborn baby was found by school students on the grounds of a South Australian high school. The life of a teenager was altered forever and the life of the newborn was reduced to nothing. And, finally, the body of a baby abandoned in a shopping bag at a bus stop in Shepparton in July 2008 still lies in the morgue, awaiting clearance from the coroner’s office to be released and finally laid to rest. As you can see, some of these cases have a happy ending. Some do not. Ask yourselves with all honesty if the stories might have been different had those mothers known about, and had access to, a network of baby safe havens.  

(Time expired)
finished food exports achieved a nine per cent growth over the year to reach a new record high of $1.3 billion. Employment in the South Australian food industry also reached a new record high of 146,000, with 7200 additional jobs being created over the year. Last week in South Australia, the Clipsal 500 event was held. The Rann Labor government understands the importance of bringing to the state major events such as this. It knows that they are major drivers of economic growth and that they showcase South Australia as the amazing state it is.

The events that we have in South Australia include WOMADelaide, the International Rugby Sevens, the Tour Down Under, the Cabaret Festival, the Adelaide Fringe and Adelaide Festival. Our annual events program injects hundreds of millions of dollars into our economy each year. In fact, in 2008 the Tour Down Under was the world’s first UCI Pro Tour event ever held outside of Europe. And in 2009 the Tour Down Under injected $39 million into the state’s economy and attracted 36,200 visitors to South Australia. South Australia was also a showcase to the rest of the world, with more than 200 hours of international media coverage for the event. The 2010 Tour Down Under was bigger than ever, with record crowds of 762,000.

Major infrastructure buildings supported by the state government in the 2009-10 state budget will support nearly 14,000 jobs over the next 12 months. Unemployment figures continue to show that record numbers of South Australians are in jobs—in December 2009, figures indicated that there were 103,700 new jobs since the Rann government was elected. And of course we know that South Australia has the lowest unemployment rate in Australia.

Let’s talk about water. The state Labor government’s construction of a $1.83 billion desalination plant is well underway. It will deliver up to half of Adelaide’s water needs when fully operational. The desalination plant is on track to produce its first water in December 2010 and it will be powered by 100 per cent renewable energy from green-power-accredited sources located in South Australia. South Australia took the lead on national water reform and the establishment of the independent Murray-Darling Basin Authority. This has helped to ensure that, for the first time in our history, the Murray will be a river without borders.

South Australia leads the nation in the recycling of waste water. Currently, around 31 per cent of our waste water is recycled, and this will be increased to 45 per cent by 2013. Our recycling waste water program includes a recently completed Glenelg to Adelaide Park Lands Recycled Water Project, providing up to 3.8 billion litres of recycled water for reuse. There was a federal funding commitment of $30.15 million for this project, as well. Recycled water is now flowing from the Glenelg to Adelaide Park Lands Recycled Water Project, with the project being complete more than four months ahead of schedule.

With the Rann Labor government heading the state, South Australia leads the nation in stormwater harvesting and reuse, and it will triple the state’s annual stormwater harvest from six billion litres to over 20 billion litres by 2013. The government has invested $45 million in new stormwater projects with a total value of $145 million, which will ensure South Australia exceeds its target of capturing 20 billion litres. The new stormwater projects include schemes at Cheltenham Park, Adelaide Airport and the botanic gardens. The state government has committed $45 million to these new stormwater projects, with the federal government committing $65 million. In July 2009 the government released the Water for Good plan,
which contained 94 actions to help diversify our water supplies, reduce our reliance on the Murray and guarantee South Australia’s future water security to 2050 and beyond. Under the Rann Labor government more than half of the actions in Water for Good are now underway or have been completed.

But the value and benefits of having a Labor government in South Australia do not end there. We now have more than 4,300 full-time equivalent police officers in South Australia—600 more than when the Labor government took office. Recruiting is continuing, with a further 106 cadets in training. By June 2010 police numbers will reach a record high of 4,400 officers. Under the Labor government the crime rate has been reduced by 32.7 per cent since 2002. The Rann government increased the South Australia Police operating budget to $661 million in 2009-10—an increase of 79 per cent since the previous Labor government’s last budget. The Labor government has opened new police stations at Blakeview, Newton, Hallett Cove and Golden Grove, and it is constructing a new $59 million state-of-the-art police academy at Fort Largs. In addition, the government has provided $5.9 million for a new state-of-the-art IT system to assist police in cracking down on bikie gangs and it has doubled the strength of the Crime Gangs Task Force to 44 officers. The government has created the position of Commissioner for Victims’ Rights and appointed the first such commissioner in Australia.

Time is running out and there is so much more to say about the achievements of the Labor government in South Australia. It has introduced free metropolitan public transport for all seniors card holders during off-peak periods and it has negotiated an increase of $35 million in Home and Community Care funding for 100 senior South Australians. It has nearly doubled funding to disability services since being elected, from $123 million in 2002 to more than $230 million in 2007-08. Following a major review it overhauled child protection during its first term of government, with a $144.4 million investment over four years. And it has injected an investment of more than $190 million—the state’s largest ever—into alternative care and child protection. It has commissioned the Mullighan inquiries into sexual abuse of children on the APY Lands, and former wards of the state, to ensure that the mistakes of the past are never repeated.

It has created a Veterans’ Advisory Council to provide government with advice on key issues for veterans in our community. The government has spent $2 billion on health services—93 per cent more than in 2001-02, the last year of the former Liberal government. It has appointed 1,074 additional doctors and 3,692 additional nurses. There are now nearly 50 per cent more doctors and 33 per cent more—(Time expired)

Senate adjourned at 7.45 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]


Christmas Island Act—List of applied Western Australian Acts for the period 4 September 2009 to 16 March 2010.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 4 September 2009 to 16 March 2010.

Customs Act—Tariff Concession Orders—0920586 [F2010L00306]*.
0920745 [F2010L00305]*.
0921139 [F2010L00304]*.
0922134 [F2010L00287]*.
0922177 [F2010L00308]*.
0922178 [F2010L00309]*.
0922447 [F2010L00288]*.
0922448 [F2010L00311]*.
0923062 [F2010L00307]*.
0924337 [F2010L00371]*.
0925428 [F2010L00434]*.
0925435 [F2010L00435]*.
0925655 [F2010L00430]*.
0925657 [F2010L00431]*.
0925753 [F2010L00412]*.
0926520 [F2010L00422]*.
0926745 [F2010L00437]*.
0926748 [F2010L00423]*.
0927025 [F2010L00429]*.
0927136 [F2010L00417]*.
0927348 [F2010L00418]*.
0927439 [F2010L00495]*.
0927616 [F2010L00427]*.
0927669 [F2010L00488]*.
0927984 [F2010L00492]*.
0928490 [F2010L00494]*.

Financial Management and Accountability Act—Financial Management and Accountability Determinations—
2010/03—Other Trust Moneys Account Abolition 2010 [F2010L00681]*.
2010/04—Services for Other Entities and Trust Moneys – Australian Bureau of Statistics Special Account Establishment 2010 [F2010L00683]*.
2010/05—Section 32 (Transfer of Functions from DHS to DEEWR) [F2010L00679]*.

Fisheries Management Act—Bass Strait Central Zone Scallop Fishery Management Plan 2002—BSCZSF (Closures) Direction No. 1 2010 [F2010L00685]*.
National Health Act—Instruments Nos PB—
14 of 2010—Declaration and determination – drugs and medicinal preparations [F2010L00659]*.
16 of 2010—Determination – responsible persons [F2010L00670]*.

* Explanatory statement tabled with legislative instrument.

Return to Order

The following documents were tabled pursuant to the order of the Senate of 15 March 2010:

Environment—Australian forest cover—Maps—
Statement responding to the order of the Senate of 15 March 2010.
National carbon accounting system forest cover—Maps [9] and DVDs [3].
The following answers to questions were circulated:

**Foreign Affairs and Trade: Websites**

(Question Nos 2223 and 2224)

Senator Abetz asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 16 September 2009:

1. Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

2. Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including: (a) the total cost for each redevelopment; (b) who undertook each redevelopment; and (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

3. Does the department: (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and (b) have any guidelines for the posting of political material on these websites.

4. Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:


2. DFAT commissioned a re-skin of its own corporate website (http://www.dfat.gov.au) as well as those of the Minister for Foreign Affairs and the Minister for Trade. The Ministers’ sites were launched on 15 December 2009 and the corporate site was launched on February 1, 2010.
   (a) The total cost for re-skimming the websites of the Minister for Foreign Affairs and the Minister for Trade was $9,900 (including GST).
   (b) The re-skins were undertaken by Swell Design Group.
   (c) The re-skins were not market-tested.

3. The department posts the Ministers’ press releases, speeches and transcripts on their departmentally supported websites, consistent with the Guidelines for Ministerial and Departmental Websites issued by the Australian Government Information Management Office (AGIMO).

4. Yes, on one occasion the Department chose not to post a speech by Minister Crean introducing former Prime Minister Bob Hawke at the 2009 ALP National Conference on the website.