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the Senate and committee hearings are available at

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SITTING DAYS—2010

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FORTY-SECOND PARLIAMENT  
FIRST SESSION—EIGHTH 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
Deputy Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
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. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC
Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of the Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator Robert James Brown
Deputy Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Family First Party—Senator Steve Fielding
Chief Government Whip—Senator Kerry Williams Kelso O’Brien
Deputy Government Whips—Senators Donald Edward Farrell and Anne McEwen
Chief Opposition Whip—Senator Stephen Shane Parry
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

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

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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 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 and Minister for Population Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism Hon. Martin Ferguson AM, MP
Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law Hon. Chris Bowen MP

[The above ministers constitute the cabinet]
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<td>Minister for Veterans’ Affairs and Minister for Defence Personnel</td>
<td>Hon. Alan Griffin MP</td>
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<td>Hon. Tanya Plibersek MP</td>
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<td>Minister for Home Affairs</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Indigenous Affairs, Rural and Regional Health and</td>
<td>Hon. Warren Snowdon MP</td>
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<td>Regional Services Delivery</td>
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<tr>
<td>Minister for Small Business, Independent Contractors and the Service</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Economy, Minister Assisting the Finance Minister on Deregulation and</td>
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<td>Minister for Competition Policy and Consumer Affairs</td>
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<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<tr>
<td>Minister for Early Childhood Education, Childcare and Youth and</td>
<td>Hon. Kate Ellis MP</td>
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<td>Minister for Sport</td>
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<tr>
<td>Minister for Defence Materiel and Science and Minister Assistant</td>
<td>Hon. Greg Combet AM, MP</td>
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<td>Minister for Employment Participation and Minister Assisting the Prime</td>
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<td>Hon. Gary Gray AO, MP</td>
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<td>Hon. Bill Shorten MP</td>
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<td>Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
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<td>Parliamentary Secretary for Innovation and Industry</td>
<td>Hon. Richard Marles MP</td>
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SHADOW MINISTRY

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

[The above constitute the shadow cabinet]
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<td>Hon. Bronwyn Bishop MP</td>
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<td>Senator Cory Bernardi</td>
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<td>Senator Mitch Fifield</td>
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<td>Senator Gary Humphries</td>
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Tuesday, 11 May 2010

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

COMMITTEES

National Broadband Network Committee
Meeting

Senator O’BRIEN (Tasmania) (12.31 pm)—by leave—At the request of the Chair of the Select Committee on the National Broadband Network, I move:

That the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 1.45 pm to 2 pm.

Question agreed to.

Environment, Communications and the Arts Legislation Committee
Meeting

Senator O’BRIEN (Tasmania) (12.31 pm)—by leave—At the request of the Chair of the Senate Environment, Communications and the Arts Legislation Committees, I move:

That the Environment, Communications and the Arts Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 3.15 pm to 4 pm.

Question agreed to.

Environment, Communications and the Arts References Committee
Meeting

Senator O’BRIEN (Tasmania) (12.31 pm)—by leave—At the request of the Chair of the Senate Environment, Communications and the Arts References Committees, I move:

That the Environment, Communications and the Arts References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 3.15 pm to 4 pm.

Question agreed to.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.31 pm)—by leave—I move:

That the hours of meeting for Tuesday, 11 May 2010 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 13 May 2010 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:

(a) the routine of business from 8 pm on Tuesday, 11 May 2010 shall be:

(i) Budget statement and documents 2010-2011, and

(ii) adjournment; and

(b) the routine of business from 8 pm on Thursday, 13 May 2010 shall be:

(i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and

(ii) adjournment.

Question agreed to.

TAX LAWS AMENDMENT (2010 MEASURES No. 1) BILL 2010

Second Reading

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

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (12.32 pm)—I rise today to speak on the Tax Laws Amendment (2010 Measures No. 1) Bill 2010. The bill establishes a free superannuation clearing house for small services businesses with fewer than 20 employees. In addition, it makes changes to the tax treatment of managed investment schemes, managed investment trusts, the entrepreneurs’ tax off-
set and consolidations. Schedule 6 makes a number of housekeeping amendments.

The coalition supports the amendments contained in the schedules 2 to 6 of this bill. Many of these amendments will enhance investor certainty about the tax status of investments and, hence, should encourage additional investment. In particular, the changes to protect investors and managed investment schemes are a worthwhile response to the high-profile collapse of a number of these schemes. Under current arrangements investors can claim immediate deductions as long as a capital gains tax event does not occur within four years after the end of the income year in which the amount is first paid. These changes will protect the returns of investors from unanticipated, uncontrollable changes which cause schemes to collapse before the four-year rule is satisfied. Recently, the insolvency of several managed investment schemes has had a devastating and unexpected effect on investor funds. The Australian Taxation Office has not had the scope to provide relief to investors in these circumstances. This bill will change that and allow investors to keep their deductions where a capital gains tax event occurs because of factors outside the control of investors. Importantly, these amendments will apply retrospectively from 1 July 2007 providing some welcome relief to those affected by the recent collapses of some managed investment schemes. This bill also amends the tax law to allow managed investment trusts to make an irrevocable election to apply capital gains tax on the disposal of certain assets, such as shares and real property. Again, these provisions will provide greater certainty.

Schedule 4 introduces an income test for the entrepreneurs’ tax offset. The entrepreneurs’ tax offset was introduced by the former coalition government and took effect from 1 July 2005. Its aim was to provide greater incentives for very small businesses in the early stages of their development. This bill limits access to this concession by applying thresholds to taxable income over $70,000 for single individuals and $120,000 for families. Currently, eligibility for the entrepreneurs’ tax offset is not restricted by sources of income other than those derived from the small business. The coalition is concerned that these amendments will deter some from starting a business. This bill also makes some changes to the consolidation regime from a tax perspective. This regime has been continuously improved and the changes presented here stem from proposals of the former coalition government in 2007.

Finally, schedule 6 contains a number of housekeeping amendments. It makes a number of minor changes to the existing tax law to ensure they operate as intended.

I turn now to schedule 1 of this bill, which introduces a superannuation clearing house. The coalition supports a superannuation clearing house for small businesses. The clearing house will provide small businesses with free access to services which allow them to pay their superannuation guarantee contributions in a block to an approved clearing house. Small businesses are then relieved of the need to split contributions into individual payments according to each employee’s respective superannuation fund. A clearing house provides scope to achieve economies of scale and reduces the overall costs of Australians saving for their retirement. This will reduce red tape for small business while maintaining choice for individuals to choose their own superannuation fund. Lower costs will improve the ability of small businesses to compete and will increase productivity and, ultimately, the wages of Australian workers.

The government likes to talk about slashing red tape and increasing productivity but has been slow to act in these instances. The
government originally promised to establish the clearing house by 1 July 2009. Senator Sherry released a discussion paper in November 2008, but then over 12 months went by with no further news from the government. The deadline passed without a murmur. The superannuation industry was left doubting whether the reforms were progressing. There are private operators which already provide clearing house type services to businesses. How could they invest with any certainty while the government sat on changes that would affect the industry substanti ally? We should not be surprised by the government ignoring these effects. This government does not understand business. Few of its members have ever run one. As in so many other areas, the government put a high priority on discussion and consultation but less on actually delivering results. It appears that an election year has finally woken the government from its slumber.

Notwithstanding the coalition’s broad support for these changes, the specific proposals that are in front of us here are different from those that the government initially proposed. We do not think that many of these changes have been adequately explained. Originally the government proposed to tender the operation of the clearing house to the private sector. The Prime Minister made this promise in his original 2007 proposal. At the time, Senator Sherry claimed that the government’s proposal would not create a new bureaucracy, because the government would leverage off existing private sector providers. The discussion paper in late 2008 continued to support a tendering process, yet in November last year something changed. Suddenly the government announced that Medicare would operate the clearing house; no consideration was given to the private sector operators. On top of the uncertainty the government generated by inexplicably delaying the establishment of the clearing house, it then took away the option for private sector operators to provide these services as promised. What changed in the 12 months after the government released its discussion paper? No-one knows, and the government has provided no explanation. As one company payment adviser said:

We did not hear from Treasury or anyone associated with the Government after putting in our submission. We worked to develop this solution and a few other people looked at what they could do to provide a solution to small business. And it was quite a shock late last year for a press release to say that the Government was going to give it to Medicare.

The coalition has two major concerns with this surprise decision. First, it would appear that the government is again rushing the implementation of a new program without doing sensible due diligence beforehand. Second, the special advantages that this bill provides to Medicare could have harmful effects on competition in this sector and ultimately push up the costs for businesses with more than 20 employees. The Senate inquiry on this bill has revealed that Medicare is worryingly unprepared to deliver these services to small business. It might be easier if I simply listed all the things that Medicare has not done.

Medicare has no estimates on the cost of providing free clearing house services. How much will costs be affected by the ultimate take-up by small businesses? We do not know. The government has allocated $16.1 million over four years, but we have no certainty of whether this is enough. Second, Medicare has not finalised its data-processing system or the types of payments that are to be accepted. Third, Medicare has not developed key performance indicators for the scheme. It cannot say how it will deal with any of the errors that arise. Fourth, Medicare has no targets for business take-up or time lines for getting the system up and
running by the due date, nor has it committed to any time lines for remitting contributions to personal accounts. Medicare told the Senate inquiry that it could not commit to a time, because it did not know if there would be ‘issues with matching and some requirements for us to do follow-up work’. Funds that are not quickly transferred to the relevant accounts can have adverse effects on investor returns. We would have seen that lately. Medicare has not revealed how it will deal with the massive quarterly peaks in workloads when payments arrive. Sixth, we have not been assured that Medicare will establish a sufficient database to protect the life insurance and other entitlements of members.

It is almost unbelievable that the government had not worked through these issues before committing to use Medicare as its approved clearing house. If it had made a request for proposals from the private sector for these services, the government could have asked for all this information in bid documents. We would then be in a position to undertake proper due diligence, review the capacity of different providers and use pressure on different competitors to sharpen their pencils and provide the best deal for taxpayers. Instead the government has chosen a provider without any of this information being available. We are in the dark, and Medicare itself appears to be in the dark on its ability to deliver.

The government and Treasury have claimed that Medicare has been chosen for risk management reasons, but when the chosen provider cannot inform us of the kinds of details that normally would be contained in a bid document, how rigorous can that risk management process be? As Craig Osborne, Managing Director of MicrOpay, commented:

Medicare is not looking at the full detail that needs to be achieved when there are adequate private enterprise solutions out there ... To run with a government agency that doesn’t have a track record in collecting this information and collecting these sorts of funds, and doing the disbursements and matching and cross-checking that’s needed to ensure the system is efficient, has not been addressed or even contemplated.

The Senate inquiry had a number of existing private providers which could provide clearing house services. These providers already have road-tested systems to process transactions. They know how much each transaction costs and they could implement the government’s policies quickly. Indeed, many of these providers would likely perform clearing house functions for much less than the estimated $16 million cost to Medicare. One private clearing house operator has already begun free services to small businesses without any government inducements. But overpaying for things has become a very bad habit for the Labor Party.

We have further reasons to be sceptical of the government’s decision to ignore these private providers and their reasons for it. A failure to manage risk is becoming a pattern. We have seen them ignore the risks highlighted to them on the pink batts program, with tragic consequences. We have seen them ignore the risks of rorting the solar hot water rebates. We have seen them ignore the risks of cost blow-outs in school halls. Once again here, we see a government that is being reactive, waiting for the risks to materialise before acting. We need a government that proactively identifies and mitigates risks in accordance with the best due diligence practices.

This whole delayed and incomplete process is reflective of the inherent paradoxes at the heart of the Labor government. They are slow to act but then hasty to decide. They spend years asking questions but then ignore the experts. They are busy creating announcements but do not follow them through.
to implementation. In summary, they are incompetent. They are managers of public policy—not necessarily a do-nothing government but an achieve-nothing government. The coalition believes that the government should return to their original plan. We believe that a competitive tendering process would provide the strongest guarantee for the transition to a clearing house which provides free and seamless service to small business while providing no interruption to the services and returns that members expect from superannuation funds.

But in addition to the process of establishing a clearing house there is also the actual impact that these arrangements will have on the existing providers in the sector. In particular, this bill delivers the approved clearing house a number of special advantages over its competitors. First, this bill provides that employers will be able to discharge their superannuation guarantee obligations by making a bulk payment to the approved clearing house on the 28th day of the month in each quarter when the payment is required. But current private clearing houses must themselves process the payments by the 28th day of the month in which the payments are due, which means that employers must make payments in advance of that date. Under these conditions, why would any employer not choose Medicare as its clearing house? Obviously there is a cash advantage in the cash management capacity of sending to a clearing house that has a later date of real acceptance.

Second, at the moment the Australian Securities and Investments Commission requires clearing houses, as financial service providers, to issue product disclosure statements which must detail the conditions of the facility, the fees and charges, how transactions are to be made and authorised, and any risks associated with the facility. So Medicare will have a lower compliance burden than private operators, and small businesses could end up with less information on the terms and conditions of their facility.

One of the last acts of the Keating government was to introduce principles of competitive neutrality in the delivery of government services. In simple terms, this requires governments to ensure that their own enterprises compete on a level playing field with private competitors. This bill contains elements that contradict the principles of competitive neutrality. Medicare will have a clear advantage over private sector clearing houses. The coalition view is that there is a simple way of correcting this issue. There is a real opportunity to create a more efficient superannuation clearing house market by extending the definition of ‘approved clearing house’ to privately operating clearing houses holding an AFS licence and subject to prudential requirements—a change of the term to include privately operating clearing houses. This will create a more level playing field and allow employers to make their superannuation guarantee payments to a number of clearing houses with the same deadlines. The government should also select a government subsidised clearing house following a competitive tendering process. The coalition’s changes would increase competition and could be expected to lower fees in the sector.

As I stated earlier, the coalition supports the broad changes in this bill. We support the changes to give investors greater certainty about the operation of the tax system. We support the principle of establishing a superannuation clearing house to lower compliance costs for small businesses. However, we do not support achieving this by giving a government entity an unfair advantage over private suppliers and private businesses and the aspirations of other Australians to participate in this market if they so choose. The coalition’s proposed amendments will main-
tain a level playing field among clearing house suppliers. Competition is the best way to ensure that these services are delivered at a lower cost—and the government on budget day should be more focused on lowering costs than at any other time during the year—and, more importantly, that these services are delivered in a way that guarantees no interruption to the timeliness of superannuation payments and accordingly protects members' benefits.

Senator HURLEY (South Australia) (12.49 pm)—On the Tax Laws Amendment (2010 Measures No. 1) Bill 2010, which I think is generally supported except for some issues about the Medicare clearing house, I will deal with just the issues that the Senate Economics Legislation Committee was asked to look at, and they were whether the legislation will have unintended consequences for the superannuation market, whether it is anticompetitive in relation to privately operated clearing houses and whether Medicare is an appropriate agency to operate the clearing house.

Superannuation is very important to Labor governments and to our constituency. It is the basis of the savings pool of Australia and is particularly important for the retirement incomes of ordinary Australians, because they do not have the ability to increase their money through private savings that other people do. Therefore, superannuation and the administrative requirements around it are clearly of great priority for Labor governments. That is why this bill in relation to superannuation has been particularly well considered and is a good solution to the problem. The problem, as was outlined, is that many small businesses, with the choice of funds which was introduced in July 2005, have some administrative difficulties in sending off the superannuation guarantee payments to a variety of different data arrangements. So the government promise before the election was to create a clearing house for small businesses such that they could simply send the superannuation guarantee fund to that clearing house. As soon as the clearing house received it, those small businesses would be in compliance with their obligations under the superannuation guarantee system.

So initially, as the opposition outlined, the government did indeed envisage that the clearing house would be put out to tender. But, despite Senator Joyce's diatribe on risk and the evaluation of risk, he did not once in his speech mention the key piece of advice which persuaded the government to change that original proposal to have private companies do it. That key advice was that if a clearing house is put out to tender there is a risk that a private company, in the event of incompetence, fraud or outright failure, could potentially affect employee entitlements of all employers using the clearing house. In other words, if there were some problem within the private clearing house, employees who expected that their superannuation was going to their fund might suddenly find out that, as a result of fraud or some other failure in the private clearing house, their superannuation had not been going for years into the fund but had disappeared into a clearing house.

This is the situation we have occasionally seen in the United States with private funds. It would mean that employees, ordinary Australians, would suddenly find that they did not have the superannuation that they thought they had. This is clearly a huge risk for ordinary Australians and it would mean that the Australian government would therefore have a contingent liability—and I have certainly heard Senator Joyce wax long and lyrical about the dangers of contingent liabilities. So, rather than ignore it, the government dealt with the risk proposed by that, and the way they did it was to provide a gov-
ernment agency to deal with this. Rather than
set up a bureaucracy to oversee, regulate and
deal with the possibility of a failure of a pri-
vate company—and then not even have that
guaranteed to work—they decided that it
would be more prudent and less risky on
many levels to set up a government agency.

Fortunately, there is a government agency
used to dealing with money coming in from
small groups in small amounts, and dealing
with it quickly and efficiently, and that
agency is Medicare. Medicare are already
doing this kind of work. In their evidence to
our committee, Medicare were very confi-
dent of their ability to perform this additional
responsibility well and efficiently, and they
were very clear about this. Senator Joyce
talked about KPIs and various other things
and said that Medicare admitted that they did
not have these procedures in place. But this
was a gross misrepresentation of Medicare’s
evidence. Medicare have set up a working
group with involved parties to deliver a
flexible, responsive and appropriate set of
guidelines. They are confident that they will
have those in place by the time this is up and
running and they are confident that they can
do it within the budget required.

Small businesses were happy with that re-
ponse. Indeed, AustralianSuper very con-
cisely illustrated that. As they said in the
Senate Economics Legislation Committee
report:

AustralianSuper also did not agree that allowing
existing clearance houses to participate would be
a more efficient way of processing superannua-
tion for small business:

If the government were to offer subsidies to exist-
ing clearing house providers to focus a service on
this segment of the market, they probably could
have done it, but it would have to have been in
conjunction with legislation introduced as we
have seen Medicare looking at—mandatory elec-
tronic data, mandatory data standards, licensing, a
guarantee on floats, and service standards on how
long a clearing house can hold onto the money
and send it to the funds. If your question is,
‘Could private clearing houses provide this ser-
vice with the subsidy going to them?’ the answer
is: yes, they could have, but it would not have
been as effective as the model that we are looking
at now, unless it were in conjunction with a whole
list of additional criteria.

AustralianSuper raised in there another
point—that Medicare now has the ability to
organise the data standards and the arrange-
ments so that they are uniform across the
sector, making it easier for small busi-
ness to provide the correct data in a uniform
manner that will enable further efficiencies
in the sector.

As for the private sector being cut out of
this sector, they are able now—and they will
continue to be able—to provide a clearing
house service if they wish. But the commit-
tee took evidence that, of the two million
small businesses in Australia, only around
two per cent are currently being provided
with clearing house services by Super-
Choice, the largest private provider. The pri-
vate providers have not been especially ac-
tive in seeking this business and, if they
have, they have clearly not been very suc-
cessful, because only two per cent of those
small businesses are operating with them. We
have to remember that this is only for small
businesses employing 20 or fewer people.
Private clearing houses are still able to get
business from any small to medium enter-
prise that has 20 or more players. It is not as
if the market is being taken away from them;
they are still free to complete in that market.

Speaking of 20 or more employees, the
one area of the bill that the committee did
make some recommendation on was the limit
of 20 being monitored to make sure that
businesses that had spikes in employment
were adequately catered for. We were as-
sured that there would be some flexibility in
there, but we would like to make sure that
those businesses that might employ 10 or 15 and have a seasonal spike and put on another six, seven or 10 employees, will not be disadvantaged by the system and have to leave it temporarily.

It is quite clear from our evidence that the government were presented with an unacceptable risk in dealing with the issue of tendering out to private services for this clearing house. They dealt with the risk in a pragmatic and responsible way. I was very pleased to see that that then got industry support from a broad range of sources. Industry was very pleased that this happened—both small businesses and the superannuation industry. It is a rational and reasonable response and I would urge the chamber to support this bill.

Senator EGGLESTON (Western Australia) (1.00 pm)—We believe this bill, the Tax Laws Amendment (2010 Measures No. 1) Bill 2010, providing for Medicare to be the clearing house for superannuation for small companies, will significantly disadvantage private organisations already in the field. It is interesting that during the 2007 election Kevin Rudd promised that the Labor government would establish a superannuation clearing house by 1 July 2009. Labor, of course, have failed to meet this promise. Prime Minister Rudd also promised that the clearing house would be contracted to the private sector. The discussion paper on the legislation issued in November 2008 also stated that the government would contract the clearing house to the private sector. However, in November 2009 the Minister for Financial Services, Superannuation and Corporate Law, Mr Bowen, announced that Medicare would be awarded the contract to provide this clearing house service.

We find that very hard to accept and understand because the private clearing houses not only have a lot of experience in this area but are obviously going to be competitively disadvantaged by Medicare coming into this market. Treasury has not been able to explain why Medicare was awarded the contract by the government. We on the coalition side feel that the government should be getting best value for money, and yet no competitive tender was issued. We find that quite hard to understand. Witnesses to the Senate inquiry on the legislation, which I was involved in, indicated that Medicare has no experience in the superannuation field and does not know what it is getting itself into. It is inadequately prepared and it has not developed a business plan to provide this service.

The government has awarded $16.1 million to Medicare to operate the clearing house over a four-year period. However, many experts in the private sector have said that the costs will inevitably blow out and that Medicare will not be able to provide the service within this budget. Private sector companies have provided these services in the market for years and have designed and implemented innovative technology to deliver low-cost services to employers and superannuation funds. We find it very hard to understand, as I said, why the private sector has not been offered the opportunity to participate in the provision of this service.

At the inquiry, the Superannuation Information Centre submitted that the decision to send the clearing house to Medicare means that there is serious potential for large-scale economic waste. They pointed out that it is not clear if Medicare will be subject to the same professional indemnity insurance that private clearing houses are required to hold.
Senator Hurley has said that there was concern that the private sector might default in some way and that employees would find that their funds for superannuation had not been passed on to the superannuation funds. But, of course, if these private sector companies have indemnity insurance then that is not a matter of concern. It seems that Medicare does not have private sector indemnity insurance and it may be that the real concern is whether or not Medicare will be the defaulter and whether employees may be at greater risk if Medicare is handling this service. If in some way there is a problem meeting deadlines and so on, employees may not be covered in the way they would be were the service provided by the private sector. These are very serious concerns that we in the coalition have with this legislation and we certainly believe that more consideration should be given to it.

But basically we are really concerned about why the government has not explained the reason for breaking its commitment to tender the service to the private sector, that Medicare has not publicly made a business case for establishing the clearing house and that many operators in the superannuation sector have expressed concern about the anticompetitive nature of this decision by the government.

We really do believe that there is a very strong case for private sector superannuation clearing houses to be given the opportunity to compete for this market. The sector’s largest clearing house, SuperChoice, told the Senate inquiry that currently it is processing around 20 million contributions on behalf of 50,000 employers, 40,000 of whom are employers with fewer than 20 employees. They account for two million-odd employees. SuperChoice said: ‘Overall we project about $7.2 billion will be cleared through our service. We estimate that it is around 20 per cent of the entire clearing market.’

The superannuation fund contracts the clearing house transactions to companies like SuperChoice who provide their services to the employers free of charge through their chosen super fund. We in the coalition believe that if the government goes ahead and introduces its own clearing house operator and enforces preferential regulations on that operator when compared to the currently operating clearing houses, the legislation has the potential to seriously impact upon the business of those privately operated clearing houses. In other words, giving this contract to Medicare may well so adversely affect some of these privately operating clearing houses that their businesses will be made non-viable.

At the inquiry which the Senate Economics Legislation Committee held, Westpac made the following comment in its submission on the different superannuation guarantee requirements:

This important difference means that private sector clearing houses, such as Westpac’s QuickSuper, will be forced to compete in a market distorted by the change and no longer uniform or equitable from public and private sector participants. This will have negative consequences for small business who choose to continue to use private sector clearing houses.

Westpac recommended that the legislation be amended to ensure clearing house standards are the same across both the private and public sectors.

While the intentions of Medicare may be to provide a superannuation clearing house to those employers who cannot currently access a free service, the legislation and regulations will allow absolutely any business with fewer than 20 employees access to a free service, and that is where the threat to the viability of the private superannuation clearing houses comes in. For example, the 40,000 employers who use the SuperChoice clearing house service will have an over-
whelming incentive to switch to the free Medicare clearing house due to the far less stringent requirements for discharge of super guarantee payments through Medicare.

The government has recently said that the way superannuation can be strengthened is to drive efficiencies, reduce administrative costs and thus increase returns, and this is the exact opposite of what the superannuation sector will achieve by this bill in its current form if it is passed. As IFSA stated in their submission:

If the Item 3 amendment is passed as drafted, we would be concerned about the erosion of the “level playing field” in the provision of clearing house services.

IFSA has long maintained that competition is the key to an efficient and cost-effective superannuation system and that this should occur on a level playing field. Quite obviously, if Medicare is allowed to be the sole provider and it is providing its services free of charge, there will no longer be a level playing field.

AFSA, another superannuation provider, suggested that the legislation could be improved by amending it so as to provide a path forward whereby private sector organisations could achieve approved clearing house status and that that would provide a level playing field. They said:

The path forward could include the establishment of operating standards combined with regulatory oversight, as envisioned by the government’s original statement. Importantly, this would ensure clearing houses meet certain minimum requirements and provide a wider range of employers with the opportunity to meet their SG obligation by contributing through a clearing house.

We in the coalition are very disappointed that the government has broken its original commitment to put this clearing house service out to tender and can only say that it is typical of the 1930s socialist approach of the Rudd government. The government has to do everything and yet out there in the community we have these very efficient private sector superannuation clearing house operations. There is absolutely no reason why these organisations should not be given the opportunity to participate in providing superannuation clearing house services to these companies which are the target of this legislation.

Quite worryingly, Medicare’s evidence to the inquiry demonstrated that the agency has not completed a business plan to a level which would have been required in a competitive tender process, and in the course of their evidence Medicare made the following comments to the hearing. Firstly, they said:

We do not have any targets at this point in terms of the number of businesses which are going to use the system.

In other words, they have no idea how many businesses are going to use their system. Therefore one has to ask: how are they going to gear up to provide the service?

They said that they did not go and cost an alternative provider. They said: ‘We are considering options to accept employer payments. We have looked at the alternatives. We have not reached any firm decision on that and we are still talking with the industry about that.’ Medicare said:

We have a wide range of KPIs … I cannot imagine we would deviate from the normal Medicare ones. We have payment cycles of 14 days for some things as well as other time frames. This may mean that they miss the deadlines for the payment of super into the super funds if they stick to their existing 14-day time frames for payments.

Then there is the question of upfront validation. Medicare said:

We do not check with the fund at that point to ensure the member details match up when the employer sends us a payment. … At this stage we are not planning to do that sort of validation.
One has to wonder what sorts of standards private Medicare will have in acting as a clearing house for superannuation and whether the slack approach, the apparently vague approach, demonstrated by these statements of Medicare—that indicate they have not really come to grips with the requirements of providing superannuation by time deadlines—is going to mean that the employees are going to be disadvantaged by the vagueness of the Medicare operation.

Private clearing houses also have raised concern about Medicare being awarded this contract, on exactly these grounds. SuperChoice said:

… a significant underestimation of the costs to build and operate an effective clearing house, particularly in the time frame that Medicare has been given—

is a matter of concern. They continued that there will be:

… likely poor employer experiences as a result of rushing into operation of a functionality based service offering, which will lead to growing employer complaints and an increase in red tape for employers; relatively low benefits for super funds, which will be offset by the cost to access the clearing house; an inequitable landscape, where 85,000 employers who employ 7.7 million employees are not offered the same level of benefits that SME employers will access through Medicare; and ultimately a missed opportunity to support the industry to advance its e-commerce aspirations.

The Superannuation Information Centre submitted that the decision to send the clearing house to Medicare means there is a serious potential for large-scale economic waste.

In conclusion, I say that, given the evidence available, Medicare and Treasury have not been able to prove that Medicare can operate the scheme. I think that leads to the conclusion that this is bad legislation which needs to be amended to provide choice to employers rather than forcing them to use the Medicare system.

Senator CASH (Western Australia) (1.18 pm)—I welcome the opportunity to speak on the Tax Laws Amendment (2010 Measures No. 1) Bill 2010. As many speakers have alluded to on this side, the bill introduces a number of measures, the majority of which are supported by the coalition. However, as has become a hallmark of the Rudd Labor government, as history since Rudd Labor have been in power now dictates, everything that this government does you need to look very carefully at. You need to carefully review the details of their legislation. In reviewing the detail of this legislation, we find incorporated quietly into the provisions of this bill, in the hope no-one will see them, provisions that are of real concern to the coalition. These provisions relate to the government’s policy to implement a superannuation clearing house for small business. Surprise, surprise: the provisions that are of concern to the coalition relate to yet another broken promise by the Rudd Labor government. But nothing is new in that regard. Those on the other side continue to mismanage and waste taxpayers’ money. They are chronically incapable of delivering sound government to the Australian people. And we are going to see in question time today the shaking and the quivering when they are made to answer questions in relation to their proposed super tax.

Kevin Rudd Labor is all talk and no action. This is yet another broken promise. The government promised to protect our borders; they failed on that. They have monumentally and tragically failed on the Home Insulation Program. They have failed to deliver value for money to taxpayers with the so-called Building the Education Revolution. They
have failed in relation to the creation of their GP superclinics. The list goes on and on. The question that the Australian people are entitled to be asking this government is: what exactly does Mr Rudd stand for? The only thing on this side we can see him standing for is short-term political opportunism. Everything he does ends up in a policy backflip, a backdown or a disaster. The only thing Kevin Rudd is prepared to fight for is himself, especially in light of the rumours circulating regarding the new Labor leadership team—and the bad news for Mr Rudd is that his name is not on it. Julia Gillard and Craig Emerson must be very happy at the moment. What do we have with this legislation? Yet another broken promise by the Australian Labor Party.

Why do we say it is a broken promise? During the 2007 election the Labor Party promised to the people of Australia that they would establish a superannuation clearing house by 1 July 2009. The question that we now need to consider is: did the Labor Party deliver on that promise? The answer is a resounding no. The Labor Party failed to deliver on an election commitment to the Australian people. However, there was of course, in typical Labor style, a flurry of action in relation to this now broken promise. What did the Labor Party do? An amount of $16 million was allocated to the clearing house in the 2008-09 federal budget to form what the government called an election promise to reduce the superannuation red-tape burden on employers. What did they then do? They issued a discussion paper for the clearing house, which was released in November 2008, seeking submissions by 19 December 2008. Then what happened? Absolutely nothing. There was a deafening silence from the Rudd Labor government. We did not hear one word from them, which may be okay for those sitting on the other side, but the industry was left guessing as to what may happen in relation to the potential changes to its regulatory environment. But, again, as is the history of the government, you expect nothing more and nothing less.

I said that this legislation represented two broken promises by the Rudd Labor government, the first being their blatant failure to actually deliver on a commitment that they gave to the people of Australia prior to the 2007 election. What was the second? On 26 November 2009, after they had failed to deliver on their election commitment and realised that they had to do something because the industry were saying, ‘We’re up in arms. What are we going to do? We actually don’t know what is going on,’ they released an exposure draft on the superannuation clearing house legislation. What did they quietly do through the exposure draft? They announced that the Labor government would not tender the clearing house to the private sector and had decided to fund Medicare to deliver the service rather than the private sector. What do we have by that announcement? Another broken promise by Rudd Labor because, in 2007, when Mr Rudd was the opposition leader, he issued a media release. On 10 May 2007, Mr Rudd stated very clearly that the clearing house would be contracted to none other than—no, not Medicare—the private sector. Mr Rudd, as a potential leader of this country, said to the people of Australia, ‘If I am elected, the clearing house will be tendered to the private sector.’ One has to ask: did Mr Rudd ever have any desire to actually deliver on that promise? It is a blatant election breach, so the answer to that is a clear and resounding no.

What do we now have? We have the legislation before us, which represents part of a broken promise to the Australian people. But, in November last year, without any warning, without any explanation, the Minister for Superannuation and Corporate Law announced that the clearing house would be
awarded to Medicare. One has to ask: where did that decision come from? How can the minister go from, in 2007, a pre-election commitment that the clearing house would be awarded to the private sector to, in 2009, saying, ‘We’ve awarded the superannuation clearing house to Medicare’?

What we do know, though, is that there are leaked Treasury minutes from the working group on the issue that indicate that Treasury consider that clearing house operations under Medicare will lack functionality when compared to that offered by the private sector and, in particular, that BPAY is to be the only payment method supported, not direct credit or direct debit—something that people often use—and that industry standard data formats will not be used. How is that for efficiency? But I tell you what: based on the government’s reputation, I would prefer the evidence from the leaked Treasury documents as opposed to believing any statement from those opposite. The government is clearly vulnerable in deciding to award the clearing house contract to Medicare and, in so doing, it refuses to answer the question: why did the government award the contract to Medicare? It is a very simple question.

Treasury, during a recent estimates sitting, refused to answer any questions. In the explanatory memorandum on this bill the decision is mentioned only once. Then we had Medicare claiming that they had completed costings on this proposal but then they refused to publicly release what those costings were. I would have thought that the public are entitled to know just how much this funding of Medicare will cost them. Medicare have also admitted that they have not finalised their system for data processing and the types of payments to be accepted. That is in stark contrast to what could have been occurring in the private sector. Contrast Medicare’s situation to that of Australia’s largest superannuation clearing house, SuperChoice. They made a detailed submission to the government. They stated in their submission that they would be able to implement the government’s policy at a fraction of the government’s anticipated cost of $16 million. I thought Mr Rudd was all about savings. That is all the spin that he gives to the Australian people, but what is the substance? It is absolutely lacking. SuperChoice’s submission refers to $1.57 million in start-up costs, $200,000 per month in operating costs and between a $15 and $60 per month cost for each employer using the scheme, depending on the take-up. That is a stark difference to the $16 million under Medicare, which has been quoted by Rudd Labor.

So what do we have again, in contrast? SuperChoice and other private providers have detailed computer systems already in place and could easily incorporate additional employers under the government’s plan. Instead, what do the government do? They say: ‘No, no, no. Forget about functionality, forget about operational efficiency, Medicare can do it even if they are required to create and implement a processing system from scratch.’ Talk about reinventing the wheel at taxpayers’ expense! There has been no justification provided by the Rudd Labor government as to why it awarded the contract to Medicare. If I were a member of the Australian public—and I am—I would be very, very worried. I would have thought it more appropriate for Medicare to be discharging its core responsibility of delivering services to the Australian public than designing a computer system from scratch and doing something that, quite frankly, it should not be doing. The questions the Australian public should be asking—and which those on the other side should be answering—are: how will Medicare deal with the quarterly massive peaks in workload created by the operation of the clearing house? How are they going to staff this? Are there going to be addi-
tional staff provided to Medicare—again, at additional cost to the Australian public? The public are entitled to know the answers to these questions. Medicare’s preparation to operate the clearing house is an example of a government agency getting involved in a sector where private companies have been operating efficiently for many, many years. Giving any government—let alone a Labor government—control over millions of dollars of superannuation payments is a very, very dangerous thing.

So what have the coalition done? The coalition have proposed an amendment to the legislation. That is right, the coalition want to assist the government in meeting its 2007 election commitment. We support the superannuation clearing house for small business. We believe it will lower compliance costs associated with the SuperChoice system. However, the coalition have a responsibility to hold the Rudd Labor government to account in relation to its political waste and management of taxpayers’ money. Our amendment to this legislation is therefore a very, very simple one. The amendment will merely force the government to have Medicare compete for the private tender. That is it. It is all about choice—nothing more and nothing less—which is something those on the other side are fundamentally opposed to. The amendment does not actually tell the government how it will achieve this choice; it simply requests that the decision to name Medicare as the operator over private sector clearing houses be made transparently and with good reason.

‘Transparency’—isn’t that a word that Mr Rudd used prior to the 2007 election? Has Mr Rudd come clean with the Australian people on the issue of transparency? This legislation continues to affirm that he has not. Unlike Medicare, private superannuation clearing houses have already invested millions and millions of dollars in designing efficient systems that process millions of transactions every year. Why is the government so insistent upon reinventing the wheel? Our amendment does not give the project to the private sector; it merely ensures that the private sector has a chance to compete for it. What we want the government to do is to ensure that it chooses the most effective and most efficient option for delivering clearing houses to small business. The question I ask those on the other side is: given the very, very clear election promise that Mr Rudd made to the people of Australia in 2007, are those on the other side going to stand here today and vote down the coalition’s amendment, which effectively means they will be voting against their own election commitment? This is the commitment Mr Rudd made prior to the November 2007 election.

As I said at the beginning of my contribution, the opposition support many elements of this bill. However, we have major reservations about the impact of the proposed government clearing house. This part of the legislation is nothing more and nothing less than a backward step by the Rudd Labor government. To depart from a very, very clear and explicit election promise to have a service that is provided on a contestable basis is a failure by the Rudd Labor government. In his speech on this legislation my esteemed colleague Luke Hartsuyker, the member for Cowper, said:

We have no problem with the allocation of the job of the government funded clearing house to Medicare if Medicare is able to compete with private sector operators and put in a bid that is price and service competitive and offers the same degree of amenity or better amenity than is being offered by private operators. But there is a very distinct possibility that we are going to squander large amounts of government money and see a more expensive solution and a less customer orientated outcome.
It is the Australian taxpayers who will lose out in the end if this legislation goes through in its current form. It is their money that is going to be squandered by the Rudd Labor government. To ensure that taxpayers are getting value for money, to ensure that private businesses do not suffer, to ensure that life insurance is protected and to ensure that this exercise does not turn into yet another of the bungled Rudd Labor government’s exercises, I urge those on the other side to support the coalition’s amendment.

Senator MILNE (Tasmania) (1.37 pm)—I rise today to make some remarks on the Tax Laws Amendment (2010 Measures No. 1) Bill 2010. I particularly want to comment on the forestry managed investment schemes part of the legislation, and to note that what this particular amendment is doing is protecting the right of a taxpayer to claim and retain a deduction for investment in forestry managed investment schemes where the four-year holding rule is breached for reasons outside the taxpayer’s control.

Clearly, this is being brought in because of the failure of a whole range of managed investment schemes—in particular, Great Southern, Forest Enterprises Australia Ltd, Timbercorp, Environinvest, Radiata Plantations Ltd, and on and on the list goes. We all know that, because of the recklessness of the managed investment scheme product, we have a situation where investors got an up-front tax deduction. The government moved to bring in an integrity measure saying that you had to hold that investment for four years so that people did not just move in, take on the investment, get the tax deduction and move out.

In my view, we should have abolished managed investment schemes altogether. That is still my view. I would be very interested to know why the government maintains their support for forestry managed investment schemes when we have a glut of wood product from one end of the country to the other and one end of the world to the other. Now is the opportunity to protect our native forests if we want to have any value at all left in this wall of wood that is now in Australia. But, having said that, the situation we now have is to protect those people who made their investment in these managed investment schemes, and they are not the ones who sold out of them—rather, the company that they invested in collapsed.

In talking about these managed investment schemes, though, I think we need to go a lot further than we are here. We really need to ask: what is the role of the tax commissioner and the discretion that the tax commissioner offers in relation to these particular products? I am aware that, in 2000—and this is from a paper by Dr Judith Ajani—the government responded to the Ralph review of business tax with, amongst other things, division 35 amendments aimed at removing the practice of presenting consumption expenses for non-commercial activities as business expenses. That led to a test on division 35 rules for commerciality.

The test was that business people had to pass one of the following: that they had an assessable income from the activity of at least $20,000, or had produced a profit in three out of the past five years, or used real property or an interest in real property worth at least $500,000 on a continuing basis, or used other assets worth at least $100,000 on a continuing basis. Leaving aside very important arguments about the commerciality test’s arbitrary and inequitable nature and scope for improvement, a review of matured hardwood plantation MIS investments would probably find that most of them failed the first test, and probably no plantation MIS investor would pass the other three tests.
So what has happened is that plantation MIS investors have received dispensation from division 35, with the ATO commissioner exercising discretionary powers in specified areas. The commercial loss provisions, which are specifically addressed in product rulings, require the tax office to consider the commercial viability of plantation MISs. And, in using his discretionary powers to give plantation MIS investors the right to deduct investment costs against income earned from other activity, the commissioner must have judged that plantation MIS investments are inherently commercial by some criteria. But we have no publicly available data on the tax office’s operation of division 35.

Since 1998 we have had a series of tax commissioners. They have all used their discretion to give a product ruling, essentially, on these managed investment schemes. It is a tick for the tax concession, and therefore it is also a tick on viability—it is sending a clear message to investors that the tax commissioner has made a judgment that these must be viable financial investments to have achieved the product ruling and to have achieved the tax concession.

So I think it is really about time, as Dr Ajani points out in her paper, that we had a really good look at the tax office and the commissioner’s rulings and discretionary power, and at the reasons why that assessment of viability was made, when we have had, subsequently, collapses from Great Southern, Forest Enterprises, Timbercorp, Environinvest, et cetera. How could the tax commissioner have been giving, essentially, this nod of approval about financial viability when, clearly, that has not stood the test of time?

Dr Ajani argues:

To create the information for policy debate and policy making, evaluation and monitoring, it is recommended that:

1. Treasury and the ATO conduct five-yearly reviews (with the first to be undertaken immediately) of the process and information used to rule on plantation MIS dispensation from Division 35 commerciality tests.

2. The ATO, ASIC, Treasury and Productivity Commission establish a publicly accessible plantation MIS reporting and monitoring system where, at a minimum, the key variables—return on investment, wood yield and woodchip prices—are tracked over time for each project.

3. The Productivity Commission’s ERA estimates be expanded immediately to include assistance through plantation MIS using, in the first instance, Approach 1—tax deduction for true costs only.

I think we really have got to the point where we need some explanation from the tax office and the tax commissioner as to the basis for their discretionary use or interpretation of that particular section of the tax act. I would be very interested in the division 35 rules in trying to understand what criteria were used for judging that plantation MIS investments are inherently commercial. We have never, ever seen that from the tax office, but it is about time we did because a lot of people have lost out through this process in rural and regional Australia. It has led to a complete distortion in land use. It has led to a clash between food security and wood product, and now we have what is a complete collapse in the wood products industry around Australia. This is probably one of the biggest examples of a public policy disaster that Australia has seen, and certainly as rural and regional Australia see it at the moment. When you look at the complete collapse of the timber industry and the whole of the forest products industry in Tasmania, you can sheet home a lot of the blame to a complete
Tuesday, 11 May 2010

failure to look at the market realities of the wood products industry globally and the failure to recognise the glut and the distortional influence of managed investment schemes.

I also give notice that I will be moving an amendment to this legislation in the committee stage to abolish the tax deductibility for carbon sink forests, given what I have just said in relation to the glut of wood products around the country and because of the need to test the tax office ruling in relation to whether the upfront costs of land are incorporated in the tax deduction. I recognise that there is a statement saying that they are not, but we will wait and see what a court has to say about that, given the way that that has been packaged and the advice I have from a leading tax barrister in that field who is looking at the law. It is very clear to me that, if we are to have carbon sink forests in rural and regional Australia, they must be biodiverse and permanent, not some other dodge for yet another excuse to go in with monoculture plantations and again make some sort of profit out of that distortional influence in rural and regional Australia, particularly as it pertains to land prices and, as is coming down the line, food security.

Today we have a report on the loss of biodiversity across Australia. It is 30 per cent less than we had in 1970 and, at that rate, we will be losing all species by the end of the century. It is a pretty sobering kind of analysis of what is going on with our wildlife around Australia. What we desperately need in the face of climate change, peak oil and this species crisis are policies that lead to the restoration of ecosystems, the maintenance of existing ecosystems and the protection of existing carbon stores in terms of forests and native vegetation, not some distortional policy, such as the government has in place here, which is yet another example of having monoculture plantations to try to benefit from taxation minimisation schemes. This is something that the coalition also needs to look at very carefully in its climate change policies and to make sure that there is recognition that what we currently have in carbon sink forests legislation is totally flawed. It does not have biodiversity and it does not have permanence in its sights. It is just another one of these poorly thought-through schemes. So I indicate that, when we get to the committee stage, I will be looking at that and moving an amendment on it.

I also want to say that I think it demonstrates a complete lack of courtesy to the Senate for the government to have dropped in a whole swag of amendments three or four minutes before this debate. I did not see them until 25 past 12 today. I do not know whether the coalition had the opportunity of seeing and being briefed on the amendments that were dropped here just before this debate began; perhaps the coalition may wish to clarify whether they did have that opportunity. I did not and I am not prepared to proceed beyond the second reading stage until there has been the courtesy of a briefing to the various parties in this place as to what these amendments mean. I note that there appears to be a connection between managed investment schemes and managed investment trusts. I do not know what that means and I would appreciate some explanation. I note that page 19 of the Bills Digest says:

As the Explanatory Memorandum for the current Bill explains, a wholesale trust ‘is a MIS [Managed Investment Scheme] that has wholesale clients and is not required to be registered under the Corporations Act 2001’

I notice that, in one of the proposed amendments we have, ‘Proposed subdivision 275(a) extends the concept of managed investment trust to certain widely held trusts that do not otherwise meet the definition of a managed investment trust.’ I want to know whether, under some circumstances, man-
aged investment schemes are regarded as managed investment trusts and what these amendments mean in terms of their treatment. It may be, as the minister has claimed, that this is just a technical amendment that has no significant meaning in the scheme of tax law. I am not an expert on tax law by any stretch of the imagination and do not pretend to be, but I would appreciate an explanation from the government as to the connection between the changes being proposed for managed investment trusts and managed investment schemes in terms of how the two operate and connect. If the government does want the Senate’s support for amendments, particularly in areas like tax law, which is hugely complicated, it has an obligation to circulate those amendments not with a couple of minutes to go before the debate.

To conclude, I am glad that ASIC currently has out a consultation paper regarding managed investment schemes. In my view, it is about time that ASIC took its responsibilities in relation to these schemes a little more seriously than it has in the past. When I wrote to ASIC about the fact that I regarded these managed investment schemes as no more than Ponzi schemes, I got a note back saying that it was beyond the capacity of ASIC to make judgments like that and that they had to look at the product disclosure briefs in their offerings to make sure that they adhered to certain regulatory disclosure, but no judgment could be made as to the veracity of those. In my view, that is misleading investors.

I am pretty disgusted all round with the way managed investment schemes have worked. For the life of me, I cannot understand why the government would continue with this structure of managed investment schemes when it is very clear that they have been a disaster in terms of forest policy, wood products and the price of agricultural land and now they are a disaster for a whole range of investors who went into them not because they were interested in wood products but because they were interested in minimising their tax. Once you separate the reason for the investment from the outcome, as occurs with managed investment schemes, you are setting up a disaster.

I would like to see the government get rid of managed investment schemes altogether. I think we are going to be cleaning up the mess from those schemes for a very long time to come, especially as they pertain to land use in rural and regional Australia, wood supply and the wood products industry around Australia—not to mention integrity. I am particularly keen to know from the tax commissioner the basis on which he has deemed, since 1998, for more than a decade, these managed investment schemes to be commercially viable. The community has a right to know why the tax office gave that tick of approval.

Senator XENOPHON (South Australia) (1.54 pm)—I endorse wholeheartedly Senator Milne’s comments in relation to managed investment schemes. I note that Senator Milne will be moving an amendment to the Tax Laws Amendment (2010 Measures No. 1) Bill 2010, which I will be supporting, in relation to managed investment schemes. If I could add to one of the criticisms that Senator Milne made about these schemes, not only do they affect issues around wood products, agricultural use and land use, they also affect water. They distort the water market. They act to intercept water that otherwise would be going to river systems, which completely distorts both the use of agricultural land and the inflow of water into our river systems. So I will be supporting that amendment strongly, and hopefully the government will see the logic of clamping down on these schemes.
I should also foreshadow that I will be moving, in the same vein, in a sense, as Senator Milne’s amendment, an amendment to formulate a test, to be known as a ‘public benefit test’, against the aims and activities of entities, whether they be religions or charities, to receive tax-free status. My colleagues know of my position in relation to the Church of Scientology and of my moves to have an inquiry into it. We should go down the path of having a public benefit test, and this bill is as appropriate a vehicle as any other tax amendment bill to deal with these matters.

In relation to this particular bill, ask any small business owner and they will tell you that one of their biggest burdens is red tape, with administrative costs on par. It is time consuming, frustrating and confusing, and anything that reduces time and money spent on administrative duties so that they can focus on the business itself is ideal. Small business owners can have anywhere from one to 20 employees, and it is more than likely that each of these employees has a different superannuation fund, so many small businesses opt to use a clearing house service, where the provider receives a total deposit for all its employee super payments from the employer and deposits the relevant moneys and funds accordingly. The establishment of a government-run optional superannuation clearing house seems a logical step which will, most importantly, enable employers to extinguish their superannuation obligations with a single payment to the approved clearing house. This means that, once the employer has made their payment to the clearing house fund, they will not be liable for a superannuation guarantee in instances where the superannuation is, for whatever reason, not paid to the employee’s fund.

I understand the concerns of the opposition and of some stakeholders in terms of the allocation of this project to Medicare and the effect that it has on competition in the sector, and I note Senator Cash’s impassioned speech about the promises that were made at the last election, but it seems to me that the issue is about the implementation of this. The issue is about facilitating this for employers, and the clearing house is the way to go. I note that the Association of Superannuation Funds of Australia says that this measure was:

The most significant first step in lowering administration costs for employers ...

and therefore it is to be welcomed.

I will speak to the opposition’s amendments when they are moved, during the committee stage. It is important that we consider the risks involved in this going to a private fund. Given the time constraints, I think it is more appropriate to ventilate the issues in the context of amendments that will be moved by the opposition in the committee stage. I support the second-reading stage of this bill. I will listen to the arguments in relation to the opposition’s amendments; but, from what I have seen so far, this seems to be a sensible way forward in dealing with the issue. Administratively, it seems to be the cleanest and most effective way of relieving the burden on small businesses of their superannuation obligations where there are multiple funds involved.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (1.59 pm)—I table for the information of the Senate a revised ministry list, reflecting changes to the ministry in April 2010. I seek leave to have the document incorporated into Hansard.

Leave granted.

The document read as follows—
## Rudd Ministry

### 14 April 2010

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<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Prime Minister</td>
<td>The Hon Kevin Rudd MP</td>
<td>Senator the Hon Chris Evans</td>
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<tr>
<td>Cabinet Secretary (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Joe Ludwig</td>
<td>The Hon Lindsay Tanner MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Government Service Delivery</td>
<td>Senator the Hon Mark Arbib</td>
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</tr>
<tr>
<td>Parliamentary Secretary</td>
<td>The Hon Anthony Byrne MP</td>
<td></td>
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<tr>
<td>Minister for Education</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations (Deputy Prime Minister)</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Mark Arbib</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Mark Arbib</td>
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<tr>
<td>Minister for Early Childhood Education, Childcare and Youth</td>
<td>The Hon Kate Ellis MP</td>
<td>Senator the Hon Mark Arbib</td>
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<tr>
<td>Minister for Employment Participation</td>
<td>Senator the Hon Mark Arbib</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Parliamentary Secretary for Social Inclusion</td>
<td>Senator the Hon Ursula Stephens</td>
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<tr>
<td>Parliamentary Secretary for Employment</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Wayne Swan MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Minister for Population</td>
<td>The Hon Tony Burke MP</td>
<td>Senator the Hon Nick Sherry</td>
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<tr>
<td>Minister for Financial Services, Superannuation and Corporate Law</td>
<td>The Hon Chris Bowen MP</td>
<td>Senator the Hon Nick Sherry</td>
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<td>Minister for Competition Policy and Consumer Affairs</td>
<td>The Hon Dr Craig Emerson MP</td>
<td>Senator the Hon Nick Sherry</td>
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<tr>
<td>Assistant Treasurer</td>
<td>Senator the Hon Nick Sherry</td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>Minister for Immigration and Citizenship (Leader of the Government in the Senate)</td>
<td>Senator the Hon Chris Evans</td>
<td>The Hon Robert McClelland MP</td>
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<tr>
<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
<td>The Hon Laurie Ferguson MP</td>
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<tr>
<td>Minister for Defence (Vice President of the Executive Council)</td>
<td>Senator the Hon John Faulkner</td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>The Hon Alan Griffin MP</td>
<td>Senator the Hon John Faulkner</td>
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<tr>
<td>Minister for Defence Personnel</td>
<td>The Hon Alan Griffin MP</td>
<td>Senator the Hon John Faulkner</td>
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<tr>
<td>Minister for Defence Materiel and Science</td>
<td>The Hon Greg Combet AM MP</td>
<td>Senator the Hon John Faulkner</td>
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<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>The Hon Dr Mike Kelly AM MP</td>
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<tr>
<td>Minister for Trade</td>
<td>The Hon Simon Crean MP</td>
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<tr>
<td>Parliamentary Secretary for Trade</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
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<td>The Hon Jenny Macklin MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Minister for Housing</td>
<td>The Hon Tanya Plibersek MP</td>
<td>Senator the Hon Chris Evans</td>
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<tr>
<td>Minister for the Status of Women</td>
<td>The Hon Tanya Plibersek MP</td>
<td>Senator the Hon Penny Wong</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Parliamentary Secretary for Victorian Bashfire Reconstruction</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Parliamentary Secretary for the Voluntary Sector</td>
<td>Senator the Hon Ursula Stephens</td>
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<td><strong>Minister for Finance and Deregulation</strong></td>
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<td>Senator the Hon Stephen Conroy</td>
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<td>The Hon Dr Craig Emerson MP</td>
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<tr>
<td><strong>Minister for Infrastructure, Transport, Regional Development and Local Government</strong></td>
<td>The Hon Anthony Albanese MP</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>(Leader of the House)</td>
<td>The Hon Maxine McKew MP</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government</td>
<td>The Hon Gary Gray AO MP</td>
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<td>Parliamentary Secretary for Western and Northern Australia</td>
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<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
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<td>The Hon Anthony Albanese MP</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon Kim Carr</td>
<td>The Hon Dr Craig Emerson MP</td>
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<td>The Hon Julia Gillard MP (Research)</td>
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<td>Minister for Environment Protection, Heritage and the Arts</td>
<td>The Hon Peter Garrett AM MP</td>
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<td>The Hon Dr Mike Kelly AM MP</td>
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<td>Attorney-General</td>
<td>The Hon Robert McClelland MP</td>
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<td>The Hon Brendan O’Connor MP</td>
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<td>Minister for Human Services</td>
<td>The Hon Chris Bowen MP</td>
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</table>

Each box represents a portfolio. Cabinet Ministers are shown in bold type. As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.

Can I steal Senator Abetz’s thunder a little, while I am on feet, and congratulate him on his election as Leader of the Opposition in the Senate, and congratulate Senator Brandis on his election as deputy leader. We look forward to working constructively with them on matters of mutual interest. I have always had a very good relationship with the previous leader, Senator Minchin. We never agreed on anything politically, but we were able to work cooperatively. I wish him well in his new role as active backbencher.

LIBERAL AND NATIONAL PARTIES

Leadership and Office Holders

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (2.00 pm)—by leave—On 3 May, Senator Minchin, in defiance of his total party room, resigned as Leader of the Opposition in the Senate—a great way to leave. We wish him and his loved ones well. Consequent upon Senator Minchin’s decision, the Liberal senators elected me as leader and my colleague Senator the Hon. George Brandis SC as deputy leader. For the information of senators, I seek leave to incorporate in Hansard an updated list of the coalition shadow ministry.

Leave granted.

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<tr>
<th>TITLE</th>
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<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
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<td><strong>Shadow Minister for Foreign Affairs</strong> (Deputy Leader of the Opposition)</td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon David Johnston</td>
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<td>The Hon Warren Truss MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
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<td>Mr Don Randall MP</td>
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<td>Mr Mark Coulton MP</td>
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<td>Shadow Minister for Employment Participation, Apprenticeships and Training</td>
<td>Senator Mathias Cormann</td>
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<td><strong>Shadow Attorney-General</strong></td>
<td>Senator the Hon George Brandis SC</td>
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<td>Mr Michael Keenan MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Public Security and Policing</td>
<td>Mr Jason Wood MP</td>
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<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey</td>
<td>Senator Barnaby Joyce</td>
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<td>Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law (Deputy Manager of Opposition Business in the House)</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>Shadow Assistant Treasurer</td>
<td>The Hon Sussan Ley MP</td>
<td>Senator Mitch Fifield</td>
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<td>Shadow Minister for COAG and Modernising the Federation</td>
<td>Senator Marise Payne</td>
<td>Hon Joe Hockey MP</td>
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<td>The Hon Christopher Pyne MP</td>
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<td>Mr Steven Ciobo MP</td>
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<td><strong>COALITION SHADOW MINISTRY</strong></td>
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CHAMBER
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<td>Senator the Hon Barnaby Joyce</td>
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<td>The Hon. Ian Macfarlane MP</td>
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<td>Senator Simon Birmingham</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
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Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (2.01 pm)—by leave—Obviously the National Party would like to concur with the remarks of Senator Abetz and Senator Evans. We found Senator Minchin to be a person of utmost integrity and a great person to work with. We wish him all the best and understand completely his reasons for needing more time.

The PRESIDENT—Senator Bob Brown.

Opposition senator interjecting—

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (2.01 pm)—by leave—It comes naturally to me to be nice to Senator Abetz. I wish him very well and congratulate him on the leadership position and Senator Brandis on the deputy’s position, and a word of happy resting over there on the new seat for the former leader.

Senator FIELDING (Victoria—Leader of the Family First Party) (2.02 pm)—by leave—I also want to wish Senators Abetz and Brandis well and congratulate them on their leadership positions, and I wish Senator Minchin all the best. I have thoroughly enjoyed working with Senator Minchin and will continue to. Your family will get you back, and it is good to see you putting your family first!

Senator XENOPHON (South Australia) (2.03 pm)—by leave—Unlike Senator Brown, I am almost always on good terms with Senator Abetz, with some notable exceptions—but that may well change given his new role. I wish to congratulate Senator
Abetz and Senator Brandis on their leadership positions. Also, to my fellow South Australian senator, Senator Minchin, I really do wish him all the best. I will not repeat my private conversations, but I think we are all with you given the traumatic events of the last few weeks. We are all delighted to see things are going much better for your lad. We are all very pleased about that.

QUESTIONS WITHOUT NOTICE

Budget

Senator ABETZ (2.03 pm)—I might start by thanking honourable colleagues for their comments. My question is to the Minister representing the Minister for Resources and Energy, Minister Carr. Can the minister explain how the Australian mining industry will remain viable when Mr Rudd’s great, big new tax on mining will make Australia the highest taxed mining industry in the world?

Senator CARR—The government’s new tax reforms are about making Australia a more attractive place for investment, and that includes a more attractive place for investment in the resources sector. We will have a company tax rate falling from 30 per cent to 28 per cent from 2013-14. We will have a resources super profits tax that only taxes projects when they become profitable, not on what they produce. We will have a resources exploration rebate that will provide an immediate cash rebate of 30 per cent for eligible exploration expenditure.

But that is only part of the resources super profits tax and what it is all about. It is also about providing essential infrastructure that will enable Australia’s resource industries to achieve their full export potential, starting with a $700 million investment in the period 2012-13. It is also about sharing the rewards of the resources boom so that all Australians get a return from the exploration of this non-renewable resource. It is about equity and it is about social justice. The reality is that it is about the Australian community—(Time expired)

The PRESIDENT—Before I call Senator Abetz, I remind senators that supplementary questions are 30 seconds. We had hoped to have the clocks set to 30 seconds but that has not been possible. With your indulgence, I will be a judge of the 30-second mark. I advise that that will hold for this week. Hopefully when we come back, we will have the clocks properly set.

Senator ABETZ—Mr President, I ask a supplementary question. Given the minister’s answer, can he explain why a range of mining companies have already shelved plans to continue with exploration and certain projects? Three premiers, two of them Labor, have expressed concerns and a range of finance institutions have advised clients that Australia was now seen as a high sovereign risk destination to invest, with a significant risk of major capital flight out of Australia. Will the government back down on this great big tax grab, just as it did on its failed ETS tax grab?

Senator CARR—This is a measure, of course, the opposition opposes. It opposes all measures this government introduces. It opposes all measures this government introduces sight unseen because this is an opposition that is about obstructing the progress of economic development in this country. This is an opposition that is not actually interested in debating the fortunes of this country because it has already determined that it will oppose any measure that this government introduces. We have a process of discussion with the mining and resources industries and the states about implementation details. But we are determined to see that Australians get a fair share of the resources that go towards this very important industry—the resources that the community of Australians have a right to enjoy.
Senator ABETZ—Mr President, I ask a further supplementary question. Given that this great big new tax will raise $9 billion per year compared to the $8 billion per year interest repayment required in 2012-13 to service Labor’s great big debt, doesn’t this just prove that the government is raising taxes simply to pay for its reckless spending to the detriment of jobs in the resources sector—or is it all just a great big coincidence?

Senator CARR—I think the opposition has to face up to its responsibilities to the Australian people because, as far as this government is concerned, we have a responsibility to capture the real value of our mineral wealth and apply it to make this country fairer and stronger. We are using this revenue to generate more superannuation savings for working families, we are using it to lower taxes for all companies—especially for small business—and we are using this revenue to meet our future infrastructure needs, particularly in the mining states. The government takes a responsible approach; the opposition takes an irresponsible approach. Our focus is on building this nation for the common good and we will not be deterred by vested interests or by the servants of the status quo over there. (Time expired)

Superannuation

Senator WORTLEY (2.10 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer inform the Senate of the government’s plans to deliver improvements to the retirement savings of Australians, along with a fairer distribution of superannuation tax concessions? Will these reforms be substantial and will they be able to ensure that more Australians will be able to enjoy the comfortable retirement they deserve? Also, how have key stakeholders reacted to this announcement?

Senator SHERRY—As part of the package of tax reforms that were announced last week to make the tax system fairer and simpler, there will be a number of significant improvements to the Australian superannuation system. Firstly, there will be a gradual increase in the superannuation guarantee from nine to 12 per cent starting on 1 July 2013. Secondly, there will be a new superannuation concession of up to $500 for some 3.5 million low-income earners who currently receive no tax concession on their compulsory superannuation contributions. In fact, there is a group of people who, because of the compulsory nature of superannuation, pay a 15 per cent contributions tax when some of them pay effectively no income tax, and this is manifestly unfair. Thirdly, we will be extending the $50,000 superannuation contribution cap for those over 50 with balances below half a million dollars from 1 July 2012.

The increase in the superannuation guarantee will benefit 8.4 million Australians. It will mean an 18-year-old entering the workforce will have an extra $200,000 in retirement income. For someone now aged 30 they will have an extra $108,000 and for a person aged 40 they will have some $57,000 extra at retirement. These measures will also boost the total pool of superannuation savings by some $85 billion over 10 years. The superannuation industry and the financial sector have strongly supported these improvements in the individual retirement savings of Australians. (Time expired)

Senator WORTLEY—Mr President, I ask a supplementary question. How do these measures help address the challenges of an ageing population as set out in the Intergenerational report 2010 and what other benefits would result from the government’s proposed superannuation reforms?

Senator SHERRY—The 2010 Intergenerational report identified that between now and 2050 the number of people aged 65 to 84
years will more than double, the number of people aged over 85 will more than quadruple and nearly one-quarter of the population will be aged 65 and over compared to about 13 per cent today. Obviously, their personal retirement income is of critical importance in supporting them during their retirement years. This means that there will be only 2.7 people of traditional working age for every person aged 65 and over compared with five today. This is a huge shift in the ageing population. So the historic reforms that I have referred to in respect of superannuation will deliver a significant boost to the retirement incomes of the vast majority of Australians. (Time expired)

Senator WORTLEY—Mr President, I ask a further supplementary question. Is the Assistant Treasurer aware of any risks to the government’s responsible and forward-looking strategy to boost the retirement savings of Australians? What is the risk and who poses it?

Senator SHERRY—As I mentioned in my answer to the first question, these reforms to superannuation are part of a package of tax reforms. The package of tax reforms also includes a cut to the company tax rate, from 30 per cent to 28 per cent, and additional relief and simplification through a $5,000 instant asset write-off for small business. Those reforms, together with the very significant superannuation changes that I have outlined to the chamber, are part of a package. The way in which this package is funded is by the resource superannuation tax that is being introduced.

Senator Bernardi interjecting—

Senator SHERRY—If you bother to look at the costings in the document, Senator Bernardi, this is what the new resource superannuation profits tax is for. It is to boost superannuation, it is to cut company tax—(Time expired)

Asylum Seekers

Senator BRANDIS (2.16 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Is the minister aware that some 67 illegal entrants are currently being housed at the Virginia Palms motel in Boondall in suburban Brisbane—in the Treasurer’s own electorate? It is an establishment described as:

… four star … property set amongst 10 acres of lush, tropical gardens. Renowned for quality and friendly personalised service, your stay with us will be enjoyable, relaxing and stress-free.

Can the minister confirm that these people have been transferred to this location from Christmas Island? Why are illegal entrants being accommodated in a luxury hotel in the middle of suburban Brisbane while thousands of Australians are homeless?

Senator Bob Brown—Mr President, I rise on a point of order. I ask you, Mr President, to look at the word ‘illegal’—which was twice used in that question—against the standing orders, which I believe would prohibit that usage of that word.

The PRESIDENT—No, I have ruled on this before, Senator Brown, and I have been consistent. I understand the context in which you raise it, but I have allowed it to stand before and I will allow it to stand on this occasion.

Senator Bob Brown—On a further point to that point of order: it clearly says in the standing orders that argument shall not be brought into the use of a question. The least to be said about the use of the word ‘illegal’ in this context is that it is arguable. It is actually downright wrong, but I ask you again to look at the standing orders and give a considered reply to the Senate on that matter.

The PRESIDENT—I will take that away and look at it, Senator Bob Brown. I have ruled consistently to date, but I have given that undertaken.
Senator CHRIS EVANS—I am disappointed that Senator Brandis would take this approach, given that he allegedly represents the progressive wing of the Liberal Party. If this is what the progressive wing of the Liberal Party has come to, they clearly are in desperate straits.

It is true that we are accommodating some families who are seeking asylum in this country in that motel. Some people have been there for a number of weeks. The newsworthiness of this surprises me, given that it was on the front page of the *Courier-Mail* about three weeks ago. Clearly, Senator Brandis and the Liberal Party do not read the *Courier-Mail*. I confirm that we have been accommodating some asylum seekers, particularly vulnerable groups or families, in motel accommodation—consistent with a long history of the Howard government doing exactly the same. The Howard government accommodated asylum seekers in the Comfort Inn Asti in Darwin for many years. The Howard government accommodated asylum seekers in the Colonial inn in Brisbane. The Howard government accommodated asylum seekers in the Arkaba Hotel in Adelaide. And the Howard government accommodated asylum seekers in Quest apartments in various states. So it may come as a surprise to you, Senator Brandis, but this is long-established government policy for dealing with vulnerable groups and families.

We make no apologies that we do not put children behind barbed wire; we actually try to find appropriate accommodation. In the Howard government’s latter years, you also took to trying to find more appropriate accommodation on some occasions. I am told that in 2004 the Howard government was spending approximately $80,000 per month to house a mother and child in the Arkaba Hotel in Adelaide. So, yes, consistent with past governments’ practice, where appropriate we have accommodated children and their accompanying families in motel accommodation.

Senator BRANDIS—Mr President, I ask a supplementary question. Minister, given the comprehensive failure of the Rudd government to secure Australia’s borders from illegal entrants, what measures has it put in place to ensure the safety of local suburban Australian communities where it has chosen to accommodate illegal entrants?

Opposition senators interjecting—

The PRESIDENT—Order! If you wish to debate the issue, the time is at the end of question time.

Senator CHRIS EVANS—The Liberal Party are headed for the lowest road as quickly as they can get there. We saw the ads on TV; we are getting back to demonising people rather than treating them as human beings. I urge the Liberal Party to pull back before we go down this road again. We got to a very dark place in Australia in terms of the way we treated people. I thought we had an emerging consensus that we do not want to go back there, but clearly that is not the case.

In accordance with past governments’ practice, the appropriate health and security checks are conducted before people are accommodated in the community. The appropriate security arrangements are provided by Serco, the security provider. I understand there is also a security firm involved in perimeter security. All local police have been consulted about these matters. This is normal practice as it existed under the Howard government, and I do not regard those children as a threat.

Senator BRANDIS—Mr President, I ask a further supplementary question. Minister, do you agree with the opinion of Mr Sandi Logan, an officer of the department of immigration, who told Madonna King on Brisbane radio this morning that there was no need to advise local residents of the presence of
these people and that ‘this is no issue for local residents’?

Senator CHRIS EVANS—I am not aware of the particular quotes that the senator refers to but I can say that Mr Logan is the departmental media spokesperson, employed in that role by the previous government and by this government; that he is a highly competent officer; and that he does do radio interviews and other media appearances to try to explain what is occurring. What he was doing was explaining the processes that have been in place for many years for housing people in hotel and motel accommodation. I am advised that advice was provided to the appropriate education and police authorities in Queensland about arrangements for housing of this particular group, that the normal arrangements with some of the relevant community organisations have been in place, and that large numbers of people have been informed of those arrangements where relevant. As I said, there was a story about a particular family on the front page of the Courier-Mail weeks ago. It is practice as normal and consistent with the previous government. (Time expired)

Budget

Senator MARSHALL (2.23 pm)—My question is to Senator Carr, the Minister for Innovation, Industry, Science and Research. I ask: can the minister inform the Senate what the government’s tax policy statement Stronger, Fairer, Simpler: A tax plan for our future means for small business—

Senator Ian Macdonald—Probably insolvency.

Senator MARSHALL—and what specific measures it contains to reduce the complexity of the tax system and provide tax relief for smaller firms?

Senator CARR—Thank you, Senator Marshall. This is a very, very important question, and I have heard already from the opposition their view about these things. Once again we see them in action: before the question is asked, they of course have the answers. They do not really appreciate that small business is the backbone of the economy; that there are some 2.4 million small businesses in Australia and they generate the jobs and the wealth right across the economy. It is quite clear that the opposition are not interested in their welfare.

Small business is an engine of innovation and a critical source of fresh ideas and new techniques. That is why this government has been working to support and strengthen small businesses since day one. That support continues in the government’s tax plan for our future. This is a plan that includes an early tax cut for small companies which will see a fall from 30c to 28c in 2012-13, two years ahead of a similar reduction in the general company tax rate. This measure will benefit some 720,000 small companies. It will deliver a direct financial benefit and a direct boost to cash flow. Importantly, it will give small companies an incentive to retain profits and to use them to build capabilities and to expand their activities. The government’s tax plan for our future will introduce an instant asset write-off for small businesses. Under this plan, small businesses will be able to get an immediate write-off of items worth up to $5,000. That means that—(Time expired)

Senator MARSHALL—Mr President, I ask a supplementary question. I thank the minister for that answer and I ask: can the minister explain to the Senate how the measures for small businesses in the government’s tax policy statement relate to other government initiatives to support small business, in particular to support small business innovation, such as Enterprise Connect?

Senator CARR—This government has made a priority of providing tax relief and of
reducing the complexity of the tax system for small businesses. We want to see these businesses prosper and grow, so we want to be able to provide assistance for a company that is providing a machine tool within a factory, if they are a manufacturer; a fridge in a cafe; or IT equipment for an office. That is why the new depreciation benefits will directly flow to businesses such as those.

This is consistent with the objects that we have been pursuing through other activities such as Enterprise Connect, which builds the capabilities of small- and medium-sized enterprises and links them to new ideas. Some 2,700 firms have benefited from Enterprise Connect’s business reviews. Others have received support from Enterprise Connect to make specific business improvements, to increase their research capacity and to access leading-edge technologies. The government’s tax plan—

 Senator MARSHALL—Mr President, I ask a further supplementary question. Again I thank the minister for his answer. Given that Enterprise Connect has been operating successfully for two years, can the minister advise what recent measures the government has taken that will enable small businesses to take advantage of the small business taxation reforms in the government’s tax policy statement to become more innovative?

 Senator Abetz—Another longstanding interest, Gav?

 Senator CARR—I am sure Senator Marshall has a longstanding interest in these areas, Senator Abetz. Enterprise Connect is about building small business innovation capacity. Commercialisation Australia is about turning small business inventions and discoveries into moneymaking goods and services. It is about turning good ideas into good jobs. Commercialisation Australia provides support for accessing skills and knowledge, for encouraging experienced executives—actually engaging them by paying CEOs—and for accessing new concepts and early-stage commercialisation activities.

 Early-stage commercialisation support is available to firms who are turning over less than $20 million a year, and other components are made available to firms who are turning over less than $10 million. All of these measures come together. The government’s tax plan for our future will create the conditions for increased small business investment in innovation. (Time expired)

 Budget

 Senator CORMANN (2.29 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Carr. I ask: what will be the impact on jobs, in particular across regional Australia, of Kevin Rudd’s proposed $9 billion great big new tax on mining?

 Senator CARR—It is quite clear from that question that not only is the opposition, frankly, not interested in discussing serious issues about the future economic development of this country; but they have already determined that position of opposition. This measure that the government is introducing in terms of our tax reform is about increasing job opportunities. It is about increasing the opportunities for new investment in the mining sectors. In the context of the changes we are making right across the system, it is about making sure Australian business is more competitive. It is about building on our strengths and it is about ensuring that we have the investment opportunities in the future. It is absolutely consistent with what is happening around the globe. It is absolutely consistent with the changes that are occurring. The modelling has shown that under this new arrangement mining investment will rise by 4.5 per cent, jobs by seven per cent and mining production by 5.5 per cent in the long run. What we have is an opposition that
are going to take an obstructionist position no matter what is said.

Senator Cormann—Mr President, I rise on a point of order. I asked the minister a very specific question about what impact the great big new tax on mining will have on jobs. The minister has gone on for more than a minute now and he has not got anywhere near addressing the impact on jobs of Labor’s great big new tax on mining.

The President—There is no point of order. I consider that the minister is answering the question. He might not be responding in the way that you desire but he is answering the question. I draw the minister’s attention to the fact that he has 46 seconds remaining.

Senator Carr—What I have said is specifically related to the question asked. This is about growing jobs, about growing economic activity, about building international competitiveness and about ensuring that mining production actually grows. But it is also about a fair go—a fair go for the Australian community and for what are the Australian people’s resources. This is about ensuring that we share the benefits of the mining boom, ensuring that we can provide resourcing for superannuation, ensuring resources for infrastructure and ensuring resources so that the economic benefits of this industry are spread right through the Australian community. It is about a fair go—something this opposition is not interested in.

(Time expired)

Senator Cormann—Mr President, I ask a supplementary question. Has the government conducted any formal modelling or any other formal assessment of the impact of the so-called resources super profits tax on jobs, in particular across regional areas?

Senator Carr—It is quite clear the senator did not listen to the previous answer. I said that modelling shows that under the government’s proposals mining investment will rise by 4.5 per cent, jobs by seven per cent and mining production by 5.5 per cent. These arrangements allow for the funding of a tax cut for all businesses. They allow for the funding of the superannuation scheme. They provide for the investment in new infrastructure. It is about ensuring that Australians get a fair go. It is about ensuring—

Senator Brandis—Mr President, on a point of order: the question was directed to one topic and one topic only: whether modelling had been conducted and the nature of that modelling. The minister has affirmed that there has been modelling—which is responsive—but then he has gone on to make an argument as to the effectiveness of the policy. He has not been describing the modelling or providing the information in relation to the conclusions of the modelling, which was the point of the question.

The President—There is no point of order. I cannot instruct the minister how to answer the question. I believe the minister is answering the question. I cannot put words into the mouth of the minister. The minister has 24 seconds remaining.

Senator Carr—The amount the Australian community receives in taxes and charges from our non-renewable resources has actually halved as a share of the profits during the past decade, and we cannot allow that to continue. The Australian people are entitled to a fair go. We are entitled to ensure that the resources from this highly profitable industry—

(Time expired)

Senator Cormann—Mr President, I ask a further supplementary question. Will the minister table the modelling that he has just talked about. Given that the modelling of the impact on jobs across regional Australia clearly appears to be inadequate and given the important contribution of the resources sector in keeping Australia out of recession
and in creating new jobs, how can the government go ahead with such a reckless tax grab without properly assessing its impact on jobs, in particular across regional areas?

Senator CARR—The new leadership of the Liberal Party in the Senate really has to do a much better job than this. If they cannot even read the published documents, which already demonstrate that the modelling has been tabled, why do they bother coming in here at all? They are wasting everyone’s time. What you are highlighting is that you are not interested in serious matters of public policy; you are interested in opposition for the sake of opposition. You are in the business of opposing every worthwhile measure this government presents to this parliament. You are in the business of frustrating the economic development of this country and you are in the business of undermining the economic welfare of Australians for generations to come.

Senator Cormann—Mr President, on a point of order; there has been absolutely no modelling of the impact on jobs across regional areas tabled by this government. Perhaps he can correct the record.

The PRESIDENT—There is no point of order.

Senator CARR—What this opposition does is oppose everything before it sees the detail. What we see, of course, with the current Leader of the Opposition is that he is actually bored by economics. He is not interested in the management of the economy, and that is why Peter Costello said we should never have him as deputy because he did not care about the welfare of Australians. (Time expired)

Organ Donation

Senator SIEWERT (2.37 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Bearing in mind that Australia has one of the lowest organ donation rates in the developed world and that the figure has not improved for some time, and the fact that the government has now established the Organ and Tissue Authority with a budget of $150 million over four years, the purpose of which is to seek to improve this donation rate, can the minister please comment on the report that in fact the donation rate in Australia has not significantly improved? There are reports that it has in fact decreased. Could the minister inform the Senate as to whether it is correct that the number of organ donations in this country has not improved, and in fact may be decreasing, and if this is correct why has it not improved?

Senator LUDWIG—I thank Senator Siewert for her question. I add to the question in this way: an acting interim CEO of the authority for organ and tissue donation was appointed on 17 March. That person is an experienced senior official and is continuing to spearhead the authority’s work. It is about ensuring that the government’s $151.1 million organ donation package is implemented successfully and in accordance with all government legal requirements. The previous CEO stated that she had left for personal reasons. Although we have now got a new package of $151.1 million, together with a new CEO, it is recognised that, while transplant success rates in Australia are among the best in the world, organ and tissue donation rates remain comparatively low. Over the past 10 years Australia has averaged around 10 donors per million of population. The current rate of 11 donors per million of population compares to 15 in the UK and over 20 in the US. It is for this reason that the government is spending the $151.1 million to create a world’s best practice and nationally consistent system for organ and tissue donation in Australia. The implementation plan and focus of the measure reflects the Sharelife Australia plan. There are en-
encouraging early signs in providing information about how this reform is progressing. In the first quarter of this year there were 88 organ donors resulting in 251 life-transforming transplantations. That is the highest number for this period than any other year in the past decade. (Time expired)

Senator SIEWERT—Mr President, I ask a supplementary question. I thank the minister for his answer, but he was only just starting to get to the point. Has there been an overall increase since the authority was implemented and put in place in the organ donation rate in this country? If not, why not, and what is the government doing about it?

Senator LUDWIG—As I have been outlining, the government has put together a package. We recognise that organ and tissue donation rates have remained comparatively low in relation to other countries. I indicated in the principal answer that we have also implemented a plan to focus on the measures and to reflect the Sharelife Australia plan. I also indicated that the early signs are promising. In the past two years we have also averaged over 50 donors more than for the last 10 years before that. So the signs are encouraging, but it is recognised that comparatively they still remain low. Clearly, to improve donation rates we must change two things: first, hospitals need systems and staff of the right capacity and expertise to enable organ and tissue donations and, second—one of the most important—Australians need to be empowered with the information necessary to make informed choices. (Time expired)

Senator SIEWERT—Mr President, I ask a further supplementary question. I again thank the minister for his answer. Has the government set milestones for the operation of the implementation plan and, if they have, have those milestones been met in the authority’s first period of operation?

Senator LUDWIG—I thank Senator Siewert for her question. We have already made very good progress in laying the foundation for change in public hospitals. That is the first step in meeting that first requirement. We have appointed over 150 staff dedicated to improving Australia’s donation rates in 76 major public hospitals around the country and we have established organ and tissue donation agencies with specialist organ donor coordinators in all jurisdictions. We have launched a clinical trigger tool in hospitals across the country to assist clinical staff in the identification of potential donors and we have developed a new funding stream for hospitals to ensure costs are not a barrier to organ donations. To complement the work in hospitals, the Organ and Tissue Authority is also tackling the required change in community perception which, as I said, was the second area we have to address. To do that, we are launching a national advertising campaign in May 2010 to promote the need for families— (Time expired)

Budget

Senator IAN MACDONALD (2.43 pm)—My question is to Senator Carr representing the Minister for Resources and Energy. I was fascinated by Senator Carr’s answer to Senator Cormann when the minister said that this great big new tax on mining was all about growing jobs. I ask the minister: how does he reconcile that statement with the statement by Queensland’s Labor Premier Anna Bligh, and her damning criticism, that this tax grab on the resources sector will ‘undermine efforts to create 100,00 new jobs in Queensland’?

Senator CARR—It is quite clear that the opposition are not prepared to actually engage in this matter. The modelling that we have undertaken as a government highlights that under these new arrangements we will see mining investment actually rise. It will
go up. What we will see is an increase in the number of jobs. There will be an increase in mining production. I am sure if the opposition were prepared to read the KPMG reports on these matters that they would notice that there will be an expansion of GDP as a result of these changes.

What we have here is a highly responsible measure aimed at ensuring that Australians and the community as a whole enjoy the benefit of increased economic activity and we do so by supporting a change in the fundamental tax rate across all companies. We provide additional resources for infrastructure to facilitate increased export. We also provide for a social justice measure in terms of funding superannuation benefits for Australian workers. These are measures that the opposition clearly cannot come to terms with.

What we have is an opposition that are led by a group of economic knuckle draggers. We have an opposition that are not interested in economic management. We have an opposition that find economics boring. It is no wonder that the opposition rely on newspaper headlines rather than doing the proper research that is required to ensure that they have a better grasp of what actually is going on as distinct from their blind prejudices.

(Time expired)

Senator IAN MACDONALD—Mr President, I ask a supplementary question. I ask the minister: does he use the term ‘blind prejudices’ when he refers to his Queensland Labor colleague Premier Anna Bligh who said that this tax will undermine her efforts to create 100,000 new jobs? Further, Minister, are you aware of the criticism by the mayors of Mount Isa, Cloncurry and Mackay, who all damned this as a big attack on job creation and on small business in their communities?

Senator CARR—I was referring to the opposition. It is an opposition that has no plan. It is an opposition that seems to know nothing about developing a plan. It is an opposition that has no policies. It is an opposition that is committed to opposition and nothing else. Of course it is not surprising; the opposition has never had a plan in this whole parliament. What we have seen is an opposition—

Senator Ian Macdonald—Mr President, a point of order on the grounds of relevance. There is no way my question in any way related to the opposition’s plan, which is all Minister Carr has spoken about. My question related to the Queensland Labor Premier, Anna Bligh, and her damning criticism of this great big new tax on the mining resource industry.

Senator Ludwig—On the point of order, it may be that the questioner, Senator Macdonald, did not recall the beginning of his sentence but he did start with ‘blind prejudice’. Senator Carr was responding in relation to that issue. Clearly, Senator Carr has been on point in relation to answering the question. It is a matter for Senator Carr whether he deals with each part of the question in seriatim or which point he goes to, but there were three major points that were raised by Senator Macdonald in his question. One went to blind prejudice, the second went to the tax issue and the third went to criticism by the mayors of Mount Isa and Cloncurry. Therefore, Senator Carr has been answering the three parts of that question and has been very relevant to the question.

The PRESIDENT—Order! Senator Carr, I draw your attention to the question. You have 37 seconds remaining to answer the question.

Senator CARR—I am referring directly to the question about the blind prejudice of the opposition, who are opposing the super
act guarantee that we are introducing. They are opposing the expansion of superannuation concessions for low-income earners. They are opposing support for small business in terms of the depreciation arrangements. They are opposing the infrastructure spending that we are proposing with regard to $5.6 billion over the next decade. They are opposed, of course, to the resource exploration rebates and they are opposed to the cuts in company taxation. What else could that be but blind prejudice from an incompetent opposition? (Time expired)

Senator IAN MACDONALD—Mr President, I ask a further supplementary question. I take it then that Minister Carr includes Anna Bligh in his accusation of blind prejudice. It would be interesting for Comrade Bligh to hear about that. I ask the minister further: what does he think of Labor Premier Bligh’s estimate that $100 billion in mining activity will disappear from Queensland as a result of Mr Rudd’s great big new tax? Does he accept Premier Bligh’s assertion that $100 billion of activity will go? (Time expired)

Senator CARR—What I accept is that this opposition is anti-growth. It is anti-fairness. This is an opposition that is not interested in ensuring the economic welfare of the Australian people. What I do accept is that this opposition has no policy, has no plan for the future and is contemptuous of the Australian people, because it thinks that it can just slide through into the next election with nothing to say about the future of this country.

National Broadband Network

Senator MARK BISHOP (2.51 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advise the Senate on the implementation study that was released last week? What are the key findings of the report in relation to the government’s plan to roll out the National Broadband Network?

Senator CONROY—I thank Senator Bishop for his ongoing interest in this portfolio area. The NBN is an historic nation-building project, the positive economic and social effects of which will be felt for generations to come. Last week we released in full the implementation study into the NBN. This study was undertaken by McKinsey and Co. and KPMG. It is highly rigorous and detailed, at over 500 pages and with 84 recommendations for government. It covers a range of critical areas including issues around the technology, financing, ownership, policy framework and future market structure.

The study confirmed that high-speed broadband over a wholesale-only network for all Australians is achievable and can be built on a financially viable basis with affordable prices for consumers. In fact, the study finds that in a number of areas it is possible not only to meet but also to exceed the government’s original objectives. It finds that the original $43 billion total capital cost estimate is conservative and at the high end of the plausible range and identifies a number of opportunities to reduce the bill’s cost. It recommends taking the fibre footprint further than the government originally intended from 90 to 93 per cent and covering the 1.3 million new premises expected to be built to 2017-18. In effect this means the study recommends taking fibre to an extra 1.6 million premises. (Time expired)

Senator MARK BISHOP—Mr President, I ask a supplementary question. Can the minister inform the Senate what the reaction has been to the release of the NBN implementation study? Has the report been welcomed by industry and consumer groups around Australia?
Senator CONROY—The release of the implementation study has been widely welcomed across the industry and by consumer groups. For example, Optus CEO Mr Paul O’Sullivan said on the day of its release:

With the release of the NBN Implementation Study, we are now on a path to building a world class broadband network, a network that will ensure Australia’s place in the leading economies of the world.

Mr Allan Asher, CEO of the Australian Communications Consumer Action Network, said:

What Australians need from the NBN is improved accessibility, affordability and availability of communications services and the study’s findings support this becoming a reality.

Intel General Manager Philip Cronin said:

This is the utility of the 21st Century and is as important to our future economy as transport infrastructure is today.

(Time expired)

Senator MARK BISHOP—Mr President, I ask the minister a further supplementary question. Given the importance of high-speed broadband for strengthening the Australian economy and providing critical infrastructure for consumers, small business and our regional areas, is the minister aware of any alternative policies to deliver enhanced broadband for all Australians?

Senator CONROY—Regrettably I must advise the Senate that I am not aware of any alternative policies to ensure that all Australians have access to high-speed broadband. Even before the implementation study was released the opposition announced they would scrap the NBN. This took opposition for opposition’s sake to a whole new level. After 2½ years in opposition those opposite still do not have an alternative broadband plan, which is no surprise, given they are on their third shadow minister. The opposition plan to stop building the NBN would risk Australia’s economic future. The NBN is crucial economic infrastructure. Without it Australian companies will not be able to compete with the likes of Japan, South Korea and Singapore. (Time expired)

Home Insulation Program

Senator BIRMINGHAM (2.57 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib. I refer the minister to the monthly reports which were provided to him by the Department of the Prime Minister and Cabinet about the progress of the Home Insulation Program and which were recently released to the Senate inquiry. I note the reports consist almost entirely of information about how much money was paid out under the program. Did the minister ever seek information about the quality, standards or safety of the insulation program?

Senator ARBIB—I thank Senator Birmingham for his question. Yes, a number of documents in relation to the stimulus have been released and Senator Birmingham does have them in his possession.

Senator Ronaldson—It took a while.

Senator ARBIB—Yes, Senator Ronaldson, it did take a while, but you do have them, don’t you? These documents relate to information concerning all elements of the stimulus package across the 49,000 projects that are taking place and also information concerning the insulation package. We have discussed this before and there have been many misrepresentations and much misinformation spread by Liberal Party senators and members about my role. I would like to state to the Senate my role was maximising jobs and ensuring the implementation coordination of the programs. That was my role. The reports that were provided by the Office of the Coordinator-General go to that role and provided me with information to allow me to undertake those duties.
Senator BIRMINGHAM—Mr President, I ask a supplementary question. Did the minister, in receiving and considering these reports—assuming he read them—ever consider that the reported substantial increase in uptake and rapid growth in registered businesses conducting installations might lead to problems with quality, standards and safety? If so, what action did he take?

Senator ARBIB—The issues that Senator Birmingham has raised have been discussed extensively by me in this place in the numerous question times where I answered these questions. They have been discussed in Senate estimates hearings time and time again by all the individual representatives of the Office of the Coordinator-General and the Department of the Environment, Water, Heritage and the Arts. And, of course, the issues that have been raised have been answered in detail in response to questions on notice that have been provided by Senator Birmingham and also by other Liberal Party and coalition senators.

Senator BIRMINGHAM—Mr President, I ask a further supplementary question. I note that the minister seems to be confusing discussion with dodging when it comes to what takes place in this chamber. If the minister never sought additional information about quality, standards or safety from these monthly briefings highlighting the rapid pace of payments and new installation businesses, will he concede that his entire focus in this program was putting speed before safety?

Senator ARBIB—Once again, the premise of the question is incorrect, because Senator Birmingham has attempted to misrepresent my position and what my role was. Again, I have informed the Senate—

Senator Abetz interjecting—

Senator ARBIB—You may laugh, Senator Abetz, but this is something that I have raised many times in this place. Liberal Party senators can ask me question after question on it, but I can only answer as to what my role was and what I undertook in that role.

Research and Development

Senator CAMERON (3.02 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister inform the Senate on the government’s proposed research and development tax credit? What is the structure of the credit? How will it benefit Australian business, especially small business? How does it differ from the existing tax concession?

Senator CARR—I thank Senator Cameron for the question and acknowledge his longstanding interest in these issues. The research and development tax credit is the most important reform to Australian business innovation support in a generation, and I am sure that Senator Fielding and Senator Xenophon would appreciate that it is essentially critical to small business.

It is not often that I applaud the judgment of the Australian Financial Review, but this morning’s headline says it all: ‘SMEs win in new R&D tax breaks plan’. There will be a 45 per cent refundable tax credit for companies turning over less than $20 million and a 40 per cent non-refundable tax credit for all other companies. The 45 per cent credit doubles the base rate of support available to small- and medium-sized enterprises from 7½c in the dollar to 15c in the dollar. That is equivalent to a 150 per cent tax concession. The 40 per cent non-refundable tax offset raises the base rate for large companies by a third, from 7½c to 10c in the dollar. It is equivalent to a 133 per cent tax concession. Small, innovative firms are big winners from the new R&D tax credit. They will enjoy more generous rates of assistance and better access to cash refunds for their R&D expenditure, and under the present arrangements a
company in tax loss turning over $10 million and spending $1 million on eligible R&D might eventually receive a tax deduction of $375,000 when it turns a profit. Under the new scheme—(Time expired)

Senator CAMERON—Mr President, I ask a supplementary question. Can the minister explain to the Senate why action is needed to replace the present research and development tax concession? Is the concession being used inappropriately? Are there problems with the definition and interpretation of research and development?

Senator CARR—As I was indicating, under the new scheme, benefits in the case I mentioned are increased from $375,000 to $450,000, so it is a major reform to extend R&D support to a new generation of companies that unlocks creativity right across the economy. The R&D tax concession is a great Labor reform and, of course, in its day was obviously a matter of urgent need, but it is now time for a replacement. Those opposite halved its value and ignored the problems that emerged over time in its administration. They have a legacy whereby a mining company that does $20 million worth of R&D is able to claim $500 million for normal mine operations and mineral exploration associated with R&D. They might have a situation under present arrangements where a construction company that does $15 million worth of R&D on air-conditioning systems can potentially claim the $100 million cost of construction of a whole building on the grounds—(Time expired)

Senator CAMERON—Mr President, I ask a further supplementary question. Can the minister advise the Senate of what industry is saying about the government’s proposed R&D tax credit? Have the government reforms been welcomed by innovative firms and knowledge-intensive industries?

Senator CARR—What these measures are about is providing innovators with a real opportunity to innovate. AusBiotech says:

The biggest winners will be those companies with turnover of less than $20m with no commercial production yet, which are able to cash out the refundable credit if in tax loss.

Deloitte, for instance, say:
The software rules are … in many ways better than what we have now.

TGR BioSciences are saying that it is ‘absolutely’ a crucial reform. Of course, my new best friends at the Australian Financial Review point out:
The government also made it easier for most software to qualify for the tax break …

What we have seen is the Institute of Chartered Accountants Australia saying:
It’s clear the Government is focused on rebalancing and retargeting the R&D tax credit for the SME market, rather than the big end of the market.

This is precisely what we are doing. (Time expired)

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

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Research and Development

Senator CASH (Western Australia) (3.08 pm)—I move:

That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senators Cormann and Macdonald today, relating to taxation.

The minister’s answers to the questions asked today bordered on absolutely delusional, and they demonstrated to the people of Australia just how out of touch and just how disconnected the Labor Party are with
both the domestic and the international reaction to Rudd Labor’s supertax. The minister had the gall to call us on this side economic—what was it?—‘knuckle draggers’. I have to say the only economic knuckle dragger in this place is the minister.

This proposed tax is economic vandalism; it is economic lunacy from a dangerous government that does not have a clue about economic management. Even the Labor premiers are now running a mile from Rudd Labor and its proposed supertax. Look at what the Australian says today, under the headline ‘Labor states back big mining companies on resources profits tax’:

South Australia’s Labor Treasurer, Kevin Foley, has declared he plans to travel to Canberra with BHP Billiton to lobby his federal colleagues to change the resources tax, while Queensland Premier Anna Bligh yesterday called on the Rudd government to “get it right” on the tax or it would threaten jobs around the country.

This is the impact of Mr Rudd’s announcement to date. The article continues:

Mining investment and exploration continued to be threatened yesterday as $300 million was chopped off the takeover bid for Macarthur Coal in Queensland … Incitec Pivot stopped drilling for phosphate; Xstrata cancelled projects; and Macquarie Bank advised clients Australia was “now seen as being a high sovereign risk destination to invest” …

What an absolute joke! Under this government, Australia’s sovereign risk is now being questioned.

Senator Sterle interjecting—

Senator CASH—Senator Sterle, the people of Western Australia are listening today, and you should be ashamed of yourself. Stand up for the people of Western Australia; do not sit back there and cop what Mr Rudd is going to do to our state, which is to well and truly finish it off. This is nothing more and nothing less than a blatant tax grab by the Rudd Labor government.

The bottom line with those opposite is that you are part of a big-spending, economically irresponsible government, and the only reason that you need to tax the living daylights out of the industry that is this country is that you have record levels of debt, which has soared up, and you need to satiate your out-of-control spending. Mr Rudd claimed he was a fiscal conservative prior to the 2007 election. I tell you the Australian people are not laughing at that, because they actually took him on his word, and he blatantly misrepresented himself. It is the Australian people who are now going to have to pay back the debt that the government have incurred.

But the bad new for the Australian people is they will not have jobs. They will not have jobs because you are going to destroy the industry that employs hundreds of thousands of people in this country. The joke going around at the moment—and this is from Labor people back in my home state—is that Mr Rudd is the worst prime minister since Billy McMahon. Then the Labor people offer their apologies to Billy McMahon for actually putting him in the same category as the underachiever, Mr Rudd. Mr Rudd is nothing more and nothing less than an underachiever. He is going to destroy this country. He is dangerous for Australia.

This so-called superprofits rent tax will have dire consequences for the industry in Australia which is the most significant to this country, and dire consequences will flow on to the Australian economy. You have to begin to worry when the Canadians actually send a delegation over here to work out what investment they will take as it is driven offshore. Chinese companies are on the record as already redirecting investment to Africa, Asia and South America. And, in relation to the impact on the average Australian, forget about the so-called increase in superannuation; no amount of increase in the superannuation levy is going to make up for the
damage that you have done to superannuation investment with your announcement. This new superprofits tax will discourage investment in our mining industry, put projects at risk and send jobs overseas. But what is new with you lot over there?

**Senator STERLE** (Western Australia) (3.15 pm)—I know I have only five minutes—I would love to have a lot longer, and my turn will come—but there are a few things that I think we need to correct for the record. As a proud Western Australian who made my living on the back of supplying the mining towns in the far north and the goldfields, I think there is no more important industry, certainly in Western Australia, than mining. I am not belittling our other industries, which employ a lot of people, but I think we have to clear up the hysterics from the other side and unfortunately from News Corp et cetera—they love to run the hysterics too.

In the last six months I have had the pleasure of assisting the Hon. Gary Gray, the member for Brand—

*Opposition senator interjecting—*

**Senator STERLE**—If you do wish to listen, you might learn something, you peanut. Sorry, Mr Acting Deputy President, I retract that—it’s not fair to peanuts. I have had the pleasure of assisting the member for Brand, the Hon. Gary Gray, who is the chair of the Prime Minister’s National Resources Sector Employment Taskforce. In all fairness, I do not expect those opposite to know what was going on, because the government has been quietly getting on with the work. That task force was put together by the Prime Minister to provide an answer to Minister Ferguson and Minister Arbib on where we will find the labour for all of the 84-odd projects announced, which are probably to go to final investment decision in the next couple of years. Unfortunately there are some wild—

**Senator Cormann interjecting—**

**The ACTING DEPUTY PRESIDENT** (Senator Trood)—Order! Senator Cormann!

**Senator STERLE**—Thank you, Mr Acting Deputy President. I suggest that Senator Cormann should listen; he may learn something.

**Senator Abetz**—Doubtful!

**Senator STERLE**—Yes, you are right, Senator Abetz; that is doubtful. I agree with you! I am being very hopeful in saying that Senator Cormann could learn anything!

There are a lot of mistruths and ridiculous figures being espoused around the country about how many workers we may need, should these projects go to final investment decision. With the great work of the task force, which includes mining representation, gas representation, tertiary education representation and construction representation, the best figure which has been agreed to by the members of the task force is that we would probably need about 80,000 construction workers if these projects were to go to final investment decision. As best as we can ascertain, those 80,000 workers would be needed in the next five to 10 years. Of that, we would need some estimated 30,000 production workers to run those plants. That is a far cry from the figures that we have heard today.

The *West Australian*—and it is fine newspaper—has unfortunately been conned or fooled by the Chamber of Commerce and Industry in Western Australia into thinking that, in a state with a population of some two million, in the next seven years we will need some 441,000 workers just in WA. I can tell you now, Mr Acting Deputy President—and it is on the record—that, if you were to check with the Chamber of Minerals and Energy, with the Minerals Council of Australia, with APIA or with whomever else you may want
to check, you would find that that figure is absolute nonsense.

To come back to the figures that have been thrown around today—and you can see where the hysteria and the hype come from—they go off the record and become absolutely ridiculous. I encourage opposition senators, if they are going to get up and speak for the big end of town, to do a couple of things. One, through you, Mr Acting Deputy President, if you on the other side have financial interests or shares in any of these mining companies or resource companies, the decent thing to do would be to declare it before you start ranting and raving and attacking the Rudd government. That is a process of the Senate, one which I would follow if I had those shares or those interests, which I do not.

Senator Cormann—I don’t have shares!

Senator STERLE—Senator Cormann says that he does not have any. I did not actually mention Senator Cormann; I just said that, if any of you Western Australian senators had financial interests, you should put your hands on the table and declare them.

I do not have a lot of time left but I will use this opportunity to say that there is a very devious cause being run too. It is coming from the Minerals Council of Australia through their CEO, Mitch Hooke, who made it very clear in the Australian on 9 April 2010 that he wants predominantly 457 visa workers employed in this industry. (Time expired)

Senator WILLIAMS (New South Wales) (3.19 pm)—I would like to have my say on the answers given to questions put to Minister Carr here today. Senator Carr said that this great big tax on our mining industry will increase job opportunities. How, when you increase the taxes on industry, when you reduce investment and when you reduce exploration, is that going to increase jobs? I find that amazing.

Senator Cormann—This is straight out of North Korea!

Senator WILLIAMS—Straight out of North Korea—exactly! It is a $9 billion tax. Those on the other side should be honest about this and tell the Senate that this is about a $9 billion tax collection to pay the interest on the debt that the Rudd government has accumulated. We are today looking at a $140 billion gross debt. In simple figures, five per cent on $140 billion is $7 billion. But, wait, there’s more: the debt has grown by more than $1 billion a week.

What this is about is tonight’s budget. It is so that the Treasurer can say, ‘We are bringing the deficit down; we are bringing $9 billion extra in every year by strangling the goose that lays the golden egg in Australia.’ That is what this is about. This is the industry about which Mr Rudd, prior to the 2007 election, said: ‘We must change our economy; we cannot be reliant on the mining industry. If it falls over and commodity prices crash, we need to have another source of income.’ What is he depending on? It was the mining industry, but now he is depending on taxing it as much as he can. I find this amazing.

This is simply a great big tax to finance the great big debt.

We know where the great big debt came from. We can talk about Building the Education Revolution and the waste of money there. You will hear more about that in the near future, despite the Auditor-General’s report. We can talk about the waste in the pink batts fiasco, where we had a $2.6 billion program which is now costing $1 billion to clean the mess up. That is what this tax on the mining industry is about: collecting money to pay for the huge debt that the Rudd Labour government put our nation into. But that is nothing new: look back at the history
of Labor, whether it be at the state level or the federal level, and tell me of one Labor government that, when they were thrown out of government, had reduced debt. Name one occasion.

Senator Abetz—Never!

Senator WILLIAMS—Never! This is what they are about: building debt and throwing money around willy-nilly. Then all of a sudden they say: ‘Well, now we have a problem. We have a $7 billion, $8 billion or $9 billion interest bill. How are we going to fund it? Oh, we will go up to the big end of town.’

Who owns those industries? Who owns Rio Tinto? Who owns BHP? The workers of Australia, those with superannuation, own them. What we are doing is strangling the future, the retirement fund for the working families, the working Australians that the people on the other side of the parliament are supposed to represent. You are strangling their retirement, because they are the people who own those industries. One accountant has given me figures today saying that 10 to 20 per cent of investment portfolios are directly in mining shares—for example, BHP and Rio Tinto. So you are strangling the workers’ retirement funds. You have already seen the damage that you have done to the stock market because of the announcement of this huge tax on that industry.

There is one thing that is interesting: when this tax is brought in and implemented by the Rudd government, Australia will pay out twice the tax of the mining industries in Canada, Brazil and China, yet we are expected to compete. What we are going to see—and we have already seen it—is the pulling out of investment and of exploration. Companies will tend towards South Africa, Indonesia, Brazil—you name it—anywhere where there are fewer costs so they can get the same product and make more profit. That is how free enterprise is. What this government is doing is simply scaring business out of our nation.

The one concern I really have is the fertiliser industry. Incitec Pivot have told the Stock Exchange that they will stop drilling for phosphate as a result of Labor’s new mining supertax. We have been importing our fertiliser onto our farms for years and here is an opportunity to have our own fertiliser in Australia and get a distinct benefit for our nation, but our Incitec people have said, ‘What’s the point of going ahead; we’ve been taxed out of existence.’ That is what this tax is going to do, and that is why we on this side of the parliament will oppose it from the very beginning until Mr Rudd does another backflip and does away with it.

Senator McLUCAS (Queensland) (3.24 pm)—I have to say that, in the last 20 minutes, the debate around this issue has been characterised very much in the sorts of contributions we have had from senators across the way. It has been extraordinarily hysterical, and it has been littered with misinformation. Unfortunately, Senator Williams, you are leaving the chamber. It would have been an opportunity, potentially, for you to get some clarity on what this tax is about. The government’s tax reforms are about making Australia a more attractive investment destination, including for the resources sector.

The resource superprofit tax is designed to ensure that Australians get a fair share from valuable non-renewable resources. Resource taxing is a better way to tax resources because it taxes only the profits and it fully recognises the large investments made in mining. A tax such as this rebates state royalties. Royalty and excises are based on volume or value and they do not rise with profits. It is important to remember that in 2008-09 the resource sector generated close to $90 billion of superprofits. Superprofits are prof-
its above what a competitive business would normally expect to earn. In that same year state royalties and Commonwealth excise returned only $12.3 billion to the Australian budgets. The effect of these proposals is in fact a rebalancing. Ten years ago Australians, through their government, received $1 out of every $3 of profit reaped by the resource sector. Today it is $1 in every $7 of super-profit. Surely that needs some attention.

Senator Cormann—So what is a super-profit?

Senator McLucas—I will go back to that, although I did explain. They are profits above what a competitive business would normally expect to return. As I said, 10 years ago $1 in every $3 of profit was returned to Australians from rental on a non-renewable resource. Today it is $1 in $7.

Profit based taxation does work. For example, the 40 per cent petroleum resource rent tax has existed for over 20 years. The $50 billion Gorgon project was approved under the 40 per cent petroleum resource rent tax. To say that it does not work is simply a furphy. In fact, I encourage leaders of the large mining companies and LNG producers to work with our government to roll out the delivery of the resource superprofit tax for our community.

It is important to remember also that there have been many economists who do not oppose the introduction of this tax. I look to Professor John Quiggan’s commentary on this issue. He goes through a range of arguments about why it is a good idea—a sensible, fair and equitable idea—to introduce a profit tax rather than user royalties and excise. I think his most compelling argument is where he says:

The political economy argument. Ever since I can remember, and probably before that, mining companies have been threatening to pack their bags and go overseas. They’ve made these threats when they were upset about tax policy, about environmental restrictions, about Aboriginal land rights, about union wage demands and work practices and when they were in a bad mood for no particular reason. But, even though lots of Australian industries have disappeared, or contracted drastically for a range of reasons, the miners are still here. The reason is obvious. They can leave but they can’t take the minerals with them. It’s precisely this immobility that underlies the case for—

as he describes it—

RRT—

that is, a resource rent tax. (Time expired)

Senator Back (Western Australia) (3.29 pm)—I rise to take note of the pathetic effort by Minister Carr to try to defend Prime Minister Rudd’s absolutely indefensible supertax on the mining industry in this country. In recent weeks, the Prime Minister has made Australia the laughing-stock of the world. He has put Australia in the situation where the Canadian Minister of Finance, Jim Flaherty, has indicated Canada will now have a tremendous competitive advantage. That minister is here looking for opportunities. There has been a massive reduction in the value of Australian resource companies in the last week and a half. With it, we have seen a massive erosion in the value of superannuation and shares for Australian retirees and Australian workers—the very people those opposite should be standing up for and defending.

Amongst other things, the Prime Minister has vilified foreign investment in this country. When since 1788 did we use anything other than foreign investment to support and grow industries in this country? As has previously been said, we are already seeing the major mining companies walk away, close up investments and close up opportunities. We now have the Prime Minister and the Treasurer saying, ‘Why don’t they come and talk to us?’ Surely they learnt something
from the emissions trading scheme—that is, that they should have gone and spoken to those companies in advance.

We have had figures presented to us in the last few minutes, but let me give you the figures from the Australian Taxation Office on the contribution of the mining sector to this country. According to the ATO, the resources sector pays 13 per cent more tax than any other sector in this country. In the last year alone, the resources sector paid to Australian governments, federal and state, $22 billion. When added to the $22 billion surplus that this government inherited from the previous government, they have squandered $44 billion plus and plus.

Do not go past what the Wall Street Journal said last week. It said, ‘This economic thinking runs counter to everything that has made Australia rich.’ So what have we seen in recent times? We have seen losses. The super funds of retirees and working Australians have gone out the window. Seven hundred thousand Australians have shares in BHP, quite apart from those who have super funds. We just heard the senator opposite speak about the petroleum resource rent tax. Does she not understand this: firstly, it is a tax at the government bond rate plus five per cent, and it is only a prospective tax not a retrospective tax; secondly, the offshore oil and gas industry does not pay royalties to any states. In the petroleum resource rent tax we have this factored in. This stupid tax is being set at the bond rate, currently six per cent. I invested some money the other day for an elderly relative in a nursing home. I rang my bank and they said, ‘We’ll give you six per cent while that person does absolutely nothing for it.’

What an absolute joke this is. We have been made a laughing-stock. Only in the last week have we learnt about the $170 billion of projects in the mining and resource sector and the 500 companies—not just one, two, three or four big companies. As the Queensland Labor Premier and the South Australian Labor Premier have both said in recent days: ‘This is a disastrous tax; it has got to be reversed.’ Let us look at Labor’s gambling for a moment. Under this new tax, this nationalising of the Australian mining industry, we have the government sharing the profits.

Senator Cameron interjecting—

Senator BACK—But also, if Senator Cameron would take note, they will potentially share the losses. Mining is a very fraught industry, as we all know. The situation we will have into the future—and the Australian taxpayers need to know this—is that the government have forced themselves on the mining companies and the government will be paying out losses of up to 40 per cent, as mining companies do not always make profits. If ever there has been a widening of the difference between Labor and Liberal, we have it in the way the cake is made. Labor divides up the cake until it becomes crumbs; Liberals grow the cake to improve it for everybody. (Time expired)

Question agreed to.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.34 pm)—by leave—I move:

That the order of the Senate agreed to earlier today relating to the hours of meeting and routine of business for today, be amended as follows:

Omit paragraph (a), substitute:

(a) the routine of business from 8 pm on Tuesday, 11 May 2010 shall be:

(i) Budget statement 2010-11 and related documents, and

(ii) immediately after the completion of business listed in paragraph (i) above, the Senate shall adjourn without any question being put.
I understand there is agreement around the chamber that there be no adjournment to-night.

Question agreed to.

PERSONAL EXPLANATIONS

Senator FAULKNER (New South Wales—Minister for Defence) (3.35 pm)—I seek leave to make a personal explanation as I claim to have been misrepresented.

Leave granted.

Senator FAULKNER—I have had the opportunity to view a Twitter blog, which purports to be my own personal Twitter blog. The address for this site is: http://twitter.com/senjohnfaulkner. The description on the Twitter blog states that the owner’s name is John Faulkner. The biographical description states, ‘A senator for New South Wales with accountable representation since 1989, Minister for Defence, Vice President of the Executive Council.’

For the purposes of the record, I wish to state that I do not have a Twitter account. I can also confirm for the Senate for those who might be interested that I do not have a personal Facebook account either.

Senator Cormann—Are you sure?

Senator FAULKNER—Of that I am certain. I seek leave to make a further personal explanation.

Leave granted.

Senator FAULKNER—On 15 April this year News Limited newspapers ran an item on turnover in ministerial staff offices in this government. In a graphic alongside the article it stated that I had lost some 50 per cent of my staff. The journalist claimed that I had allegedly lost eight staff because I was ‘a tough minister’. The journalist, Mr Lewis, stated that he had calculated the turnover in staff by tracking changes in personnel in various internal phonebooks over 2008 to 2010. He did not include the departure of departmental liaison officers but did include departures in electorate office staff.

I want to say very clearly that there are flaws in Mr Lewis’s methodology. It failed to take into account transitional temporary positions supplied by departments and internal shifts between ministers’ offices. After the election, temporary staff provided by departments remained on deck for weeks or even months while permanent positions were filled. Since my own portfolio changed in June 2009 from Special Minister of State and Cabinet Secretary to Minister for Defence such temporary positions were factored in twice. This would also have occurred to the staffing component of perhaps some of my other colleagues but I cannot speak on their behalf.

I just want to place the facts on record in this personal explanation: 33 people, permanent and temporary, have worked for me as Special Minister of State or Minister for Defence. Two were ADCs and seven were temporary staff supplied by the respective department. So I have had 24 staff work on a permanent basis—that is, staff employed under the MOP(S) Act. After becoming defence minister two left and four others went to other offices in the building, rather than leave the service of the Rudd government. Two of those in fact went to the Prime Minister’s office. So the portfolio change accounted for six staff changes.

Senator Ludwig—I took two of them.

Senator FAULKNER—I did indeed, Senator Ludwig. I did not mention that but it is true because you took over my previous responsibilities. That is six out of 24—25 per cent. On the other hand, my staffing component has increased from 13 to 18, and I am including the defence ADC in that.

I do not want to be misunderstood in this personal explanation. I think it is the job of the media to probe these issues, as I and my
former colleague, former Senator Robert Ray, did for many years in Senate estimates. It is an important accountability mechanism to ensure that offices do not get bloated with political operatives, extra departmental liaison officers or the like. But I do say this: to jump to false conclusions, present speculation as fact and not acknowledge the spills that occur during portfolio changes is not very good form. I do not think it presents the full picture.

Like all my colleagues, I am grateful to all the people who have worked as ministerial staff, present and past, and I would obviously acknowledge that working for a minister is hard, demanding and not everybody’s cup of tea. It is also a public service which progresses our nation and, for some, it is very rewarding. For the record, I have employed 24 permanent staff over 18 months. I have had six staff changes; four of whom went to work in other offices in a change of portfolio. I would calculate the staff turnover at 25 per cent, not 50 per cent—and two happily went to work for the Prime Minister.

Senator Ludwig—Two came to me.

Senator Faulkner—And two apparently went to Senator Ludwig as well. I just want to place the full story on the record for the benefit of anybody who might be listening.

NOTICES
Presentation

Senator Pratt to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the pledge, first made by Australia in the year 2000, to spare no effort to free our fellow men, women and children from the abject and dehumanising conditions of extreme poverty, to which more than a billion are currently subjected,
(ii) that with only 5 years until the international goals to address extreme poverty are due, there is now an urgent need to recommit ourselves to this task, and
(iii) that our actions of the past 20 years have already succeeded in halving rates of extreme poverty, and within a generation we can and will make poverty history; and
(b) welcomes the ‘Make Poverty History’ campaign to ensure that we do our fair share to achieve all the Millennium Development Goals.

Senator Abetz to move on the next day of sitting:
That there be laid on the table by the Minister representing the Treasurer, no later than noon on Thursday, 13 May 2010, all modelling, costings, consultancy statements and other relevant documents used by the Government to inform its response to the ‘Henry Review’ (Australia’s Future Tax System report).

Senator Ludlam to move on the next day of sitting:
That there be laid on the table by the Minister representing the Minister for Trade, no later than 4 pm on 15 June 2010, the following:
(a) documents containing National Interest Assessments on the Papua New Guinea Liquefied Natural Gas Project (the project);
(b) documents containing assessments of the project authored by the Department of Foreign Affairs and Trade, AusAID and the Department of Resources, Energy and Tourism;
(c) documents containing the Export Finance and Insurance Corporation environment and social impact assessment; and
(d) any document benchmarking or evaluating compliance of the project with the Equator Principles or the International Finance Corporation’s Performance Standards.

Senator Ludwig to move on the next day of sitting:
That the order of the Senate agreed to on 13 February 2008, relating to the allocation of departments and agencies to legislative and general purpose standing committees, be amended to read as follows:

*Environment, Communications and the Arts*
- Broadband, Communications and the Digital Economy
- Climate Change and Energy Efficiency
- Environment, Water, Heritage and the Arts

*Finance and Public Administration*
- Finance and Deregulation
- Human Services
- Parliament
- Prime Minister and Cabinet

**Senator Birmingham** to move on the next day of sitting:

That there be laid on the table by the Minister for Climate Change, Energy Efficiency and Water, no later than noon on 13 May 2010, a copy of the following reports relating to the Green Loans program, as referred to by the Minister in her 10 March 2010 statement to the Senate (Senate Hansard, p. 1521):

(a) the audit report by PricewaterhouseCoopers into the assessor accreditation process and adherence to the Protocol for Assessor Accrediting Organisations; and

(b) the report of the independent inquiry in relation to contractual agreements and procurement processes entered into during the final design and implementation of the program.

**Senator Birmingham** to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Environment Protection, Heritage and the Arts, no later than noon on 13 May 2010, a copy of correspondence from the Minister for Environment Protection, Heritage and the Arts (Mr Garrett) dated 14 August, 27 August, 28 October and 30 October 2009 addressed to the Prime Minister (Mr Rudd) regarding the Home Insulation Program.

**Senator Cash** to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) under the agreement reached between the Commonwealth Government and the states, stimulus funding under the Government’s Nation Building and Jobs Plan is to be additional to existing state spending efforts,

(ii) as part of its inquiry into the Primary Schools for the 21st Century school building program, the Education, Employment and Workplace Relations References Committee is seeking to ensure that states and territories have maintained their planned spending on primary schools and have not reduced their spending as a consequence of receiving stimulus funding through the Government’s Nation Building and Jobs Plan,

(iii) the committee received evidence in November 2009 that maintenance of spending effort is being monitored through quarterly reports by the states and territories to Heads of Treasury,

(iv) the committee wrote to the Secretary of the Department of the Treasury (Dr Ken Henry) in December 2009 requesting copies of these quarterly reports,

(v) the Secretary of the Department of the Treasury wrote back to the committee, also in December 2009, declining to provide the reports on the basis that to do so would not be in the public interest as it would damage relations be-
between the Commonwealth and the states, but noting that a decision on whether to provide the reports was ultimately a matter for the Treasurer (Mr Swan),

(vi) the committee then wrote to the Treasurer on 8 February 2010, noting its disagreement with the Secretary of the Department of the Treasury’s assessment that provision of the reports would damage relations between the Commonwealth and the states, and requesting provision of the quarterly reports by no later than 26 February 2010,

(vii) having received no formal response, the committee again wrote to the Treasurer on 15 March 2010, asking that the reports be provided by 26 March 2010,

(viii) when the Treasurer finally responded to the committee’s correspondence on 20 April 2010, he refused the committee’s request on the basis that to release the quarterly reports (either publicly or in camera) could reasonably be expected to cause damage to relations with the states and would therefore not be in the public interest, and

(ix) the committee continues to disagree with the grounds advanced by the Treasurer for failing to provide the reports, for the following reasons:

(A) if all states and territories have complied with the requirement to maintain their spending effort, the committee does not see how any damage could be caused by providing evidence to confirm this fact,

(b) orders that there be laid on the table by the Minister representing the Treasurer, no later than 4 pm on Thursday, 13 May 2010, the quarterly reports as requested.

Senator Siewert to move on the next day of sitting:
That the Senate—

(a) notes:

(i) the growing body of evidence that the chemical Bisphenol A (BPA), used in plastics, including food packaging, is harmful to humans even in minute quantities and is unsuitable for use in baby bottles and food containers,

(ii) that research has linked BPA to a range of health problems, including reproductive problems, endometriosis (a chronic gynaecological disease), heart disease, diabetes and abnormalities in liver enzymes, among other conditions,

(iii) the recent letter by eight toxicologists and cancer specialists from the United States of America (US), Britain and Italy, published in The Independent newspaper in the United Kingdom on 8 April 2010, that calls for the products containing BPA used for baby and children’s food and liquid packaging to be withdrawn and replaced by less hazardous substances,

(iv) that children’s products containing BPA have been banned in Denmark, Canada and a number of states in the US,

(v) that a number of manufacturers have voluntarily stopped using BPA in baby’s products, demonstrating that alternatives are available, and

(vi) that Food Standards Australia New Zealand permits the continued use of this chemical in babies’ products in Australia; and
(b) calls on the Rudd Government to reassess the public health risk of BPA to all Australian consumers.

Senator Siewert to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Environment Protection, Heritage and the Arts (Senator Wong), by 13 May 2010, the following documents relating to the shortfin and longfin mako shark and the porbeagle shark during and since December 2008 when those species were listed on the United Nations Convention for the Conservation of Migratory Species of Wild Animals (the convention):

(a) all briefings from the Department of the Environment, Water, Heritage and the Arts (the department) to the Minister for Environment Protection, Heritage and the Arts in relation to the listings on the convention and subsequently in relation to listing the species under the Environment Protection and Biodiversity Conservation Act 1999; and

(b) any briefings and advice received by the department or the Minister for Environment Protection, Heritage and the Arts from scientific experts or bodies or other government departments in relation to those three species.

Senator Xenophon to move on the next day of sitting:

That the Senate—

(a) formally recognises the genocide committed against the Armenian people in 1915, including the massacre of up to 1.5 million Armenians;

(b) joins with countries including Poland, Belgium, Canada, France, Greece, Italy, Russia, Sweden, Switzerland, Lebanon, more than 40 states of the United States of America, the Vatican, the European Parliament, and also the states of New South Wales and South Australia, in condemning the 1915 massacre at the hands of the Ottoman Turkish Government;

(c) notes that the intention of this recognition is to play a positive role in the healing process for the survivors of this event and their descendants; and

(d) acknowledges that from 1915 to 1929, the Armenian Relief Fund of Australia provided humanitarian assistance to victims of the Armenian Genocide.

Senator Trood to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia’s administration and management of the Torres Strait be extended to 2 September 2010.

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

That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on the National Broadband Network, be amended to omit “12 May 2010”, and substitute “17 June 2010”.

CHAMBER
Senator Hanson-Young to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to establish an independent Office of the Commonwealth Commissioner for Children and Young People, and for related purposes. *Commonwealth Commissioner for Children and Young People Bill 2010.*

Senator Hanson-Young to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the recent decision by the Rudd Government to suspend the processing of asylum claims from Sri Lankan and Afghan nationals for 3 and 6 months respectively, and

(ii) in 2009, Australia received just 1.6 per cent of all asylum claims lodged in the world’s 44 industrialised nations, with less than half of this number arriving by boat;

(b) recognises that this new policy is in breach of Australia’s international obligations under the:

(i) United Nations Refugee Convention,

(ii) United Nations Convention on the Rights of the Child, and

(iii) International Covenant on Civil and Political Rights;

(c) congratulates the joint statement from 45 non-government organisations from 16 countries, in condemning the Australian Government’s decision to suspend the processing of asylum claims for Sri Lankans and Afghans; and

(d) calls on the Government to immediately reverse its suspension of asylum applications, restoring the right of people seeking protection from persecution to have their claims assessed in a fair and timely manner.

Senator Hanson-Young to move on the next day of sitting:

That the Senate—

(a) notes the treacherous, and sometimes fatal journey asylum seekers who arrive by boat take in reaching Australia, including the reports as early as the week beginning 9 May 2010 of the five Australia-bound asylum seekers who perished at sea in an attempt to find assistance for their stricken vessel; and

(b) calls on the Government to immediately conduct a public investigation and review into the protocols for monitoring and intercepting boat arrivals, and report back to the Senate by 30 June 2010.

Senator Stephens to move on the next day of sitting:

That the Senate notes:

(a) that from 10 May to 16 May 2010 is National Volunteer Week, the largest celebration of volunteers and volunteerism in Australia;

(b) that one in four, or more than 5 million Australians, volunteer in their communities;

(c) that Australian volunteers contribute more than 700 million hours of community service to many areas of society, including community health care, heritage and arts, environment conservation, emergency services, education, social justice and sports and international aid;

(d) their service contributes approximately $42 billion to our economy each year, with the community value of their efforts far exceeding dollar measurement;

(e) that volunteering promotes active citizenship, builds connections and creates stronger communities, shaping Australia into a country in which we can be proud; and

(f) that as a nation we say ‘thank you’ to our volunteers, and volunteering organisations, for their contribution to all facets of Australian life.
Senator Milne to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the $435 million Renewable Energy Demonstration Program, which was intended to provide grants to support the commercialisation of emerging renewable generation technologies, was first announced by the Government in the budget 2 years ago,
(ii) applications closed on 15 April 2009, and four projects were awarded funding of $235 million on 6 November 2009, and
(iii) more than one year after applications closed, significant funding remains outstanding; and
(b) calls on the Government to:
(i) expedite the allocation of the remaining funding, and
(ii) make clear which renewable energy projects it announces in the budget context are being funded with allocations held over from previous budget allocations and which is additional and new funding.

Senator Bob Brown to move on the next day of sitting:
That the Senate—
(a) notes the Australian Constitution was drafted at the Windsor Hotel, Melbourne, in 1898 and it housed many of Australia’s ‘founding fathers’ during the formative years of our Parliament, accommodating prime ministers, politicians, actors, performers and celebrities; and as such
(b) recognises the national heritage significance of the Windsor Hotel.

Senator Bob Brown to move on the next day of sitting:
That the Senate calls on the Government to commission a feasibility study into the staged construction of a high speed rail network on the east coast of Australia, which could deliver accessible fast, reliable, ecologically-sustainable long-distance transport.

Senator Brandis to move on the next day of sitting:
That the time for the presentation of the report of the Standing Committee of Privileges on the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 be extended to 4 June 2010.

Senator Brandis to move on the next day of sitting:
That the Standing Committee of Privileges be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 May 2010, from 4 pm to 7 pm, to take evidence for the committee’s inquiry into the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009.

Withdrawal
Senator PRATT (Western Australia) (3.42 pm)—I withdraw general notice of motion No. 761 standing in my name and in the name of Senator Birmingham for today.

CONDOLENCES
Mr Bernard Francis Kilgariff OAM, AM
The ACTING DEPUTY PRESIDENT (Senator Trood) (3.45 pm)—It is with deep regret that I inform the Senate of the death, on 13 April 2010, of Bernard Francis Kilgariff, OAM, AM, a senator for the Northern Territory from 1975 to 1987.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.46 pm)—by leave—I move:
That the Senate records its deep regret at the death on 13 April 2010, of Bernard Francis Kilgariff, OAM, AM, former senator for the Northern Territory, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

Bernie, as he was known, was born in Adelaide in 1923 but moved to Alice Springs with his family as a young boy. He was the
first Territory student to achieve a year 10 intermediate certificate.

After he finished school, Bernie served in the Australian Army during the Second World War. He fought in Papua New Guinea in the 2nd/5th Battalion, 6th Division of the Australian Imperial Force. Upon his return, he became very active in his local community and was well known for being one of the first tourism entrepreneurs in the Alice.

 Bernie had a distinguished career representing the people of Alice Springs, starting when he was appointed to the Legislative Council of the Northern Territory in 1960. He served in the Legislative Council until 1968, at which point he continued as a member of the new Legislative Assembly of the Northern Territory until 1975. He was Speaker for two years until he was elected to federal parliament as one of the first two senators for the Northern Territory in 1975.

 Bernie campaigned hard for the establishment of self-government for the Northern Territory, which was achieved in July 1978, and he remained a vocal advocate for statehood for the Northern Territory for the rest of his life. I am sure that Senator Scullion will have more personal reflections on what was clearly a very committed and active life advocating for the Northern Territory.

 Bernie remained in the Senate until 1987 and played a significant role in the formation of the Country Liberal Party. During his time in parliament, he served on a number of Senate legislative and general purpose standing committees as well as a number of Senate select and joint committees. He was also a member of parliamentary delegations to China, Japan, Romania, the former USSR and Hungary in 1978; Saudi Arabia, Oman and the United Arab Emirates in 1982; and Thailand and Indochina in 1984.

 It is worth noting that, during Bernie’s 27-year political career, he never once lost an election. Not many of us can say that. In 1989, Bernie was awarded the Medal of the Order of Australia and, in 1996, he was elevated to a Member of the Order of Australia. The recognition was for continued service to the Northern Territory through the Northern Territory Landcare Council, the Anti-Rabbit Research Foundation, the Cattlemens Association, the Australia Day Council and St John Ambulance. He was also invested as a Knight of the Order of St John. In 2001, he received the Centenary Medal for service to Australian society through the parliament.

 Unfortunately, Bernie passed away on 13 April this year. He will be fondly remembered for his passion for politics and his lifelong commitment to the people and causes of the Northern Territory. Fittingly, he was accorded a state funeral at Alice Springs.

 On behalf of the government, I offer our condolences to the family of Bernard Francis Kilgariff, particularly to his wife, Aileen, and their many children: Danny, Andrew, Frances, Helen, Claire, Brian, Anne, Michael, Kathryn and John. It is a full life well lived and a tremendous record of contribution to public service.

 Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (3.50 pm)—On behalf of coalition senators, I too extend our sincere condolences to the family of former Senator Bernie Kilgariff, a senator for the Northern Territory and a member of the Country Liberal Party, who died on 13 April this year at the age of 86, after a long and very rich life. His contributions have set the bar high for those who follow. His life was full in so many ways. His life was inspirational and a living expression of the coalition philosophy.

 Mr Kilgariff was one of the modern pioneers of Central Australia and was instrumental in the formation of the Country Liberal Party in the Northern Territory. He was
born at Mile End in South Australia in 1923 and arrived with his family in Alice Springs at the age of seven.

He went on to make extensive contributions to the outback, pastoral, aviation, construction and resource industries, defence, tourism, Aboriginal affairs and the community—all in partnership, with the support and encouragement of his wife, Aileen, and their 11 children. I note: no baby bonus or paid parental leave was needed here. His 11 children were undoubtedly a great apprenticeship for his later role as whip of coalition senators.

Mr Kilgariff’s political career started in 1960 in the Legislative Council of the Northern Territory. He went on to become the first Speaker of the first fully-elected Legislative Assembly of the Northern Territory in 1974 and then, in 1975, he was elected as one of the first Territory senators and one of the first senators to represent the newly-formed Country Liberal Party. From 1979 he represented the Liberal Party. I recall meeting with the then senator when I was a very young President of the Australian Liberal Students Federation seeking support for voluntary student unionism, which I note was finally achieved about four or five years ago. I had the privilege of steering the legislation through this place, never expecting it would take so long.

Mr Kilgariff retired from politics in 1987 and continued contributing to every facet of the community for the rest of his life. His contributions were rightly recognised through the Order of Australia. He received the Medal of the Order, OAM, and the Member of the Order, AM, in 1996. On receiving the Order of Australia, Mr Kilgariff said:

It sounds corny, but the biggest pleasure of my career has been representing people.

Mr Kilgariff exemplified commitment to and engagement with the community. He genuinely wanted the Northern Territory—and I quote from his maiden speech in the Senate in 1996—to be ‘capable of performing mighty feats which will be to the benefit not only of the Territory but of Australia’. He was a devoted servant to the parliament and the Northern Territory.

To Mr Kilgariff’s widow, Aileen, and his children and grandchildren, the coalition extend our sympathy in their bereavement and place on record our appreciation of his public service throughout his life. I know Senator Scullion, who so ably represents the Northern Territory and the Country Liberal Party in the Senate, will provide additional supportive comments.

Senator SCULLION (Northern Territory) (3.53 pm)—I rise to join the Leader of the Government in the Senate and the Leader of the Opposition in the Senate in the condolence motion for the loss of former Senator Bernard Kilgariff. All Australians should honour the enormous contribution of my mate, one of the Northern Territory’s first politicians and the founder of the Country Liberal Party, Bern Kilgariff, who was born on 30 September 1923 and sadly passed away on 13 April this year.

Bern had a lifetime of outstanding community contribution and was well liked by people from both sides of the political divide, representing the Northern Territory as the first Speaker of the Legislative Assembly and as the Territory’s first senator. In 1929 he arrived in Alice Springs with his family on one of the first Ghan trains from Adelaide. I was very lucky, particularly in the first few years of the Senate, to enjoy some of the stories that Bern used to tell about his early days growing up in Alice Springs. As you can imagine, it really was a joy to see Alice Springs in the late 1920s and early 1930s
through the eyes of someone who had spent so much time there and seen so much change.

Bern went on to serve in the Australian Army during the Second World War, built and operated motels and service stations in Alice Springs, turned his hand to farming and pastoralism and was instrumental in opening up Central Australia to tourism. He was a very experienced guy. If you spent any time with him and there was a bit of old agricultural equipment or a car of some age he would straightaway tell you how they had improved that part. I often used to say, because he was so knowledgeable, ‘What’s that bit there?’ And he would say that that was a such and such and it used to hang off the something or other. He always had such an intimate knowledge of almost every aspect of life. Certainly in the pastoral industry, he was somebody who looked back with some sadness at the changes in the opportunities that presented to our first Australians. He reflected on a time when Aboriginals in Central Australia were the absolute backbone of the pastoral industry and saw with some sadness that they no longer enjoyed the same opportunities they had when he first got there.

One might wonder whether there was anything, as an individual, that Bernie could not do. We need only to look at some of the positions he held in the Northern Territory. He was Chairman of the Northern Territory Housing Commission, Director of the Central Australian Travel Association, President of the Alice Springs Art Foundation and Chair of the Alice Springs Community College. In 1974 he founded the Country Liberal Party—and, in this place, we may appreciate the difficulty of that. He was instrumental in securing for that party, as a brand new party, 17 of the 19 seats in the first Northern Territory Legislative Assembly election. I do not think it matters what side of parliament we are from; we must all acknowledge that as an incredible feat. Bern, they certainly were the halcyon days, mate!

Bern was very passionate about the Northern Territory. I can remember, when on the few occasions a keynote speech I gave in the Northern Territory did not include statehood, he would come up to me and remind me very forcibly that I had forgotten the first principle—that if we were ever talking about the Northern Territory we needed to remember that statehood was an absolutely fundamental part of the future. Bern, it is never far from our minds, mate.

Bern was recognised in a number of ways, including being given the Order of Australia. I think he would have reflected on how wonderful that was, but I know that in 2008 being invested as a Knight in the Order of St John, specifically for his contribution to the St John Ambulance service, would also have given him a great deal of joy.

He was also named Senior Australian of the Year for the Northern Territory in 2003. That acknowledgement was a reflection of how Bernie, even in his later years, was a very active person in the community, continuing to advocate right across the board. I still remember that at any time I could get a phone call with his voice on the other end saying: ‘Nigel, it’s Bernie. Just a couple of ideas.’ He would then go into some aspect of politics or his thoughts of the day. He was always worth listening to. He had an incredible mind and often had a different angle that you would never have thought of. In politics it is very refreshing to see somebody who has such a wonderful insight into Australian life, and I am sure that was a reflection of his great experience.

Those people who knew Bern will know that one of his most famous sayings about opportunity was, ‘If a tram goes past, hop on it and see where it takes you.’ As I have
moved around Australia—not just the Northern Territory—I have found that as soon as someone knows I am a senator and I am from the Northern Territory they say, ‘You’d know Bern Kilgariff.’ I would say, ‘Yes, of course I know Bernie,’ and we would have some sort of conversation. Bern’s tram took him right around Australia and right around the world. He had a great many opportunities. He took every single one. I think the hundreds of people who turned out at Bernie’s state funeral in Alice Springs last month were a reflection of that. It was a fantastic funeral. It was a fitting farewell to a man who contributed so much to his community and so much to his country. I would like to extend my condolences to Bernie’s wife, Aileen, and to his family, who lost a wonderful husband, father and grandfather.

Question agreed to, honourable senators standing in their places.

Mrs Andrea Gail West
Mr William Yates

The ACTING DEPUTY PRESIDENT (Senator Trood) (4.01 pm)—It is with deep regret that I inform the Senate of the death of two former members of the House of Representatives: on 20 April 2010, Andrea Gail West, a member for the division of Bowman, Queensland, from 1996 to 1998; and, on 10 April 2010, William Yates, a member for the division of Holt, Victoria, from 1975 to 1980.

Senator KROGER (Victoria) (4.01 pm)—by leave—I would like to make some brief remarks. It was a great pleasure of mine to meet the local member for Holt, Bill Yates—as he was known to us all—in 1975, when I first joined the party. It was a memorable year, because it was the last year of the former Whitlam government. Bill was a flamboyant man and a man of incredible intellectual rigour, integrity and common decency who has left a lasting legacy in the Liberal Party and one that his family should be enormously proud of.

It brings a smile to my face to remember the first times that I met him, when we were holding local Holt electorate meetings in my family’s home. He was the only member of the House of Representatives who could claim that he had served both in the House of Commons and here in the Australian parliament. As a Conservative member of the House of Commons he was one of the government’s staunchest critics during the 1936 Suez Canal crisis, which saw the downfall of then British Prime Minister Eden. Holding a marginal seat, he was later defeated at the polls in the general election of 1966 and soon thereafter moved to Australia. Putting his marginal seat campaigning skills to the test, he stood for the seat of Holt in 1975 and secured a nine per cent swing to the Liberal Party and held the seat of Holt for two terms. He was a much appreciated, revered and combative local member and was known to be a very eloquent advocate not only for the constituency of Holt but also here in Canberra. He was also very well known as the beekeeper of the Australian parliament and was known for the hives he kept in the grounds of Parliament House. He used to frequently share his observations on the merits of bees both for the pure honey produce and for the therapeutic effects, if you like, of the bee stings themselves.

It was later, when I entered this place, that I reconnected with him. He had moved to country Victoria to a place called Tallangatta. He would frequently get in touch with me and share his views on a number of subjects, very excited that one of his earlier branch members had ended up in this place. It was at the ripe old age of 82 that he undertook his doctorate in political science. So he did not take his retirement very seriously at all. In fact, rather than enjoying the simpler things in life, he worked very hard until the end. He
had good reason to be very proud of his family. His family have great reason to be very proud of his achievements. The condolences and best wishes of all in the Liberal Party, but particularly those of the Victorian division of the Liberal Party, are sent to all his family.

Senator BRANDIS (Queensland) (4.05 pm)—by leave—As a fellow Queenslander, I want to make some remarks on the sad death only last week of former member for Bowman Andrea West. Andrea West died at a very young age, comparatively speaking. She was born in 1952, so it would have been her 58th birthday later this year. Sadly, she has been taken from us. Andrea West served only one term in the House of Representatives, as the member for Bowman. She was one of the landslide that elected the Howard government in 1996 and she was one of the several members of the coalition parties who lost their seats at the 1998 election. I knew Andrea West reasonably well. She was a well-known and well-liked figure in the Queensland Liberal Party and she had a very long Liberal lineage in Queensland, because she was the daughter of Bill Kaus. Bill Kaus was a member of the state parliament. He was the member for Mansfield throughout the 1960s and into the early 1970s. So Andrea came from very good Liberal bloodlines.

She was a very generous and a gracious person. She was one of those heroic people who, knowing that they were clinging onto a very marginal seat after the 1996 election, nevertheless strongly supported the GST—the proposal that John Howard took to the 1998 election to seek the people’s mandate. Some of those members, particularly for very marginal seats, must have known, as turned out to be the case, that by supporting the GST—a proposal that had never been successfully introduced by an incumbent government without suffering loss at the following election anywhere in the Western world at that stage—she was imperilling her own future. But she, along with several other Liberal-National Party colleagues, was prepared to put the national interest and her beliefs and her principles ahead of her own self-interest. So she supported this what promised to be a very unpopular measure. She did go down to defeat in Bowman in 1998, but she was one of those people who, although they left the other place involuntarily, nevertheless left with their head held high because she had come into parliament to achieve things for Australia and, at the cost of her own political life, she contributed to bringing about that very beneficial set of policies. That is part of her legacy.

After her defeat Andrea West remained a member of the Liberal Party in Queensland. She was active around the branches in the Redlands area, which was where she lived, and in fact just over 10 years ago, on 30 April 2000, Andrea West was one of the candidates who stood for the casual Senate vacancy which was created by the resignation of Senator Warwick Parer. I was fortunate enough to be selected by the Liberal Party on that occasion from a field which I think it is fair to say was a strong field. Andrea West, as a rival for preselection, was the soul of courtesy and grace and decency.

I am sad for her passing. I am particularly sad that she has died at such a young age. Her legacy, although modest by comparison to longer political careers, is nevertheless a distinct and an honourable legacy of which she and her family can be proud. I am sure that the other four Queensland Liberal senators would wish to be associated with my remarks.

LEAVE OF ABSENCE

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (4.10 pm)—by leave—I move:
That leave of absence be granted to Senator Ferguson from 11 May to 13 May 2010, on account of parliamentary business overseas on behalf of the President of the Senate.

Question agreed to.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (4.10 pm)—by leave—I move:

That leave of absence be granted to Senator Boyce from 11 May to 13 May 2010, for personal reasons.

Question agreed to.

COMMITTEES

Public Accounts and Audit Committee

Meeting

Senator McEWEN (South Australia) (4.11 pm)—by leave—At the request of Senator Lundy, on behalf of the Joint Committee of Public Accounts and Audit, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 12 May 2010, from 11.30 am to 1 pm, to take evidence for the committee’s inquiry into the review of Auditor-General’s reports.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 694 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Protection of Personal Information Bill 2010, postponed till 12 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 12 May 2010.

NEW THERAPEUTIC GROUPS

Order

Senator FIERRAVANTI-WELLS (New South Wales) (4.12 pm)—I seek leave to amend general business notice of motion no. 768 standing in my name for today proposing an order for the production of documents relating to the establishment of new therapeutic groups under the National Health Act 1953.

Leave granted.

Senator FIERRAVANTI-WELLS—I move the motion as amended:

That the Senate—

(a) recalls its action in disallowing 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; 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 McEWEN (South Australia) (4.13 pm)—by leave—The government notes its opposition to this motion and also notes that the motion is supported by both the opposition and the Greens and therefore by the majority of the Senate. Therefore, we will not call for a division.

Question agreed to.
ENVIRONMENT: MILLEWA FOREST

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.14 pm)—I move:

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.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (4.14 pm)—I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT (Senator McGauran)—Leave is granted for two minutes.

Senator LUDWIG—The government does not support this motion. The government is working with the New South Wales government to ensure that its reforms lead to forestry action being compliant with the Environment Protection and Biodiversity Conservation Act.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.14 pm)—I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator WILLIAMS (New South Wales) (4.16 pm)—I seek leave to make a short statement.

Senator WILLIAMS—I would like to add to this debate that I have visited the red gum forests. I was down there last weekend and some six months ago. Locking up these forests and leaving them will destroy these forests—make no mistake about it. The forests have been managed for more than 150 years. They are a renewable resource. I urge Senator Brown to go down and have a look at the 900 hectares that was burned some four years ago. Red gum will not stand any fire whatsoever. When it was burned, the millers asked to remove the timber within 12 months before it cracked so that they could use it for some good. They were not allowed to do that. The locals asked to remove the dead timber to use it for firewood and to allow the growth of a new forest. They were not allowed to do that.

In the Millewa forests we have a damaged but intact ecosystem of red gums in the Murray system. We have an Environment Protection and Biodiversity Conservation Act—let me repeat that—a biodiversity conservation act which requires that there be a probity which errs on the side of protecting biodiversity. Here is an opportunity for it but the government opposes it. It is working with the New South Wales government. What does that mean? What we need to hear in the Senate is that these red gum forests will be protected and that the vigour of this government will be put into protecting this nation’s heritage against this onslaught of extinction, with Australia one of the worst-performing countries. It is time that the legislation was backed up and action was taken. I am surprised the government will not be supporting this motion.

Senator WILLIAMS (New South Wales) (4.16 pm)—I seek leave to make a short statement.

Senator WILLIAMS—I would like to add to this debate that I have visited the red gum forests. I was down there last weekend and some six months ago. Locking up these forests and leaving them will destroy these forests—make no mistake about it. The forests have been managed for more than 150 years. They are a renewable resource. I urge Senator Brown to go down and have a look at the 900 hectares that was burned some four years ago. Red gum will not stand any fire whatsoever. When it was burned, the millers asked to remove the timber within 12 months before it cracked so that they could use it for some good. They were not allowed to do that. The locals asked to remove the dead timber to use it for firewood and to allow the growth of a new forest. They were not allowed to do that.
We now have 900 hectares of dead trees, and people call this conservation. I call it absolute destruction of our environment. You take the grazing out, you let the fuel levels build up and, once you have more than five tonnes of fuel per hectare, a 40-degree day and a 30-kilometre wind, the fire is uncontrollable. By locking this land up, just as the past Premier of New South Wales, Nathan Rees, did on the very day he was sacked as Premier, you are losing jobs and taking millions of dollars out of the economy. There is a destruction of the economy and now you are going to destroy the whole red gum forest with fire. Make no mistake about it—it will happen as sure as I speak here now if that country is locked up and left. The grasses will grow, the fuel will increase, the lightning will strike and there will be the destruction of the whole environment.

The ACTING DEPUTY PRESIDENT (Senator McGauran)—The question is that the motion moved by Senator Bob Brown relating to the Victorian Millewa forest be agreed to.

The Senate divided. [4.22 pm]

(The Acting Deputy President—Senator JJJ McGauran)

Ayes............ 6
Noes............ 36
Majority........ 30

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

NOES
Abetz, E.           Adams, J.
Back, C.J.           Bernardi, C.
Bilyk, C.L.          Bishop, T.M.
Brandis, G.H.        Brown, C.L.
Bushby, D.C.         Cameron, D.N.
Cash, M.C.           Colbeck, R.
Collins, J.          Cormann, M.H.P.
Crossin, P.M.        Feeney, D.
Fielding, S.         Fierravanti-Wells, C.
Forshaw, M.G.        Hurley, A.
Ludwig, J.W.         Lundy, K.A.
Marshall, G.         McEwen, A.
McGauran, J.J.J.     McLucas, J.E.
Minchin, N.H.        Moore, C.
Nash, F.             Parry, S.
Polley, H.           Pratt, L.C.
Sherry, N.J.         Troeth, J.M.
Williams, J.R. *     Worley, D.

* denotes teller

Question negatived.

AFGHANISTAN

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.26 pm)—I move:

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.

Question put.

The Senate divided. [4.27 pm]

(The Acting Deputy President—Senator JJJ McGauran)

Ayes............ 6
Noes............ 37
Majority........ 31
Senator Bob Brown—Mr Acting Deputy President McGauran, on a point of order: you described the motion about the Millewa forest as being about the ‘Victorian’ Millewa forest. I want to correct the record. That is not correct, and I do not know where you got that information from. It was a mistake from the chair, and I just want to correct the record.

The ACTING DEPUTY PRESIDENT (Senator McGauran)—So corrected.

COMMITTEES

Environment, Communications and the Arts Legislation Committee

Extension of Time

Senator McEwen (South Australia) (4.30 pm)—by leave—I move:

That the time for the presentation of the report of the Environment, Communications and the Arts Legislation Committee on the provisions of the Building Energy Efficiency Disclosure Bill 2010 be extended to 12 May 2010.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Rudd Government

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

The Rudd government’s litany of broken promises.

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

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

The ACTING DEPUTY PRESIDENT—

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

Senator Abetz (Tasmania) (4.31 pm)—I quote:

Trust is the key currency of politics, and unless you can be trusted to honour that to which you’ve committed to do, then, I’ve got to say, you’re not going to obtain the enduring respect of the Australian people.

Those prophetic words were spoken by no other than the Labor leader himself on 29 February 2008, some two years ago. Put simply, the Australian people no longer trust Labor, because Labor has not honoured the people of Australia by keeping its promises. Indeed, Labor discards its solemn promises as easily as we discard our used tissues: it spares them not another thought.

The list of broken promises, this shameful record, must surely be vying for a place in the Guinness Book of World Records. Who...
else could recklessly make so many inflated promises—inflated both in number and actual size—and then so dismissively walk away from them other than Labor, led by the promise-making, promise-breaking duo of Mr Rudd and Ms Gillard—and, might I add, every single Labor member and senator in this place?

We all recall the galling, high and mighty pontifications of the odd couple of Australian politics telling Australians that the greatest moral challenge of our time was climate change. That was why we needed their big new tax on everything by 2010: because to delay until 2011 or 2012 and go with the rest of the world was simply irresponsible. It was immoral, no less. We then had the indecency of the Prime Minister, during question time, blaming a heatwave on climate change to underscore the importance and urgency of Labor’s emissions trading scheme, only to have it delayed by one year and then out to 2013—after not only this election but the one after that as well. The great moral challenge of our time simply evaporated. Why? Because Labor never meant it. They had focus group testing and a series of phrases clearly tested very well, and they regurgitated them, but without conviction, without sincerity and without belief, but with absolute cynicism, with connivance and with manipulation of the Australian people in mind.

The list of cynical promises and overblown commitments that Labor took to the last election is mind blowing. Remember Fuelwatch? Treasury officials worked 37 hours straight to deliver to a cynical political agenda and delivered a policy debacle. Fresh from the humiliation of that debacle, the government simply turned to GROCERYchoice, with similar cynicism and similar results.

We can turn to Ms Gillard’s trifecta of debacles. Remember the huge promise of a laptop for every student? It was the toolkit of the 21st century, we were told—but it was empty and it was not connected, and the cost blew out. Let us recall the Building the Education Revolution program—just a minor blow-out there of over $1,000 million. The worst example of Ms Gillard’s trifecta was the commitment that no worker would be worse off under their industrial relations changes. Remember that? Tens of thousands of Australian workers today are worse off—some in excess of $120 per week worse off—and all Ms Gillard can say when confronted is that her new Fair Work system is working ‘as expected’. If it is truly working as expected, why didn’t Ms Gillard tell the Australian people before the last election that tens of thousands of Australian workers would be worse off? And, of course, as minister for training, Ms Gillard was responsible for the lack of training in that literally fatal debacle with the pink batts. And Ms Gillard is seen as one of Labor’s leading lights. You can see how bad they all are when somebody with such a ministerial record is seen as one of the leading lights.

But it will be noted that these breaches of promise are in the area of economics, workplace relations, environment, climate change, education, consumer affairs and health as well. Just witness the private health insurance rebate, which Mr Rudd and Ms Gillard so solemnly promised to keep—and discarded just as easily. Look at the non-GP superclinics.

We turn to family policy. Remember the chest beating about the double drop off? How outrageous that was and that the Howard government had done nothing about it! That was why we needed 260 new childcare centres all to be funded, quite responsibly, by Mr Rudd. What did they do? I think they built three and then simply dumped the policy—no apology, no contrition; just greasing
their way to the next issue hoping that people would forget that which they have broken.

I could go to border protection. What a great promise that was: that Mr Rudd would turn the boats back in the seas. Indeed, he has welcomed them with open arms and we now see the greatest flood of illegal immigration into this country for many years—I believe, ever.

Then we have the Japanese whaling debacle. Remember that? We were going to take Japan to the International Court of Justice, and how weak was Mr Howard in not doing so! Unfortunately, a lot of Australian people believed that rhetoric. What have they done? Absolutely nothing other than—and here is a hint as to when the election is going to be—they will consider taking Japan to the International Court of Justice in November or thereabouts if nothing has occurred by then. We all know the election will have come and gone by November on the basis of that promise.

What we have with this government is all inflated brash promises based on cynicism, not on the evidence or the national interest. I make this observation: the people of Australia wanted this Labor government to succeed. The people of Australia elected them. But Labor, with a huge well of goodwill to draw upon, have failed the Australian people to the point of blatant betrayal. The Australian people now see the Labor Party for what it really is: a party without character, a party without backbone, a party without belief and a party that has betrayed—remember this phrase?—the working families of Australia. Labor and its leadership team have betrayed the Australian people.

The coalition, on the other hand, under Mr Abbott’s leadership the coalition is plain talking. We have genuine direct action plans—no need for programmatic specificity and other nonsensical gobbledygook, no need for spin. We just have plain talk and direct action, which are such a breath of fresh air to the Australian people after three years of a barrage of stifling, meaningless verbiage.

Senator Jacinta Collins—Give us one credible policy!

Senator Bilyk interjecting—

Senator ABETZ—Just in case those Labor senators think that the list I have raised is exhausted, let me take them through the list: the Commonwealth takeover of hospitals by July 2009; GROCERYchoice, Fuelwatch and delaying the ETS, which I have already mentioned; prudent government spending; capping IVF treatment; no budget deficits; simplifying GST paperwork for small business; GP superclinics; delivering health services to military families; providing for the homeless; taking a hard line on terrorism; taking a hard line on immigration; private health insurance; reigning in corporate salaries; the bank deposit guarantee; responding—remember this one?—to the 2020 summit; that no worker would be worse off; building a broadband network for only $4 billion, for which the figure is now $43 billion and, I suspect, will increase; restricting employee share schemes; and living in Kirribilli House. Remember that outrage? Where is he now? Swanning around in Kirribilli House.

This is a government that has breached every single one of its solemn promises to the Australian people, and that is why the Australian people have run out of patience with this government.

Senator BILYK (Tasmania) (4.42 pm)—I am nearly speechless after that diatribe of completely unfactual rubbish. What a load of rubbish! In response to the matter of public
importance today, I would like to make it very clear, particularly for those opposite, who seem to live in some sort of alternative history paradise, that the Australian people understand that the Rudd government has been delivering and will continue to deliver. It is doing that knowing that those sitting opposite could not and did not deliver in 11 years of government—11 years! The blatant hypocrisy of those opposite is astounding, especially with regard to the MPI for today.

When I read what the MPI was for today, I was instantly reminded of John Howard’s promise of the never, ever GST. In fact, one of the things that I think I will best remember—and a lot of other people will too—about the Howard government is the notion of ‘core’ and ‘non-core’ promises, non-core promises being the kind that you do not have to keep.

A classic example of this—and there were many quotes, but I have limited time today—was the doorstop interview of 2 May 1995 with John Howard and a journalist.

Journalist: So you’ve left the door open for a GST now, haven’t you?
Howard: No, there’s no way that a GST will ever be part of our policy.
Journalist: Never ever?
Howard: Never ever. It’s dead. It was killed by the voters at the last election.

It makes you wonder, doesn’t it? It also makes you wonder about Mr Abbott’s ‘Work Choices is dead’ comments too. I do not think that has actually been a promise, but it does make us wonder.

Let us not forget John Howard’s promise that he would keep interest rates at all-time lows. History, of course, tells us a very different story there. In fact, so arrogant and out of touch were he and his government that he said Australian families had never had it better. Obviously, Australian families did not agree with him, did they?

Let us put this into perspective. The Rudd government have been governing since November 2007 and already we have delivered on many of our worthwhile election promises, some of which I intend to outline—

Senator Joyce interjecting—

Senator BILYK—Thank you, Senator Joyce! I intend to outline some of those election promises for those opposite. It comes as no surprise that those opposite want to whinge and moan. They have made a habit out of it; that is all they do. They have no policies. They have some plans, allegedly, but no policies. In fact, all we get from those on the other side is nagging, grizzling, moaning—they are like spoilt little children. We just turn off to it after a while. Where are their policies on improving the health and education systems? Where are their funding commitments to local communities? I will tell you where they are. They are not there; they are nonexistent. The complete audacity of those opposite is evidenced best by looking right here in the Senate, a Senate which is currently being obstructed by those opposite. They have nothing constructive to add. They are just opposition for opposition’s sake.

Being a passionate advocate for Tasmania, it does give me great pleasure to inform the Senate of some of the many funding promises that have been and will continue to be honoured by the Rudd government. Let me start with Franklin. Delivering on the Rudd government election promises in the electorate of Franklin has been the very energetic and hardworking federal member for Franklin, Julie Collins. Ms Collins has worked hard to deliver on every election commitment to the local residents of Franklin since being elected in 2007, all of which of course will be of ongoing benefit to the people across the electorate.
The Franklin electorate commitments included $15 million to fund construction of the Kingston bypass—tick; $12 million to fund the Huon Valley regional water scheme—tick; $10.5 million to fund stage 1 of the south-east Tasmania recycled water scheme—another tick; $5.5 million to fund the Clarence GP super clinic, about which I thought I heard the previous speaker say there was none—tick; $166,000 for the Green Tea program—yet another tick; $155,949 for the redevelopment of the Dennes Point community centre—tick; $35,000 for the Cygnet gymnasium—tick; $10,000 for the Kingborough Lions soccer club—tick; $10,000 for the Rokeby Cricket Club to install nets—tick; and $10,000 for the Port Huon Sports Centre—tick. Those are just an example of some of the promises that have been met in Tasmania. The Rudd government is delivering on its promise to the Australian people—

Honourable senators interjecting—

Senator Brandis—This is a sustained exercise in irony, Senator Joyce!

Senator BILYK—The exercise of the MPI from your side is just an exercise in complete futility. The people of Australia know that the Rudd government does keep its promises, is continuing to keep its promises and will continue to keep its promises. We will give the kids an opportunity to obtain skills and education.

Senator Joyce interjecting—

Senator BILYK—Do you think that is not a worthy cause, do you?

Opposition senators interjecting—

Senator BILYK—That is what amazing about you guys: you sit there and you laugh about things you know that we have done. We have kept those promises— (Time expired)
• repeal the Commonwealth Radioactive Waste Management Act 2005.
• establish a process for identifying suitable sites that is scientific, transparent, accountable, fair and allows access to appeal mechanisms—

this is pretty simple language. If elected, a Rudd government was also to:
• ensure full community consultation in radioactive waste decision-making processes.
• commit to international best practice scientific processes to underpin Australia’s radioactive waste management, including transportation and storage.

I was working as one of the advisers to Senator Rachael Siewert when this legislation was first rammed through the Senate towards the end of 2005, in the same sitting fortnight as the former government’s Work Choices legislation, Welfare to Work legislation, the legislation abolishing compulsory student unionism and, of course, the infamous terror laws, which are all still on the books. They found time to ram through radioactive waste dump legislation as well. Again, the ALP condemned that. They called the legislation—accurately, in my view—extreme, arrogant, heavy-handed, draconian, sorry, sordid, extraordinary and profoundly shameful. Some of these words were put to us by Senator Trish Crossin, Senator Carr and Warren Snowdon, MP. Of course, they were spot on. They took a very clear and unequivocal position on this issue into the closing months of the 2007 election campaign. So that was the promise, and exactly when has it been broken? Indeed, is there a case to say that it has been?

The first thing that happened subsequent to the Rudd government taking office after the 2007 election was that radioactive waste management issues were mysteriously taken out of the science portfolio, where they had been right through the period of the Howard government and well before, and given to Martin Ferguson in the resources and industry portfolio. That is a bizarre decision to make, quite honestly: to transfer radioactive waste management from the science portfolio to the resources portfolio; to give it to somebody with absolutely no expertise, no subtlety and no idea, really, about any of the commitments that had been made by the Rudd government and by its representatives in the Northern Territory and around Australia in the run-up to the election. So it was given to this minister with no background, no expertise and no willingness to follow through with the ALP’s election commitment, and we waited for several months for the government to fulfil that promise. It was pretty simple, really: repeal the legislation and replace it with something scientifically defensible that actually brings the community along, rather than simply ramming something through, as the former government had attempted. We started to get pretty edgy. This was at the time when I took my place in here, and I started testing the ALP on whether they actually would come through with this election commitment. On a couple of occasions we brought motions through here and watched the government vote against the exact same language that was in their policy document in the lead-up to the 2007 election. We were not asking them to do anything, simply to note the language in those policy commitments, but the ALP lined up against the Greens and voted against it. That was interesting.

In 2008, the government-dominated Senate Environment, Communications and the Arts Committee conducted an inquiry into my private senator’s bill to fulfil the ALP’s election commitment for them: a repeal of the Commonwealth Radioactive Waste Management Act. That committee did some very good work. It was very collegial. We travelled to Alice Springs, and we had hearings here in Canberra. We heard from the agen-
cies with the lead portfolio responsibility for radioactive waste management, from the industry and from environment groups around the country with a very large membership with a strong interest in these issues. In Alice Springs we heard from some senior traditional owners from around the Territory, because at that time four sites were still under consideration and they were very strongly opposed to the approach of the former government and wanted to know why on earth the ALP had not followed through with their commitment. Senator McEwen, who is with us this afternoon, chaired that committee. We in the Australian Greens had quite a degree of affinity, and we signed on to the majority report. We had some additional comments but the recommendations flowing from that report were quite satisfactory to us in large part in that they said that the government should do what they said they would do when in opposition. The committee came out with a set of recommendations that were not perfect, as far as we were concerned, but that we could live with. We shared common ground at that time on the objective of establishing a consensual process of site selection, which looks to agreed scientific grounds for determining suitability and the centrality of community consultation and support.

So what exactly happened after that? Nothing at all. The first thing that the government did was to ignore the committee’s recommendation that the repeal bill be brought in to this place at the beginning of the first quarter of last year. That did not happen. It took a full year for the minister to get around to serving up what we have before us now. The Senate Legal and Constitutional Legislation Committee was given, in the government’s view, 11 working days to inquire into the government’s repeal bill, which in fact is nothing more than a rather shabby and amateurish cut and paste of what the former government had been proceeding with. At least with the former government you knew where you stood. What we have now with the Rudd government is exactly the same approach with an added dash of hypocrisy, because when they were in opposition they had been castigating senators and MPs on this side of the chamber for doing what they are now quite clearly doing in attempting to ram it through this place. That is indeed a broken election commitment.

Who cares? Who was the Labor Party making this election commitment to in the run-up to the 2007 election? Chiefly, of course, the people on the front line, the people targeted to host, against their will and without their consent, a facility hosting Australia’s most dangerous industrial waste materials—radiotoxic waste, the low-level material that ticks for a period of approximately 300 years, the long-lived intermediate level waste, the old reactor cores and the spent fuel that has been reprocessed overseas and returned to Australia, which is deadly for tens of thousands of years, for periods that will last several ice ages from now. The government are attempting to force this facility on to a cattle station 100 kilometres from Tennant Creek in a direct violation of the commitments that they made in the run-up to that election. For the people who are on the front line, and who are facing this juggernaut now in the name of Martin Ferguson, sitting in an office in Canberra planning this assault on their sovereignty and on their rights to stand up for country and culture, that election promise has been violated. For ALP voters, who during the federal election campaign put their trust in the representatives that the ALP would send to Canberra, the promise has been broken. For anybody who preferred the ALP, including a large number of Green voters who helped carry the Rudd government into office, the promise has been broken. For environment groups, with tens of thousands of members around
Australia who have taken a long interest in this and who have played an enormously important role in galvanising community support around the country for communities on the front line, the promise has been broken and for every Northern Territory citizen who thought the ALP would be able to serve up something better than what we have seen now that promise has been broken.

So now what we see is a 2007 election promise becoming a 2010 election liability. I see it as a very important part of my job in the remaining months, whether or not the Rudd government succeeds in blasting this flawed and disgusting piece of legislation through this place, to make sure that right around the country this is not seen as a Northern Territory issue. When the Senate committee sat in Darwin we had rallies as far away as Hobart, Perth and Melbourne, a very long way from where that Senate committee was hearing evidence from the traditional owners on the front line, from the Northern Territory Chief Minister and from people right on down the line. This is not an issue that is going to go away. This is an election commitment that will haunt the government in this election campaign.

Senator BRANDIS (Queensland) (4.58 pm)—It is a little more than three years since the then Leader of the Opposition, Mr Kevin Rudd, planted himself in front of some rural fencing against the beautiful background of the Nambour countryside. Looking straight down the barrel of a camera, he read from a script prepared for him by an advertising agent, and he said: ‘When it comes to being an economic conservative, it is a badge I wear with pride.’ Several months later, when he delivered the Labor Party’s policy speech for the 2007 election, the line that resonated in that speech—the one line everybody will remember, though we remember it these days for a very different reason than we did then—contained the words ‘this reckless spending must stop’.

Mr Kevin Rudd and his team were elected by the Australian people on 24 November 2007 to be the government of Australia because the Australian people trusted them. They did not know very much about Kevin Rudd at the time, but they knew that he was a fresh face. They knew that he was a glib, articulate and, evidently, intelligent public spokesman for the Labor Party. They put their trust in him. They trusted that he was as good as his word. After he was elected, he maintained that he was a politician who could be trusted. When he spoke at the Australian War Memorial in March 2008, only five months after he was elected, Mr Kevin Rudd said:

We’re going to adhere to the integrity of the budget process but all working families ... will be protected by our Government in the production of that budget and we will honour all of our pre election commitments.

Senator Cormann—Just another lie.

Senator BRANDIS—Yes, just another lie. He went on:

Every one of them, every one of them.

They were Mr Rudd’s very words in the first blush of electoral success, five months after he was voted into office. A few months later, he addressed the National Press Club and, reflecting on the government’s first year, he said:

When we formed government, I said I had no intention of recycling the absolute cynicism of previous governments—making a swag of pre-election commitments then reneging on them ...

That is what he said then. As late as year, Mr Rudd seemed to continue to command the confidence of the Australian people, if the opinion polls are any guide. But you know, Mr Acting Deputy President Marshall, as every senator in this chamber knows, that there has been a significant change of senti-
ment across this nation over the Easter recess. What those of us who know Kevin Rudd well knew would happen—particularly those of us who have known him from the Queensland days, the bad old days even before he was a member of parliament—has happened: the people have found him out.

Senator McGauran—You all sat there mute.

Senator BRANDIS—Quite right, Senator McGauran. The Labor Party, who must have known what he was like, sat mute and defended the indefensible. Let it not be forgotten that these are the people who wanted to make Mark Latham Prime Minister in 2004 and told us how good he was, until he was found out by the Australian people. They knew what Kevin Rudd was like too, but this time the con trick worked. This time, the Leader of the Labor Party was not found out before the election in the way that Mr Mark Latham had been.

What we have had over the Easter recess is what I call the ‘Mark Latham moment’—the moment when the penny dropped with the Australian people that Kevin Rudd was not what he represented himself to be, that Kevin Rudd was as cynical a politician as god ever put breath into. That moment came, in particular, when Mr Rudd humiliatingly and comprehensively abandoned, for electoral reasons, what he had only four months earlier described as ‘the greatest moral, social and economic challenge of our time’—the Carbon Pollution Reduction Scheme.

Senator Bushby interjecting—

Senator BRANDIS—Of course, Senator Bushby, if he was a man of courage, he would call a double dissolution on the issue. But it is not likely now. What the Australian people have discovered about Kevin Rudd is that for him promises have no meaning. Do not worry about core promises and non-core promises. There are no such things as core promises in the Rudd government; there are merely expendable words—words that get you from one news cycle to the next but contain no integrity, no commitment and no purpose.

This government must be such a disappointment to its supporters, to those who serve as its ministers and those who serve as its apologists on the backbench. You must have known about this man—this man you elected as leader in extremis when you had run out of other options four years ago. The Australian people have now woken up to the fact that he cannot be trusted, that nothing he says can be believed, that he stands for nothing, that he has no core values, that he has no guiding philosophy, that he has no policy courage, that he is a hollow man and a hollow political leader.

This is the first Australian Prime Minister in the lifetime of anybody in this chamber today—and I am sorry to say this about a Prime Minister of this great country—about whom one must say has a character problem. You would not have said that about John Howard, loathe him or love, nor would you have said it about Paul Keating, Bob Hawke, Malcolm Fraser or Gough Whitlam, or any Australian Prime Minister I can remember. Regardless of what you thought of his policies, regardless of what you thought of his style of government, every Australian Prime Minister on both sides of politics I can remember in my lifetime was a person of character, a person steadfast in their beliefs, whatever those beliefs may have been. This man has no steadfastness in his beliefs because he has no beliefs. He has no core values and his commitment to any sense of values is nominal, transitory and temporary. He is a politician who lives from news cycle to news cycle. The hollow man, caricatured on ABC television, now leads a government tainted forever in the public mind and to be forever condemned in Australian history as
the government led by the man who stood for nothing.

Senator PRATT (Western Australia) (5.06 pm)—We are a government that has faced up to enormous challenges, including a financial crisis that threatened the livelihoods of Australians right across the nation. I am proud of the way that we have faced up to these challenges. It has been done with courage, conviction and purpose. We make no apology for coming into government with a big agenda, with big aspirations for this nation and with a determination to address more than a decade of neglect of Australia’s interests under the Howard government. It was a decade where unfairness was entrenched and where the proceeds of the last resources boom were squandered while productivity stalled. It was a decade where the big issues in health and education were ignored. Under Mr Abbott’s watch $1 billion was ripped out of public hospitals and nothing was done about a chronic shortage of nurses and GPs. It was a decade where working Australians suffered the insecurity of Work Choices—a policy that Mr Abbott rules out in name but will not rule out in practice. It was a decade where the stolen generation was denied an apology and where asylum seekers were used as a football for political gain.

But I am not going to waste further time talking about the Howard years because we all know that the forthcoming election is at the core of this debate today. This debate is about what Australians want from their future government. That is why today I stand proud. Like my colleagues, I stand behind our achievements and our commitment to reform in the national interest. I know that we are well placed to deliver on our commitments. We can look forward to a bright future because we have avoided a global recession through the strong and decisive action that stimulated the economy and saved a quarter of a million jobs by investing in local communities and essential infrastructure. We are delivering on better health and hospitals, ending the blame game with the states and putting together a $15.6 billion plan, including commitments for thousands more doctors and nurses and caps on waiting times.

We are providing a fairer distribution of the nation’s wealth in ways that also support economic growth. For example, we have delivered a massive increase in the childcare rebate. It was a great Labor initiative that was good for families and good for the economy. We have also delivered a long overdue increase to the pension—reforms to make the pension more sustainable. We also have a plan to ensure that the surplus profits generated by this mining boom are shared, not squandered. We have a plan that will benefit all Australians through lower company taxes, especially for small businesses—

Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Brandis, I ask you to come to order. You were mostly heard in silence and I ask you to give the same courtesy to Senator Pratt.

Senator Jacinta Collins—He is just a bully.

The ACTING DEPUTY PRESIDENT—Senator Collins, I think I can do without anyone else’s help. The Senate chamber will come to order.

Senator PRATT—We have a plan for better super, especially for low-income earners, and for more infrastructure, especially for the mining states like my own. These are responsible reforms for a stronger economy and a fairer Australia. We are delivering on our education revolution through the My School website, the national curriculum and new facilities for all schools around the nation.
Our commitment to justice and social inclusion has seen the removal of children from detention centres and an end to inhumane temporary protection visas, a plan that is tackling homelessness around the nation, equality for same-sex couples and their children in 85 laws, an apology to the stolen generation and a commitment to closing the gap between Indigenous and non-Indigenous Australians. We have had to fight tooth and nail for many of our reforms and the numbers in this chamber also mean that we have not won them all. Climate change remains the greatest environmental challenge of our time and one that can be fully addressed only when those opposite show the vision required to do so.

You talk about broken promises, but what you deliver are broken policies that have not worked—like your blame the states health policy under your leader, Mr Abbott, which ran down our health system and like your plan to put a massive new tax on business to make higher parental leave payments to those who already earn the most. It was a policy that broke Mr Abbott’s no new taxes policy just five weeks after he announced it.

Then there are your policies that are policies in name only, like your leader’s statement that Work Choices is dead, and the policies that you renege on under Mr Abbott’s leadership, like your commitment to put a price on carbon. So, as you sit there in your obstructionist, broken policy zone, think about this: the Rudd Labor government will be getting on with creating jobs and managing the economy, reforming our health and education systems, and making Australia a better and fairer place for all Australians.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (5.12 pm)—Welcome, Australia, to Labor’s philosophical brothel of ideas where any virtue is for sale—purchased for popularity but never loved beyond the dirty, grimy bed where these ideals have been laid down to be abused and deflowered by the Labor Party and by their cohort of senior ministers. It is the philosophical brothel of ideas. It has no substance, it is so tacky, it is so horrible; and everybody—even the Greens—feels they have been used. That is the resentment that is welling up because people—even we on this side—believed that Kevin was serious about what he said. But we were duped.

Now we have this incredible many and varied personality. It has always amazed me. This personality started with ‘2020 Kevin’—that earnest man sitting on the carpet, cross-legged with his clipboard and taking down notes. He was taking notes, he was listening to Australia, he had a thousand people around for tea and he was going to make them all feel satisfied. What did we get out of that? What a revelation: we got the republic. I thought we had already heard that idea. Anyway, that is what we got from that. Then we had ‘Combat Kevin’. This man wants war. He had a war on obesity. He had a war on drugs. He had a war on inflation. He is a very violent man. He had a war on unemployment. He had a war on executive salaries. He was going to help the disadvantaged but he was going to have a war on homelessness. When he was not at war he was starting revolutions. He had a Building the Education Revolution. It was revolution and wars. It was him in his DPCUs with his Steyr under his arm. He was out there having wars.

Then we had ‘Earnest Kevin’, who was saying ‘sorry’ but not actually doing anything about Indigenous disadvantage. He was having review after review; he was having reviews on reviews. He was a man who lived in reviews, who lived as a dilettante wandering across the nation picking up daisies and thinking about the world. It was ‘Earnest Kevin’—
The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Joyce, you are really skating very close.

Senator JOYCE—He had jets and he believed in visiting people—wherever they lived. This is earnestness.

Then we had ‘Copenhagen Kevin’. He was going to cool the planet from a room in Canberra. He told us so. He was going to do it by himself. He did not need anybody else; he was flying solo on this one. He was really going to show us how big his muscles were! The unfortunate thing was that he was not only going to cool the planet; he was also going to try to cool everybody’s house. He was going to spend $2.45 billion cooling everybody’s house. But, far from cooling people’s houses, he actually ended up burning down in excess of 110 of them. Tragically, there were deaths associated with this. So much for ‘Copenhagen Kevin’.

Then we had ‘Casualty Kevin’. He was dressed up in a blue smock. He had a little plastic blue hat, a plastic blue jacket, and he had his little plastic pants and his plastic booties on. And it came with an association: he had Nicola in blue as well.

The ACTING DEPUTY PRESIDENT—Senator Joyce, I have really cut you a lot of slack, in one sense, but I think you need to bring yourself back to addressing people by their correct names and titles.

Senator JOYCE—The Prime Minister was dressed up in blue. He was very blue; and I know that. And he looked at the camera, and he winked at the camera, and he took his little blue smock and he disappeared. I was wondering what he was going to do. Maybe he was going to operate on somebody. I did not know. But I earnestly believed that today he was in blue and he was going to do something. It was all part of the rhetoric. The last one we have is ‘Castro Kevin’. This is the one who nationalises the mining industry.

The ACTING DEPUTY PRESIDENT—Again, Senator Joyce, I have pulled you up.

Senator JOYCE—‘Castro Prime Minister’—this one believes in nationalising the mining industry. This manifestation—in the ritual of new images being displayed for the Australian people—is peculiar in the extreme. Where was this promise at the last election? Australia has not heard something like this since 1949, when they were going to nationalise the banks. Don’t worry; it almost brought about a civil war, but let’s just put that behind us. Let’s forget about the new guard and all the things that occur when you nationalise industries. People are asking very serious questions about where we are now. What on earth has happened to this nation? It has devolved into something that is quite peculiar. You are getting all these manifestations, and it is costing you only $1¼ billion a week. What a bargain! What an absolute bargain! It must be a bargain to live at the philosophical brothel of ideas for only $1¼ billion a week—

Senator Jacinta Collins—Is that million or billion?

Senator JOYCE—It is billion. It is ‘b’ for ‘bravo’ and it is ‘b’ for ‘billion’—and that is what it is costing Australia to live at this place. This is incredible. How did we get ourselves into this bind? How could Australia honestly stay with this person for another three years? How could we possibly even venture down the path of living at this philosophical brothel for another three years? Look at the absolute hypocrite that Mr Rudd has made of Minister Wong. I honestly believe that what Minister Wong said was what she believed. But now, in his absolutely mercenary way, he has not only let down the Australian people; he is also destroying his colleagues, one after the other. He does not
care who he shoots. He does not care what he does. It is beyond his capacity to have empathy and to actually understand what is happening.

Look at all the people who are going to be cast aside and who are going to be made to look like hypocrites. Whether you are Peter Garrett or Penny Wong—next it will be Combet—you would do well to stay away from the Prime Minister. But there is one thing I do not want you to do: don’t you dare change him, because we want him there. Don’t you dare change to Julia Gillard; you leave Mr Rudd right there, because he is turning into our biggest asset. We will watch tonight with wonderment as they put forward Wayne Swan to try to shade out Mr Rudd. Now we know that this is how far it has descended: Wayne Swan is going to save Kevin Rudd. That is where it has got to and that is what we will see tonight on television. It has really become total and utter pathos.

Senator JACINTA COLLINS (Victoria) (5.19 pm)—Unfortunately, this debate has declined significantly. Some elements of humour do not cover the types of references that have been covered by opposition senators. Rather than argue their point—and I will come to what I think has been the main point in this debate—we get the sort of rhetoric that came from Senator Joyce about ‘brothels of ideas’ and ‘deflowerings’ and ‘being used’. We get all sorts of opinion as to the character of the Prime Minister from people who know very little about the man—in fact, from the same people who said very different things about John Howard when he was in government. I seem to recall reports about Senator Brandis’s references to John Howard as ‘the rat’, and yet he has the arrogance to come in here and say that our Prime Minister has no character and to claim that the very same Mr Howard is a man whom he holds in great regard.

In my short time today, I want to concentrate on what I think has been the main point—which Senator Brandis alluded to—and that is: this is about honouring promises. This is not about keeping promises regardless of changed circumstances; this is about having a plan, having an agenda and honouring the promises you have made. The best example I can give, just by virtue of my personal experience in this area and in the past, is what I would characterise as the national agenda for children. We refer to it as a national agenda for early childhood in Australia, but I recall when the minister of the day back in the early 2000s said that the Howard government would eventually introduce a national agenda for children. He claimed this for roughly five years. And we waited, and we waited, and we waited, and nothing happened.

Perhaps one of the most audacious claims of this opposition, when they mark their little tick boxes for what promises have been kept and what promises have not been kept, is when they talk about the 260 childcare centres that were part of our broader strategy of a national agenda for early childhood, because those centres were designed to rectify what the previous government had done to the market in child care. The promises that it made at that time were never kept. The promises of Barnaby Joyce’s former colleague Larry Anthony were never kept. The ministerial standards and the character that were meant to be part of the Howard government never occurred. That man left this parliament and went on to be a director of ABC child care and took fees from them during this process. I was only reminded a couple of weeks ago when he appeared in the Federal Court. We have seen the details of his consultant’s fees, his director’s fees and his lobbying on behalf of ABC child care, yet this opposition has the audacity to say that, because there are now changed circum-
stances in the market for long day care places, we have adjusted our policies in that area. We have, for some very good reasons which the government is able to justify and which are supported by the sector. Not only did we need to spend $58-odd million to rectify the problems around ABC child care—

Senator Ian Macdonald interjecting—

Senator JACINTA COLLINS—

Opposition senators raise their arms at the reference to $58 million. Is it nothing, Senator? What the former government did in this sector was one of the most outrageous elements of the previous government. Today we have a much broader agenda that is being delivered and being implemented. We have promises such as: access to early childhood education for four-year-olds, which is being delivered, and national quality standards, which are being delivered. And, yes, we do have promises around accessibility to child care, which are being delivered.

In your usual trite way, you address the commitment in relation to childcare centres, but it is what you do not say that is critical. You do not say that the number of childcare centres has grown by 1,000 over the relevant period. So our earlier promises are less relevant today than they were when they were made. They were made at a time when the previous government was deliberately denying us market data so that this sector could not be planned competently. So we come into government, we deal with the collapse of ABC child care—which had been allowed to grow into an enormous monopoly of delivery—and we stabilise the sector. Then, after we have had access to the relevant information, we are able to assess what the real growth in the sector has been and we see that accessibility has been improved by changes in the market and that an extra thousand childcare centres have been delivered within the market. And only a fool would proceed with a policy once they understood what change had occurred.

Those opposite talk about integrity, quality and character, but I look back on just this one issue you claim is a broken promise and I remember what Prime Minister Howard allowed his minister to do in this sector. Let us look at some of that whilst I am on that point. Let us look at the fundraisers and the lobbying that was allowed to occur in ABC child care. That is the nature of the character of the former government—which you do not find in this government. You cannot find the casualties that occurred under the Howard government amongst our ministers. (Time expired)

Senator FEENEY (Victoria) (5.26 pm)—

I am delighted to speak on this subject this afternoon. One interesting thing I would say at the outset about this MPI is that it does seem to have been the inaugural outing of the Liberal Party’s new Senate leadership team. We have seen Senator Abetz and Senator Brandis put themselves through their paces in attempting, to use that worn old phrase, to develop a narrative for the Liberal Party.

I guess when one considers the subject of broken promises, one has to concede at the very outset that those opposite are very well credentialled indeed when it comes to broken promises. Let us look for a moment at Howard’s and, indeed, Abbott’s record with respect to broken promises, because for 11 years those opposite governed this country on the back of one broken promise following another. ‘There will never, ever be a GST’ was the pronouncement before the 2006 election, and of course we all know what became of that promise. ‘No worker will be worse off’ was the solid undertaking from those opposite when introducing Work Choices. That commitment is now a matter
of record, a continuing stain on the honour of the coalition. John Howard declared in 2001:
… I re-state the assurances I have previously made …

- Nobody’s benefit will be cut as a result of changes to the social security system.

Yet only a short time later, in June 2002, the Howard government cut the pensions of some 200,000 disability support pensioners.

In 2004 John Howard swore that he would keep interest rates at record lows. Mr Howard told an interviewer at the time: ‘There won’t be any pressure on interest rates from us.’ This, of course, was followed by five interest rate rises, which again stands as a lasting testament to the fact that those opposite cannot manage a boom and do not have the stomach to manage anything else.

We should not simply confine these broken promises to the former Prime Minister. Tony Abbott himself has star qualities in this debate. In October 2004 Tony Abbott himself gave ‘an absolutely rock solid, ironclad commitment’—those were his words—that the Medicare safety net threshold would not be raised. After the election the threshold was indeed raised. In an interview with Laurie Oaks, when questioned about this spectacular backflip, this spectacular piece of callisthenics, Tony Abbott admitted that the government had indeed been aware of significant budget blowouts in this particular item before the election. Laurie Oakes remarked:

But your word’s not worth much any more, is it? A Tony Abbott commitment now will rouse horse laughs.

That was 2005, but the horse laughs continue, because those opposite today have the stomach, have the gall, have the cheek, to come into this place and try and accuse the Rudd Labor government of being behind ‘a litany of broken promises’. Let us take a moment to look at the profound deceit that sits behind and underpins that proposition. Since the Rudd Labor government came to office those opposite have worked assiduously as saboteurs in this place to block the government’s program. They have left no stone unturned in their resolve to obstruct and stymie the democratic mandate, a mandate secured by Kevin Rudd and Labor in 2007.

I have procured a list of all of the various pieces of legislation that those opposite have successfully blocked in this place and I seek to mention only some of the highlights for the edification of those opposite: the luxury car tax imposition, the Interstate Road Transport Charge Amendment Bill, the business investment partnership bill, the climate change bill version 1, the Household Stimulus Package Bill 2009, the Migration Amendment (Abolishing Detention Debt) Bill, the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, and the Fairer Private Health Insurance Incentives Bill. It is a short taste of a much longer list which stands as testament to the fact that you have left absolutely no stone unturned in your commitment to blocking the program of this government. For you this might indeed be a list of pride, because you have successfully sabotaged and dismantled, at every available opportunity, the program of this government. Having succeeded in that heinous task all too often, you now have the cheek to come into this place and try and complain about the fact that some of this government’s commitments have not been achieved—the fruit of your own obstructionism. It is an absolute outrage.

Of course, the greatest of those outrages, at least to my mind, is in relation to climate change. While those opposite seek to crow about the fact that climate change legislation has been successfully defeated in this parliament, they do not seem to take the bow for succeeding in achieving that. That bill was
brought to this parliament and it was successfully blocked by the coalition and the Greens. Undeterred, the government continued with its resolve to create action on climate change. Penny Wong and Greg Combet, undeterred, entered into negotiations with the Liberal Party. As we know, when it comes to breaking promises those opposite have absolutely superb credentials. So it is no surprise to us that, having reached an agreement with the opposition about the passage of that climate change legislation, the catherine-wheel of the Liberal Party’s climate change policy finally came to rest over the corpse of Malcolm Turnbull. Having finally reached a resolve to be climate change deniers—after 10 or 11 permutations—you blocked that legislation for a second time.

Let us consider the enormity of that deed, because not only were you reneging on an agreement you reached with the government, not only did you tear down your own leader to achieve it, but you did it in the face of your own commitments to the Australian people and in the face of your own policy. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! The time for the debate has expired.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Pursuant to standing orders 38 and 166, I present the following documents which were presented to the President, the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

(a) Committee reports


2. Joint Standing Committee on the National Capital and External Territories—Inquiry into the changing economic environment in the Indian Ocean Territories (received 1 April 2010)

3. Procedure Committee—First report of 2010—Private senators’ bills – consideration: Bills relying on delegated legislation; Arrangements for the opening of Parliament (received 13 April 2010)


7. Finance and Public Administration References Committee—Report—Native vegetation laws, greenhouse gas abatement and climate change measures (received 30 April 2010)

8. Legal and Constitutional Affairs Legislation Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Anti-People Smuggling and Other Measures Bill 2010 [Provisions] (received 4 May 2010)

9. Environment, Communications and the Arts References Committee—Interim report—Sustainable management by the
Commonwealth of water resources (received 5 May 2010)

(10) Environment, Communications and the Arts References Committee—Interim report—Energy Efficient Homes Package (received 5 May 2010)

(11) Legal and Constitutional Affairs Legislation Committee—Interim report—Wild Rivers (Environmental Management) Bill 2010 [No. 2] (received 5 May 2010)


(b) Government responses to parliamentary committee reports

(1) Joint Standing Committee on Foreign Affairs, Defence and Trade—Report—Review of the Defence annual report 2006-07 (with respect to recommendation 3) [note: on 25 February 2010, the government tabled a response to the report] (received 24 March 2010)

(2) Foreign Affairs, Defence and Trade Standing Committee—Report—Australia’s involvement in peacekeeping operations (received 25 March 2010)

(3) Environment, Communications and the Arts Committee—Report—Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008 (received 30 April 2010)

(4) Legal and Constitutional Affairs Committee—Report—Effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality (received 4 May 2010)

(c) Government documents


(2) Treaties [5] relating to taxation (received 29 March 2010)

(3) Department of Health and Ageing—Quarterly report on the operations of the Gene Technology Regulator for the period 1 October to 31 December 2009 (received 30 March 2010)

(4) Independent review of Government advertising arrangements (Hawke Report) (received 31 March 2010)

(5) Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for the period 1 July to 31 December 2009 (received 31 March 2010)


(7) Defence Act 1903—Part IIIAAA of the Act—Report—Utilisation of the defence force in accordance in section 51X of the Act in relation to the proposed visit by the President of the United States of America (Operation Mustang) (received 13 April 2010)

(8) Australian Communications and Media Authority—National relay service provider performance—Report for 2008-09 (received 15 April 2010)

(9) Review of the administration of the Home Insulation Program prepared by Dr Allan Hawke (received 22 April 2010)

(10) Government response to report of the Government 2.0 Taskforce—Engage: Getting on with Government 2.0 (received 3 May 2010)

(11) Australia’s future tax system—Part 1: Overview; Part 2: Detailed analysis (2 volumes) (received 3 May 2010)
(d) **Reports of the Auditor-General**


2. Report no. 26 of 2009-20—Performance audit—Administration of Climate Change Programs: Department of the Environment, Water, Heritage and the Arts; Department of Climate Change and Energy Efficiency; Department of Resources, Energy and Tourism (received 20 April 2010)

3. Report no. 27 of 2009-10—Performance audit—Coordination and reporting of Australia’s climate change measures: Department of Climate Change and Energy Efficiency; Department of Innovation, Industry, Science and Research (received 20 April 2010)


5. Report no. 29 of 2009-10—Performance audit—Attorney-General’s Department arrangement for the National Identity Security Strategy (received 21 April 2010)


8. Report no. 32 of 2009-10—Performance audit—Management of the overseas owned estate: Department of Foreign Affairs and Trade (received 28 April 2010)


(e) **Documents, pursuant to order**

1. Communications—Implementation Study for the National Broadband Network—Report (received 7 May 2010) [Note: motion of Senator Ludlam agreed to 11 March 2010]

2. Workplace Relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements (received 7 May 2010) [Note: motion of Senator Fisher agreed to 18 November 2009]

(f) **Statements of compliance and letters of advice relating to Senate orders**

1. Statements of compliance relating to indexed lists of files:
   - Commonwealth Ombudsman (received 12 April 2010)
   - Australian Agency for International Development (AusAID) (received 23 April 2010)
   - Department of Climate Change, Energy Efficiency and Water (received 5 May 2010)
   - Office of the Renewable Energy Regulator (received 5 May 2010)

2. Letter of advice relating to lists of departmental and agency appointments/vacancies:
   - Australian Institute of Family Studies (received 4 May 2010)

3. Letter of advice relating to lists of departmental and agency grants:
   - Australian Institute of Family Studies (received 4 May 2010)

Ordered that the committee reports be printed.

**The ACTING DEPUTY PRESIDENT**—
In accordance with the usual practice and
Many of the existing FBT exemptions are work-related, that is, there is a general underlying principle that concessions or exemptions are provided on the basis that if these expenses were borne by the employee, it would be deductible to them. The Remote Locality Leave Travel Entitlement would not be deductible under the income tax law as there would not be the relevant nexus between the expense incurred and their employment. The expense, had the employee borne it themselves, would be considered private in nature.

The Australia’s Future Tax System Review, established by the Rudd Government in 2008 to review our tax and transfer system, delivered its final report to the Government at the end of 2009. Within the scope of the review was the taxation treatment of fringe benefits. The Government is currently considering the review’s recommendations and will release the report, and its initial response in early 2010.

Government Response to the Senate Standing Committee on Foreign Affairs, Defence and Trade report on Australia’s involvement in peacekeeping operations.

Recommendation 1
The committee recommends that, before the Australian Government commits personnel to a peacekeeping operation, it is satisfied that the mandate has:

- clearly stated and achievable goals based on an assessment and understanding of risks, including the worst case scenario;
- a level of commitment that can be sustained throughout the life of the mission in order to achieve the stated objectives; and
- adequate resources to meet the objectives—the proposed force to have the capacity and capability to fulfil its tasks as set out in the mandate, and sufficient financial resources available to implement the mandate.

Furthermore, where Australia is taking a key or lead role in the proposed mission, the committee recommends that the Government of Australia ensure the terms of the mandate strictly meet these fundamental requirements. This would be
done in consultation with the host country, the UN and potential partners.

Response

Partially agreed. The Government is committed to promoting well informed, clear mandates, as well as achievable goals and a commitment to adequate funding as a fundamental enabler of mission success. This is demonstrated by our engagement with the United Nations (UN) Department of Peacekeeping Operations (DPKO) on the development of peacekeeping doctrine.

The Government notes that in some circumstances it may be necessary to allow Australia to commit personnel prior to the full articulation of these mission aspects where our strong national interests are engaged. Flexibility is also required to enable ongoing review of a mission’s mandate and goals in response to developments over time, as has occurred with the UN and African Union’s efforts in Sudan.

Where Australia is considering or has taken a leading role in a mission, the ability to sustain an appropriate level of materiel, human resourcing and financial support over the life of the mission is a priority consideration for Government. This is evidenced through Australia’s ongoing support to missions including in Solomon Islands and East Timor.

Recommendation 2

The committee recommends that the Australian Government continue to support actively the R2P doctrine and, through its representations in the UN, ensure that international deliberations are informed by the doctrine.

The committee also recommends that in the committee’s proposed white paper on peacekeeping (Recommendation 37), the Australian Government include a discussion on, and an explanation of, Australia’s current position on this evolving doctrine.

Response

Partially agreed. The Government is committed to advancing the Responsibility to Protect (R2P) principle, and Australia is an active supporter of R2P within the UN and its own region. The Government is providing an overall package of $4.58 million to advance a number of R2P initiatives including a $1.86 million joint initiative with the Asia Pacific Centre for R2P at the University of Queensland; a $2 million Australian R2P Fund that will disburse grants to support R2P outreach and research projects in the Asia Pacific region; and $300,000 to the Global Centre for the Responsibility to Protect and $417,000 to the Non Government Organisation (NGO) Coalition for R2P, both of which are based in New York. This package of Australian support will materially contribute to the advancement of R2P at the local, regional and global levels and across a range of political and civil society settings.

Government does not agree there would be benefit in a white paper on peacekeeping as noted in response to recommendation 37. See further response to recommendation 37.

Recommendation 3

The committee recommends that before the Australian Government decides to contribute to a non-UN mandated peacekeeping operation, it is satisfied that the mission has a proper legal framework with recognised authority to deploy the operation and is consistent with Australian law. In this regard the committee recommends that:

- as early as practicable, the UN is consulted and fully informed about developments and any proposals for a peacekeeping operation;
- the Australian Government places the highest priority on securing regional support for the peacekeeping operation;
- the host country, through its legally recognised authorities, has requested the establishment of a peacekeeping operation and willingly consented to the deployment of forces and the conditions under which they are to operate - the agreement to be documented in appropriate legal instruments and provided to the Security Council; and
- the legal documents authorising the deployment of a peacekeeping operation to be treated, if not in the form of a treaty, in a way similar to treaties; that is, tabled in Parliament with an accompanying National Interest Analysis and examined by a parliamentary committee.
Furthermore, that the operation’s mandate:

- is in complete accord with the UN Charter and is accountable to universally accepted human rights standards and Australian law;
- contains arrangements to ensure that the Security Council and the peacekeeping operation complement each other’s efforts to keep the peace; and
- includes provisions making the mission accountable to the UN and covers issues such as reporting procedures and channels for the exchange of information.

Finally, through both formal and informal channels, the government endeavours to obtain UN endorsement of the operation even though the operation may have commenced.

**Response**

**Partially agreed.** The Government will continue to ensure that, before contributing to non-UN mandated peacekeeping operations, the operations’ mandate is in accord with the UN Charter (including any relevant Security Council resolutions), applicable human rights standards and Australian law. The Government must satisfy itself that the conditions under which forces are to operate are documented in appropriate instruments. While in some circumstances a treaty-level instrument may be required, in other circumstances lower level instruments may be sufficient. Consistent with long-established Government policy, such lower level instruments are not tabled in Parliament.

The Government would only contribute to a non-UN mandated peacekeeping operation if satisfied that the host country, through its legally recognised authorities, requested the establishment of a peacekeeping operation and willingly consented to the deployment of forces.

The Government notes that in certain circumstances where a host country seeks a peacekeeping operation due to a humanitarian emergency (e.g., East Timor in 2006 and 2008 and Tonga in 2006), an instrument of less-than treaty status may be the only mechanism allowing relevant countries to consent to that operation in a timely manner. Such an instrument would be confidential to the participants and therefore the Government would not be in a position to table the instrument in Parliament for examination by a parliamentary committee. The Government considers it necessary only to table in Parliament those instruments that create binding international legal obligations on Australia.

Government further notes that Chapter VIII of the Charter of the United Nations does not require Member States participating in a regional peacekeeping operation to provide a copy of the relevant instrument to the Security Council. If requested by the UNSC, the Government would use its best endeavours to seek the agreement of the other participants before providing copies of the relevant instrument to the Security Council. Likewise, if the UN requests the Government provide further information or report periodically on the progress of Australian contributions to a regional peace-keeping operation, the Australian Government would seek to cooperate fully with the UN.

**Recommendation 4**

In light of the concerns raised about the conditions under which some members of ATST-EM were deployed, the committee recommends that the ADF conduct a review of this deployment to identify any shortcomings and ensure that lessons from ATST-EM’s experiences inform the deployment of similar small contingents. This case study would, for example, examine matters such as their preparation to serve as unarmed peacekeepers, the chain of command arrangements and the provision of health services.

**Response**

**Agreed.** The Government is already in compliance with this recommendation. Headquarters Joint Operations Command (HQJOC) staff is reviewing the Australian Training Support Team East Timor (ATST-EM) deployment to ensure that relevant lessons have been captured and incorporated into planning processes where appropriate.

Beyond the specific case of the ATST-EM, the ADF has an ongoing ‘lessons learned’ process which integrates lessons through small evaluation teams focussed on designated objectives. These teams capture data and information, during the actual conduct of each operation as well as reporting from commanders, senior staff and partici-
pants. The information is recorded in the ADF Activities Analysis Database System.

In addition to the ‘lessons learned’ process, HQJOC has implemented an Operational Capability Review (OCR) process to review the tasks and composition of all deployed elements. The OCR process will enable information and issues from theatre to be captured and conveyed to HQJOC directly, allowing timely action such as force design and training adjustments for follow-on rotations, and the application of lessons to other relevant situations. The OCR process is being rolled out progressively with priority to larger and more complex contingents, but will in time be applied to every ongoing ADF deployment.

With regard to medical support for our deployed personnel in East Timor, Defence establishes and maintains medical facilities to support ADF personnel in Australian-commanded missions. Health facilities supporting ADF personnel in East Timor have matured since the first Australian deployment in 1999. For Timor, UN health facilities are currently augmented by the contracted ADF facility for more serious medical conditions/cases.

UN-assigned personnel routinely receive first line medical support through organic UN health facilities. Where ADF local support is not available to provide a back-up facility, ADF personnel within UN contingents receive agreed health support through the local UN health facilities (if available). ADF personnel also receive Combat First Aid training and are issued with a deployable medical kit. Additionally, there are agreed higher levels of care available regionally where ADF personnel can be evacuated for treatment if required.

Government is committed to ensuring that the very best health support is available

ADF personnel. As noted in the response to Recommendation 27, Defence has commissioned the Centre for Military and Veterans’ Health to conduct the Deployment Health Surveillance Program, a series of longitudinal health studies of deployed personnel, including mental health issues.

**Recommendation 5**

The committee recommends that, before deploying Australian personnel to a peacekeeping operation, the Australian Government ensure that all instruments covering the use of force are unambiguous, clearly understood, appropriate to the mission and provide adequate protection.

**Response**

**Agreed.** Prior to approving deployment of Australian personnel to a peacekeeping operation, the Government determines whether the legal basis allows for sufficient force protection in light of the assigned mission and after considering all the prevailing circumstances of the proposed peacekeeping operation.

The Government notes that the legal basis for use of force contained in the authorising UN mandate for a particular peacekeeping operation cannot be unilaterally amended by the Government to ensure that it is ‘appropriate to the mission and provide[s] adequate protection.’ Instead, the mission’s rules of engagement (ROE) must be appropriately defined and suitably tailored to complement the legal basis for use of force. If the legal basis for the mission is deemed to be inadequate, then the Government may either decline to contribute to the peacekeeping operation or seek changes to the mandate that would satisfy its concerns.

The Government further notes that while deployed, all ADF commanders and AFP personnel have an obligation to continually review the authorised ROE or Use of Force, and to seek clarification or request any necessary changes if they are considered to be unclear or inadequate to cover the security situation. The Government understands the importance of having an appropriate and unambiguous use of force regime that is fully understood by all personnel involved, whether the mission is a UN or non-UN peacekeeping operation.

**Recommendation 6**

The committee recommends that all government agencies advising the Australian Government on Australia’s participation in a proposed peacekeeping operation address clearly the adequacy of force protection provided in the mandate and accompanying ROE. This consideration is not
only from the perspective of the physical safety of Australian personnel but also their mental wellbeing. Ultimately, the government must be satisfied that the mandate matches the needs on the ground.

Response

Agreed. A primary consideration when advising Government on a decision to commit personnel to a peacekeeping operation is the adequacy of available force protection measures for the overall wellbeing of Australian personnel.

The Government is committed to ensuring that high quality mental health support is available for Australian Defence Force (ADF) personnel and the ex-service community. As discussed in the Government response to Recommendation 23, Government has developed a Mental Health Lifecycle Initiatives Package. The Package includes nine strategic mental health initiatives targeted across the four stages of an ADF member’s lifecycle: recruitment, service, transition, and resettlement into civilian life. As part of these initiatives, the Australian Centre for Posttraumatic Mental Health (ACPMH) is undertaking research and learning processes to enhance current practices. Defence and the Department of Veterans’ Affairs are working closely with the ACPMH on the lifecycle initiative.

In addition, Defence has commissioned the Centre for Military and Veterans’ Health to conduct the Deployment Health Surveillance Program, a series of longitudinal health studies of deployed personnel, including mental health issues.

The Government notes that, in the case of a UN-mandated peacekeeping operation, force protection policy and military ROE applicable to Australian personnel are ultimately derived from the UN mandate, which as previously noted cannot be unilaterally amended.

Prior to approving Australian participation in a peacekeeping mission, the Government receives advice on the sufficiency of ROE and force protection measures in view of the needs on the ground. This process applies to all ADF operations including those not led by the UN, and non-peacekeeping operations.

As noted in the response to Recommendation 5, all ADF commanders deployed on peacekeeping operations have an obligation to continually review the authorised ROE, and to seek clarification or request any necessary changes if they are considered to be unclear or inadequate to cover the military situation.

Recommendation 7

The committee recommends that, when considering a proposed peacekeeping operation, the Australian Government examine in detail the mission’s exit strategy to ensure that Australia’s contribution is part of a well-planned and structured approach to achieving clearly stated objectives. When committing forces to an operation the Australian Government should clearly articulate its exit strategy.

Response

Partially agreed. The Government recognises the importance of exit strategies. However, as noted in response to Recommendation 1, a degree of flexibility is required, as there may be circumstances where it is not appropriate to articulate an exit strategy.

The Government conducts a classified annual review of the ADF’s commitments to peacekeeping operations. This review critically examines each mission and considers the continuance, or otherwise, of the ADF’s contribution.

Recommendation 8

The committee recommends that the ADF place a high priority on its undertaking to give training for peacekeeping operations a ‘more prominent place’ in its training regime. This training should extend to reservists as well as regular members of the ADF.

Response

Agreed. Training for peacekeeping operations has been identified as a fundamental element to the continuum of training in the ADF, especially within the Army. Land Command provides collective training for regular and reservist personnel aimed at meeting operational requirements, and peacekeeping is included as part of this requirement for operational training. In addition, the ADF Peace Operations Training Centre (formerly the ADF Warfare Centre (ADFWC)) includes peacekeeping operations modules on most of its joint courses and incorporates peacekeeping and
stabilisation operations in joint exercises, such as the Talisman Sabre series with the United States. Peacekeeping operations are covered in a dedicated civil-military cooperation course, and also in a variety of other courses conducted by the ADFWC through presentations, syndicate tutorials and discussion periods.

The ADF Peacekeeping Centre also provides the ADF UN Military Observers’ Course, which prepares selected military personnel from Australia and overseas for service as military observers in UN or multinational peacekeeping operations. The course is focused on meeting the standards stipulated by UN DPKO’s Integrated Training System. Since 2008, components of the course have been merged into a course conducted by the AFP’s International Deployment Group.

Previously, the ADFWC ran the International Peace Operations Seminar (IPOS). The Asia Pacific Civil-Military Centre of Excellence (APCM COE), created in 2008, now has responsibility for conducting IPOS, and has split the seminar into two courses focused on enhancing whole-of-government and whole-of-nation capabilities, and promoting civil-military UN and international engagement in the Asia Pacific region. These are the Civil-Military Interaction Seminar and the Civil-Military Interaction Workshop, the latter which is developed and delivered with the Asia Pacific Centre for Military Law (APCML). APCMCOE is also working closely with the ADF and relevant Government agencies to identify core training activities as part of a Training Continuum for military, police and civilian personnel.

Recommendation 9
The committee recommends that the AFP adhere to a procurement policy that requires, where possible, any equipment purchased for use in a peacekeeping operation to be compatible with equipment or technology used by the ADF.

Response
Agreed. The need for the ADF and AFP to operate together closely has been recognised by both Agencies and is pursued vigorously under an interagency Memorandum of Understanding (MOU) on interoperability, signed in 2008 by the Secretary of the Department of Defence, the Chief of the Defence Force and the Commissioner of the AFP.

The committee recommends that the ADF and the AFP work together to devise and implement programs—joint training and exercises—and develop shared doctrine that will improve their interoperability when deployed overseas. In particular, the committee recommends that the ADF implement a program of secondments of their members to the AFP’s International Deployment Group.

Recommendation 10
The committee recommends that the ADF and the AFP work together to devise and implement programs—joint training and exercises—and develop shared doctrine that will improve their interoperability when deployed overseas. In particular, the committee recommends that the ADF implement a program of secondments of their members to the AFP’s International Deployment Group.

Response
Partially agreed. As noted in response to recommendation 9, in 2008 Defence and the AFP signed an MOU on interoperability, which provides a framework for cooperation in the preparation for and conduct of operations. A Joint Steering Committee on interoperability, headed by the National Manager of the AFP’s International Deployment Group and the ADF’s Chief of Joint Operations, has been established in accordance with the MOU. The MOU notes that interoperability is the ability to train, exercise and operate effectively together in the execution of assigned missions and tasks. Participation by the AFP on Exercise Talisman Sabre 2009 is a contemporary example of exercising together.

Should Defence and AFP be deployed to the same area of operations, coordination mechanisms are developed to achieve mutually supporting outcomes. As interoperability between organisations matures, this may lead to the inclusion of police as part of the Australian joint operations architecture. The APCM COE has secondees from Defence, the AFP and civilian agencies, and pro-
vides a further opportunity to develop and participate in joint training and education programs, and develop doctrine for practical collaboration.

**Recommendation 11**
The committee recommends that DFAT and AusAID jointly review the pre-deployment training arrangements for Commonwealth officers being deployed on peacekeeping missions with a view to establishing a government approved course of training. The committee recommends further that:

- all Commonwealth personnel deploying to a peacekeeping operation satisfy the requirements of this course;
- relevant government agencies require all their external contractors providing services to a peacekeeping operation to undergo appropriate screening and training; and
- to ensure the effective transfer of skills and knowledge, DFAT and AusAID include in their pre-deployment preparations a ‘training for trainers’ course for personnel whose duties involve instructing or coaching people in a host country.

**Response**

**Partially Agreed.** The Government agrees that AusAID and the APCM COE should review the pre-deployment training arrangements for Commonwealth officers being deployed on peacekeeping missions, and this process is already underway.

The Government agrees that all Commonwealth personnel deploying on peacekeeping operations should satisfy pre-deployment training requirements. There is scope for training modules to be further developed and refined, to address core skill sets for peacekeeping operations. However, given the wide range of peacekeeping situations and varying roles of agencies, training programs must also be tailored to different contexts and roles.

The Government agrees that ‘train the trainer’ or capacity building skills are important for personnel whose duties involve instructing or coaching people in a host country. AusAID currently provides such training when required as a part of its pre-deployment programs for Commonwealth officers deployed under the aid program.

**Recommendation 12**
The committee recommends that DFAT undertake a comparative review and analysis of the strategic level arrangements for the planning and coordination of RAMSI and peacekeeping operations in Timor-Leste and to use the findings as a guide for future missions.

**Response**

**Agreed.** The Government agrees with the intent of this recommendation. The APCM COE commissioned the Australian Strategic Policy Institute to conduct a study into the key civil-military lessons from Australia’s response to recent disaster and conflict events in the region, including support to the Regional Assistance Mission Solomon Islands (RAMSI) and Timor Leste. The study focused on civil-military lessons in relation to whole-of-government policy and planning and operational implementation. The findings of the study, together with supplementary research and lessons learned activities, will help to support Australia’s approach to strategic-level planning and coordination for future missions.

Mission planning will also be informed by the development of a civil-military conceptual framework for conflict and disaster management. This framework, being developed by the APCM COE in collaboration with relevant government departments and agencies, is drawing from both Australian and international experiences in planning for peace and stabilisation operations.

**Recommendation 13**
The committee recommends that AusAID coordinate a consultation with DFAT, Defence, AFP, ACFID and key NGOs to establish a more effective mechanism for involving the NGO sector in the planning of Australia’s involvement in peacekeeping operations.

**Response**

**Agreed.** The Government has demonstrated its commitment to broader engagement with the NGO sector through the AusAID-ACFID Partnership Agreement. The Agreement contains an undertaking on the part of AusAID to facilitate an
enhanced relationship between the NGO sector and other federal agencies.

The Government, through AusAID and the APCM COE, will collaborate to host a forum with the Australian Council for International Development (ACFID) and relevant NGOs and international organisations in 2010. It is expected that this forum will provide a further opportunity for dialogue and the exchange of ideas on peacekeeping issues and best practice for peacekeeping operations. This will build upon an earlier collaborative activity organised by the Government to ensure Australian and international NGO involvement in the development of civil-military doctrine for UN DPKO.

In addition, a responsibility of the APCM COE is to engage and develop collaborative mechanisms to support civil-military best practice with the non-government sector, which has been enhanced by the creation of an NGO Adviser position at the APCM COE. The position facilitates dialogue and an enhanced understanding between the NGO sector and government agencies on civil-military planning and capabilities for conflict and disaster management. The position, funded by AusAID, was filled by ACFID in September 2009.

It is important to note that while opportunities to involve the NGO sector in the planning for Australian peacekeeping operations is considered desirable by the Government, the extent to which this can occur needs to be balanced by relevant security considerations.

**Recommendation 14**

The committee recommends that a whole-of-government working group, such as the Peace Operations Working Group, arrange to hold regular meetings with representatives of NGOs engaged in peacekeeping operations to discuss and develop training programs and courses that would improve their working relationship. The committee recommends further that, in consultation with other government agencies and relevant NGOs, DFAT and AusAID review this arrangement in 2010 to assess the value to each organisation involved, and how it could be improved. The results of the review would be noted in DFAT’s annual report.

**Response**

Partially agreed. The Government agrees there is a need for regular dialogue between relevant government agencies and NGOs to enhance cooperation between the government and non-government sector, including through appropriate training activities. The mechanism for dialogue raised in response to Recommendation 13 provides an opportunity to consider training and education needs. Also, as raised in response to Recommendation 13, the NGO Adviser position at the APCM COE is strengthening Government-NGO engagement, and facilitating input from the NGO community into civil-military training and education programs organised by the APCM COE.

AusAID and APCM COE (through the Department of Defence) will report on progress on engagement with NGOs in their respective Annual Reports given their leading role in the NGO dialogue and engagement mechanisms noted above.

**Recommendation 15**

The committee recommends that, in consultation with AusAID and ACFID, Defence review its civil-military cooperation doctrine, giving consideration to identifying measures to improve coordination between the ADF and the NGO sector when engaged in peacekeeping activities.

The committee recommends further that Defence include a discussion on its CIMIC doctrine in the upcoming Defence White Paper as well as provide an account of the progress made in developing the doctrine and its CIMIC capability in its annual report.

**Response**

Agreed. Defence is already in compliance with this recommendation. The ADFWC completed a review of its Civil Military Co-operation (CIMIC) doctrine in April 2009. A wide range of civilian and military agencies were consulted in the formulation of this review, including NGOs. The doctrine has also been designed to facilitate interoperability with our major allies and the North Atlantic Treaty Organization (NATO).

Defence has also provided key support to the UN DPKO in developing CIMIC doctrine for modern, complex UN peacekeeping missions.
In the 2009 Defence White Paper, the Government recognised that:
“...it will be crucial to ensure that the ADF can work effectively alongside civilian agencies that specialise in law enforcement, development assistance, humanitarian relief, health, correctional services, municipal services (such as water and infrastructure), education, and political and administrative governance. ... The Asia Pacific Civil-Military Centre of Excellence will inform Australia’s response to these challenges through research, education and doctrine development drawn from the accumulated experience of the ADF and other parts of the Australian Government, the United Nations, other nations and non governmental organisations.”

Recommendation 16
As part of this review process, the committee recommends that, in consultation with AusAID and other relevant government agencies and ACFID, Defence and the AFP consider the merits of a civil—military—police cooperation doctrine. The consideration given to this doctrine would be reflected in the committee’s proposed white paper on peacekeeping.

Response
Agreed. The need for the development of this doctrine has already been identified. The APCM COE assists departments and agencies with the development of civil-military-police doctrine, protocols and guidance and will consider this recommendation.

Recommendation 17
The committee recommends that in conjunction with its review of CIMIC doctrine, ADF consider ways to strengthen its CIMIC capability.

Response
Agreed. As raised in response to recommendation 15, the requirement for a strong ADF CIMIC capability is recognised in the new Defence White Paper. The APCM COE will assist in strengthening the ADF’s CIMIC capability through related training programs, advisory support, and research and analysis.

Recommendation 18
The committee recommends that AusAID, ACFID and Defence jointly review the current pre-deployment education programs, exercises, courses and other means used to prepare military and civilian personnel to work together in a peacekeeping operation. The committee recommends further that based on their findings, they collectively commit to a pre-deployment program that would strengthen cooperation between them and assist in better planning and coordinating their activities.

Response
Agreed. The APCM COE will facilitate dialogue and practical measures to strengthen the pre-deployment preparation of military and civilian personnel for peacekeeping operations. In 2008, the APCM COE commissioned an audit of current civil-military training courses available in Australia and internationally. The findings of this audit are informing the Centre’s training and education strategy and its implementation.

The APCM COE is working closely with AusAID on the civil-military training needs for civilians deployed overseas, and with the ADF to ensure the inclusion of civil-military perspectives within military deployment training and exercises. ACFID involvement in the development and conduct of identified training activities will be facilitated by APCM COE on a regular basis.

Recommendation 19
The committee recommends that Defence, AFP, AusAID and DFAT commission a series of case studies of recent complex peacekeeping operations, as proposed by Austcare, with the focus on the effectiveness of civil—military cooperation and coordination. Their findings would be made public and discussed at the Peace Operations Working Group mentioned in Recommendation 14.

Response
Agreed. As noted in the response to Recommendation 12, the APCM COE commissioned a study of Australia’s responses to recent conflict and disaster events in the region to identify civil-military lessons. This study was undertaken by ASPI and involved interviews with personnel from the Department of Prime Minister & Cabinet, DFAT, Defence, Attorney-General’s Department, AusAID, AFP and a range of NGOs. Where appropriate, this and other studies and lessons
learned, will he discussed with ACFID and NGO representatives.

**Recommendation 20**
The committee recommends that the Australian Government consider the lessons from RAMSI regarding the positive local reaction to the mission’s ‘relatively low profile’ with a view to adopting this approach as policy and best practice.

**Response**
*Agreed.* The Government seeks to capture and consider lessons learned from peacekeeping missions and use them to inform future engagements as a matter of course.

**Recommendation 21**
The committee recommends that the Australian Government commission independent research to test, against the experiences of past deployments, the relevance of the factors identified by the committee that should inform Australia’s approach to, and planning for, a regional operation. These include the need for understanding sensitivities regarding sovereignty, language skills and cultural awareness, local ownership and involving local community groups (for complete list see paragraph 16.61). The committee further recommends that the information be used to develop a template for the conduct of future missions.

**Response**
*Partially Agreed.* The Government is committed to continuous improvements in both civilian and military training, and recognises that reviews of lessons learned from a whole-of-government perspective can help our planning, policy and practice in-country. Existing exercises and training by the AFP, ADF and AusAID have improved the focus on cultural awareness, language skills and related issues. AusAID and other government agencies are examining mechanisms to improve civilian deployments while existing exercises and training by the AFP, ADF and AusAID have enhanced their focus on cultural awareness, language skills and related issues.

**Recommendation 22**
The committee recommends that a whole-of-government working group review the language and cultural awareness training of government agencies with a view to developing a more integrated and standardised system of training for Australian peacekeepers. The Peace Operations Working Group may be the appropriate body to undertake this work.

**Response**
*Agreed.* As noted in the response to recommendation 21, while recognising that every mission will be different, the Government is committed to continuous improvements in both civilian and military training. AusAID and other government agencies continue to examine mechanisms to improve civilian deployments while existing exercises and training by the AFP, ADF and AusAID have enhanced their focus on cultural awareness, language skills and related issues.

**Recommendation 23**
The committee recommends that exchange programs and joint exercises with personnel from countries relevant to peacekeeping operations in the region continue as a high priority. It also suggests that such activities form part of a broader coherent whole-of-government strategy to build a greater peacekeeping capacity in the region.

**Response**
*Agreed.* The Government acknowledges the value of continuing exchange programs and joint exercises with personnel from countries relevant to peacekeeping operations in the region.

The Government notes a requirement to balance exchange programs and joint exercises with Australian policy priorities, and with consideration for the particular circumstances of a given agency. Individual agencies need the flexibility to pursue engagement priorities informed by wider national interests and Government guidance. For example, the AFP delivers education and training programs for the Pacific Island Countries contribution to the Participating Police Force in RAMSI; this has been extended to include observer/trainers from the East Timor Police Force. The AFP is the only regional police force with a training institution dedicated to preparing its officers for duty in peace and stability operations. Accordingly, the AFP is focused on education and training rather than exchanges. The AFP expects to conduct broader engagement with regional nations from South East Asia in the future.
The Government will also continue to support the work of UN agencies and regional organisations, such as the ASEAN Regional Forum, in capacity building efforts for partner countries involved in peace operations. The civil-military training programs being developed and facilitated by the APCM COE, as noted in the response to Recommendation 8, include participants from the Asia Pacific region.

Recommendation 24
The committee recommends that greater impetus be given to the implementation of UN Resolution 1325. It recommends that the Peace Operations Working Group be the driving force behind ensuring that all agencies are taking concrete actions to encourage greater involvement of women in peacekeeping operations.

The committee recommends further that DFAT provide in its annual report an account of the whole-of-government performance in implementing this resolution. The report should go beyond merely listing activities to provide indicators of the effectiveness of Australia’s efforts to implement Resolution 1325.

Response
Partially agreed. The Government notes that Resolution 1325 covers issues broader than peacekeeping, making full application and implementation of the resolution broader than the working group’s mandate. In 2008 the Australian Government Office for Women funded an Australian non-government organisation to undertake research into possible options for the implementation of United Nations Security Council Resolution 1325 (Resolution 1325) including the possible development of a National Action Plan (NAP). Detailed research and community consultation was undertaken, culminating in a report to the Office for Women in July 2009 for consideration by government. In October 2009 an inter-departmental working group was convened to consider next steps. The Minister for the Status of Women then wrote to the Prime Minister and relevant ministerial colleagues seeking their support for the development of an Australian national action plan.

The Prime Minister, Minister for Foreign Affairs, Minister for Defence, Minister for Home Affairs, the Attorney-General and the Parliamentary Secretary for International Development Assistance have given their support for a whole of government approach to the development of an Australian national action plan.

Recommendation 25
The committee recommends that Australian government agencies actively pursue opportunities to second senior officers to the United Nations. Furthermore, that such secondments form part of a broader departmental and whole-of-government strategy designed to make better use of the knowledge and experience gained by seconded officers. In other words, appointments should not be terminal postings and should be perceived as important and valuable career opportunities.

Response
Agreed. The Government actively pursues opportunities to deploy senior officers to UN missions and UN Headquarters in New York. The Government agrees that secondment opportunities must be strategically selected to ensure balance between the availability of senior officers and wider responsibilities and opportunities of each agency.

Recommendation 26
The committee recommends that the ADF develop a comprehensive and reliable database on Australian peacekeepers that would provide accurate statistics on where and when ADF members were deployed. The database would also enable correlations to be made between particular deployments and associated health problems.

Response
Agreed. PMKeyS, the ADF corporate human resource management system, provides a comprehensive and reliable database from which statistics can be extracted to identify dates and locations of service by Australian Peacekeepers. The PMKeyS OpsLog is completed prior to a service member’s departure on any operational service, and then maintained to accurately represent service within an Area of Operations. OpsLog data enables periods of overseas service to be correlated against reported health problems, by operation, time and location. Considerable work has been undertaken since the introduction of OpsLog in July 2005 to incorporate information...
from other data sources. Project Remediate, the latest of such initiatives, is intended to capture data on ADF operational deployments of all types prior to July 2005.

**Recommendation 27**

The committee recommends that the ADF broaden the scope of the research and studies being done on veterans’ mental health by the Australian Centre for Posttraumatic Mental Health and the Centre for Military and Veterans’ Health to include the rehabilitation of veterans with mental health problems; the retraining opportunities or career transition services provided to them; the quality of, and access to, appropriate and continuing care; and the stigma attached to mental health problems in the ADF.

**Response**

Agreed. These issues are being addressed in the Government Mental Health Lifecycle Initiatives Package. The Package includes nine strategic mental health initiatives targeted across the four stages of an ADF member’s lifecycle: recruitment, service, transition, and resettlement into civilian life. As part of these initiatives, the Australian Centre for Posttraumatic Mental Health (ACPMH) is undertaking research and learning processes to enhance current practices. Defence and the Department of Veterans’ Affairs (DVA) are working closely with the ACPMH on the lifecycle initiative.

In addition, Defence has commissioned the Centre for Military and Veterans’ Health to conduct the Deployment Health Surveillance Program, a series of longitudinal health studies of deployed personnel, including mental health issues. Studies have been completed on the Solomon Islands, Timor Leste and Bougainville, and a study of the Middle East Area of Operations will follow.

As part of the Review of Mental Health in Defence, Professor David Dunt has examined the scope of mental health research in the ADF, addressing the issue of the stigma attached to mental health problems. The review included a variety of submissions taken from many interested parties including individuals, ex-service organisations and other Government Departments. The report, and Government response, was released by the former Minister for Defence Science and Personnel, the Hon Warren Snowdon and the Minister for Veterans’ Affairs, the Hon Alan Griffin on 1 May 2009. The Government has accepted, either wholly or in principle, all recommendations in the report.

In addition, Professor Dunt also undertook an Independent Study into Suicide in the Ex-Service Community, with the report released by the Minister for Veterans’ Affairs on 4 May 2009. There were five recommendations common to both reports relating to transition which Defence and DVA are working together to implement.

**Recommendation 28**

The committee recommends that the Australian Government release a policy paper outlining the options and its views on a rehabilitation and compensation scheme for the AFP, invite public comment and thereafter release a draft bill for inquiry and report by a parliamentary committee.

**Response**

Partially agreed. The Government agrees with the intent of the recommendation.

The Review of Military Compensation Arrangements is examining the current military rehabilitation and compensation system, including whether the Military Rehabilitation and Compensation Act 2004 (MRCA) should cover the AFP members deployed on high risk overseas missions. A Steering Committee has been established to manage the Review. The Committee is comprised of senior Government representatives and a member of the community with compensation expertise, and is chaired by the Chair of the Military Rehabilitation and Compensation Commission.

Interim arrangements have been put in place for AFP officers serving in high risk missions to align rehabilitation and compensation arrangements with Defence, pending the outcomes of this review. Options will be discussed with the AFP and various interest groups for establishing ongoing arrangements including both high risk and other AFP missions, that provide parity with arrangements that will be put in place by Defence. Current interim arrangements will be subsumed into any ongoing arrangements.
Recommendation 29
The committee recommends that the ADF commission an independent audit of its medical records to determine the accuracy and completeness of the records, and to identify any deficiencies with a view to implementing changes to ensure that all medical records are up-to-date and complete. The audit report should be provided, through the Minister for Defence, to the committee.

Response
Not agreed. While initiatives are underway to meet the intent of the recommendation, the Government notes that an audit, as proposed by the committee, would not meet the requirement to determine the accuracy and completeness of records because effective datum for benchmarking accuracy and completeness does not exist.

The Government further notes that Defence is developing an electronic medical record system based on a commercial product, enabling individual records to be developed and maintained electronically. Using the Rapid Prototype Development and Evaluation (RPDE) process, Defence has commenced a requirements collection task. RPDE will then consider commercial off-the-shelf options, then trial and evaluate potential solutions before making a decision on the way ahead. This new e-health system will ensure all health information is collected and is available to all health providers for the care of the individual, and for Joint Health Command to use to manage the health of the ADF.

Recommendation 30
The committee recommends that the Australian Government requests ANAO to audit the hardware and software used by the ADF and DVA in their health records management system to identify measures needed to ensure that into the future the system is able to provide the type of detailed information of the like required by the committee but apparently not accessible.

Response
Partially agreed. Following an ANAO audit in 2001, a number of health initiatives were identified aimed at retiring legacy systems and delivering a new health information systems environment to Joint Health Command, including the development of an e-health system as recommended by the ANAO and as detailed in the response to Recommendation 29. When completed, this system will enable the detailed information requirements mentioned by the Committee to be addressed.

Recommendation 31
The committee also recommends that Defence commission the Centre for Military and Veterans’ Health to assess the hardware and software used by Defence and DVA for managing the health records of ADF personnel and, in light of the committee’s concerns, make recommendations on how the system could be improved.

Response
Partially agreed. In light of the initiatives underway to retire legacy systems and deliver a new health information systems environment to Joint Health Command, there would be limited value in the Centre for Military and Veterans’ Health (CMVH) assessing the hardware and software currently used by Defence in managing health records. There may be value in the CMVH assessing the new hardware and software at a future date.

Government also notes that the CMVH has made considerable contribution to informing the e-health debate within Defence and DVA, and continues to do so through the quarterly meeting of the CMVH E-Health Strategic Research Working Group.

Recommendation 32
The committee recommends that the Australian Government consider additional funding for the proposed Peacekeeping Memorial.

Response
Agreed. The Australian Peacekeeping Memorial Project Committee (APMPC) is keeping the Minister, through DVA, informed about the progress of its fundraising activities. Any additional funding, beyond the $200,000 paid to the APMPC in June 2006, would be considered by the Minister. However, consistent with the rules governing all other memorials, public donations form a key indicator of public support for the establishment of a national memorial.
The Government notes that it is usual practice for the construction of new national memorials to be managed by committees of ex-service organisations and other community groups which have demonstrated the ability to raise the necessary funds and the skills necessary to manage such a project to completion.

**Recommendation 33**

The committee recommends that the Australian Government include Australia’s involvement in peacekeeping operations in East Timor in the terms of reference for the Official History of Australian Peacekeeping, Humanitarian and Post-Cold War Operations.

**Response**

Agreed in-Principle. The Government recognises the public prominence of Australia’s involvement in East Timor, which was Australia’s largest peacekeeping operation and was the first time Australia had led a major international coalition force. The Official Historian, Professor David Horner, has begun consultation with relevant departments to discuss this matter.

**Request to Auditor General**

The committee requests that the Auditor-General consider conducting a performance audit on the mechanisms that the ADF has in place for capturing lessons from current and recent peacekeeping operations including: the adequacy of its performance indicators; whether lessons to be learnt from its evaluation processes are documented and inform the development or refinement of ADF’s doctrine and practices; and how these lessons are shared with other relevant agencies engaged in peacekeeping operations and incorporated into the whole-of-government decision-making process.

**Response**

Agreed. The Auditor General will consider the merits of undertaking such a performance audit in the development of its 2009-10 Audit Work Program, taking into account other audit priorities.

**Recommendation 34**

The committee recommends that the relevant government agencies jointly develop standard measurable performance indicators that, where applicable, would be used across all agencies when evaluating the effectiveness of their peacekeeping activities (also see Recommendation 36).

**Response**

Partially Agreed. The Government notes that agencies already monitor and evaluate peacekeeping missions, particularly where agencies are represented together in the field. The AFP has contracted the University of Queensland to research measures of performance for police contributions to peace and stability operations and capacity building missions. Initial discussions between AFP and DSTO specialists have determined that some of the measures could be jointly applicable to both policing and the ADF in the peace and stability operations environment, and they will attempt to test this joint applicability in an exercise environment.

Government agencies, however, hold differing areas of expertise and mission focus, necessitating divergent approaches towards meeting their particular mission goals and requirements. In conjunction with the diverse scope of requirements across peacekeeping missions, this makes it problematic to standardise performance indicators across multiple peacekeeping operations and contributing departments.

**Recommendation 35**

The committee recommends that the Australian Government designate an appropriate agency to take responsibility for the whole-of-government reporting on Australia’s contribution to peacekeeping. This means that the agency’s annual report would include a description of all peacekeeping operations, a list of the contributing government agencies, and, for each relevant agency:

- a description of its role in the operation;
- the agency’s financial contribution to the operation during that reporting year;
- the peak number of personnel deployed by the agency during the reporting year and the date at which the peak occurred; and
- the number of personnel deployed as at the end of the reporting year.

**Response**

Partially agreed. Government is considering if and how best to take forward Recommendation 35. An annual report may not be the best publica-
tion in which to collate and publicise Australia’s contribution to peacekeeping operations. Government agencies currently report relevant information on peacekeeping operations within their respective annual reports. As noted in response to recommendation 7, Defence also coordinates a classified annual review of the ADF’s commitments to peacekeeping operations for consideration by Government.

**Recommendation 36**

In light of the committee’s discussion on the adequacy of performance indicators, the committee also recommends that the agencies reporting on peacekeeping activities provide in their annual reports measurable performance indicators on the effectiveness of these activities.

**Response**

**Partially agreed.** The Government acknowledges the importance of agencies providing clear and accurate reporting —against measurable performance indicators where appropriate —on the effectiveness of their activities. Government notes that Australian support to peacekeeping is conducted across multiple agencies, and the level of effectiveness of certain contributions is not always amenable to being quantified and measured, as noted in the response to Recommendation 34.

**Recommendation 37**

Committee recommends that the Australian Government produce a white paper on Australia’s engagement in peacekeeping activities.

**Response**

**Partially agreed.** The Government recognises the importance of a whole-of-government approach to Australia’s engagement in peacekeeping activities. In May 2009, Government delivered the most comprehensive Defence White Paper ever produced. While Government recognises that peacekeeping involves a range of key stakeholders beyond Defence, the Defence White Paper undertook an examination of peacekeeping. Government is considering if and how to move forward on recommendation 37, including instead making a comprehensive whole-of-government statement on peacekeeping.

**Recommendation 38**

The committee recommends that the Australian Government establish a task force to conduct a scoping study for the Asia-Pacific Centre for Civil-Military Cooperation, focusing on best practice. The task force would:

- include representatives of the ADF, the AFP, DEAT, AusAID and NGOs;
- examine the structure, reporting responsibilities, administration, funding and staffing of these institutions - the task force would seek specific information on matters such as the civil-military—police coordination, administration of a civilian database and domestic/regional focus;
- visit the major international peacekeeping centres and hold discussions with overseas authorities - visits could include the Pearson Peacekeeping Centre in Canada, Centre for International Peace Operations in Germany and centres in Malaysia and/or India;
- assess the strengths and weaknesses of the various institutions with a view to identifying what would best suit Australia and the region; and
- based on this assessment, produce a final report for government containing recommendations on the Asia-Pacific Centre for Civil-Military Cooperation.

The government should make the report available to the committee.

**Response**

**Partially agreed.** The Prime Minister officially opened the Asia Pacific Civil-Military Centre of Excellence (formerly referred to as the Asia Pacific Centre for Civil-Military Cooperation) on 27 November 2008. The APCM COE has made a strong start with a comprehensive forward work program based in part on the examination of international best practice by a number of the counterpart organisations referred to in the Committee’s recommendation.

It has been established as an inter-agency initiative and includes staff from Defence, DFAT, AFP, AusAID and AGD. In addition, self-funded positions in the APCM COE have been filled by the New Zealand Government and ACFID. AusAID
provided the funding for ACFID to establish and operationalise the position in the first year as a demonstration of the commitment it places on engaging NGO views.

The mission of the APCM COE is to support the development of national civil-military capabilities to prevent, prepare for and respond more effectively to conflicts and disasters overseas. The views of relevant government departments and agencies, and NGO organisations, were taken into account in the development of the APCM COE’s key responsibilities and priorities.

The APCM COE is developing partnerships with selected UN agencies, as well as bilateral and regional partners, peacekeeping centres and research organisations to encourage an active sharing of experiences, lessons, ideas and future training activities, including for peacekeeping missions. It engages with Australian NGOs, primarily through ACFID and AusAID.

The progress of the APCM COE will be reported in the Defence Annual Reports and formally reviewed by the Government in FY2010-11.

1 Defending Australia in the Asia Pacific Century: Force 2030, pg 23.

Government Response to the Senate Inquiry into the Renewable Energy Electricity (Feed-in Tariff) Bill 2008

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<tr>
<th>Senate Committee Recommendation</th>
<th>Government Response</th>
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<td><strong>Recommendation 1:</strong> Noting strong industry, consumer and government support for FIT schemes, the committee recommends that the Commonwealth government, through COAG, work as quickly as practicable to implement a FIT framework that is as far as possible nationally uniform and consistent.</td>
<td>The Government supports this recommendation. On 29 November 2008 COAG announced the adoption of a set of national principles to apply to new state and territory feed-in tariff schemes and to inform reviews of the existing schemes. These principles are available on COAG website at <a href="http://www.coag.gov.au">www.coag.gov.au</a>. The Ministerial Council on Energy (MCE) has agreed to develop a work program to give effect to the COAG national principles for feed-in tariffs for renewable energy.</td>
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<td><strong>Recommendation 2:</strong> The committee recommends that all governments consider carefully the evidence received by this Senate inquiry regarding metering, as well as the track record of existing FIT schemes overseas, in designing a nationally consistent FIT framework for Australia.</td>
<td>The Government notes this recommendation. The Government, through the COAG Working Group on Climate Change and Water, took into consideration metering issues and international experience during the development of the national principles for feed-in tariffs for renewable energy. The Government expects that work being undertaken by the Ministerial Council on Energy on smart metering requirements will retain sufficient flexibility to support the particular tariffs in place for different customers.</td>
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<td><strong>Recommendation 3:</strong> The committee recommends that a more regular system of payments to generators be considered than the annual payments in the proposed bill.</td>
<td>The Government notes this recommendation. The COAG national principles state that any premium feed-in tariff rate be set by jurisdictions, and that the arrangements for the payment of that tariff be incorporated into the regulation of the minimum terms and conditions for retail contracts to ensure that they are no less favourable than those for other retail customers.</td>
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Recommendation 4:
The committee recommends that tariff degres-
sion rates form part of the nationally consistent
FIT framework, but that there also be capacity
for degression rate ‘pauses’ to be instituted fol-
lowing a rate review procedure.

Government Response:
The Government notes this recommendation.
The national principles set out that any premium
feed-in tariff rates are to be jurisdictionally deter-
minded and should be transitional in nature, with
clearly defined time limits and review thresholds to
ensure that not only is assistance effective, but that
the schemes are complementary to other climate
change initiatives, particularly the Carbon Pollution
Reduction Scheme (CPRS).

Recommendation 5:
The committee recommends that tariff degres-
sion rates be technology-specific.

Government Response:
The Government notes this recommendation.
The COAG national principles state that any pre-
mium feed-in tariff rates be set by jurisdiction and
technologies to which these feed-in tariffs will apply.

Recommendation 6:
While strongly supporting a nationally consis-
tent feed-in tariff framework, the committee
recommends the current Bill not proceed.

Government Response:
The Government supports this recommendation.
The Government agrees that there is value in seeking
to ensure that state and territory feed-in tariff
schemes are nationally consistent, as far as is practi-
cable, and notes the work in this area being under-
taken through the Ministerial Council on Energy on
behalf of COAG.

The Renewable Energy Target is the key policy
mechanism for encouraging investment in renewable
energy generation.

On 26 February 2010, the Minister for Climate
Change and Water, Senator the Hon Penny Wong,
and the Minister Assisting the Minister for Climate
Change, the Hon Greg Combet AM MP, announced
changes to be made to the Renewable Energy Target
scheme. From January 2011, the existing scheme will
include two parts – the Small-scale Renewable En-
ergy Scheme (SRES) and the Large-scale Renewable
Energy Target (LRET).
The new SRES will provide $40 for each Renewable
Energy Certificate (REC) created by small-scale
technologies like solar panels and solar water heaters.
The number of systems receiving support under the
SRES will be uncapped. These measures provide
certainty for the small-scale sector and households,
small businesses and community groups. The Gov-
ernment will review the operation of the SRES in the
context of the planned 2014 statutory review of the
Renewable Energy Target to ensure the fixed price
for RECs remains relevant.
Government Response

The Australian Government welcomes the report of the Senate Standing Committee on an important tool in addressing discrimination and changing attitudes about the participation of women and men in a range of areas of public life. The SDA prohibits discrimination on the basis of sex in employment, educational institutions, and in the provision of goods and services. The SDA, similar to other anti-discrimination laws, has been an important mechanism in changing community perceptions and setting appropriate standards to recognise that men and women should be able to fully participate in the social, economic and public life of Australian society.

The Committee's recommendations can be broadly categorised into two groups. First, recommendations that are specific to the issue of sex discrimination and second, recommendations that are also relevant to other areas of anti-discrimination legislation. The Government's consideration of the Committee's Report has been informed by the National Human Rights Consultation into the promotion and protection of human rights, which coincided with the Committee's Report.

In relation to those recommendations which are specific to sex discrimination, the Government proposes to act immediately and amend the SDA to:

- ensure the protections from discrimination provided by the SDA apply equally to women and men, through reference to additional international instruments which create obligations in relation to gender equality
- establish breastfeeding as a separate ground of discrimination
- provide greater protection from sexual harassment for students and workers, and
- extend protection from discrimination on the grounds of family responsibilities to both women and men in all areas of employment.

Those recommendations with wider implications for federal anti-discrimination laws will be considered by the Government in light of its broader commitment to streamline and harmonise Commonwealth anti-discrimination legislation as part of the Government's response to the National Human Rights Consultation.

The Government thanks the Senate Committee for its report which will inform the future direction of federal anti-discrimination legislation. Ensuring that anti-discrimination law meets the needs of contemporary Australians is an important part of ensuring the promotion and protection of human rights.

Recommendation 1

The committee recommends that the preamble to the Act and subsections 3(b), (ba) and (c) of the Act be amended by deleting the phrase 'so far as is possible'.

Response

Noted.

The phrase 'as far as possible' is also used in the objects clauses of the Disability Discrimination Act 1992 (DDA) and Age Discrimination Act 2004 (ADA). The Government will consider this recommendation as part of the process of consolidating Commonwealth anti-discrimination legislation (the consolidation project).

Recommendation 2

The committee recommends that subsection 3(a) of the Act be amended to refer to other international conventions Australia has ratified which create obligations in relation to gender equality.

Response

Noted.

The objects clauses of the DDA and ADA do not refer to international instruments. The Government will consider this recommendation as part of the consolidation project.

Recommendation 3

The committee recommends that the Act be amended by inserting an express requirement that...
the Act be interpreted in accordance with relevant international conventions Australia has ratified including CEDAW, ICCPR, ICESCR and the ILO conventions which create obligations in relation to gender equality

**Response**

Noted.

The existing position at common law is that there is an intention that Parliament does not intend to infringe international law, such that courts will prefer an interpretation consistent with international law, though some formulations of the test restricts this to cases where there is an ambiguity in the text. In addition to the common law rule, section I 5AB of the Acts Interpretation Act 1901 allows recourse to international law in specified circumstances (eg ambiguity) where the treaty is referred to in the Act.

The Racial Discrimination Act 1975 (RDA), the DDA and the ADA also implement Australia’s international obligations. The Government will consider this recommendation as part of the consolidation project.

**Recommendation 4**

In order to provide protection to same-sex couples from discrimination on the basis of their relationship status, the committee recommends that:

- references in the Act to ‘marital status’ be replaced with ‘marital or relationship status’; and
- the definition of ‘marital status’ in section 4 of the Act be replaced with a definition of ‘marital or relationship status’ which includes being the same-sex partner of another person.

**Response**

Noted.

Expanding the prohibition on marital status discrimination to include same-sex relationships may impact on the private sector. There may also be effects on State and Territory laws relating to adoption, artificial conception procedures and the recognition of changes of sex on cardinal documents. The Government will consider this recommendation further, in consultation with key stakeholders and the States and Territories.

**Recommendation 5**

The committee recommends that the definitions of direct discrimination in sections 5 to 7A of the Act be amended to remove the requirement for a comparator and replace this with a test of unfa-vourable treatment similar to that in paragraph 8(1)(a) of the Discrimination Act 1991 (ACT)

**Response**

Noted.

The ADA and DDA also use the comparator test. Any new definition of discrimination would need to be applied consistently across all grounds of discrimination to ensure consistency. The Government will consider this recommendation as part of the consolidation project.

**Recommendation 6**

The committee recommends that section 7B of the Act be amended to replace the reasonableness test in relation to indirect discrimination with a test requiring that the imposition of the condition, requirement or practice be legitimate and proportionate.

**Response**

Noted.

This test for indirect discrimination is also used in the ADA and the RDA, however the DDA uses a different test. For consistency, the suitability of any new test for indirect discrimination in one Commonwealth anti-discrimination law would need to be considered in the context of the complementary anti-discrimination laws. The Government will consider this recommendation as part of the consolidation project.

**Recommendation 7**

The committee recommends that subsection 9(10) of the Act be amended to refer to ICCPR, ICESCR, and the ILO conventions which create obligations in relation to gender equality, as well as CEDAW, in order to ensure that the Act provides equal coverage to men and women.

**Response**

Accepted.

Australia has ratified the following international conventions, in addition to the Convention on the Elimination of all Forms of Discrimination
against Women (CEDAW), directed at promoting gender equality:
International Covenant on Civil and Political Rights
International Covenant on Economic, Social and Cultural Rights
International Labour Organisation Convention No. 111—Discrimination (Employment and Occupation) Convention 1958
International Labour Organisation Convention No. 100 —Equal Remuneration Convention 1951, and
International Labour Organisation Convention No. 156 —Workers with Family Responsibilities Convention 1981.

Section 9 draws on a number of Commonwealth heads of power to bring the Act within the constitutional power of the Commonwealth. All heads of power except subsection 9(10) —external affairs—apply equally to men and women. Subsection 9(10) only has effect in relation to discrimination against women, to the extent that the provisions give effect to CEDAW. If a complaint falls in an area where no other head of power applies, such as an unlawful act by an unincorporated body, subsection 9(10) operates to cover women but not men.

The Government believes that the Sex Discrimination Act 1984 (SDA) should afford equal protection to men and women, and give effect to Australia’s international obligations. Widening the constitutional basis of the SDA is necessary to ensure that men are equally covered under protections for family responsibilities (see below recommendation 13).

The Government will introduce legislation to implement this recommendation.

**Recommendation 8**

The committee recommends that the Act be amended to include a general prohibition against sex discrimination and sexual harassment in any area of public life equivalent to section 9 of the Racial Discrimination Act 1975.

**Response**

Noted.

Section 9 of the RDA provides for a broad prohibition on discrimination in ‘the political, economic, social, cultural or any other field of public life’. Section 10 is concerned with the operation and effect of laws. Both sections 9 and 10 of the RDA can invalidate inconsistent State laws.

There are no equivalent provisions in other Commonwealth anti-discrimination legislation. The ADA, DDA and SDA adopt a different approach to the RDA and list areas of public life in which discrimination is proscribed.

Inserting a general prohibition provision and equality before the law provision in other anti-discrimination legislation would represent a significant change in approach by the Commonwealth and needs to be considered further in the context of the consolidation project. The recommendations are likely to have a significant impact on State and Territory legislation and would require extensive consultation before implementation.

The Government will consider these recommendations as part of the consolidation project.

**Recommendation 9**

The committee recommends that the Act be amended:
to provide specific coverage to volunteers and independent contractors; and
to apply to partnerships regardless of their size.

**Response**

Noted.

There are differing approaches to partnerships in Commonwealth anti-discrimination legislation. The ADA and SDA apply to partnerships of 6 or more persons, whereas the DDA applies to partnerships of 3 or more persons. The RDA applies to all partnerships, regardless of their size.

The RDA covers volunteers and independent contractors given the broad scope of section 9. The ADA, DDA and SDA cover contract workers; however there is some uncertainty about the scope of the coverage. Volunteers are not specifi-
cally covered in the ADA, DDA and SDA as they do not fall within the traditional definition of ‘employee’.

The Government recognises the inconsistent approaches and gaps in coverage and will consider this recommendation as part of the consolidation project.

**Recommendation 11**

The committee recommends that subsection 12(1) of the Act be amended and section 13 repealed to ensure that the Crown in right of the states and state instrumentalities are comprehensively bound by the Act.

**Response**

Noted.

The ADA, DDA and RDA all bind the States and State instrumentalities, while the SDA does not bind the States and State instrumentalities unless expressly provided for. While a person can pursue a claim against a State or State instrumentality under the relevant State law, there may be limitations in relation to the amount of damages. State laws may also provide less protection than the equivalent Commonwealth law.

The Government recognises that other Commonwealth anti-discrimination legislation has a wider coverage than the SDA and will consider this recommendation as part of the consolidation project.

**Recommendation 12**

The committee recommends that the Act be amended to make breastfeeding a specific ground of discrimination.

**Response**

Accepted.

Breastfeeding is specifically listed as a characteristic that appertains generally to women in subsection 5(1A). Discrimination on the basis of breastfeeding is therefore already captured as direct sex discrimination under section 5. However, making breastfeeding a separate ground of discrimination alongside marital status, pregnancy or potential pregnancy emphasises that breastfeeding is a protected attribute.

The Government will introduce legislation to implement this recommendation.

**Recommendation 13**

The committee recommends that the prohibition on discrimination on the grounds of family responsibilities under the Act be broadened to include indirect discrimination and discrimination in all areas of employment.

**Response**

Accepted.

Under subsection 14(3A) of the SDA, discrimination on the ground of family responsibilities is only unlawful where the employee is dismissed. Unlike other grounds of discrimination, the definition is also restricted to direct discrimination. Women are able to use the indirect sex discrimination provision to get around this limitation as they have a disproportionate responsibility for the care of children. Men are unable to argue indirect discrimination on the ground of family responsibilities.

The Fair Work Act 2009 now protects employees from ‘adverse action’, which is not limited to dismissal, on the ground of family responsibilities. It would be desirable to bring protections under the SDA in line with the Fair Work Act to ensure consistency across Commonwealth laws.

The Government will introduce legislation to implement this recommendation.

**Recommendation 14**

The committee recommends that the Act be amended to impose a positive duty on employers to reasonably accommodate requests by employees for flexible working arrangements, to accommodate family or carer responsibilities, modelled on section 14A of the Equal Opportunity Act 1995 (VIC).

**Response**

Noted.

The Government’s Fair Work Act and National Employment Standards operate together to promote flexible workplaces that balance the need for employees to manage their work and family responsibilities with the genuine requirements of businesses. This includes access to personal/carer’s leave to respond to personal illness, injury or unexpected emergencies - which is the first time a federal statutory entitlement to unpaid carers leave has extended to casual employees -
and a right to request a change in working arrangements in certain circumstances. The General Manager of Fair Work Australia is required to conduct research and report every three years on the circumstances in which employees make requests for flexible working arrangements, the outcome of such requests and the circumstances in which such requests are refused. The Government has also committed to a post-implementation review of key legislative proposals contained in the Fair Work Act, including the National Employment Standards, of which the right to request flexible working arrangements is part.

In addition, the Fair Work Act provides that all modern awards and enterprise agreements must include a model flexibility clause, which will allow employers and individual employees to make arrangements that suit their particular needs.

**Recommendation 15**

The committee recommends that the definition of sexual harassment in section 28A of the Act be amended to provide that sexual harassment occurs if a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

**Response**

Accepted.

The current test for sexual harassment relies on the reasonable person test, that is, a reasonable person would have anticipated that the aggrieved person would be offended, humiliated or intimidated. This is a stricter test than under some State legislation, including section 119 of the Anti-Discrimination Act 1991 (Cth), which refers to anticipation of the ‘possibility that the other person would be offended’. The Government accepts that a broader test is needed to effectively address incidences of sexual harassment, particularly in the workplace.

The Government will introduce legislation to implement this recommendation.

**Recommendation 16**

The committee recommends that section 28A of the Act be amended to provide that the circumstances relevant to determining whether a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct include:

- the sex, age and race of the other person;
- any impairment that the other person has;
- the relationship between the other person and the person engaging in the conduct; and
- any other circumstance of the other person.

**Response**

Accepted.

The current definition provides that the court is to have regard to ‘all the circumstances’ in which a reasonable person would have anticipated that the aggrieved person would be offended, humiliated or intimidated.

Inserting a statutory guide to what circumstances are relevant does not affect the matters which should be considered but will clearly direct the court to consider the individual circumstances of the case in assessing what is reasonable conduct.

The Government will introduce legislation to implement this recommendation.

**Recommendation 17**

The committee recommends that section 28F of the Act be amended to:

- provide protection to students from sexual harassment regardless of their age; and
- remove the requirement that the person responsible for the harassment must be at the same educational institution as the victim of the harassment.

**Response**

Accepted.

Section 28F of the SDA does not make it unlawful for an adult student to sexually harass a student under 16 years of age, or for a staff member or adult student to sexually harass a victim who attends another institution.

There is no persuasive policy reason for the existing age limit on the victim. Students under 16 years of age should receive equal protection as those over 16 years of age.

The current requirement that the harasser and victim attend the same institution reflects the policy intention that sexual harassment, as with discrimination, should be limited to specified
areas of public life. This recommendation potentially imposes on a staff member or an adult student a higher degree of liability for sexual harassment than imposed on the general public in similar circumstances. For example, a teacher may be liable for sexually harassing a student with whom they have no existing relationship outside of the education and employment context, while another adult who is not a teacher engaging in the same conduct would not be liable.

The Government recognises, however, that where there is a connection between the conduct of the staff member towards a student of another educational institution and the staff member’s employment, liability for sexual harassment should be imposed. For example, a staff member who sexually harasses a student of another educational institution at an inter-school event should be liable under section 28F. Similarly, an adult student should be liable for sexually harassing a student who attends another institution where there is a connection between the conduct and their attendance at an educational institution.

The Government will introduce legislation to implement this recommendation.

Recommendation 18
The committee recommends that the Act be amended to protect workers from sexual harassment by customers, clients and other persons with whom they come into contact in connection with their employment.

Response
Accepted.

The SDA proscribes sexual harassment in specified areas of public life, including employment and the provision of goods, services or facilities. It is unlawful for an employee to sexually harass another employee, and the employer may be held vicariously liable. It is also unlawful for a worker to sexually harass another person, including a customer, in the course of providing goods, services or facilities. However it is not unlawful for a customer to sexually harass a worker. Workers are equally as vulnerable to sexual harassment from customers as from colleagues or employers and should be afforded the same protections. The Government accepts that they should be afforded protections from sexual harassment by persons with whom they come into contact in connection with their employment.

The Government will introduce legislation to implement this recommendation.

Recommendation 19
The committee recommends that the HREOC Act should be amended to provide that, where a complaint is based on different grounds of discrimination covered by separate federal anti-discrimination legislation, then HREOC or the court must consider joining the complaints under the relevant pieces of legislation. In so doing, HREOC or the court must consider the interrelation of the complaints and accord an appropriate remedy if the discrimination is substantiated.

Response
Noted.

The Federal Court of Australia already has the power to join proceedings and to hear separate but related applications together. The Federal Court also hears and determines applications brought under the Australian Human Rights Commission Act 1986 (AHRC Act) which allege unlawful discrimination under two or more different grounds of discrimination as one application.

The AHRC does not prevent the Commission from dealing with complaints brought in relation to numerous grounds of discrimination as the one complaint. The Commission has in the past joined multiple grounds of discrimination and awarded remedies under each relevant Act (Djokic v Sinclair & Central Qld Meat Export Co Pty Ltd [1994] HREOCA 17).


Recommendation 20
The committee recommends that subsection 46P0(1) of the HREOC Act be amended to make the standing requirements for lodging an application with the Federal Court or the Federal Magistrates Court consistent with the requirements for
lodging a complaint with HREOC as set out in subsection 46P(2) of the HREOC Act.

Response
Noted.

This recommendation aims to give public interest organisations and trade unions standing to commence legal proceedings on behalf of one or more persons aggrieved by the alleged unlawful discrimination.

If implemented, it would not be necessary for a public interest organisation or trade union to show that it is a ‘person aggrieved’ by the alleged discrimination in its own right. The public interest organisation or trade union would still need to identify an aggrieved person or class of aggrieved persons on whose behalf the action is being brought.

The Government accepts that there is value in enabling public interest organisations to pursue representative actions on behalf of vulnerable and disadvantaged people, where the organisation has demonstrated connection with the subject matter of the dispute. If accepted, the recommendation would apply to litigation on all grounds of discrimination. The Government will consider this recommendation further as part of the consolidation project.

Recommendation 21
The committee recommends that subsection 46P(2) of the HREOC Act be amended to increase the time limit for lodging an application with the Federal Court or Federal Magistrates Court from 28 days after termination of the complaint to 60 days.

Response
Accepted.

This recommendation was implemented by the Disability Discrimination and Other Human Rights Legislation Amendment Act 2009.

Recommendation 22
The committee recommends that a provision be inserted in the Act in similar terms to section 63A of the Sex Discrimination Act 1975 (UK) so that, where the complainant proves facts from which the court could conclude, in the absence of an adequate explanation, that the respondent discriminated against the complainant, the court must uphold the complaint unless the respondent proves that he or she did not discriminate.

Response
Noted.

It is not appropriate for legislation to purport to compel the court to make certain orders. The outcome sought by the recommendation may be achieved by inserting provisions that provide for certain presumptions to be made in favour of an applicant with the onus on the respondent to rebut them.

A reversal of the onus of proof would need to be applied consistently across all grounds of discrimination. The Government will consider this recommendation as part of the consolidation project.

Recommendation 23
The committee recommends that the remedies available under subsection 46P(4) of the HREOC Act where a court determines discrimination has occurred be expanded to include corrective and preventative orders.

Response
Noted.

Under subsection 46P(4) of the AHRC Act, the Federal Court may ‘make such orders (including a declaration of right) as it thinks fit’. A number of remedies are then listed; however, this does not limit the court’s discretion to award other remedies.

As part of the consolidation process, the Government will consider the implications of expanding the enumerated remedies that may be awarded under subsection 46P(4) to include, for example, corrective and preventative orders.

Recommendation 24
The committee recommends that increased funding be provided to the working women’s centres, community legal centres, specialist low cost legal services and legal aid to ensure they have the resources to provide advice for sex discrimination and sexual harassment matters.

Response
Noted.

The Government will consider this recommendation in light of the availability of resources.
The future approach to the Commonwealth’s funding of legal assistance services, including those that are the subject of this recommendation, will be developed having regard to the Government’s Strategic Framework for Access to Justice in the Federal Civil Justice System and the negotiation of the National Partnership Agreement on legal aid.

**Recommendation 25**
The committee recommends that the Act be amended to remove the exemption for voluntary organisations in section 39.

**Response**
Noted.
The committee recognises that some other Commonwealth anti-discrimination legislation has a wider coverage than the SDA and will consider this recommendation as part of the consolidation project.

**Recommendation 26**
The committee recommends that the definition of ‘clubs’ in section 4 be expanded so that:
the prohibition on discrimination with respect to clubs applies to a broader range of organisations; and
those organisations have access to the automatic exception in subsection 25(3) permitting single-sex clubs.

**Response**
Note.

‘Clubs’ is defined in the SDA to mean an association of 30 or more persons. The definition in the DDA does not have a membership threshold. The RDA and ADA do not list ‘clubs’ as an area of public life to which the protections apply. Section 9 of the RDA would apply to discrimination in respect to clubs; however the ADA arguably allows clubs to discriminate in relation to membership and enjoyment of benefits provided by the club.

The definition of ‘clubs’ and the scope of exemptions which relate to clubs will be considered as part of the consolidation project.

**Recommendation 27**
The committee recommends that provisions such as sections 31 and 32, which clarify that certain differential treatment is not discriminatory, should be removed from Part II Division 4 which deals with exemptions and instead be consolidated with section 7D.

**Response**
Noted.
Section 31 of the SDA permits rights or privileges to be granted to a woman and not a man if in connection with pregnancy or childbirth. This is consistent with article 4(2) of the CEDAW which allows ‘special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.’

Section 32 of the SDA allows services to be provided to members of one sex if the nature of the services is such that it can only be provided to members of one sex.

Sections 31 and 32 clarify that certain differential treatment is not discriminatory. Sections 31 and 32 are currently contained in Division 4 which deals with exemptions. The Government will take this recommendation into account in the design of consolidated Commonwealth anti-discrimination legislation.

**Recommendation 28**
The committee recommends that section 44 of the Act be amended to clarify that the power of HREOC to grant temporary exemptions is to be exercised in accordance with the objects of the Act.

**Response**
Noted.
The Commission can grant temporary exemptions under the ADA, DDA and SDA. The Commission’s guidelines for granting temporary exemptions already provide that consideration be given to the objects of the Acts.
Recommendation 29
The committee recommends that the Act and the HREOC Act should be amended to expand HREOC’s powers to conduct formal inquiries into issues relevant to eliminating sex discrimination and promoting gender equality and, in particular, to permit inquiries which examine matters within a state or under state laws.

Response
Noted.
The broader issue of the Commission’s inquiry functions will be considered as part of the consolidation project.

Recommendation 30
The committee recommends that paragraph 48(1)(gb) of the Act be amended to explicitly confer a function on HREOC of intervening in proceedings relating to family responsibilities discrimination or victimisation.

Response
Partially accepted.
Paragraph 48(1)(gb) of the Act gives the Commission power to intervene, with leave of the court, in discrimination cases that relate to sex, marital status, pregnancy or potential pregnancy or sexual harassment. It does not cover intervention in proceedings relating to family responsibilities discrimination or victimisation.
The Government accepts that the Commission should be able to intervene in cases involving family responsibilities discrimination. This will complement the broadening of protection against discrimination or victimisation (see above recommendation 13).
The Government will introduce legislation to implement this aspect of the recommendation.

Recommendation 31
The committee recommends that subsection 46PV(1) of the HREOC Act be amended to include a function for the special purpose commissioners to appear as amicus curiae in appeals from discrimination decisions made by the Federal Court and the Federal Magistrates Court.

Response
Noted.
Under subsection 46PV(1), special purpose commissioners may appear as amicus curiae in certain proceedings with the leave of the court. It is unclear if subsection 46PV(1) applies to consequent appeals. The Government will consider this recommendation as part of the consolidation project.

Recommendation 32
The committee recommends that paragraph 48(1)(gb) of the Act and subsection 46PV(2) of the HREOC Act be amended to empower HREOC to intervene in proceedings, and the special purpose commissioners to act as amicus curiae, as of right.

Response
Noted.
Consideration needs to be given to the impact that an appearance as of right by a special purpose commissioner or the Commission may have on the conduct and cost of the proceeding, particularly where the proposed involvement may be opposed by the parties. The Government needs to examine further whether the court should retain the capacity to make orders as to the nature of the Commissioner’s involvement. The Government will consider this recommendation as part of the consolidation project.

Recommendation 33
The committee recommends that the Act be amended to require the Sex Discrimination Commissioner to monitor progress towards eliminating sex discrimination and achieving gender equality, and to report to Parliament every four years.

Response
Noted.
The Aboriginal and Torres Strait Islander Social Justice Commissioner is currently required, under
the AHRC Act, to submit a yearly report to Parliament on the enjoyment and exercise of human rights by Aboriginal persons and Torres Strait Islander persons.

The Government will consider similar statutory functions for the Sex and Disability Discrimination Commissioners, including the appropriate reporting cycle for all such reports, as part of the consolidation project.

Recommendation 34
The committee recommends that HREOC be provided with additional resources to enable it to:
- carry out an initial public education campaign in relation to changes to the Act;
- perform the additional roles and broader functions recommended in this report; and
- devote additional resources to its functions to educate the public about the Act.

Response
Noted.

The Government will consider this recommendation in the Budget context.

Recommendation 35
The committee recommends that further consideration be given to reviewing the operation of section 38 of the Act, to:
- retain the exemption in relation to discrimination on the basis of marital status; and
- remove the exemption in relation to discrimination on the grounds of sex and pregnancy; and
- require a test of reasonableness.

Response
Noted.

The ADA, DDA and SDA all contain a number of permanent exemptions which will need to be reviewed as part of consideration of this recommendation. The Government will need to consider further how a general limitations clause would operate. The Government will consider this recommendation as part of the consolidation project.

Recommendation 36
The committee recommends that further consideration be given to removing the existing permanent exemptions in section 30 and sections 34 to 43 of the Act and replacing these exemptions with a general limitations clause.

Response
Noted.

Section 38 of the SDA exempts educational institutions established for religious purposes from the operation of the discrimination provisions. This exemption does not apply to sexual harassment or discrimination on the ground of family responsibilities; however, it does apply to sex, marital status or pregnancy in certain defined contexts. All States and Territories anti-discrimination legislation include similar exemptions.

Consideration needs to be given to whether a test of ‘reasonableness’ would provide protections additional to that already contained in the SDA, which is that the discrimination occurs in ‘good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed’.

The Report makes several recommendations about the current exemptions in the SDA, such as recommendation 25 (voluntary organisations) and recommendation 26 (clubs). The Government will consider these recommendations together as part of the consolidation project.

Recommendation 37
The committee recommends that further consideration be given to amending the Act to give the Sex Discrimination Commissioner the power to investigate alleged breaches of the Act, without requiring an individual complaint.

Response
Noted.

This recommendation represents a significant shift towards a regulatory model of anti-discrimination legislation. This approach is not used in other Australian jurisdictions.

In the United Kingdom, the Equality Act 2006 (UK) provides that the Commission for Equality and Human Rights may investigate whether or not a person has committed an unlawful act if it suspects that the person concerned may have committed an unlawful act.

If adopted, this approach would need to be applied consistently across all grounds of discrimination. The Government will consider this recommendation as part of the consolidation project.
Recommendation 38
The committee recommends that further consideration be given to amending the Act to give HREOC the power to commence legal action in the Federal Magistrates Court or Federal Court for a breach of the Act.
Response
Noted.

Recommendation 39
The committee recommends that further consideration be given to expanding the powers of HREOC to include the promulgation of legally binding standards under the Act equivalent to the powers exercised by the Minister under section 31 of the Disability Discrimination Act 1992.
Response
Noted.

Recommendation 40
The committee recommends that further consideration be given to amending the Act or the EOWW Act to provide for positive duties for public sector organisations, employers, educational institutions and other service providers to eliminate sex discrimination and sexual harassment, and promote gender equality.
Response
Noted.

Recommendation 41
The committee recommends that further consideration be given to the relationship between the Act and the EOWW Act, in particular, whether:
- the obligations under the EOWW Act and should be incorporated within the Act; and
- the functions of EOWA and HREOC should be combined.
Response
Noted.

Recommendation 42
The committee recommends that the Attorney-General's Department conduct consultations regarding the further possible changes to the Act outlined in recommendations 35 to 41 and report publicly on the outcomes of that consultation within 12 months.
Response
Noted.

The EOWA review was announced on 1 June 2009 and is due to report in the coming months. The review is examining broadly the effectiveness of the Equal Opportunity for Women in the Workplace Act and arrangements in delivering equal opportunity for women. The review will provide advice on practical ways in which the equal opportunity for women framework could be improved to deliver better outcomes for Australian women. The Government will consider this recommendation further in light of the outcomes of the EOWA review.
sideration of recommendations 35 to 41 and include stakeholder consultation.

**Recommendation 43**
The committee recommends that HREOC conduct a public inquiry to examine the merits of replacing the existing federal anti-discrimination acts with a single Equality Act. The inquiry should report by 2011 and should also consider:
- what additional grounds of discrimination, such as sexual orientation or gender identity, should be prohibited under Commonwealth law;
- whether the model for enforcement of anti-discrimination laws should be changed; and
- what additional mechanisms Commonwealth law should adopt in order to most effectively promote equality.

**Response**
Noted.
The National Human Rights Consultation received submissions on the issues covered in recommendation 43.

Further consultation on additional grounds of discrimination will be undertaken as part of the consolidation project.

Ordered that the committee reports be printed.

**COMMITTEES**

**Environment, Communications and the Arts References Committee**

**Reports**

**Senator FARRELL** (South Australia) (5.34 pm)—by leave—At the request of the Chair of the Senate Environment, Communications and the Arts References Committee, I move:

That the final reports of the Senate Environment, Communications and the Arts References Committee on sustainable management by the Commonwealth of water resources, and the Energy Efficient Homes Package be presented by 22 June 2010.

Question agreed to.

**Legal and Constitutional Affairs Legislation Committee**

**Report**

**Senator FARRELL** (South Australia) (5.34 pm)—by leave—At the request of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, I move:


Question agreed to.

**Finance and Public Administration References Committee**

**Report**

**Senator RYAN** (Victoria) (5.35 pm)—by leave—I move:

That the Senate take note of the report.
This is a report into native vegetation laws, greenhouse gas abatement and climate change measures. It was a particularly interesting inquiry. The inquiry raised many issues that are not normally before this place, because most of this legislation is within the domain of the various states and territories—and this is a key fact about this report. These are state laws, and many of the issues raised by the hundreds of submissions we received related to enforcement of these laws and the behaviour and actions of state governments. The majority report of the committee reflects concerns that have arisen, in some cases decades ago, since the passage of these laws—these are not laws that are merely the product of the last decade—that regulated the management of native vegetation on private land.

I note that these laws have represented a significant change to many. The laws guaranteeing retention of native vegetation on private land represent a change because in past years a condition of title or a condition of lease was in fact the clearing of land. So there has been a substantial change for many
involved in the agricultural and pastoral industries who are affected by these laws.

The inquiry highlighted many issues and I would like to outline a few this evening. I know that some of my colleagues—I assume on both sides of the house—will add to this later on. In my view, laws that were once about broad-scale land clearing have now become significantly more about the management of native vegetation on individual properties. We heard of many examples of effective micromanagement of individual properties. In particular, there was an absurd example where a farmer was not allowed to remove a single tree in the middle of a paddock, even if he guaranteed to plant native vegetation elsewhere, that would have allowed much more efficient and modern utilisation of that particular land for farming use. Situations like that are absurd. I think they reflect the change in what these laws originally were about. That was broad-scale land clearing, and how they now seem to have become more about the management of individual properties.

Similarly, many witnesses outlined to us numerous examples of problems with the enforcement of these laws. The committee report highlighted a couple of these. Landholders are in fact liable for the payment of rates on land they cannot use or land that has been locked up, which the committee felt was an issue that needed to be reconsidered. There was also potentially the clash of legal regimes. Laws that required the management of noxious weeds may clash with laws about the retention and management of native vegetation. In certain jurisdictions there is a lack of administrative appeals process of that state. The committee highlighted that as well.

There was also some concern that the state-wide application of laws would not always take into account regional, environmental, economic, social or, indeed, other differences. Even as a federalist myself, the lines drawn as our state boundaries do not always take these differences into account, and there might be a case for more regional flexibility within states. In my view, and in the view of a number of members of the committee, there appears to be at least a partial breakdown in relationships between enforcement agents and property owners. What underpins this? It is difficult to determine this from a simple Senate inquiry at the Commonwealth level into state laws. It is clear that some property owners are bearing a burden on behalf of the wider community. I hasten to add that the committee did not determine it to be inappropriate for the state to regulate the use of private landholdings or how they are utilised, but the committee was of the view that when someone pays for a benefit desired by the broader community through a direct economic cost there is a legitimate claim to consider compensating the landholder in that case for the burden they are bearing.

On a more philosophical level, I think another cause of this is the lack of common ground between urban policy makers and those involved in primary production, be it agriculture or pastoral production, in regional areas. There is much less shared experience, in my view, across the community than there was several generations ago between those who live and are raised in the cities and those who live and are involved in primary production in our regional areas. This lack of understanding has led to a more blunt degree of regulation by the states and a high degree of frustration by those who are regulated. If I look at my own experience, I
realise that it is limited itself in this regard, and this is one of the many reasons I found this inquiry particularly interesting.

I make a final comment regarding the additional comments from government senators. Despite the attempts of the government senators to constantly pin the blame for these laws on the Howard government, it is clear that these laws are state laws. They were passed by state parliaments. They are enforced by state enforcement agencies. There is no Commonwealth head of power with respect to land management other than through treaties we have ratified and legislated through this parliament. These issues, such as biodiversity, were not prominent in our hearings or in the submissions received by this committee. These problems are primarily ones of legislation, regulation and enforcement at the state level.

Finally, I express my thanks to my colleagues who participated in this inquiry. It was done under a particularly tight time line. I particularly thank the committee’s secretary, Christine McDonald, and the committee secretariat, who worked extremely long hours during a very tight time line dealing with hundreds of submissions. I also thank the hundreds of Australians who made submissions and the many who appeared at our committee into this inquiry.

Senator CAMERON (New South Wales) (5.42 pm)—Looking back on the inquiry of the Finance and Public Administration References Committee into native vegetation laws, greenhouse gas abatement and climate change measures, I think it is one of those good ideas that the opposition think they have but when they actually get into the nitty-gritty of the inquiry probably wish they had not sought to do so. The terms of reference of the committee encompass the rhetoric that was being used by the opposition to try to gain support amongst farmers and to try to share blame on anywhere but the coalition on this issue of native vegetation. The terms of reference go to the diminution of land asset value. They go to compensation arrangements for landholders. They go to the method of calculation of asset value and ‘any other related matter’. Yet if you look at the recommendations, which we as government members do not have great problems with, you will see they talk about anything but the terms of reference. Why is that? It is because this was a pure political position being put by the coalition to try to raise their position with farmers around the country. All they did was raise expectations through this inquiry and delivered on nothing. They delivered on nothing.

I have heard much about hypocrisy in the debates in this chamber this afternoon but, let me tell you, the hypocrisy from the opposition senators on this was huge. The hypocrisy was oozing from every pore in their bodies on this issue. They were up there arguing that there should be compensation when they were talking to farmers outside Parliament House at rallies but, as soon as they had to face some reality, they ran away from that position. I must say the coalition have got form on this whole issue and that form goes back a long way. It goes back to about 1995, when one of those coalition senators, Senator Ian Macdonald, was in the chamber, in opposition. In the Hansard of 22 March 1995, he says:

As opposed to that the coalition’s policy that Senator Kemp and Senator Brownhill have mentioned is a sensible policy. It was put out in our discussion paper and calls for an end to broadacre land clearing with compensation to owners to be negotiated between the Commonwealth and the states for the loss of further earnings, a no regrets approach to greenhouse reduction strategies, and a nationally coordinated reafforestation program. So this was a ‘no regrets’ policy from the coalition. Well, as soon as they said it, they
had regrets, because Senator Macdonald in the Hansard on 9 March 2000 changed his position. It was not that the Commonwealth should pay compensation because Labor were in government. Because the coalition were in government, it now became the coalition’s policy for an end to broadacre land clearing with compensation, but then they went on to say in 2002:

The Commonwealth reiterates—

This is the coalition government; this is Senator Macdonald—

that land clearing is primarily a land management issue and is the responsibility of state and territory governments.

And we heard that repeated again today. Senator Macdonald went on to say:

The Commonwealth has, however, indicated that it would be prepared to provide a financial contribution commensurate with the reduction in emissions from land clearing negotiated and implemented by the Queensland government. Achieving a significant reduction in greenhouse gas emissions will involve a sizeable and sustained reduction in the ‘business as usual’ clearing rates over the past decade, beyond that flowing from the vegetation management regime in the national action plan.

When they were in opposition they were always saying to the farmers, ‘The Commonwealth should compensate you.’ When they were in government they ran away from that at a rate of knots. The coalition have got form on it and they are back again with the same form telling farmers that they should be compensated and it is a terrible thing that has happened to them—yet they were the federal government that pushed these laws on the farmers.

You were the ones that pushed it through the states and said the states had to deliver to reduce greenhouse gas emissions. Then you go and grandstand to farmers, hypocrisy running out of you. Then, when you have an opportunity to actually stand up for what you were saying, you again run away from the issues. You did not deal with the issues and you must be absolutely clear with farmers; you should be honest with farmers. You should be honest with what you claim is your constituency because, when they find out what you have actually been up to, I do not think they are going to be your constituency for too long. They must realise that this was a con job, that you used this inquiry to give them false hope, that you used this inquiry to grandstand and when you had the opportunity to stand up for what you were saying you did not stand up for it. You ran away from it at a million miles an hour.

This has been going on for some time. There was evidence given by Mr Rheese, the executive director of an organisation that calls itself the Australian Environment Foundation. When I was questioning him I said: ‘Why is it an issue now? Why wasn’t it an issue when the coalition were in government?’ Mr Rheese said, ‘We addressed this at a public meeting in Dubbo in 2003. We tried very hard to get this on the national agenda.’ But Senator Macdonald could not get it on the national agenda for them because he was a minister at the time and he was not interested in getting it on the national agenda. He wants to grandstand now. He wants to say he is standing up for farmers, but the hypocrisy is so clear in relation to the performance of Senator Macdonald on this that the farmers will soon understand what he is about.

I asked whether there were any coalition government members at that meeting in Dubbo and the reply was: ‘Yes, Senator Nash was there.’ I said, ‘What did they put at the meeting?’ They said, ‘Senator Nash did not speak at the meeting.’ Here we have the National Party up ranting and raving about all these issues, but when they were in government there were as meek as lambs, as quiet as mice, not prepared to take the issue up. Now they are in opposition, they do exactly
as they did when they were in opposition last time—hypocrisy is everywhere in relation to this.

To be fair to Senator Nash, she was not a senator at the time, but she was at the meeting. I suppose she was there in her employment at the time, which was as an adviser to the then Deputy Prime Minister, Mark Vaile. The coalition government were all over this issue but what they were doing was trying to keep it quiet—no ministers, no members, at a meeting of 300 farmers complaining about this in Dubbo. When they were in government there were no ministers there running the arguments about compensation, yet they have the hide and the hypocrisy now to be raising these issues but when they had an opportunity to actually put recommendations up on the terms of reference that were drafted by the coalition they ran away from it. There is nothing there that goes to the issues that they laid out as a promise to the farmers.

As I said, we do not have a problem with the broad generalities of the recommendations. We have put up a further 10 recommendations that strengthen the recommendations of the coalition senators on this committee. I think it is about time that the coalition senators were honest with farmers. When they are out there talking about compensation Senator Joyce goes back to the press saying, ‘No, no, we are not going to give compensation; it’s all too expensive.’ They are out there grandstanding to farmers at meetings and telling the press behind the scenes that there is no reason for compensation, that it is all too difficult and that it is all too expensive. Just be honest. (Time expired)

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (5.52 pm)—I also take note of the report currently being discussed, which is that of the Finance and Public Administration References Committee on native vegetation laws, greenhouse gas abatement and climate change measures. I understand the rhetoric about the retroactivity of this report, but it is vitally important to remember that it gives three recommendations that are supported by all parties except the Greens. We negotiated those recommendations to deliver some hope that we are going to change things for farmers.

Senator Cameron—On a point of order, Mr Acting Deputy President: the Labor senators have been misrepresented by Senator Joyce. There were no negotiations to try and come to some agreement on these recommendations. The recommendations were the recommendations of the National and Liberal parties.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Cameron, that is not a point of order.

Senator JOYCE—It is not a dissenting report. There are additional comments by the Labor Party. The recommendations were the recommendations of the committee. What we have here are the recommendations of the committee, which included senators from the Labor Party. But let us put this behind us and have a debate and try to concentrate on how we can bring about a better outcome for the farmers. The farmers do not want a rhetorical flourish; they want some hope that we can deliver a better outcome. I agree with you, Senator Cameron, that we do not have—and I will say this quite openly—the capacity to compensate every farmer for all the trees that have been taken from them. I say that on the record. We do not because the Labor Party have got us $140 billion in debt as we speak and they are heading towards about a quarter of a trillion dollars in debt.

If we cannot compensate the farmers, then we must change the legislation. In fact, we must go so far as to give the trees back to them. The trees were stolen from them. They
were an asset of the farmers and we proved that through the inquiry. The title specifically said that these assets were assets of the farmers and they were taken from them without the farmers ever being paid for them. I believe both sides of the chamber find that abhorrent. You cannot just wander into someone’s life and take an asset from them without paying for it. We should not believe in that. Once we believe in that, we would not believe in the value of going to work. Why would you go to work to pay for something if there is a prospect that you would not own it?

I hope this report becomes part and parcel of a bipartisan approach to try to take this issue forward and put pressure on to bring about a fairer outcome. I think I heard from those on both sides of the argument say that when people drilled down into this issue—an issue that maybe a lot of people did not know about—they saw how irrational some of these laws had become and how completely arbitrary and ridiculous they were, where you had a person with a number of trees in a wheat paddock and they were not able to get rid of them. Why? We do not know. It was almost a Franz Kafka type of intrusion. This intrusion affects a minority group and we have to move away from thinking that if we do not see them as a minority group they are not a minority group.

Farmers make up less than one per cent of the population. They are generally poor, not rich, to dispel one myth, and they do not have the political power that they should have because people find it convenient to look past them. If this happened to another minority group, there would be a hue and cry about this. Imagine if we went to another group and said, ‘We are going to steal something from you without payment because we believe we are in a position where we can.’ As a social justice issue, surely that should strike a chord and we should be doing something about it now.

I hope that this report does not become a political football but becomes a seed from which we can start to seek and find justice. I am not here to talk about state or federal responsibility and waste the farmers’ time. I am here to talk about exactly what we can do from this point forward and to hear from other people how we can go forward and bring justice to these people who do not have justice at the moment. The people listening to this right now—yes, the history lesson is interesting—are far more interested in how we are going to fix it and what we are going to do about it to try and make their lives better. The reality is that there has been the theft of an asset of the individual by the government, whether or not it was in collusion with the federal government. The theft happened and these people were dispossessed. In some instances, this has without a shadow of a doubt put them in a position where their assets have diminished. In some instances, this asset is worthless, has become without worth and is unsaleable.

We also have the ridiculous situation where a person who owned the trees woke up one day and the trees had become the property of the government. However, they had to pay rates on the land where the trees were, they had to pay the insurance, they had to keep the weeds down and if somebody else’s tree fell on a neighbour or anybody else—a person coming off the road—walking through the place guess who would have been sued. Not the government but the farmer would have got sued. He would have been sued for an asset he did not actually own. How can this be justice? How can this be right? Surely, the focus of the chamber right now should be about trying to bring a remedy. The honourable thing is to seek a remedy, because that is the only way you provide a sense of hope.
These people were told that it was to be done on an environmental basis, and even that has been flawed in many instances. The reality—as we are seeing more and more—is that, if it is based on carbon sequestration, the amount of carbon being stored and quarantined is inferior to the amount of carbon stored by such things as summer pastures. This is just a fact of science. People might have a biodiversity argument, but that was not the argument put up at the time. That was an argument of carbon sequestration.

The issue is: why should you go to a minority group and persecute them for a solution for the wider community? If the wider community believe they need it then the wider community should pay for it, and if the wider community are not prepared to pay for it then the need for it cannot be that great. That is the essence. To describe a similar circumstance, it is like people going to suburban Australia and saying: ‘The need of the community is that we now quarantine the use of your third bedroom for a social good—we’ll probably give that to the homeless—but we’re not going to pay you for it. In fact, you’re still going to have to pay the rates and insurance on it. You have to deal with the impost if you ever try to sell that house now that that is there.’ Obviously, when people see it in that dynamic, they see that it is completely abhorrent.

I definitely want stronger views on compensation, but the issue was that we had a recommendation of a report with no dissent. There is no dissenting report in this. I repeat: there is no dissenting report in this. We have additional comments, but we have no dissent. So this report is without dissent. That means it is without dissent from either the Liberal Party, the National Party, the Labor Party or any other party.

Senator Siewert interjecting—

Senator JOYCE—Oh, yes; there is one by the Greens. The Greens dissented, but they are not actually trying to make things better; they are trying to make things worse. The Labor Party did not dissent; therefore they are in agreement with the recommendations. It is as simple as that. The reason that we have kept the recommendations where they were is to keep the Labor Party on board. That is why the recommendations are without dissent: because it is vitally important for this nation and for justice to this minority group that we bring about an outcome that is bipartisan. We now have a bipartisan report and recommendations. Let us not now revel in the rhetoric of history. Let us make sure, if we are people who are going to do something that is right and just, that we move forward from this point as if we were dealing with any other minority group and try to bring about some sense of justice for them. If we do not, then we make a mockery when we do it with other groups, because that means we have a form of partiality as to who deserves justice and who does not. I hope that is not where this chamber goes.

Senator IAN MACDONALD (Queensland) (6.02 pm)—There are only a couple of minutes left in this debate on the Finance and Public Administration References Committee report on native vegetation laws, greenhouse gas abatement and climate change measures, and I want to make a contribution. Fortunately, no-one listening would ever take any notice of Senator Doug Cameron. He is, after all, a member of the Labor Party, and with the promises they make and never keep you can understand that the people of Australia are now in a situation where they treat with a grain of salt anything Mr Rudd says and anything any of his minions, like Senator Doug Cameron, say, because they have been lied to so many times that they have given up taking any notice of or attributing any veracity to
things said by Mr Rudd or by people like Senator Cameron.

Notwithstanding that, I am rather flattered that Senator Cameron has gone back 15 years to look up my words of wisdom in this place. I feel rather touched that Senator Cameron would do that, but perhaps it is worth while just to have a reality check. Back in those days that Senator Cameron was talking about, the Queensland Labor government was determined to stop tree clearing and, in fact, to destroy the value in most properties in Queensland. At the time, the then coalition government was trying to work with the Queensland government and say: ‘Look, don’t do this across the board. We understand the Queensland government’s desire to stop wide-scale tree clearing, but let’s talk about this. Let’s talk to the farmers about it. Let’s talk to the landowners. Let’s try to get a result that is good for the environment, good for farming communities and good for landowners.’ For a considerable amount of time, the Commonwealth government was talking with the Queensland government and urging it to work with landowners to come to a resolution. The Commonwealth government said: ‘Yes, let’s get a negotiated outcome so that everyone wins, and we might contribute some compensation. Provided the Queensland government is prepared to pay compensation to landowners, the Commonwealth will put in some compensation.’ This was how the negotiations were going, and then in the middle of it one morning, without any warning, we woke up and the Queensland government had just made this unilateral announcement that there would be no tree clearing whatsoever and very little compensation. At that stage the federal government, having been completely outflanked in these negotiations we were having with landowners and the Queensland government, simply withdrew from the whole question. That is the truth of the matter. I am not going to have time to finish this, so I seek leave to continue my remarks at a later time.

Leave granted; debate adjourned.

National Capital and External Territories Committee Report

Senator LUNGY (Australian Capital Territory) (6.06 pm)—by leave—I move:

That the Senate take note of the report.

This report of the Joint Standing Committee on the National Capital and External Territories into the changing economic environment in the Indian Ocean Territories was presented out of session. Through this inquiry, the committee sought to examine the issues associated with economic development in the context of the service delivery of communications, transport and housing; the operation of business; and preparations to deal with the impact of climate change. During the inquiry, several solutions were canvassed in each area examined.

The committee focused on how communications, internet services and mobile telephony were delivered. To improve internet delivery and access, options identified were either to upgrade the satellite link to the Indian Ocean territories or to access a cable if and when it is laid. Improving mobile telephony was found to be more complex as the service available on Christmas Island is limited and the service available on the Cocos (Keeling) Islands prone to failure. New infrastructure will be needed to implement an efficient, reliable and affordable mobile telephony service.

The high cost and unreliability of freight and passenger services have remained major areas of concern for the IOTs. As outlined in previous reports, the committee found that options to improve the service delivery of these in the short term rests with the gov-
ernment through subsidies in infrastructure investment.

Another major issue highlighted was the limited land made available for commercial development and investment. The committee found that investment in the Indian Ocean territories is critical to growing the economies, and has recommended the development of a land release and development strategy to stimulate the local construction industries and investment.

The social impacts accompanying the economic challenges facing the Indian Ocean territories relate to, in part, a diminishing permanent population and the limited contact that occurs with mainland and wider Australian society. In addition there is the challenge of the fluctuating non-permanent population associated with the demands placed on Christmas Island in particular with regard to the detention centre.

The shires of the Indian Ocean territories are focused on addressing the decreasing permanent population by mainly targeting the youth segment that is leaving in search of greater educational and employment opportunities. The committee believes that by improving economic diversity, the economies of Christmas Island and the Cocos (Keeling) Islands would be better able to sustain themselves into the future.

In conclusion, and on behalf of the committee, I would like to thank individuals and organisations who participated in the inquiry. The committee was able to conduct public hearings on the Cocos (Keeling) Islands and Christmas Island. I would also like to acknowledge and thank those who generously assisted the committee during that visit. I particularly acknowledge and thank the joint standing committee secretariat, Stephen Boyd and Stephanie Mikac, for their work on this inquiry and also my colleagues on the committee.
ful activity that could be made on those lands.

This bill, which, as I mentioned, was originally introduced by Tony Abbott, was introduced as a result of a very close connection Mr Abbott has with Indigenous people in Cape York. Most people would not know—I did not until recently myself—that Mr Abbott has been going into Cape York without publicity and without the television cameras in tow. Over the last several years—I have subsequently become aware; I did not know at the time—he has been going up to Cape York, going to an Indigenous community and actually working with Indigenous people in various ways. I understand that in his last visit, which was several months ago and, of course, before he became the Leader of the Opposition, he went up there and worked as a teacher’s aide. Do not hold me to the facts—and Mr Abbott himself never talks about this very much—but others have told me that he goes up there, he lives in the community, he works with the community and he tries to add some value to their lives and, I suspect, to his own life in the way he assists Indigenous communities. He may be embarrassed, I hope not too embarrassed, that I am even raising this, because I know it is something that he has not been wanting to get publicity on. He really went up there to help, to look and to learn.

It was as a result of that close connection that Mr Abbott has had with Cape York communities over several years that he picked up on this anger from Indigenous communities about the wild rivers legislation and how those communities believed that it would impact upon their use of their lands. I know that the Queensland government has said, ‘There have been many applications and a lot of them have been granted,’ but, when you talk to the communities there, most of them would never even have made application for business activities in these wild rivers areas—the whole procedure was too complex and they felt that without resources, which very few of them have, they would be unable to make the case, make the legal challenge, get the accountants, solicitors and whatever was required to make a proper application to be given the ability to use their own land. That has incensed people in Cape York, and one can well understand why that might be.

I know that Senator Barnett will speak at another time on this report. I know there will be other senators who wish to make a contribution at some later stage. I understand, although I personally was not able to get to the committee meeting when this was dealt with, that the return of this report has now been extended by the government majority on this committee to a date which will mean that, quite frankly, the bill will never be able to be debated in this chamber prior to the next election. That is unfortunate, because it is an important area and it is an important bill. It is a bill that was very much sought by Indigenous people in the Cape and it would have been good for the Commonwealth parliament to have been able to debate and vote on that bill about overturning the Queensland government’s wild rivers legislation wherever it occurs in Queensland. It would have been a momentous bill because it would have been one of those rare occasions when the Commonwealth parliament overrides the laws of a state under the Commonwealth Constitution, but it was so important for our Indigenous people that Mr Abbott thought that it was very important that the bill be introduced into the parliament, debated and voted upon. I am disappointed that the Labor majority on this committee have now rearranged the reporting date to effectively mean that it will not be able to be voted on prior to the next election. On the assumption that nobody else in the chamber wants to speak...
on this report at this time, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Dialysis Services

The ACTING DEPUTY PRESIDENT
(Senator Moore)—I present a response from the South Australian Minister for Health, Mr Hill, to a resolution of the Senate of 10 March 2010 concerning renal health services.

Senator SIEWERT (Western Australia) (6.18 pm)—by leave—I move:

That the Senate take note of the document.

It is pleasing to hear that the South Australian government is responding to the Senate’s resolution on the issue around dialysis in Central Australia, and I thank Minister Hill for taking such an interest. However, it is interesting to note that the letter is already somewhat out of date, because the minister talks in his letter about working on a solution for the APY Lands and exploring the feasibility of providing dialysis services on APY Lands, meaning patients would no longer have to travel.

I note the media release of last Friday from the Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery, Mr Snowdon, in which he announced that there is going to be a joint study to look into delivery of kidney disease treatment in Central Australia. Again, it is very pleasing to note that the letter is already somewhat out of date, because the minister talks in his letter about working on a solution for the APY Lands and exploring the feasibility of providing dialysis services on APY Lands, meaning patients would no longer have to travel.

I note the media release of last Friday from the Minister for Indigenous Health, Rural and Regional Health and Regional Service Delivery, Mr Snowdon, in which he announced that there is going to be a joint study to look into delivery of kidney disease treatment in Central Australia. Again, it is very pleasing to note that the letter is already somewhat out of date, because the minister talks in his letter about working on a solution for the APY Lands and exploring the feasibility of providing dialysis services on APY Lands, meaning patients would no longer have to travel.

I remind the Senate that the debate and the discussions that we have been having have been about enabling people who live in Central Australia to access dialysis support close to their community so that they do not have to travel and remove themselves from the community. Having to do so means that their family is disrupted, they are isolated from their community and they are isolated from their families or their families have to move. They are often receiving treatment and support that is not necessarily entirely culturally appropriate.

But, in the meantime, we are still seeing patients urgently needing access to dialysis.

I also note that there was an agreement, which turned out to yet again be an announcement of a tri-state agreement over the provision of dialysis support in Central Australia. It says that some resources will be made available for people interstate—in other words, patients in South Australia and Western Australia accessing dialysis support in Alice Springs. The problem with that is that, while the South Australian government said that they would continue to support existing patients in Alice Springs, by the sounds of it—and it is very difficult to get access to the real information—it appears that from then on they will only fund access for eight patients to receive dialysis in Central Australia. That is in fact a halving of the number of people from South Australia, the APY Lands, who will be able to access Central Australia. That of course means that people on the APY Lands are going to have to travel to Adelaide, Whyalla or Port Augusta. That is, in some instances, over 1,000 kilometres, so that means that people have to relocate permanently from their communities.

I remind the Senate that the debate and the discussions that we have been having have been about enabling people who live in Central Australia to access dialysis support close to their community so that they do not have to travel and remove themselves from the community. Having to do so means that their family is disrupted, they are isolated from their community and they are isolated from their families or their families have to move. They are often receiving treatment and support that is not necessarily entirely culturally appropriate.

Very often these patients do not speak English as a first language. They are often relocated to areas where they do not have
people that speak their language or are able to support them in the manner in which they would be if they were supported in their community. I am pleased to see there is some progress. I urge the South Australian government in the interim to ensure that patients on the APY Lands have access to dialysis support in Alice Springs so that they do not have to relocate in some cases over a thousand kilometres from their home. It is essential that the people are able to remain either in their community or close to their community. I remind members that these lands are only 400 kilometres rather than a thousand kilometres from Alice Springs. There are often family members on dialysis already in Alice Springs. In other words, they are not isolated from their communities if they are able to access dialysis support in Alice Springs.

My next urging is that as soon as the government releases the terms of reference for this study that engages very strongly with all communities and all service providers the first consultation be undertaken. In fact, around the issues of the terms of reference, as soon as this study is completed a commitment should be given by both the Commonwealth government and the state and territory governments to come to a long-term planning solution to provide dialysis support in Central Australia. That support needs to be innovative, provided in community, involve training, provide support for nursing staff and accommodation for that nursing staff and ensure that people do not have to travel sometimes over 2,000 kilometres, as in my home state of Western Australia if they have to relocate to Kalgoorlie or Perth, but enables them to remain in community and receive that support. Of course, in the longer term we want to ensure that people do not get to the point of end stage kidney disease. We want appropriate health programs in place that ensure that they do not ever get to the stage of needing dialysis.

Question agreed to.

NOTICES

Presentation

Senator ADAMS (Western Australia) (6.24 pm)—by leave—At the request of the Chair of the Standing Committee of Privileges, Senator Brandis, I give notice that, on the next day of sitting, he shall move:

That the time for the presentation of the report of the Standing Committee of Privileges on the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 be extended to 4 June 2010.

Senator ADAMS (Western Australia) (6.25 pm)—by leave—At the request of the Chair of the Standing Committee of Privileges, Senator Brandis, I give notice that, on the next day of sitting, he shall move:

That the Standing Committee of Privileges be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 May 2010 from 4 pm to 7 pm to take evidence for the committee’s inquiry into the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009.

EDUCATION SERVICES FOR OVERSEAS STUDENTS ASSURANCE FUND

Return to Order

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (6.26 pm)—I table the statement and documents relating to the order for the production of documents concerning the Education Services for Overseas Students Assurance Fund.
COMMITTEES
Legal and Constitutional Affairs
Legislation Committee
Additional Information
Senator O'BRIEN (Tasmania) (6.26 pm)—At the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present additional information received by the committee on its inquiry into the provisions of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010.

National Capital and External Territories Committee
Report
Senator LUNDY (Australian Capital Territory) (6.27 pm)—It is my pleasure on behalf of the Joint Standing Committee on the National Capital and External Territories to present the committee’s advisory report on the provisions of the Territories Law Reform Bill 2010, together with the minutes of proceedings, and seek leave to move a motion in relation to the report.

Leave granted.
Senator LUNDY—I move:
That the Senate take note of the report.
The Territories Law Reform Bill 2010 will amend the Norfolk Island Act 1979 to strengthen accountability and transparency through reform of Norfolk Island’s administrative law, governance, electoral and financial structures. In addition, the bill will amend the Christmas Island Act 1958 and the Cocos (Keeling) Islands Act 1955 to provide a vesting mechanism for powers and functions under Western Australian laws applied in the Indian Ocean territories. While the bill has two purposes, the bill’s main component relates to Norfolk Island.

The reforms contained in the bill were announced by the then Minister for Home Affairs in May 2009. At that time, the government of Norfolk Island welcomed moving towards greater transparency and accountability to strengthen administrative and financial systems and thereby improving Norfolk Island’s long term stability.

I am very conscious of the time. The committee has made four recommendations which it commends to the government. In the brief time available to me, I would like to thank all those who participated in the inquiry and acknowledge the work of the secretariat. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Reform of the Australian Federation Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Moore)—The President has received a letter nominating senators to be members of a committee.
Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (6.29 pm)—by leave—I move:
That senators be appointed to the Select Committee on the Reform of the Australian Federation as follows:

Senators Back, Ryan and Trood

Question agreed to.
CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN) BILL 2010
TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009
Returned from the House of Representatives

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010
PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010
First Reading

Bills received from the House of Representatives.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (6.30 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (6.30 pm)—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—

NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010

The purpose of the bill is to repeal the Commonwealth Radioactive Waste Management Act 2005 and to put in place a proper process to establish a facility for managing, at a single site, radioactive waste arising from medical, industrial and research uses of radioactive material.

Australia has international obligations to properly manage its own radioactive waste.

This Bill represents a responsible and long overdue approach for an issue that impacts on all Australian communities.

It provides procedural fairness - a right for people to be heard, as outlined in the Bill, - on decisions as to where a facility should be built.

At the same time the Bill ensures that the Australian Government has appropriate powers to make arrangements for the safe and secure management of radioactive waste generated, possessed or controlled by the Commonwealth.

The Bill enables the Commonwealth to act in good faith and spirit with respect to the Site Nomination Deed entered into by the Northern Land Council, the Muckaty Aboriginal Land Trust and the Commonwealth in 2007.

Radioactive Waste

Australia produces low level and intermediate level waste through its use of radioactive materials.

Low level waste includes lightly contaminated laboratory waste, such as paper, plastic, glassware and protective clothing, contaminated soil, smoke detectors and emergency exit signs.

Intermediate level waste arises from the production of nuclear medicines, from overseas reprocessing of spent research reactor fuel and from disused medical and industrial sources such as radiotherapy sources and soil moisture meters.

As can be seen the generation of low level and intermediate level radioactive waste is an unavoidable result of many worthwhile activities.

During the past 50 years, about 4,000 cubic metres of low level and short-lived intermediate level radioactive waste has accumulated in Aus-
tralia. It is currently stored at interim facilities including a multitude of small stores located in suburban and regional areas across Australia.

By comparison, countries such as Britain and France annually produce around 25,000 cubic metres of low and intermediate level waste. But unlike the current situation in Australia, Britain and France dispose of such waste in purpose built repositories.

In addition to providing proper disposal of Australia’s low level and short-lived intermediate level radioactive waste, the facility to be established under this Bill will also be suitable for storing the approximately 32 cubic metres of long-lived intermediate level nuclear waste arising from reprocessing ANSTO’s spent research reactor fuel. This material will return to Australia from France and the United Kingdom in 2015 and 2016.

Beneficial Uses of Radioactive Materials

Radioactive materials have a variety of important uses in medicine, industry, agriculture, environment and sterilisation, as well as in our homes.

The Australian Nuclear Science and Technology Organisation (ANSTO) is a public research organisation responsible for delivering specialised advice, scientific services and products to government, industry, academia and other research organisations.

Nuclear medicine production is a core business of ANSTO, which provides around 85 per cent of the nuclear medicines to Australian hospitals to help doctors diagnose and treat a range of diseases including cancer.

Around 500,000 patients annually, benefit from a radioisotope in medical procedures such as cancer diagnosis and treatment.

Responsible management of radioactive waste

However, accepting these benefits means also accepting the responsibility to safely manage resulting radioactive waste. The two must go hand in hand.

Australia also needs to comply with its international obligations to manage radioactive waste.

As a party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, we need to promote the consistent, safe and responsible management of radioactive waste.

We need a long term solution to this unavoidable, but not unmanageable issue.

National Radioactive Waste Management Bill 2010

Schedule 1

Schedule 1 of the Bill repeals the Commonwealth Radioactive Waste Management Act 2005 (the current Act) and amends the Administrative Decisions (Judicial Review) Act 1977 (the ADJR Act).

The repeal of the current Act meets a 2007 ALP Platform commitment.

Key decisions under the current Act are not susceptible to review under the ADJR Act.

Decisions under this Bill will be reviewable.

Schedule 2

A site on Ngapa clan land at Muckaty Station in the Northern Territory has already been nominated and approved as a site under the current Act.

The Government will honour the Commonwealth’s existing commitments to the Ngapa traditional owners made by the previous government in 2007.

Accordingly, Schedule 2 contains a saving provision to ensure that the site will remain an approved site.

Procedural fairness requirements will apply to any decision to select the site, as the site for a facility.

Part 2 – Nomination of sites

The current Act allows for the selection of a site for a facility only in the Northern Territory.

The Bill will allow the Minister to make a declaration allowing people to make voluntary, nationwide nominations.

However, in deciding whether to make a declaration, the Minister must have regard to whether it is unlikely that a facility will be able to be constructed and operated on Aboriginal that has been land nominated as a potential site under the Bill.

The Bill provides that a Land Council in the Northern Territory may nominate land as a potential site. Under the existing Site Nomination
Deed, the Northern Land Council is entitled to nominate other sites on Ngapa land. This provision will enable that entitlement to continue. Importantly, procedural fairness requirements will apply to any decision to approve a potential site and to any decision to open the nation-wide volunteer site-nomination process. In accordance with the 2007 ALP Platform, three sites on Defence land in the Northern Territory identified by the former Government have been removed from further consideration as potential sites.

Part 3-Selecting the site for a facility
A decision to select a site should not be taken lightly. Cautious and comprehensive evaluation is necessary to verify whether a site is suitable for a facility, to ensure the safe management of Australia’s radioactive waste and protection of people and the environment. Flora and fauna samples need to be collected, meteorological and hydrological conditions must be evaluated and heritage investigations must take place, before selecting a site. These activities have a minor impact on land but could lead to significant delays if they do not proceed as required. Part 3 of the Bill allows relevant persons to conduct activities for the purpose of selecting a site. Certain State, Territory and Commonwealth laws will not apply to activities under Part 3 to the extent that they would regulate, hinder or prevent these activities.

Part 4-Acquisition or extinguishment of rights and interests.
Part 4 of the Bill allows the Minister to select a site, as the site for a facility, and to identify land required for an access road to the site. Procedural fairness requirements will apply to these decisions. Part 4 of the Bill allows for the acquisition or extinguishment of rights and interests in relation to the selected site and land required for an access road.

Part 4 of the Bill provides that the Minister may establish a regional consultative committee, once a site has been selected for a facility. The Government is committed to ensuring community input and an open dialogue with regional interests on this important project. Part 5- Conducting activities in relation to selected site Part 5 of the Bill authorises certain persons to conduct activities on the selected site for the purposes of constructing a facility. In conducting these activities the Environment Protection and Biodiversity Conservation Act 1999, the Australian Radiation Protection and Nuclear Safety Act 1998 and the Nuclear Non-Proliferation (Safeguards) Act 1987 must be complied with. However certain other State, Territory and Commonwealth laws will not apply to activities under Part 5 to the extent that they would regulate, hinder or prevent these activities. Part 6-Granting of rights and interest in land to original owners
Part 6 of the Bill preserves rules in the current Act allowing the Minister to grant certain acquired rights and interests, back to the original owners. This refers to land that was nominated by a Land Council, before the opening of the nation-wide volunteer site-nomination process.

Part 7- Miscellaneous
Under Part 7 the Bill provides for affected parties, if there are any, to be compensated on just terms, where land is acquired for a facility. Full details of the measures in the Bill are contained in the explanatory memorandum that has been circulated to honourable members. I commend the Bill.

PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010
Shipping is vital for world trade, particularly for an island nation such as Australia. Nearly 4,000 ships carry commodities to and from Australia’s shores each year, carrying 99 per cent of our imports and exports, by volume. Aus-
Australia has the 5th largest shipping task in the world. It is inevitable that with such a large amount of shipping there will be pollution of the oceans and the atmosphere. As a Government, we are committed to preventing and reducing marine pollution where possible.

The best way of doing this is to ensure that Australian legislation reflects international standards. This bill will amend two Acts to strengthen Australia’s comprehensive marine pollution prevention regime.

The International Maritime Organization (IMO), whose headquarters are in London, has adopted a number of Conventions which are intended to reduce pollution by ships.

The most important of these Conventions is the International Convention for the Prevention of Pollution from Ships which is generally referred to as MARPOL.

MARPOL has six technical Annexes which deal with different aspects of marine pollution. These are pollution by oil, noxious liquid substances in bulk, harmful substances carried by sea in packaged form, sewage, garbage and air pollution.

About 150 countries have adopted at least some of these Annexes. Australia has adopted all six.

Schedule 1 of this Bill will implement amendments to Annex VI of MARPOL. Annex VI is intended to reduce air pollution by ships.

Adverse public health effects associated with air pollution include premature mortality, cardiopulmonary disease, lung cancer and chronic respiratory ailments.

Annex VI places an upper limit on the emission of nitrogen oxides from marine diesel engines, limits the emission of sulphur oxides by limiting the sulphur content of fuel oil and prohibits the deliberate emission of ozone depleting substances from ships.

Amendments to Annex VI, which were agreed to by the IMO in October 2008, will enter into force on 1 July 2010. The main effect of these amendments is to provide for a progressive reduction in the permitted sulphur level in fuel oil used in ships.

The current maximum sulphur content of 4.5% will be reduced to 3.5% from 1 January 2012. Subject to a review to be conducted in 2018 by the IMO, it is further proposed that the sulphur content of fuel oil be reduced to 0.5% from 1 January 2020.

The IMO has agreed that some parts of the seas which are close to heavily populated areas be designated as Emission Control Areas. An Emission Control Area is an area in which there is a proven need for a further reduction of emissions from ships for health reasons.

At present, only two areas have been designated as Emission Control Areas – the Baltic Sea and the North Sea.

The current permitted sulphur content in fuels used in Emission Control Areas is 1.5%. It will be reduced to 1% from 1 July 2010 and to 0.1% from 1 January 2015.

In order to implement the progressive reduction in permitted sulphur content of fuel oil, the Bill provides for the maximum sulphur content to be set by regulation.

The proposed reduction in sulphur fuel content to 3.5% from 1 January 2012 will have little practical impact on vessel operations in Australia. That is because the average sulphur level in worldwide fuel oil deliveries and the sulphur levels in fuel refined in Australia currently fall below the 3.5% cap.

Another important aspect of this Bill is to provide protection for persons or organisations who assist in the cleanup following a spill of fuel oil from a ship.

Recent experience demonstrates that even small oil spills can be very costly. For example, the cleanup and compensation costs following the spill of about 270 tonnes of fuel oil from the Pacific Adventurer off the south-east coast of Queensland in March 2009 exceeded 30 million Australian dollars.

It is therefore essential that persons or organisations not be deterred from providing assistance because they think they may become liable if their actions inadvertently lead to increased pollution.
The Bill includes a so-called responder immunity provision to protect persons and organisations who respond to a spill of fuel oil from liability provided they have acted reasonably and in good faith.

This Bill continues the Government’s efforts to enhance Australia’s marine pollution prevention regime.

Debate (on motion by Senator Chris Evans) adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Sitting suspended from 6.31 pm to 8.00 pm

BUDGET

Statement and Documents

Senator SHERRY (Tasmania—Assistant Treasurer) (8.00 pm)—I table the budget statement for 2010-11 and other documents as indicated on the list circulated in the chamber. I seek leave to move a motion in relation to the documents.

Leave granted.

Senator SHERRY—I move:

That the Senate take note of the budget statement and documents.

The list read as follows—

Budget statement and documents 2010-11
Budget speech 2010-11—Statement by the Treasurer (Mr Swan), dated 11 May 2010.

Budget papers—
No. 1—Budget strategy and outlook 2010-11.
No. 2—Budget measures 2010-11.
No. 3—Australia’s federal relations 2010-11.
No. 4—Agency resourcing 2010-11.

Ministerial statements—
Australia’s international development assistance—A good international citizen.
Closing the gap between Indigenous and non-Indigenous Australians.
Skills and infrastructure—Building a stronger and fairer Australia.

Proposed Expenditure

Consideration by Estimates Committees

Senator SHERRY (Tasmania—Assistant Treasurer) (8.00 pm)—I table particulars of proposed and certain expenditure, in accordance with the list circulated in the chamber, and seek leave to move a motion to refer the documents to legislation committees.

Leave granted.

Senator SHERRY—I move:

That the documents be referred to standing committees for consideration of estimates.

Question agreed to.
Portfolio Budget Statements

The PRESIDENT (8.01 pm)—I table the portfolio budget statements for 2010-11 for the Department of the Senate and the Department of Parliamentary Services. Copies are available from the Senate Table Office.

Senator SHERRY (Tasmania—Assistant Treasurer) (8.01 pm)—I table portfolio budget statements for 2010-11 for portfolio and executive departments in accordance with the list circulated in the chamber. Copies are available from the Senate Table Office.

The list read as follows—
Budget Related Documents—11 May 2010
2010-11 Portfolio Budget Statements (PBS)
Agriculture, Fisheries and Forestry
Attorney-General
Broadband, Communications and the Digital Economy
Climate Change and Energy Efficiency
Defence
Education, Employment and Workplace Relations
Environment, Water, Heritage and the Arts
Families, Housing, Community Services and Indigenous Affairs
Finance and Deregulation
Foreign Affairs and Trade
Health and Ageing
Human Services
Immigration and Citizenship
Infrastructure, Transport, Regional Development and Local Government
Innovation, Industry, Science and Research
Prime Minister and Cabinet
Resources, Energy and Tourism
Treasury
Veterans’ Affairs

ASYLUM SEEKERS

The PRESIDENT (8.01 pm)—I table a statement about matters raised during question time today. With the concurrence of the Senate, the terms of the statement will be incorporated in Hansard.

Leave granted.

The statement read as follows—

Statement by the President—matters raised during question time on 11 May 2010

Earlier today, Senator Bob Brown took a point of order about the use of the term ‘illegal entrants’ by Senator Brandis in a question directed to the Minister for Immigration and Citizenship, Senator Evans. Senator Brown claimed that as the description was arguable it was therefore contrary to standing order 73. Although I informed the Senate that I had ruled before on this question, I undertook to have a look at it.

I have ruled before on several occasions that terms of this nature are not out of order. My rulings are in accordance with established rules of the Senate.

Standing order 73 prevents the use of arguments, inferences or imputations, among other things, in questions. The fact that the accuracy of a term is disputed does not mean that it amounts to an argument, an inference or an imputation. It was on this basis that I ruled that the term was not out of order.

Past Presidents have ruled over many decades that it is not the role of the Chair to judge the accuracy or truthfulness of senators’ statements, and that statements by senators are not out of order merely on the basis that they are alleged to be inaccurate. This is a matter for refutation in debate, and not a question of order for the Chair.

Senator Bob Brown—I note your statement, Mr President, and I dissent from your ruling inherent in your statement.

The PRESIDENT—It is a ruling, Senator Brown.

Senator Bob Brown—I am dissenting from the ruling that is in your statement and,
if you rule that it is not a ruling, I dissent from that ruling.

The PRESIDENT—The clerk has rightly pointed out that it is not a ruling at all; it is a statement in response to a question that you raised during question time today. If you want to seek leave to move a motion or something or speak on the matter, then it is well within your rights to do so.

Senator Bob Brown—We are in disagreement. I am in disagreement with you. I seek leave to make a statement.

The PRESIDENT—Leave is granted for five minutes.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (8.03 pm)—I thank the Senate. I will not take that long. I and my colleagues take this matter very seriously. You responded to my request, Mr President, to make a ruling on a point of order which I took in question time today when Senator Brandis on a number of occasions referred to refugees to this country as ‘illegals’. The point that we make here is that refugees coming by boat to this country are not illegals. It has been shown that over 90 per cent end up being classified as genuine refugees. The term ‘illegals’ applied to refugees is pejorative and worse—I will not use the terms that I think are appropriate to it. It is scaremongering and it vilifies a small number of people who do not deserve to be treated in that fashion. I reiterate that the people are not illegal and therefore the term is wrongly applied to them.

You would be aware, Mr President, that the rules of this place provide that you shall not use in questions put to the chair ‘imputations, inferences or arguments’. There could be no clearer case of imputations, inferences and arguments than people who are genuinely within the law being labelled ‘illegals’ in a question put across the chamber. It should stop. I note that you have now tabled a statement which points out that you have ruled on several occasions that terms of this nature are not out of order and that your rulings are in accordance with established rules of the Senate. You have inter alia made it very clear that you are making a ruling. You are reiterating past rulings. It is that that I am dissenting from.

This is a very clear case of dissent from a ruling you have made to uphold previous rulings—not on the question Senator Brandis made across the chamber today, obviously, but on similar or related matters. It is proper for me to be able to dissent from that ruling and it is proper for the Senate chamber to debate that matter under standing orders tomorrow when we resume. This is an extremely important matter; I would not be raising it if it were not. I am not at all in agreement with the statement you made to the chamber in response to my request to you to make a ruling. You have effectively made a ruling. I am dissenting from that ruling. I put forward a motion of dissent to you in the chair.

The PRESIDENT (8.07 pm)—It seems as though we are going to get bogged down, Senator Brown. I cannot entertain a motion of dissent because I have not made a ruling. I responded with a statement to the question which you raised today. I indicated at that time, and I ruled today, that I was being consistent with the past practices in this chamber. I then undertook, because you sought to take a further point of order, that I would look at the matter and get back to you with a statement. I came back to the chamber this evening. I tabled the statement and with the concurrence of the Senate I had it incorporated. I do not think I have circulated it to other people at this stage. I wanted to get the matter back on the record. I am saying to you that I cannot entertain a motion of dissent from a ruling when it is not a ruling.
Senator Bob Brown—You have just made it abundantly clear, President, that you did rule today on the matter. Then you accepted my invitation to review that and make a statement to the chamber—in which you have maintained the ruling that you made today. I am dissenting from that ruling. I am happy to let the matter remain and for you to look at it again overnight. I do not want to have this prosecuted immediately, but I believe I am right here and I do not want to forego my opportunity to dissent from what I think was a breach of standing order 73 by Senator Brandis today. I could dissent from your ruling that you have not made a ruling. That in itself is valid. But, in one way or other, this matter must be tested before the chamber, President. I am happy to wait until tomorrow for you to look at it again, but I am not going to accept that I cannot move dissent from a ruling that you made today on the use of the term ‘illegals’ being valid when I believe it infringes very clearly standing order 73.

The PRESIDENT—I think I have made the position quite clear, Senator Brown. The best advice I have—and I believe it is the correct advice—is that there is no matter of a ruling before the chamber at this stage. As I said to you, I did—and I will check the Hansard—when this matter was raised earlier today, make a statement about it. I have come back to you with a statement that I think clarifies the position. If you would like this matter referred to the Procedure Committee, I am quite happy to refer the matter to the Procedure Committee for further investigation. But, at this stage, I cannot see where there is anywhere to go with the matter.

Senator Bob Brown—Thank you, and I thank the Senate for the indulgence here. I will have you refer it to the Procedure Committee. I take up your offer but, in doing so, I have to say, President, that there cannot be a circumstance in which a senator who has asked for a ruling and had a ruling made cannot dissent from that ruling. We are in a position of illogicality on the matter. I am happy for the Privileges Committee to have a look at the matter.

The PRESIDENT—No, I did not say the Privileges Committee; it is the Procedure Committee, Senator Bob Brown.

Senator Bob Brown—Correct, the Procedure Committee. It is an important matter. That means that the Procedure Committee will report back to the Senate and at that stage a debate may take place on its findings.

The PRESIDENT—That is a correct assessment of the situation.

Senate adjourned at 8.12 pm

DOCUMENTS

Tabling

The following government documents were tabled:


Civil Aviation Safety Authority—Corporate plan 2009-10 to 2011-12.


Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Average Input Tax Credit
Fraction) Determination 2010 [F2010L00759]*.

ACIS Administration Act—ACIS Administration (Modulation) Guidelines 2006 Variation 2010 (No. 1) [F2010L00786]*.

Aged Care Act—

Aged Care (Residential care subsidy – amount of accommodation supplement) Determination 2010 (No. 1) [F2010L00603]*.

Aged Care (Residential care subsidy – amount of concessional resident supplement) Determination 2010 (No. 1) [F2010L00608]*.

Aged Care (Residential care subsidy – amount of pensioner supplement) Determination 2010 (No. 1) [F2010L00609]*.

Aged Care (Residential care subsidy – amount of respite supplement) Determination 2010 (No. 1) [F2010L00607]*.

Aged Care (Residential care subsidy – amount of transitional accommodation supplement) Determination 2010 (No. 1) [F2010L00606]*.

Aged Care (Residential care subsidy – amount of transitional supplement) Determination 2010 (No. 1) [F2010L00605]*.

User Rights Amendment Principles 2010 (No. 1) [F2010L00602]*.

Airports Act—Select Legislative Instrument 2010 No. 51—Airports (Building Control) Amendment Regulations 2010 (No. 1) [F2010L00747]*.

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2010 (No. 1) [F2010L00964]*.

Appropriation Act (No. 4) 2003-2004—Determination to Reduce Appropriations Upon Request (No. 7 of 2009-2010) [F2010L00845]*.


Radiocommunications and Media Authority Act—

Radiocommunications (Charges) Amendment Determination 2010 (No. 1) [F2010L00839]*.

Radiocommunications (Interpretation) Amendment Determination 2010 (No. 1) [F2010L00837]*.


Australian National University Act—

Academic Board and University Policy Committees (Repeal) Statute 2010 [F2010L00784]*.


University Committees Statute 2010 [F2010L00781]*.

University Committees Statute 2010—University Quality and Standards Committees Rules 2010 [F2010L00782]*.

Australian Passports Act—Australian Passports Amendment Determination 2010 (No. 1) [F2010L01189]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—

4 of 2010—Information provided by trustees under Reporting Standard SRS 200.0, SRS 210.0, SRS 210.1, SRS 230, SRS 240.0 and SRS 250.0 [F2010L00716]*.
5 of 2010—Certain information provided by specified entities under Reporting Standard SRS 100.0 [F2010L00717]*.
6 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L00753]*.
7 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L01063]*.


Banking Act—Select Legislative Instrument 2010 No. 53—Banking Amendment Regulations 2010 (No. 1) [F2010L00739]*.

Broadcasting Services Act—
Broadcasting Services (Digital-Only Local Market Area for the Mildura/Sunraysia Licence Area) Determination (No. 1) 2010 [F2010L01098]*.
Commercial Television Conversion Scheme 1999—Digital Television Commencement Date (Geraldton TV1, Kalgoorlie TV1 and Western Zone TV1 Licence Areas) Determination 2010 [F2010L01087]*.

Variations to Licence Area Plans for—
Albury Radio – No. 1 of 2010 [F2010L00757]*.
Deniliquin Radio – No. 1 of 2010 [F2010L00790]*.
Griffith Radio – No. 1 of 2010 [F2010L00756]*.
Moree Radio – No. 1 of 2010 [F2010L00833]*.
Remote Central and Eastern Australia Radio – No. 1 of 2010 [F2010L00806]*.

Civil Aviation Act—
Civil Aviation Order 82.1 Amendment Order (No. 1) 2010 [F2010L00693]*.
Civil Aviation Order 82.3 Amendment Order (No. 1) 2010 [F2010L00698]*.
Civil Aviation Order 82.5 Amendment Order (No. 1) 2010 [F2010L00701]*.

Civil Aviation Regulations—
Instruments Nos CASA—
78/10—Instructions – for approved use of P-RNAV procedures [F2010L00692]*.
109/10—Instructions – RNP-AR approaches and departures [F2010L00674]*.
113/10—Approval and directions – operations without an approved digital flight data recorder [F2010L00730]*.
126/10—Instructions – for approved use of P-RNAV procedures [F2010L00844]*.

EX16/10—Exemption – flight data recording [F2010L00808]*.
EX19/10—Exemption – from standard take-off and landing minima – Qantas [F2010L00735]*.
EX20/10—Exemption – navigation and anti-collision lights [F2010L00751]*.
EX21/10—Exemption – from standard take-off minima – Virgin Blue [F2010L00768]*.
EX24/10—Exemption – from standard take-off and landing minima – British Airways [F2010L00804]*.
EX25/10—Exemption – from standard take-off and landing minima – Cathay Pacific [F2010L00820]*.

Civil Aviation Safety Regulations—
Airworthiness Directives—
AD/A320/19 Amdt 1—Hydraulic Fire Shut-off Valve [F2010L00891]*.
AD/A330/110—Fuel Line Inspection [F2010L00826]*.
AD/A330/111—GE Engine – Forward Mount Bolts [F2010L00827]*.
AD/A330/112—State of Design Airworthiness Directives [F2010L00860]*.
AD/B717/4 Amnd 3—Rudder Trim Control [F2010L00888]*.
AD/GA8/5 Amnd 3—Horizontal Stabiliser Inspection [F2010L00889]*.
AD/HS 125/184—Main Entry Door Frame Pressing [F2010L00729]*.
AD/HS 125/185—High Pressure Oxygen Hoses – Inspection [F2010L00861]*.
AD/PR/35 Amnd 4—Propeller Hub Wall Cracking [F2010L00785]*.
AD/RAD/91—Rockwell Collins TDR-94/94D Transponder – Air/Ground Discrete Inputs [F2010L00706]*.
AD/RAD/91 Amnd 1—Rockwell Collins TDR-94/94D Transponder – Air/Ground Discrete Inputs [F2010L01095]*.
AD/RAD/92—Rockwell Collins TDR-94/94D Transponder/Honeywell AZ800/810 Air Data Computer Selected Altitude Data Inputs [F2010L00705]*.
AD/RAD/93—Rockwell Collins TDR-94/94D Transponders – Aircraft Type Category [F2010L00703]*.

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ADCX 003/10—Revocation of Airworthiness Directives [F2010L00752]*.
ADCX 004/10—Revocation of Airworthiness Directives [F2010L00765]*.
ADCX 005/10—Revocation of Airworthiness Directives [F2010L00825]*.
ADCX 006/10—Revocation of Airworthiness Directives [F2010L00851]*.
ADCX 007/10—Revocation of Airworthiness Directives [F2010L00869]*.
ADCX 008/10—Revocation of Airworthiness Directives [F2010L00969]*.
ADCX 009/10—Revocation of Airworthiness Directives [F2010L00970]*.
ADCX 010/10—Revocation of Airworthiness Directives [F2010L01154]*.
EX17/10—Exemption – CASR Part 99 DAMP requirements for CAR 30 organisations overseas [F2010L00728]*.
EX22/10—Exemption – CASR Part 99 Standard for drug testing [F2010L00798]*.

Commissioner of Taxation—Public Rulings—
Class Rulings CR 2010/7-CR 2010/11.
Self Managed Superannuation Funds Determination SMSFD 2010/1.
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SMSFR 2010/2.
Taxation Determinations—
Addenda—TD 92/129, TD 92/158, TD 92/162, TD 92/171, TD 92/172, TD 93/36, TD 93/180, TD 93/182, TD 93/183, TD 93/184 and TD 96/18.
Notice of Withdrawal—TD 92/173, TD 93/37, TD 95/8, TD 96/32, TD 2004/63 and TD 2005/16.
TD 2010/2-TD 2010/12.
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Erratum—TR 2010/1.
Commonwealth Authorities and Companies Act—Notices under section 45—
NBN Co Limited.
Commonwealth Authorities and Companies Act and Anglo-Australian Telescope Agreement Act—Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2009) [F2010L00841]*.
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[CO 10/29] [F2010L00797]*.
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[CO 10/249] [F2010L00802]*.
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Select Legislative Instruments 2010 Nos—
54—Corporations Amendment Regulations 2010 (No. 1) [F2010L00737]*.
55—Corporations Amendment Regulations 2010 (No. 2) [F2010L00738]*.
Corporations (Fees) Act—Select Legislative Instruments 2010 Nos—
56—Corporations (Fees) Amendment Regulations 2010 (No. 1) [F2010L00741]*.
Corporations (Review Fees) Act—Select Legislative Instrument 2010 No. 58—
Corporations (Review Fees) Amendment Regulations 2010 (No. 1) [F2010L00740]*.
Crimes Act—Select Legislative Instrument 2010 No. 61—Crimes Amendment Regulations 2010 (No. 2) [F2010L00777]*.
Currency Act—Currency (Royal Australian Mint) Determination 2010 (No. 2) [F2010L00715]*.
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0927246 [F2010L00491]*.
0927435 [F2010L00499]*.
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Determinations under section 58B—
Defence Determinations—

2010/13—Hardship post and equipment costs – amendment.
2010/14—Casual meal charges – amendment.
2010/15—Hardship allowance—amendment.
2010/16—Navy—Aircrew retention and completion bonus scheme—amendment.
2010/17—Post indexes—amendment.
2010/18—School transport costs and benchmark schools—amendment.
2010/19—International campaign allowance—amendment.
2010/20—Suitable Service residence and travelling allowance—amendment.
2010/21—Post indexes—amendment.

Defence Force (Home Loans Assistance) Act—Warlike service—OPERATION CATALYST Declaration 2010 [F2010L00787]*.

Disability Services Act—Disability Services Standards (Eligible Service Standards) (FAHCSIA) Determination 2010 [F2010L00847]*.

Education Services for Overseas Students Act—National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007)—Amendment No. 1 [F2010L00838]*.

Environment Protection and Biodiversity Conservation Act—

Amendments of lists of—

Exempt native specimens—
EPBC303DC/SFS/2010/11 [F2010L00767]*.
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2010 SESSF D2—Southern and Eastern Scalefish and Shark Fishery (non-quota species) Total Allowable Catch (2010 Fishing Year) [F2010L00780]*.
2010 SESSF D3—Southern and Eastern Scalefish and Shark Fishery Overcatch and Undercatch (2010 Fishing Year) [F2010L00783]*.
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65—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2010 (No. 1) [F2010L00612]*.
66—Health Insurance (General Medical Services Table) Amendment Regulations 2010 (No. 3) [F2010L00855]*.
67—Health Insurance (Pathology Review Committee) Repeal Regulations 2010 [F2010L00852]*.
68—Health Insurance (Pathology Services Table) Amendment Regulations 2010 (No. 1) [F2010L00569]*.

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Commonwealth Scholarships Guidelines (Education) 2010 [F2010L00696]*.
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3 of 2010—Chifley Business School Pty Ltd [F2010L00745]*.
4 of 2010—Jazzworx! Pty Ltd [F2010L01153]*.
Other Grants Guidelines (Education) 2010 [F2010L01076]*.
Revocation of Approval as a Higher Education Provider—Shaftson Institute of Technology Pty Ltd [F2010L00771]*.
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73—Income Tax Assessment Amendment Regulations 2010 (No. 3) [F2010L00917]*.
74—Income Tax Assessment Amendment Regulations 2010 (No. 4) [F2010L00850]*.

Marriage Act—Marriage (Recognised Denominations) Amendment Proclamation 2010 (No. 1) [F2010L00732]*.

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Direction under section 499—Direction No. 46—Order for considering and disposing of protection visa applications.

Instruments IMMI—
10/035—Determination of daily maintenance amounts for persons in detention [F2010L00857]*.
10/038—Determination of daily maintenance amounts for persons in detention [F2010L01180]*.

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MN17-10b of 2010—Migration Agents (Continuing Professional Development – Program of Education) [F2010L00981]*.

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Instruments Nos PB—
15 of 2010—Determinations—pharmaceutical benefits [F2010L00666]*.
17 of 2010—Determination—drugs on F1 [F2010L00675]*.
18 of 2010—Determination—price determinations and special patient contributions [F2010L00676]*.
19 of 2010—Amendment determination—prescription of pharmaceutical benefits by authorised optometrists [F2010L00677]*.
20 of 2010—Amendment determination—conditions [F2010L00678]*.
21 of 2010—Amendment Special Arrangements—Highly Specialised Drugs Program [F2010L00680]*.
22 of 2010—Amendment Special Arrangements—Chemotherapy Pharmaceuticals Access Program [F2010L00682]*.
23 of 2010—Amendment Special Arrangements—Highly Specialised Drugs Program [F2010L00748]*.
24 of 2010—Special Arrangements (Variation)—IVF/GIFT Program [F2010L00749]*.
25 of 2010—Amendment determination—drugs on F1 and drugs in Part A of F2 [F2010L00684]*.
26 of 2010—Amendment determination—exempt items [F2010L01008]*.
27 of 2010—Determination under subsection 84AE(3B) [F2010L00799]*.
28 of 2010—Amendment determination—Pharmaceutical Benefits—Early Supply [F2010L00755]*.
29 of 2010—Amendment declaration and determination—drugs and medicinal preparations [F2010L00772]*.
30 of 2010—Amendment determination—pharmaceutical benefits [F2010L00773]*.
31 of 2010—Amendment determination—responsible persons [F2010L00774]*.
32 of 2010—Amendment determination—conditions [F2010L00775]*.
33 of 2010—Amendment Special Arrangements—Botulinum Toxin Program [F2010L00776]*.
34 of 2010—Amendment declaration and determination—drugs and medicinal preparations [F2010L00919]*.
35 of 2010—Amendment determination—pharmaceutical benefits [F2010L00931]*.
36 of 2010—Amendment determination—responsible persons [F2010L00938]*.
37 of 2010—Amendment determination—prescription of pharmaceutical benefits by authorised optometrists [F2010L00939]*.
38 of 2010—Determination—drugs on F1 [F2010L00940]*.
39 of 2010—Amendment determination—conditions [F2010L00941]*.
40 of 2010—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2010L00943]*.

41 of 2010—National Health (Emergency Treatment Program) Special Arrangements Instrument 2010 [F2010L01083]*.

42 of 2010—Amendment determination – Pharmaceutical Benefits – Early Supply [F2010L01035]*.

Select Legislative Instruments 2010 Nos—

49—National Health (Pharmaceutical Benefits) Amendment Regulations 2010 (No. 1) [F2010L00568]*.

69—National Health (Variation of Benefits) (No. 13) Repeal Regulations 2010 [F2010L00853]*.

Navigation Act—

Direction under section 421, dated 18 March 2010 [F2010L00801]*.

Marine Order No. 2 of 2010—Operations standards and procedures [F2010L00734]*.

Northern Territory National Emergency Response Act—Northern Territory National Emergency Response (Community Stores – Stirling Cattle Station Store) Instrument 2010 (No. 1) [F2010L00754]*.


Ozone Protection and Synthetic Greenhouse Gas Management Act—

Exemptions Nos—

OZO0113419—Strategic Airlines Pty Ltd, dated 17 February 2010.


Select Legislative Instrument 2010 No. 64—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2010 (No. 1) [F2010L00945]*.

Parliamentary Service Act—Parliamentary Service Classification Rules 2010 [F2010L00760]*.

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2010 (No. 1) [F2010L00688]*.

Private Health Insurance (Benefit Requirements) Amendment Rules 2010 (No. 2) [F2010L00962]*.

Private Health Insurance (Complying Product) Amendment Rules 2010 (No. 1) [F2010L00689]*.

Public Lending Right Act—Public Lending Right Scheme 1997 (Modification No. 1 of 2010) [F2010L00979]*.

Public Service Act—Public Service Commissioner’s Amendment Directions 2010 (No. 1).

Radiocommunications Act—

Radiocommunications Advisory Guidelines (Use of Electronic Counter Measures for Bomb Disposal Activities) 2010 [F2010L00832]*.

Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Amendment Notice 2010 (No. 1) [F2010L00762]*.

Radiocommunications Devices (Compliance Labelling) Amendment Notice 2010 (No. 1) [F2010L00761]*.

Radiocommunications Labelling (Electromagnetic Compatibility) Amendment Notice 2010 (No. 1) [F2010L00763]*.

Radiocommunications Licence Conditions (PTS Licence) Amendment Determination 2010 (No. 1) [F2010L01086]*.

Radiocommunications (Prohibited Devices) (Use of Electronic Counter Measures for Bomb Disposal Activities) Exemption Determination 2010 [F2010L00821]*.
Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2010 (No. 2) [F2010L00834]*.

Remuneration Tribunal Act—Determinations—
2010/02: Remuneration and Allowances for Holders of Public Office [F2010L00796]*.
2010/03: Judicial and Related Offices—Remuneration and Allowances [F2010L00849]*.
2010/04: Remuneration and Allowances for Holders of Public Office [F2010L00951]*.

Renewable Energy (Electricity) Act—Select Legislative Instrument 2010 No. 52—Renewable Energy (Electricity) Amendment Regulations 2010 (No. 2) [F2010L00713]*.

Resale Royalty Right for Visual Artists Act—Determination of provisions to be contained in collecting society rules, dated 16 March 2010 [F2010L00791]*.


Social Security Act—
Social Security (Approved Scholarship Courses) Determination 2010 (No. 1) [F2010L00807]*.
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2010 (No. 2) [F2010L00947]*.
Social Security (Australian Government Disaster Recovery Payment) Determination 2010 (No. 2) [F2010L00744]*.
Social Security (Satisfaction of the Activity Test – Classes of Persons) (DEEWR) Amendment Specification 2010 (No. 1) [F2010L00977]*.

Social Security (Administration) Act—
Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2010 (No. 3) [F2010L00710]*.
Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2010 (No. 4) [F2010L00980]*.
Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2010 (No. 5) [F2010L01192]*.
Social Security (Administration) (toys are a priority need) Specification 2010 [F2010L00727]*.
Social Security (Administration) (Weekly Payments – Classes of Persons) (FaHCSIA) Specification 2010 [F2010L00984]*.

Sydney Harbour Federation Trust Act—Select Legislative Instrument 2010 No. 48—Sydney Harbour Federation Trust Amendment Regulations 2010 (No. 1) [F2010L00746]*.

Telecommunications Act—
Telecommunications (Freephone and Local Rate Numbers) Allocation Determination Variation 2010 (No. 1) [F2010L01090]*.
Telecommunications (Freephone and Local Rate Numbers – Charities) Allocation (Repeal) Determination 2010 [F2010L01088]*.
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2010 (No. 1) [F2010L00764]*.
Telecommunications Numbering Plan Variation 2010 (No. 1) [F2010L01089]*.
Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1) [F2010L00639]*.

Telecommunications (Carrier Licence Charges) Act—Determinations under paragraphs—

15(1)(b) No. 1 of 2010 [F2010L00691]*.
15(1)(d) No. 1 of 2010 [F2010L01032]*.


Therapeutic Goods Act—

Poisons Standard Amendment No. 1 of 2010 [F2010L00966]*.
Therapeutic Goods (Listing) Notice 2010 (No. 2) [F2010L00953]*.
Therapeutic Goods (Multi-Site Manufacturing Licences) Guidelines of 2010 [F2010L00700]*.

Trans-Tasman Mutual Recognition Act—Select Legislative Instrument 2010 No. 72—Trans-Tasman Mutual Recognition (Modification of Act) Regulations 2010 (No. 1) [F2010L00858]*.

Veterans’ Entitlements Act—

Amendments of Statements of Principles concerning—

Anxiety Disorder No. 42 of 2010 [F2010L01058]*.
Anxiety Disorder No. 43 of 2010 [F2010L01059]*.
Depressive Disorder No. 40 of 2010 [F2010L01056]*.
Depressive Disorder No. 41 of 2010 [F2010L01057]*.
Intervertebral Disc Prolapse No. 38 of 2010 [F2010L01054]*.
Intervertebral Disc Prolapse No. 39 of 2010 [F2010L01055]*.

Lumbar Spondylosis No. 36 of 2010 [F2010L01067]*.
Lumbar Spondylosis No. 37 of 2010 [F2010L01068]*.
Neoplasm of the Pituitary Gland No. 46 of 2010 [F2010L01062]*.
Spondylolisthesis and Spondylolysis No. 44 of 2010 [F2010L01060]*.
Spondylolisthesis and Spondylolysis No. 45 of 2010 [F2010L01061]*.

Determination of Warlike Service—OPERATION CATALYST, dated 12 February 2010 [F2010L00699]*.

Statements of Principles concerning—

Alzheimer-Type Dementia No. 22 of 2010 [F2010L01038]*.
Alzheimer-Type Dementia No. 23 of 2010 [F2010L01039]*.
Cluster Headache No. 20 of 2010 [F2010L01036]*.
Cluster Headache No. 21 of 2010 [F2010L01037]*.
Dislocation No. 24 of 2010 [F2010L01040]*.
Dislocation No. 25 of 2010 [F2010L01041]*.
Non-Hodgkin’s Lymphoma No. 28 of 2010 [F2010L01044]*.
Non-Hodgkin’s Lymphoma No. 29 of 2010 [F2010L01045]*.


Veterans’ Entitlements (Veterans’ Children Education Scheme – Scholarships) Instrument 2010—R24/2010 [F2010L00836]*.

Governor-General’s Proclamation—Commencement of provisions of an Act

Renewable Energy (Electricity) Amendment Act 2009—Items 6 and 7 of Schedule 3—18 April 2010 [F2010L00946]*.
Return to Order

The following document was tabled pursuant to the order of the Senate of 17 March 2010:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Prime Minister: Overseas Travel
(Question No. 2503)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 21 December 2009:

With reference to the 15th United Nations Climate Change Conference in Copenhagen (COP15):

(1) In what aircraft did the Prime Minister fly to and from COP15.
(2) How many other parliamentarians accompanied the Prime Minister on these flights.
(3) How many departmental staff accompanied the Prime Minister on these flights.
(4) How many staff employed under the Members of Parliament (Staff) Act 1984 accompanied the Prime Minister on these flights.
(5) Did the Prime Minister’s wife accompany him on those flights.
(6) (a) At which hotel or hotels in Copenhagen did the Prime Minister stay; and (b) what was the cost of that accommodation.
(7) What was the cost of the Prime Ministers land based transport in Copenhagen.
(8) During the Prime Ministers stay in Copenhagen, what was the cost of the Prime Ministers: (a) food and meals; (b) alcohol; (c) tips and gratuities; (d) entertainment; and (e) any other costs personally incurred and not otherwise included above.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) RAAF Boeing 737.
(2) None.
(3) One departmental officer travelled with the Prime Minister on the flight from Copenhagen to Australia only.
(4) Seven officers travelled with the Prime Minister from Australia to Copenhagen and nine officers travelled with the Prime Minister on the return flight.
(5) No.
(6) (a) The Prime Minister stayed at the Radisson Blu Royal Hotel in Copenhagen. (b) Costs of official overseas travel by Ministers, Parliamentary Secretaries, accompanying spouses (where relevant) and accompanying staff employed under the Members of Parliament (Staff) Act 1984 are paid by the Department of Finance and Deregulation (Finance). Finance has advised that expenditure for this overseas visit has not yet been reconciled. Dates, destinations, the purpose and costs of all official overseas travel are tabled in the Parliament every six months in a report titled Parliamentarians’ Travel Paid By The Department of Finance and Deregulation. These reports are also published to the Finance web page.
(7) Nil. Transport was provided by the host government for each leader attending COP15.
(8) Refer 6 (b).
Climate Change
(Question No. 2506)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 21 December 2009:

To ask the Minister representing the Prime Minister;

With reference to the 15th United Nations Climate Change Conference in Copenhagen (COP15):

1. What is the estimated carbon footprint in terms of metric tonnes of carbon dioxide for the entire delegation.

2. Is there any intention by the Government to offset this carbon footprint; if so: (a) how specifically will this be done, including which specific commercial firm or firms will be used; and (b) what will be the dollar cost of such offsetting.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:


2. For this event, the Danish Government, in its budget for the conference, allocated approximately one million US dollars (0.7 million Euro) for offsetting emissions related to the conference.

I am advised that this money was used to fund a project in Bangladesh to replace brick kilns. Under the project, heavily polluting outdated brick kilns in Dhaka will be replaced by 20 new energy efficient ones, which will cut more than 50,000 tonnes of CO2 emissions each year and improve the city’s air quality.

I also understand that once the exact volume of emissions is known as the result of COP15, the Danish Government will purchase and cancel the corresponding amount of carbon credits to offset any additional emissions.

Internet Content
(Question No. 2578)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 January 2010:

1. If the filtering solution fails during operation what actions will an Internet Service Provider (ISP) have to take.

2. Will the additional content filter that is to be subsidised be audited and/or reported on annually so the public can measure its effectiveness.

3. Will the performance of the mandatory Internet filter solutions used by ISPs be audited, including under-blocking, over-blocking, circumvention and performance.

4. Given that IPv6 is starting to be used in production environments and will only increase in the future, are there any fit-for-purpose censorware solutions available; if not, is it anticipated that filtering solutions will be available by the time ISPs are expected to begin filtering.

5. What are the anticipated challenges of IPv6 and its impact on mandatory Internet censorship.

6. Will the ‘mandatory filter’ be able to filter Hypertext Transfer Protocol Secure (HTTPS) traffic.

7. If a web site is available via HTTPS and hosts a single Refused Classification (RC) web page, will the entire web site be blocked.
(8) (a) Will the filter hinder or affect the deployment of Domain Name Server Security (DNSSEC); and (b) what are the anticipated challenges of DNSSEC and filtering.

(9) How often is the blacklist scrubbed.

(10) Once an Uniform Resource Locator (URL) is added to the blacklist is there any automated monitoring of the URL to determine when the content available at that URL changes; if so, how does this work; if not, why not.

(11) (a) Is the URL reviewed when the content changes; if so, what is the average time frame for a change notification to occur and the review to be completed.

(12) Of the content reported in 2009 to the Australian Communications and Media Authority (ACMA), how many complaints and items were referred to a law enforcement agency.

(13) (a) After the law enforcement agency has completed its investigation, does ACMA check the URL before adding it to the blacklist; and (b) if the URL is no longer active what action is taken.

(14) How many URLs referred to law enforcement agencies were added to the blacklist in 2009.

(15) Can the Minister cite any law enforcement agencies that have said that ISP filtering is effective in preventing access to illegal material.

(16) What is the average time that content referred to a law enforcement agency remains active.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) The Government is undertaking more detailed consultations with ISPs on the implementation of ISP-level filtering of the Refused Classification Content list, including the requirements for ISPs in regard to the ongoing operation of their filtering solution. An aim is to ensure that enforcement arrangements will be sufficiently flexible to deal with the practicalities of managing an ISP network service.

(2) Standard government contractual reporting requirements would apply to those ISPs that receive funding through the grants program being established to encourage ISPs to offer wider filtering services.

The effectiveness of wider filtering solutions will be assessed as part of the program’s initial assessment process. Periodic audits may also be undertaken to ensure that minimum standards continue to be met.

(3) Oversight arrangements will be considered during consultations with ISPs.

(4) The Government has been advised that some solutions already run adequately on IPv6 networks, given that they operate via URL based lists. Translation from URL to IPv4 addresses is handled by a separate Domain Name Server (DNS) which is not related to the filtering product, therefore the filter itself may not need to be IPv6 “aware” as the IPv6 capable DNS will perform the translation independently.

Vendors that wish to supply services and products to clients who have deployed IPv6 will ensure that their development programs encompass these technologies.

It is also anticipated that ISPs who are planning on moving to a native IPv6 network would ensure that all network infrastructure technologies in their network are compatible with IPv6, including any filtering products.

(5) See 2578 (4)

The Government has been advised that IPv6 technologies may make blocking sites easier due to the fact that content hosts will not be able to as easily hide behind network address translation or virtual hosts as they can with IPv4 networks. It will also be easier to link the owners of the IPv6 range with the content host.
(6) An unencrypted URL used to establish an encrypted channel can be filtered if it is found to contain Refused Classification content, however the Hypertext Transfer Protocol Secure (HTTPS) traffic cannot be blocked once it has been encrypted.

(7) HTTPS is a web protocol built into browsers that encrypts and decrypts user page requests as well as the pages that are returned by the Web server. Communications carried over the HTTPS protocol can not be filtered by URL due to their encryption of the URL information.

However, when an end user requests an HTTPS URL in the first instance, this initial HTTPS URL request is not encrypted and can therefore be filtered at the ISP level.

The RC Content list will be URL based meaning only specific webpages or images will be blocked not entire sites.

(8) (a and b) DNSSEC is a set of extensions to the existing Domain Name System (DNS) to provide security. Normal DNS operations are vulnerable to a range of attacks whereby, for example, malicious parties can redirect requests for a domain name to an unrelated Internet Protocol (IP) address containing a fraudulent website. DNSSEC uses digital signatures and public key encryption to provide users assurance that such tampering has not occurred.

Most ISP level filtering solutions do not involve the DNS in their operation and therefore will not affect DNSSEC, nor will they be affected by DNSSEC.

(9) The Australian Communications and Media Authority currently reviews on a quarterly basis the existing ACMA blacklist – the list of URLs of prohibited and potential prohibited content that is provided to accredited software vendors, currently maintained under Schedule 5 to the Broadcasting Services Act 1992. The review determines whether the URLs on the ACMA blacklist continue to provide access to prohibited or potential prohibited content. If a URL does not provide access to prohibited content or potential prohibited content when the list is reviewed, it is removed from the list. At the completion of each quarterly review of the list, a replacement list is sent to the filter software vendors whose products are accredited by the Internet Industry Association to receive the list.

(10) There is no automated monitoring of URLs on the list currently maintained by the Australian Communications and Media Authority and provided to filter software vendors under Schedule 5 to the Broadcasting Services Act 1992. The code of practice and regulatory framework under which the list is maintained do not require the list to be monitored. The current process for quarterly, ‘manual’ reviews of the list is considered to be appropriate for the current filtering arrangements, which are based on voluntary use of filter software by end-users.

The Australian Communications and Media Authority intends to develop systems to manage the Refused Classification Content list once the regulatory framework for the list is in place and will consider the requirement for monitoring of the list as part of this process. The system would also be used to manage the ACMA blacklist that will continue to be maintained by the ACMA pursuant to the existing requirements of Schedule 5 to the Broadcasting Services Act 1992.

(11) (a) See 2578 (9).

(12) Complaints received by the Australian Communications and Media Authority about online content often relate to more than one ‘item’ of content. An item can be an individual web page, image, video file or newsgroup posting. Decisions to refer material to a law enforcement agency are taken on a per item basis. The Australian Communications and Media Authority does not refer entire complaints to law enforcement agencies.

In 2009, the Australian Communications and Media Authority referred nine such items of content hosted in Australia to an Australian State or Territory police force.

In 2009, the Australian Communications and Media Authority referred 845 items of content hosted outside Australia to the Australian Federal Police or an INHOPE member hotline.
(13) (a) URLs on the ACMA blacklist are all overseas hosted content. It would be for the law enforcement agency in the country concerned to undertake any investigation, which may take a considerable amount of time to complete. There is no requirement for law enforcement agencies, Australian or overseas, to advise the Australian Communications and Media Authority when their investigations into overseas hosted online content are completed.

(b) Independently of any feedback received from law enforcement agencies, the Australian Communications and Media Authority reviews the list of URLs of prohibited and potential prohibited content, currently maintained under Schedule 5 to the Broadcasting Services Act 1992, on a quarterly basis to ensure that they continue to provide access to prohibited or potential prohibited content. If a URL does not provide access to prohibited content or potential prohibited content when the list is reviewed, it is removed from the list. At the completion of each quarterly review of the list, a replacement list is sent to the filter software vendors whose products are accredited by the Internet Industry Association to receive the list.

(14) See 2578 (12).

All overseas hosted URLs that are referred to law enforcement agencies are also added to the ACMA blacklist.

(15) There are many western democracies that have encouraged or assisted implementation of ISP-level filtering to assist in the prevention of inadvertent access to illegal online material. These countries have incorporated ISP-level filtering into a suite of cyber-safety measures, working closely with relevant law enforcement agencies.

The Australian Federal Police is a member of the Government’s CWG advisory group on cyber-safety.

(16) Research conducted by the United Kingdom’s Internet Watch Foundation (IWF) indicates that the vast majority (81 per cent) of images depicting child sexual abuse are removed within 100 days of identification and referral to law enforcement agencies.

Removal of such content may be due to action taken by the perpetrator, host site or law enforcement agency.

Internet Content

(Question No. 2579)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 January 2010:

(1) Has the probability of inadvertent exposure to Refused Classification (RC) material by adults been quantified; if not, is this probability judged to be low, moderate or high.

(2) (a) Have the consequences of inadvertent exposure to RC material by adults been measured; and (b) are these considered to be minor, major or serious.

(3) Has the quantity of potentially RC material in existence on the Internet been estimated in either absolute or relative terms.

(4) Does the Government have an estimate or measure of the percentage of potentially RC material on the Internet that is currently refused classification; if so, what is it.

(5) Does the Government have a coverage goal for the RC list in terms of the percentage of potentially RC material that is actually refused classification; if so, what is it.

(6) Is the Government concerned that, in exempting X 18+ material from the specifications of the mandatory filter, it may be tacitly condoning the consumption of X 18+ rated materials by Australian adults.
(7) Does the Government consider that it is acceptable for Australian adults who encounter X 18+ or potentially RC material on the Internet to treat such material as having not been refused classification until such time as the Australian Communications and Media Authority makes a definitive decision otherwise.

(8) (a) Does the Government consider that Australian adults who encounter X 18+ or potentially RC material should use their own judgment to decide for themselves whether they should remain exposed to such material; and

(b) if the Government does consider that all Australian adults should retain for themselves the responsibility of deciding what material is, and is not, acceptable to view, why is the mandatory filter required.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) Due to the size and dynamic nature of the internet, and the fact that individual URLs do not display a classification, it is not possible to quantify the probability of being exposed to Refused Classification material on the internet.

Content is added to the existing ACMA blacklist as a result of a public complaints mechanism. As people who are deliberately seeking RC content are unlikely to complain about it, people who do complain about content can reasonably be believed to have been inadvertently exposed to it. Since 2000, some 4,500 items of RC content have been added to the blacklist, with 644 items of RC content on the ACMA blacklist at 30 November 2009.

Mandatory ISP-level filtering of the Refused Classification Content list will help prevent inadvertent exposure to those URLs on the list.

(2) (a and b) Material that has been classified Refused Classification cannot legally be shown, distributed, sold or made available for hire in Australia. There is therefore limited information about exposure to Refused Classification material.

The Edith Cowan University Review of Existing Australian and International Cyber-safety Research commissioned by the Government and released in September 2009 reported that there is very limited information from Australian-based research studies on exposure to pornography, media violence, hate groups or self-harm content. Further, although Australian-based research on inadvertent exposure to inappropriate and illegal material is limited, research from overseas suggests that there is compelling evidence that the greatest negative effects (behavioural and psychological) are associated with violent pornography. The Edith Cowan University Review also reported that exposure to pornography at a young age is associated with negative outcomes.

Research in the United States showed that in a twelve month period 25 per cent of youth aged 10–17 viewed unwanted pornography and 32 per cent of youth were exposed to violent and sexualised content through video games. (A Schrock & D Boyd, Online Threats to Youth: Solicitation, Harassment, and Problematic Content, Berkman Center for Internet & Society, Harvard University, 2008)

Research in the United Kingdom has shown, for example, that 57 per cent of 9-19 year old daily and weekly users of the Internet have come into contact with online pornography and 22 per cent have accidentally ended up on a site with violent or gruesome pictures. (S Livingstone & M Bober, UK CHILDREN GO ONLINE, Economic & Social Research Council, 2005)

In order to minimise the effects of exposure to such material the Australian Communications and Media Authority limits the time its assessors can spend viewing RC material, and also provides professional counselling services to these officers. Law enforcement agencies in Australia have similar practices in place.

(3) No. See response to 2579 (1).
(4) No. See response to 2579 (1). Once aware of the presence and availability of RC content through a complaint, the Government can take steps to reduce the possibility of another person being inadvertently exposed to that same content.

(5) No. The Government has a responsibility to do all that it can once aware of the presence and availability of RC content, to reduce the possibility of another person being inadvertently exposed to that content.

(6) Under the current system (Schedule 7 to the Broadcasting Services Act 1992), material that has been classified X18+ by the Classification Board is prohibited content and subject to take-down action by the Australian Communications and Media Authority if hosted in Australia. Overseas hosted X18+ content is placed on the Australian Communications and Media Authority blacklist and provided to accredited PC filter vendors if hosted overseas. No changes are proposed to these arrangements.

(7) Refused Classification is a category under the National Classification Scheme and is not the same as not having been classified.

Under the National Classification Scheme X18+ is a separate classification category to Refused Classification.

Australians who encounter content online which is of concern to them should refer it to the Australian Communications and Media Authority.

The Online Content Scheme under the Broadcasting Services Act 1992, and the procedures followed by the Australian Communications and Media Authority when investigating a complaint and assessing content were introduced in 2000.

(8) Australians have always recognised that there is some content which is not acceptable in any civilised society.

The National Classification Scheme, a co-operative agreement between the Commonwealth, States and Territories, clearly sets a category for such content which is refused classification. This content includes child sexual abuse material, bestiality, sexual violence and detailed instruction in crime. X18+ content will not be the subject of mandatory filtering.

Internet Content

(Question No. 2580)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 January 2010:

(1) Will an Internet Service Provider (ISP) be expected to block circumvention attempts or techniques.

(2) Will there be penalties or repercussions if an ISP knowingly allows a customer to bypass the filter.

(3) Will an ISP be allowed to offer a service or product that aids in the bypassing or circumvention of the filter if:

(a) the product or service is solely for the purpose of circumventing or bypassing the filter; or (b) the product or service has other uses apart from bypassing or circumventing the filter.

(4) Will there be any exemptions to the types of sites or web applications that could be exempt from the policy such as:

(a) web mail;

(b) ISP-offered web mail;

(c) specialist web mail providers such as Google, Yahoo and Hotmail;

(d) web-based backup services;
(e) Cloud-based applications;
(f) Cloud-hosted customer relationship management applications;
(g) Cloud-hosted calendar services; and
(h) Apple’s MobileME.

(5) What protections will be put in place to ensure that the filtering solutions do not negatively impact end users’ privacy.

(6) Will the Government be amending the legislation to prohibit the collection of user statistics, usernames, passwords and user browsing patterns etc and the commercial uses of such data; if so, will the protections also prohibit the collection of anonymised data.

(7) Will the Government provide any assistance to ISPs should the blacklist grow to more than 10 000 Uniform Resource Locators due to performance degradation.

(8) Will there be a maximum performance degradation that will be considered acceptable.

(9) Will there be any exemption for an ISP should the mandatory filters degrade performance significantly when used in a high speed network, faster than the 8mbps [megabytes per second] tested during the live trial.

(10) Will there be any exemption or assistance for ISPs should future technology changes be incompatible with mandatory Internet filtering.

(11) (a) Can details be provided of the exact process whereby the lists will be updated to the ISPs; and
(b) will encryption be used.

(12) Will all filter vendors be able to use the same blacklist when encrypted.

(13) Will the list need to be unencrypted before loading; if so:
   (a) what type of encryption will be used; and
   (b) where will this encryption occur.

(14) Given that the Australian Communications and Media Authority has blacklisted leaked blacklists in the past, what measures are being put in place to prevent the blacklist from being leaked a fourth time.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) ISPs will not be required to block circumvention attempts by their customers or other end users.
(2) See response to 2580 (1).
(3) (a and b) See response to 2580 (1).
(4) ISPs will be required to block a defined list of Uniform Resource Locators (URLs) (or specific web pages). The Government’s mandatory ISP filtering policy does not extend to web applications.
(5) In implementing a filtering solution, ISPs will be obliged to comply with current Commonwealth laws protecting user privacy i.e. the Privacy Act 1988 and the Telecommunications (Interception and Access) Act 1979.
   Filtering of a defined list of URLs (as will be required) does not require the detailed examination of web traffic. The filtering technologies used in the pilot trial only checked the address of the material requested, with the hybrid filtering systems examining the IP address and then the URL.
(6) In implementing a filtering solution, ISPs will be obliged to comply with existing Commonwealth laws, including the Privacy Act 1988 and the Telecommunications (Interception and Access) Act 1979.
Filtering of a defined list of URLs (as will be required) does not require the examination of web traffic. The filtering technologies used in the pilot trial only checked the address of the material requested, with the hybrid filtering systems examining the IP address and then the URL.

(7) There is no evidence to suggest that a blacklist containing 10,000 URLs will noticeably impact on internet speeds.

Telstra has conducted testing on a list of this size and found there was no discernible performance degradation and explained the impact as 1/70th of a blink of an eye.

Enex’s report of findings from the live pilot notes that the filter vendor lists tested during the pilot (i.e., ISPs that tested filtering of additional content), ranged from 100,000 to millions of URLs and this did not have a discernible affect on network performance.

The Government will monitor the number of URLs contained on the Refused Classification Content list and liaise with ISPs if the list begins to approach 10,000.

(8) The ISP filtering live pilot demonstrated that filtering of a defined list of URLs can be achieved with no noticeable performance degradation directly attributable to the filter. See 2580 (7).

(9) Consultations with ISPs and expert technical advice confirms that ISPs with network speeds in excess of 8 megabits per second (mbps) would be able to choose a technology that filters a defined list of URLs with no, or negligible, impact on network speeds.

ISPs in a number of overseas countries have successfully implemented filtering of a defined list of URLs with no noticeable impact on internet speeds. It is understood that British Telecom’s filtered network operates well in excess of 8 mbps.

(10) All technologies that connect to the internet (both software and hardware), including ISP-level filtering, can potentially be impacted by online technological advancements.

The Government will continue to monitor online technology developments in close consultation with industry.

(11) The regulatory framework for the Refused Classification Content list has yet to be considered by the Parliament. The Australian Communications and Media Authority will work with industry to develop and implement robust arrangements for distribution and updating of the Refused Classification Content list once the regulatory framework is in place. The Australian Communications and Media Authority will also obtain specialist technical advice on security matters as part of these processes. Additional funding has been allocated to the Australian Communications and Media Authority to enable strengthening of the security of the list.

(12) See 2580 (11).

(13) See 2580 (11).

(14) The regulatory framework for the Refused Classification Content list has yet to be considered by the Parliament. The Australian Communications and Media Authority is working with industry to develop and implement robust arrangements for the distribution and updating of the Refused Classification Content list, including consultations with ISPs.

The Australian Communications and Media Authority has already taken a number of steps to enhance the security of the current list of URLs relating to prohibited content and potential prohibited content hosted outside Australia, which is maintained under Schedule 5 to the Broadcasting Services Act 1992. Following discussions with the Australian Communications and Media Authority, the Internet Industry Association required filter products provided under its Family Friendly Filter program to undergo re-testing and accreditation, including in relation to the security of those products, to address concern regarding the potential for lists to be extracted from filter products. The Australian Communications and Media Authority also assessed its own procedures for managing
and distributing the URL list, and has enhanced the techniques used to secure the list prior to sending it to filter software vendors.

The Attorney-General has introduced amendments to the *Criminal Code Act 1995* to strengthen existing child sex offence provisions. These include ensuring that it would be a criminal offence to use a carriage service to make available a URL to child abuse material, such as by posting a URL to such material on the internet.

**Internet Content**

(Question No. 2581)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 January 2010:

(1) Why was over-blocking not reported on for the Australian Communications and Media Authority (ACMA) blacklist only participants.

(2) (a) How many customers from each Internet Service Provider (ISP) participated in the trial; and
(b) as a percentage of the total customer base for each of these ISPs, how many opted-in to the trial.

(3) As the performance testing was conducted by Enex TestLab on Internet connections provided by the participants rather than customers’ connections, is there a reason why none of the filtering solutions used by any of the trial participants were tested above 8mbps [megabytes per second], the maximum sync speed attainable under the ADSL(1) standard.

(4) (a) What criteria were used when selecting the participants; and
(b) why were faster speeds not tested.

(5) What was the required behaviour of the filter when a Uniform Resource Locator (URL) consists only of the domain name.

(6) Were all web pages on the domain blocked (or would have been blocked) at any point during the trial.

(7) Were customer feedback surveys conducted on the ACMA blacklist filtering option as per section 6 of the Technical Testing Framework.

(8) Can the detailed statistical analysis of each round of surveys be provided broken down by trial ISP participant, including:
(a) the total number of services in the trial;
(b) the total number of survey respondents; and
(c) details of filtering solution configuration at the time the surveys were taken, including changes since the last survey if any.

(9) How many times was the Enex TestLab report (the report) edited after the Minister said he had received it on the weekend prior to the Senate estimates hearings on 19 October 2009.

(10) Did the Minister or department ask for edits or amendments to the report by Enex TestLab; if so, what edits or amendments were made.

(11) (a) What are the ‘technical reasons’ for one ISP being excluded from the trial (page 6 of the report, as accessed online on 12 January 2010); and
(b) what technology did this ISP use, if it commenced the trial.

(12) What are the ‘public interest reasons’ for not mentioning the circumvention methods trialed (page 25 of the report).
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(13) (a) What were the ‘commercial reasons’ for the vendors not releasing the costings of their systems (page 29 of the report); and

(b) when will these costs be made available.

(14) In what file format was the report delivered to the department.

(15) Why was the report delayed for release for nearly 2 months after the Minister received the full report.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) All ISPs participating in the ISP filtering pilot accurately blocked 100 per cent of the Australian Communications and Media Authority blacklist, with no over-blocking of content when seeking to filter only the blacklist.

(2) (a and b) Under the Deeds of Agreement signed with some of the participating ISPs, we are unable to reveal the number of their customers who participated in the Pilot.

(3) The highest speed offered for testing under the live pilot by any of the pilot participants was 8 megabits per second (mbps). Greater speeds were not provided by the participating ISPs.

ISPs provided Enex with a filtered and unfiltered service for testing. Enex, in effect, received the same service that was provided to other customers of that ISP.

However, Enex TestLab reports that filtering technologies work in a variety of ways. Consultations with ISPs and expert technical advice confirms that there is no reason to believe that ISPs would not be able to choose a technology that filters a defined list of specific internet addresses (URLs) with no, or only negligible, impact on network speeds when utilising higher speed networks.

Telstra undertook its own testing in a “closed environment” which is an accurate replication of Telstra’s residential broadband internet service (BigPond). Telstra uses this network to test BigPond network and system changes and products before they go on the market. Telstra’s testing found compatible results to the Enex results.

ISPs in a number of overseas countries have successfully implemented filtering of a defined list of URLs with no noticeable impact on internet speeds. For example, it is understood that British Telecom’s filtered network operates well in excess of 8 mbps.

Current filtering technologies have considerable scope to scale for supporting large quantities of traffic. Devices being developed are expected to have considerably higher capacities.

(4) (a) An open invitation called for ISPs to apply to participate in the pilot. The applications were assessed by the Department of Broadband, Communications and the Digital Economy and Enex TestLab based on a range of factors, including the type of filtering solution proposed to be implemented, whether they intended to participate in blacklist only or wider levels of filtering, the amount of funding being sought to participate, the services they provided and the number of proposed customers to be involved in the pilot.

(b) See response to 2581(3).

(5) The ACMA Refused Classification Content list is a list of URLs of overseas hosted Refused Classifications material. The intended behaviour of the ISP filter is to prevent access to specific URLs. Were a domain name to be included on the Refused Classification Content list the intended behaviour would be to block that URL. It is not intended that other URLs on that domain be blocked unless they are also on the Refused Classification Content list.

(6) This was not tested as part of the pilot and there was no URL on the list at that time that consisted solely of a domain name. See 2581 (5).
(7) Customers of six ISPs that received a filtered service which included categories of content beyond the Australian Communications and Media Authority blacklist were provided with the opportunity to complete a customer feedback survey on their experiences during the pilot. Three ISPs did not participate in the filtering of additional categories of content, therefore their customers were not required to configure their filters and they did not experience any over-blocking or under-blocking of content. Accuracy of the different filtering technologies was separately tested under the pilot and the customers of these ISPs were therefore not surveyed for the pilot.

(8) (a) See 2581 (7).

Customer feedback was sought once only at the completion of the live filtering under the ISP filtering pilot.

(b) Responses to the customer feedback survey were optional, and only where there was a statistically significant response to the survey was this information included.

(c) No. See response to 2581 (7).

The filters were configured to block content that could reasonably be regarded as harmful or inappropriate to children, based on the views of either the customers or their ISP.

(9) None.

(10) The Department of Broadband, Communications and the Digital Economy worked with Enex TestLab on the style and format of the report to ensure it discusses the live Pilot outcomes in plain English so that Enex TestLab’s findings are accessible to the public. This is normal practice before the Department of Broadband, Communications and the Digital Economy accepts a consultant’s report.

None of the editorial suggestions from the Department of Broadband, Communications and the Digital Economy amended the technical results.

(11) (a) One ISP proposed a filtering solution which would result in over-blocking of internet content. This was confirmed by Enex TestLab. The ISP did not at that time offer a solution to mitigate this over-blocking.

(b) This ISP did not commence in the pilot but subsequently decided to undertake its own testing using another filtering solution which it has reported on its website.

(12) The Government acknowledges that a technically competent user could circumvent ISP-level filtering. Publishing the circumvention techniques tested during the pilot would be irresponsible as it would provide information on methods for accessing Refused Classification material that is illegal to display, exhibit, distribute, sell or make available for hire.

(13) (a) The commercial reasons for not providing detailed cost information in relation to ISP-level filtering are determined by the ISPs and filter vendors.

(b) As agreed to under the Deeds of Agreement between the Government and ISPs participating in the pilot, the Government will not make available commercial-in-confidence cost information.

(14) Enex TestLab provided the Department of Broadband, Communications and the Digital Economy with their report of findings from the pilot in Word format. The report was subsequently reformatted into both Portable Document Format (PDF) and Rich Text Format (RTF) for publishing on the Department of Broadband, Communications and the Digital Economy’s website.

(15) The Government considered the results of the technical testing contained in the Enex TestLab live pilot report prior to developing its policy approach which was announced at the same time the report was released. In addition a public consultation paper into improved transparency and accountability for the processes to include material on the Refused Classification Content list was also re-
leased. The results of Telstra’s own technical evaluation were also considered in the development of the policy approach.

It is not uncommon practice for the Government to consider an independent report before it makes it publicly available.

**Internet Content**

(Question No. 2582)

**Senator Ludlam** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 January 2010:

1. Is the Australian Communications and Media Authority (ACMA) satisfied that the terms of the 2007 Restricted Access System Declaration have been applied and that Australian citizens are prevented from accessing prohibited content hosted by iTunes, following reports that Australian citizens can give ‘V for Vendetta’ and ‘American Gangster’ to each other as gifts using iTunes cards purchased on eBay.

2. (a) Has the Minister received any recent research to indicate the degree of community acceptance of the Internet Service Provider (ISP) filtering policy which was released on 15 December 2009; and

   (b) can the Minister provide any report or information on that research.

3. With reference to the answer to question on notice no. 1469 (Senate 1-Hansard, 16 June 2009, p. 3456) and Internet content that is Refused Classification (RC), has the Government carried out any research to determine whether those items fall within the class of ‘some Internet content which is not acceptable in any civilised society’ to which the Minister referred on 15 December 2009.

4. With reference to the Minister’s ISP Filtering Frequently Asked Questions web site which states that ‘A technically competent user could circumvent filtering’;

   (a) has the Minister ever been shown how to circumvent ISP filters of the type tested by Enex Testlab in 2009; if so, where and when was that demonstration conducted, which acts were demonstrated, and how long did the demonstration take;

   (b) were warnings produced by the ISP filtering product pertaining to the circumvention attempt; and

   (c) if the answer to (a) is ‘No’, is the Minister prepared to make himself available for such a demonstration.

5. (a) Has any research or testing been carried out to determine any meaningful way in which ISP level filtering facilities are technically superior to personal computer level filtering facilities;

   (b) has Enex Testlab qualified their report’s ‘technically competent’ assertion with any additional guidance about the nature of the competencies required; and

   (c) as one of the deliverables in the Government’s Technical Testing Framework for ISP filtering products released in November 2008 and used as the basis of Enex Testlab’s testing was ‘the capacity of filters to detect and provide warnings on circumvention attempts’, did Enex Test-Lab test against that requirement; if so, why did they not report on it.

6. Can an explanation be provided of what proportion of material on the Refused Classification (RC) list is child pornography/abuse/exploitation material.

7. Given that the majority of material which falls into the RC category is legal to possess for personal purposes in all states and territories, other than Western Australia and prescribed areas of the Northern Territory, and legal to view via the Internet in all states and territories other than Western Australia and the Northern Territory, can details be provided of the proportion of material on the
RC list that is legal for adults to personally possess and view in states and territories, other than Western Australia and the Northern Territory.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

(1) Following the receipt of complaints made in relation to two specific items of content offered by the iTunes service, the Australian Communications and Media Authority conducted investigations that resulted in notices being issued to the content service provider concerned in accordance with clause 47 of Schedule 7 to the *Broadcasting Services Act 1992*. The Australian Communications and Media Authority was satisfied that the content service provider complied with those notices. These investigations were finalised on 4 September 2009.

(2) (a) The Minister is aware of some research, for example, a telephone poll commissioned by the ABC TV program Hungry Beast and conducted by a reputable research company which found 80% support for the Government’s policy to require ISP’s to block identified RC content.

(b) Details can be found on the Hungry Beast’s website.

(3) The Australian Parliament in conjunction with States and Territories has determined that certain content is not acceptable to a civilised society. This content is classified as Refused Classification under the National Classification Scheme and includes child sexual abuse material, bestiality, sexual violence and detailed instruction in crime.

(4) (a) Yes, the Minister has been shown a demonstration of a number of circumvention techniques of the filter products used in the ISP filtering pilot. This demonstration took place on Friday 5 June 2009, at the Enex TestLab at RMIT in Bundoora, VIC. The demonstration was of one hour duration, and a number of circumvention techniques were demonstrated including VPN and TOR.

(b) No products issued warnings about circumvention techniques.

(c) Not applicable.

(5) (a) While some ISPs provide downloadable PC-level filtering software to their customers, there are currently very few Australian ISPs who provide content filtering at the ISP-level. The aim is to encourage the internet industry to offer a wider range of content filtering options to consumers.

User-friendly ISP-level filtering would give Australians greater choice in the content they would like filtered without needing to manage the complexities of downloading software to their home computers.

The previous Government launched the National Filter Scheme. The Scheme’s free PC filtering software experienced a low take-up and very low ongoing use.

(b) The level of competency required would depend on the type of circumvention methods attempted.

(c) The capacity of filters to detect and provide warnings on circumvention was not tested during the pilot as none of the filtering solutions provided such granular controls including monitoring and alerting, and it is not a requirement of the Government’s policy.

(6) A Refused Classification Content list does not yet exist as legislation enabling the compilation of such a list has not been enacted.

In relation to the black list maintained by the Australian Communications and Media Authority in accordance with the Schedule 5 of the *Broadcasting Services Act 1992*. At 30 November 2009:

- 51 per cent of the URLs on the list related to content classified or likely to be classified Refused Classification in accordance with the National Classification Code; and
- of the content classified or likely to be classified Refused Classification, 57 per cent related to child abuse material in accordance with item RC1(b) of the National Classification Code.
(7) A Refused Classification content list does not yet exist as legislation enabling the compilation of such a list has not been enacted.
Refused Classification content which consists of child sexual abuse material is illegal to possess or access.

All Refused Classification content is illegal to exhibit, distribute, sell or make available for hire. The ISP filtering policy is attempting to align, to the extent practicable, treatment of Refused Classification material online with its treatment offline.

Internet Content

(Question No. 2583)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 January 2010:

(1) Can a complete and comprehensive description be provided of what will be blocked under the mandatory Internet filter.

(2) Can the Australian Communications and Media Authority (ACMA) provide guidance on whether the following commercially-offered movie download services comply with the requirements of the Broadcasting Services Act 1992:
   (a) Foxtel download service (MA 15+);
   (b) TIVO Blockbuster download service; and
   (c) Bigpond Movies (MA 15+, R 18+, RC).

(3) (a) Can ACMA provide details of what approved age verification services that comply with the Broadcasting Services Act 1992 exist and have been registered; and
   (b) do they rely on credit cards; if so, how are they affected by people being able to get a credit card when under the age of 18.

(4) Can the Minister or Enex TestLab provide a complete and comprehensive description of how the filters were implemented for the trial, given that the report did not mention this matter.

(5) What other countries have a similar policy in place to that being proposed in Australia where it is mandatory:
   (a) for an Internet Service Provider (ISP) to filter content; and
   (b) for ISP customer’s to have their Internet service filtered.

(6) Which of the listed countries in (5) above filter more than child abuse material as being proposed in Australia.

(7) When will the names of the vendor technologies that participated in the trial be made public; if not, how can ISPs know which technologies ‘worked’ and which ones to implement.

(8) Will the ISPs be required to obtain spare filters in case their current ones fail and/or become irreparable; if so, who will pay for these.

(9) (a) Can details be provided of the maximum cost ISPs will be permitted to pass onto customers, with the rest of the costs absorbed by the ISP; and
   (b) will this be a lump sum figure, or a percentage.

(10) What will be the cost to taxpayers of the policy:
   (a) in the first year of implementation; and
   (b) for the first 10 years.

(11) Given that such an expensive and intrusive policy should have clear goals and objectives and that the Minister has stated that the policy ‘may reduce accidental exposure’ to Refused Classification...
(RC) content, can figures be provided on how much reduced exposure the policy intends to achieve.

(12) (a) What is the Minister’s acceptable over-blocking rate; and
(b) is, for example, a 1 per cent over-blocking rate, that is, 10 000 incorrect blocks in a million, acceptable.

(13) If the systems result in what the Minister would define as unacceptable over-blocking, what will be the Minister’s next course of action.

(14) Given that the report of the trial notes that ‘It has been suggested by some stakeholders that 10,000 URLs may be a tipping point’:
(a) does the department ever expect the blacklist to exceed this number of Uniform Resource Locators (URLs); if so, will further tests be conducted to test the censorware capabilities of filtering more than 10 000 URLs; and
(b) will the blacklist be restricted to under 10 000 URLs as a result of the knowledge from the trial.

(15) (a) Do any of the proposed filters log usage data; if so, will any of these be operational in any ISPs; and
(b) will there be any safeguards to protect the privacy of users.

(16) Will measures be put in place to prevent high traffic sites from being blacklisted.

(17) (a) Does the Minister expect high traffic sites such as YouTube, to take down content deemed RC, while being completely legal to view almost anywhere in the world; if not, what measures will be put in place to prevent access to RC content which happens to be hosted on a high traffic site.

(18) What is the definition of a high traffic site for the purposes of the censorware tests.

(19) Will the system deal with individual web pages, or will entire web sites be blocked.

(20) (a) Will filtering also apply to businesses and homes without children; if so, can the Minister explain the discrepancy between the document released 5 days prior to the election, which said that filters only apply to computers accessible to children.
(b) Will web site owners be allowed to seek compensation for incorrect blocks which directly affected their income; if so, how will this occur.

(22) What evidence does the department have on the frequency and occurrence that people (and children) are inadvertently exposed to RC content.

(23) Aside from the trial, what industry engagement was pursued as part of the Minister’s ‘evidence-based approach’.

(24) Will ACMA or another government body continue classifying prohibited content (MA 15+ to RC), in addition to the proposed system.

(25) As the Government has noted that URLs from ‘overseas agencies’ will be added to the blacklist, http://www.dbcde.gov.au/online safety and security/cybersafety_plan/internet_service_provider_isp_filtering,
(a) have these agencies previously agreed to this;
(b) which agencies does this include; and
(c) will the URLs obtained from these agencies be classified by the Classification Board.

(26) Are the proposed censorware systems inconsistent with the Telecommunications (Interception and Access) Act 1979, whereby it is currently illegal for an ISP to intercept user requests; if so, is the Minister pursuing amendments to the Act to allow the censorware to legally intercept and block access to content.

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(27) (a) Does the Minister have any evidence on the lifespan of the proposed filters, given the ongoing improvements in network technologies; and
(b) will the filters, for example, have to be replaced every few years to cope with increasing data flowing through an ISP network as a result of faster broadband connections, and subsequently, more data processed by the filters.

(28) What assistance will be provided to ISPs that have little knowledge of how to install filtering technologies within their networks.

(29) Will all of the URLs on the ACMA prohibited blacklist be submitted to the Classification Board to determine whether the content is RC.

(30) What is the period of time in which the Classification Board will be required to resolve a particular complaint.

(31) What is the current typical cost of an ACMA investigation into a URL that is reported as potential prohibited or prohibited content where the content:
(a) is referred to the Classification Board; and
(b) is not referred to the Classification Board.

(32) Is legal advice obtained in relation to complaints outsourced; if so, what is a typical fee for this advice.

(33) How many URLs have currently been rated RC by the Classification Board.

(34) Can a full breakdown of the current ACMA blacklist be provided using the same subcategories as reported in the published online complaint statistics on the ACMA web site, including:
- MA 15+ - Violence;
- MA 15+-Sex;
- MA 15+ - Themes;
- MA 15+ - Drug Use;
- MA 15+ - Nudity;
- MA 15+-Language;
- R 18+ - Violence;
- R 18+-Sex;
- R 18+-Themes;
- R 18+-Drug Use;
- R 18+ - Nudity;
- R 18+-Language;
- X 18+ - Actual sexual activity;
- RC - Crime - promotion/instruction;
- RC - Violence - depiction;
- RC - Paedophilia - promotion/instruction;
- RC - Child - depiction;
- RC - Bestiality - depiction;
- RC - Sexual violence - depiction;
- RC - Sexual fetish - depiction;
- RC - Sexual fantasy - depiction;
RC - Drug use - promotion/instruction;
RC - Terrorist material;
RC - Publication;
Cat 1 - Publication; and
Cat 2 - Publication.

(35) What number of URLs in the category ‘RC - Child - depiction’ are on the ACMA blacklist because:
(a) they describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); as per section 3, item 1(c) of the National Classification Code; and
(b) they describe or depict child abuse or child sexual abuse.

(36) How many URLs on the ACMA blacklist are related to computer games that are rated RC.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) The Government has announced that it will require all ISPs to block identified Refused Classification material which is hosted overseas on the Refused Classification Content list.
The Refused Classification Content list will comprise overseas-hosted URLs that are the subject of a complaint to the Australian Communications and Media Authority and found to be Refused Classification. The Refused Classification Content list will also incorporate lists of URLs of child abuse material obtained from highly reputable overseas agencies.
A full description of the Refused Classification definition is found with reference to the Classification (Publications, Films and Computer Games) Act 1995 (the Act), the Code and the relevant guidelines in combination.

With regard to Refused Classification material, the National Classification Code provides that material would be classified Refused Classification if it:
• retain records of age verification for a period of 2 years after which the records are to be destroyed.
• depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified;
• describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not);
• promotes, incites or instructs in matters of crime or violence; or
• is unsuitable for a minor to see or play (for computer games only)*.
The Classification Guidelines set out further criteria for classifying material as Refused Classification. In addition, section 9A of the Act provides that material that advocates the doing of a terrorist act must be classified Refused Classification.

* Under the Government’s ISP filtering policy the approach to filtering online computer games will be developed following the outcomes of the Minister for Home Affairs consultations on whether there should be an R18+ category for computer games. Computer games will be excluded from the Refused Classification content list until this process is complete.

(2) (a), (b) and (c) The Australian Communications and Media Authority can investigate complaints about online content suspected to be prohibited content under the Broadcasting Services Act 1992 but cannot otherwise provide advice about whether a particular item of content is prohibited content. Investigations conducted under the Broadcasting Services Act 1992 consider specific items of
content, rather than entire services. If an item is prohibited content as defined by clause 20 of Schedule 7 to the Broadcasting Services Act 1992, the Australian Communications and Media Authority must give the content host a take-down notice, directing the host to take steps to ensure it does not host the prohibited content.

Under clause 20(1)(a) of Schedule 7 to the Broadcasting Services Act 1992, content that is classified Refused Classification or X18+ will be prohibited content.

Under clause 20(1)(b) of Schedule 7 to the Broadcasting Services Act 1992, content that is classified R18+ will be prohibited content if it is not subject to a restricted access system that meets the requirements of Part 3 of Restricted Access System Declaration 2007.

Under clause 20(1)(c) of Schedule 7 to the Broadcasting Services Act 1992, content that is classified MA15+, not in the form of text and still images, provided on payment of a fee as part of a commercial enterprise, and not subject to a restricted access system which complies with Part 2 of Restricted Access System Declaration 2007, will be prohibited content.

(3) Neither the Broadcasting Services Act 1992 or the Restricted Access Systems Declaration 2007 provide a mechanism whereby an ‘age verification service’ is required to be registered.

The Restricted Access Systems Declaration 2007 sets out minimum requirements for access-control systems that provide access to age restricted content. The applicable requirements differ dependent on whether the content that the applicant is accessing is classified MA15+ or R18+. The Australian Communications and Media Authority is able to consider whether an access-control system complies with the declaration only in the context of an investigation under Schedule 7 to the Broadcasting Services Act 1992.

For R18+ content, an access-control system must:

• require an application for access to the content; and
• require proof of age that the applicant is over 18 years of age; and
• include a risk analysis of the kind of proof of age submitted; and
• verify the proof of age by applying the risk analysis; and
• provide warnings as to the nature of the content; and
• provide safety information for parents and guardians on how to control access to the content; and
• limit access to the content by the use of a PIN or some other means; and
• include relevant quality assurance measures; and

The risk analysis of the kind of proof of age to be submitted must identify and assess any risk that evidence of age submitted to the access-control system – such as a credit card – could be held or used by a person other than the person it purports to identify, or, a person who is younger than the age which the form of evidence attributes to the person being identified.

The quality assurance measures for an R18+ access-control system require the access-control system to remove, without delay, an applicant’s access to R18+ content if it is determined that the applicant is not at least 18 years of age.

To date, the Australian Communications and Media Authority has not found that online content which has been classified R18+ was prohibited content due to deficiencies in the proof of age required by the access-control system.

(4) The filters were implemented by each participating ISP and their chosen filter vendor. Enex Test-Lab was not involved in the procurement, provisioning or administration of the filters. Where this information was provided to the Department of Broadband, Communications and the Digital Economy, this was done so on a confidential basis.
(5) (a) and (b) In Italy, filtering of a blacklist of child sexual abuse websites is mandated by a legislative amendment which came into force in March 2006 and a Ministerial decree signed in January 2007. It applies to all ISPs.

On 29 March 2010 the European Commission announced that Member States will be obliged to ensure that access to websites containing child pornography can be blocked.

In Belgium, it is reported that new gaming laws (yet to be approved by the Senate) will require ISPs to block illegal gaming sites listed on a blacklist maintained by the Belgian Gaming Commission.

In addition, filtering technologies have been implemented on a voluntary basis in a number of other democratic countries, including Canada, Finland, the Netherlands, Norway, Sweden, Switzerland, United Kingdom and the United States.

During consultations on the implementation of ISP-level filtering in Australia, a number of ISPs, including Telstra, have indicated their belief that filtering should be implemented on a mandatory basis through the implementation of legislation.

(6) See response to 2583 (5).

It is reported that Belgian ISPs will be required to block illegal gambling sites.

The Italian National Centre against Child Pornography, within the Ministry of Communications, distributes a blacklist of child sexual abuse websites to ISPs. In addition, a blacklist of betting and gambling websites is provided by the Autonomous Administration of State Monopolies.

(7) A wide range of internet content filtering technologies have been available commercially from filter suppliers for many years.

Although the filtering technologies have been anonymised in Enex TestLab’s ISP filtering report, the filtering technologies are described in detail. ISPs may compare filtering solutions offered by filter vendors with the descriptions outlined in the report if they wish.

The vendors of the filtering technologies can advertise that their products were utilised during the pilot if they wish. At least one vendor has done so to date.

In order to meet their mandatory ISP filtering obligations, ISPs will be able to choose a technology that suits their particular circumstances.

(8) See response to 2578 (1).

(9) (a) and (b) It is not the Government’s intention for ISPs to pass on costs to customers. Introduction of filtering by ISPs in other western democracies has been achieved without imposing additional costs on to customers and there is no reason why Australian ISPs cannot do the same.

(10) (a and b) The Government allocated $125.8 million for its cyber-safety package in the 2008-09 Budget. Forward estimates beyond 2011-12 are not included in this figure and at this stage have not been forecast beyond 2013-14.

The new measures announced by the Government to enhance its existing cyber-safety program over the financial years 2009-10 to 2013-14 are all funded from within the existing cyber-safety funding.

The breakdown of funding for ISP filtering (Administered and Departmental) is as follows:

<table>
<thead>
<tr>
<th></th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
<th>2012-13</th>
<th>2013-14</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>($m)</td>
<td>($m)</td>
<td>($m)</td>
<td>($m)</td>
<td>($m)</td>
<td>($m)</td>
<td>($m)</td>
</tr>
<tr>
<td>0.889</td>
<td>10.202</td>
<td>5.384</td>
<td>4.731</td>
<td>2.554</td>
<td>23.760</td>
<td></td>
</tr>
</tbody>
</table>

This breakdown includes funding for the Department of Broadband, Communications and the Digital Economy, the Attorney-General’s Department and the Australian Communications and Media Authority.

QUESTIONS ON NOTICE
Given pending procurement activities associated with ISP filtering it would be inappropriate to break down the funding for ISP filtering any further at this stage.

In addition to ISP filtering, the Government’s Cyber-safety plan recognises that a broad range of initiatives are needed. Funding under the plan includes education and outreach activities conducted by ACMA, an expansion of the Australian Federal Police’s Child Protection Operations Team, a Consultative Working Group to provide advice to Government, a Youth Advisory Group to provide advice from a young person’s perspective, and research into the changing digital environment.

(11) It is not possible to quantify how much reduced exposure would be achieved through the implementation of ISP-level filtering. Mandatory ISP-level filtering of the Refused Classification Content list will, however, help prevent inadvertent exposure to URLs on the list.

The size and dynamic nature of the internet and the inability to identify all Refused Classification content is one reason why the Government has maintained there is no silver bullet solution to cyber-safety. ISP filtering is one element of a comprehensive suite of measures to address the range of issues and challenges faced by families when they are online, which includes law enforcement, education and information, research and international co-operation.

(12) (a) and (b) See response to 2580 (8). Recent tests performed on ISP-level filtering have demonstrated that filtering of a defined list of URLs can be achieved with 100 per cent accuracy and no over-blocking of content.

(13) See response to 2583 (12).

(14) (a) See response to 2580 (7). The Refused Classification Content list will be compiled through a public complaints mechanism, and lists from highly reputable overseas agencies of overseas-hosted child abuse material after the Australian Communications and Media Authority determines the processes used by those agencies to compile their lists is sufficiently robust. The list will be regularly ‘washed’ to remove URLs that no longer contain RC content. If the list approaches 10 000 URLs, the Government will undertake a technical review of filtering a larger list of URLs.

(b) See response to 2580 (7).

(15) (a) and (b) Under the new ISP filtering scheme, ISPs will be free to choose the technical filtering solution most appropriate to their needs. However, the use of that solution must comply with relevant laws including the Telecommunications (Interception and Access) Act 1979 and the Privacy Act 1988.

(16) Most popular overseas-hosted websites that provide user-generated content already have arrangements in place to take down offensive material (including that which would reach the Refused Classification -rated threshold) and are keen to remove content such as child sexual abuse material. The Government will work with industry to establish arrangements with popular overseas sites that are consistent with the Government’s filtering policy objectives.

(17) (a) See answer to 2583 (16).

(18) See answer to 2583 (16).

(19) The Refused Classification Content list will contain URLs which relate to individual web pages. This means specific pages or images will be blocked not websites.

(20) (a) ISP-level filtering of the Refused Classification Content list will apply to all homes and businesses. The Government does not believe that anybody should have access to content which is illegal to exhibit, distribute, sell or make available for hire. The Government’s policy has been informed by evidence obtained through the pilot trial, international experiences, Telstra’s own testing and consultations with industry.

(21) The ISP filtering pilot demonstrated that a defined list of URLs can be achieved with 100 per cent accuracy and no over-blocking of content. Telstra’s own testing provided the same results. If filter-
In order to ensure the content is done correctly, there will be no over-blocking of content. In the improved accountability and transparency measures proposed by Government, content owners and website owners will be able to review a decision if they believe a webpage has been incorrectly blocked. If the review is successful the URL would be removed from the RC content list.

(22) See response 2579 (1)

It is not possible to quantify the probability of being exposed to Refused Classification content on the internet. Mandatory ISP-level filtering of the Refused Classification Content list will, however, help prevent inadvertent exposure to URLs on the list.

The size and dynamic nature of the internet and the inability to identify all Refused Classification Content is one reason why the Government has maintained there is no silver bullet solution to cyber-safety. ISP filtering is one element of a comprehensive suite of measures to address the range of issues and challenges faced by families when they are online, which includes law enforcement, education and information, research and international co-operation.

As part of its independent testing of filtering technology, an ISP which claims to have 1 per cent of Australia’s internet subscribers determined that in a five day period, there were 20,000 ‘hits’ on an IP range that contained a pre-determined list of 198 URLs that contained child sexual abuse images.

(23) The policy approach has been informed by the constructive input of Australia’s four largest ISPs — Telstra, Optus, iiNet and Primus, which account for more than 80 per cent of internet users in Australia. Consultations have also taken place with a number of small, medium and large ISPs, the Internet Industry Association, the Australian Mobile Telecommunications Association and the Australian Computer Society, the ACMA, the Attorney General’s Department, law enforcement agencies and departments in countries that have implemented ISP filtering and a number of equipment vendors.

An online consultation forum on the implementation of ISP filtering was conducted with ISPs during April 2010.

(24) The existing online content regulatory scheme under the Broadcasting Services Act 1992 will remain in place other than removing the current requirements for ISPs to provide PC filters at cost or below to end users.

With regard to the Government’s ISP filtering policy, the Government is currently consulting on proposed new measures for the transparency and accountability of processes that leads to material being added to the Refused Classification content list to be used for mandatory filtering.

One of the proposed new measures is for the Australian Communications and Media Authority to refer all online content that is the subject of a complaint and initially assessed by the Australian Communications and Media Authority as potential Refused Classification to the Classification Board for formal classification.

(25) (a) and (b) The Australian Communications and Media Authority has entered into a memorandum of understanding with the United Kingdom hotline operated by the Internet Watch Foundation, under which the Australian Communications and Media Authority has obtained access to a list URLs of known child abuse images compiled and maintained by the Internet Watch Foundation.

The Australian Communications and Media Authority has also obtained access to a list of URLs maintained by the Cybertipline, the hotline operated by the United States National Centre for Missing and Exploited Children. Access has been granted by the National Centre for Missing and Exploited Children, through the Australian Federal Police. The Cybertipline list contains URLs that provide access to depictions of pre-pubescent children being sexually abused.

The terms of the agreements between the Australian Communications and Media Authority and these bodies include the ability for the lists to be used for filtering purposes.

QUESTIONS ON NOTICE
(c) The Government is currently undertaking public consultation on measures to ensure the accountability and transparency of the Refused Classification Content list, including any URLs that are obtained from overseas agencies. It is proposed that the ACMA provide a regular, representative sample of content added from international lists to the Classification Board for classification, with ACMA bound by the Classification Board’s decision. It is also proposed that an independent expert undertake an annual review of this and other processes which would be tabled in Parliament. The proposed ‘block page’ mechanism would also apply for material included on the RC Content list from overseas lists.

(26) The blocking of a defined list of URLs is not inconsistent with the Telecommunications (Interception and Access) Act 1979. Blocking URLs does not require the detailed inspection of web traffic.

Under the new ISP filtering scheme, ISPs will be free to choose the technical filtering solution most appropriate to their needs. However, the use of that solution must comply with relevant laws including the Telecommunications (Interception and Access) Act 1979.

(27) (a) Enex TestLab advises that the lifespan of ISP-level filtering equipment varies depending on the particular technology, however it is typically around five years.

(b) See 2583 (7). Technical solutions will be a matter for ISPs to determine.

(28) See 2583 (23).

The Australian Communications and Media Authority and the Department of Broadband, Communications and the Digital Economy will be conducting further consultations with the ISP industry regarding requirements for the implementation of ISP-level filtering.

ISPs will be provided with technical support in relation to the proposed filtering software solution to be procured by the Department of Broadband, Communications and the Digital Economy. This software solution is aimed at assisting smaller ISPs in meeting their obligations under the proposed mandatory ISP-level filtering legislation. Support will include assistance with the installation and configuration of the software.

(29) The existing online content regulatory scheme under the Broadcasting Services Act 1992 will remain in place other than removing the current requirements for ISPs to provide PC filters at cost or below to end users.

With regard to the Government’s ISP filtering policy, the Government is currently consulting on proposed new measures for the transparency and accountability of processes that leads to material being added to the Refused Classification content list to be used for mandatory filtering.

One of the proposed new measures is for the Australian Communications and Media Authority to refer all online content that is the subject of a complaint and initially assessed by the Australian Communications and Media Authority as potential Refused Classification to the Classification Board for formal classification.

(30) The Government is currently consulting on proposed new measures for the transparency and accountability of processes that leads to material being added to the Refused Classification Content list to be used for mandatory filtering.

One of the proposed measures is for an independent expert to examine the processes of the Australian Communications and Media Authority and Classification Board when assessing content with an annual report to Parliament.

(31) (a) In 2008-09, the average cost of investigating an item of online content that was referred to the Classification Board was approximately $685 per item.

(b) In 2008-09, the average cost of investigating an item of online content that was not referred to the Classification Board was approximately $173 per item.

(32) No.
(33) From 1 January 2000 to 31 December 2009 the Classification Board classified 293 items of Internet content as Refused Classification in response to applications from the former Australian Broadcasting Authority and the Australian Communications and Media Authority. Whilst during the same period the ABA and the ACMA assessed over 4,500 items of content as being likely to be classified Refused Classification.

(34) At 30 November 2009, the list of prohibited and potential prohibited content maintained in accordance with Schedule 5 to the Broadcasting Services Act 1992 comprised the following:

<table>
<thead>
<tr>
<th>Actual or likely classification and description</th>
<th>Number of Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>MA 15+ – Violence</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Sex</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Themes</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Drug Use</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Nudity</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Language</td>
<td>0</td>
</tr>
<tr>
<td>R 18+ – Violence</td>
<td>8</td>
</tr>
<tr>
<td>R 18+ – Sex</td>
<td>20</td>
</tr>
<tr>
<td>R 18+ – Themes</td>
<td>20</td>
</tr>
<tr>
<td>R 18+ – Drug Use</td>
<td>4</td>
</tr>
<tr>
<td>R 18+ – Nudity</td>
<td>52</td>
</tr>
<tr>
<td>R 18+ – Language</td>
<td>0</td>
</tr>
<tr>
<td>X 18+ – Actual sexual activity</td>
<td>506</td>
</tr>
<tr>
<td>RC – Crime – promotion/instruction</td>
<td>9</td>
</tr>
<tr>
<td>RC – Cruelty – depiction</td>
<td>2</td>
</tr>
<tr>
<td>RC – Violence – depiction</td>
<td>12</td>
</tr>
<tr>
<td>RC – Paedophilia – promotion/instruction</td>
<td>5</td>
</tr>
<tr>
<td>RC – Child – depiction</td>
<td>364</td>
</tr>
<tr>
<td>RC – Bestiality – depiction</td>
<td>21</td>
</tr>
<tr>
<td>RC – Sexual violence – depiction</td>
<td>50</td>
</tr>
<tr>
<td>RC – Sexual fetish – depiction</td>
<td>126</td>
</tr>
<tr>
<td>RC – Sexual fantasy – depiction</td>
<td>41</td>
</tr>
<tr>
<td>RC – Drug use – promotion/instruction</td>
<td>4</td>
</tr>
<tr>
<td>RC – Crime depiction</td>
<td>6</td>
</tr>
<tr>
<td>RC – Violence – promotion/instruction</td>
<td>2</td>
</tr>
<tr>
<td>RC – Terrorist Material</td>
<td>1</td>
</tr>
<tr>
<td>RC – Publication</td>
<td>0</td>
</tr>
<tr>
<td>Cat 1 – Publication</td>
<td>1</td>
</tr>
<tr>
<td>Cat 2 – Publication</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1254</td>
</tr>
</tbody>
</table>

(35) (a) The list currently contains 364 URLs for which the content has been, or is likely to be, classified Refused Classification by the Classification Board under item 1(b) of the Films Table of the National Classification Code, which states that:

Films that:

... (b) describe or depict in a way that is likely to cause offence to a reasonable adult a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not);

will be classified RC.
(b) Content that describes or depicts child abuse or child sexual abuse is likely to be classified Refused Classification by the Classification Board under item 1(b) of the Films Table of the National Classification Code. As stated above, the list currently contains 364 URLs relating to such content.

(36) At 30 November 2009, the Australian Communications and Media Authority’s list of URLs relating to prohibited content and potential prohibited content hosted outside Australia contained one URL related to a computer game classified as Refused Classification by the Classification Board.

Stimulus Package
(Question No. 2584)

Senator Cormann asked the Assistant Treasurer, upon notice, on 14 January 2010:

(1) Broken down by state and territory, how many stimulus cheques were distributed across Australia to the value of: (a) $900; (b) $600 and (c) $250.

(2) Broken down by country, how many stimulus cheques were distributed overseas to the value of: (a) $900; (b) $600 and (c) $250.

Senator Sherry—The answer to the honourable senator’s question is as follows:

Stimulus cheques include all modes of payment (ie. cheque and electronic transfers). The following information provided and is up-to-date as at 31 January 2010.

(1) Provided a person has met all of the eligibility criteria, tax bonus payments have been made to anyone who was an Australian resident for tax purposes for the 2007-08 income year.

The number of stimulus payments, broken down by state and territory, distributed across Australia to the value of: (a) $900; (b) $600 and (c) $250 are detailed in the table below:

<table>
<thead>
<tr>
<th>State</th>
<th>$250 (c)</th>
<th>$600 (b)</th>
<th>$900 (a)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Total $</td>
<td>Number</td>
<td>Total $</td>
</tr>
<tr>
<td>ACT</td>
<td>7,046</td>
<td>$1,761,500</td>
<td>11,529</td>
<td>$6,917,400</td>
</tr>
<tr>
<td>NSW</td>
<td>71,946</td>
<td>$17,986,500</td>
<td>112,399</td>
<td>$67,439,400</td>
</tr>
<tr>
<td>NT</td>
<td>2,389</td>
<td>$597,250</td>
<td>3,739</td>
<td>$2,243,400</td>
</tr>
<tr>
<td>QLD</td>
<td>39,616</td>
<td>$9,994,000</td>
<td>60,624</td>
<td>$36,374,400</td>
</tr>
<tr>
<td>SA</td>
<td>11,880</td>
<td>$2,970,000</td>
<td>20,024</td>
<td>$12,014,400</td>
</tr>
<tr>
<td>TAS</td>
<td>3,107</td>
<td>$776,750</td>
<td>5,413</td>
<td>$3,247,800</td>
</tr>
<tr>
<td>VIC</td>
<td>48,537</td>
<td>$12,134,250</td>
<td>74,701</td>
<td>$44,820,600</td>
</tr>
<tr>
<td>WA</td>
<td>30,067</td>
<td>$7,516,750</td>
<td>41,723</td>
<td>$25,033,800</td>
</tr>
<tr>
<td>Total</td>
<td>214,588</td>
<td>$53,647,000</td>
<td>330,152</td>
<td>$198,091,200</td>
</tr>
</tbody>
</table>

(2) In any given year, Australian residents and citizens may work and visit overseas for part of the year. Each year, income tax return payments are sent to persons who are Australian residents for tax purposes and report an overseas postal or residential address.

Of the 8.8 million tax bonus payments made, approximately 38,500 payments were made to eligible persons who reported an overseas address. Anyone who was not an Australian resident for tax purposes in the 2007-08 income year was not eligible for the tax bonus payment.

The number of stimulus payments, broken down by country, distributed overseas to the value of: (a) $900; (b) $600 and (c) $250 are detailed in the table below:

<table>
<thead>
<tr>
<th>Country</th>
<th>$250 (c)</th>
<th>$600 (b)</th>
<th>$900 (a)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Total $</td>
<td>Number</td>
<td>Total $</td>
</tr>
<tr>
<td>Canada</td>
<td>43</td>
<td>$10,750</td>
<td>39</td>
<td>$23,400</td>
</tr>
<tr>
<td>China</td>
<td>23</td>
<td>$5,750</td>
<td>18</td>
<td>$10,900</td>
</tr>
<tr>
<td>France</td>
<td>17</td>
<td>$4,250</td>
<td>14</td>
<td>$8,400</td>
</tr>
<tr>
<td>Germany</td>
<td>20</td>
<td>$5,000</td>
<td>19</td>
<td>$11,400</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>37</td>
<td>$9,250</td>
<td>35</td>
<td>$21,000</td>
</tr>
<tr>
<td>India</td>
<td>21</td>
<td>$5,250</td>
<td>32</td>
<td>$19,200</td>
</tr>
<tr>
<td>Indonesia</td>
<td>6</td>
<td>$1,500</td>
<td>8</td>
<td>$4,800</td>
</tr>
<tr>
<td>Ireland</td>
<td>15</td>
<td>$3,750</td>
<td>22</td>
<td>$13,200</td>
</tr>
<tr>
<td>Japan</td>
<td>16</td>
<td>$4,000</td>
<td>21</td>
<td>$12,600</td>
</tr>
</tbody>
</table>
## QUESTIONS ON NOTICE

**Internet Content**

*Question No. 2585*

**Senator Ludlam** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 18 January 2010:

With reference to the additional Internet Service Provider-level content filter optional version:

1. What is the anticipated uptake rate.
2. What is the expected cost to the end user for the additional ‘child friendly’ filtered service.
3. Will there be a maximum incremental cost to the end user that is allowed under the grants program.
4. What is the estimated annual expenditure for this optional filtering scheme.
5. Will content from this scheme be independently classified by a government agency, for example, content which has been classified R 18+ and X 18+.
6. Will dynamic filtering be used; if so, what is the Minister’s acceptable over-blocking rate and acceptable speed degradation with this option.
7. Will circumvention methods be blocked.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

1. The mandatory filtering of Refused Classification content will apply to all ISPs, regardless of the device used to connect to the internet.

   The overall level of take up for wider levels of filtering beyond the Refused Classification Content list will depend on the number of ISPs who participate in the proposed grants program, and the number of customers these ISPs have to whom the service would be offered. The Department of Broadband, Communications and the Digital Economy is consulting industry on the development of programs to encourage ISPs to offer wider levels of filtering.

2. ISPs who participate in the proposed grants program will be able to offer the wider ISP-level filtering services to their customers on a commercial basis, although financial incentives under the program can be expected to ameliorate costs. By encouraging more ISPs to offer this service it is expected that competition will keep prices down.

3. The proposed grants program will encourage ISPs to offer wider ISP-level filtering services to their customers. The grants program will include incentives to encourage ISPs to maximise take up. See 2585 (2).


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**Country** | **$250** | **$600** | **$900** | **Total**
--- | --- | --- | --- | ---
Malaysia | 14 | $3,500 | 21 | $12,600 | 385 | $346,500 | 420 | $362,600
Netherlands | 8 | $2,000 | 12 | $7,200 | 395 | $355,500 | 415 | $364,700
New Zealand | 108 | $27,000 | 163 | $97,800 | 5,385 | $4,846,500 | 5,656 | $4,971,300
Papua New Guinea | 9 | $2,250 | 6 | $3,600 | 121 | $108,900 | 136 | $114,750
Philippines | 12 | $3,000 | 19 | $11,400 | 401 | $360,900 | 432 | $375,300
Singapore | 51 | $12,750 | 53 | $31,800 | 887 | $798,300 | 991 | $842,850
Sweden | 8 | $2,000 | 8 | $4,800 | 395 | $355,500 | 411 | $362,300
Switzerland | 9 | $2,250 | 18 | $10,800 | 251 | $225,900 | 278 | $238,950
Thailand | 14 | $3,500 | 20 | $12,000 | 300 | $270,000 | 334 | $285,500
United Arab Emirates | 33 | $8,250 | 32 | $19,200 | 472 | $424,800 | 537 | $452,250
United Kingdom | 201 | $50,250 | 298 | $178,800 | 8,876 | $798,800 | 9,375 | $8,217,450
United States | 147 | $36,750 | 158 | $94,800 | 2,235 | $2,011,500 | 2,540 | $2,143,050
Other | 79 | $19,750 | 106 | $63,600 | 5,082 | $4,573,800 | 5,267 | $4,657,150
Total | 891 | $222,750 | 1,122 | $673,200 | 36,509 | $3,858,100 | 38,522 | $3,334,050

*‘Other’ represents countries where the number of tax bonus recipients, in any category ($250, $600 and $900), is less than 5.*
The new measures announced by the Government to enhance its existing cyber-safety program total $40.8 million over five years from 2009-10 to 2013-14 and are all funded from within existing cyber-safety funding.

Given pending procurement activities associated with ISP filtering it would be inappropriate to break down the funding for ISP filtering any further at this stage.

(5) The mandatory ISP filtering scheme will only apply to content that falls within the Refused Classification category and not the X18+ or R18+ category.

It will be up to ISP’s and families to determine categories of content that they wish to include in wider, optional levels of filtering. Many filter vendors use extensive commercial lists which provide very granular levels of control over content categories.

(6) Many ISP-level filtering technologies offer dynamic filtering of content (e.g. key word search) which some ISPs may choose to provide on a commercial basis to customers who request a wider filtered service (in addition to filtering of the Refused Classification Content list).

The Department of Broadband, Communications and the Digital Economy is consulting with industry on an acceptable level of over-blocking for participation in the grants assistance program.

The grants programs will be developed to encourage ISPs to offer wider levels of filtering that meet industry ‘best-practice’ for any impact on internet speeds.

(7) See response to 2580 (1).

Roads: Brighton Bypass

(Question No. 2586)

Senator Bob Brown asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 18 January 2010:

With reference to the approval of the Brighton Bypass road project, Tasmania:

(1) What are the conditions regarding Aboriginal heritage issues that were set prior to approving the construction of the bypass.

(2) What timeline is set for these conditions to be met.

(3) Who is overseeing the project to ensure that these conditions are being met.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The Brighton Bypass project was approved under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). In approving the Brighton Bypass project, my responsibilities were confined to significant impacts on matters of national environmental significance, in this case nationally listed threatened species. The area was not listed as a National Heritage Place at the time of the assessment so heritage matters could not be considered as part of the EPBC assessment. Therefore no conditions were made regarding Aboriginal heritage issues.

States and Territories have the primary responsibility for protecting Aboriginal heritage. If you wish to pursue this matter further, you may wish to contact Aboriginal Heritage Tasmania on 03 6233 6613.

Aboriginal artifacts have recently been found at the Jordan River, part of the Brighton Bypass site. I understand that Tasmania’s Department of Infrastructure, Energy and Resources (DIER) may be planning to extend the Jordan River bridge to avoid disturbing the area where the artifacts have been found. My department is working with DIER to determine whether any further consideration under the EPBC Act is required.
(2) Not applicable.
(3) Not applicable.

Employment and Workplace Relations: Awards
(Question No. 2598)

Senator Cormann asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 5 February 2010:

(1) Do all modern awards have the requirement of a minimum of 3 hours work per day; if not, which modern awards have this requirement.

(2) For each of the financial years 2006-07, 2007-08 and 2008-09, and for the period 1 July to 31 December 2009, how many individuals worked less than 3 hours per day at least once per week in the following age groups; (a) under 19; (b) 19 to 24; (c) 25 to 54; (d) 55 to 65; and (e) over 65.

(3) How many people lost their jobs following the introduction of modern awards due to the requirement of a minimum of 3 hours work per day.

(4) Have any industry associations communicated with the Minister, her office, Fair Work Australia, or the department about the potential impact of a minimum 3 hours work per day; if so: (a) what was the nature and substance of the communication; and (b) what was the Government’s response.

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) Not all awards have a minimum engagement of three hours per day. The following awards have a minimum engagement of three hours for both part time and casual employees

Aluminium Industry Award 2010
Amusement, Events and Recreation Award 2010
Car Parking Award 2010
Cement and Lime Award 2010
Clerks- Private Sector Award 2010
Contract Call Centres Award 2010
Corrections and Detention (Private Sector) Award 2010
Dry Cleaning and Laundry Industry Award 2010
Fast Food Industry Award 2010
Fitness Industry Award 2010
General Retail Industry Award 2010
Hair and Beauty Industry Award 2010
Market and Social Research Award 2010
Passenger Vehicle Transportation Award 2010
Pastoral Award 2010
Pest Control Industry Award 2010
Pharmacy Industry Award 2010
Poultry Processing Award 2010
Premixed Concrete Award 2010
Quarrying Award 2010
Racing Industry Ground Maintenance Award 2010
Seafood Processing Award 2010
State Government Agencies Administration Award 2010
Sugar Industry Award 2010
Supported Employment Services Award 2010
Textile, Clothing, Footwear and Associated Industries Award 2010
Travelling Shows Award 2010

Of the remaining modern awards, the majority have a minimum engagement of between two and four hours, or no specified minimum engagement. In some cases there are different minimum engagements for different classifications within an award (for example, under the Aged Care Award 2010, employees engaged in homecare have a minimum engagement of one hour as opposed to the standard two hours for all other employees). A number of awards also stipulate different minimum engagement periods for part-time and casual employees.

(2) To the best of the Government’s knowledge, these data are not available.

(3) There have been media reports relating to casuals engaged on one and a half hour shifts in Victoria. Such shifts were less than the minimum shift under the previous award and the current minimum shift under the General Retail Industry Award 2010.

The Government understands that the National Retail Association and Master Grocers Australia Limited have lodged applications with Fair Work Australia to vary the minimum engagement period provision in the modern General Retail Industry Award 2010. Both applications request that the minimum shift for casual employees be reduced to two hours to allow young people to participate in work after school in the retail industry.

(4) The Minister, her office and the Department have received no written representations from industry associations specifically in respect of the minimum period of engagement of three hours.

**Hawker Britton**

(Question Nos 2600 to 2602, 2632 and 2635)

Senator Cormann asked the Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion, the Minister for Early Childhood Education, Childcare and Youth, and the Minister for Employment Participation, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present

Senator Arbib—The answer to the honourable senator’s question is as follows:

Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of current ministers and parliamentary secretaries in this portfolio would be an unreasonable diversion of resources for similar reasons. The records of former ministers and parliamentary secretaries are considered personal information in many circumstances and no access to those records will be sought.

QUESTIONS ON NOTICE
Hawker Britton
(Question No. 2609)

Senator Cormann asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated Parliamentary Secretaries in the current parliament, and any departmental officials:
   (a) met directly with representatives of Hawker Britton; and/or
   (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting:
   (a) what was the date;
   (b) what was the topic of discussion; and
   (c) which Hawker Britton representatives were present.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) (a), (b), (2) (a), (b) and (c) Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of ministers and parliamentary secretaries in this portfolio would be an unreasonable diversion of resources for similar reasons.

Hawker Britton
(Question No. 2612)

Senator Cormann asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

Senator Conroy—The answer to the honourable senator’s question is as follows:

Responding to this question would require departmental and ministerial officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Hawker Britton
(Question No. 2613)

Senator Cormann asked the Minister for Innovation, Industry, Science and Research, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives
of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

Senator Carr—The answer to the honourable senator’s question is as follows:

Responding to the question would require the Ministers’ offices and Departmental officials to manually review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton, which is an unreasonable diversion of government resources.

The records of former ministers and parliamentary secretaries are considered personal information in many circumstances and no access to those records will be sought.

Hawker Britton
(Question No. 2616)

Senator Cormann asked the Minister representing the Attorney-General, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of current ministers in this portfolio would be an unreasonable diversion of resources for similar reasons. The records of former ministers are considered personal information in many circumstances and no access to those records will be sought.

Hawker Britton
(Question No. 2618)

Senator Cormann asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 8 February 2010:

On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials:

(1) (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting:

(a) what was the date;
(b) what was the topic of discussion; and
(c) which Hawker Britton representatives were present.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

QUESTIONS ON NOTICE
Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of current ministers and parliamentary secretaries in this portfolio would be an unreasonable diversion of resources for similar reasons. The records of former ministers and parliamentary secretaries are considered personal information in many circumstances and no access to those records will be sought.

Hawker Britton
(Question Nos 2619 and 2620)

Senator Cormann asked the Minister for Resources and Energy and Minister for Tourism, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

Senator Carr—The Minister for Resources and Energy and the Minister for Tourism has provided the following answer to the honourable senator’s question:

Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of current ministers and parliamentary secretaries in this portfolio would be an unreasonable diversion of resources for similar reasons. The records of former ministers and parliamentary secretaries are considered personal information in many circumstances and no access to those records will be sought.

Hawker Britton
(Question No. 2621)

Senator Cormann asked the Minister representing the Minister for Human Services, upon notice, on 8 February 2010.

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials:
(a) met directly with representatives of Hawker Britton; and/or
(b) attended meetings that were also attended by representatives of Hawker Britton.

(2) For each abovementioned meeting:
(a) what was the date;
(b) what was the topic of discussion; and
(c) which Hawker Britton representatives were present.

Senator Ludwig—The Minister for Human Services has provided the following answer to the honourable senator’s question:
Responding to this question would require Departmental officials to review calendar and diary entries since December 2007, for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of current ministers in this portfolio would be an unreasonable diversion of resources for similar reasons. The records of former ministers are considered personal information in many circumstances and no access to those records will be sought.

**Hawker Britton**

**(Question Nos 2624 and 2625)**

Senator Cormann asked the Minister representing the Minister for Housing and Minister for Status of Women, upon notice, on 8 February 2010:

1. On how many occasions has the current and/or former Minister and associated Parliamentary Secretaries in the current parliament, and any departmental officials:
   a. met directly with representatives of Hawker Britton; and/or
   b. attended meetings that were also attended by representatives of Hawker Britton.

2. For each abovementioned meeting:
   a. what was the date;
   b. what was the topic of discussion; and
   c. which Hawker Britton representatives were present.

Senator Chris Evans—The Minister for Housing and Minister for Status of Women has provided the following answer to the honourable senator’s question:

1. (a), (b), (2) (a), (b) and (c) Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.

Conducting the same searches across the diary records of ministers and parliamentary secretaries in this portfolio would be an unreasonable diversion of resources for similar reasons.

**Hawker Britton**

**(Question No. 2626)**

Senator Cormann asked the Minister representing the Minister for Home Affairs, upon notice, on 8 February 2010:

1. In how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

2. For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

Responding to this question would require Departmental officials to review calendar and diary entries since December 2007 for meetings that may have involved or been attended by Hawker Britton. This would require the manual examination of a large number of diary and meeting records, which is an unreasonable diversion of government resources.
Conducting the same searches across the diary records of current ministers in this portfolio would be an unreasonable diversion of resources for similar reasons. The records of former ministers are considered personal information in many circumstances and no access to those records will be sought.

**Hawker Britton**  
*(Question No. 2629)*

**Senator Cormann** asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 8 February 2010:

1. On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials: (a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.

2. For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

**Senator Carr**—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

Please refer to Senate Parliamentary Question on Notice 2613.

**Australian Taxation Office**  
*(Question No. 2637)*

**Senator Abetz** asked the Assistant Treasurer, upon notice, on 22 February 2010:

1. Does the Australian Taxation Office (ATO) charge interest on late tax payments. If so, does the ATO charge such penalties/interest even if the business is experiencing software issues.

2. In the event that the ATO suffers software issues and is unable to make its payments of refunds when anticipated, does the ATO pay interest. If not, why not.

**Senator Sherry**—The answer to the honourable senator’s question is as follows:

1. Tax law imposes the general interest charge (GIC) in all cases where an entity pays their tax debts late. However, the ATO will remit all or part of the GIC where it is fair and reasonable to do so. If a business is experiencing software or other issues which have a tangible impact on its ability to pay a tax debt on time, they should contact the ATO as early possible to discuss the issue by calling the business tax enquiry line on 13 28 66 (between 8:00am – 6:00pm weekdays).

Options available to the ATO include:
- fast tracking refunds that may be due to the taxpayer
- arranging for debts to be paid in instalments
- allowing additional time to pay tax debts without any GIC accruing
- allowing more time to lodge activity statements or tax returns without incurring penalties
- helping reconstruct tax records where, for example, software issues have destroyed documents, and
- remitting penalties or interest that may have been imposed.

2. Under tax law, taxpayers are entitled to interest where the ATO pays certain tax refunds late. The ATO will pay interest in these circumstances. For example, if the ATO takes longer than 30 days to process an individual’s income tax return, the ATO pays interest on any refund due.

Interest is paid for the period beginning from the thirtieth day after the day on which the income tax return is received by the ATO and ends on the day that the notice of assessment is issued.
The interest is paid at a rate based on the monthly average yield of 90-day Bank Accepted Bills published by the Reserve Bank of Australia. The rates are 3.95% (1 January to 31 March 2010) and 4.16% (1 April to 30 June 2010).

**Australia Post**  
(Question No. 2638)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 22 February 2010:

With reference to Australia Post:

1. In determining tenders, what guidelines are in place to ensure that there is no unconscionable conduct and favouritisms when determining successful tenderers?

2. In regard to the mail delivery contract for Maiden Gully that was taken from the Licensed Post Office and reassigned to an ex-employee of Australia Post:
   a. was this tender contract solely determined by the management of the Bendigo Mail Centre;
   b. who comprised the tenderer assessment team;
   c. did any members of the tenderer assessment team have a close relationship with the successful applicant; and
   d. has the successful tenderer had further monies made available to him or her beyond the tender price to enable him or her to fulfil the contract.

3. In regard to the fire brochures issued by the Victorian Government in December 2009:
   a. what was the timetable for their delivery;
   b. were they to be delivered within a 7 day period; and
   c. were the brochures on the Maiden Gully mail delivery route delivered over a 3 week period; if so, why.

4. In regard to the Maiden Gully mail contract delivery:
   a. what is the rate of misdirected and wrongly delivered mail in comparison to:
      i. the prior contractor, and
      ii. the general average across Australia Post; and
   b. what are Australia Post’s guidelines in relation to support for Licensed Post Offices and dividing off from them the mail delivery contract.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

1. Tenders are assessed against a specific set of criteria to determine a short list of tenderers that may progress to interview. The initial assessment occurs at the State Mail Contract Management Centre and interviews are undertaken locally by the Delivery Manager. Additionally all officers who receive and assess tenders are required to undertake Trade Practices and Probity training. All staff must comply with Australia Post’s “Our Ethics” policy, which identifies the standards of behaviour required by all employees and specifically covers situations relating to conflict of interest.

2. The contract previously held by the licensee of the Maiden Gully Licensed Post Office was due to expire in July 2007. It was advertised in the 2007 annual tender call and awarded according to normal process.
   a. No, the initial assessment of tenders received was undertaken by staff at the Mail Contract Management Centre in Melbourne.
(b) The assessment team comprised of Mail Contract Management staff based in Melbourne and the Bendigo Delivery Manager.

(c) No, the officers who undertook the assessment did not have any relationship or friendship with either tenderer.

(d) Yes, since the contract commenced in July 2007 the payment has varied a number of times in accordance with the Mail Contractor Agreement. These variations have been due to increases in the number of delivery points, requests for annual contract reviews and periodic fuel reviews.

(3) Maiden Gully received a large volume of “Fire Ready” packs (approx 470 grams each) that required delivery through the busy Christmas period. Articles were addressed to residents on the electoral role hence most delivery points received more than one article per household.

(a) The timetable for delivery of the “Fire Ready” packs to targeted areas across Victoria was originally based on an October/November 2009 delivery. However, delays to the production and availability of the information pack, out of Australia Post’s control, saw the delivery slip to December 2009.

(b) The original delivery estimate of a week was based on an October/November delivery. Australia Post met with the customer and explained that due to the slippage in the time of lodgement, the quantity and availability of the lodgement, the article size and the delivery area density, Australia Post could not meet the original delivery estimate during the busy December period. The customer agreed that there would need to be some flexibility with the delivery timetable and was kept aware of progress by Australia Post.

(c) As far as Maiden Gully was concerned, the information packs were delivered from 30 November to 17 December 2009.

The articles were progressively dispatched to Maiden Gully from the Bendigo Mail Centre to align with storage capacity at Maiden Gully and the contractor’s delivery capability. Feedback from the originating customer was that they were happy with Australia Post’s delivery performance for all areas where information packs were delivered.

(4) In regard to the Maiden Gully mail contract delivery:

(a) Customer Contact Centre (CCC) records indicate that for 2009 the average number of delivery complaints was two per month;

(i) CCC records indicate that there was only one complaint under the previous contractor. However, as the previous contractor was also the Licensee a meaningful comparison is difficult as delivery complaints may have been raised and resolved locally by the Licensee;

(ii) the national average number of delivery complaints per month, per round for 2009, was 2.17.

(b) Under the Licensed Post Office (LPO) Agreement, where a LPO hosts a delivery service, as is the case at Maiden Gully, the following payment categories apply:

(i) an accommodation payment for each service; and

(ii) a mail management fee for all points associated with the delivery service.

The LPO Agreement and Mail Delivery Contract are two separate and distinct contractual agreements.

Mail Delivery Contracts are awarded after an open public tender process and are for a fixed term. Prior to the expiry of the contract term, the mail service is readvertised by tender.

There are no guidelines or support mechanisms in place to assist a Licensee who unsuccessfully tenders for a mail delivery contract that operates from their LPO.

QUESTIONS ON NOTICE
National Broadband Network
(Question No. 2640)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 23 February 2010:
Per annum what are the terms, conditions and budget for Mike Kaiser at NBN Co Limited in relation to:
(a) travel; (b) airfares; (c) accommodation; (d) conferences; (e) training; (f) communications allowance;
(g) broadband connection; (h) laptop and other information technology hardware and software; (i) vehicle; and (j) hospitality.

Senator Conroy—The answer to the honourable senator’s question is as follows:
(a) to (j) NBN Co advises that the terms and conditions for all of the items outlined in the question are the same for all employees at NBN Co. These items, to the extent they are provided, are paid for by the company only where a direct NBN Co business requirement exists and appropriate approvals have been granted. A budget for NBN Co is approved by the Board of the Company. Budgets apply to departments within the Company rather than to individual employees.

With regard to the specific items in the question, the following information, relevant to all employees, is provided:

• Travel, airfares, conferences and accommodation – All travel and attendance at conferences must be approved and relate to NBN Co business requirements. Economy class fares and accommodation at standard business travel hotels are paid for by NBN Co.
• Training – NBN Co has not yet designed a learning and development program, however any training provided in the future will have a direct business purpose. Each employee will be assessed to determine whether training is warranted.
• Communications allowance – No additional allowance is provided. Costs associated with business equipment are paid for by NBN Co.
• Fixed broadband connection is generally not provided outside of the office except in limited cases based on a legitimate business need.
• Laptop and other information technology hardware and software – executives are issued with laptop computer and a mobile phone. These items are the property of NBN Co and must be returned to the Company if employment ceases.
• Vehicle – NBN Co does not provide Company vehicles.
• Hospitality – All employees are subject to a common company policy regarding hospitality expenses, which are only paid for by the company when a legitimate business reason, within our established guidelines, exists.

Landcare
(Question No. 2641)

Senator Abetz asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 24 February 2010:
(1) How was the current National Landcare Facilitator (the facilitator) appointed.
(2) Was the position advertised; if so:
(a) how many applicants were there;
(b) how many applicants were shortlisted;
(c) who undertook the interview process; and
(d) was the Minister given the shortlist of suitable candidates.
(3) (a) If the position was not advertised, how was the appointment determined; and (b) who made that decision.

(4) What is the role of the facilitator.

(5) (a) How much is the facilitator paid; and (b) how was the salary determined.

(6) (a) Who was appointed; and (b) when were they appointed.

(7) Under what terms was the facilitator employed.

(8) (a) Under what agreement is the facilitator employed; and (b) what are the terms and conditions of that agreement.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The current National Landcare Facilitator was appointed on a 12 month non-ongoing contract as an employee of the Department of Agriculture, Fisheries and Forestry.

(2) The position was not advertised.

(3) The facilitator was appointed by the Secretary of the Department of Agriculture, Fisheries and Forestry on the basis that his skills and experience deemed him highly suitable for the role. This process was undertaken in compliance with the guidelines governing recruitment of Senior Executive Service employees issued by the Australian Public Service Commission.

(4) The National Landcare Facilitator is to:
   - provide advice to the Australian Government on stakeholder feedback about the delivery of the ‘Caring for our Country’ Program, with emphasis on Landcare, as well as the early identification and communication to the Australian Government of emerging issues that may impact on national NRM programs and priorities, especially the Landcare component of ‘Caring for our Country’.
   - assist in promoting Australian Government NRM programs and priorities, especially the Landcare component of ‘Caring for our Country’, to the Landcare movement and national organisations/bodies.
   - assist the Australian Government to implement the integrated network of regional Landcare facilitators across Australia. The National Landcare Facilitator will play a pivotal role in linking and supporting the 56 Landcare facilitators across the network and will provide training and mentorship in this capacity.
   - support the development of the Australian Framework for Landcare and promote the National Landcare Forum.

(5) The National Landcare Facilitator is paid at the Senior Executive Service (SES) Band 1 level representing a salary of $162,567 per annum. This salary has been determined by the Department of Agriculture, Fisheries and Forestry as commensurate with the role.

(6) Mr Brett de Hayr. Mr de Hayr was appointed as National Landcare Facilitator on 4 January 2010 on a 12 month non-ongoing contract. This term is due to expire on 31 December 2010.

(7) The National Landcare Facilitator is employed as an SES Band One officer with the Department of Agriculture, Fisheries and Forestry under an Individual Agency Determination under the Public Service Act.

(8) The National Landcare Facilitator is employed on a non-ongoing contract for a period of 12 months with terms and conditions as determined by the Secretary consistent with Section 24 of the Public Service Act 1999.
Centrelink
(Question No. 2645)

Senator Humphries asked the Minister representing the Minister for Human Services, upon notice, on 25 February 2010:

1. (a) How many Centrelink Community Engagement Officers (CCEOs) are there Australia-wide. (b) Are there any CCEO positions vacant.
2. By state and territory, where are these officers based.
3. How many customers have CCEOs assisted since their inception.
4. On an annual basis, what is the cost of the CCEO program.

Senator Ludwig—The Minister for Human Services has provided the following answer to the honourable senator’s question as follows:

1. (a) There are 92 CCEOs Australia-wide. (b) There are no vacant CCEO positions.
2. Information for CCEOs by State and Territory is provided in the table below:

<table>
<thead>
<tr>
<th>State</th>
<th>Number of CCEOs</th>
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<tbody>
<tr>
<td>New South Wales</td>
<td>22</td>
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<tr>
<td>Victoria</td>
<td>18</td>
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<tr>
<td>Queensland</td>
<td>25</td>
</tr>
<tr>
<td>South Australia</td>
<td>7</td>
</tr>
<tr>
<td>Western Australia</td>
<td>11</td>
</tr>
<tr>
<td>Tasmania</td>
<td>2</td>
</tr>
<tr>
<td>Northern Territory</td>
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</tr>
<tr>
<td>Australian Capital Territory</td>
<td>3</td>
</tr>
<tr>
<td>National Total</td>
<td>92</td>
</tr>
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</table>

3. As at 28 February 2010, the CCEOs have undertaken 12,812 customer contacts.
4. The forecast annual cost of the CCEO Program for the 2009-2010 financial year is $12,529,000. This includes all salary and administrative costs.

Prime Minister and Cabinet: Staffing
(Question No. 2647)

Senator Humphries asked the Minister representing the Prime Minister, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date?

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised that the following redundancies have been given in the Department of the Prime Minister and Cabinet and agencies in the Prime Minister’s portfolio:

<table>
<thead>
<tr>
<th>Department</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
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<tbody>
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<td>1</td>
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<tr>
<td>Australian Institute of Family Studies</td>
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<td>Australian National Audit Office</td>
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<tr>
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<td>Commonwealth Ombudsman</td>
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<td>0</td>
<td>5</td>
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<tr>
<td>Inspector-General of Intelligence and Security</td>
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QUESTIONS ON NOTICE
Tuesday, 11 May 2010

SENATE

QUESTIONS ON NOTICE

<table>
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<td>Office of National Assessments</td>
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</table>

### Education, Employment and Workplace Relations, Social Inclusion, Early Childhood Education, Childcare and Youth, and Employment Participation: Staffing

(Question Nos 2648 to 2650, 2680 and 2683)

**Senator Humphries** asked the Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion, the Minister for Early Childhood Education, Childcare and Youth, and the Minister for Employment Participation, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Arbib**—The answer to the honourable senator’s question is as follows:

The Department of Education, Employment and Workplace Relations had 19 voluntary redundancies in 2007-08, 18 voluntary redundancies in 2008-09 and one voluntary redundancy in the year 2009-10 to date. These figures include the 2007-08 voluntary redundancy figures for the predecessor departments, the Department of Education, Science and Training and the Department of Employment and Workplace Relations.

The Australian Building and Construction Commission had no redundancies in any of the years.

Safe Work Australia has had no redundancies since its creation on 1 July 2009.

The Office of the Fair Work Ombudsman (FWO) has had nine voluntary redundancies since it was established on 1 July 2009.

Fair Work Australia (FWA) has had one voluntary redundancy since it was established on 1 July 2009.

Several previous workplace relations agencies were merged to form the FWO and FWA. Of these, the Workplace Ombudsman had five voluntary redundancies in 2007-08 and 14 voluntary redundancies in 2008-09 while the Workplace Authority had 43 voluntary redundancies for the year 2007-08 and 230 for the year 2008-09.

Further, neither the Australian Industrial Registry nor the Australian Fair Pay Commission Secretariat had redundancies in any of the years.

Comcare had three voluntary redundancies in 2007-08, one voluntary redundancy in 2008-09 and four voluntary redundancies in the year 2009-10 to date.

### Treasury: Staffing

(Question Nos 2651, 2670, 2676 and 2678)

**Senator Humphries** asked the Minister representing the Treasurer, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Sherry**—The Treasurer has provided the following answer to the honourable senator’s question:
Senator Humphries asked the Minister for Immigration and Citizenship, upon notice, on 25 February 2010:

(1) With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) (a) In 2007-08 there were 62 redundancies, 60 voluntary and two involuntary.

Explanations of involuntary redundancies

Three permanent staff were employed at Baxter IDC when it closed in August 2007 (the remainder were temporary transfers and were redeployed in their home locations). Of these three employees, one accepted a VR while the remaining two elected retention. Both employees were aged over 45 years and were therefore entitled to a 13-month period in which to seek redeployment in the department or the APS more broadly.

The department was able to place both employees locally in Centrelink but after a short period of time the employees decided against continuing their placements. The department agreed to pay out the balance of their retention periods (6 and 7 months respectively) at the employees’ request. Both employees subsequently found employment with the State Government.

Table 1 – 2007-08 redundancies

<table>
<thead>
<tr>
<th>Redundancy Type</th>
<th>2007-08</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Jul</td>
<td>Aug</td>
</tr>
<tr>
<td>Voluntary</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Involuntary</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

(b) In 2008-09 there were 336 voluntary redundancies.

Table 2 – 2008-09 voluntary redundancies
Senator Humphries asked the Minister representing the Minister for Defence Personnel, Materiel and Science, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Faulkner—The Minister for Defence Personnel, Materiel and Science has provided the following answer to the honourable senator’s question:

Please refer to the tables below:

### Defence Personnel, Materiel and Science: Staffing

**(Question Nos 2653 and 2682)**

<table>
<thead>
<tr>
<th>Redundancy Type</th>
<th>2008-09</th>
<th>Total 2008-09</th>
<th>2009-10</th>
<th>Total 2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary</td>
<td>Jul 53</td>
<td>336</td>
<td>Sep 16</td>
<td>151</td>
</tr>
<tr>
<td>Involuntary</td>
<td>Aug 14</td>
<td></td>
<td>Oct 14</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Sep 14</td>
<td></td>
<td>Oct 14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nov 14</td>
<td></td>
<td>Nov 14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dec 13</td>
<td></td>
<td>Dec 13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jan 11</td>
<td></td>
<td>Jan 11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feb 10</td>
<td></td>
<td>Feb 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mar 10</td>
<td></td>
<td>Mar 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apr 10</td>
<td></td>
<td>Apr 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>May 10</td>
<td></td>
<td>May 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jun 10</td>
<td></td>
<td>Jun 10</td>
<td></td>
</tr>
</tbody>
</table>

(c) In 2009-10 there have been 151 voluntary redundancies (as at 26 February 2010).

### Defence Housing Australia

<table>
<thead>
<tr>
<th>Redundancy Type</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10 (Jul 09 to Feb 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary Redundancies</td>
<td>3</td>
<td>1</td>
<td>NIL</td>
</tr>
<tr>
<td>Involuntary Redundancies</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
</tr>
</tbody>
</table>

Senator Humphries asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years:

(a) 2007-08;  
(b) 2008-09; and  
(c) 2009-10 to date.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The Department and all agencies in the Minister’s portfolio had the following number of redundancies:

(a) 35 in the 2007-2008 financial year;  
(b) 70 in the 2008-2009 financial year; and
Finance and Deregulation: Staffing  
(Question No. 2658)

Senator Humphries asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 25 February 2010:

With reference to the Department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Conroy—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Department/ Agency</th>
<th>a) 2007-08</th>
<th>b) 2008-09</th>
<th>c) 2009-10 (YTD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Finance and Deregulation</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Australian Electoral Commission</td>
<td>0</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>ComSuper</td>
<td>0</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Future Fund</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Australia Reward Investment Alliance</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0</td>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

Broadband, Communications and the Digital Economy: Staffing  
(Question No. 2660)

Senator Humphries asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The number of redundancies for the department and all portfolio agencies are as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Broadband, Communications and the Digital Economy</td>
<td>4</td>
<td>2</td>
<td>16</td>
<td>22</td>
</tr>
<tr>
<td>Australian Communications and Media Authority</td>
<td>11</td>
<td>20</td>
<td>17</td>
<td>48</td>
</tr>
<tr>
<td>Australian Postal Corporation</td>
<td>156</td>
<td>123</td>
<td>419</td>
<td>698</td>
</tr>
<tr>
<td>Australian Broadcasting Corporation</td>
<td>29</td>
<td>95</td>
<td>31</td>
<td>155</td>
</tr>
<tr>
<td>Special Broadcasting Service Corporation</td>
<td>32</td>
<td>5</td>
<td>1</td>
<td>38</td>
</tr>
<tr>
<td>NBN Co Limited</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>232</td>
<td>245</td>
<td>484</td>
<td>961</td>
</tr>
</tbody>
</table>

Innovation, Industry, Science and Research: Staffing  
(Question No. 2661)

Senator Humphries asked the Minister for Innovation, Industry, Science and Research, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.
Senator Carr—The answer to the honourable senator’s question is as follows:

### 2007-08

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Voluntary Redundancies</th>
<th>Involuntary Redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Innovation, Industry, Science and Research</td>
<td>64</td>
<td>0</td>
</tr>
<tr>
<td>Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Australian Institute of Marine Science (AIMS)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Nuclear Science and Technology Organisation (ANSTO)</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>Australian Research Council (ARC)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commonwealth Scientific and Industrial Research Organisation (CSIRO)</td>
<td>0</td>
<td>93</td>
</tr>
<tr>
<td>IP Australia</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Anglo-Australian Observatory (AAO)</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

### 2008-09

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Voluntary Redundancies</th>
<th>Involuntary Redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Innovation, Industry, Science and Research</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Australian Institute of Marine Science (AIMS)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Nuclear Science and Technology Organisation (ANSTO)</td>
<td>75</td>
<td>3</td>
</tr>
<tr>
<td>Australian Research Council (ARC)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commonwealth Scientific and Industrial Research Organisation (CSIRO)</td>
<td>0</td>
<td>117</td>
</tr>
<tr>
<td>IP Australia</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Anglo-Australian Observatory (AAO)</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### 2009-10

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Voluntary Redundancies</th>
<th>Involuntary Redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Innovation, Industry, Science and Research</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Australian Institute of Marine Science (AIMS)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Nuclear Science and Technology Organisation (ANSTO)</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Australian Research Council (ARC)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commonwealth Scientific and Industrial Research Organisation (CSIRO)</td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td>IP Australia</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Anglo-Australian Observatory (AAO)</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

**Environment Protection, Heritage and the Arts: Staffing (Question No. 2663)**

Senator Humphries asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 25 February 2010:
With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Wong**—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

With reference to the department and all agencies in the Minister’s portfolio, the following redundancies have occurred:

(a) 2007-08  50  
(b) 2008-09  57  
(c) 2009-10 to date  28

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**Special Minister of State: Staffing**  
(Question No. 2665)

**Senator Humphries** asked the Special Minister of State, upon notice, on 25 February 2010:

With reference to the Department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

Please refer to the Minister representing the Minister for Finance and Deregulation’s response to Question No. 2658.

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**Agriculture, Fisheries and Forestry: Staffing**  
(Question No. 2666)

**Senator Humphries** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Sherry**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Agriculture, Fisheries and Forestry,</td>
<td>1</td>
<td>3</td>
<td>53</td>
</tr>
<tr>
<td>Australian Fisheries Management Authority</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Pesticides and Veterinary Medicines Authority</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Wheat Exports Australia</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Cotton Research and Development Corporation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fisheries Research and Development Corporation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Grains Research and Development Corporation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Grape and Wine Research and Development Corporation</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Rural Industries Research and Development Corporation</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Sugar Research and Development Corporation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Wine and Brandy Corporation</td>
<td>1</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>
Resources and Energy, and Tourism: Staffing
(Question Nos 2667 and 2668)

Senator Humphries asked the Minister for Resources and Energy and the Minister for Tourism, upon notice, on 25 February 2010:

With Reference to the departments and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Carr—The Minister for Resources and Energy and Minister for Tourism has provided the following answer to the honorable senator’s question:

The number of redundancies for financial years 07-08, 08-09 and 09-10 for Dept of Resources, Energy and Tourism, Geoscience Australia and Tourism Australia are as follows:

<table>
<thead>
<tr>
<th>Dept of Resources, Energy and Tourism</th>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>07/08</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>08/09</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>09/10</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geoscience Australia</th>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>07/08</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>08/09</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>09/10</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tourism Australia</th>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>07/08</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>08/09</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>09/10</td>
<td>1</td>
</tr>
</tbody>
</table>

Small Business, Independent Contractors and the Service Economy: Staffing
(Question No. 2677)

Senator Humphries asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 25 February 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

Please refer to the answer provided to Parliamentary Question 2661.

First Home Saver Accounts
(Question No. 2684)

Senator Humphries asked the Minister representing the Treasurer, upon notice, on 1 March 2010:

(1) What are the latest figures relating to the number of accounts.
(2) For each month since its inception, how many new accounts have been opened.
(3) What is the total value of all funds currently held in the accounts.
(4) Is the Minister aware of any complaints being received from owner of accounts expressing concern about being unable to withdraw funds from those accounts.

(5) To date, has the Australian Taxation Office paid any contributions into individual accounts.

(6) Is the department responsible for preparing the annual report under section 126 of the First Home Saver Accounts Act 2008 (the Act); if so: (a) has production of the report for the 2009-10 financial year commenced; and (b) when will this report be delivered to the Treasurer for tabling in Parliament.

(7) Has the department been requested to provide any advice to the Government relating to the cessation or winding up of the scheme.

(8) Does the annual report on the working of the Act contain any advice from the department that relates to the future of the scheme.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

(1) The most recent data on the number of accounts open relate to December 2009. At this time there were 16,200 accounts open and these held $60,700,000 in funds.

(2) There is no month by month breakdown of open accounts. The most detailed information available is a quarterly breakdown, which is as follows.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of FHSA’s (’000)</td>
<td>10.8</td>
<td>13.9</td>
<td>15.3</td>
<td>16.2</td>
</tr>
<tr>
<td>Balance of FHSA’s ($m)</td>
<td>19.4</td>
<td>41.5</td>
<td>49.3</td>
<td>60.7</td>
</tr>
</tbody>
</table>

(3) The most recent data on funds held in First Home Saver Accounts relate to December 2009. At this time there were $60,700,000 held in First Home Saver Accounts.

(4) Yes.

(5) Yes. Payments relating to the First Home Saver Accounts totalled $4.9 million to the end of February 2010.

(6) No. Section 126 of the First Home Saver Accounts Act 2008 requires the Commissioner of Taxation to prepare an annual report on the working of the Act (to the extent that it relates to his administration). The Commissioner generally prepares a single annual report into the administration of all laws for which he has the general administration. It is a matter for the Commissioner to determine the manner in which he wishes to report.

(7) Treasury provides the Government with ongoing advice on matters for which it has portfolio responsibility.

(8) The Commissioner’s 2008-09 annual report can be found at www.ato.gov.au. The content of the Commissioner’s Annual Report is a decision for the Commissioner.

Australia Post

Senator Humphries asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 2 March 2010:

With reference to Australia Post, how many items of registered mail have been reported lost or missing annually since 2001.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The following table details the number of registered mail items recorded as lost or missing after investigation since 2001/02:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of FHSA’s (’000)</td>
<td>10.8</td>
<td>13.9</td>
<td>15.3</td>
<td>16.2</td>
</tr>
<tr>
<td>Balance of FHSA’s ($m)</td>
<td>19.4</td>
<td>41.5</td>
<td>49.3</td>
<td>60.7</td>
</tr>
</tbody>
</table>
Tuesday, 11 May 2010

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NUMBER OF ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001/02</td>
<td>13,160</td>
</tr>
<tr>
<td>2002/03</td>
<td>12,225</td>
</tr>
<tr>
<td>2003/04 **</td>
<td></td>
</tr>
<tr>
<td>2004/05 **</td>
<td></td>
</tr>
<tr>
<td>2005/06 **</td>
<td></td>
</tr>
<tr>
<td>2006/07 **</td>
<td></td>
</tr>
<tr>
<td>2007/08</td>
<td>13,178</td>
</tr>
<tr>
<td>2008/09</td>
<td>12,645</td>
</tr>
<tr>
<td>2009/YTD – Dec ‘09</td>
<td>5,604</td>
</tr>
</tbody>
</table>

** Australia Post is unable to provide these figures due to a technical problem with its national complaints database.

**Treasurer: Domestic and Overseas Travel**

(Question No. 2687)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 4 March 2010:

Since 24 November 2007, how many nights has the Treasurer stayed: (a) in each state and territory; and (b) overseas.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

Please refer to reports for July to December 2007, January to June 2008, July to December 2008 and January to June 2009 that are tabled in Parliament titled: Parliamentarians’ Travel Paid By The Department Of Finance and Deregulation.

**Defence**

(Question No. 2690)

Senator Johnston asked the Minister for Defence, upon notice, on 9 March 2010:

(1) (a) Since the 2007 election, how many ‘first pass’ and ‘second pass’ approvals have been made by the Rudd Government; and (b) of these, how many were initiated: (i) by the previous Government, and (ii) solely by the current Government.

(2) Since November 2007, which specific projects have received ‘second pass’ approval.

(3) What is the value of each of these approvals for each of the following financial years: (a) 2008-09; and (b) 2009-10 to date.

Senator Faulkner—The answer to the honourable senator’s questions is as follows:

(1) (a) 9 ‘first pass’ approvals (including 2 classified projects) and 21 ‘second pass’ approvals (including 1 classified project), (b) (i) 22 (5 first pass and 17 second pass); and (ii) 8 (4 first pass and 4 second pass).

Note: of the approvals listed above, projects that were first entered into the DCP before December 2007 were regarded as being initiated by the previous Government. All other projects that were first entered in after December 2007 were regarded as being initiated by the Rudd Government.

(2) Projects that have received ‘second pass’ approval since November 2007 include:

<table>
<thead>
<tr>
<th>Environment</th>
<th>No.</th>
<th>Phase</th>
<th>Proposal Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR</td>
<td>5276</td>
<td>CAP 1</td>
<td>Capability Assurance Program 1</td>
</tr>
<tr>
<td>AIR</td>
<td>5440</td>
<td>1</td>
<td>C-130J Block Upgrade Project - Global Project Arrangement</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Senator Johnston asked the Minister for Defence, upon notice, on 9 March 2010:

(1) Given the imminent withdrawal of the Dutch mission in Oruzgan, how will Australian forces be provided with suitable medical support and medical evacuations.

(2) Will the Government deploy its Tiger helicopters to provide the necessary air protection for our troops in Afghanistan to support the Australian mission.

(3) To protect Australian troops at Tarin Kowt, will the Minister accelerate the implementation of the Countering Rockets, Artillery and Mortars program which provides a life saving 24 seconds level of protection.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1), (2) and (3) The Government acknowledges that 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. The Government is in constant communications with the Netherlands and our coalition partners to outline the way ahead in Oruzgan given the imminent withdrawal of the Netherlands mission. These communications include plans for the continuation of all current support in Oruzgan province post the Netherlands withdrawal.

(1) The care and welfare of Australian troops is the Governments highest priority. The current coalition medical support and evacuation care, augmented by Australian medical staff, provided to our troops has been of the highest quality. Defence is conducting planning with our coalition partners to ensure that a high quality medical service provided by a coalition partner is operating during and post the Netherlands withdrawal. The Government will ensure high quality medical support is provided to Australian troops for the duration of the deployment in Afghanistan.

QUESTIONS ON NOTICE
(2) The Government considers the provision of high quality air support to our troops as mission critical. To date the Netherlands and United States have provided this high quality air support to Australian troops. The ADF is not considering the deployment of Tiger helicopters to Afghanistan to support Australian troops as the current air support provided by coalition partners is very good. The Government does not expect a reduction in this coalition air support when the Netherlands withdraws as the United States and coalition air support will remain available to Australian troops.

(3) As I have stated previously, the Government views protecting soldiers from rockets, artillery and mortars as an absolute priority. I have asked the Chief of the Defence Force to develop options to deploy the best currently available C-RAM Sense and Warn system to Oruzgan province as a matter of the highest urgency. In order to assist with this, Defence is engaging closely with its Coalition partners who have significant experience with C-RAM Sense and Warn systems.

Prime Minister and Cabinet: Staffing

(Question No. 2697)

Senator Humphries asked the Minister representing the Prime Minister, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Ministers portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised that:

The following agencies within my portfolio have provided involuntary redundancies during the requested periods:

<table>
<thead>
<tr>
<th>Agency</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of the Prime Minister and Cabinet</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>National Australia Day Council</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Education, Employment and Workplace Relations, Social Inclusion, Early Childhood Education, Childcare and Youth, and Employment Participation: Staffing

(Question Nos 2698, 2699, 2700, 2730 and 2733)

Senator Humphries asked the Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion, the Minister for Early Childhood Education, Childcare and Youth, and the Minister for Employment Participation, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007 08; (b) 2008 09; and (c) 2009 10 to date.

Senator Arbib—The answer to the honourable senator’s question is as follows:

The Department of Education, Employment and Workplace Relations had no involuntary redundancies in any of the years. This response includes the predecessor departments, the Department of Education, Science and Training and the Department of Employment and Workplace Relations.

The Workplace Authority had one involuntary redundancy for the 2007-08 year.

None of the other agencies within the portfolio being Comcare, the Australian Building and Construction Commission, Safe Work Australia, Fair Work Australia, the Office of the Fair Work Ombudsman,
the Workplace Ombudsman, the Australian Industrial Registry and the Australian Fair Pay Commission Secretariat had involuntary redundancies in any of the years.

**Immigration and Citizenship: Staffing**

(Question No. 2702)

**Senator Humphries** asked the Minister for Immigration and Citizenship, upon notice, on 10 March 2010:

(1) With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Chris Evans**—The answer to the honourable senator’s question is as follows:

(1) (a) In 2007-08 there were two involuntary redundancies.

*Explanation of involuntary redundancies*

Three permanent staff were employed at Baxter IDC when it closed in August 2007 (the remainder were temporary transfers and were redeployed in their home locations). Of these three employees, one accepted a VR while the remaining two elected retention. Both employees were aged over 45 years and were therefore entitled to a 13-month period in which to seek redeployment in the department or the APS more broadly.

The department was able to place both employees locally in Centrelink but after a short period of time the employees decided against continuing their placements. The department agreed to pay out the balance of their retention periods (6 and 7 months respectively) at the employees’ request. Both employees subsequently found employment with the State Government.

(b) In 2008-09 there were nil involuntary redundancies.

(c) In 2009-10 there have been nil involuntary redundancies (as at 26 February 2010).

**Defence Personnel, Materiel and Science: Staffing**

(Question Nos 2703 and 2732)

**Senator Humphries** asked the Minister representing the Minister for Defence Personnel, Materiel and Science, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Faulkner**—The Minister for Defence Personnel, Materiel and Science has provided the following answer to the honourable senator’s question:

I refer the Hon Senator to my response for Senate Question on Notice No.2653/2682.

**Health and Ageing: Staffing**

(Question Nos 2706, 2725, 2729 and 2731)

**Senator Humphries** asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years:

(a) 2007-08;

(b) 2008-09; and

(c) 2009-10 to date.
**Senator Ludwig**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The Department and all agencies in the Minister’s portfolio had the following number of involuntary redundancies:

(a) One in the 2007-2008 financial year;

(b) One in the 2008-2009 financial year; and

(c) Three in the 2009-2010 financial year to 28 February 2010.

**Finance and Deregulation: Staffing**
(Question No. 2708)

**Senator Humphries** asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 10 March 2010:

With reference to the Department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Conroy**—The Minister for Finance and Deregulation has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Department/ Agency</th>
<th>(a) 2007-08</th>
<th>(b) 2008-09</th>
<th>(c) 2009-10 (YTD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Finance and Deregulation</td>
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<td>0</td>
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<tr>
<td>Australian Electoral Commission</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>ComSuper</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Future Fund</td>
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<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Australia Reward Investment Alliance</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

**Broadband, Communications and the Digital Economy: Staffing**
(Question No. 2710)

**Senator Humphries** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years:

(a) 2007-08;

(b) 2008-09; and

(c) 2009-10 to date.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

The number of involuntary redundancies for the department and all portfolio agencies are as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Broadband, Communications and the Digital Economy</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Communications and Media Authority</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Australian Postal Corporation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Australian Broadcasting Corporation</td>
<td>29</td>
<td>95</td>
<td>31</td>
<td>155</td>
</tr>
<tr>
<td>Special Broadcasting Service Corporation</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>NBN Co Limited</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>33</td>
<td>97</td>
<td>32</td>
<td>162</td>
</tr>
</tbody>
</table>
Innovation, Industry, Science and Research: Staffing
(Question No. 2711)

Senator Humphries asked the Minister for Innovation, Industry, Science and Research, upon notice, on 10 March 2010:
With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Carr—The answer to the honourable senator’s question is as follows:
Please refer to the answer provided to Parliamentary Question 2661.

Environment Protection, Heritage and the Arts: Staffing
(Question No. 2713)

Senator Humphries asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 10 March 2010:
With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:
With reference to the department and all agencies in the Minister’s portfolio, the following involuntary redundancies have occurred:
(a) 2007-08  5
(b) 2008-09  3
(c) 2009-10 to date  4

Special Minister of State: Staffing
(Question No. 2715)

Senator Humphries asked the Special Minister of State, upon notice, on 10 March 2010:
With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Ludwig—The answer to the honourable senator’s question is as follows:
Please refer to the Minister for Finance and Deregulation’s response to Question No. 2708.

Agriculture, Fisheries and Forestry: Staffing
(Question No. 2716)

Senator Humphries asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 10 March 2010:
With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
Tuesday, 11 May 2010

SENATE

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Questions on notice

Department of Agriculture, Fisheries and Forestry
Australian Fisheries Management Authority
Australian Pesticides and Veterinary Medicines Authority
Wheat Exports Australia
Cotton Research and Development Corporation
Fisheries Research and Development Corporation
Grains Research and Development Corporation
Grape and Wine Research and Development Corporation
Rural Industries Research and Development Corporation
Sugar Research and Development Corporation
Rural Industries Research and Development Corporation
Australian Wine and Brandy Corporation
Australian Fisheries Management Authority
Australian Pesticides and Veterinary Medicines Authority
Wheat Exports Australia
Cotton Research and Development Corporation
Fisheries Research and Development Corporation
Grains Research and Development Corporation
Grape and Wine Research and Development Corporation
Rural Industries Research and Development Corporation
Sugar Research and Development Corporation
Sugar Research and Development Corporation
Australian Wine and Brandy Corporation

2007-08 2008-09 2009-10

Small Business, Independent Contractors and the Service Economy: Staffing

(Question No. 2727)

Senator Humphries asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

Senator Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

Please refer to the answer provided to Parliamentary Question 2661.

Border Protection

(Question No. 2735)

Senator Bob Brown asked the Minister representing the Minister for Home Affairs, upon notice, on 10 March 2010

(1) Why were two customs officers flown from Western Australia to participate in the Australian Customs and Border Protection Service (Customs) inspection of the Sea Shepherd Conservation Society’s vessels the Bob Barker and Steve Irwin in Hobart on Saturday, 6 March 2010?

(2) What was the total cost of sending these officers to Hobart?

(3) How often does Customs send officers such long distances when there is already a full complement of Customs officers in the destination port?

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

(1) No Australian Customs and Border Protection Service (Customs and Border Protection) officers from Western Australia were involved in the inspection of Sea Shepherd vessels in Hobart on 6 March 2010.

(2) No Australian Customs and Border Protection Service officers were sent from Western Australia, so no cost for travel was incurred.

(3) Customs and Border Protection deploys staff to locations outside of their home port to assist in operational activity as required, for example to address peak workload periods, staff leave and high risk activities. These deployments usually involve staff from the closest location travelling to provide assistance.
Environment Protection, Heritage and the Arts
(Question No. 2738)

Senator Ian Macdonald asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 11 March 2010:

With reference to the Minister’s media statement of 19 February 2010 headed ‘Boost to Australia’s biodiversity research’:

(1) Given that the ‘Government is allocating up to $7 million per annum for the Great Barrier Reef Hub, including the Torres Strait’, will the amount of funding for the Marine and Tropical Sciences Research Facility (MTSRF) in north Queensland be: (a) in excess of $6.5 million; (b) in excess of $6.7 million; (c) in excess of $6.9 million; or (d) less than $6.5 million.

(2) Can the Minister provide an explanation of what is meant by ‘up to’ $7 million per annum funding and does that amount include the annual funding of the reef rescue program (i.e. the Reef Rescue Marine Monitoring Program) that is managed by the Reef & Rainforest Research Centre (RRRC) in Cairns on behalf of the Great Barrier Reef Marine Park Authority; if so, is it true that the actual reduction in funding to the north Queensland research community is actually a reduction of 44 per cent, not 30 per cent as previously thought.

(3) Given that the people of north Queensland understood earlier in 2010 that the new MTSRF arrangements for 2010 onwards would include continued funding for rainforest and Great Barrier Reef (GBR) catchments research managed out of north Queensland and this funding has been successfully managed by the RRRC for the past 4 years, and prior to that, by the rainforest Cooperative Research Centre and other organisations located in north Queensland: Can the Minister: (a) confirm that his commitment was to continue this rainforest and GBR catchments funding through the RRRC; and (b) explain why jobs and research in far north Queensland are being reduced by the department by either 30 or 44 per cent.

(4) Given that the transition funding for Commonwealth Environment Research Facilities (CERF) programs will be $5 million for up to 6 months, and that the CERF programs have been funded to the extent of $100 million over 4 years, which is the equivalent to $12.5 million for each 6 months: (a) can the Minister confirm that this is a funding reduction of 60 per cent or $7.5 million; and (b) how does the Minister propose to maintain the capacity of research institutes, researchers and their families facing such a shortfall in transition funding at such short notice.

(5) Given the commendations by the Minister and the Prime Minister on the work done by the RRRC and the institutions it works with in the fields of research into the GBR and its catchments, the Torres Strait and the rainforest of north Queensland:

Why is the Minister changing the arrangements for the management of that research which is essentially a best practice arrangement and encourages collaboration between all parties, which will send the rainforest and catchment research, to be managed, out of the Northern Territory.

(6) Will the Research Investment Strategy for the MTSRF (which was, in previous years, designed by the RRRC who ultimately provided the research) now not be designed by the RRRC and thus in the future lack the input of the broad range of researchers and end user stakeholders that it has had in the past.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) There will be no funding allocated to MTSRF because it ceases to exist at the end of the current phase of the CERF program in June 2010. Under the new program, funding for the GBR and Torres Strait Hub will be ‘up to $7 million’. The exact amount is yet to be determined.
“Up to $7 million” means either a maximum of $7 million, or some amount less than $7 million. Funding for the Reef Rescue Program is separate to the CERF funding and was not considered part of the $7 million referred to in my 19 February 2010 media release.

(3) (a) The RRRC is a private company. Its role in the future Great Barrier Reef and Torres Strait Hub will depend on the outcome of a competitive process which is not yet complete.

(b) No decisions have been made by the department to reduce jobs or research in far north Queensland.

(4) (a) No. This is not correct because the transition funding is only part of CERF funding for 2010/11.

(b) The original CERF program was a four year program, designed to end on 30 June 2010. The allocation of $5 million transition funding is designed to maintain capacity within the research institutes and facilitate continuing work which is relevant to the future program. The transition funding will bridge the gap between the end of the current program on 30 June 2010, and the time required (3-6 months) to establish the future program.

(5) The arrangements for administration of the current MTSRF program were allocated following a competitive procurement process. Funding for administration under the future program will similarly be allocated on a competitive basis, to ensure that the Government and taxpayers maximise the return on this investment. The RRRC will be eligible to apply, along with all other potentially interested administrators, to compete for the available funds.

No decisions have been made on the location of administration of rainforest and catchment research, as this will be an outcome of the competitive process for future research.

(6) As the answer to Question 1 indicated, MTSRF will no longer exist under the future program. The future research program for the Great Barrier Reef and Torres Strait Hub will be developed in consultation with key end users, including my department and relevant portfolio agencies, a broad range of researchers and other end users such as tourism and other industries. The role of RRRC in this process will depend on the outcome of competitive processes yet to be undertaken.

**Education: Program Funding**

(Question No. 2739)

Senator Cormann asked the Minister representing the Minister for Education, upon notice, on 11 March 2010:

(1) What was the total Commonwealth capital expenditure on the Australian Technical College – Spencer Gulf and Outback.

(2) Who now owns the capital assets that were purchased by the Commonwealth for the college.

Senator Carr—The Minister for Education has provided the answer to the honourable senator’s question:

The total Commonwealth capital expenditure on the ATC – Spencer Gulf and Outback was $4.88 million (GST exclusive). The expenditure included the refurbishment of leased premises in Port Augusta and Whyalla and the purchase of land and refurbishment of buildings in Port Pirie (currently valued at less than $1 million).

The South Australian Department for Further Education, Employment, Science and Technology (DFEEST) has through TAFE SA assumed ownership for the ATC’s Port Pirie facility assets.

All other assets were transferred to the South Australian Government Department of Education and Children’s Services which assumed responsibility for the ongoing education of the students of the former ATC.
Education: Overseas Students

(Question No. 2740)

Senator Cormann asked the Minister representing the Minister for Education, upon notice, on 11 March 2010:

(1) Is the department undertaking any additional monitoring of private education providers catering to foreign students following the changes to the skilled migration laws announced on 8 February 2010?

(2) Is the department aware of any colleges in financial difficulties?

(3) What has been the scale of the decline in enrolments from overseas students in private Australian colleges between 2009 and 2010?

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

(1) As advised to the Senate through Question on Notice number EW1091_10, it is as yet too early to identify any impact from the Government’s announcement regarding the Migration Occupations in Demand List. However, the Department will continue to monitor the situation.

(2) The Department is aware that some providers may be experiencing financial pressure. The financial position of providers however can fluctuate from time to time depending on various market factors.

(3) The latest available data on international student enrolments is year-to-date January 2010. January data represents a small proportion of new enrolments for an academic year, which are mostly recorded in February and March, and hence January data should be interpreted with caution. Enrolments by international students in private Australian vocational education and training colleges have grown by 8.8% in January 2010 (to 104,927) when compared with enrolments in January 2009.

Wheat Exports Australia

(Question No. 2741)

Senator Cormann asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 11 March 2010:

With reference to the answer to question on notice no. 1362 (Senate Hansard, 14 May 2009, p. 2963), concerning the release of the chartering report handed to the Minister in June 2008:

(1) Have the four agencies considering this report completed their assessment and decided whether further action is required?

(2) When did the Minister last communicate with those four agencies about this matter?

(3) What are the names of those four agencies?

(4) Will the report now be released; if not, when?

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Australian Taxation Office, the Australian Federal Police, the Victoria Police and the Australian Securities Investments Commission have formally advised Wheat Exports Australia that they have completed their assessments and no further action is required.

(2) The then Export Wheat Commission (now Wheat Exports Australia) made the decision to refer the report to the four agencies. Accordingly, it is Wheat Exports Australia that has been communicating with the four agencies about this matter.
(3) The four agencies are the Australian Taxation Office, the Australian Federal Police, the Victoria Police and the Australian Securities Investments Commission.

(4) The report was subject to a request, and subsequently a decision, by Wheat Exports Australia (WEA) under the Freedom of Information Act 1982 (Cth) (FOI Act). A decision was made that substantial parts of the report contained exempt material, including confidential information and information subject to legal professional privilege. WEA released a copy of the report to the applicant with all exempt material deleted in accordance with the FOI Act on 20 January 2010. I consider that it would be inappropriate to release the full report in view of the WEA decision. Those sections of the report that WEA was able to release are available upon request.

Digital Regions Initiative
(Question No. 2742)

Senator Cormann asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 March 2010:

By state and territory: (a) how many grants; and (b) what funds, have been provided under the Digital Regions Initiative.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The Digital Regions Initiative comprises $46 million announced as part of the Australian Government’s initial response to the Regional Telecommunications Review and additional funding of $14 million as part of the Government’s Rural and Regional Broadband Network Initiative announced in the May 2009 Budget.

(a) 11 projects have been approved under the Initiative to date:

3 in New South Wales;
2 in South Australia;
1 in the Northern Territory;
1 in Tasmania; and
4 have multijurisdictional coverage.

(b) No funds have been provided to date.

National Broadband Network
(Question No. 2743)

Senator Cormann asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 March 2010:

For each state and territory, what are the expected commencement and completion dates of the National Broadband Network rollout.

Senator Conroy—The answer to the honourable senator’s question is as follows:

Construction has already commenced in Tasmania with the first three stages covering 100 000 premises announced. The first three communities of Smithton, Scottsdale and Midway Point will be connected by July this year.
The full state-wide rollout to 200 000 Tasmanian premises is expected to take five years.

On the mainland construction is expected to commence in the second half of this calendar year on the five first release sites announced on 2 March 2010 and be complete by early 2011. These sites are:

• A part of the suburb of Brunswick in Melbourne (VIC),
• An area of Townsville covering parts of the suburbs of Aitkenvale and Mundingburra (QLD),
The coastal communities of Minnamurra and Kiama Downs south of Wollongong (NSW),
An area of west Armidale, including the University of New England (NSW), and
The rural town of Willunga (SA).

NBN Co is currently undertaking extensive planning to develop its national rollout plan and further
details will be available once that planning is complete.

The Australia-wide rollout of the NBN is expected to be completed within eight years.

Satellite Phone Subsidy Scheme
(Question No. 2744)

Senator Cormann asked the Minister for Broadband, Communications and the Digital
Economy, upon notice, on 11 March 2010:

By state and territory, how many handsets have been subsidised under the Satellite Phone Subsidy
Scheme for the: (a) 2006-07 financial year; (b) 2007-08 financial year; (c) 2008-09 financial year; and
(d) period 1 July 2009 to 28 February 2010.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The numbers of subsidies paid, by state and territory, are set out below:

<table>
<thead>
<tr>
<th>STATE</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>1/7/2009 to 28/2/2010</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>6</td>
<td>10</td>
<td>9</td>
<td>6</td>
<td>31</td>
</tr>
<tr>
<td>NSW</td>
<td>239</td>
<td>152</td>
<td>154</td>
<td>113</td>
<td>658</td>
</tr>
<tr>
<td>NT</td>
<td>241</td>
<td>218</td>
<td>210</td>
<td>142</td>
<td>811</td>
</tr>
<tr>
<td>QLD</td>
<td>515</td>
<td>396</td>
<td>348</td>
<td>294</td>
<td>1553</td>
</tr>
<tr>
<td>SA</td>
<td>182</td>
<td>108</td>
<td>152</td>
<td>64</td>
<td>506</td>
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<tr>
<td>TAS</td>
<td>42</td>
<td>27</td>
<td>31</td>
<td>14</td>
<td>114</td>
</tr>
<tr>
<td>VIC</td>
<td>163</td>
<td>116</td>
<td>119</td>
<td>108</td>
<td>506</td>
</tr>
<tr>
<td>WA</td>
<td>508</td>
<td>407</td>
<td>375</td>
<td>280</td>
<td>1570</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1896</td>
<td>1434</td>
<td>1398</td>
<td>1021</td>
<td>5749</td>
</tr>
</tbody>
</table>

Australian Broadcasting Corporation
(Question No. 2745)

Senator Cormann asked the Minister for Broadband, Communications and the Digital
Economy, upon notice, on 11 March 2010:

By state and territory, what was the expenditure by the Australian Broadcasting Corporation on Austra-
lian-based television production for the: (a) 2006-07 financial year; (b) 2007-08 financial year;
(c) 2008-09 financial year; and (d) period 1 July 2009 to 28 February 2010.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The ABC has provided the following information.

Television Production Expenditure by State and Financial Year

<table>
<thead>
<tr>
<th>Total Cash, Labour and Revenue Expenditure (millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>ACT</td>
</tr>
<tr>
<td>NSW</td>
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<tr>
<td>NSWR</td>
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<tr>
<td>NT</td>
</tr>
<tr>
<td>QLD</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Border Protection
(Question No. 2746)

Senator Cormann asked the Minister representing the Minister for Home Affairs, upon notice, on 11 March 2010:

By state, territory or overseas country of operation, how many officers are currently employed by the Australian Federal Police in the People Smuggling Strike Team?

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

As at 11 March 2010, there were ninety-one employees working in the Australian Federal Police (AFP) People Smuggling Strike Team (PSST). Of the ninety-one employees, the AFP had:

Seventy-eight employees located within Australia (including Christmas Island), consisting of:

- Forty-four employees in the Australian Capital Territory;
- Eleven employees on Christmas Island;
- Seven employees in New South Wales;
- Seven employees in Victoria; and
- Nine employees in Western Australia.

Thirteen employees in offshore locations, consisting of:

- Six employees in Indonesia;
- Two employees in Malaysia;
- Two employees in Pakistan;
- Two employees in Sri Lanka; and
- One employee in Thailand.

Agriculture, Fisheries and Forestry: Staffing
(Question No. 2747)

Senator Cormann asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 11 March 2010:

By state and territory, and for each of the financial years 2007-08 and 2008-09, and for the period 1 July 2009 to 28 February 2010, what is:

(a) the Federal Government’s expenditure on the Australian Quarantine and Inspection Service (AQIS); and

(b) the number of full-time equivalent employees employed by AQIS.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
(a) Federal Government Expenditure on the Australian Quarantine and Inspection Service (AQIS), including expenditure funded through cost recovery arrangements is set out below. All expenditure that was unable to be allocated directly to a state or territory has been allocated to the ACT:

<table>
<thead>
<tr>
<th>State</th>
<th>2007/08 $000</th>
<th>2008/09 $000</th>
<th>1 July 2009 to 28 Feb 2010 $000</th>
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<tr>
<td>ACT</td>
<td>77,842</td>
<td>94,059</td>
<td>49,768</td>
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<td>NSW</td>
<td>96,138</td>
<td>97,837</td>
<td>65,177</td>
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<td>NT</td>
<td>9,310</td>
<td>9,822</td>
<td>6,678</td>
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<tr>
<td>Qld</td>
<td>78,252</td>
<td>83,463</td>
<td>54,951</td>
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<td>SA</td>
<td>19,790</td>
<td>22,342</td>
<td>14,787</td>
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<td>Tas</td>
<td>2,204</td>
<td>2,467</td>
<td>1,369</td>
</tr>
<tr>
<td>Vic</td>
<td>64,348</td>
<td>67,545</td>
<td>45,124</td>
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<tr>
<td>WA</td>
<td>34,022</td>
<td>35,908</td>
<td>23,478</td>
</tr>
<tr>
<td>Total</td>
<td>381,906</td>
<td>413,445</td>
<td>261,331</td>
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</table>

(b) The Full Time Equivalent (FTE) for the Australian Quarantine and Inspection Service (AQIS) at the end of the specified financial years and as at 28 February 2010 was as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>30 June 2008 $000</th>
<th>30 June 2009 $000</th>
<th>28 Feb 2010 $000</th>
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<tbody>
<tr>
<td>ACT</td>
<td>445</td>
<td>484</td>
<td>485</td>
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<td>NSW</td>
<td>846</td>
<td>879</td>
<td>861</td>
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<tr>
<td>NT</td>
<td>63</td>
<td>61</td>
<td>55</td>
</tr>
<tr>
<td>Qld</td>
<td>679</td>
<td>679</td>
<td>643</td>
</tr>
<tr>
<td>SA</td>
<td>172</td>
<td>190</td>
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<tr>
<td>Tas</td>
<td>11</td>
<td>13</td>
<td>13</td>
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<tr>
<td>Vic</td>
<td>560</td>
<td>552</td>
<td>572</td>
</tr>
<tr>
<td>WA</td>
<td>290</td>
<td>294</td>
<td>291</td>
</tr>
<tr>
<td>Total</td>
<td>3066</td>
<td>3152</td>
<td>3102</td>
</tr>
</tbody>
</table>

**Special Broadcasting Service (Question No. 2748)**

*Senator Cormann* asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 March 2010:

By state and territory, what was the expenditure by the Special Broadcasting Service on Australian-based television production for the: (a) 2006-07 financial year; (b) 2007-08 financial year; (c) 2008-09 financial year; and (d) period 1 July 2009 to 28 February 2010.

*Senator Conroy*—The answer to the honourable senator’s question is as follows:

SBS has advised that the following expenditure is for SBS’s Australian-based television production costs and Australian-based content commissioned by SBS from Australian independent production companies.

SBS’s television production expenditure is for in-house production of SBS’s news and current affairs and sports programming (including sports rights acquisitions for Australian-based events purchased from Australian-based companies), covering Australian and international events. The majority of SBS’s internal television production occurs at its production centre in Sydney. SBS operates news bureaux in Canberra and Melbourne.

Expenditure for commissioned content is based on total SBS commitment as at program delivery date and production company location. Expenditure data is collated on the basis of production company location, which does not necessarily represent the actual location/s where filming took place. For example; the production company for the drama series *The Circuit* is located in Victoria, but both series were shot entirely on location in Broome; while the production company for the documentary series *First*
Australians is located in NSW, each episode was filmed in different locations throughout Australia, covering NSW (episodes 1 and 6), Tasmania (episode 2), Victoria (episodes 3 and 6), Northern Territory (episode 4), Western Australia (episode 5), and Queensland (episode 7).

All SBS local production (other than sport and news and current affairs programming) is commissioned from the Australian independent production sector. Funding is leveraged with state, territory and federal funding bodies for a majority of the productions. Amounts invested are subject to fluctuation for a number of reasons including varying lengths of production time, varying genre costs, with drama series being the most costly, and availability of funding and co-production opportunities.

<table>
<thead>
<tr>
<th>State/Territory*</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-28/02/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>$37,972,327</td>
<td>$43,996,105</td>
<td>$51,872,106</td>
<td>$29,418,465</td>
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<tr>
<td>Queensland</td>
<td>$45,000</td>
<td>$346,750</td>
<td>$20,000</td>
<td>$0</td>
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<tr>
<td>South Australia</td>
<td>$160,500</td>
<td>$275,132</td>
<td>$626,025</td>
<td>$137,500</td>
</tr>
<tr>
<td>Tasmania</td>
<td>$0</td>
<td>$180,000</td>
<td>$150,000</td>
<td>$0</td>
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<tr>
<td>Victoria</td>
<td>$7,159,434</td>
<td>$3,968,154</td>
<td>$13,825,206</td>
<td>$6,526,481</td>
</tr>
<tr>
<td>Western Australia</td>
<td>$1,182,457</td>
<td>$771,162</td>
<td>$1,203,650</td>
<td>$1,538,000</td>
</tr>
<tr>
<td>ACT</td>
<td>$450,807</td>
<td>$496,251</td>
<td>$576,773</td>
<td>$379,515</td>
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<tr>
<td>Northern Territory</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

* Productions may have two production companies. Where the production companies are located in different states/territories, expenditure has been averaged for each location.

### Economy

**(Question No. 2750)**

Senator Bob Brown asked the Minister representing the Treasurer, upon notice, on 15 March 2010:

Does the Australian Government back the recommendations arising from the February 2010 G7 Meeting of Finance Ministers and Central Bank Governors in Iqaluit, Canada that: (a) banks will have to pay for global financial crisis; (b) banks should bear the costs of their contribution to global financial crisis; and (c) a universal tax or levy should be imposed on banks to recover the money.

**Senator Sherry**—The Treasurer has provided the following answer to the honourable senator’s question:

At the Pittsburgh Summit in September 2009, Prime Minister Rudd and other G20 Leaders tasked the IMF with producing a report on how the financial sector can make a fair and substantial contribution toward paying for any burdens associated with government interventions to repair the banking system. The IMF is scheduled to produce an interim report in April and a final report in June for consideration by G20 Leaders at the Toronto Summit. The Australian Government looks forward to discussing the IMF’s recommendations with other G20 countries. The Chair’s Summary of the February 2009 Meeting of G7 Finance Ministers and Central Bank Governors states that the participants endorsed the process agreed by G20 Leaders in September 2009. It does not indicate that participants endorsed any specific proposal for a universal tax or levy on banks.

### Defence: Export Approvals

**(Question No. 2752)**

Senator Ludlam asked the Minister for Defence, upon notice, on 11 March 2010:

With reference to the answer to question on notice no. 2592, relating to Australia’s top 200 defence export approvals:

1. Given the answer shows that 116 of Australia’s top 200 defence export approvals were comprised of chemicals: (a) can a list be provided of the chemicals Australia is exporting and their intended...
military uses; and (b) are these chemicals sent by Australia to the militaries of other nations as defence exports entirely within Australia’s international legal obligations under the Chemical Weapons Convention, including declarations to the Organisation for the Prohibition of Chemical Weapons and the access of that agency to the facilities to which Australian chemicals are sent.

(2) In regard to the export of unmanned aerial vehicles (UAVs):
(a) what type of UAVs does Australia export; (b) (i) how many have been exported to the United States of America, and (ii) how many of these have been used in Afghanistan or Pakistan; and (c) have civilians been killed as a result of their use.

Senator Faulkner—The answer to the senator’s question is as follows:

(1) 116 of Australia’s top 200 defence export approvals involved chemicals:
(a) 115 of the chemicals listed were sodium cyanide, for use in gold mining. The other chemical export was heavy water for recycling.
(b) None of the chemical export approvals were for foreign military customers. Australia’s controls on the export of chemicals are consistent with its obligations under the Chemical Weapons Convention (CWC) – namely, applying prohibitions/conditions on the supply of CWC-scheduled chemicals to non-member countries, and ensuring that Australia does not contribute to a chemical weapons program.

Sodium cyanide is an Australia Group-listed dual use chemical and therefore is on the Defence and Strategic Goods List and requires a permit to export from Australia. Export applications receive careful consideration on the end-use and the end-user of the goods. Sodium cyanide is not listed in the three schedules of chemicals under the CWC. Sodium cyanide meets the definition of a discrete organic chemical under the CWC and, as such, facilities producing sodium cyanide in quantities above 200 tonnes per annum must be declared to the Organisation for the Prohibition of Chemical Weapons (OPCW). Some related production facilities may also have to be declared to the OPCW. Australia complies with OPCW declaration and verification requirements. The OPCW does not conduct inspections of facilities/entities that receive, distribute or use such chemicals.

Heavy water is used to moderate nuclear reactors. Australia meets all its obligations for the declaration and notification of nuclear materials and facilities under our safeguard agreement with the International Atomic Energy Agency and under Australia’s bilateral nuclear cooperation agreements.

(2) In regard to the export of unmanned aerial vehicles (UAVs):
(a) The UAVs concerned are small, lightweight and unarmed aircraft that are designed for surveillance.
(b) (i) Eight UAVs were exported to the United States of America. (ii) The exporter has advised Defence that these UAVs have not been used in Afghanistan or Pakistan.
(c) See (b) (ii).

Aviation: Jandakot Airport
(Question No. 2753)

Senator Siewert asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 12 March 2010:

Given that the lessee of Jandakot Airport, Ascot Capital Limited, recently released for public comment its revised master plan for the development of Jandakot Airport which includes a proposal to extend two existing runways and construct a new fourth runway, as well as a significant non-aviation mixed business commercial precinct:

QUESTIONS ON NOTICE
(1) In size and percentage, how much of the 167 hectares of Banksia woodland on the site is to be cleared for: (a) fourth runway; and (b) proposed mixed business commercial development.

(2) Does the airport already contain a 132 hectare commercial precinct.

(3) How much of the existing commercial area is currently vacant.

(4) Do 53 hectares of this existing commercial precinct remain to be cleared.

(5) How many developed businesses are currently operating out of the commercial precinct.

(6) Why is this area being developed for commercial uses when there is an existing development in Cockburn Central and Armadale Road.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) Jandakot Airport Holdings (JAH) may only develop the site in accordance with the approved land use zones in the 2009 Master Plan and in accordance with the Environment Protection and Biodiversity Conservation Act 1999 approval.

(2) No.

(3) Subleasing arrangements are commercial matters between airports and tenants.

(4) Yes, but subject to the conditions imposed by Minister Garrett on the Environment Protection and Biodiversity Conservation Act 1999 referral application.

(5) Subleasing arrangements are commercial matters between airports and tenants.

(6) The envisaged land use proposed at Jandakot Airport is supported by the WA State Government and consistent with the State Planning Policy, which defines Jandakot Airport as ‘Specialised Regional Centre’, principally focused on providing aviation services and incorporating a commercial development precinct for mixed business and light industrial uses.

Commonwealth Scientific and Industrial Research Organisation

(Reply to Question No. 2756)

Senator Bob Brown asked the Minister for Innovation, Industry, Science and Research, upon notice, on 18 March 2010:

With reference to the research into nanoparticles in transparent sunscreen by the Commonwealth Scientific and Industrial Research Organisation:

(1) Does the Government agree with Dr Amanda Barnard that nanoparticles less than 13 nanometres in size minimise free radical production but larger sized nanoparticles increase the risk?

(2) Will the Government impose a ban on sunscreens containing nanoparticles greater than 13 nanometres in size; if so, when; if not, why not?

(3) When will the Government require labelling of products that contain nanoparticles so consumers can make informed choices?

Senator Carr—The answer to the honourable senator’s question is as follows:

(1) CSIRO advises that this is very early stage research. Dr Barnard’s study was theoretical and only considered titanium dioxide nanoparticles. Dr Barnard’s study modelled the properties of different sized nanoparticles and found that particles less than 13 nanometres in size minimised free radical production.

Scientific papers such as this are one of many publications that the Government takes into account to ensure that appropriate consideration is given to the risks of human health and safety and the environment as an integral part of the development and application of nanotechnology.
(2) The Therapeutic Goods Administration (TGA) is continually assessing the risks of these products and has been working with its overseas counterparts and international organisations to address emerging issues. The TGA has concluded that the current weight of evidence remains that titanium dioxide and zinc nanoparticles do not penetrate the skin, and as such there is no current basis for regulatory action. In addition, the TGA has advised that Dr Barnard’s theoretical study was predicated on a number of assumptions that do not necessarily reflect real life situations or actual product formulations. Importantly, the findings assume nanoparticles are able to reach viable cells and this has not been demonstrated.

(3) Advisory statements on the labels of therapeutic goods are used to ensure the safe and effective use of therapeutic products. The TGA has concluded that the current weight of scientific evidence does not indicate that including sunscreen particle size would improve the safe use of sunscreen products. The effectiveness of sunscreen products is available to consumers in the form of a Sun Protection Factor (SPF) rating, which is clearly marked on the label.

**Foreign Affairs: Program Funding**

*(Question No. 2757)*

Senator Siewert asked the Minister representing the Minister for Foreign Affairs, upon notice, on 18 March 2010:

(1) For the 2008-09 and 2009-10 financial years, how much of the international development budget was allocated to sanitation and to hygiene promotion: (a) in absolute terms; (b) as a proportion of spending on water, sanitation and hygiene; and (c) as a proportion of the total development budget.

(2) (a) Can a breakdown be provided of the allocations to countries and to programs under the Water and Sanitation Initiative, including: (i) allocations to water, sanitation and hygiene, (ii) allocations to rural and urban areas, and (iii) by type of development partner (i.e. bi-lateral program, multi-lateral and non-government organisations); and (b) how is this initiative progressing.

(3) (a) What level of representation will Australia be sending to the high-level meeting of Sanitation and Water for All in Washington, DC on 23 April 2010; and (b) who are the Australian representatives and what is their level of seniority.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) It is not possible to separately identify Australian Government expenditure on each of the water, sanitation and hygiene sub-sectors. Overall AusAID anticipates that expenditure on sanitation and hygiene will comprise around 30 per cent of total water, sanitation and hygiene initiative expenditure by 2010-11.

(a) Expenditure on water, sanitation and hygiene in 2008-09 is estimated to be approximately $78 million. The 2009-10 Budget forecast for water, sanitation and hygiene expenditure is $165 million.

(b) It is not possible to separately identify Australian Government expenditure on each of the water, sanitation and hygiene sub-sectors. Overall AusAID anticipates that expenditure on sanitation and hygiene will comprise around 30 per cent of total water, sanitation and hygiene initiative expenditure by 2010-11.

(c) The estimated outcome for total Official Development Assistance in 2008-09 is $3,789 million, of which $78 million was invested in water, sanitation and hygiene. In 2009-10 approximately $3,818 million is expected to be provided in Official Development Assistance of which an estimated $165 million will be invested in water, sanitation and hygiene activities.

(2) (a) Indicative allocations under the Water and Sanitation Initiative in 2008-09 and 2009-10 are:
## QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Country/region</th>
<th>2008-09 ($m)</th>
<th>2009-10 ($m)</th>
<th>TOTAL ($m)</th>
</tr>
</thead>
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<td><strong>Pacific</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solomon Islands</td>
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<td>3.9</td>
<td>3.9</td>
</tr>
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<td><strong>Mekong</strong></td>
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<td></td>
</tr>
<tr>
<td>Burma</td>
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<td>5.0</td>
<td>5.0</td>
</tr>
<tr>
<td>Cambodia</td>
<td>1.5</td>
<td>0.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Vietnam</td>
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<td>4.0</td>
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<td><strong>Other</strong></td>
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<td>AusAID-NGO Cooperation Program</td>
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</tr>
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<td>Research and capacity building</td>
<td>0.2</td>
<td>2.0</td>
<td>2.2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>7.5</td>
<td>97.4</td>
<td>104.9</td>
</tr>
</tbody>
</table>

(i) It is not possible to separately identify Australian Government expenditure on each of the water, sanitation and hygiene sub-sectors. AusAID anticipates that expenditure on sanitation and hygiene will comprise around 30 per cent of total expenditure on water, sanitation and hygiene by 2010-11.

(ii) It is not possible to provide separate expenditure figures on water, sanitation and hygiene by rural or urban activities. Expenditure on urban water supply, sanitation and hygiene is however likely to comprise around 40 per cent of total expenditure on water, sanitation and hygiene by 2010-11.

(iii) Australian water, sanitation and hygiene programs are delivered through partnerships with developing country governments, private and non-government entities, and bilateral and multilateral development agencies. Key partners in implementation of the Access to Clean Water and Sanitation Initiatives are civil society organisations, partner governments, the World Bank, UNICEF, African Development Bank, Asian Development Bank and the Water Supply and Sanitation Collaborative Council.

(b) Design of work under the Access to Clean Water and Sanitation Initiative is almost complete. Implementation began in 2009-10 and will continue in 2010-11.

(3) Robin Davies, a Deputy Director General of AusAID, will represent Australia at the Sanitation and Water for All meeting in Washington, DC on 23 April 2010.
National Health and Medical Research Council

(Question No. 2759)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 23 March 2010:

With reference to the National Health and Medical Research Council’s new Research Grants Management System (RGMS):

(1) What was/is the average amount of time required to lodge a research grant application: (a) prior; and (b) after, the introduction of the RGMS.

(2) Has the department evaluated the performance of the new RGMS; if so, has it been meeting required benchmarks.

(3) Does the department agree that research grant applications are taking up to a month to submit.

(4) Does the Minister or the department have any information on time spent by researchers; if so, how much time are researchers spending:
   (a) writing grant applications;
   (b) on the peer review process;
   (c) reading grants; and
   (d) sitting on review panels.

(5) How many other grants are researchers being asked to read or review apart from those that are related to their field of research.

(6) (a) When was the first example of an email or letter sent acknowledging the impact of the new RGMS on researchers’ family life; and
   (b) how many such emails or letters have been sent.

(7) Has the department quantified the impact of the RGMS on the family life of researchers.

(8) How many complaints has the department received about the RGMS.

(9) How many extensions to application deadlines have been made as a result of the RGMS.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) Prior to the introduction of Research Grants Management System (RGMS), the National Health and Medical Research Council (NHMRC) did not and could not collect data on the time taken by applicants to lodge grant applications.
   (b) After the introduction of RGMS, it is possible to monitor when an application is started, when it is lodged with the Institutions Research Administration Office (RAO), when the RAO lodges the application with the NHMRC.

NHMRC provides an ‘application window’ for each funding scheme for the development and lodgement of applications. The duration of the application window varies between schemes. Applicants are free to begin and complete individual grant applications within the application window. The time to create a completed grant application varies considerably.

NHMRC is commissioning an independent review of the recent performance of RGMS.

Individual grant applications are commenced and completed within the individual funding scheme’s application window. In the case of Project Grants, the application window was from 8 December 2009 to 22 March 2010. The time to create a completed grant application varies considerably.

(4) (a) NHMRC does not collect data on the time taken by applicants to prepare grant applications.
(b) NHMRC does not collect data on the time taken by applicants to participate in peer review processes, however NHMRC, like other international research funding bodies, relies on the generous amount of unpaid time volunteered by thousands of researchers every year to peer review grant applications for NHMRC’s various funding scheme.

(c) See (4) (b).

(d) A researcher may sit on an NHMRC review panel from one to four and a half days depending on the funding scheme.

(5) NHMRC does not intentionally request researchers to review applications that are not related to their field of research.

(6) (a) NHMRC sent an apology on 12 March 2010 and 26 March 2010 to all researchers about difficulties accessing RGMS, acknowledging an impact on work and family life of researchers. Also, on 4 December 2009 prior to the launch of RGMS, NHMRC issued a special notice about RGMS outlining the new IT system, and acknowledging the possibility of ‘teething problems’ and that NHMRC would ‘be working to quickly resolve any problems that might arise’. (http://www.nhmrc.gov.au/media/tracker/tracker09/091204.htm)

(b) Two.

(7) NHMRC does not collect data on the time taken by applicants to prepare or submit grants applications.

(8) NHMRC has received one formal complaint about RGMS via NHMRC’s formal complaints process and the issue was resolved on the same day.

NHMRC received a significant number of informal contacts from researchers about the functionality of the RGMS. All contacts were dealt with as soon as possible.

NHMRC has collated and is analysing all comments received through the Help Desk. Also, as part of the grant application process, a feedback form has been provided to all applicants.

(9) • Research and Practitioner Fellowships – changed from 5 February 2010 to 16 February 2010;
• Project Grants – changed from 12:00 pm 17 March 2010 to 5:00 pm 22 March 2010; and
• Career Development Awards – changed from 31 March 2010 to 12 April 2010.

Building the Education Revolution Program
(Question No. 2760)

Senator Hanson-Young asked the Minister representing the Minister for Education, upon notice, on 23 March 2010:

(1) (a) How many schools have had projects completed under the Building the Education Revolution program (the program); and (b) of those schools, how many have made their libraries and multi purpose halls available for community use at no or low cost as prescribed under the guidelines of the program.

(2) Has the Government provided any exemption to any school from the condition of making their libraries, multi purpose halls or comparable facilities available for community use; if so, which schools and why.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

As at 28 February 2010, a total of 9,028 BER projects were reported by the Education Authorities as being completed.
Of these, 219 projects were for libraries and 179 were for multi purpose halls.

There have been no applications received from any education authority or school community seeking exemption from this requirement to date.

**Free Trade Agreements**

(Question No. 2762)

Senator Bob Brown asked the Minister representing the Minister for Trade, upon notice, on 25 March 2010:

1. (a) Is it true that Australia’s balance of trade with the United States of America has deteriorated since the introduction of the free trade agreement; and (b) what is the comparison of the balance of trade figures between the pre- and post-trade agreement periods.

2. Of the six free trade agreements that Australia has signed: (a) how many have resulted in an improved balance of trade and by how much was that improvement; and (b) how many have not resulted in an improved balance of trade.

3. Has an evaluation of the free trade agreement taken place; if so: (a) what was undertaken; and (b) can a copy be provided.

Senator Carr—The Minister for Trade has provided the following answer to the honourable senator’s question:

1. (a) Yes.

(b) The trade balance (goods and services) with the United States in calendar year 2004 was a deficit of $13.5 billion. The trade deficit in financial year 2008-09 (the latest data available for both goods and services) was $19.2 billion (this includes a DFAT estimate for imports of civil aircraft from the United States which is not included in official Australian Bureau of Statistics trade statistics).

Free trade agreements (FTA) are but one of a range of factors relevant to trade flows. Exchange rate fluctuations, as well as the prevailing economic and climatic conditions in the FTA parties and third countries, can all have an effect on the balance of trade. FTAs are not intended to address balance of trade issues, but to increase the overall level of trade. Trade with the United States has grown in the period since the Australia-US Free Trade Agreement entered into force. Total two-way goods and services trade has increased from $41.1 billion in calendar year 2004 to $53.1 billion in financial year 2008-09.

2. As stated above, to attribute any improvement or deterioration in the balance of trade to the impact of a free trade agreement, ignores the broad range of other factors which may have contributed to this change. Variations in the balance of trade following entry into force of our FTAs are as follows:

The trade balance (goods and services) with New Zealand improved from a surplus of $430 million in financial year 1982-83 to a surplus of $2 billion in financial year 2008-09.

Trade deficits with Singapore, Thailand, the United States have grown since FTAs with these countries entered into force. The Chile FTA and ASEAN-Australia-New Zealand FTA only came into force in March 2009 and January 2010 respectively. There is no trade data yet for the period since entry into force of these agreements.

3. (a & b) No. The market access gains which Australia secured under the Australia – US Free Trade Agreement are being gradually phased in and the full liberalising impact of the agreement is yet to be realised.

1 Source: DFAT estimate based on Australian Bureau of Statistics trade data and World Trade Atlas for the United States of America
Pharmaceutical Benefits Scheme
(Question No. 2763)

Senator Siewert asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2010:

(1) (a) Which oral contraceptives are currently included in the Pharmaceutical Benefits Scheme (PBS); and (b) Which of these are low dose oral contraceptives.

(2) Can details be provided of the applications made and decisions arising by the Minister and the Pharmaceutical Benefits Advisory Committee for new low dose oral contraceptives since 1996.

(3) Is the Minister aware of recent reports that indicate that hair loss is one side effect of using older style oral contraception.

(4) What action will the Government take to ensure that low dose oral contraception becomes available through the PBS.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) and (b)

There are currently 27 oral contraceptives listed on the Schedule of Pharmaceutical Benefits. Contraceptives in tablet ("pill") form include progestogens; progestogens and estrogens in fixed combinations; and progestogens and estrogens in sequential preparations. These are listed in the table below. No low dose oral contraceptives are currently listed on the Pharmaceutical Benefits Scheme (PBS).

<table>
<thead>
<tr>
<th>Brand</th>
<th>Medicine</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>MICROGYNON® 50 ED</td>
<td>levonorgestrel with ethinyloestradiol</td>
<td>Pack containing 21 tablets 125 micrograms-50 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>LEVLEN® ED</td>
<td>levonorgestrel with ethinyloestradiol</td>
<td>Pack containing 21 tablets 150 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>MONOFEME® 28</td>
<td>levonorgestrel with ethinyloestradiol</td>
<td>Pack containing 21 tablets 150 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>NORDETTE® 28</td>
<td>levonorgestrel with ethinyloestradiol</td>
<td>Pack containing 21 tablets 150 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>MICROGYNON® 30 ED</td>
<td>levonorgestrel with ethinyloestradiol</td>
<td>Pack containing 21 tablets 150 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>MICROGYNON® 30</td>
<td>levonorgestrel with ethinyloestradiol</td>
<td>Pack containing 21 tablets 150 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>NORIMIN-1® 28 DAY</td>
<td>norethisterone with ethinyloestradiol</td>
<td>Pack containing 21 tablets 1 mg-35 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>BREVINOR-1®</td>
<td>norethisterone with ethinyloestradiol</td>
<td>Pack containing 21 tablets 1 mg-35 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>NORIMIN® 28 DAY</td>
<td>norethisterone with ethinyloestradiol</td>
<td>Pack containing 21 tablets 500 micrograms-35 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>Brand</td>
<td>Medicine</td>
<td>Type</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------</td>
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<td>BREVINOR®</td>
<td>norethisterone with ethinylestradiol</td>
<td>Pack containing 21 tablets 500 micrograms-35 micrograms and 7 inert tablets</td>
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<td>BREVINOR-1®</td>
<td>norethisterone with ethinylestradiol</td>
<td>Pack containing 21 tablets 1 mg-35 micrograms</td>
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<td>BREVINOR®</td>
<td>norethisterone with ethinylestradiol</td>
<td>Pack containing 21 tablets 500 micrograms</td>
</tr>
<tr>
<td>NORINYL-1/28®</td>
<td>norethisterone with mestranol</td>
<td>Pack containing 21 tablets 1 mg-50 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>NORINYL-1®</td>
<td>norethisterone with mestranol</td>
<td>Pack containing 21 tablets 1 mg-50 micrograms</td>
</tr>
<tr>
<td>LOGYNON® ED</td>
<td>levonorgestrel with ethinylestradiol</td>
<td>Pack containing 6 tablets 50 micrograms-30 micrograms, 5 tablets 75 micrograms-40 micrograms, 10 tablets 125 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>TRIFEME® 28</td>
<td>levonorgestrel with ethinylestradiol</td>
<td>Pack containing 6 tablets 50 micrograms-30 micrograms, 5 tablets 75 micrograms-40 micrograms, 10 tablets 125 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>TRIPHASIL® 28</td>
<td>levonorgestrel with ethinylestradiol</td>
<td>Pack containing 6 tablets 50 micrograms-30 micrograms, 5 tablets 75 micrograms-40 micrograms, 10 tablets 125 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>TRIQUILAR® ED</td>
<td>levonorgestrel with ethinylestradiol</td>
<td>Pack containing 6 tablets 50 micrograms-30 micrograms, 5 tablets 75 micrograms-40 micrograms, 10 tablets 125 micrograms-30 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>IMPROVIL® 28 DAY</td>
<td>norethisterone with ethinylestradiol</td>
<td>Pack containing 12 tablets 500 micrograms-35 micrograms, 9 tablets 1 mg-35 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>SYNPHASIC®</td>
<td>norethisterone with ethinylestradiol</td>
<td>Pack containing 12 tablets 500 micrograms-35 micrograms, 9 tablets 1 mg-35 micrograms and 7 inert tablets</td>
</tr>
<tr>
<td>IMPLANON®</td>
<td>etonogestrel</td>
<td>Subcutaneous implant 68 mg</td>
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<tr>
<td>MICROLUT® 28</td>
<td>levonorgestrel</td>
<td>Pack containing 28 tablets 30 micrograms</td>
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<tr>
<td>DEPO-RALOVERA®</td>
<td>medroxyprogesterone acetate</td>
<td>Injection 150 mg in 1 mL</td>
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<tr>
<td>DEPO-PROVERA®</td>
<td>medroxyprogesterone acetate</td>
<td>Injection 150 mg in 1 mL</td>
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<tr>
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<td>norethisterone</td>
<td>Pack containing 28 tablets 350 micrograms</td>
</tr>
<tr>
<td>LOCILAN® 28 DAY</td>
<td>norethisterone</td>
<td>Pack containing 28 tablets 350 micrograms</td>
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</table>
(2) The Pharmaceutical Benefits Advisory Committee (PBAC) has only ever received one application since 1996 to list a low-dose contraceptive. This was considered at the PBAC meeting of December 1998. The PBAC recommended that Microgynon 20® (ethinyloestradiol with levonorgestrel) be made available as a pharmaceutical benefit. However, there was subsequently no agreement on a mutually acceptable price with the manufacturer and so the product was not made available as a pharmaceutical benefit.

In March 2004, consistent with an agreement with the pharmaceutical industry regarding recommendations more than five years old that have not been implemented, the PBAC rescinded the recommendation for listing.

(3) Yes. Hair loss or alopecia has long been recognised as a potential side effect from use of oral contraceptives, particularly with use of the older style products. The prescribing information for health professionals for nearly all older style products contains information on this potential side effect.

(4) Medicines are listed on the PBS on the advice of an independent, expert advisory body, the PBAC, which is comprised of doctors, other health professionals and a consumer representative. The PBAC considers applications from companies for PBS listing having regard to the clinical effectiveness and cost-effectiveness (value-for-money) of medicines, in comparison with other available treatments.

Companies cannot be compelled to apply for PBS listing, but the PBAC will accept a submission at any time.

Employment and Workplace Relations
(Question No. 2769)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 26 March 2010:

What is the definition of ‘good faith bargaining’ in the Fair Work Act 2009?

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

The definition of good faith bargaining at Section 12, Part 1-2 of the Fair Work Act 2009 refers the reader to Section 228.

The Fair Work Act 2009 provides at Section 228:

(1) The following are the good faith bargaining requirements that a bargaining representative for a proposed enterprise agreement must meet:

(a) attending, and participating in, meetings at reasonable times;
(b) disclosing relevant information (other than confidential or commercially sensitive information) in a timely manner;
(c) responding to proposals made by other bargaining representatives for the agreement in a timely manner;
(d) giving genuine consideration to the proposals of other bargaining representatives for the agreement, and giving reasons for the bargaining representative’s responses to those proposals;
(e) refraining from capricious or unfair conduct that undermines freedom of association or collective bargaining;
(f) recognising and bargaining with the other bargaining representatives for the agreement.
(2) The good faith bargaining requirements do not require:
   (a) a bargaining representative to make concessions during bargaining for the agreement; or
   (b) a bargaining representative to reach agreement on the terms that are to be included in the agreement.

Deputy Prime Minister: Interstate and Overseas Travel
(Question No. 2773)

Senator Cormann asked the the Minister representing the Prime Minister, upon notice, on 6 April 2010:

With reference to the answer to question on notice no. 2465 (Senate Hansard, 22 February 2010, p. 109): Since 24 November 2007, how many nights has the Deputy Prime Minister stayed: (a) in each state and territory; and (b) overseas.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

Questions about the travel of the Deputy Prime Minister should be directed to the Deputy Prime Minister.