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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
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. 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
### Members 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]
RUDD MINISTRY—continued

Minister for Veterans’ Affairs and Minister for Defence Personnel
Hon. Alan Griffin MP

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

Minister for Home Affairs
Hon. Brendan O’Connor MP

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

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

Assistant Treasurer
Senator Hon. Nick Sherry

Minister for Ageing
Hon. Justine Elliot MP

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

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

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

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

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

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

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

Parliamentary Secretary for International Development Assistance
Hon. Bob McMullan MP

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

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

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

Parliamentary Secretary for Employment
Hon. Jason Clare MP

Parliamentary Secretary for Health
Hon. Mark Butler MP

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

Leader of the Opposition  
Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition

Hon. Tony Abbott MP

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>Shadow Minister for Tourism and the Arts and Shadow Minister for Youth and Sport</td>
<td>Mr Steven Ciobo MP</td>
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<td>Shadow Minister for Employment Participation, Apprenticeships and Training</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Assistant Treasurer</td>
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<td>Shadow Minister for COAG and Modernising the Federation</td>
<td>Senator Marise Payne</td>
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<td>Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women</td>
<td>Hon. Dr Sharman Stone MP</td>
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<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
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<td>Shadow Minister for Veterans Affairs</td>
<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<td>Shadow Minister for Seniors</td>
<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Special Minister of State and Scrutiny of Government Waste</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Infrastructure and Population Policy</td>
<td>Senator Cory Bernardi</td>
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<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets</td>
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<td>Shadow Parliamentary Secretary for Tourism</td>
<td>Mrs Jo Gash MP</td>
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<td>Shadow Parliamentary Secretary for Education and School Curriculum Standards</td>
<td>Senator Hon. Brett Mason</td>
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<td>Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action</td>
<td>Senator Simon Birmingham</td>
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<td>Shadow Parliamentary Secretary for Public Security and Policing</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
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<td>Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing</td>
<td>Dr Andrew Southcott MP</td>
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<td>Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector and Deputy Manager of Opposition Business in the Senate</td>
<td>Senator Mitch Fifield</td>
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<td>Senator Gary Humphries</td>
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<tr>
<td>Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry and Shadow Parliamentary Secretary for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Richard Colbeck</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

COMMITTEES

Fuel and Energy Committee
Meeting
Senator CORMANN (Western Australia) (12.31 pm)—by leave—I move:
That the Select Committee on Fuel and Energy 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 pm.
Question agreed to.

Community Affairs References Committee
Meeting
Senator SIEWERT (Western Australia) (12.31 pm)—by leave—I move:
That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.15 pm till 5 pm, to take evidence for the committee’s inquiry into the impact of gene patents on the provision of healthcare in Australia.
Question agreed to.

EXCISE TARIFF AMENDMENT (TOBACCO) BILL 2010
CUSTOMS TARIFF AMENDMENT (TOBACCO) BILL 2010
First Reading
Bills received from the House of Representatives.
Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.32 pm)—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 STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.33 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—
Excise Tariff Amendment (Tobacco) Bill 2010
This Bill seeks to establish in legislation the increase in the excise applying to tobacco products. On 29 April 2010, the Prime Minister and I announced that the excise on tobacco products would increase by 25 per cent on and from 30 April 2010. This has seen the excise on cigarettes rising from 26.22 cents per stick to 32.78 cents per stick, and the excise on other tobacco, such as loose leaf tobacco, from $327.77 per kilogram of tobacco content to $409.71 per kilogram of tobacco content. The excise-equivalent customs duty on comparable imported tobacco products has been increased by the same amount.
This legislation that I introduce today will confirm the increase in excise and, together with the Customs Tariff Amendment (Tobacco) Bill 2010, will provide an extra $5 billion over the forward estimates. This revenue, along with existing revenues from tobacco, will be directly invested in better health and hospitals through the National Health and Hospitals Network Fund.
Smoking kills over 15,000 Australians every year, and has been the largest preventable cause of disease and premature death in Australia. The social costs of smoking (including health costs) are estimated at $31.5 billion each year. Annually, over 750,000 hospital bed days are attributable to tobacco-related diseases.
Through tough action over the past two decades, including tax increases and bans on advertising, the number of daily smokers in Australia has been reduced from 30.5 per cent of the population aged 14 and over in 1988 to 16.6 per cent in 2007. This
is important progress, but we can and must do better.

This measure alone is expected to cut tobacco consumption by around six per cent and the number of smokers by two to three per cent or around 87,000 Australians. Cutting smoking will save lives, take pressure off our hospitals, and deliver significant social and economic benefits.

Full details of the Excise Tariff Amendment (Tobacco) Bill 2010 and the Customs Tariff Amendment (Tobacco) Bill 2010 are contained in the explanatory memorandum.

I commend this Bill to the Senate.

Customs Tariff Amendment (Tobacco) Bill 2010

The Customs Tariff Amendment (Tobacco) Bill 2010 is the second of the related Bills which will increase the rates of duty for tobacco products.

The Customs Tariff Amendment (Tobacco) Bill 2010 contains amendments to the Customs Tariff Act 1995, in respect of imported tobacco products, that are complementary to the amendments to the Excise Tariff Act 1921.

These amendments increase the rates of customs duty for those subheadings in the Customs Tariff that apply to tobacco, cigars, cigarettes and snuff. The increase in the rates of customs duty is 25%, which is the same as the increase in rates of excise duty.

The increased rates of customs duty will apply to tobacco products imported from all countries, including those goods imported under any of Australia’s Free Trade Agreements.

These amendments will ensure that the rates for customs duty on imported tobacco products are the same as the rates of excise duty on those goods when produced in Australia. Again these amendments will reduce the numbers of smoking related diseases and fatalities in Australia.

As with the amendments to the excise applying to tobacco products, the amendments to the Customs Tariff will also take effect from 30 April 2010.

Senator FIERRAVANTI-WELLS (New South Wales) (12.33 pm)—I rise today to speak on the Excise Tariff Amendment (Tobacco) Bill 2010 and Customs Tariff Amendment (Tobacco) Bill 2010. These bills will see a 25 per cent increase in the cost of cigarettes and tobacco products aimed at reducing the number of people who smoke. This is the first increase above inflation in the taxation on tobacco in over a decade.

Given that the total cost to Australian society of tobacco is estimated at $31.5 billion each year, reducing the number of people who smoke and the quantities that people smoke is vital. The decline in smoking rates in Australia—a fall of 40 per cent for men and 44 per cent for women between 1989 and 2007—has been amongst the largest in the OECD. It is a fact that the fall in tobacco smoking in the population aged 14 years and over, from 23.9 per cent in 1995 to 17.4 per cent in 2004, saw Australia with rates amongst the lowest in the world.

The coalition government made significant inroads into smoking prevalence and tobacco control. In 2004, Australia formally ratified the World Health Organisation Framework Convention on Tobacco Control, which provides a global policy framework for strong measures against the death and disease caused by smoking. Tobacco advertising was banned at all sporting events in Australia from 1 October 2006. Since March 2006, all Australian manufactured and imported tobacco product packaging has been printed with graphic coloured health warnings and the Quitline number and web address. Under the coalition government, pharmaceuticals to assist with quitting smoking were listed under the Pharmaceutical Benefits Scheme and nicotine replacement therapies, patches, gum and lozenges were designated GST free.

The legislation proposed responds to some of the recommendations of the National Preventative Health Task Force, which handed down its findings last September and which the government finally responded to in full
on budget night. The bills also respond to Mr Rudd’s cash splash to the Labor premiers at the COAG health meeting on 20 April to ensure that his mates around the country signed up to his grand plan for health. The ‘local’ does not mean ‘local health plan’ that Kevin Rudd announced on 3 March and then conveniently used the Preventative Health Task Force as cover to help pay for his plan by raising excise on tobacco on 29 April. I quote:

The Rudd government today announced a comprehensive package targeting smoking and its harmful effects, including an increase in the tobacco excise of 25 per cent. This increase in tobacco excise will provide an extra $5 billion over four years which, along with existing revenues from tobacco, will be directly invested in better health and hospitals through the National Health and Hospital Network Fund.

It is a pity that the Prime Minister is searching for golden dollars for a hurried and doomed health and hospital plan that is more about spin than substance.

I would like to focus on this if I may. The health reform plan advertising campaign says:

Run locally, the new network will give local senior doctors and health experts a greater say …

We saw the Prime Minister at the National Press Club waxing lyrical about how his grand plan, where doctors were going to run these hospital networks locally. What a load of spin that was, because, like most things the Prime Minister says these days, sooner or later it will all come unravelled.

It is specifically stated at page 14 of the agreement that the Prime Minister drew up with the states in relation to health that the clinical expertise in relation to the local hospital networks will come from outside—I stress: that is the starting point—the local hospital network. All this drivel we hear about a hospital network that is going to be run locally is just that: absolute, unadulterated drivel. This Prime Minister has once again—

Senator Stephens—I rise on a point of order, Madam Acting Deputy President. We are here debating the Excise Tariff Amendment (Tobacco) Bill 2010. I think that Senator Fierravanti-Wells has lost her way.

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

Senator FIERRAVANTI-WELLS—I have not lost my way, because the Prime Minister is directly linking the money that he is raising from this exercise to his grand plan. So if he wants to tell us that he is going to use the money that he is supposedly raising from this new revenue on tobacco to pay for his grand plan, then I am fully entitled to talk about the grand plan, because that is supposedly where the money is going. In fairness, I am fully entitled to expose this plan for the fraud that it really is.

As I was saying, here we have this grand plan and the local doctors will be coming from outside the local hospital networks. This is deception of the utmost proportion and needs to be exposed. The government is running a deceptive advertising campaign, using our money. This is not even legislated yet and there they are, wasting almost $30 million selling a deceptive public campaign that is wrongly telling us ‘federally funded, locally run’. The campaign should be withdrawn and, at the very least, the government should correct the record.

It was not surprising to read in the Australian Financial Review on Wednesday, 9 June 2010, that the hospital ‘grand plan’ was among the key decisions that were taken without cabinet approval. The report said that the decision was made by the Strategic
Priorities and Budget Committee, known as 'the kitchen cabinet' or 'the gang of four'. The article went on to say:

... ministers arriving at cabinet meetings were given folders that they could look at, but not take out of the room, containing decisions already taken by the SPBC that they were expected to endorse without discussion.

I wanted to place that on the record, because it is very, very important that this charade that is now being played out in the public arena about this so-called grand hospital plan which is going to be run locally is exposed. Just like we see with the mining industry, Mr Rudd is spending millions of taxpayers’ dollars to argue his partisan political case on health, and he is just not telling the truth.

I will now go back to the issue of tobacco. According to the World Health Organisation, tobacco is the second highest cause of death in the world. It is responsible for about one in 10 adult deaths or five million deaths each year. As awareness of the negative impacts of smoking tobacco has increased, the proportion of people who smoke has declined. Yet tobacco contains an addictive stimulant in the form of nicotine, which does mean that quitting smoking can be very difficult. According to data released in 2007 by the Australian Bureau of Statistics, Australia still has one of the lowest smoking rates in the OECD, with around 17 per cent of people aged 15 years and over smoking every day. However, Indigenous Australians are far more likely to smoke, with those in remote communities even more likely to do so. One in five Indigenous deaths is attributed to smoking—that is, 20 per cent of the Indigenous population. Higher rates of smoking can also be observed within lower socio-economic communities and in other disadvantaged groups.

The National Preventative Health Taskforce identified that around 41 per cent of pregnant teenagers, 38 per cent of unemployed people, 34 per cent of people unable to work, 32 per cent of people with a mental illness, 78 per cent of male prisoners and 83 per cent of female prisoners are smokers. These are all groups where price increases for tobacco should have a real impact. The coalition government was often criticised for not doing enough for preventative health, and today I would like to set the record straight on a number of things. I would like to remind the chamber that the Leader of the Opposition, Tony Abbott, was a very successful health minister from 2003 to 2007 and, among his achievements in preventative health were: an estimated annual expenditure of $443 million on vaccines in 2007-08 under the National Immunisation Program—an increase from $13 million in 1996; over $715 million committed to improve Australia’s responsiveness to national emergencies; various programs in relation to trauma response, skin cancer awareness and—directly relevant to today’s debate—the coalition committed around $715 million from 1996 to 2010 to support national smoking cessation activities, including $25 million over four years to reduce smoking rates amongst youth through the youth tobacco campaign.

There has been a lot of discussion about, allegedly, Tony Abbott’s record not being successful. I think that the facts prove that he was very successful and had many achievements as Minister for Health and Ageing. Other achievements: when we came into government in 1996, we increased spending on health by $19.5 billion per year to $52 billion a year by 2007 and we made a record investment in public hospitals. Increasing the private health coverage from the low 30 per cents to the mid 40 per cents was. I think, one of our most successful achievements. As I said, immunisation rates rose. The fall in smoking rates over Mr Abbott’s term as health minister is an achievement in that
portfolio that the Prime Minister and Minister Roxon ought to look at emulating.

The coalition acknowledge that increasing the cost of cigarettes and tobacco has proven to be a financial incentive for people to quit smoking, thereby reducing the long-term strain on the hospital and healthcare system. This coalition, when elected at the next election, will continue this commitment to the Australian people. Ours is a genuine commitment to resolve to improve services in public hospitals and to improve the coverage of private health insurance beyond the 10 million people who have private health insurance now in our country, because we want to ease the burden on our public system. We want to make sure that mums and dads who are waiting long periods of time in emergency departments in the early hours have better and faster access to health professionals. We want to make sure that we continue our work in government to improve health outcomes.

We have some very good statistics in this country when contrasted with similar countries and that is something we can be very proud of. We have a lot of graduating doctors coming through the system. While some medical students have expressed concerns about when they will be trained and where they will be doing their internships, these people have not just popped out over the two-year mark of the Rudd government; they are people who went to university because of new places created when Tony Abbott was health minister and when we were in government. So we want to make sure that after the next federal election we fix the mistakes this government has made in health.

There has been a lot of waste of money in health. We cannot go beyond the spectacular failure that we are seeing with the GP superclinics. Thirty-seven GP superclinics were promised by this government before the last federal election. How many are now operational? Two and a half of the 37 superclinics are now operational. Then they said, ‘We are going to have another 25.’ They have the most deceptive information on their website about this—and we trawled this through the recent estimates hearings as well. If you go on the government website, you will see this great map of Australia with the GP superclinic locations—all 37 of them. They do not say in the print—they do not say anywhere—that only 2½ are operational. They are giving the impression that their GP superclinics are all out there and all up and running.

When you look at how these superclinics are going to work, they keep telling us: ‘No, no, no. We’re not into big bureaucracy.’ But you only have to look at one of the GP superclinics—and again we trawled this through the recent estimates hearings—to see the absolutely amazing bureaucracy that each of these superclinics is going to have to go through to be established as a GP superclinic. There are going to be steering committees, there are going to be advisory committees, there are going to be local reference groups and the bureaucracy will just go on and on and on. How are we actually going to get better outcomes for people? Whether it is for smoking or diabetes or anything else, one only has to look and ask oneself: how is this litany of bureaucracy actually going to deliver better health outcomes for this country? That is the real question.

How can it, with the Rudd government having thrust this country into enormous debt? We started with over $20 billion in the bank. This is a government which, instead of spending money on health, is wasting money on all sorts of things—pink batts, the BER, useless school facilities, overcharging. There is a whole litany of wastage of money. Look at the state of today’s economy and the billions of dollars in interest each year that we will have to pay just to pay off Labor’s debt.
The budget deficit for this coming year is a massive $40.8 billion, the second biggest since World War II. The Rudd Labor government will need to borrow $700 million a week—that is, $100 million a day. That is, somebody said, the value of two jumbo jets a day to fund its reckless and wasteful spending. What is this going to do? It is going to put upward pressure on interest rates and on the cost of living for Australian families.

Do you know who is going to end up paying for all this reckless spending? I notice that in the public gallery today there is a group of young people. I say to them: your generation is going to pay the debt of this government. You will be paying this debt off for years and years. So, when you are doing that, think back to Mr Rudd and today. This is always the legacy of a Labor government. It is always red ink and it is always a lot of spending. It will make it a lot harder to invest in health and the sorts of programs—like tobacco, which we are talking about today—when we see a Labor government that thrusts this country into debt. As I said, this will be the burden that future generations will carry.

We want to invest further in health at the same time as managing the Australian economy responsibly. We do not oppose these bills. There is a lot more that needs to be done in this area and in health generally. There needs to be a massive redirection of investment in health, and the coalition is the only party at this election that will stand to serve the Australian people in getting better health outcomes for everybody in Australia.

Senator KROGER (Victoria) (12.52 pm)—I rise to speak on the Excise Tariff Amendment (Tobacco) Bill 2010 and the related Customs Tariff Amendment (Tobacco) Bill 2010. As we have heard, the aim of both of these bills is to finally and retrospectively legitimise the appropriation measures the Rudd government introduced on 29 April, when it raised the tobacco excise by some 25 per cent overnight. The coalition will not oppose these two bills. I do not think anyone would suggest that smoking is not a terrible habit that causes social and personal problems, including the direct effect on health and the burden it places on the health system. Yet I do wish to comment on this legislation, which I support, despite having reservations about the purpose, target and effectiveness of this measure.

The increase in excise is budgeted to raise $5 billion over the next four years. Without this increase in excise the Rudd Labor government has no chance of returning the budget to surplus in the near future. So it makes one question what the actual reason behind this is. The policy was announced overnight and it makes one question whether it was thought through before it was drafted. It brings to mind so many other policies the government has introduced over the last 12 months that have failed because they were poorly thought through, rushed through this place and then very irresponsibly implemented.

It is clear that the government, when putting its budget papers together, understood the financial mess that it had created and which we are now dealing with. All governments have two courses of action when getting into debt: they either reduce their spending or raise taxes, whilst delaying the implementation of perhaps expensive programs such as the shelving of the much mooted ETS. The $5 billion tobacco tax and the $9 billion resources tax are both polices made on the run and should be seen for the desperate tax grabs that they both are. The Australian people are not fools and they see both of these proposals as such. The rush to implement both of these policies is in part responsible for the complete failure of the Rudd government to articulate, demonstrate and
sell why they are good public policies. I question how they can sell an increase in tobacco tax as a way to lower tobacco consumption whilst suggesting that a hike in mining tax will actually increase the amount of mining investments.

But let us refer to the measure itself, which Mr Rudd has referred to as a ‘crackdown’ on smoking. Mr Rudd announced in a press release:

This measure alone is expected to cut total tobacco consumption by around six per cent and the number of smokers by two to three per cent—around 87,000 Australians.

As we know, the Prime Minister is rather inclined to use over-the-top language. He is a tad florid in the way he likes to describe things. In the past we have heard him articulate a war on everything—a war on inflation and unemployment, a war on pokies, a war on drugs in sport and a war on bankers’ salaries. It is interesting, though, that he has promised a mere crackdown on tobacco. He is clearly learning that a declaration of a war on everything does not translate to the development of good public policy and its implementation.

Putting this notion aside, one can only hope that the measure will deliver on the desired outcomes. There is absolutely and unquestionably no doubt that smoking is bad and puts immense pressure on the Australian economy. It is estimated that the Australian economy loses around $5.4 billion in lost productivity each year and we all hope that this measure will indeed stop people smoking. But it would be irresponsible of us in this place not to question whether this legislation will achieve that aim.

As a Liberal, I am a strong supporter and advocate for the use of market instruments to deliver outcomes. Price incentives are generally the most appropriate measure to create a change in people’s behaviour, but there are exceptions to this rule—and this is especially the case when we are talking about social behaviour, particularly addictions. Most Australians who have smoked or who still smoke would have all said the words ‘I’ll give it up tomorrow’ and have meant it. They know that their habit affects their health, their lifestyle and their families. Some medical research suggests that nicotine addiction is as powerful, or even more powerful, than heroin addiction. Senator Fierravanti-Wells has already talked about the effect of nicotine’s addictive nature.

If this is the case, then understandably quitting is a serious challenge that some will struggle with. Research also indicates that there is a high incidence of smokers in socially disadvantaged communities, including the Indigenous population. It concerns me greatly that people in these communities will not have the capacity or support that may be necessary to reduce—or, ideally, quit—smoking and they may possibly spend less on essentials, such as food, in order to support their continuing smoking habit. In effect, for many of these people an increase in excise will just disadvantage them further.

It is true that, since Australia took a tough stance on tobacco, smoking rates have continuously declined. It is heartening to see that especially in the younger population people are less likely to become smokers today. I am absolutely proud of the stance that the former coalition government took. It is through education that among the younger generation, the 18- to 24-year-olds—who are well and truly represented in the gallery here today—there is a culture of intolerance to smoking. That is something I applaud and something we have to endeavour to encourage and continue. Recent ABS data shows that only 23 per cent of 18- to 24-year-olds are smoking, compared with 36 per cent in 1990. So there has been a dramatic decline. The number of Australian smokers has declined overall by
24 per cent in the same period. Education is a critical component in the fight, and I am concerned that in this legislation there is only a modest attempt to address this.

In the recent budget, the Rudd government announced an investment of an additional $27.8 million over four years in the rebadged National Tobacco Campaign targeted approach, bringing the total amount to be spent in this campaign to $85 million in total over the next four years. When you work this out per smoker this equates to only an extra $2.30 per smoker per year to help them quit their habit. Considering the significance of what we are talking about here, it is a drop in the ocean. We need to put this in the context of $126 million that is being spent on advertising a shelved ETS, a vilified mining tax, an irresponsible NBN proposal, COAG health reform that is, as Senator Fieravanti-Wells aptly described it, without substance or sense and a PPL scheme that has not passed this place yet. One has to question the motivation of this government, and it seems to be linked more to the timing of an election.

The other area that seems to have been given little consideration is the potential impact on illicit trade. There does not seem to be any reference to it in the bills, the Bills Digests or the budget papers, which is concerning. This so-called crackdown on tobacco does not include any new funding or initiatives for addressing a possible increase in the illegal trade in tobacco. According to a recently published study, illicit trade is a huge problem. The consultants PricewaterhouseCoopers have found that the illegal tobacco industry is costing the nation some $600 million a year in lost revenue. This is a huge black market that is happening out there every day. They estimate that more than 12 per cent of all tobacco consumed in Australia is illegal and thus escapes excise. These figures were published in February, long before the increase in excise was announced. Even back then, the study said that avoiding tax was what drove illegal tobacco sales. Any increase in excise should include the consideration of the incentive for criminals to sell illegal tobacco on the black market. It should be addressing this very significant problem.

In Senate estimates we learnt that the federal government has no plans to tackle the illegal trade in tobacco which this tax hike will surely exacerbate. There will be no extra resources allocated to help Customs and Border Protection combat the expected surge in this trade. I have also been advised that illicit tobacco is an unhealthier product, if that is possible, because it contains a lot of contaminants and chemicals in addition to those found in legal tobacco. The other part of the government’s so-called crackdown on tobacco is its intent to introduce plain packaging. Whilst this is covered with a different set of bills, it impacts on the effectiveness of the legislation before us, as it will be a lot easier for providers to sell illicit tobacco.

Any genuine measures to improve the health and wellbeing of Australians are a good thing, but we must look at whether this legislation is actually the best way to achieve this outcome. As was demonstrated under the former coalition government, education is critical and should be front and centre of all endeavours to reduce the incidence of smoking. No government should hide behind the easily uttered claim of improving health outcomes whilst there is the very real danger that this measure will not live up to its expectations and will become only a means to increase tax.

Senator XENOPHON (South Australia) (1.05 pm)—I welcome the government’s move to increase the tobacco excise. I do have reservations, though, in the context of the whole issue of preventive health and I
believe that this debate ought to be seen in that context. I do welcome that cigarettes are more expensive and that this will lead to a decline in consumption but I am concerned about the overall policy framework in relation to this. I am grateful for the advice and material provided to me over my years both in this place and in my former role in the South Australian parliament by Action on Smoking and Health, in particular its executive director, Anne Jones, who has been a tireless campaigner on the health effects of smoking.

Michelle Scollo and Margaret Winstanley, two of Australia’s leading tobacco researchers, have estimated that in the 50 years between 1950 and 2000 smoking killed approximately 679,000 Australians and in 2004-05 the social cost of tobacco was $31½ billion. Raising the excise on tobacco products and therefore increasing the cost to consumers is a good deterrent, but the deterrent must be seen in the context of a range of other policies.

It concerns me that it has been shown that there is a real difficulty in reducing the rate of smoking amongst young women and teenage girls and that, in some respects, the rate of smoking for that group has gone up. It reminds me of work carried out by Malcolm Galdwell, who wrote *The Tipping Point* a number of years ago. He talked about social phenomena and how difficult it was to get a change in behaviour. In his book, *The Tipping Point*, a chapter on teenage smoking was quite instructive about the difficulty in getting the message across and the way that social marketing campaigns had not worked in the United States a number of years ago in relation to tackling teen smoking. I think we should learn from that sort of research and learn from the mistakes of the past in getting the message across to young people.

I note that the government will be raking in an extra $5½ billion in revenue. That is a good thing in the context of what the social objectives are. What is not so good is that the government has committed just $5 million of that to support Quitline and another $27.8 million over the next four years to address social marketing of tobacco. The government is also considering a subsidy for nicotine patches—something I have long campaigned for, which I believe will make it easier for people to quit smoking. I note a study in the *British Medical Journal* back in August 2000 on the effectiveness of interventions to help people stop smoking and findings from the Cochrane Library. It made the point that, overall, nicotine replacement therapy:

... increased the chances of quitting about one and a half to two times ... whatever the level of additional support and encouragement.

So it is about having that critical mass, in a sense, of a range of measures that actually get people to that tipping point of wanting to quit smoking. I think it is important that the government uses a proportion of these funds, this $5½ billion, to ensure that nicotine replacement therapy is subsidised.

If the government wants to lower our smoking rates, it needs to be serious about providing smokers with that support. The stories I have heard from those who work as Quit counsellors were that they were inundated with calls for help and support and that quit lines around the country have had trouble coping with that. I commend the work that Quitline and the counsellors do at the frontline in assisting people to quit smoking. They need to be adequately resourced, and it is a concern that the government is only throwing scraps at this problem in the context of the revenue that they are getting.

I agree with public health experts, such as Professor Fran Baum from Flinders University, an internationally acknowledged expert
in preventative health, who says that we do not spend enough in this country on preventative health. Three per cent of the health budget goes towards preventative health. Whilst it looks good for governments of whatever persuasion to be opening up hospital wards and making more beds available, let us stop people getting sick in the first place. Let us have the philosophy that it is much better to have a fence at the top of the cliff rather than the best equipped ambulance at its base.

My concern with this legislation, the Excise Tariff Amendment (Tobacco) Bill 2010 and the Customs Tariff Amendment (Tobacco) Bill 2010, is that there is an opportunity here to make a considered effort with respect to prevention measures, but I do not believe the government is doing anywhere enough in relation to that. I understand the coalition’s view, in that they do not want to hold this up, but my view is that we should hold this up until we get some more specific undertakings from the government, better funding for Quitline, better funding for nicotine replacement therapy and more money to address social marketing of tobacco. We know how insidious and how cunning tobacco companies are in marketing their wares on, for example, Facebook and in social marketing media in order to continue to get young people to take up smoking—the tobacco addicts of tomorrow. The government needs to be mindful of the money that is going to Quitline and ensure that they have enough resources to assist people.

The revenue from this increased tax can help offset some of the costs associated with tobacco use, such as health care for people with tobacco related illnesses. But let us stop people taking up smoking in the first place or encourage those who do smoke to quit. I believe that subsidising nicotine replacement therapies is a vital part of preventative health care. I still think that there is not enough emphasis on prevention in terms of the overall health framework. I agree with Professor Baum and others who say that we do not have enough of an emphasis on prevention.

The way that tobacco products are sold and marketed also has a huge impact on preventative health, in the way that spending more now to stop people taking up smoking will save money in the long run. There seems to be a blinkered approach by governments—and I am not singling out this government; I think it is just one of the issues of modern government—in that they do not look beyond the next election cycle or the forward estimates, the four-year cycle. However, we know that if we stop people smoking now there will be significant benefits to public health and to the health budget in years to come. It may be 10 or 15 years, but there are still significant benefits in terms of fewer people getting emphysema, lung cancer, gangrene and a whole range of smoking related diseases.

This needs to be seen as part of a broad package. Legislation restricting the sale of tobacco products and stating how they can be displayed and marketed is generally establishing control by state governments. This has resulted in a patchwork of laws across the country, with some states far ahead of others in areas such as the visibility of tobacco products in retail outlets. My home state of South Australia has been lagging behind on this and has been awarded the ‘dirty ashtray’ award for the second year in a row by the Australian Medical Association for the Australian state or territory that made the least progress in combating smoking during 2009-10. I note that on World Tobacco Day the South Australian government made some announcements to the effect that they would be tightening that up, but we have still been lagging behind the rest of the country.
The Commonwealth does have a role to play in this. When it comes to tackling the visibility of tobacco products, the Commonwealth does have the power to deal with it. It can use its various Commonwealth powers—under trade practices laws, for instance—to ensure that there can be further restrictions at a national level if states are lagging behind in relation to that. I think it is something that ought to be done in the context of this big change in terms of tobacco excise.

I have some specific questions to the minister in relation to this. Can the minister advise, in the context of this package of measures, how the government proposes to measure declines in smoking rates amongst various demographics on an annual basis? That information ought to be made available. In terms of demographics, it should include various age groups—teenage girls, for instance—and Indigenous communities.

I acknowledge that, with respect to Indigenous smoking rates, the government recently announced some initiatives which are welcome and should be commended. But how do we measure the success of any measures—not only in terms of our smoking rates overall, but also in terms of specific demographics where there has been a real difficulty in getting smoking rates down? I think that Senator Stephens is aware, more than most, of the devastating effect that tobacco has had on Indigenous communities, and that is why it is good that the government has been moving on that recently in terms of additional measures.

I think that it is also important that the government indicates how it will determine the efficacy of measures such as the $27.8 million set aside to address tobacco’s social marketing. How will that be measured? What independent, objective yardsticks will there be to determine the effectiveness of those measures? And what assurances do we have that, if quit lines are struggling to keep up with the additional demand of people wanting to quit smoking, there is a mechanism to ensure that those quit lines will not be starved of revenue, in order that they can adequately deal with those who want to quit so that they do not get left on hold or called back a couple of days later, as has occurred on some occasions, because the very fine staff of quit lines around the country have been struggling to keep up with demand?

Further, what is the government planning to do in terms of antitobacco ads or tobacco control ads to encourage people to deal with issues such as this? In other words, what campaigns will there be? What emphasis will there be in terms of targeting social networking sites? And how will we deal with the issue of tobacco companies using ways and means to get around bans on tobacco advertising? I think Senator Stephens may well be aware of the tricks that tobacco companies have got up to in terms of Hollywood movies where smoking is featured. There has been a suggestion, which I have been an advocate for, that, if a movie depicts smoking in a favourable light—and this is not about censorship—then at the very least there should be some antitobacco ads before the film is screened as a way of neutralising or dealing with that impact.

So these are some of the questions that I would like answered. How effective will this be? How will it be measured? Will quit lines be getting a look in? And what time frame is there for nicotine replacement therapy to be looked at by the government? I understand that it is being considered, so a time frame for that would be welcome.

My preference is that we should wait to deal with this bill until we receive firm undertakings from the government, because I do not believe that the money that has been set aside for prevention measures is reason-
able, given the revenue that the government will be bringing in, and given the nature of the problem and the need to reduce our smoking rates as quickly as possible, particularly amongst young people.

Senator SIEWERT (Western Australia) (1.18 pm)—Let me start by saying that the Australian Greens welcome this legislation—the Excise Tariff Amendment (Tobacco) Bill 2010 and the Customs Tariff Amendment (Tobacco) Bill 2010. It is a key recommendation of the Preventative Health Taskforce and has been endorsed by bodies such as Cancer Council Australia, the Australian Medical Association, the Australian Nursing Federation, the Heart Foundation and the International Union Against Cancer.

Tobacco use, as we know, is the single biggest preventable cause of death and disease in Australia. Over three million people—around 18 per cent of Australians aged 14 years and over—still smoke, with almost 2.9 million smoking on a daily basis. Around half of these smokers who continue to smoke for prolonged periods will die early—half of them in middle age, when children and grandchildren depend on them and while they are in the most productive years of their working lives.

Between 1950, when clear evidence of the dangers of smoking became available, and 2008, more than 900,000 Australians died because they smoked. My grandmother was one of them. This toll will exceed the million mark within a few years. With a huge body of evidence now providing clear evidence on the most effective means of reducing smoking, both at the population level and in clinical settings, there is no reason to allow the smoking epidemic to continue for another 60 years. If the prevalence of daily smoking is reduced to nine per cent or less by 2020, experts believe that smoking will continue to decline quite rapidly until it is no longer one of Australia’s major public health issues. Achieving this target will require a dramatic reduction in the number of children taking up smoking and a doubling of the percentage of smokers trying to quit.

Smoking resulted in an estimated 15,511 deaths in 2003, and the cost to the Australian community was around $12 billion—and that is in tangible, net costs in 2004-05. This figure includes items such as spending on healthcare services, subsidies for drugs for people sick because of smoking, and extra spending on staff to replace people ill and away from work or who have left the workforce because of smoking related illnesses. Intangible costs in 2003 totalled more than $19 billion. While the intangible costs of tobacco, such as the loss of enjoyment of life and the pain and suffering of smokers and their families and friends, are not things that can be easily measured, they must—absolutely must—be taken into consideration and cannot be ignored.

A report by the Department of Health and Ageing assessing the returns on investment in public health in Australia estimated that the 30 per cent decline in smoking between 1975 and 1995 had already prevented over 400,000 premature deaths and saved costs of around $8.4 billion. Modelling on the impact of reductions in smoking on healthcare expenditure indicates the potential for substantial further savings. Now, 25 years after the introduction of the first series of policies to discourage smoking, the use of tobacco products in Australia is at a historic low. But in this country we are still left with the scenario in which a product remains on sale which is addictive, kills one in two regular users, causes cancers and cardiovascular and respiratory diseases and has myriad other harmful consequences. It harms non-users and damages the health of children and the unborn child.
In 2010, some 60 years since we had unequivocal evidence about the dangers of smoking, cigarettes will still kill some 15,000 Australians, including 1,200 in my home state of Western Australia. Smoking remains our leading cause of preventable death. It causes 20 per cent of Indigenous deaths. The toll from smoking remains greater than the combined toll from road deaths, illicit drugs, suicides, murders, poisonings, diabetes, drownings and HIV-AIDS. We should be asking ourselves why it has taken 40 years to ban tobacco advertising. Why, until now, has there been no tobacco tax increase beyond the CPI for a decade when it was demonstrable that this was the most effective means of reducing smoking?

The Greens support this legislation, but we also call on the government to be a powerful voice amongst international leaders. We must be vigilant about the growing epidemic in developing countries as cigarette manufacturers cynically focus their attention from the developed to the developing nations, where there are fewer constraints on smoking and the communities are less aware of the dangers. Although smoking killed 120 million people in the 20th century, it will kill a staggering one billion people in the 21st century if nothing is done to check the increase in smoking in other countries.

Back home, we need increased funding for well-run public education and further support for disadvantaged groups. We acknowledge the recent further commitment of $5 million in funding for Quitline, but the Greens believe that more has to be done to target the most vulnerable groups of smokers. Smoking rates are rapidly declining among the more affluent but continue to be substantially higher among groups with lower levels of education and those living in disadvantaged areas. Indeed the decline in smoking rates among adults living in the most disadvantaged areas appears to have levelled off. In other words, we need to refocus efforts there.

Smoking rates among Aboriginal and Torres Strait Islander people are more than double those in the rest of the community. Among children living in households where at least one person smokes, those who live in disadvantaged areas are almost four times more likely to be exposed to second-hand tobacco smoke indoors than children living in some of our more well-to-do suburbs. Almost one in five pregnant women report smoking during pregnancy, including 42 per cent of teenagers and 52 per cent of Indigenous women. This poses risks to the mothers and has long-term and far-reaching effects on their offspring.

Quitting smoking provides extra funds in individual and family budgets which could be directed towards other household expenditure. The levels of improved fitness that result from giving up smoking can help people to make other lifestyle changes. Given that spending on tobacco products can increase financial stress, prevent the accumulation of wealth and contribute to the perpetuation of intergenerational poverty, tobacco control should be regarded not just as a health policy but also as a key strategy to help socially disadvantaged areas.

We can and should be doing more. The Preventative Health Taskforce calls for all remaining forms of promotion of tobacco, including marketing at the retail level, to be eliminated. They also call for a mechanism for the regulation of tobacco products. They say that all retailers of tobacco products should be licensed, with a limit on the number and types of retail outlets. They say that no tobacco products should be sold to children, that consumer information should be better targeted and that there is no gain in simply continuing a national advertising campaign and believing you can tick the box
and move on. We need to focus on getting the right message to the people who need to hear it most. This includes ensuring appropriate programs and services are in place for disadvantaged groups.

The public, particularly children, need to be protected from exposure to second-hand tobacco smoke. I note that laws on that issue differ around the country. To further reduce smoking requires a dramatic reduction in both the number of children taking up smoking and an increase in the number of people trying to quit. In Australia, the challenge is to halve the rate of smoking uptake and double the percentage of adult smokers who quit each year. If this could be achieved, smoking prevalence will reduce to that nine per cent by 2020, which I mentioned earlier, and then continue to decline quite rapidly.

In addition the Greens support the recommendations made by the Preventative Health Taskforce. We want to see further regulation of the tobacco industry with measures such as ending all forms of promotion including point-of-sale displays. We want to see an increase in the frequency, reach and intensity of education programs that personalise the health risks of tobacco and increase a sense of urgency about quitting among people in all social groups. We must ensure that all smokers in contact with the Australian healthcare system are identified and given the strongest and most effective available encouragement and support to quit. We must provide access to information, treatment and services for people in highly disadvantaged groups who suffer a disproportionate level of tobacco related harm. We also believe there must be an increase in the understanding about processes of social diffusion against smoking—how being a non-smoker and smoking cessation can become more ‘contagious’—so that these processes can be accelerated among the groups that are still smoking at significantly higher levels.

We believe these sorts of initiatives are absolutely essential. Like Senator Xenophon we support the funding of these measures through the additional funding collected through this increase in tax. Every year, 30 per cent to 40 per cent of smokers attempt to quit, but only one in 10 of these attempts to quit tends to succeed. Cancer Council Australia and many others tell us that tobacco control measures will reduce relapse rates and can help intending quitters to break their addiction. We know that, in the past, there has been resistance to progressive tobacco control. Some of it was based on a set of attitudes that were clearly unsupported by evidence and were based on what we think were poor excuses for inaction. While coordinated efforts to reduce the disease burden of tobacco have made Australia a challenging market for the tobacco industry compared with nations where there are fewer controls, almost one in five Australians continues to smoke, with Australian households spending more than $10 billion on tobacco products per year.

Finally, Cancer Council Australia say that increasing the price of tobacco products will decrease consumption in low-income groups more than in high-income groups. They point out that tax increases can cause financial stress for people on low incomes who continue to smoke. We believe that a proportion of the revenue from this tax should be given to support people on low incomes to quit through a variety of measures. We believe it is essential that we make sure that the groups that I have identified as still smoking at levels which are far too high are specifically targeted with marketing campaigns and also with serious funding. That will enable them to quit smoking and will also discourage new smokers, and children and young people, from taking up the habit.

This habit kills people, and that is why we support this tax increase. We all know that
when we are dealing with these sorts of issues we need a variety of measures, so the Greens support this legislation. But we strongly encourage the government to make sure that the other measures that we all know are essential in dealing with this issue are properly funded so that we achieve the aim of reducing smoking to nine per cent, because the evidence shows that once you get to that point smoking will rapidly decline. The Greens very strongly encourage the government to ensure that significant investment is made in these measures.

Senator SHERRY (Tasmania—Assistant Treasurer) (1.31 pm)—I would like to thank senators from all sides and all political parties who have made a contribution to the debate on the Excise Tariff Amendment (Tobacco) Bill 2010 and the Customs Tariff Amendment (Tobacco) Bill 2010.

By way of reminding senators, on 24 April 2010 separate notices were placed in the Commonwealth government’s special notices Gazette, publishing the government’s intention to increase the rate of excise and excise equivalent customs duty applying to tobacco products from 26.22c to 32.775c for cigarettes and from $327.77 to $409.71 per kilogram for other tobacco, such as loose-leaf tobacco. In accordance with these notices, on 12 May 2010 my colleague the Minister for Health and Ageing, Nicola Roxon, tabled tariff proposals in the House of Representatives which support this 25 per cent increase.

The Australian Taxation Office and the Australian Customs and Border Protection Service have been collecting excise and excise equivalent customs duty at the higher rate since 30 April 2010. The legislation we are debating today will formally confirm the higher rate in legislation. This higher rate of excise has widespread support from the experts. In 2008 the government initiated two major reviews which looked at the issue of taxation for tobacco. Both the national Preventative Health Taskforce and Australia’s Future Tax System Review recommended a substantial increase in tobacco excise. The government has acted on this advice, and this action has been endorsed by the Australian Medical Association, the National Heart Foundation, Cancer Council Australia, the Australian Nursing Federation, the Public Health Association of Australia and Action on Smoking and Health, amongst other public health groups. The health benefits from the measure are clear. Cigarettes are toxic and poisonous. Every year in Australia over 15,000 Australians die from smoke related illnesses, and smoking is estimated to cause one in five of all cancer deaths.

The government knows that prevention is better than cure. Tackling smoking is one of the best investments in keeping people healthy that it could make. The tax increase alone is expected to reduce consumption of tobacco by around six per cent and cause two to three per cent of smokers to quit altogether. That is around 87,000 Australians. We hope that Australians use this tax increase as an impetus to make the decision to quit and further that it will discourage teenagers from taking up the habit, given that young people are more responsive to price increases in tobacco than those of an older age.

The increase in the excise rate applying to tobacco is part of the government’s comprehensive package to reduce smoking prevalence rates. In addition to the tax increase, the government has taken strong action against tobacco advertising by removing one of the last frontiers for cigarette advertising. The government will introduce legislation to ensure that cigarettes in Australia are sold in plain packaging by 1 July 2012—the first in the world to do so. This reflects a recommendation from the Preventative Health Taskforce. The revenue from this increase,
along with existing revenues from tobacco, will be invested in better health and hospitals through the National Health and Hospitals Network Fund. That money is well spent, from anyone’s perspective.

I note that some senators have raised issues regarding support for smokers to quit. I can confirm this is a key priority that the government is taking action on. We are providing $115 million for two programs to tackle tobacco usage for Indigenous Australians. There is $85 million for social marketing campaigns, $294 million for healthier worker programs, which will include tackling tobacco usage in the workplace, and some $60 million per annum in subsidies for prescription drugs through the PBS to assist people to quit.

As senators have made mention of, the government has also received a recommendation from PBAC regarding nicotine replacement therapy, and we are considering that thoroughly, as we do all potential listings on the PBS. In his contribution Senator Xenophon asked how the government will measure the success of this measure. The Australian Tax Office clearance data and data from the Australia Bureau of Statistics will be used to show whether this measure has been successful. Obviously it is too early to provide any meaningful statistics. The government will monitor the data closely, and figures for May 2010 will be released by the ABS on 21 June 2010. The effectiveness of all campaigns is monitored and examined, and this will be improved through the prevention agency when that has been approved by the Senate. That agency will have an important role in oversights the effectiveness. In addition, the statistical material that I have referred to will become available in time from the ATO and the ABS.

To conclude, I would again urge the Senate and the parliament to support the bills, to increase the excise and excise equivalent customs duty applying to tobacco. I acknowledge the support from all sides. I have to say that, on any measure, it is relatively rare. I thank all of the political parties—the Liberal-National Party opposition, the Greens, Independent Senator Xenophon, Senator Fielding’s Family First—for the very strong support this legislation enjoys. The passage of the bills will allow investment in better health and hospitals for all Australians. But I think critically and most importantly, ultimately, it will see a reduction in smoking levels in Australia. I thank the Senate.

Question agreed to.

In Committee

Bills—by leave—taken together and as a whole.

Senator XENOPHON (South Australia) (1.40 pm)—My questions to the minister are fairly straightforward. Firstly, will the statistics on smoking rates amongst various demographics, including Indigenous communities and teen smokers, be published on an annual basis? Secondly, will the needs of quit lines and other agencies that assist people to quit smoking be monitored and will the government undertake to favourably consider such a request to ensure that there are adequate resources to deal with those services that help people at the front-line to stop smoking? Thirdly, in relation to the funding for the social marketing campaigns, can the government provide further details as to how that will be spent in dealing with some of the pernicious ways the tobacco industry are trying to get around tobacco advertising bans through their work on social networking sites and the like? Fourthly, on the issue of the nicotine replacement therapy, what time frame is the government looking at with respect to such therapy, given the recommendations that have been made by the Preventa-
tive Health Taskforce to provide such therapy to smokers to assist them to quit smoking?

Senator SHERRY (Tasmania—Assistant Treasurer) (1.41 pm)—Senator Xenophon, I can provide you with some material on the survey but not all today. So I will take that on notice and get you further details. The National Drug Strategy Household Survey is conducted every three years by the Australian Bureau of Statistics. It is not done annually. I understand that the next survey will be carried out in the next few months and published. I do not have a date. That will give us some response data.

Senator Xenophon—Does that include teenage smokers?

Senator SHERRY—I am coming to that. It includes an age breakdown, so my assumption is—but I will get this confirmed—given that it does provide an age breakdown it will include teenagers, but I cannot say categorically. In respect of Indigenous communities, I cannot provide details. The sample size is too small. You may be aware that I have ministerial responsibility for the ABS. I will have a discussion with them to see whether or not we can improve the data collection set. I do not want to mislead you, Senator Xenophon. I would be surprised if we could do that for this survey coming up. Nevertheless, I will take it up with the ABS as well as, going forward beyond the next three-year data publication, seeing what can be done about the time frame of collecting data in this area, including data representative of Indigenous communities. If I can get further information for you, I will. That is the commitment I give. I will meet with the ABS about any of the issues in your questions that cannot be responded to.

On the social marketing issue a panel of experts has been appointed. I understand that there is no argument about the make-up of the panel. They are, identifiably, a panel of experts in the area. They will be providing advice on the program—the marketing and make-up of the program—and we will have that by the end of the year. The intention is that the marketing program will commence by the end of this year. As yet I cannot give you any further information for the obvious reason that the panel of experts has just been appointed.

On the Pharmaceutical Benefits Scheme and the issue of nicotine replacement, it is up to the group who oversee the PBS to make recommendations on that. We do not have a recommendation. There is some analysis to be carried out on nicotine replacement medication, presumably. Some would be available via prescription; some may not be available by prescription. I simply do not know; that is just speculation on my part. Anyway, we are awaiting recommendations about the PBS on the matter of nicotine replacement.

Senator XENOPHON (South Australia) (1.45 pm)—I thank the minister for his answers. Firstly, in relation to the issue of surveys, given that the government is bringing in $5.5 billion in the forward estimates and that the effectiveness of any programs in terms of people giving up can, I think, be determined in a matter of months rather than over a three-year period, has the government considered undertaking any additional surveys—in addition to the ABS surveys and the health surveys undertaken every three years—in relation to this specific measure, for both the tobacco excise increase and the other associated measures, to see how effective this can be in reducing smoking? Is there any mechanism to monitor that so that the programs could be modified to ensure the efficacy of measures to reduce rates of smoking? I may be mistaken, but I think that the minister may not have specifically addressed the issue of quit lines. What consideration will the government be giving to the re-
sources of quit lines being stretched as a result of more people wanting to give up smoking because of the tobacco excise increase? Also, has the PBAC made a recommendation with regard to nicotine replacement therapy subsidies?

Senator SHERRY (Tasmania—Assistant Treasurer) (1.46 pm)—On the last issue first: yes, they have made a recommendation to government and that is currently before the government. On quit lines: amongst the other expenditures that I outlined there is $5 million which is being paid this financial year for Quitline. I am advised that quit lines are funded from state and territory governments—I do not have the level of their funding—so the Commonwealth has allocated $5 million for this financial year.

I need to correct an answer that I gave you earlier. That household survey is in fact conducted by the Australian Institute of Health and Welfare, not the ABS, and it is a three-year survey. There is a separate survey—excuse me, I am coughing.

Senator Xenophon interjecting—

Senator SHERRY—Don’t remind me!

Senator Fifield—No confession time!

Senator SHERRY—No, I have made my confessions. There is a separate survey for teenagers, the Australian Secondary Students Alcohol and Drug Survey, conducted by Cancer Council Victoria. That is obviously quite specifically a survey for teenagers. The alcohol and drug survey includes specific material on cigarette smoking.

In terms of the Australian Institute of Health and Welfare survey, again, I gave a commitment to speak to the ABS. They are not the organisation, but I will endeavour to ensure that they do incorporate data on the Indigenous community. I am advised that the data collected to date has been too small, but I accept your point and we will see if we can broaden that and make it deeper and more comprehensive in that area.

Senator XENOPHON (South Australia) (1.48 pm)—I thank the minister. I just want to try and crystallise this issue. In terms of the existing health surveys with respect to smoking—and I thank the minister for his answers in relation to this—is there any proposal to find some extra funding out of this $5½ billion that the government will be raising in the next four years to undertake any further, more forensic surveys so that government policies to help people to quit smoking will be better targeted? There is an enormous amount of revenue. There is a great opportunity here to ensure that we can bring smoking rates down as quickly as possible and also provide assistance to smokers. How will we know whether the program’s $27.8 million is being most effectively spent? I agree with the government’s intent, but how do we know that the implementation will be such that it will make a real difference, as deeply as possible, to reduce smoking rates?

Senator SHERRY (Tasmania—Assistant Treasurer) (1.50 pm)—In respect of further and broader research surveys and the gathering of data, it is proposed that the prevention agency—and I understand that that has not yet passed the parliament—will be allocated funds for the purposes of research survey work et cetera. Once that passes the parliament, and we hope it is soon, that agency will be able to develop and continue further survey work in this area.

Bills agreed to.

Bills reported without requests; report adopted.

Third Reading

Senator SHERRY (Tasmania—Assistant Treasurer) (1.51 pm)—I move:

That these bills be now read a third time.

Question agreed to.
Bills read a third time.

**PAID PARENTAL LEAVE BILL 2010**

**PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) BILL 2010**

**First Reading**

Bills received from the House of Representatives.

**Senator SHERRY** (Tasmania—Assistant Treasurer) (1.52 pm)—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 SHERRY** (Tasmania—Assistant Treasurer) (1.52 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—

**Paid Parental Leave Bill 2010**

This bill will introduce Australia’s first national Paid Parental Leave scheme to begin on 1 January 2011.

Eligible working parents of babies born or adopted from 1 January next year will receive 18 weeks’ parental leave pay at the Federal Minimum Wage.

The scheme is fully costed and funded by the Government. It is fair to business and fair for families.

This historic reform is a major win for working families who have been waiting decades for a national Paid Parental Leave scheme.

Australia is currently one of only two OECD countries without a national Paid Parental Leave scheme.

Today, with this legislation, we catch up with the rest of the developed world.

Paid Parental Leave will give babies the best start in life. It means one parent has the financial security to take time off work to care for their baby at home during the vital early months of their baby’s life. It will give mothers time to recover from birth, and bond with their baby.

The Government’s scheme meets the challenges and realities of modern family life – giving parents more time at home with their new baby and helping them balance their work and family responsibilities.

It supports women to maintain their connection with the workforce and boosts workforce participation.

Our scheme also lets families make their own work and family choices. Parents can transfer the leave so mums and dads have more options for balancing work and family.

And now, under our scheme, women in seasonal, casual and contract work, and the self-employed, will have access to Paid Parental Leave – most of them for the first time.

The scheme will prepare Australia for the challenges of the future. Business will benefit from the retention of skilled and experienced female staff but won’t have to fund the parental leave payments.

And because the Government respects the work and family choices that each family makes, we will continue to support mothers whether they are in a paid job or at home. Families not eligible for Paid Parental Leave, or who choose not to participate in the scheme, will be able to continue to access the Baby Bonus and Family Tax Benefit if they are eligible.

**Acknowledgements**

This has been a long campaign for so many people and I would like to acknowledge the many, many women and men who’ve campaigned for paid parental leave in Australia. This day belongs to them.

I would particularly like to acknowledge Sharan Burrow and the trade union movement for their tireless campaigning for Australian families, Marie Coleman and others from the National Foundation of Australian Women, as well as the current and previous Sex Discrimination Com-
missioners – Elizabeth Broderick and Pru Goward.

I’d also like to acknowledge the leadership of Heather Ridout from the Australian Industry Group, Katie Leahy from the Business Council of Australia, and those best practice employers who are already providing Paid Parental Leave because they know it’s good for business.

It really has been a campaign that is in the best interests of Australian families and we now, finally, have a Government that will deliver a Paid Parental Leave scheme to Australian families.

Policy development and consultation

The Paid Parental Leave scheme outlined in this Bill is based closely on the expert recommendations of the Productivity Commission. It is the culmination of over two years of policy development and public consultation to develop a scheme to respond to Australia’s current social and economic circumstances as well as to help us to prepare for the future.

Around a third of mothers return to work within six months of the birth of their child. Two-thirds of these mothers return to work because they need the money.

Even so, Australian women’s workforce participation during the peak child bearing years is lower than for women in other leading industrialised countries. As a nation, we cannot continue to ignore the barriers to greater participation by women, who now make up 45 per cent of the paid workforce.

This is why we committed before the 2007 election to explore ways to make it as easy as possible for working mums to balance their work with the important job of adjusting to parenthood, and bonding with their children.

In February 2008, we asked the Productivity Commission to look at the economic, productivity and social costs and benefits of paid maternity, paternity and parental leave. The Commission was also asked to consider the health and developmental benefits of any scheme for babies and their parents.

The Commission analysed the evidence from Australian longitudinal surveys and international research. It undertook extensive public consultation on proposals for the scheme. It sought public submissions and conducted public hearings.

The Productivity Commission recommended the introduction of a government-funded statutory scheme of Paid Parental Leave, paid at the level of the National Minimum Wage for up to 18 weeks. It was a scheme based on sound evidence and rigorous analysis.

In last year’s Budget, the Government committed more than $250 million a year to Australia’s first Paid Parental Leave scheme, based closely on the Productivity Commission’s recommendations.

This was a commitment to Australian working families that redressed more than a decade of inaction when those opposite were in government.

We knew the scheme was needed, we knew it was affordable and that it balanced the interests of business and families.

The Government’s commitment to consultation did not end when we announced the Paid Parental Leave scheme in the 2009-10 Budget.

During late 2009, 32 consultations sessions were held with over 200 key stakeholders, including major employer groups and trade unions, representatives of small business, family and community stakeholder groups, and tax professionals, payroll specialists and payroll software developers.

For two years, the Government has listened to what families have had to say about the scheme. For two years, the Government has listened to the concerns of employers, large and small, who have provided valuable feedback. We have listened to the community, gathered evidence and considered how to balance the interests of parents, employers and the wider community.

The scheme presented in this Bill today reflects this extensive consultation process and is fair, balanced and affordable.

Eligibility for Paid Parental Leave

The Government estimates that, each year, around 148,000 people will be eligible for Paid Parental Leave.

The scheme will provide eligible working mothers and initial primary carers of children born or adopted on or after 1 January 2011 with up to 18
weeks’ parental leave pay at the National Minimum Wage, while they stay at home to look after their baby or adopted child.

In addition to full-time workers, women working part-time, and in seasonal, casual or contract work, and the self-employed, may be able to access Paid Parental Leave — many for the first time.

A mother may be eligible if she has worked continuously for at least 10 of the 13 months before the birth or adoption of her child, and has worked for at least 330 hours in that 10-month period (around one day a week).

To meet the needs of contractors, seasonal and casual workers who have irregular work patterns, a person can have a break of up to eight weeks between working days and still be considered to have worked continuously.

Parental leave pay will also be available to parents who work in their own business or a family business, such as a farm.

Generally, it will be mothers who claim parental leave payments in the first instance as they usually provide the primary care of their child during the initial months of the child’s life.

However, it is becoming increasingly common for men to spend some time being the primary carer of the child during its first year. Our Paid Parental Leave scheme is flexible and will allow parents to make their own work and family choices.

The legislation allows all or part of the parental leave pay to be transferred to the child’s other parent, provided they also meet the eligibility requirements and are the primary carer of the child.

Paid Parental Leave must be taken in one continuous 18-week block within 12 months of the child’s birth or adoption, including in cases where the payment is transferred. A person cannot work during the Paid Parental Leave period, although they can stay connected with their workplace through ‘keeping in touch’ provisions.

Paid Parental Leave can be taken before, after, or at the same time as other leave entitlements such as annual leave or employer-funded maternity leave to best suit a family’s circumstances.

A person will be eligible if they have individual income of $150,000 or less in the financial year before the claim or birth of the baby, whichever is the earlier. This is a generous income test, but consistent with the principle of targeting Government support to those most in need.

A person must also be living in Australia and generally be an Australian citizen or permanent resident to be eligible. Some non-residents are able to receive the payment, as is the case with family assistance.

Families receiving parental leave pay will not be able to receive the Baby Bonus, and Family Tax Benefit Part B will also not be payable for the duration of the parental leave pay.

Eligible families will be able to choose whether to take Paid Parental Leave or the Baby Bonus, according to their individual circumstances.

The Government estimates that more than 85 per cent of families will be better off taking Paid Parental Leave. These families will, on average, receive around $2,000 more than if they chose the Baby Bonus. This is after tax has been paid and all interactions with other family assistance have been taken into account.

To help families make the choice that is best for them, an online estimator will be available from September 2010.

The Government values the hard work of all mothers, regardless of whether they are in paid work.

We know that all mothers ‘work’ regardless of whether they are at home or in a paid job, and that most mothers will spend time in and out of the workforce depending on their circumstances.

We will continue to support mothers whether they are in a paid job or at home. The Baby Bonus and Family Tax Benefit will remain available for families not eligible for the scheme, and for those who choose not to participate in the scheme.

Casuals

Casual workers are set to be big winners from Australia’s first Paid Parental Leave scheme.

Women are more likely to be casual workers and make up almost 57 per cent of all casual employees in Australia.
Almost 25 per cent of employed women work in casual jobs and receive no paid leave entitlements.

To help seasonal, contract and casual workers access Paid Parental Leave, parents who are not employed at the time of the birth of their child but have satisfied the work test will be eligible.

Many seasonal, contract and casual workers have irregular work patterns and may not be in work immediately before the birth of their child.

Under our scheme, an eligible mother who is a contract worker but whose contract finishes before her baby is born will still receive parental leave pay, providing she meets the work test.

Eligible parents not employed at the time of the birth of their child will be paid directly by the Family Assistance Office.

The role of employers

Our scheme recognises that taking time off to have a baby is a normal part of working life.

Our scheme is fair to business. The parental leave pay is fully funded by the Government. And it does not involve any new taxes on business. It will help employers enhance the family-friendly workplace conditions many already offer.

The Government’s Paid Parental Leave scheme is fair, balanced and economically responsible. The scheme will benefit employers by assisting them to retain skilled and valuable staff, without having to fund the parental leave pay.

Employers are integral to the rollout of Australia’s first national Paid Parental Leave scheme. Most women will receive government-funded parental leave pay from their employers.

By receiving parental leave pay through their usual pay cycle just as other workplace entitlements are paid, women will remain connected to their workplaces and be more likely to return to work.

Employers will provide parental leave pay for their long-term employees – those with at least 12 months of continuous service. Other women will receive parental leave pay from the Family Assistance Office.

The Paid Parental Leave scheme has been designed to minimise its impact on employers required to provide parental leave pay to long-term employees.

We understand that it is important to make arrangements simple and consistent with existing employer practices and obligations.

In any one year, nine per cent of all businesses will be involved in the Paid Parental Leave scheme, and only three per cent of small businesses.

Employers will not have to work out if their employee is eligible. This will be done by the Family Assistance Office.

The Family Assistance Office will also ensure that employers have the required funds before they need to make parental leave payments to their employee. An employer can choose to have these funding amounts advanced in three instalments, if this would be more convenient than fortnightly payments.

It will be ‘business as usual’ for a company’s payroll – employers do not have to change their employee’s usual pay cycle, set up any special bank accounts or report back to the Family Assistance Office. They just have to pay the parental leave pay to their employee with the usual tax deducted.

The participation of employers in the scheme is being phased in to help employers transition to the new arrangements and align with the start of the new financial year.

Employers may opt to provide an employee with parental leave pay from the beginning of the scheme on 1 January 2011. From 1 July 2011, employers will be required to provide government-funded parental leave pay to their eligible long-term employees whose babies are born or adopted after this date. This transitional arrangement will be given effect in a Bill containing consequential amendments, to be introduced separately.

Parental leave pay will not result in the accrual of any additional paid leave entitlements by employees, nor will it affect the calculation of notice periods or severance payments, or workers’ compensation or accident insurance premiums. The Government is also working with State and Territory governments to ensure paid parental leave is not subject to payroll tax.
This Bill provides employers with a right of appeal if the employer believes that the Family Assistance Office has incorrectly determined that they must provide government-funded parental leave pay to an employee.

Similarly, the Bill includes appropriate compliance arrangements to make sure that parental leave pay is paid to eligible parents in a timely manner. Any delays in payment, disputes or debts that may arise in the payment process will be managed appropriately by the Family Assistance Office and the Fair Work Ombudsman.

The Government’s Paid Parental Leave can be taken in addition to existing employer-funded schemes, either at the same time or consecutively. The Government’s scheme has been designed to complement and enhance the existing family-friendly arrangements that many employers already offer.

**Review and evaluation**

The Government understands the importance of monitoring and evaluating the Paid Parental Leave scheme, allocating almost $3 million for this purpose.

The Government is also committed to a review of the scheme commencing two years after the scheme starts. Both the review and the evaluation will be completed by the end of 2014.

Two issues the Government has committed to look at in the review are paid paternity leave and superannuation contributions for the period of Paid Parental Leave.

Australian families have waited too long for a national Paid Parental Leave scheme and, with this Bill, we are catching up with the rest of the developed world.

This has been a long campaign for so many people. This is a Government that is finally delivering a Paid Parental Leave scheme to Australian families.

Our scheme meets the challenges and realities of modern family life – giving parents more time at home with their new baby, helping them maintain their connection with their job and helping employers retain valuable and skilled staff.

Today is a major win for Australian families.

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**Paid Parental Leave (Consequential Amendments) Bill 2010**

This companion Bill to the Paid Parental Leave Bill 2010 makes consequential amendments necessary for the operation of the Government’s landmark Paid Parental Leave scheme.

Our Paid Parental Leave scheme, to begin on 1 January 2011, is fully costed and funded by the Government and is a major win for working families.

After decades of waiting for a Paid Parental Leave scheme, this Government is delivering a scheme which is fair to business and fair for families.

This bill amends various Commonwealth Acts for this purpose, dealing with interactions between the new parental leave pay provisions and existing laws such as those on social security, veterans’ entitlements, family assistance and taxation.

Some of the amendments address the relationship between parental leave pay and income for certain purposes in the social security law and veterans’ entitlements legislation. Notably, the bill gives effect to the Government’s intention that parental leave pay be excluded from the ordinary income test for social security and veterans’ entitlements purposes.

Similarly, parental leave pay will not count as a leave payment for the purposes of the social security income maintenance provisions, and will be disregarded in calculating a person’s pension bonus bereavement payment.

Parental leave pay will, however, be counted under the separate income test for the social security low-income health care card.

To protect the integrity of the new parental leave pay in a way that is consistent with arrangements for existing payments, parental leave pay debts will generally be recoverable from social security, family assistance and veterans’ entitlements payments.

Further amendments will enable amounts due under a maintenance liability and child support debts to be paid or recovered from parental leave pay.
Provision will also be made for parental leave pay to be included in the compliance activities provided by the data-matching program.

The bill will address several points of interaction between the new Paid Parental Leave scheme and the existing family assistance law.

In particular, new provisions will make sure that, as intended, families receiving parental leave pay will not be able to receive the baby bonus, and family tax benefit Part B will not be payable for the duration of the parental leave pay. Those families not eligible for Paid Parental Leave, or who choose not to participate in the scheme, will be able to continue to access the baby bonus and family tax benefit if they are eligible.

The bill will also allow early claims to be made for family tax benefit, baby bonus and maternity immunisation allowance so that families can, if they want to, make all their payment arrangements before their new child arrives in the family, with all the accompanying excitement and loss of sleep.

Among the amendments to the taxation laws included in this bill are amendments to provide that a taxpayer will not be entitled to a dependent spouse, child-housekeeper or housekeeper rebate for that part of the income year for which parental leave pay was payable to the taxpayer or their spouse. This is consistent with the rules that apply where the taxpayer or their spouse is eligible for family tax benefit Part B.

Parental leave pay will be subject to PAYG withholding, and employees will be able to salary sacrifice their parental leave pay for non-cash remuneration where that arrangement is offered by the employer.

Further taxation amendments will make sure that tax withheld from a person’s parental leave pay can be refunded to the person if it turns out that the parental leave pay was not payable. The rules relating to payment summaries will also be amended to deal with incorrect payments of parental leave pay.

Consistent with the protection and use of taxpayer information for similar payment laws, the parental leave pay scheme will be brought within the system of tax file numbers established under taxation laws, and it will be possible for taxpayer information to be disclosed for the purposes of administration of the new Paid Parental Leave Act 2010.

Lastly, the bill deals with certain aspects of the transition to the new Paid Parental Leave scheme. These provisions include ensuring that the requirement for employers to pay parental leave pay to their long-term employees will take effect for children born or adopted on or after 1 July 2011. However, some employers may want to take up the option of providing any eligible employees with parental leave pay from 1 January 2011.

With the delivery of this scheme, the Government is supporting Australian parents to manage the challenges and realities of family life. Our scheme gives parents more time at home with their new baby, helps maintain their connection with the workforce and, by boosting workforce participation, is a landmark reform that prepares Australia for the challenges of the future.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (1.52 pm)—I rise to speak on the Paid Parental Leave Bill 2010 and the Paid Parental Leave (Consequential Amendments) Bill 2010. Let me make it clear at the outset that the coalition supports paid parental leave and the introduction of a scheme to deliver this leave for Australia mothers. As with so many other important reforms, Rudd Labor have rushed this scheme, and one can only hope that they do not bungle its implementation. Make no mistake, Mr Rudd’s scheme is second rate, it is less than optimal—but it is a step in the right direction. Introducing such important reform requires careful consideration, sound planning and a comprehensive understanding of the policy outcome that is best for the nation. In the shadows of a pending election this government are just rushing through a scheme that they hope will be popular and restore public confidence in their policy agenda. But Australians are not going to be terribly impressed by the government’s second rate paid parental leave
scheme. The minister and her department are not sure of the detail of this scheme. No-one seems sure of how it will be implemented or regulated. Instead the chorus from Labor and from the minister is the old adage of ‘she’ll be right’. And we have heard that before. The government have many times asked Australians to have confidence in their ability to develop and implement policy. And all of this comes from the minister responsible for slashing $50 million from services designed to help families and deliver important relationship support services.

The coalition were deeply concerned, however, when only weeks ago officials from the Department of Families, Housing, Community Services and Indigenous Affairs who were providing the coalition with a briefing on paid parental leave were unable to answer simple questions about the practical implementation and operation of the scheme. One such question was: how will self-employed mothers be treated under the scheme? And, to top off this lack of detail, the regulations themselves will not be available for some time.

We should not forget that Labor has form on policy planning and implementation. Mr Acting Deputy President, I am sure that GroceryWatch, FuelWatch, home insulation, Building the Education Revolution and the emerging debacle of the social housing program would all be familiar to you. While the government promises a lot, it not only does not deliver but bungles the process and this costs taxpayers real dollars. We on this side can only hope that we do not have to add paid parental leave to the list of this government’s policy failures. The Rudd government’s paid parental leave scheme is, it has to be said, far from perfect. It does not provide to mothers working in the paid workforce of this country their full wage for the first six months, the time it is recommended they should spend on their newborn baby. Women should not have to choose between family and career; they should be able to choose both.

Given that parenting is such an important and critical part of early childhood development, the shortcomings of Labor’s scheme are extremely disappointing. Labor’s scheme is complex and, in true Labor style, where there is an upside, where there is a benefit, there is always a downside, there is always a detriment. Just like their assault on Australian miners, this scheme assaults yet another important part of Australia’s economic engine room: small business. This scheme throws a barrage of red tape at small business, which is something they can ill afford. It compels the hardworking small business operators across this country to become paymasters for Labor’s second-rate scheme. The government are not able to clearly and concisely advise how the implementation and management of the scheme would work. The small businesses of Australia are being asked yet again to trust the Rudd Labor government, a government that have demonstrated just how business savvy they really are by embarking on a project that will cost over $40 billion without a business plan. They are wasting billions of dollars because of incompetent oversight and planning in building the countless ‘Julia Gillard memorial halls’. If small business operators adopted the Rudd government’s modus operandi, they would go to the wall. Labor, however, unlike many businesses, have the nation’s credit card to rely on—and rely on it they do, to the tune of $100 million each and every day.

Sadly, there is further bad news for hard-working small business operators: they will be liable for state payroll tax for an employee on paid parental leave as well as for that employee’s replacement. Requiring the Family Assistance Office to administer the government’s scheme for the start-up phase...
delays but does not remove the needless costs and unwarranted obligations being forced on the small businesses that will be required to become the Rudd government’s PPL pay clerks. If it is good enough for the Family Assistance Office to administer the government’s flawed parental leave scheme for the first six months and it makes sense to invest taxpayer funds in that system and administration then why not keep it going beyond the initial period? By forcing employers to handle payments under the government’s scheme, Mr Rudd’s approach leaves small business to fund administrative expenses, payroll and office systems changes, reporting requirements and any increased liabilities for workers compensation, payroll tax and superannuation and to carry the risk of noncompliance or error.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I advise the Senate that Senator Carr will be away for the sittings this week. He is representing Australia at the international SKA forum in the Netherlands. I have already advised party leaders of his absence in writing. I wish to indicate that Senator Carr’s ministerial and representational responsibilities will be undertaken in the following manner: Senator Conroy will have responsibility for innovation, industry science and research, Senator Faulkner for trade, Senator Arbib for education and Senator Wong for resources and energy.

QUESTIONS WITHOUT NOTICE

The PRESIDENT—Order! I inform senators that the new digital clocks have been installed. These clocks can be set to periods of time of less than one minute and will therefore be set to 30 seconds for the asking of supplementary questions.

Budget

Senator ABETZ (2.01 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Wong. Why did the government deliberately reject the Henry review’s recommendation not to impose the so-called resource super profits tax on small local quarries?

Senator WONG—As the opposition well knows, there were a range of recommendations in the Henry review, and the Treasurer has outlined the government’s response on some of those and has made clear that some of those recommendations are matters which need to be considered more broadly and over a period of time by the nation. The fact is that the RSPT that the government is proposing is tax reform that is about strengthening the Australian economy. It is about building Australia’s prosperity, something those opposite may have forgotten about. But we on this side understand the importance of ensuring a stronger economy that delivers for Australian working families. I would remind those opposite that this tax reform does a range of things which they may like to gloss over, including reducing taxation rates for small business, reducing red tape for small business and cutting tax for other sectors of the economy through reductions in the corporate tax rate. I would have thought there was—

Senator Brandis—Mr President, I rise on a point of order. The minister is more than halfway through her answer. She was asked specifically why a particular recommendation was rejected. She has not gone anywhere near the question that was asked of her. No part of her answer is directly relevant to the question. You should bring her to the question.

The PRESIDENT—I draw the minister’s attention to the question. There are 53 seconds remaining to address the question.
Senator WONG—The opposition are asking about the RSPT. That is the nature of the question. That is the tax reform that they are responding to. I can understand why the opposition are embarrassed about being reminded of their opposition to a reduction in the company tax rate and their opposition to increased superannuation for working Australians. We know that side have always had an issue with the fact that superannuation reforms put in place by Labor governments ensured that working Australians for the first time could share in the retirement savings which had previously been the preserve of wealthy Australians. This is a tax reform that is about a stronger economy and a fairer share for working Australians. We have also made clear in relation to the detail of the superprofits tax—(Time expired)

Senator ABETZ—Mr President, my supplementary question is: what is the anticipated revenue this new tax will raise from the small local quarry sector over the forward estimates, and was the impact of this considered before the announcement?

Senator WONG—The government has released a range of figures in relation to the impact of the tax. The reality is those figures are a far cry from the sorts of exaggerated claims championed by those opposite. In fact the government has released figures by Econtech which demonstrate that the introduction of this tax reform will increase long-run GDP by 0.7 per cent, increase long-run investment by 2.1 per cent, increase real wages by 1.1 per cent and expand the resources sector.

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Senator ABETZ—Mr President, I ask a further supplementary question—we will have a third go. Is the government negotiating with the small local quarry sector in the same way as it claims to be negotiating with the big miners?

Senator WONG—As I was saying, as the Prime Minister has made clear publicly, the government is engaging in consultation with the sectors affected by the government’s tax
reforms in order to consider some of the implementation details. That is a matter of public record. That was the position the Treasurer outlined when this reform was announced in the budget, and that has since been consistent with subsequent statements and actions by the Prime Minister, the Treasurer and the Minister for Resources and Energy.

Economy

Senator CROSSIN (2.08 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer advise the Senate on the latest economic figures and forecasts for the Australian economy since the Senate last sat? Does Australia continue to be a world leader in the recovery from the global recession? How important has the Rudd government’s stimulus strategy proven in ensuring our economy continues to grow and create jobs for Australians?

Senator SHERRY—I thank Senator Crossin for her question. Since the Senate last met, there have been several important measurements of Australia’s progress through the worst global recession in 75 years. The first and most obvious point, of course, is that Australia did not have a recession. We were one of only three advanced economies to avoid recession as the rest of the world sank into deep recession, in many cases. In fact, Australia is one of the few economies which are larger today than they were two years ago. Many of the advanced economies of the world are in fact today smaller than they were two years ago. The latest National Accounts were released earlier this month and they show Australia’s overall economic strength, particularly compared with almost all other advanced economies. Our gross domestic product grew by one-half of a per cent in the March quarter, to be 2.7 per cent higher throughout the year. This is a very positive outcome. It was underpinned by public investment. Those opposite scoff, but if they actually read the national accounts they would see that public investment rose by 12.5 per cent in the March quarter.

Senator Abetz—We see big debt.

Senator SHERRY—We see the effect; we did not have a recession. We saw that you opposed the stimulus package. Your argument was: ‘Let’s wait and see Australia go into recession like so many other countries.’ We know what the Liberal-National Party approach was. This data was very, very encouraging. It shows positive growth outcome for the quarter, and it contains tentative signs of self-sustaining private sector recovery, and that is building. The government’s infrastructure investment is continuing to support demand, providing necessary targeted support for those parts of the economy that require it, particularly the construction sector.

(Time expired)

Senator CROSSIN—Mr President, I ask a supplementary question. Is the Assistant Treasurer aware of other independent analysis of Australia’s world-leading economic performance? Does the Assistant Treasurer believe there are significant challenges still ahead for the global economy?

Senator SHERRY—There are many reputable independent sources supporting the decisive actions taken by the Rudd Labor government in keeping this economy out of recession.

Opposition senators interjecting—

Senator SHERRY—They laugh opposite, but this government kept Australia out of recession. The OECD, for example, has also given the Rudd Labor government’s economic stimulus the thumbs up. It is welcoming the government’s fiscal settings and the strategy in the 2010-11 budget. The OECD has revised up its growth forecast for Australia, and it expects the Australian economy to
grow by 3.2 per cent in 2010 and by 3.6 per cent in 2011. The growth outlook is one of the strongest amongst all OECD economies. Australia’s performance, and its outlook, is one of the strongest amongst all OECD countries—compared with 2.7 per cent in 2010 and 2.8 per cent in 2011 in other OECD countries. (Time expired)

Senator CROSSIN—Mr President, I ask a further supplementary question. Is the Assistant Treasurer aware of any alternative policies to the Rudd government’s economic discipline and responsibility? Do these alternative policies have significant risks?

Senator SHERRY—As I have already said, those opposite opposed the stimulus. They argued, ‘Wait and see’. Australia’s economy would have gone into recession and unemployment would have hit double-digit figures. That was their own prediction. We are proud as a government of having prevented Australia going into recession like so many other countries. We are proud of our economic stimulus. The biggest threat and the vandalism to this economy lie on the other side of this parliament. I acknowledge the support of the Greens and the cross-benches in terms of that stimulus. If we had withdrawn stimulus immediately, we would have had a recession. The national accounts figures I have just referred to show that a substantial part of the Australian growth in the economy over that March quarter flowed from the stimulus package, particularly in the construction sector—which those opposite opposed. They had no answers and no solutions for keeping the Australian economy strong.

Budget

Senator CASH (2.14 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Wong. Can the minister inform the Senate of the current and proposed mining projects in Western Australia that were actually consulted prior to Labor’s announcement to determine the impact on them of the great big new mining tax?

Senator WONG—As the senator would be aware, the Henry tax review undertook extensive consultation with the business sector during the consideration of the various matters that the Henry tax review went to. I think it is worth recalling that there were a number of companies who expressed a view publicly about the merits of a profits based regime as opposed to a royalties based regime. That issue, I think, has been on the public record. The reality is that this is a tax which only cuts in when a company is making a super profit—

Senator Cash—Mr President, I rise on a point of order in relation to relevance. I asked the minister a very specific question. I would like to know the names of the current and proposed mining projects in Western Australia that the Labor Party consulted to determine the impact on them prior to the announcement of your great big new tax. I would ask you, Mr President, to draw the minister to that fact.

Senator Ludwig—The minister has been answering the question. An issue which has now arisen, which I draw your attention to, is that the point of order has been used improperly simply to restate the question. The minister heard the question. The minister was answering the question. It is inappropriate to gain emphasis by restating the question in a point which is completely outside of what is reasonable. If there were a point of order, it should be succinctly stated.

The PRESIDENT—Senator Wong, you have a minute and seven seconds remaining to answer the question. I draw your attention to the question.

Senator WONG—One thing I can assure Senator Cash is that we consulted more peo-
ple through this process than Mr Abbott consulted in relation to the great big new tax on companies to pay for the paid parental leave plan imposed without reference to your party room or shadow cabinet. The reality is that the Henry review conducted extensive consultations with industry. As a senator for Western Australia, the senator would know that there has been discussion for some time in relation to whether or not a profits based regime would be more meritorious than a volume—

Senator Cash—Mr President, a point of order in relation to relevance—short, sharp, straight to the point—the minister is being completely irrelevant to my question.

The PRESIDENT—The minister has 27 seconds remaining.

Senator WONG—Again, the answer to the question is that the Henry tax review did consult with the industry in relation to a range of issues. This is the government’s response to one of the recommendations of the Henry tax review. We are going through a range of discussions with industry in relation to the implementation of this tax reform.

Senator CASH—Mr President, I ask a supplementary question. Prior to Labor’s announcement of its great big new tax on mining was the relevant minister consulted, was the full cabinet consulted or was this, as Mr Crean has suggested, just another decision made by Mr Rudd’s so-called ‘gang of four’?

Senator WONG—I think that is a question that asks me to disclose cabinet processes and I will not do that. I will say this: we on this side stand for a fairer share for working people—

Honourable senators interjecting—

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

Senator WONG—As I said, Senator, through you Mr President, we know that the opposition in this debate are prepared to stand for a set of vested interests of a handful of mining companies. They are not interested in the reform of strengthening the economy. They are not interested in ensuring tax reductions in the company tax rate for the non-mining sectors of the economy. They are not interested in increasing the share of superannuation to Australian working families. We on this side stand for this; you on that side stand for the vested interests of a few.
Employment

Senator CAROL BROWN (2.21 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Can the minister advise the Senate of the latest unemployment data released by the Australian Bureau of Statistics last week? What do the statistics show for full-time employment? How has the government stimulus spending helped to keep jobs growth in the economy? What does this mean for small business? Can the minister also advise how the government’s new employment services are helping job seekers?

Senator ARBIB—I thank the honourable senator for her question. Last week’s ABS data was good news for job seekers, with unemployment falling to 5.2 per cent. It is also good news because what we have seen for the first time is real growth in full-time employment and also real growth in hours worked. Last month alone, the economy created over 36,000 full-time positions. That is 280,000 jobs created over the past 12 months. Full-time employment has now risen for nine consecutive months and has increased by 165,000 over the past year to 2010, and part-time employment is up by 113,000. This is good news for families, because this will ensure that families can put food on their tables and can pay their mortgages—exactly what the government’s commitment was and exactly why we acted with the stimulus package to support workers.

When you compare what is happening in our economy and our labour market to what is going on overseas, it is a remarkable tale. Unemployment in Ireland is almost 13 per cent now. Unemployment in the United States is back up to 9.9 per cent. In the EU it is 9.7 per cent. In Spain it is 19.7 per cent. Mr Abbott said we should emulate New Zealand. Emulate New Zealand’s economy? Unemployment in New Zealand right now is 7.1 per cent.

And this difference has been through the work of the stimulus package. Don’t just ask us; ask Master Builders Australia. Ask Wilhelm Harnisch. Talk about the tradespeople, the carpenters, the plumbers, the electricians and the apprentices all working thanks to the stimulus package. That is what is driving unemployment down. (Time expired)

Honourable senators interjecting—

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

Senator CAROL BROWN—Mr President, I ask a supplementary question. I thank the minister for that answer—very good news indeed. Can the minister inform the Senate of the situation for young people? What is the youth unemployment rate? How does that compare to other countries? What efforts is the government making to tackle youth unemployment and particularly to give young people an opportunity in the traditional trades?

Senator Fierravanti-Wells interjecting—

Senator ARBIB—Yes, unemployment is certainly a problem globally—there is no doubt about that—and unemployment in some key regions, as Senator Fierravanti-Wells said, is still an issue. In terms of the Illawarra it is certainly still an issue. Up in Cairns it is still an issue. But I can report that unemployment for young people—15- to 24-year-olds—has actually decreased by 0.9 per cent over the past year and now stands at 11.2 per cent.

But we believe youth unemployment is still a problem, and that is why the government is acting. That is exactly what Apprenticeship Kickstart is about. We are committed and we promise to work towards supporting 21,000 apprenticeships over the summer period—teenage apprenticeships. The Rudd
government delivered 24,400 apprentices through Apprenticeship Kickstart and through the stimulus package, and we have done it again. We are working again through the budget in another commitment, $80 million to create 22,000 more apprentices. (Time expired)

Senator CAROL BROWN—Mr President, I ask a further supplementary question. Despite the very strong jobs growth and good results to date in Australia, can the minister outline any potential threats to employment? How would the opposition’s plans to cut services and important training affect the job seekers of the future?

Senator ARBIB—The biggest threat to employment in this country is the coalition. Recently Mr Robb was left holding the bag of coalition commitments and also funding cuts. It will not be a surprise that they have gone right after the skills and capacity of this country, getting rid of trades training centres, getting rid of the successful productivity places, getting rid of computers in schools and getting rid of broadband. These are the coalition’s policies, but most important is going back to Work Choices.

Honourable senators interjecting—

The PRESIDENT—Senator Arbib, if you would just resume your seat, when we have silence we will proceed.

Senator Williams interjecting—

The PRESIDENT—Order! No, I am waiting for silence, Senator Williams, so that we can proceed before we get to your question—on both sides.

Senator ARBIB—They are going back to the worst of Work Choices: individual contracts and getting rid of unfair dismissal laws. Recently Senator Abetz, the leader of the coalition in this place, made a statement that he stands by everything he has ever said in terms of Work Choices, and again on Meet the Press he talked about the document that he said he did not write. Well, I have that, and here it is, written by Eric Abetz. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Resume your seat. That is disorderly. Order! I am waiting to call Senator Williams.

Budget

Senator WILLIAMS (2.28 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Wong. I refer to the detailed analysis of the Henry tax review, table C1-1, headed ‘Resources that may merit exemption from the resource rent tax’. It lists more than 33 resources that may merit exemption. Why will these resources—including lime, phosphates, sand and gravel—still be subject to this massive new tax grab?

Senator WONG—As I made clear in a previous answer, obviously the Henry tax review falls within the Treasurer’s portfolio, so if you have questions on the detail of that, Senator, I would suggest you put them to Senator Sherry, who represents the Treasurer. I can assist in relation to a number of the issues raised, however. For example, I would make the point that the move to a profits based regime will obviously, in general, be of greater assistance than a volumes based regime for more marginal operations. I make that as a general proposition.

The second point I would make is that a number of the commodities that you have discussed—not all, but some—are traded on world markets and obviously have their price set by world markets. For example, you mentioned phosphate. ABARE has advised that the price of phosphate is determined on world markets and by movements in the Australian exchange rates. I also make the point that, as I responded in response to an earlier question, the government’s modelling has
indicated that the introduction of this reform, the replacement of royalties and the reduction in the company tax rate for all companies has, in fact, been independently modelled to bring down consumer prices by 1.1 per cent as well as to ensure that there is an increase in output as I have previously described. It may suit those opposite to run scare campaigns around a whole range of issues here; the fact is that this is about economic reform. It is about building a stronger economy and recognising that the benefits of the resources sector should be more fairly shared amongst all in Australia and should be utilised to make investments in other parts of our economy such as regional infrastructure, superannuation and reduction in the company tax rate. (Time expired)

Senator WILLIAMS—Mr President, I ask a supplementary question. Given that the small quarries will face an effective tax rate of 57 per cent despite the Henry review advice, what modelling has the government done in relation to the effect of the obvious price increases in these infrastructure and fertiliser products?

Senator WONG—Again, I do not know where you are quoting your figure from. I again remind you that this is a profits based regime which obviously only applies after a certain threshold which incorporates a rate of return. In relation to some of the fertiliser and fertiliser ingredients that you reference, I have indicated to you that a number of these commodities are in fact traded commodities and would have their prices set on world markets. The low-value commodities that are used as agricultural inputs are usually lower profit—

Honourable senators interjecting—

Senator Brandis—Mr President, a point of order: the question was limited to whether or not modelling had been done with relation to the effect on these commodities. Nothing that the minister has said has gone anywhere near the question of whether or not modelling was done. You should bring her directly to the question.

The PRESIDENT—I am listening to the answer that the minister is giving. It is a little bit difficult with the interjections that are taking place across the chamber. If they were not happening, it would be much easier to hear the comments that are being made.

Senator WONG—The modelling is the Econtech modelling which I have previously referred to. I was attempting to be of some assistance to the senator and to give him a specific answer in relation to the agricultural inputs he raised. The advice I have is that these are usually lower profit and, therefore, unlikely to face a higher tax burden under the RSPT, particularly given the replacement of royalties with an RSPT. I also indicate that the government is clearly consulting on this implementation. (Time expired)

Senator WILLIAMS—Mr President, I ask a further supplementary question. Will the government pay financial compensation to state and local governments that will face obvious increased costs in road construction and community infrastructure because of this big new tax on all quarries that supply these resources?

Senator WONG—What the government is doing, as the Prime Minister has announced, is implementing a $6 billion regional infrastructure fund. This demonstrates why tax reform is so critical to Australia. A fund means that we can begin to tackle our urgent infrastructure needs now and put something back into the mining communities that make our economy strong. The reality is that this is a tax that is about investment in infrastructure, investment in superannuation, investment in a reduction in the company tax rate for the other sectors of the economy, a fairer share and a stronger economy.
Asylum Seekers

Senator HANSON-YOUNG (2.34 pm)—My question is to the Minister for Immigration and Citizenship. Is the minister aware of reports that aired on last night’s Lateline program referring to electronic weapons being used on asylum seekers detained in Australian funded Tanjung Pinang detention centre in Indonesia? If so, has the government made representations to the Indonesian government with regard to this?

Senator CHRIS EVANS—I thank the senator for her question. Actually, I did see Lateline last night after arriving in Canberra.

Senator McGauran—Why don’t you go on it for once and explain yourself?

Senator CHRIS EVANS—I was on it the week before. You ought to tune in—but it is probably past your bedtime, I suspect! Way past your bedtime. I had the opportunity to see the show. For Senator McGauran’s information, there were allegations made about the inappropriate use of tasers at Tanjung Pinang detention centre in Indonesia. The first point I make in response to the senator’s question, of course, is that the Indonesian government is responsible for the operation of that detention centre. The decision to accommodate intercepted irregular migrants in those centres or the community is made by the Indonesian government. I saw this reporting, and clearly it is of concern if there is any inappropriate use of electronic devices on people in immigration detention. I understand from press reports that the head of the detention centre at Tanjung Pinang has denied the allegations and that he has been supported in that denial by Sri Lankan asylum seekers detained at Tanjung Pinang who have refuted those claims.

I have no personal knowledge of the matter. I have, however, asked my staff in Jakarta to make further inquiries about the issue, and when we have more information we will be in a better position to understand what is occurring. I stress that it is an Indonesian detention centre. We do support the Indonesian government in providing appropriate accommodation and support for detainees. We think that is a good thing. We encourage them to set higher standards in management of those centres, but at the end of the day it is their responsibility. (Time expired)

Senator HANSON-YOUNG—Mr President, I ask a supplementary question. The minister clearly outlined that these detention centres are under the management of the Indonesian government, but Australian taxpayer dollars are used in funding their operations and, indeed, even in training personnel who work within them. Surely, if Australian taxpayer dollars are being spent—government money is being spent—we have an interest in the way vulnerable people are treated. (Time expired)

Senator CHRIS EVANS—Senator Hanson-Young is quite right to say that we have provided a lot of support for detention arrangements in Indonesia. It was initiated under the previous government and has been supported under this government. In fact, the previous government funded the construction of this detention centre; but a lot of what we provide is in the form of accommodation, food and emergency medical assistance as well as information for and counselling of intercepted irregular migrants about their migration options. That is all done through IOM; we fund them to provide those services. We have worked with Indonesia to improve their detention facilities and practices to try and make sure that they provide appropriate care given their limited financial capacity. We continue to work with the UNHCR to ensure that there are faster refugee status determinations, and so we are doing a lot of work to support proper management in Indonesia. (Time expired)
Senator HANSON-YOUNG—Mr President, I have a further supplementary question. Can the minister confirm whether there are human rights standards that are agreed upon between Australia and Indonesia, or indeed through the IOM, to ensure that people in these facilities are treated humanely?

Senator CHRIS EVANS—I will say two things in response to that. The agreements between my department, DIAC, and IOM seek to underpin these arrangements, but they clearly have to be consistent with IOM’s mandate. It is a well respected international organisation and that mandate includes the requirement:

… to enhance the humane and orderly management of migration and the effective respect for the human rights of migrants in accordance with international law.

That underpins the agreements we have with the International Office of Migration, it underpins the way we operate and the way we also support the UNHCR in allowing people in Indonesia to access determination about their refugee status. So we have worked consistently with the Indonesian government to improve capacity and to improve support for asylum seekers in that country, and we will continue to do so because we think it is a good thing. (Time expired)

Government Advertising

Senator BACK (2.39 pm)—My question is to the Special Minister of State, Senator Ludwig. How does the minister defend his authorisation of $38.5 million of taxpayers’ money to fund an advertising campaign on their proposed great big new tax on mining and, in so doing, bypass the government’s own Independent Communications Committee on political advertising?

Senator LUDWIG—Can I say at the outset that the decision was made in accordance with the guidelines, but I make no apology for standing up for working Australians—
Senator BACK—Mr President, I have a supplementary question. Was the minister aware at the time he approved this pre-election mining tax campaign that advertising agencies had already been approached to develop these advertisements, well before the mining industry expressed any intention of mounting a campaign to oppose this badly constructed tax?

Senator LUDWIG—I can see that those opposite missed, on 2 May 2010, the Rudd government announced Stronger, Fairer. Simpler: a tax plan for our future. By making our tax system simpler and fairer for all individuals and businesses, our proposed tax reforms will go a long way towards making our economy stronger and preparing us for the years ahead. A reform program of this significance would normally involve a public information campaign. I note that I am not the minister with responsibility for the Treasury, but I would make it clear that reforms of this magnitude would normally include a public information campaign. Of course, those opposite would remember the $400 million GST campaign. This government will go in to bat for the working families who will benefit from increases to their retirement savings.

The PRESIDENT—Order! The time for debating this is at the end of question time. The minister.

Senator LUDWIG—I can see those opposite are not even bothering to read the statement I tabled in parliament. Let me state from the outset that the grounds of national emergency were not cited in the Treasurer’s request for exemption, were not considered by me and were not stated by me as a reason for granting the exemption in either my letter to the Treasurer or the statement of reasons themselves. I agreed to grant an exemption on the basis of urgency and compelling grounds. There is a lot of misinformation being peddled by some of the companies involved and those myths do need to be cleared up. They seem to be perpetuated by those opposite, who did not bother to read the statement of reasons I tabled.

The fact is that this tax is in the best interests of this nation. We will use revenue from the resource super profits tax to fund tax cuts and promote economic growth. We will increase the superannuation savings of 8.4 million Australian workers. (Time expired)

Broadband

Senator BILYK (2.46 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Given that the government has prioritised the rollout of the National Broadband Network in Tasmania, can the minister inform the Senate on the progress of the NBN rollout in Tasmania?

Senator CONROY—I thank Senator Bilyk for her ongoing interest in this matter. On 8 April 2009 the government announced that Tasmania would be the launch state for
the National Broadband Network. Two hundred thousand Tasmanian households, businesses, schools and hospitals will be connected with fibre to the premises delivering speeds of 100 megabits per second and the rest with next generation wireless and satellite technology. The rollout in Tasmania is now well underway. Construction of the backhaul links to the stage 1 communities—Smithton, Scotsdale and Midway Point—began in September last year and has now been completed. On 1 June I opened the nerve centre of the Tasmanian network—the network operations centre that will manage network traffic, take service orders and coordinate service installations and network maintenance. I am pleased to advise the Senate that we are on track for the first live services to be delivered in these areas in just a few short weeks.

iiNet, Internode and iPrimus have already signed up with NBN Tasmania and have released introductory prices for the stage 1 communities in Tasmania. They have already signed up their first customers. There has been a huge amount of community enthusiasm for the NBN in Tasmania. So far in the three stage 1 communities the sign-up rate for an optic fibre connection is almost 50 per cent. This includes homes, businesses, schools, libraries and hospitals, and the NBN will transform Tasmania. (Time expired)

Honourable senators interjecting—

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

Senator Ian Macdonald—Stephen, how much is NBN getting?

The PRESIDENT—Senator Macdonald, constant interjection is completely disorderly. If you wish to debate it, the time to do so is at the end of question time. Senator Conroy.

Senator CONROY—That is what the NBN is all about—creating a competitive retail market.

Senator BILYK—Mr President, I ask a second supplementary question. Can the minister advise the Senate whether the rollout of the NBN in Tasmania has the support of community and business groups?

Senator CONROY—In Tasmania there is strong support for the NBN. It is supported by the Tasmanian Premier and the Leader of the Opposition, Mr Hodgman, who has said: I have always strongly supported the NBN as providing great opportunities for Tasmania … Tasmanian business is also on board, including the Tourism Industry Council Tasmania, TasICT, the Tasmanian Farmers and Graziers
Association, the Tasmanian Chamber of Commerce and Industry and the Tasmanian Small Business Council. To shut down the NBN in Tasmania, as Mr Abbott and those opposite propose, will wreak havoc on Tasmania’s long-term economic development. It will risk Tasmania’s and Australia’s economic future. (Time expired)

Asylum Seekers

Senator HUMPHRIES (2.52 pm)—My question is to Senator Evans, as Minister for Immigration and Citizenship. Can the minister confirm that the cost of charter flights to and from Christmas Island has now trebled in just 10 months to $8.2 million, or $134,000 a flight? How much further can the Australian taxpayer expect that Labor’s failed border protection policy will blow out?

Senator CHRIS EVANS—I can confirm that the government provided Senator Humphries with a detailed breakdown of the cost of flights to and from Christmas Island at estimates, last fortnight of the parliament. I can also confirm he was not interested enough to ask any follow-up questions at the time and we went home early. So that was his level of interest in the issue at the time. But can I just make the very clear point that the Rudd Labor government does believe that the excision and mandatory detention of offshore arrivals is important as part of Australia’s risk management of unauthorised boat arrivals. We accept that there is a cost to the Australian taxpayer from running that system, just as the previous government accepted it.

What the charter flight costs reflect is the increased numbers of asylum seekers who we have had to deal with. The last time we had to deal with this issue was between 1999 and 2001, when the Howard government spent $1.5 billion on processing irregular arrivals. They had 12,000 people arrive in three years—more than 240 boats—and what did they do? They increased the detention capacity and they had to increase resources to deal with that increased number of arrivals. That was the third period when we had a large number of arrivals. We are currently dealing with the fourth. So it is true that the costs have gone up in accordance with those needs, and it is true that operating a detention centre on Christmas Island adds to your transport costs. Senator Minchin and the Howard cabinet built it there, we use it and there is no doubt that the transportation costs are higher as a result of where the detention centre is located.

Senator HUMPHRIES—Mr President, I ask a supplementary question. Does the minister concede that at the present rate of arrivals more detention places will be necessary? In that regard, will the minister categorically rule out reopening the Baxter detention centre?

Senator CHRIS EVANS—I think that is a Greens question, but I can tell the senator that there are no plans to open the Baxter detention centre. We have made it very clear that we are increasing the detention capacity on the mainland. We have also made it clear that we are looking at alternative accommodation arrangements to meet the profile of the asylum seekers we are dealing with. Our most pressing need is to find accommodation for families, because we will not ship them off to a South Pacific island yet unnamed. The Liberal Party have announced they are going to continue to detain children on offshore islands. You are going to lock kids up in detention camps on offshore islands, if you can find one to take them. We are trying to provide appropriate accommodation for families, not locking them up—and, Senator, families are not going to Curtin, so catch up with the news.
Senator HUMPHRIES—Mr President, I ask a further supplementary question. Given that the minister cannot offer a categorical assurance that the government will not reopen the Baxter detention centre, will the minister now concede that the government’s border protection policies have all but collapsed and that another classic Rudd government backflip is in order?

Senator CHRIS EVANS—I am not sure there is much of a question in that. I am not sure what the senator’s concerns are, given he was part of a government that operated Baxter. Is he saying we ought to reopen it or that he is opposed to it reopening? I am not quite clear. But, Senator, as I understand it, you are looking for a Pacific island somewhere. You are in search of an island on which to lock kids up behind barbed wire again and you have not found one yet, but what we know is that all the policy thinking you have done since the election is to say, ‘We’ll put Philip Ruddock in charge again,’ Philip Ruddock, by the way, has not ruled out coming back as immigration minister if the Liberals are successful at the next election. But the extent of Liberal Party thinking on this whole issue is to say, ‘We’ll go back to the future.’ That history included locking children up for years on end in detention centres on Manus and Nauru. If the question is whether we are going to do that, no.

Infrastructure

Senator PRATT (2.57 pm)—My question is to the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, Senator Conroy. Can the minister inform the Senate what the Rudd government is doing to ensure Australia has the infrastructure capacity it needs to grow and boost its international competitiveness?

Senator CONROY—I thank Senator Pratt for her question. The Prime Minister announced last week that the government will establish a new $6 billion Regional Infrastructure Fund. This fund means we can begin to tackle our urgent infrastructure needs now and put something back into the mining communities that make our economy strong. This fund will invest in critical long-term infrastructure to boost the productive export capacity of the economy, and it will do so in consultation with Infrastructure Australia. The Rudd government is already making record investments in the nation’s economic infrastructure, more than doubling the roads budget and making a tenfold increase on year-on-year spending on rail compared to the previous coalition government. We are doing this to boost Australia’s competitiveness and to boost growth, and it is long overdue.

Those opposite left Australia an enormous infrastructure deficit. Their underinvestment hurt Australian families and businesses and constrained growth and productivity in the Australian economy. Even worse, those opposite, in their famous habit of opposition for opposition’s sake, tried to expand this infrastructure deficit more recently. They opposed the economic stimulus plan—a plan which included road and rail projects to a total value of over $7 billion. That plan was a key reason—(Time expired)

Senator PRATT—Mr President, I have a supplementary question. Can the minister provide the Senate with further information on how the regional infrastructure fund will provide Australia with the infrastructure it needs to support its economic growth.

Senator CONROY—The $6 billion regional infrastructure fund will invest in rail, roads and ports—critical infrastructure for our mining communities and regions. Projects will promote development and jobs in mining communities, promote Australia’s development in our resource and export ca-
capacity and tackle capacity constraints arising from mining production and export. The Australian government will partner with states, private investors and local governments. Infrastructure Australia will be consulted on projects to ensure that projects reflect the economic infrastructure needs of this country.

It is this government’s intention that states’ allocations will reflect their share of total mining production over time. This means—(Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Leaders Debate

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (3.01 pm)—I seek leave to incorporate and table an answer to a question asked by Senator Bob Brown of me in my capacity as Minister representing the Prime Minister.

Leave granted.

The answer read as follows—
The Government made a commitment before the last election to establish an independent debates commission. In seeking to implement that commitment, the Government undertook negotiations with the Press Gallery about the establishment of such a commission. In the course of these negotiations, the Press Gallery made a non-negotiable demand of the Government that it agree to a debate being held on the last Sunday before polling day.

The Government’s view is that the scheduling of debates should be a matter for an independent commission to determine, and not for the Press Gallery to impose. Accordingly, the Government was unable to agree to this non-negotiable demand. As a result, the Press Gallery representatives decided to withdraw from negotiations. The Government is disappointed the Press Gallery representatives chose to refuse to negotiate on this matter.

The Government remains firmly committed to the holding of two further debates across the election season, as announced by the Prime Minister in March. As the Senator is aware, the first leaders debate, concerning health, was held on Tuesday 23 March 2010. This will bring the total number of debates to three, which is two more debates than the previous Prime Minister ever agreed to hold.

In terms of the first supplementary question from Senator Bob Brown, the Prime Minister has committed to holding a further two debates this year. He will of course attend those debates. Whether the Leader of the Opposition attends those debates is a matter for the Leader of the Opposition.

In terms of the second supplementary question, given the fact Press Gallery representatives have withdrawn from negotiations with the Government, this question has been overtaken by events.

Budget

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.02 pm)—I wish to table and incorporate a further response to a question from Senator Ludlam re the Veterans of British nuclear tests (BNT) to Senator Faulkner.

Leave granted.

The answer read as follows—

FURTHER RESPONSE TO QUESTION FROM SENATOR LUDLAM RE VETERANS OF BRITISH NUCLEAR TESTS (BNT)
The Budget measure provides access to the compensation provisions of the Veterans’ Entitlements Act 1986 (VEA) for ex-defence force participants of the British Nuclear Tests (BNT) in the 1950s and 1960s. This was the action sought by relevant veterans groups and recommended by the Clarke Review of Veterans’ Entitlements. This means access to disability pensions, war widow/ers pensions for their widow/ers and associated health care where they meet the requirements of the VEA. There is no automatic access to the Gold Card for BNT participants. However, if they be-
come eligible for a disability pension of a rate equal to or greater than 100% of the General Rate they will receive a Gold Card. Widow/ers of BNT participants who become eligible for a war widow/er’s pension will receive a Gold Card.

The ex-defence force and former Commonwealth government employees who participated in the nuclear tests have always had access to the compensation provisions of the Safety, Rehabilitation and Compensation Act 1988 (SRCA) and its predecessor legislation. The Government has accepted the Clarke Report recommendation to provide access to the VEA compensation for ex-defence force BNT participants under the more generous “reasonable hypothesis” standard of proof. The VEA does not have provisions for lump-sum payments.

The Australian Government is not a party to current private legal proceedings in the United Kingdom on BNT compensation.

A Cancer Incidence and Mortality Study and a Dosimetry Study were released in 2006. The studies found no association between radiation exposure and the increased rates of cancer for this group. Given this finding and other international research, the expert advice available to the Government is that there is no linkage between any radiation exposure associated with BNT participants and health problems suffered by their children or grandchildren.

Five indigenous participants were paid a total of $0.2m in compensation in 1989 under an administrative scheme providing compensation based on the provisions of the Safety Rehabilitation and Compensation Act 1988 (SRCA). This SRCA-like administered scheme remains open to civilians, including indigenous people and pastoralists, and claims are handled by the Department of Education, Employment and Workplace Relations. A total of $238,000 has been paid to six claimants under the SRCA-like scheme.

In 1991, the Australian Government settled a further 18 claims for trespass and injury of indigenous persons living in northern South Australia (SA) at the time of the nuclear tests conducted at Maralinga and Emu Field, SA. These claims were settled in full. The total amount of these claims was $618,000. The claimants were identified during the Royal Commission into British Nuclear Tests in Australia (1984-1985) by a team of lawyers, scientists and historians advising indigenous groups during the Royal Commission.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Budget

Senator BRANDIS (Queensland) (3.02 pm)—I move:

That the Senate take note of the answers given by the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senators Cash and Williams today relating to the proposed new tax on resources.

When the Australian people elected Kevin Rudd as Prime Minister 2½ years ago, they were promised an economic conservative and after 2½ years they have woken up to the fact that they have an economic vandal, an economic wrecker, a man whom Mr Forrest, one of Australia’s leading miners, described only last week as an economic moron. There must be very few people left in this country who have not worked out by now that Mr Rudd is less than he seemed to be when he was elected Prime Minister. He is a Prime Minister who stands for nothing, leading a government which is incapable of doing anything. And that is seen nowhere more so than in the public policy catastrophe which is the mining supertax.

Do not take it from me. Mary Kissel, one of the region’s most respected journalists, wrote in the Wall Street Journal Asia last month:

This economic thinking—referring to the mining tax—runs counter to everything that made Australia rich over three decades—namely: the embrace of competition and capitalism, which rewards high risk and high returns.
She went on to wonder at the idiocy of making Australia one of the most burdensome places to mine in the world. She said:

The increased tax burden would reduce profitability, discourage future investment and restrict companies’ ability to return cash to shareholders through dividends.

There is so much to be said against the mining supertax, but let us start with one proposition: the concept that a rate of return on capital at anything above the Commonwealth bond rate of six per cent is a superprofit. Mr Deputy President you know, and anybody listening to this broadcast today knows, that if you want the most conservative investment available you put your money in the bank or buy a Commonwealth bond and get the Commonwealth bond rate. It is the most conservative investment you can have and, as a result, it generates the lowest rate of return on capital because there is no element of risk.

To regard the bond rate as the benchmark for a superprofit and then apply that to the mining industry, which depends upon long-term decisions in a highly risky sector of the economy, is the quintessence of economic idiocy. In fact, the average rate of return of Australia’s thousand largest companies over the last five years has been more than double the bond rate. The average rate of return over the last five years for Australia’s thousand largest companies has been 13.3 per cent. But do you know what the average rate of return for the companies listed on the Australian stock exchange in the mining sector has been over the last five years? It has been 6.6 per cent.

So you have an industry characterised by very high risks and investment decisions requiring very long-term commitment of vast amounts of capital in a highly competitive, highly mobile global industry which yields an average rate of return less than half the average rate of return of Australia’s major companies. And the Rudd government, in a fit of economic genius, decided that any return companies received above the most conservative investment available—that is, an investment in Commonwealth bonds—should be deemed a superprofit, and the rate of tax paid by those companies should be increased effectively from 42 per cent to 57 per cent! What economic idiocy is this? No wonder then that the mining sector of the Australian stock market has collapsed, communities are at risk and superannuation funds are threatened by this idiotic decision of the Rudd government.

Senator FARRELL (South Australia) (3.07 pm)—It is very hard to believe that Senator Brandis is serious about this issue. What Senator Brandis fails to look at is the benefits for all Australians that are going to flow from this superprofits tax. The government are all about creating a fairer Australia. We intend to create a fairer Australia by introducing this new supertax regime on superprofits that are made as a result of the resources boom.

Senator Brandis—How is anything above the Commonwealth bond rate a superprofit?

Senator FARRELL—If you are happy to listen to me, Senator Brandis, I am happy to explain the benefits.

Senator Brandis interjecting—

Senator FARRELL—Just listen. I sat very quietly, Senator Brandis, while you got stuck into this tax. I would appreciate the same courtesy from you while I explain to you how all Australians, including those people who have superannuation funds, will benefit.

I can remember a time when the only people in Australia who were the beneficiaries of superannuation were men—predominantly in managerial positions—who worked a life-
time for their particular employer. One of the
great achievements of the Hawke-Keating
government, as you will recall, Mr Deputy
President, was the introduction of compul-
sory industry based superannuation. We
started that program. We started it at three
per cent—in fact Australian workers had to
give up a wage rise in return for getting that
three per cent—and over time built it up to
nine per cent. I can recall when John Howard
promised to continue to lift that figure. He
broke that promise as he did so many other
promises that he made. That nine per cent
was to benefit all Australians so they could
have a decent income in retirement.

How is the current Labor government—
another reforming Labor government of the
ilk of the Hawke-Keating government—
going to extend and continue the reforms that
were made by the previous Labor govern-
ment? We are going to do it by trying to
share fairly for all Australians the benefit we
get from our resources industry. Rather than
holding the rate at nine per cent, which to be
perfectly frank is not sufficient to get a fair
return in your retirement years after a life-
time of employment, we are proposing to lift
that amount from nine per cent—the figure
that it was left at when Paul Keating was
defeated as Prime Minister—to 12 per cent.
We are not going to do it overnight; we are
going to do it gradually in the way that
would have happened had Paul Keating not
been defeated in 1996.

Through our reforms in the late eighties
and early nineties we introduced compulsory
superannuation. We started the process of
expanding superannuation so that all work-
ing Australians would benefit. Now we are
going to complete the job. We are going to
complete the job by lifting that rate another
33 per cent: from nine per cent to 12 per
cent. Of course, that is not all we are going
to do with this new tax. It is not only work-
ing families that are going to benefit from
this new tax but companies.

Senator Abetz—Nonsense!

Senator FARRELL—No. Companies
will benefit, Senator Abetz. Again, please
give me the courtesy of listening to me. We
are going to reduce company tax, which the
Howard government left at 30 per cent, to 29
per cent. We are going to do that from finan-
cial year 2013-14. And we will not stop
there. We are going to reduce it further to 28
per cent in financial year 2014-15. So it is
not just working families that will benefit
from this new tax. (Time expired)

Senator EGGLESTON (Western Aus-
tralia) (3.13 pm)—Last week, the Western Aus-
tralian people showed their anger towards
the Rudd government’s proposed resource
super profits tax at a huge demonstration in
Langley Park across from the Hyatt hotel,
where Kevin Rudd was speaking at the Perth
Press Club.

The DEPUTY PRESIDENT—Order!
Refer to the Prime Minister by his proper
title.

Senator EGGLESTON—Prime Minister
Kevin Rudd, if that is needed.

Senator Cormann—Or Mr Rudd!

Senator EGGLESTON—Or Mr Rudd.
Prime Minister Mr Kevin Rudd. He will
never be Sir Kevin. Resentment towards this
flawed tax is no doubt more palpable in
Western Australia than anywhere else in the
country because we in the west have a
greater understanding of the link between a
healthy mining sector and a healthy economy
for the wider population. Although Senator
Farrell, after what he has just said, may not
agree with that, I think he would find that a
healthy mining sector means healthier super-
annuation and bigger benefits for the average
man in the street.
The Labor government maintains the line that they are looking to negotiate with industry to obtain a mutually beneficial outcome. However, after listening to Labor ministers referring to those in the mining sector as arrogant liars, it leaves me wondering what exactly consultation and cooperation mean to this Labor government. It is much more likely, it seems to me, that the time for negotiation has passed and Australians are left with no other option than to flatly reject this tax proposal to protect the economic health of our nation.

Since being announced on 2 May, the Rudd government’s proposed resource super profits tax has faced considerable criticism, but it has not come just from the resources sector. In fact, condemnation of the RSPT has come from many different interest groups in our country. Mum and dad investors who have had their superannuation accounts decimated, international investors who now see Australia’s sovereign risk as higher than that of Indonesia—as someone said quite recently at an Indonesian Australian Business Council breakfast which I attended—small and medium businesses who rely on the mining industry, not to mention workers from all over Australia who are dependent on the resource industry both directly and indirectly for continued employment are condemning this tax.

Some of the wider effects of the new tax include: a loss of jobs in the resource industry as well as occupations reliant on the mining sector; decreased value of superannuation; higher electricity prices, which will have a flow-on effect of increasing the price of supermarket items; and higher material prices, which will similarly be passed on in the form of higher costs of construction.

Unfortunately, already as a result of the proposed tax we have witnessed mines restricting investment. For example, Xstrata immediately suspended a $568 million investment in coal and copper mines in Queensland. BHP is reviewing the expansion of the massive $20 billion Olympic Dam mine in South Australia. International agreement between financiers that the Australian resources sector has become a much less attractive place in which to invest is now acknowledged around the world. This tax will destroy the Australian economy. The only way to stop this tax is to change the government, and that is what I think the Australian people will be doing when the next election occurs.

Senator CAROL BROWN (Tasmania) (3.17 pm)—The Rudd Labor government has announced the implementation of the resource super profits tax, the RSPT, to ensure that we get a fair share from our non-renewable national resources. During the mining boom as mining profits have increased we have seen the share of profits returned to the Australian people decrease. Before the last mining boom, Australians received $1 in every $3 of mining profits through royalties and charges. However, now that return has shrunk to $1 in every $7. In fact, profits were over $80 billion higher in 2008-09 than in 1999-2000 but governments only collected an additional $9 billion in revenue. We need to deliver a fair share of these resource profits for the Australian people, because a fair share will mean higher retirement savings, more roads, rail and ports and less company tax, especially for small business.

Between the mining industry and those opposite we have seen plenty of extraordinary claims during this intensive scare campaign. Whilst there has been plenty of mudslinging from those opposite on behalf of their mining friends, the fact remains—which has been highlighted by a number of ministers, including the Treasurer and the Prime Minister—that these minerals belong to Australia and Australians. They are owned
by Australians and we need to make sure that Australians get a fairer share of resource profits. These are non-renewable resources and we need to ensure that Australia capitalises on the next resources boom. The government is currently consulting with the mining industry on the RSPT and will continue to do so. The Rudd Labor government is committed to investing the RSPT in infrastructure, in superannuation and in reducing company tax.

Unlike those opposite, we do not want to squander the benefits from a resources boom; we want to invest for the future for all Australians. This is in stark contrast to the opposition, who wasted the previous resources boom on handouts and playing short-term populist politics. We will ensure that we take advantage of the revenue generated from the resource super profits tax to help generate more superannuation savings for working families, lower tax for all companies, especially small businesses, and invest in our future infrastructure needs, particularly for mining states.

We will not make the same mistakes as those opposite, who for over a decade rode high on the mining boom but failed to get value for resources owned by the Australian people. While they were busy riding on this boom time they failed to invest in vital infrastructure and productivity needed to help drive the Australian economy forward into the future. As part of our tax plan for the future, the extra revenue gained from the resource tax will help to deliver a resource state infrastructure fund which will make infrastructure spending a part of Commonwealth and state budgets. The fund will be an investment of $6 billion over the next decade, particularly for mining states to build the infrastructure they need for the future. The Prime Minister has highlighted that the recently announced $400 million of funds will allow projects that address infrastructure needs to proceed immediately rather than having to wait for the revenue generated from the RSPT to flow through. The infrastructure funds generated from the RSPT will be directed towards supporting infrastructure and the communities in mining areas. This will mean that vital infrastructure projects in rail, roads and ports will go where they are needed most.

As part of our tax reform measures, the tax plan for the future will help all sectors of the economy grow together so that everyone can share in the prosperity of our strong economy. By reducing company tax, we will create new jobs and grow the Australian economy. It will ultimately be of benefit to all Australians. But we are not just implementing the RSPT as part of our tax plan for the future; we are also committing to gradually increasing the superannuation guarantee to 12 per cent. As well, around 3.5 million lower paid Australians will receive a concession on their superannuation guarantee for the first time. We will deliver a cut in company tax, reducing the rate to 28 per cent, to help Australian businesses remain competitive. Small businesses will reap the benefits as well. (Time expired)

Senator KROGER (Victoria) (3.22 pm)—It is really concerning to note that despite the growing resistance and despair amongst the Australian public—and even amongst those backbenchers who sit behind Senator Wong—she has yet again failed to address any of the numerous concerns in relation to the resource super profits tax. Wouldn’t you have just loved to have been a fly on the wall in this morning’s caucus meeting to hear those backbenchers telling them what is actually happening on the ground and to open their eyes to what is happening?

Senator Wong today mentioned that the RSPT would strengthen the Australian econ-
omy, increase productivity and increase mining output. Senator Farrell suggested that it was a fairer tax that would benefit working families. What planet do these people live on and come from? Only a few hours ago, Wesfarmers joined the mining industry’s cause of opposition to the proposed RSPT, saying it would raise sovereign risk and could threaten dividends. The chairman, Bob Every, said that the consultation process with miners should be restarted and the tax completely revamped.

This government are not listening to anyone. To put it in Mr Every’s words: Any threat to earnings is clearly a threat to the level of dividend we can pay … our shareholders. Only last month, BHP Billiton made a similar warning that dividend payments could be hit by the proposed tax. Hello? Is anybody home? Is anybody listening? I think we on this side of the chamber know the answer to that, and the answer is clearly no. Notwithstanding that, the government clearly appreciate that there must be a problem and have invested in a $38½ million advertising blitz to address what they have termed ‘a campaign of disinformation’ about this tax. A campaign of disinformation: how Orwellian can we get?

I suggest to Senator Wong and the kitchen cabinet that they perhaps listen to their backbenchers, go back to their electorate offices, pick up the phone and listen to what their constituents actually have to say. Only two weeks ago I visited some self-funded retirees in Blackburn, which is hardly what one would call a salubrious suburb. It is certainly no millionaires’ row. Those retirees had just sought and got their recent superannuation statements. They found that in only the last three weeks—and this is a modest superannuation fund—their funds had dropped $44,000 in value. Senator Farrell referred to this being beneficial to working families. Here is a couple who have both worked all their lives and were looking forward to retirement. They do not have any options to redress the drop in value of their superannuation funds. They do not have any options to do that because they are now in retirement and have no option to go back into the workforce. So they cannot address the drop in value. Instead, they can only watch the continued decline in the superannuation value that their statements clearly show.

This new tax is a blight on all working families, and to suggest that it is anything otherwise is total denial by this government. It is a knee-jerk measure that will affect many people and many trades all over Australia. We have seen in the electorate of Deakin, where we have a brickworks, that it is affecting their supply chain and it is ultimately affecting those who are purchasing those bricks. So it does affect the extraction industries; it does affect the quarries. And this government fails to recognise the extraordinary detrimental effect it will have. Anyone who does not believe that it will have a negative impact on any of these industries, with significant flow-on effects, has got their head in the sand, and I would suggest that is what this government has.

Question agreed to.

PERSONAL EXPLANATIONS

Senator WONG (South Australia—Minister for Climate Change, Energy Efficiency and Water) (3.28 pm)—Pursuant to standing order 190, I seek leave to make a personal explanation.

Leave granted.

Senator WONG—Through you, Mr Deputy President, I am aware that certain claims have been made in respect of the evidence I gave at budget estimates on 27 May. The Senate will recall that members of the Senate Standing Committee on Environment, Communications and the Arts asked repeat-
edly during the hearing about certain cabinet decisions and decision making relating to the CPRS. A claim that a senator has misled the Senate is a serious one, and that is why senators are usually cautious about making such allegations, whether inside the chamber or outside it. Anyone at the hearing or reading the transcript would realise that I was careful in my answers. I explained clearly and repeatedly to the committee that I did not propose to go into cabinet deliberations, which of course included those of particular cabinet committees. My answers were truthful and respectful of the committee, whilst maintaining the privileges concerning cabinet deliberations. The claim made by Senator Birmingham that I misled the committee is therefore without merit, and I take this opportunity in the proper forum and at the proper time to reject it. Senator Birmingham would be well advised to exercise caution before making such allegations if he values his credibility.

CONDOLENCES

Mr Urquhart Edward (Ted) Innes

The DEPUTY PRESIDENT (3.29 pm)—It is with deep regret that I inform the Senate of the death on 28 May 2010 of Urquhart Edward Innes, a member of the House of Representatives for the division of Melbourne, Victoria from 1972 to 1983.

Sapper Jacob Daniel Moerland
Sapper Darren James Smith

Senator FAULKNER (New South Wales—Minister for Defence) (3.30 pm)—by leave—I move:

That the Senate records its deep sorrow at the death, on 7 June 2010, of Sapper Jacob Moerland and Sapper Darren James Smith, while on combat operations in Afghanistan, and places on record its greatest appreciation of their service to our country, and tenders its profound sympathy to their families in their bereavement.

On behalf of all senators, I express my heartfelt condolences to Sapper Moerland’s mother, Sandra; father, Robert; sisters, Bethany and Laura; and fiancee, Kezia; to Sapper Smith’s wife, Angela; son, Mason; and father, Graeme; and to other members of both families and all their friends. Sapper Smith was a loving husband and father and a remarkable person. His wife Angela said:

He was very passionate about his job and ... always put others first ... whether it was his mates in the Army or at home with his family and friends.

Sapper Jacob Moerland was a loving son, a very good brother to his sisters and a strong support to his fiancee, Kezia. His exuberant personality will be sorely missed by his family and all those who knew him, particularly his comrades in the service. Both these men put their mates first. Both displayed the true qualities of an Australian soldier: courage, loyalty, resilience, determination. It was as mates that they died together.

Today our thoughts are also with the members of the 2nd Combat Engineer Regiment, who are deeply mourning their loss. I have met many men and women of the Australian Defence Force and am always impressed by their professionalism and courage, and I am told by those who knew and served with them that Sapper Moerland and Sapper Smith were two of the finest. Sapper Moerland was a loyal soldier committed to serving his country and helping the people of Afghanistan. His passion and dedication exemplify the finest qualities of those serving in the Australian Defence Force. Friends and colleagues remember ‘Snowy’ Moerland as a highly skilled soldier. Sapper Smith was a brave and dedicated soldier. He had a very close bond to his explosive detection dog, Herbie, who also died in the incident. Like Sapper Moerland, Sapper Smith was committed to serving his nation and protecting his colleagues, despite the risk to himself.
Both Sapper Moerland and Sapper Smith were posted to the Brisbane based 2nd Combat Engineer Regiment. They were popular and valued members of the regiment and the Army. For both soldiers this was their first tour of duty to Afghanistan, serving as members of the 1st Mentoring Task Force. Tragically, on 7 June 2010 the young lives of Sapper Smith and Sapper Moerland were cut short by an improvised explosive device during a dismounted patrol while conducting operations in the Mirabad valley in Oruzgan province. They were 26 and 21 years old. These soldiers and their families are owed a special debt of gratitude that can never be repaid.

All of us in this chamber know that we are engaged with the international community in a very challenging campaign in Afghanistan. Our troops in Afghanistan are doing a very difficult and dangerous job. Sappers, or military engineers, have a heavy responsibility and face special dangers. One of their roles, put simply, is to clear the way and make it safe for other troops to move. In Afghanistan, sappers such as Jacob Moerland and Darren Smith wage a daily battle against those deadly, brutal, indiscriminate weapons of the Taliban: improvised explosive devices. It is a battle of steady nerves and clear heads, rather than of guns and rockets. But, as we have been reminded this week, it is just as dangerous. Sapper Moerland and Sapper Smith served their country with great distinction. Their loss of course reminds us of the dangerous conditions that are faced every day by our soldiers in Afghanistan. It also reminds us just how brave our soldiers are.

Today, as we offer our deepest sympathy to the families, friends and comrades of Darren Smith and Jacob Moerland, we say to them: we will never forget you; we will never forget all the brave Australian soldiers that we have lost in the fight against the Taliban. As part of his deployment, Sapper Smith has been awarded the Australian Active Service Medal with the International Campaign against Terrorism clasp, the NATO Service Medal and the Afghanistan Campaign Medal. He has also received the Return from Active Service Badge and the Australian Defence Medal. Sapper Moerland has been awarded the Australian Active Service Medal with the International Campaign Against Terrorism Clasp, the NATO Medal, the Afghanistan Campaign Medal and the Return from Active Service Badge.

These losses are a sombre reminder of the cost of this conflict. This is the nation’s first multiple combat fatality since the Vietnam War, almost four decades ago. I am grateful that I was able to pay my respects to these fallen soldiers as they were returned to Al Minhad Air Base on their journey back to Australia. On Sunday, together with the Chief of the Defence Force, the Chief of the Army and representatives of the opposition, I joined family members at a moving ramp ceremony at Amberley air base to mark the return home of these two Australian soldiers.

I have spoken with family members of both families and I acknowledge the extraordinary support those families have given to these young men. I want today to acknowledge their sacrifice too, and the absolutely devastating loss that they have suffered. On behalf of the Australian government, I offer my deepest sympathy and support to Sapper Smith and Sapper Moerland’s families and friends. I assure them that the courage and the sacrifice of these two fine young Australian soldiers will never be forgotten.

Senator JOHNSTON (Western Australia) (3.40 pm)—The opposition joins with the Minister for Defence in expressing our deep sadness and sorrow over the deaths last week of Sappers Darren Smith and Jacob Moerland while on active service in Afghanistan. All Australians share the grief of their fami-
lies and loved ones and our hearts go out to them. Australians have been deeply moved by the ceremonies at Tarin Kowt base, where Darren Smith and Jacob Moerland, known to their mates as Smithy and Snowy, began their journey home, and when they returned to Australian soil at RAAF Amberley.

There is no greater sacrifice an Australian can make than to give his life in the service of his country. On behalf of all coalition members, I express my deep condolence to the parents of Sapper Smith and Sapper Moerland, to Darren Smith’s widow, Angela, and young son, Mason, and to Jacob Moerland’s fiance, Kezia. My parliamentary colleagues the shadow minister for defence, science and personnel, the Hon. Bob Baldwin, and the shadow parliamentary secretary for defence, Stuart Robert, a former member of the Australian Defence Force, both recently visited Afghanistan, where they had the opportunity to meet our troops and to thank them personally on behalf of the opposition and of all Australians for the fine work they are doing in the most difficult and dangerous of circumstances.

Our troops in Afghanistan are making a difference to the lives of all Afghans through their efforts to build the necessary infrastructure and public facilities that are absolutely vital and necessary for the sustainment of good governance. My two parliamentary colleagues also had the privilege of meeting many of the very great and proud combat engineers on the ground in Afghanistan, including, may I say, Sapper Smith. They can attest that Darren Smith and Jacob Moerland were fine professionals, like all their colleagues, who loved the job they were doing. Both exemplified the ANZAC qualities of perseverance, mateship and, may I say, steely and professional courage. They also clearly understood the contribution the Australian Defence Force is making to ensure that Afghanistan does not again become a safe haven for terrorists, a task both vital for the security of their fellow Australians and more generally for making the world a much safer and better place.

I hope that this knowledge of the contribution of Darren Smith and Jacob Moerland will in time be of some consolation to their loved ones. Their deaths take the toll of Australians killed in Afghanistan since 2002 to 13. Their deaths remind us all of the enormous dangers of the mission they are undertaking and of the great bravery, courage and dedication of the men and women of the Australian Defence Force. Again, I extend heartfelt condolences and sympathy at this very difficult time to the families and loved ones of Sapper Smith and Sapper Moerland.

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (3.43 pm)—I rise to concur with the remarks of Senator Faulkner and Senator Johnston on behalf of the two Queenslanders—though one was born in South Australia—Sapper Jacob Moerland and Sapper Darren Smith. It is a very sad day for the people of Gayndah and Burnett, and there will be another service at Ashgrove. The families need to know that the whole nation is incredibly proud of the service their sons gave and that we have the most immense respect for the supreme sacrifice they have given in laying down their lives as they engaged with the enemy on foreign soil that so we do not have to engage with them here.

Dealing with IEDs, which are such insidious devices, as was ably extolled by both Senator Johnston and Senator Faulkner, requires the utmost bravery from a person who knows the imminent danger they are putting themselves in. As they tried to disarm these devices, they would have known exactly the threat that their lives were under. I want also to acknowledge the camaraderie and the great connection there would have been with
the dog, Herbie, who also lost his life. There is a special relationship between serving members and these animals that happily go forward with them.

There is great sorrow that will be felt by the families of both these young men, Sandra, Robert, Bethany, Laura, Jacob’s fiancee, Kezia, Darren’s wife, Angela, and father Graeme. Also there are all the serving Defence members at Enoggera Barracks who would be feeling the loss of one of their colleagues and one of their mates from the 2nd Combat Engineer Regiment.

These people know that though these lives are an immense loss to the family there was no waste. This was for an incredible purpose—that is, for the safety of our country. We can be here and enjoy the freedoms we have while others put themselves in peril willingly, with pride, so that we can be safe. Across the parliament we offer the family our bipartisan support and that will continue on every day as we remember the sacrifice that they have put in. We will be forever grateful for the work they have done. Our thoughts and prayers remain with these families in these extremely trying times.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.47 pm)—On behalf of the Australian Greens I join with the rest of the Senate, this parliament and indeed the people of Australia in expressing our warmest condolences to the families, the associates, the 2nd Combat Engineer Regiment and all of our combat troops in both Afghanistan and Australia after the loss of these brave young Australians. Sappers Jacob Moerland and Darren Smith were very young men. They had potentially marvellous lives in front of them and that has all been sacrificed for this nation.

One can only hope that the motion before the Senate and the words that we speak will add in some way to the sorely needed help to salve the irreconcilable loss for the families of Sappers Moerland and Smith. They died in the Mirabad Valley of Afghanistan, but they and their 11 colleagues who were killed earlier in this war in Afghanistan will live on forever on the Wall of Honour back home in Australia.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.48 pm)—I also join in the condolence motion on behalf of Family First. There is no greater sacrifice than laying down one’s life. We enjoy freedom and safety because many have gone before us and continue to put their lives at risk to keep us all safe and free. Our hearts and prayers go out to Kezia, Angela, two-year-old Mason and parents, families and friends. When I think about the work that Sappers Moerland and Smith were doing, which was clearing the route at the front of a patrol when an improvised explosive device was detonated, it is hard to imagine how they could put their lives at risk in that way; but they did it, and many others continue to do it for our safety and freedom. It is something that we should never forget about people that do this. We are grateful for it. We are indebted to them, and to their families and friends we say thank you.

Question agreed to, honourable senators standing in their places.

PETITIONS

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

Taxation

To the Honourable the President and Members of Australia’s Senate in Parliament assembled:
The government takes more tax from single-income families where one parent stays home to care for the kids, than two-income families where the kids go to child care centres.
This is unfair.
Your petitioners ask the Senate to:
Reform the tax system to allow all families to be taxed at the same rate per family unit. The total income should be shared between parents and dependent children for tax purposes.

by Senator Boswell (from 434 citizens)

Child Care

To the Honourable the President and Members of Australia’s Senate in Parliament assembled:
The government gives much less funding to single-income families where one parent stays home to care for the kids, than two-income families where the kids go to child care centres.
Government-funded maternity leave from 2011 would give even more taxpayers’ money to two-income families. This is unfair.
We ask the Senate to:
1. Reject government-funded maternity leave unless it is paid equally to all mothers.
2. Reform childcare laws so childcare funding goes direct to parents, for each child, instead of to the childcare industry.
3. Allow parents to use childcare funding to:
   • help pay for daycare or other paid care for children; or
   • help one parent to stay home to care for children.

by Senator Boswell (from 444 citizens)

Telecommunications: Mobile Phone Towers

To the Honourable the President and Members of the Senate in Parliament assembled:
The petition of the undersigned shows:
“We object to the mobile telecommunications tower that has been erected at the Beldon Shopping Centre, Beldon, WA, within close proximity to schools and residential areas thus possibly affecting the health of people living in the nearby area and of children attending school.”
Your petitioners ask/request that the Senate should:
1. Request the owners of the mobile telecommunications tower to move it to a more appropriate locality
2. Review the legislation governing the placement of mobile telecommunications towers immediately with a view to protecting the people of Australia.

by Senator Pratt (from 764 citizens)

Petitions received.

LEAVE OF ABSENCE

Senator O’BRIEN (Tasmania) (3.51 pm)—by leave—I move:
That leave of absence be granted to the following senators:
(a) Senator Carr from 15 June to 17 June 2010, on account of parliamentary business; and
(b) Senator McEwen for today, for personal reasons.
Question agreed to.

COMMITTEES

Legislation Committees

Extension of Time

Senator O’BRIEN (Tasmania) (3.52 pm)—by leave—at the request of the chairs of respective committees, I move:
That the time for the presentation of reports of committees be extended as follows:
(a) Legal and Constitutional Affairs Legislation Committee—
   (i) provisions of the National Security Legislation Amendment Bill 2010 and the Parliamentary Joint Committee on Law Enforcement Bill 2010—to 17 June 2010,
   (ii) provisions of the Migration Amendment (Visa Capping) Bill 2010—to 11 August 2010, and
(b) Foreign Affairs, Defence and Trade Legislation Committee—Provisions of the Autonomous Sanctions Bill 2010—to 26 August 2010; and
(c) Finance and Public Administration Legislation Committee—

(i) provisions of the Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010—to 17 June 2010, and

(ii) provisions of the Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010—to 17 June 2010.

Question agreed to.

Environment, Communications and the Arts Legislation Committee Meeting

Senator O’BRIEN (Tasmania) (3.52 pm)—by leave—At the request of the Chair of the Environment, Communications and the Arts Legislation Committee, Senator McEwen, I move:

That the Environment, Communications and the Arts Legislation Committee be authorised to hold an in camera hearing during the sitting of the Senate on Wednesday, 16 June 2010.

Question agreed to.

Public Accounts and Audit Committee Meeting

Senator O’BRIEN (Tasmania) (3.53 pm)—by leave—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, 16 June 2010, from 11.15 am to 1.30 pm, to take evidence for the committee’s inquiry into the review of Auditor-General’s reports.

Question agreed to.

National Broadband Network Committee Meeting

Senator PARRY (Tasmania) (3.54 pm)—by leave—At the request of the Chair of the Select Committee on the National Broadband Network, Senator Ian Macdonald, I move:

That the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 4.45 pm.

Question agreed to.

NOTICES

Presentation

Senator Abetz to move on the next day of sitting:

(1) That the Finance and Public Administration Legislation Committee reconvene to resume its consideration of the 2010-11 Budget estimates on Thursday, 17 June 2010, during the sitting of the Senate from 4.30 pm to 6.30 pm, for the purpose of further examination of outcome Program 2.1, specifically, matters relating to government advertising.

(2) That Senator Ludwig as the responsible minister, and officers and staff from the Department of Finance and Deregulation with responsibility for matters relating to government advertising, appear before the committee to answer questions.

Senator Scullion to move on the next day of sitting:


Senator Ryan to move on the next day of sitting:

That the time for the presentation of the report of the Finance and Public Administration References Committee on COAG reforms relating to health and hospitals be extended to 21 June 2010.

Senator Nash to move on the next day of sitting:

That the report of the Rural and Regional Affairs and Transport References Committee on import restrictions on beef be presented by 22 June 2010.
Senator Fisher to move on the next day of sitting:

That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the sustainable management by the Commonwealth of water resources be extended to 30 July 2010.

Senator Siewert to move on the next day of sitting:

That the time for the presentation of the report of the Community Affairs References Committee on the impact of gene patents on the provision of healthcare in Australia be extended to 2 September 2010.

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

That the following bill be introduced: A Bill for an Act to require the Auditor-General to oversee expenditure on government information and advertising campaigns, and for related purposes. Preventing the Misuse of Government Advertising Bill 2010.

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

That, upon its introduction, the Preventing the Misuse of Government Advertising Bill 2010 be referred to the Finance and Public Administration Legislation Committee for inquiry and report by 21 June 2010.

Senator Barnett to move on the next day of sitting:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 November 2010:

The past and present practices of donor conception in Australia, with particular reference to:

(a) donor conception regulation and legislation across federal and state jurisdictions;
(b) the conduct of clinics and medical services, including:
   (i) payments for donors,
   (ii) management of data relating to donor conception, and
   (iii) provision of appropriate counselling and support services;
(c) the number of offspring born from each donor with reference to the risk of consanguine relationships; and
(d) the rights of the donor conceived.

Senator Lundy to move on the next day of sitting:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate, from 10 am to 1 pm, on Thursday, 17 June 2010, to take evidence for the committee’s inquiry into the role of the Auditor-General in monitoring compliance with the ‘Guidelines on Campaign Advertising’.

Senator Milne to move on the next day of sitting:

(1) That the Senate notes that at the G20 meeting in Pittsburgh in September 2009, the Prime Minister (Mr Rudd) agreed to ‘phase out and rationalise over the medium term inefficient fossil fuel subsidies while providing targeted support for the poorest’ and further that the Prime Minister also agreed to report back to the G20 on how to implement this commitment.

(2) That there be laid on the table by 10 am on 17 June 2010, any document that the Government provided to the meeting of the G20 Finance Ministers and Central Bank Governors at Busan, Korea, on 5 June and 6 June 2010, regarding the commitment to phase out fossil fuel subsidies, including:

(a) the implementation plans for the phase out as required by the commitment, including any assessment of the nature and size of fossil fuels subsidies in Australia; and
(b) any advice from the department to the minister in relation to these implementation plans and how the Government seeks to define ‘fossil fuel subsidy’.
Senator Xenophon to move on the next day of sitting:

That new regulations 4.67C and 4.67E in item [2] of Schedule 1 to the Aviation Transport Security Amendment Regulations 2010 (No. 1), as contained in Select Legislative Instrument 2010 No. 80 and made under the Aviation Transport Security Act 2004, be disallowed. [F2010L01200]

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

Senator Xenophon to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the World Trade Organization (WTO) has issued a report to the Australian and New Zealand Governments regarding Australia’s 90-year-long ban on importing apples from New Zealand, and

(ii) the recommendations contained within the report could expose Australia’s apple and pear industry to greater risk from disease and pests foreign to Australia’s shores;

(b) recognises that:

(i) the Australian apple and pear industry generates an annual turnover of approximately $500 million and any increase in major quarantine incursions could devastate both the industry’s biosecurity and future financial viability, and

(ii) it is of paramount importance that Australia protects its biosecurity and maintains a disease free apple and pear producing industry; and

(c) calls on the Federal Government to:

(i) publish the report as soon as possible to allow thorough consultation and review,

(ii) vigorously defend the integrity of Australia’s science-based quarantine regime, and

(iii) appeal any errors of law in the WTO interim report to the relevant appellate body.

Senator Ludwig to move on the next day of sitting:

That—

(1) On Thursday, 17 June 2010:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;

(b) the routine of business from 7.30 pm shall be government business only;

(c) divisions may take place after 4.30 pm; and

(d) if the Senate is sitting at 10 pm, the sitting of the Senate be suspended till 9 am on Friday, 18 June 2010.

(2) On Friday, 18 June 2010, the question for the adjournment of the Senate shall be put at 1.30 pm.

Senator Hanson-Young to move on 17 June 2010:

That the Senate—

(a) recognises that:

(i) 20 June 2010 marks World Refugee Day 2010,

(ii) the global theme for 2010 is ‘Home’, in recognition of the plight of more than 40 million uprooted people around the world, and

(iii) as a signatory to the 1951 United Nations Geneva Convention Relating to the Status of Refugees, Australia is obliged to protect those seeking asylum from persecution;

(b) notes, with concern:

(i) the Government’s commitment to reopening desert detention centres across the country, and

(ii) the effect that the suspension of processing claims for asylum seekers from Sri Lanka and Afghanistan will have on the mental health of some of the worlds most vulnerable; and
(c) calls on the Government to immediately
lift the imposed suspension and process all
claims for asylum, irrespective of race or
ethnicity.

**Senator Hanson-Young** to move on 21
June 2010:

That the Senate—

(a) notes:

(i) the recent report from the International
Crisis Group on War Crimes in Sri
Lanka, and

(ii) this report, recommends, among other
things, for the United Nations (UN) to
authorise an independent international
inquiry into the alleged war crimes in
Sri Lanka during the last year of the
conflict; and

(b) calls on the Australian Government, as an
active member state of the UN, to encour-
geage the UN to investigate the alleged war
crimes in Sri Lanka.

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

That the following matters be referred to the
Finance and Public Administration References
Committee for inquiry and report by 30 June
2010:

(a) whether the Rudd Government’s tax re-
form advertising campaign is an outra-
geous abuse of taxpayers’ dollars;

(b) whether the Rudd Government should be
allowed to spend millions of dollars in ad-
tertising a new tax that has not been ap-
proved by parliament;

(c) whether the Special Minister of State and
Cabinet Secretary (Senator Ludwig) acted
appropriately in exempting the tax reform
advertising campaign from the *Guidelines
on Information and Advertising Cam-
paigns by Australian Government De-
partments and Agencies*; and

(d) what further provisions are necessary to
strengthen the controls on government ad-
tertising to prevent taxpayers’ dollars be-
ing used for electioneering purposes in the
future.

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

That on 22 June 2010 so much of the standing
orders be suspended as would prevent the follow-
ing motion having precedence over all other busi-
ness until determined:

That the Senate:

(a) notes the Obama Administration’s Af-
ghanistan exit plan to start to bring troops
home by the middle of 2011; and

(b) calls on the Australian Government to
develop an exit plan for Australia’s com-
bat troops from Afghanistan.

**Postponement**

The following items of business were
postponed:

Business of the Senate notice of motion no. 1
standing in the name of Senator Xenophon for
today, proposing a reference to the Community
Affairs References Committee, postponed till 21
June 2010.

Government business notice of motion no. 1
standing in the name of the Minister for Broad-
band, Communications and the Digital Economy
(Senator Conroy) for today, relating to the con-
sideration of legislation, postponed till 31 August
2010.

General business notice of motion no. 694
standing in the name of the Leader of the Family
First Party (Senator Fielding) for today, proposing
the introduction of the Protection of Personal
Information Bill 2010, postponed till 16 June
2010.

**BANKING AMENDMENT
(DELIVERING ESSENTIAL
FINANCIAL SERVICES FOR THE
COMMUNITY) BILL 2010**

**First Reading**

**Senator BOB BROWN** (Tasmania—
Leader of the Australian Greens) (3.55
pm)—I move:

That the following bill be introduced: A Bill
for an Act to deliver essential financial services at
reasonable cost, fair mortgages for families and
increased competition for the community, and for related purposes.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.56 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.56 pm)—I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill.

Leave granted.

Senator BOB BROWN—I table the explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Banking is an essential service. A basic bank account is essential to function properly in present day Australian society. This means that the nature of banking services—the kinds of financial products that are offered and the fees that are charged—has a very broad impact and the rights of consumers should be protected by law and not, as is currently the case, by the self-regulation of the banking industry.

The Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010 provides legislative protection for banking customers in a number of basic banking services, including minimising or removing fees from basic services and ensuring mortgage arrangements are transparent and fair for consumers.

Banks enjoy a position of overwhelming market dominance in Australia, with around ninety per cent of the national market in loans and advances. This kind of market power leaves them free to charge their customers a range of fees that often bear little relationship to the actual or reasonable costs of providing banking services. These sorts of practices have resulted in ever increasing profits for banks at the expense of their customers.

Last financial year, Australia’s major banks announced massive net profits despite the global financial crisis. For example, the ‘big four’ banks each posted profits between $4.7 billion and $2.6 billion, despite the global financial crisis. At the same time, Fujitsu Consulting estimated that, on average, Australian households pay about $1000 per year on bank fees—roughly 22% more than UK householders and 10% more than the US. The Australia Institute recently calculated that the average person earning around $50k is likely to be paying $28.85 per week toward bank profits.

Recently, consumer organisations have successfully campaigned for a better deal from the banks. The banks have responded to some extent and voluntarily improved their approach to fees in some areas. For example, now most banks do not charge their own customers for the use of another bank’s ATMs, even though it is open to them to do so. Other banks have dropped overdrawn account fees and reduced their other penalty fees. A number of banks have also introduced fee-free or low fee basic accounts for low income customers. These are very welcome changes.

The Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010 ensures that these changes apply to all banks as a matter of law, and makes further important improvements for the benefit of banking customers.

This Bill delivers fee-free essential banking services and greater competition and transparency in the mortgage market by: requiring banks to offer basic, fee-free transaction accounts to all; making bank ATM transactions free or capped at the cost of service provision; requiring financial institutions to offer a mortgage product that fixes the interest rate at a negotiated margin above the institution’s cost of funds; and by limiting mortgage exit fees to a level that recovers the cost to the lender of the early termination.

The proposed basic transaction account offers banking customers an easy to understand account that provides essential banking services without any hidden profiteering in the form of exploita-
tive fees. It is similar to the accounts some banks choose to offer to low income customers at present, but it will ensure that such accounts offer the same minimum features and are available to all customers of all banks. It will provide essential transactions, internet banking, a debit card, freedom from ongoing service fees or unfair penalty fees for the actions of third parties, with other penalty fees capped at a level sufficient to recover the cost to the bank of the penalised conduct. This represents a return to a simpler banking model where banks benefit from the use of their customers’ money, and in exchange they keep the funds secure and offer the customer secure and convenient access. The only fees that may be levied will be for breaches of contract that the account-holder is personally responsible for, and these fees will be purely to recover the cost to the bank of the breach.

The Bill prohibits banks from charging their own customers for ATM transactions which effectively just locks in banks’ current practice, and caps the charge for using another bank’s ATMs at a level sufficient to cover the cost to the bank of the transaction. In 2000, the Reserve Bank of Australia calculated that ATM transactions cost banks around 50 cents per transaction, but the fees charged to the consumer were anything up to $2.00 per transaction. Australians are the second highest per capita ATM users in the world, with some 800 million withdrawals made in 2006, so the profits the banks make through this premium on ATM transactions is significant. This has a disproportionate impact on poorer people, as they are more likely to withdraw smaller sums at a time, and the $2.00 charged each time represents a greater share of their income. The Bill’s restrictions on charges for ATM use would address this problem, while still permitting banks to break even on the cost incurred when non-customers use their ATMs.

The Bill introduces a requirement that mortgage providers offer ‘fixed interest gap mortgages’ that keep a mortgagee’s interest rate at a fixed percentage (negotiated at the outset of the mortgage) above the lender’s cost of funds. The lender’s cost of funds will be calculated according to a formula approved by the Australian Prudential Regulation Authority. These mortgages will protect customers from interest rate fluctuations that are not genuinely caused by changes to the bank’s cost of funds. In the past, there have been occasions where the RBA has lifted interest rates and the banks have lifted their interest rates even higher. If the banks were only passing on increases to their costs, their interest rate rises would be lower than those of the RBA, as a third of their borrowings is done in overseas markets that are unaffected by RBA interest rate hikes. These additional increases would not be possible for customers on a fixed interest gap mortgage. By keeping the lender’s margin on their mortgage constant, and faithfully passing on changes to the lender’s costs under the supervision of an independent authority, these mortgages will offer customers greater transparency and reassurance by behaving as customers expect variable rate mortgages to behave.

Finally, the Bill limits mortgage exit fees to the actual and reasonable costs of early termination of the mortgage, and obliges lenders to make consumers aware of the existence and amount of these fees up front. The existence of exit fees must be mentioned in advertising, and they must routinely be included in the mortgage contract under the uniform heading ‘early repayment charges’. Exit fees are presently disclosed in the fine print of mortgage contracts, but this measure will ensure that they can be identified much more easily. They must be given as a dollar amount for variable rate mortgages, and a plain language explanation of how the fee will be calculated for fixed rate mortgages (as it is not possible to anticipate the cost of early termination for these mortgages). These changes would introduce greater transparency to the mortgage market, and remove a significant barrier to greater competition. In 2008, the Australian Securities and Investments Commission observed that ‘some [exit fees] do not appear to be related to the underlying costs they are purporting to recover’ and ‘the size of these fees might now present a barrier to switching loans’. The fact that many lenders waive exit fees after three or four years does not assist in most cases, as ASIC observed that ‘the average Australian mortgage is terminated or refinanced within approximately three years’. The changes made by the Bill reduce this barrier to switching loans and make it easier for unhappy
customers to take their business elsewhere, pressuring lenders to offer consumers a better deal or risk losing their business.

The provisions of this Bill will not prevent banks from offering a range of other financial products. They simply ensure that banking customers also have access to basic, essential, transparent banking services on fair and reasonable terms.

I commend this Bill to the Senate.

Senator BOB BROWN—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

National Capital and External Territories Committee

Meeting

Senator PARRY (Tasmania) (3.57 pm)—At the request of Senator Adams, I move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 June 2010, from 12.30 pm to 2 pm, to take evidence for the committee’s biannual review of the National Capital Authority.

Question agreed to.

RIGHTS OF DONOR CONCEIVED INDIVIDUALS

Senator SIEWERT (Western Australia) (3.57 pm)—I move:

That the Senate—

(a) acknowledges that:

(i) there are approximately 60,000 donor conceived individuals in Australia and with advances in reproductive technology this number is likely to increase significantly.

(ii) all children, including adopted children and children conceived by artificial forms of conception, have the right to know, as far as possible, who their genetic parents are, and

(iii) not enabling donor conceived individuals to have access to information about their donors and half siblings is a violation of the human rights of donor conceived individuals as described in the International Covenant on Civil and Political Rights, to which Australia is a signatory; and

(b) agrees that Australia should consider enshrining the rights of donor conceived individuals in national legislation and the need for a nationally-controlled donor registry, given that the vast majority of donor conceived people do not have access to proper family medical histories.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.58 pm)—I seek leave to make a short statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator LUDWIG—I thank the Senate. The government recognises the importance of donor conceived persons accessing information about their genetic heritage. The government has asked the Standing Committee of Attorneys-General to develop a discussion paper on a national model for registration of donors in consultation with health and community service ministers. The regulation of artificial conception procedures and access to information about donors is a matter for the states and territories, and the government remains committed to working with the states and territories on this matter. The government does not consider that this issue directly engages any of the rights set out under the International Covenant on Civil and Political Rights.

Question negatived.

ADOPTION

Senator SIEWERT (Western Australia) (3.59 pm)—I move:

That the Senate—

(a) recognises the grief, pain and anguish suffered by thousands of mothers who were vic-
tims of the forced adoption policies implemented by state governments for decades; and

(b) acknowledges:

(i) this pain and grief is on-going, and

(ii) these mothers deserve an apology for the pain and anguish they have suffered and continue to suffer.

Question negatived.

CLIMATE CHANGE

Senator LUDLAM (Western Australia) (3.59 pm)—At the request of Senator Milne, I move:

That the Senate—

(a) notes that:

(i) the Rudd Government’s current and promised overseas aid commitment fails to meet the agreed United Nations (UN) Millennium Development Goal of 0.7 per cent of gross national income (GNI),

(ii) under the Copenhagen Accord, the Rudd Government undertook to contribute to US$30 billion of ‘fast start’ financing for the period 2010 to 2012 and that this would be additional to existing aid funding,

(iii) a fair contribution by Australia to the US$30 billion financing is estimated at AU$760 million,

(iv) the climate aid related spending announced in the budget is not additional and is less than half of Australia’s fair contribution, and

(v) UN climate chief Yvo de Boer noted that, by pledging money that is not new and additional, some industrialised countries are beginning to ‘climate-wash’ and that this is not conducive to rebuilding trust in the international climate negotiations; and

(b) calls on the Government to:

(i) provide overseas development aid of 0.7 per cent of GNI,

(ii) state precisely what it regards as a fair and equitable contribution to the US$30 billion ‘fast start’ financing for climate mitigation and adaptation,

(iii) make the climate funding additional to the overseas aid budget, and

(iv) state when and how this funding will be provided.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.00 pm)—by leave—The Australian government does not support this motion. The government will deliver on its election promise to boost Australia’s commitment to official development assistance funding to 0.5 per cent of gross national income by 2015-16. We retain the 0.7 per cent ratio as an aspirational goal. The government is taking a measured approach to scaling up the aid program, ensuring at every stage we are positioned to deliver assistance in a way that is balanced, effective and in the national interest.

On the issue of fast-start financing, Australia will contribute its fair share of the collective fast-start financing commitment made in Copenhagen in December 2009. This is part of our continuing commitment to supporting developing countries, particularly the smallest and most vulnerable, in their efforts to respond to climate change. We have previously outlined Australia’s total fast-start contribution of $599 million over the period 2010 to 2012. The government’s 2010-11 budget boosted Australia’s contribution to climate financing by $355 million across the fast-start period. This builds on the $244 million in existing funding. For Australia, as for all other major donors, official development assistance will be the source of almost all climate change financing for developing countries during the fast-start period. The new budget measures which provide additional financing in 2011-12 and 2012-13 draw funds from a growing aid program and
Matters of public importance

Infrastructure

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

The publication of the Australian Conservation Foundation’s Sustainable Cities Index and the urgency of providing for green infrastructure in Australian cities and towns.

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

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

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

Senator LUDLAM (Western Australia) (4.09 pm)—The Australian Conservation Foundation’s Sustainable Cities Index was released this morning. It provides an insightful and quite alarming snapshot of the comparative performance of Australia’s largest cities. It contains 15 different indicators which cover key social, economic and environmental factors. It shows the ability of each city to sustain its population within its environmental means and within overall parameters of amenability and liveability. I suppose the first thing to take away is that this is not simply a list of environmental indicators. This is the footprint and the impact that our cities are having on the biosphere that sustains and supports them. It goes into quite a bit of detail across 15 different indicators.

It deals with environmental performance and looks at indicators around air quality, ecological footprint and so on, and water consumption, quite critically. It looks at quality-of-life indicators using things including proxies for health, transport, unemployment, subjective wellbeing and so on. So it is quite broadly framed. A third category of indicators are around resilience—a key word which I suspect we will hear much more of; climate change steps as identified by the Cities for Climate Protection five milestone process, which we might talk about more later if there is time, public participation rate,
education, local food production and so on. So it is a very well rounded set of indicators. It is by no means definitive or exhaustive, but it is to my knowledge the first time that this has ever been tried—to come up with a set of indicators of overall sustainability of our largest settlements and then try to rate Australian cities relative to each other to see how we are collectively doing.

It is based on the best datasets that are available, and in some cases I think some of the important takeaway messages are the gaps in data and information that we do not have or that the Australian Conservation Foundation and its partners did not have when they were collating the material to put this report together. I think some of the more important flow-on impacts might be taking a good look at what information we need to be collecting and doing better at.

Not a single Australian city scored well on the index. All cities are hovering in the middle range and, effectively, what we are measuring here is relative degrees of quite average performance. This is not abstract; this is not something that is academic that means that we just need to do a little bit better next year. This measures the ability of settlements in Australia to survive the challenges, the non-negotiable challenges, of the 21st century. No longer distant challenges, these are issues that are upon us right now and we are sleepwalking into them. One of the most important takeaway findings from this report is that Australian cities, despite 20 or 30 years of the kinds of debates that we have been having in here, are not ready across a very wide range of indicators.

Darwin ranked first with a score of 119. We may hear more from senators from the Territory about that. Zero was given to be the best performance. So even Darwin, which for a variety of reasons performed the best against the kind of metrics that the ACF were measuring, only scored reasonable. Not a single Australian city was good—a world leader. Three Queensland cities came next, with the Sunshine Coast, Brisbane and Townsville being placed second, third and fourth respectively. It starts to show and give credit to some of the extraordinarily good work that is being done. Not just in these cities that ranked very high but also right around Australia there have been initiatives that have been piecemeal but incredibly valuable, and we have to thank those that came from state, local and federal governments and those that came from the community sector, from the non-government sector and from the business community. These initiatives have been piecemeal and uncoordinated, but at least they have saved us from being much worse than we are.

Perth, my own hometown, came last. It came 19th out of 20 cities—because two were ranked equal 14th. That is an alarming outcome for a city that prides itself on its clean, green image and I think, when you get into the nuts and bolts of the detail, it does give credit to the extremely good work that has been done in a couple of areas. It shows overall that the capital of Western Australia is quite simply unprepared for the challenges that it faces. I will go into a little more detail. Perth scored very well on education and on employment, but it had the worst possible score on ecological footprint, which is in itself an amalgam of different indicators, and on transport and on water. We still have among the lowest mode share for public transport of any major Australian community. Despite the fact that we have a world-class heavy rail network, we are missing a vitally important link. Of course, the Australian Greens believe that that could be filled by light rail.

The ecological footprint for Perth, according to the report, is a little over seven hectares per person per year. The EPA State of
the Environment report calculated it, using a slightly different methodology, at 14½ hectares per person per year. People say that if the entire world was trying to live the way we do in Australia we would need another three or four planets. That is where that kind of statistic comes from. If we took the global availability of resources—water and so on—per capita, according to some kind of principle of global justice which says every human being on this planet deserves access to the same resources, we would need to be living on less than two hectares per person. Perth, scoring the very worst on this indicator, is somewhere between seven and 14. That is just how far we have to go. That is one of the reasons that we are at the bottom of the list.

We got one of the lowest possible scores for transport. Again, this may be in part an artefact of the data that was used and it gives us some signs that we probably need to collect it better. We do have the highest rate of vehicle ownership in Australia. Australian cities are amongst the least dense and most car dependent of any on the planet. We have been getting away with it because of a long period of cheap oil, quite frankly. We had a huge fright and a near miss a couple of years back when oil prices spiked, and that seems to have been forgotten. When you ask the Commonwealth government, ‘Who is the lead agency on oil depletion and our unique oil vulnerability in Australia?’ nobody seems to know. We are still flying blind.

Western Australia also scores very poorly in water consumption because we seem to have this dependence or institutional reliance on groundwater mining projects and extremely energy intensive water desalination, and there has been very little thought given in WA—apart from some extremely good research over the last few years—to decentralising water infrastructure.

Waste and recycling is not included in this indicator, although it would be incorporated by proxy in the ecological footprint. Again, it points to initiatives like container deposit legislation, which the NT has and which South Australia led with years and years ago, but the Commonwealth government is still baulking and studying to death while a good idea goes begging.

There are ideas that we could be implementing right now so that next year we see not just that the cities change order and we are comparing each other in slightly different ways but that all Australian communities move further up the scale. This is not in order to get some gold star. This is in order to survive the very real imperatives of the 21st century—climate change, oil depletion, water depletion, food and basic expectations of quality of life. At the moment I think we are simply coasting along assuming that things are going to stay the same as they have. That is why we are still seeing budgets brought down at a state and federal level that would have served us very, very well for the 1950s and 1960s but that are grossly mismatched for the challenges that we face today.

One of the things that I would like to conclude with is the Rudd government’s promises of infrastructure spending. For the first time in a generation, we are seeing the Commonwealth getting, in a tentative way, back into the business of urban public transport. This is a subject that is very dear to my heart. But we are still seeing an overwhelming reliance on road funding, on building more roads to get more traffic onto those roads, while continuing to underfund public transport or just assuming that one day the states will get their act together and that there will be something to fund. The Commonwealth can play a role. We are hearing some of the right language but it is not being reflected in the actions, because in the last Commonwealth budget handed down here a
couple of weeks ago there was not a single additional dollar for public transport spending anywhere in the country.

What we are seeing instead is this sense of infrastructure being something that mining companies ask for and get. Infrastructure is: ‘Let’s make north-west ports larger. Let’s provide railway infrastructure and expansions for coal companies.’ That is not what the Greens mean when we talk about infrastructure. When we talk about infrastructure we mean survivability, resilience and thriving into the 21st century. In the mining communities in particular that I represent in the north-west of WA, when we are talking infrastructure those communities are actually not demanding larger ports or more expensive housing. They are demanding basic health care, education, transport and telecommunications systems. These are economies that have been stretched to the brink. We are flying in and flying out people to clean schools in Karratha at the moment, and that simply cannot be maintained.

I think people need to be very aware that when the Rudd government uses the word ‘infrastructure’ it appears to mean something very different. When the Greens use that word we mean the infrastructure of sustainability, whether it be light rail in our major cities, whether it be renewable energy infrastructure and smart grids or whether it be basic community health care and education services, which people in our wealthy inner cities certainly take for granted but which the mining centres in Western Australia and other regional communities across the country simply do not take for granted. It is about time everybody were given access to the same opportunities. I commend ACF on producing this report and look forward to seeing how we do next year.

Senator SCULLION (Northern Territory) (4.19 pm)—I would like to say that I am delighted but not at all surprised, as you would understand, Mr Acting Deputy President Bishop, that Darwin was at the top of the list in terms of air quality, biodiversity and a subjective wellbeing index. If you told most of the people in the pub that they had come top of the subjective wellbeing index they probably would not allow you to participate in the next shout and would help drive you home. It is something that generally describes just how wonderful it is to live in Darwin—a fantastic city in the fantastic Northern Territory. But, sadly, this is where the good news ends.

The comments by Peter Verwer, the Chief Executive of the Property Council of Australia, about Sydney having an antiplanning culture are probably far more applicable to Darwin. In fact, Darwin was ranked not first but second last out of Australia’s capital cities in a KPMG discussion paper that looked at the performance of city planning systems. Planning is an absolutely essential element of staying at the top of the sustainable cities index. It appears that we are far behind in forward planning issues, which include discussions on infrastructure, land release and encouraging investment for the same. It should come as no surprise to Territorians that the people responsible for this completely abysmal performance are in fact the Northern Territory Labor government.

Darwin is the only capital city in Australia that does not have a population growth planning target. It beggars belief. Someone more cynical than I could say that the fact that we cannot even measure how the government is performing in managing and planning for population growth is perhaps why they do not have a target. I quote the KPMG report: There is substantial reform to be undertaken. For example, there is the need to develop a land supply program and an infrastructure plan, the need to address national policy issues and the estab-
lishment of better implementation arrangements across government and with local government.

That sort of advice has been around for some time. How long have these guys been in power? Since 2001. You would reckon that after 10 years in power they would have worked that out by now. But instead there is still no land supply program. There is no plan for infrastructure and there is no plan for population growth. So what have we been doing all this time? If you were having a conversation there would be a long wait before somebody filled that gap.

The report also talks about the gap between the aspirations we have for our cities and the implementation and achievement of targets and outcomes contained in those plans. It would help if we had a plan in Darwin. The Northern Territory government ranked last when it came to actually providing funding for its stated strategic planning objectives, and this reflects the fact that there is no strategic planning framework in place. Over the last five years we have also seen the largest deterioration in housing affordability in Darwin, and I know all those in this place and across parliament are concerned with housing affordability. It is so closely attached to being able to gauge population growth and ensure that we are releasing the right sort of land, as much as anything else. In many of the places that have a lot of tightness in housing affordability, which is particularly the case in the Northern Territory, it is a consequence of poor planning or, in this case, absolutely no planning at all.

To return to the senator’s MPI, whilst congestion is not really a problem in Darwin, at this stage I would agree with Senator Ludlam that greener transport infrastructure is likely to attract people to use public transport more. But before you can fund greener infrastructure you have to have a government that actually plans for population growth and land supply. If those fundamentals are not there then you are never going to get to the final objectives.

It was the federal coalition government that instigated and led the inquiry into the state of our cities so we could better develop into sustainable cities. We did a number of inquiries, and that inquiry into the state our cities and a whole range of subsequent consultancy reports found that a crucial missing element is a clear sustainable cities vision, a coherent framework and concerted action. This government does not appear to give priority to sustainable cities. It is evident that sustainability has not been incorporated across government and more sustainable cities do not appear to be a policy priority or a shared purpose of this government.

In an example of the government’s hap-hazard approach, Peter Garrett gave away insulation to homes and rental properties whilst Julia Gillard built ‘schools for the 21st century’. One in 10 of these schools does not utilise building insulation, one in four fails to use energy efficient lighting and more than half ignore energy efficient glazing. So the proof is in the pudding. Next year low-income and disadvantaged households will be able to apply for ‘Green Start’ funding to improve the energy and water efficiency of their homes, yet the new buildings constructed through the National Rental Affordability Scheme are not required to feature sustainability attributes. There have been plenty of opportunities and this government has simply squandered them. There has been short-term investment in infrastructure but the government has simply emptied the bank.

By contrast, the coalition have recognised the great sustainable cities public policy challenges and we have responded with a clear embrace of the constructive, collaborative and positive role that the Commonwealth can play. This was backed up in a very practical sense by the appointment of a
cross-portfolio and whole-of-government shadow minister for sustainable cities, my esteemed colleague Bruce Billson. Population and sustainability are separate sides of the same strategic policy coin. Viewing it in this way will promote mature debate and increase accountability.

Cities are the overwhelmingly dominant characteristic of population settlement in Australia and, as Senator Ludlam indicated, this really needs to be a particular focus of our attention. The Australian government, I believe, has a crucial role to play in securing more sustainable cities because it determines policy settings that actually have a major impact on our cities. It also has the resources and points of leverage that can better align support for more sustainable cities, and that is why the coalition has embraced a cross-portfolio approach led by my esteemed colleague Bruce Billson. The Northern Territory and federal Labor governments need to take note: those who fail to plan, plan to fail.

**Senator PRATT** (Western Australia) (4.26 pm)—I welcome this debate, because our communities and cities are the places where the climate rubber hits the road. Community action on climate change, as the ACF report shows, can save energy, save time and save money. More sustainable cities can enhance the Australian way of life. Sustainable cities mean less travelling time and more time with families. They mean reduced energy costs and reduced water bills. They ease the strain on family finances. They mean more pleasant, efficient and convenient environments to live, work, learn and play in.

As the ACF’s report shows, there is a significant amount of work being done by many cities across Australia to reduce their carbon footprint. There are indicators related to air quality, green buildings, water and climate change, and the ACF’s report shows many cities are indeed doing their bit to make their local communities more sustainable. But the report also shows that there is still a great deal of work to do across Australia in the area of climate change and energy efficiency. As ACF head Don Henry said this morning:

… our cities can do a lot better to be more sustainable.

From my point of view, this means things like using less water and energy in schools, workplaces and homes. It means relying more on public transport. It means walking and cycling rather than getting into your car.

The Australian government remains committed to taking action on climate change and to making Australia more energy efficient. The implementation of the enhanced renewable energy target will provide greater certainty for large-scale renewable energy developers as well as households who want to take action to reduce their emissions. Legislation to implement the enhanced renewable energy target will be debated in the parliament this fortnight. The RET will see nearly $19 billion worth of investment in clean energy in this nation by 2030.

We also have a commitment of $650 million to the Renewable Energy Future Fund. This funding will provide additional support for the development and deployment of large- and small-scale renewable energy projects and enhance the take-up of industrial, commercial and residential energy efficiency. These projects are going to have a major impact on Australia’s cities. The Rudd government has also established the Australian Carbon Trust and is supporting its work to help businesses to take action to improve their energy efficiency. Earlier this month, the government also announced the first commercial-scale smart grid, which will be based in Newcastle, New South Wales. It is a demonstration project that will lead Australia in advances in energy management. It is about...
modernising the electricity network, helping people to save energy and connecting renewables into the grid. It is about engaging the community to take action on climate change.

So you can see here that we are implementing an integrated range of policies aimed at improving energy efficiency of homes, appliances, equipment and lighting. It is about giving families more confidence in the purchasing decisions that they are making. The government is also implementing a national program to improve the energy efficiency of Australia’s largest office buildings through providing better information and funding leading-edge green buildings.

I welcome the ACF’s sustainable city index as a vital contribution to the ongoing national discussion about taking action on the state of Australia’s cities. I do not agree with the all the report’s findings, and I think this is in part because there are some gaps in the data. Nevertheless, it is important that we look at and debate the questions that this report raises. And, yes, it is even more important that we act with a sense of urgency on the enormous challenges that confront Australians who live, learn and work in our cities, and indeed on the biodiversity challenges that exist within Australia’s urban landscapes.

It is important to note that the ACF’s document is not only about our environmental footprint and the natural environment but also about a range of other important factors. It is about our quality of life and our communities’ resilience. For each of these performance indicators, data has been collected on a range of important subissues. So, to highlight, for example, community resilience, the ACF has brought together some pretty important issues such as our capacity to adapt to climate change, public participation, education, food production and household repayments.

So when you look at Perth’s vulnerability to the impacts of climate change combined with the high levels of household debt attached to our booming property market, our high levels of food imports and the busy lifestyles so common in Perth, you can easily see how Perth has a low rating, when compared to others, on a resilience score. While I am not sure this rating is entirely fair, as there is a lot being done to address these issues in my home city, it is, nevertheless, great to see this index fostering a healthy rivalry between cities—a rivalry that encourages all our cities to lift their performance on sustainability. I know that the people of Perth will see this report as providing renewed impetus to get in there and get things done and to put the city on a more sustainable footing.

Many people have been working hard now over many years to get Perth to look at its sustainability issues. The former Minister for Planning and Infrastructure, and now federal candidate for Canning, has done a great deal of work on this front. The Gallop-Carpenter governments built the Mandurah rail line and have worked very hard to promote nodes of development along existing transport hubs. This was about increasing urban density in places where there are existing services, and that was something that Alannah MacTiernan led the way on.

The work of the Labor government was directed at undoing the legacy of many years of poor planning. It aimed to reverse the negative trends of the past by putting transit oriented development at the forefront. This means locating moderate- to high-intensity commercial, mixed use, community and residential development close to train stations and/or high-frequency bus routes to encourage public transport use over private vehicles. There are many benefits to this approach and they include: improving the attractiveness of and access to public transport,
cycling and walking; providing communities with interesting and vibrant places for people to interact in and to visit; reducing the impact of transport on the environment; reducing household travelling expenses; and providing more housing diversity and affordable housing options.

Since the 1950s, Perth’s urban sprawl has become more dependent on the private motor vehicle than most other cities around the world. Perth therefore generates more CO2 compared to cities with a more compact urban development pattern. So it is easy to see how, on some of the indicators highlighted by the ACF, Perth might score badly. But it is a challenge that the previous Labor government in Western Australia was working very hard to address.

Transit oriented development helps address the issues of climate change by providing people with choices of lifestyles and personal travel that directly or indirectly reduce the use of fossil fuels and thus the emission of CO2. In the coming years, the world’s declining oil reserves will significantly impact on many aspects of Perth’s social and economic structures, in particular its dependence on vehicles. Already, the days of cheap conventional oil are in the past, and it is expected that the demand for oil will eventually outstrip supply. In Perth it is vital that we provide walking and cycling options and a more efficient public transport system across the city to reduce the impact of declining oil reserves. So, concepts such as activity centres and higher residential densities along high-frequency public transport routes are vital ways for our city to reduce vehicle dependence.

There are complex and interrelated issues that impact on the sustainability of Australian cities. These were considered in some depth in the government’s State of Australian cities 2010 report released by Infrastructure Australia, in March this year. This report was produced in recognition of the paucity of national information on economic, environmental, social and demographic indicators relating to our cities. The systematic data collection on which the report is based reveals key trends in the development of our cities and provides a platform of knowledge to facilitate the development and implementation of future urban policies.

This report makes clear that effective action on the challenges facing our major cities will require the cooperation of the community, of business and of all levels of government—local, state and federal. It identifies a wide array of challenges. Given the scope of the challenges facing our cities, there is a vital role for the federal government. We must provide leadership, coordination and funding for large-scale projects that can make a real difference to the sustainability, productivity and liveability of our cities. It is a role that our predecessors—those opposite—were reluctant to take up. In government they avoided this challenge, as they did so many other challenges.

The state of the cities report signals that the Rudd government is willing to tackle this challenge, as it has done on many other hard issues. The report sets the scope and context for the Rudd government’s renewed commitment to urban policy and planning, particularly in relation to the need for new infrastructure. For too long, myriad government departments have been involved in these issues with no plan for action, no plan to make our cities more sustainable and more liveable. With the election of the Rudd government, that changed. We do have a plan for green infrastructure and we are taking urgent action. We are, for the first time in the nation’s history, making record investment in public transport and green energy infrastructure. In fact, the Rudd government has committed to the first significant federal invest-
ment in urban public transport in the nation’s history. Our Nation Building Program provides some $4.5 billion in funding for metropolitan rail projects in our major cities. That warrants repeating: for the first time ever we have a record national investment in public transport, including rail. The Rudd government takes the sustainability of our cities and the quality of life of urban Australians very seriously. Our Major Cities Unit and our energy and infrastructure investment mean that we are, for the first time in the Australia’s history, tackling the very issues raised by the ACF in its index report. We are making just the kinds of investment in green energy infrastructure necessary to get us on a sustainable footing. Yes, it is important to act and, yes, it is urgent.

Again, I welcome the ACF’s constructive contribution to this issue. Federal, state and local governments; communities and community groups and businesses and individuals must all get on with making our cities more sustainable. Hand in hand with making them more sustainable, they will be better places to live, learn, work and play. I am pleased to have had an opportunity to contribute to this debate today.

Senator IAN MACDONALD (Queensland) (4.40 pm)—My colleagues in the Senate will forgive me if I express in this matter of public importance debate a little pride in the results of the Australian Conservation Foundation’s Sustainable Cities Index survey. Townsville and Darwin, two of Australia’s northernmost cities, have come in first and third overall in this assessment. They lead the way in many areas. I think that indicates that, as in other areas, Northern Australia leads the way and should be recognised as such across the board of government influence. I also say with some pride that the capital city of my state, Brisbane, has featured very well, as has another significant city in the state of Queensland, the Sunshine Coast. There is a common theme running through these successful cities, and that is they have good governance at local, state and federal level. For example, Townsville’s results are in no small way a credit to the mayor, Councillor Les Tyrell, and the deputy mayor, Councillor David Crisafulli—who, I mention in passing with some pride, just happened to work for me once upon a time. Brisbane has done well because of the work of Can-do Campbell Newman, the Lord Mayor of Brisbane—another Liberal, I might add. Sunshine Coast has a great leader in Councillor Bob Abbot. Of course, all of the federal seats in that area are held by good positive members—Warren Truss, Alex Somlyay and Peter Slipper—and the other seat in that area, Longman, will shortly be represented by an up-and-coming, very able young fellow by the name of Wyatt Roy. I will come back to that later. All of the state members on the Sunshine Coast are members of the Liberal National Party. There is a common theme there.

I will look quickly at some of the individual rankings. Darwin was ranked first on employment opportunities. Why would that be? Because of two factors mainly. The huge resource of mining makes employment in Darwin so positive, but what is the Rudd government going to do about that? It is going to destroy the mining industry with this great big new tax and that, in future surveys, will have an impact on Darwin. The other thing for Darwin is that it is the location of a military enterprise. A lot of the employment opportunities in Darwin rotate off the defence commitment in that area. Darwin also ranked high in household payments. Why? Because a lot of the income of the Northern Territory, and Darwin in particular, comes from the mining industry; an industry that Mr Rudd seems determined to destroy in Australia. Darwin ranked sixth in food production. This is because the people of the
Northern Territory—indeed, the people of Northern Australia—understand that more can be done to supply fresh food from the north of Australia because of our abundant supply of water.

Townsville did very well in biodiversity, and that I think is principally because of the Great Barrier Reef Marine Park, which was set up by the Fraser Liberal government, and the green zones on the Barrier Reef, which were an initiative of the Howard Liberal government. Townsville ranked well in employment. For what reason? Three mine-processing activities—zinc, copper and nickel—are located in Townsville, and these again are supported by an industry that Mr Rudd wants to destroy with his great big new tax on mining.

Another reason Townsville did well was because of the Solar Cities program. That was a program initiated by the Howard government and fought for by Peter Lindsay, the Liberal member for the seat of Herbert. His good work there will be carried on by Ewen Jones, who I think everyone expects will become the next member for Herbert. Again Townsville ranked well with household repayments. Why? It is because of the fly-in fly-out from Townsville, supported by the mining industry which Mr Rudd wants to destroy with his great big new tax on mining. Townsville also benefits because it is the site of Australia’s largest defence establishment.

The Sunshine Coast did well on the subject of wellbeing. I can well understand that. One of the reasons it ranked well in food production is that fortuitously the Liberal-National Party in Queensland led the charge against the establishment of the Traveston Crossing dam against the Labor government, who were returned to office with support of the Greens political party. Wyatt Roy, who I mentioned before, comes from a family that has been involved in horticulture in that Sunshine Coast hinterland. It is that sort of access to fresh food that has seen the Sunshine Coast do so well there.

In Brisbane a lot of their high ranking in the biodiversity area is the responsibility of the Brisbane City Council. I might mention that Councillor Jane Prentice, who will be coming to Canberra hopefully as the member for Ryan, had a significant role to play in establishing Brisbane as the green city it is.

On a negative note, and time is escaping me, I did want to mention the other significant North Queensland city of Cairns. It has been taken down in the overall rankings because its employment is so atrocious under the Rudd government. It was the Rudd government that destroyed a very viable shipbuilding industry in Cairns, causing huge unemployment. It was the Rudd government that introduced the passenger movement charges that have had a lot to do with making things difficult in the tourism industry. For those reasons, unfortunately Cairns rated poorly overall. But all in all, it is a good result for Queensland and a great result for Northern Australia.

Senator BILYK (Tasmania) (4.47 pm)—I would like to start my contribution by thanking the Australian Conservation Foundation for the excellent work they do in producing the sustainable cities index. It is important to note that the index is not just a measure of environmental sustainability, not that I wish to diminish the importance of measuring environmental outcomes, but also a measure of the quality of life and resilience of cities. It provides a holistic overview of the health of our cities and how smart our cities are in meeting the challenges of the 21st century. It is a useful tool to measure how we are tracking not only at all three levels of government—federal, state and local government—but as a community and society in continuing to make our cities livable into the future.
I am personally pleased that the capital city of my home state of Tasmania, Hobart, has been placed a respectable sixth amongst the 20 cities whose sustainability was assessed by the ACF. However, I do not think anyone in this place would disagree that there is much more we can do to improve the sustainability of our cities. As ACF head Don Henry said this morning, our cities can do a lot better to be more sustainable. This could include measures such as using less water and less energy and relying more on public transport than cars.

In regard to the MPI today, it is easy for Senator Ludlam and his colleagues in the Australian Greens to take the high moral ground on this issue, as they do with so many other issues. It is easy for them to preach as if they are the messiahs of the environment and to pretend they possess the only social conscience within this parliament. It is easy from a place where you are not governing, nor offering a real prospect of being the alternative government, to say that something is a priority and more needs to be done. It is easy when you do not have to prepare a budget, you do not have to juggle spending priorities and you do not have to be accountable for the outcomes of the decisions you make. That is what the government is about. The Rudd Labor government takes the issues of the health, resilience and environmental sustainability of our cities very seriously.

I would like to mention some of the social indicators measured by the index before addressing the issue of environmental sustainability. One measure I would particularly like to mention is employment. If there is one thing we know about the unemployment rate, it is that it would be much higher had the federal opposition had their way. Let us not forget that, had it not been for the economic stimulus package opposed by those opposite, hundreds of thousands of Australians who are employed now would either have lost their jobs or not found employment. The sustainability of Australian cities in terms of employment could have been much worse had the Rudd government not taken decisive action in dealing with the effects of the global financial crisis.

The Rudd government is working hard on initiatives that address a number of other social indicators measured by the ACF’s sustainable cities index. On public participation, we are addressing this through our Volunteer Grants Program, which contributes to the cost of training courses, equipment and fuel for volunteers. This program helps support our hardworking volunteers and builds social inclusion and community participation throughout Australian communities, including our sustainable cities. In education we are boosting year 12 completion rates by building trade training centres across Australia which will help address skill shortages in traditional trades and emerging industries— unlike those opposite, who want to stop the building of the trade training centres. This will help boost employment.

In transport we are rolling out billions of dollars in road and rail infrastructure which will help reduce congestion and therefore have the added environmental benefit of reducing Australia’s carbon emissions. A great example of this is in my home state of Tasmania, the Kingston bypass, which coincidentally happens to be about halfway between my office and my home, so it is a road that I will be travelling every day and it is a road I now travel every day with some congestion on it. The Kingston bypass is jointly funded by the Tasmanian and Australian governments. It is a great project and it will be featuring bike lanes and a park-and-ride facility to encourage alternatives to vehicular transport to the city. In Australia’s fastest-growing local government area, these are very important initiatives.
There are a number of programs being progressed by the Rudd government that address the environmental sustainability of our cities. The Australian government’s Solar Cities program is designed to trial new sustainable models for electricity supply and use, and it is being implemented in seven separate electricity grid-connected areas around Australia. It is administered by the Department of Climate Change and Energy Efficiency, in partnership with local and state governments, industry, business and local communities. Australia’s solar cities are Adelaide, Alice Springs, Blacktown, Central Victoria, Moreland, Perth and Townsville. Each solar city integrates a unique combination of energy options, such as energy efficiency measures for homes and businesses, the use of solar technologies, cost reflective pricing trials to reward people who use energy wisely, and community education about better energy usage in an increasingly energy reliant world.

The Rudd government has committed $650 million to the Renewable Energy Future Fund, which will provide additional support for the development and deployment of large- and small-scale renewable energy projects and enhance take-up of industrial, commercial and residential energy efficiency. We are also establishing the Australian Carbon Trust and supporting its work to help businesses take action to improve their energy efficiency. Earlier this month Senator Wong, the Minister for Climate Change, Energy Efficiency and Water, announced that the first commercial-scale smart grid will be based in Newcastle, New South Wales. This demonstration project will lead to Australia-wide advances in energy management. It will modernise the electricity network, help people save energy, connect renewables to the grid and engage the community in action on climate change.

The Rudd government has also developed an integrated range of policies aimed at improving the energy efficiency of homes, appliances, equipment and lighting to allow householders to give families more confidence about the purchasing decisions that they are making. And we are implementing a national program to improve the energy efficiency of Australia’s largest office buildings, through providing better information and funding leading-edge green buildings. These examples are just a snapshot of the initiatives that the Rudd government has delivered or will be delivering to help make our cities more sustainable.

While government programs are important, we could make substantial progress by putting in place market mechanisms that encourage the businesses and households within our cities to operate more sustainably. The Rudd government has proposed two market based schemes to help make this happen: the Enhanced Renewable Energy Target, or the enhanced RET, and the Carbon Pollution Reduction Scheme, commonly known as the CPRS. The implementation of the enhanced RET will provide greater certainty for large-scale renewable energy developers as well as households wanting to take action to reduce emissions. The RET will help drive nearly $19 billion of investment in clean renewable energy by 2030. As for the CPRS, we have unfortunately been forced into a situation where we have no choice but to delay the introduction of the scheme because of the intransigence of some members of the Senate.

By voting down the CPRS, the federal opposition and the Australian Greens have voted to guarantee that Australia will fail to meet its international obligations in addressing the serious threat of climate change. If Senator Ludlum were serious about helping to reduce the carbon footprint of our cities—if he were serious about helping our cities to
become more sustainable and contribute to tackling climate change—then he would urge his colleagues in the Australian Greens to pass the CPRS at the earliest opportunity. The CPRS is the most economically efficient means that Australia has of reducing our greenhouse gas emissions while meeting the government’s proposed greenhouse gas reduction targets. It is hypocritical of the Greens to talk about sustainable cities and yet act to delay meaningful action on climate change. Their action places them in the same camp on this issue as the climate change sceptics and the climate change deniers in the federal opposition.

Senator TROETH (Victoria) (4.56 pm)—It gives me great pleasure to speak on this matter of public importance today. Cities that are lauded for their sustainability contain a number of characteristics, such as economic prosperity, social energy, the robust use of resources, lifestyle opportunities and appealing and functional urban habitats. In my home state of Victoria, the Australian Conservation Foundation, which produced the sustainable cities index, have ranked 20 of Australia’s biggest cities and towns. Those in Victoria ranked seventh, which was the CBD of Melbourne; 10th, Bendigo; equal 14th, Ballarat; and 18th, Geelong. Melbourne and Bendigo were considered midtable performers in the index, and Ballarat and Geelong were poor performers. Their low rankings were attributed to lower density, transport and employment, which placed Ballarat in the lowest-quality-of-life basket. Geelong rated poorly in health, as approximately 5.3 per cent of the population of Geelong is registered as having type 2 diabetes. This highlights the lack of emphasis that the state Labor government have on investing in sustainable living in Victoria. The same could also be said of the Rudd Labor government, and it was interesting to note in the announcement of the recent federal health reforms that the number of new beds in Victoria is barely adequate to cover the existing shortfall and we will need 187 new beds in hospitals in Victoria to cope with rising population.

Unlike the coalition, the Rudd Labor government has failed to create a portfolio position for sustainable cities, whereas my esteemed colleague Mr Bruce Billson from the other place is the shadow minister for sustainable cities. Therefore, we can only imagine that Prime Minister Rudd attaches no priority to sustainable cities. In fact, what he has done is indulge in reckless spending which has emptied the bank and failed to position Australia and our cities for a more sustainable future. The environment portfolio was giving away insulation to homeowners and rental properties, while the education portfolio, which is supposed to be building schools for the 21st century, is building schools where, as my colleague Senator Scullion remarked, one in 10 do not utilise building insulation, one in four do not use energy efficient lighting and more than half ignore energy efficient glazing.

I noticed in today’s Australian that Mr Rudd lists the key achievements of his first term as the education revolution and the remake of the hospitals and health system. What a failure they have been! Sustainability is not on the radar for this government, nor is it a policy priority. But it is not just Prime Minister Rudd who has an apparent disregard for this; the Brumby Labor government in Victoria has a similar disdain. There are great opportunities in Bendigo, Ballarat and Geelong. They are wonderful cities and they deserve to be served better so that people find them a desirable place to live and work.

In Melbourne, where I live, traffic congestion—and if Senator Bilyk thinks she has traffic congestion in Hobart she should see it in Melbourne—low water levels and storage
deficiencies, energy demand pressures, sprawling suburbs, underperforming and overcrowded public transport and work and family life dislocation are adversely affecting the sustainability of the city, relegating it to seventh on the list. Let us take, for instance, underperforming and overcrowded public transport. We have a cartoon from some four or five years ago on the wall in my office which shows railway commuters clinging to railway carriages, some of them travelling on the roof. This cartoon is yellowed and faded, but exactly the same thing still operates. At the station where I get on the train, on occasions you are lucky to force your way into the train. It is a bit like the way travelling on Japanese transport has been portrayed. The myki ticketing system, which was due to come out some 18 months ago at a cost of $400 million, is now well over the $1 billion mark and still heading skywards. In the meantime we have seen very few tickets.

The forecast population explosion will only make these matters worse. If Australia gets a population of 35 million people by 2050 we are going to be looking at these problems yet again. For instance, when my esteemed former colleague Jeff Kennett was Premier of Victoria there was a considerable amount of criticism directed towards his government for alienating 2,000 hectares of green wedge land for urban development. Since 2002 the Bracks-Brumby Labor government has alienated 55,000 hectares of green wedge land around Melbourne for urban development, a great deal more.

Innovative thinking is required by industry, local government, unions, community organisations and state and federal governments, and I would like to give a good example of what can be done. In my home state of Victoria in 2000 Mr Terry White met with representatives of the North Central Catchment Management Authority, the Department of Natural Resources and Environment and La Trobe University at Bendigo to create the first greenhouse alliance organisation in Victoria. The Central Victorian Greenhouse Alliance, CVGA, is an incorporated organisation that includes councils, governments, local community groups and local businesses, covering 20 per cent of Victoria. They are the ones who take full responsibility for their contributions to climate change and lead their communities by example, and they make this transition in a way that is profitable and practical. I can only hope that an incoming Baillieu government in Victoria will lead the way in encouraging grassroots examples of this sort, which will make our nation sustainable and green in a way which it has not been up till now. My colleague the Hon. Bruce Billson has been working hard on this.

Senator MILNE (Tasmania) (5.04 pm)—I rise to make a few brief comments on the sustainable cities index and the need for government to consider it in a good deal of detail. The problem we have here is the interface between state and federal legislation and responsibilities and local government responsibilities and the interface between the imperatives of the 21st century for sustainability and resilience and the old-fashioned ways of thinking about infrastructure and development. If you approach this in an old-fashioned way and just talk about wanting more people, cities growing, therefore putting in more infrastructure, doing things the way we have always done them—with roads, with petrol engine vehicles, with private versus public transport—you are going to end up with completely unsustainable cities.

Let us assume for a moment that petrol and oil were $200 a barrel tomorrow. Are our cities resilient? Are they sustainable? The answer is no. The Rudd government continue to apply pressure to free up cheap land, supposedly, at the edge of cities, without putting in place the public transport infrastructure to
service it. In places like Western Sydney there is still no public transport.

What about climate change? When there are extreme heat conditions, as we have experienced in summers of recent years—and this year could well be the hottest on record—public transport goes out because of, in some cases, buckling of railway tracks. There are also power outages. Equally, cities rush to put in place temporary morgues. In Adelaide they had to put in place a temporary morgue, as they did in Victoria. That was because of the heatwave conditions and the extreme stress it put particularly on the elderly and vulnerable in our communities. So we are not prepared for this.

In Tasmania we do not have a planning system that is adequate to integrate all the different areas, for example, in the south of the state. Whilst there is now a move to have a southern integrated transport plan and a southern regional planning initiative, they are still in draft form. We still do not have the shape of the city in the future. If you do not have that shape then you cannot plan the transport infrastructure or the water infrastructure you need.

In Tasmania one of the biggest problems is a lack of energy efficiency in terms of our built environment. This is a major problem and it was identified in the assessment of Hobart. Green building was very low on the list because of it. That has been the case because the Housing Industry Association and the Master Builders Association have resisted higher standards. Tasmania is one of the states holding back the whole nation when it comes to standards for new housing and new commercial buildings in terms of energy efficiency. What we need is a much greater commitment to recognising the challenges of climate change and peak oil, recognising that planning has to be integrated between local, state and federal government and recognising that the infrastructure of the future has to address those imperatives, not some imperative that economists have declared as being the ones we need to look at in terms of growth. We need to look at sustainability in terms of the environment.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! The time for the consideration of the matter of public importance has expired.

MINISTERIAL STATEMENTS

Economy

Superannuation

Australian Financial Centre Forum

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (5.08 pm)—I present three ministerial statements. The first, ‘A stronger economy and a fairer share for all Australians’, was made in the House of Representatives on 24 May 2010 by the Treasurer, Mr Swan. The second, ‘A stronger and fairer superannuation system’ was made in the House of Representatives on 26 May 2010 by the Minister for Financial Services, Superannuation and Corporate Law, Mr Bowen. The third, ‘Australia as a financial services centre’, was made in the House of Representatives on 2 June 2010 by the Minister for Financial Services, Superannuation and Corporate Law, Mr Bowen.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Pursuant to standing orders 38 and 166, I present documents as listed below which were presented to the President, the Deputy President and Temporary Chairmen 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
1. Select Committee on the National Broadband Network—Fourth interim report, together with the Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator Moore, on 18 May 2010, 5.11 pm).
3. Select Committee on the National Broadband Network—Fourth interim report—Correction (presented to the President on 24 May 2010, 3.27 pm).
5. Environment, Communications and the Arts Legislation Committee—Report—Consideration of time critical bills—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010 (presented to the President on 1 June 2010, 4.04 pm).
11. Rural and Regional Affairs and Transport Legislation Committee—Report—Consideration of time critical bills—Farm Household Support Amendment (Ancillary Benefits) Bill 2010; and Primary Industries (Excise) Levies Amendment Bill 2010 (presented to temporary chair of committees, Senator Moore, on 4 June 2010, 1.10 pm).

(b) Government response to parliamentary committee report
Finance and Public Administration Committee—Report—Annual reports (No. 2 of 2007) (presented to temporary chair of committees, Senator Ryan, on 7 June 2010, 2.52 pm).

(c) Ministerial statement
Administration—Approval of exemption from guidelines on information and campaign advertis-
ing by Australian Government departments and agencies—Statement by the Special Minister of State (Senator Ludwig) and related correspondence (presented to the President on 28 May 2010, 9.38 am; and temporary chair of committees, Senator Forshaw, on 3 June 2010, 3pm).

(d) Government documents
1. Estimates of proposed expenditure for 2010-11—Portfolio budget statements—Climate Change and Energy Efficiency portfolio—Corrigendum (presented to temporary chair of committees, Senator Troeth, on 20 May 2010, 2.31 pm).
2. Department of the Treasury—Car dealership financing special purpose vehicle—Financial report for the period 1 January to 31 March 2010 (presented to temporary chair of committees, Senator McGauran, on 28 May 2010, 12.20 pm).
3. Estimates of proposed expenditure for 2010-11—Portfolio budget statements—Foreign Affairs and Trade portfolio—Corrigendum (presented to the President, on 31 May 2010, 9.24 am).
4. Estimates of proposed expenditure for 2010-11—Portfolio budget statements—Health and Ageing—Correction (presented to the President, on 1 June 2010, 10.59 am).
5. Budget Measures—Budget Paper No. 2—Corrigendum (presented to temporary chair of committees, Senator Moore, on 4 June 2010, 1.10 pm).

(e) Reports of the Auditor-General
3. Report no. 36 of 2009-10—Performance audit—Emergency management and community recovery assistance in Centrelink: Centrelink and the Department of Families, Housing, Community Services and Indigenous Affairs (presented to temporary chair of committees, Senator Moore, on 19 May 2010, 12.08 pm).

(f) Returns to order

(g) Letters of advice relating to Senate orders
1. Letters of advice relating to lists of departmental and agency appointments/vacancies:
Department of the Environment, Water, Heritage and the Arts [2] (received 14 and 17 May 2010)
Department of Infrastructure, Transport, Regional Development and Local Government Arts (received 14 May 2010)
Army-General’s portfolio agencies (received 14 May 2010)
Department of Human Services (received 17 May 2010)
Department of Agriculture, Fisheries and Forestry (received 17 May 2010)
Australian National Audit Office (received 17 May 2010)
Australian Public Service Commission (received 18 May 2010)
Department of Families, Housing, Community Services and Indigenous Affairs (received 18 May 2010)
Department of the Prime Minister and Cabinet (received 18 May 2010)
Finance and Deregulation portfolio agencies [2] (the second letter is a correction (received 18 May and 4 June 2010)
*Innovation, Industry, Science and Research portfolio agencies (received 18 May 2010)
National Archives of Australia (received 18 May 2010)
Office of the Commonwealth Ombudsman (received 18 May 2010)
Office of the Official Secretary to the Governor-General (received 18 May 2010)
Office of the Privacy Commissioner (received 18 May 2010)
Office of the Inspector-General of Intelligence and Security (received 18 May 2010)
Old Parliament House (received 18 May 2010)
Department of the Treasury (received 18 May 2010)
Department of Climate Change and Energy Efficiency (received 20 May 2010)
* Department of Defence (received 21 May 2010)
Health and Ageing portfolio agencies (received 21 May 2010)
Education, Employment and Workplace Relations portfolio agencies (received 21 May 2010)
Office of National Assessments (received 27 May 2010)
Department of Foreign Affairs and Trade [separate letters] (received 1 June 2010)
Finance and Deregulation portfolio agencies—Corrected (received 4 June 2010)
2. Letters of advice relating to lists of departmental and agency grants:
Department of the Environment, Water, Heritage and the Arts [2] (received 14 and 17 May 2010)
Department of Infrastructure, Transport, Regional Development and Local Government (received 14 May 2010)
Human Services portfolio agencies (received 17 May 2010)
Department of Agriculture, Fisheries and Forestry (received 17 May 2010)
Attorney-General’s portfolio agencies [2] (the second letter being additional information) (received 18 May and 10 June 2010)
Australian National Audit Office (received 18 May 2010)
Australian Public Service Commission (received 18 May 2010)
Department of Families, Housing, Community Services and Indigenous Affairs (received 18 May 2010)
Department of the Prime Minister and Cabinet (received 18 May 2010)
Finance and Deregulation portfolio agencies (received 18 May 2010)
*Innovation, Industry, Science and Research portfolio agencies [2] (the second letter is a correction) (received 18 and 31 May 2010)
National Archives of Australia (received 18 May 2010)
Office of the Commonwealth Ombudsman (received 18 May 2010)
Office of the Official Secretary to the Governor-General (received 18 May 2010)
Office of the Privacy Commissioner (received 18 May 2010)
Office of the Inspector-General of Intelligence and Security (received 18 May 2010)
Old Parliament House (received 18 May 2010)
Department of the Treasury (received 18 May 2010)
Department of Climate Change and Energy Efficiency (received 20 May 2010)
* Department of Defence (received 21 May 2010)
Health and Ageing portfolio agencies [3] (the second and third letters are amendments to the original letter) (received 21 May and 1 and 3 June 2010)
Department of Education, Employment and Workplace Relations (received 21 May 2010)
Office of National Assessments (received 27 May 2010)
Innovation, Industry, Science and Research portfolio agencies—Correction (received 31 May 2010)
Health and Ageing portfolio agencies—Amended (received 1 June 2010)
Department of Foreign Affairs and Trade [separate letters] (received 3 June 2010)
Health and Ageing portfolio agencies—Corrigendum (received 3 June 2010)

* One letter covers both Senate orders

In accordance with the usual practice and with the concurrence of the Senate I ask that
the government response be incorporated in
Hansard.

The document read as follows—

SENATE FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

ANNUAL REPORTS (No. 2 of 2007)

Government Response to the Senate Standing Committee on Finance and Public Administration Report - Annual Reports (No. 2 of 2007)

Recommendation 1
The committee recommends that the Health Services Australia Group include comments from external audits in all future annual reports.

The ownership of HSA and its subsidiaries (HSA Group) was transferred to Medibank Private Limited on 1 April 2009. As a result of that transfer, HSA Group is no longer required to table a stand-alone annual report. Its report on operations and financial results will be incorporated into the Medibank Annual Report, including consolidated financial statements.

Notwithstanding the above, the HSA Group has always prepared its annual reports in accordance with the requirements of: the Corporations Act 2001; the Commonwealth Authorities and Companies Act 1997; the Governance Arrangements for Commonwealth Government Business Enterprises; and the Department of the Prime Minister and Cabinet. There is no requirement to include comments from external audits and the HSA Group has not deviated from what is prescribed for inclusion in annual reports.

In addition, there is already a mechanism in place for the Australian National Audit Office to table a report on matters of significance found during the course of their audits and this recommendation would result in duplication.

Recommendation 2
The committee recommends that all Commonwealth departments and bodies include a detailed account of the organisation’s contracts and consultancies which is easily identified within their annual report.

The Government considers that information on procurement contracts and consultancies should be publicly available, with a materiality threshold of $10,000. Rather than including a detailed account of contracts and consultancies in the annual reports of all Commonwealth departments and bodies, the Government considers that AusTender, which is the Australian Government’s central on-line portal for reporting procurement information, provides significant and sufficient transparency in procurement reporting that meets the intent of the recommendation. Agencies are required to report information on contracts, including consultancies, on AusTender within six weeks of a contract being entered into.

Recommendation 3
The committee recommends that the Australian Accounting Standards Board amend AASB 124 so that it includes a requirement for Commonwealth companies to disclose in their annual reports, the number of directors and the number of senior executives that fall within $10,000 income bands.

AASB 124 Related Party Disclosures applies to all types of reporting entities other than public sector not-for-profit entities. Accordingly, AASB 124 would apply to Public Non-Financial Corporations under the classifications employed by the Australian Bureau of Statistics such as Medibank Private and Australia Post.

AASB 124 includes a range of disclosure requirements, including the requirement to disclose...
aggregate key management personnel compensation in five categories. The Standard superseded by AASB 124 required disclosure within $10,000 remuneration bands, but this requirement was not included in AASB 124 as it is not a requirement of International Financial Reporting Standards.

The Finance Minister’s Orders (section 22) still require disclosures of director and executive remuneration within $15,000 bands, but that for-profit Commonwealth entities are exempted from this requirement provided they comply with AASB 124.

Since 2007, AASB decided not to expand the scope of its project to develop a Standard on related party disclosures for not-for-profit public sector entities to for-profit public sector entities. This is on the basis that the AASB considers all for-profit entities should be required to achieve compliance with International Financial Reporting Standards, which in the Australian context includes AASB 124.

Ordered that the committee reports and corrections be printed.

COMMITTEES

Legislation Committees

Senator FARRELL (South Australia) (5.09 pm)—On behalf of the respective chairs of the Environment, Communications and the Arts, Economics, Foreign Affairs, Defence and Trade and the Rural and Regional Affairs and Transport legislation committees, I seek leave to move a motion in relation to those reports which considered time critical legislation.

Leave granted

Senator FARRELL—I move:
That the reports be adopted.

Question agreed to.

Environment, Communications and the Arts Legislation Committee

Reporting Date

Senator FARRELL (South Australia) (5.10 pm)—by leave—At the request of the Chair of the Environment, Communications and the Arts Legislation Committee, Senator McEwen, I move:

That the final report of the Environment, Communications and the Arts Legislation Committee on the provisions of the Renewable Energy (Electricity) Amendment Bill 2010 and related bills be presented today.

Question agreed to.

MINISTERIAL STATEMENTS

Government Advertising

Senator RONALDSON (Victoria) (5.11 pm)—by leave—I move:

That the Senate take note of the statement.

I rise to speak on the ministerial statement by the Special Minister of State ‘Administration: Approval of exemption to guidelines on information and campaign advertising by Australian government departments and agencies’. Over the last month we have seen unsurpassed grubbiness by this government in relation to government advertising. I am referring to the exemption given by Senator Ludwig to the Treasurer in relation to the advertising on the great big mining tax and all the implications of that.

I want to take the chamber through some comments that were made by the Prime Minister prior to the last election and put those into context. In October 2007, prior to the federal election, the Prime Minister said that government advertising was:

… a sick cancer within our system. It’s a cancer on democracy.

The complete and utter hollowness of those words will become clearly obvious in due course. I will go through some of the ALP’s platform in 2007 under item 54. It said:

54. Labor will not support the use of government advertising for political purposes. Labor will introduce legislation to ensure:
government advertising campaigns only occur after government policy has been legislated for by parliament;

What advertisements are running today, and were running yesterday, on national television in relation to the NBN? Has the NBN been legislated? No, it has not. That is a broken core promise from this Prime Minister. It goes on:

all government advertising and information campaigns provide objective, factual and explanatory information, free from partisan promotion of government policy and political argument ...

all advertising campaigns in excess of $250,000 are examined by the Public Service Commissioner— which has subsequently changed to the Auditor-General. These promises were broken. Further, in November 2007 the Prime Minister, at a doorstep, said:

I can guarantee that we will have a process in place, run by the Auditor General ... In terms of establishing the office of the Auditor General with clear cut guidelines to whom every television campaign is submitted for approval before that television campaign is implemented, you have my 100% guarantee that that will occur ... and each one of you here can hold me accountable for that.

In July 2008 the government introduced new guidelines for government advertising. The Special Minister of State’s press release said:

In 2007, Kevin Rudd made an election promise that campaigns over $250,000 would be scrutinised by the Auditor-General.

This election commitment is now met.

That is what the press release said.

The Auditor-General will provide a “health check” on the final product of a campaign before it is communicated.

What have we seen since? We have seen broken promise after broken promise after broken promise. This duplicitous government went to the election with weasel words from the Prime Minister, weasel words from the then opposition in relation to accountability, in relation to what the Auditor-General would be required to do and in relation to their commitment to changing the rules in relation to government advertising.

Not just two weeks ago in Senate estimates we saw the most disgraceful display from this government in relation to their complete and utter contempt for the Australian people. Under the new guidelines the Auditor-General has gone and there is a so-called independent committee, the ICC, which is meant to scrutinise government advertising. Auditor-General out and three people on two-year terms brought in to substitute for the Auditor-General. Three people, one of them getting the equivalent of $350,000 over two years, I might say.

Guess what? The minister has given himself an extended exemption to take this matter out of the hands of the so-called independent committee. The Auditor-General was subject to some guidelines in relation to this but this minister and this Prime Minister, who has broken his word in relation to this matter, put in some new words, some catch-all words, namely ‘compelling reasons’. How long is a piece of string? This takes it from a matter of urgency to compelling under this new committee. We sat in Senate estimates, we discussed exemptions and the department gave evidence. I will read it:

Mr Grant—I might add that, where an exemption is granted, the minister formally records and reports the exemption to parliament.

Senator RONALDSON—When is that tabled?

Mr Grant—Historically it has been tabled as soon as the exemption has been granted, within a day or two.

When was this exemption letter signed? It was signed on Monday, 24 May, the day that Senate estimates started. Indeed the issue of government advertising was put across until the Thursday to enable some proper discus-
sion of it. So on Monday this letter was signed having been told that historically, and I will read it again, ‘When an exemption has been granted, it is within a day or two that it is tabled.’

We had a ridiculous interjection from the Minister for Broadband, Communications and the Digital Economy this afternoon when he said, ‘You didn’t ask the question’. We did not ask the question whether you were breaking the rules and whether you were trying to mislead the Senate. Sorry, next time we will ask the obvious question: were you misleading us or is there something you are not telling us? What a stupid and idiotic interjection from the minister for communications.

What is the basis on which this exemption has been given? Interestingly, and honourable senators might not be aware of this—guess what?—this independent committee had actually considered this government advertising in relation to the mining tax on 21 April before the release of the Henry review. They probably got the papers on 19 April. The cabinet group met on 20 April to tick off on this. I asked the specific question in the economics committee: was the ICC given any indication at all that an exception might be required? The answer was no, they were not. The independent committee had had this since, at the minimum, 21 April. Henry was released on 2 May. The letter was written by the Treasurer to get exemption on 10 May.

What was the urgent or compelling reason for this? Two advertisements in the *West Australian* on the Friday and Saturday saying no more and no less than the mining industry was paying its fair share of tax. That was the basis on which this was done. It was done on the basis that they hit the panic button in relation to this tax. They realised that they had made a dreadful mistake and they wanted to get in early. They have breached their own rules and I will refer to the Treasurer’s letter to Minister Ludwig which is quite remarkable. It says:

... the benefit of the exemption from the guidelines will be to ensure that advertising is able to go to air much more quickly—Much more quickly, okay—

This means issues and misinformation currently being aired in the media can be addressed …

Two advertisements.

**Senator Scullion**—Entirely accurate.

**Senator Ronaldson**—Two entirely accurate advertisements in relation to this big new tax on mining—that was the sole airing of concern in relation to this matter in a public sense. This is a complete and utter stitch up and this is absolutely indicative of a government that has lost the right to govern.

**Senator Fierravanti-Wells** (New South Wales) (5.21 pm)—I rise to also take note of ministerial statement. I support Senator Ronaldson in his comments and will focus my comments on yet another disgraceful display in relation to rules on advertising that are being flouted. This refers to the false and deceptive advertising in relation to the health reform or the grand health plan. What I would like to do is take the Senate through some very pertinent points that have been raised in relation to this through estimates—most importantly on the parameters of the authorisation for this campaign. It does not appear that the campaign that is currently being run actually meets the guidelines that were approved by the ICC. So, Senator Ronaldson, what happens is that, even when the ICC gets involved and gives approval, this government is not even capable of following the guidelines to the letter.

Let me show you why. In relation to the health reform, let me take the Senate back. At estimates we were told that there was a series of meetings that occurred before COAG. Ministerial approval was given on 19
March to develop an advertising campaign. On that same day, four agencies were invited to tender. Indeed, in only 11 days an agency was appointed. How can you go through a process of appointing an agency within 11 days if you are going to follow even your own rules? This was the evidence that was given by Ms Palmer in community affairs estimates on 2 June. There was a process where they engaged a research company, focus groups were run, benchmark research was undertaken and—voila!—after 11 days we suddenly got an agency appointed.

Then, of course, the minister decides to get approval, so then you have this process where they do go to the ICC. In the middle of all this, COAG happens, which completely reverses and changes the Prime Minister’s original plans, which he had outlined at the National Press Club, where he told everybody:

For the first time, Local Hospitals Networks, run by local health, financial and managerial professionals, rather than state or, for that matter, federal bureaucrats, will be put in charge of running the hospital system.

That was the grand plan and the grand promise: that these local hospital networks would be run locally and funded federally. But, of course, that bears absolutely no resemblance to the agreement that was finally set out with the states.

So what do we have? We have the correspondence in which approval was given to this campaign by the Independent Communications Committee. They refer to five meetings. The department was told that it needed to check that the inconsistency in the website on which it was called to action in the materials has been fixed. I do not know what that is about. But, interestingly enough, this campaign was approved with no materials reviewed: no television commercial, no radio advertisement, no print advertisement and no digital advertisement. Why was none reviewed? Because the attachment to that letter says: ‘Final campaign advertising material reviewed: none. Not applicable.’ So this ICC approved a campaign without even looking at this material. It is absolutely appalling.

Then, of course, suddenly approval is given. It is little wonder that there is absolutely no scrutiny, because the other appalling part of all this is that Jane Halton, the secretary of the department, signed off and certified on behalf of the government for this campaign. This is supposed to be advertising for the implementation of a cabinet decision ‘which is intended to be implemented during the current parliament’. But, of course, we know that this has not been approved by cabinet. Despite my questioning of the department, they were not able to tell me who finally approved this. Indeed, Ms Palmer told me that it was by ministerial approval; it was not by cabinet approval. Therefore, how can you certify that this is a campaign where there has been a cabinet decision which is intended to be implemented during the current parliament? During the current parliament, for goodness sake! The legislation has not even come here and they are talking about spending money for something that has not even been implemented yet. But, of course, the Australian Financial Review of 9 June tells us that the hospital and health package is another one of those kitchen cabinet decisions by Mr Tanner, Mr Swan, Ms Gillard and the Prime Minister. So I do not understand. I would like clarification as to why this document was certified when there does not appear to be a cabinet decision.

Indeed, it specifies in this document that the campaign materials that have been presented are fact and those facts are accurate and verifiable. Of course they are not accurate. In fact, our two-day hearing on health reform shows just how inaccurate and deceptive this whole campaign is. Indeed, so much evidence was given during the inquiry which
goes to show that this agreement, which was entered into by the Commonwealth with the states after this campaign appears to have been approved, basically says that the local hospital networks will be appointed by the states and that the premise is that the doctors in these local hospital networks will come from areas ‘external to the local hospital network wherever practical’. So all this drivel that exists in these advertisements that talk about it being ‘run locally’ is absolutely deceptive and misleading, using taxpayers’ money for what was supposed to be a campaign about fact. I call on the government to withdraw these ads and tell the Australian people what the facts really are. The facts are that this network will not be run locally. It is in black and white in this agreement that the doctors in these local hospital networks will not come from that local area. You cannot get more deceptive than that.

Then they talk about there being more aged-care beds. They are raiding the budget. They are raiding $276 million from the aged-care budget destined for residential high-care beds, shunting it off to failed state and territory hospitals so that we can keep people who should be in aged-care facilities in hospitals longer. In 2007, this government promised a new direction for frail and aged Australians. ‘We are going to get them out of hospital and into aged-care facilities.’ They are doing the exact opposite. They are keeping 2,000 more in hospitals. In any given night in this country there are 3,000 people who should be better cared for in aged-care facilities but who are in our hospitals. This government is breaking another promise. It promised to help our frail and aged and make the transition out of hospital into aged care better. Instead they are doing the direct opposite, just like they are deceiving the Australian public in relation to these advertisements.

I call for some facts in relation to this misleading and deceptive advertising. Even when they get approval through the ICC they cannot even follow the guidelines. The guidelines and the certifications are not even worth the paper they are written on, because they too do not follow the ICC. And how can you approve a campaign when you do not actually see the material? How can the ICC have approved this campaign? It is little wonder that what has come out at the other end with the ad campaigns in radio, television and print media bears no resemblance to the actual facts of what is contained in this agreement.

Senator XENOPHON (South Australia) (5.32 pm)—I will be brief in my remarks. I think it is fair to say that when the coalition was in power they spent an enormous amount of money on government advertising and they did so before legislation was actually passed. I think that was the right thing to do, but they did not promise to reform the system.

Senator Parry—At least legislation was drafted.

Senator XENOPHON—I do not think that is the point. I know that in my time in state parliament there was concern expressed in broad terms by the then South Australian Auditor-General, Ken MacPherson, who was concerned about government advertising of a policy when the legislation was not yet passed by the parliament. I know that the constitutionality of that was dealt with in the context of the High Court’s decision in Combet v Commonwealth, when Mr Combet took on the then government about advertising with respect to the Work Choices campaign. The High Court found that, so long as there was an appropriation for that funding, it was legal, notwithstanding that the legislation had not been passed.
The difficulty for the government here is that they promised the people at the last election that they would clean this up and that they would have a new regime in place. I think it would be fair to say that the government has monumentally failed to deliver this. The new process we have seen through the ICC is, with respect, too cute by half. That is why I think there is considerable public disquiet about what the government has done. I know that Senator Ronaldson and Senator diavanti-Wells have outlined their concerns about this, and I share a number of those concerns. This is not the right way to go about things. The rules have been changed by taking this away from the Auditor-General as the independent watchdog to deal with these matters, and I think there are very real concerns about that.

I believe that the government has fundamentally done the wrong thing here. What they have done is try to cloak this in process, to say that they have somehow managed to fix this problem up with process, but the government has been too cute by half by doing so. My concern is that we do not have a system in place that is robust, accountable and transparent in dealing with government advertising. I think the government’s argument is, ‘We’re spending less than the last mob,’ to put it colloquially, but the fact is that this government came to power on the basis that they would fix this up and what they have done is the opposite. That is why they are taking public opprobrium; they have fundamentally done the wrong thing. They have done the wrong thing by taxpayers. What we are seeing is a cheap way of doing the party’s ads using taxpayer funds, and that is fundamentally wrong. It is an even more serious issue when you consider that this legislation has not even passed the parliament. We have not even seen the drafting of this legislation.

Senator IAN MACDONALD (Queensland) (5.35 pm)—I also rise to contribute to the debate on the ministerial statement. Not only is that money being wasted on advertising for the great big new tax on mining, not only has it been wasted on the so-called ‘health reforms’—if ever there were something wrongly labelled, it was the so-called ‘health reforms’—but we have also found out today that the government is going to spend another $16 million of taxpayers’ money in Labor Party advertisements supporting their failed and continually failing national broadband proposal. It is incredible that this government, which labelled that sort of advertising as—what was it?—a ‘cancer on democracy’ is now, in three short weeks, spending over $50 million of taxpayers’ money on what are effectively campaign advertisements for the Australian Labor Party in advance of the election which will be coming up some time in August or September.

On the weekend up in North Queensland a bloke came up to me and said, ‘I am a member of a union. I get very, very angry when the union uses my union fees—the fees I pay to the unions to look after my workplace arrangements—to campaign for the Australian Labor Party. I do not have much choice about it. I pay my fees and the money goes in campaigning for the ALP. That is bad enough, but what happens now is as a taxpayer I am also funding the ALP’s election advertising in the form of this advertising for the great big new tax on mining, the so-called health reforms and the broadband.’

Everyone is at times accused of doing this, as Senator Xenophon said. I do not necessarily agree with Senator Xenophon that the previous government did that, but where I do agree with Senator Xenophon is that Mr Rudd made a virtue out of indicating that he would not be embarking upon this sort of conduct. It is the same with everything Mr
Rudd has touched. Before the election were all the promises, all the pious pronouncements, all the blah, blah, blah; but when in power as a government in some political difficulty, Mr Rudd pays no regard at all to the promises he made and the rules he said he would make. This whole series shows a government in trouble. It is the sort of action that totalitarian governments take when they are in real trouble. Governments that cannot make it on their own but think they can dip their hands into the taxpayers’ money to advertise for their political party are the sort of thing we do not expect in Australia. Totalitarian regimes around the world have been doing this for years. To me it is a regret that our own Australian government is now following the lead of those totalitarian regimes.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (5.39 pm)—This issue is an absolute disgrace. The Prime Minister of Australia said that he would stop the rorts that happened with political advertising and advertising around election times and yet here is the Prime Minister with his hand in the cookie jar spending taxpayers’ money on advertise for the Rudd government. It is wrong and the Prime Minister should not be allowed to get away with it. Here he is exempting the ads for the Rudd government from the guidelines that he set up.

You cannot have it both ways. You cannot go to the Australian public and say, ‘I am going to put a stop to the rort of using taxpayers’ money on advertising for the government of the day.’ It is wrong, and if the Labor Party want to continue down this track of advertising a mining tax they should do it out of their own expenditure—Labor Party money—and not at the taxpayers’ expense. I hope that with the budget this chamber can move a request that means that no taxpayers’ money will be spent on the mining tax, the RSPT. This is clearly a breach of their own guidelines and it is wrong. They cannot have it both ways. The Prime Minister has to be held to account and the Senate should do that. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**COMMITTEES**

**National Broadband Network Committee Report**

**Senator IAN MACDONALD** (Queensland) (5.42 pm)—by leave—I move:

That the Senate take note of the report.

The fourth interim report of the Select Committee on the National Broadband Network was tabled out of session and today marks the first day that we are able to comment on that report. As chairman of the committee, first of all I pay regard and express thanks to the committee secretariat for the work it did to produce the report, particularly Mr Stephen Palethorpe who was the secretary during the time of this fourth report, and Ms Fiona Roughley who was a member of the committee. We were particularly fortunate to have Ms Roughley on this secretariat. She is a very talented lawyer and her expertise in the communications area was particularly valuable to the committee. I also want to thank officers of the Parliamentary Library and all the Hansard operators who travelled around the country to support the work of the committee in delivering this report.

The committee looked at a number of issues in this fourth interim report. The committee has been going for quite some time. One of the reasons is that the government keeps changing its mind on the National Broadband Network. Quite clearly the government and the minister had little comprehension of broadcasting, broadband, communications and telecommunications issues, and they have been bumbling through it since they first became the government.
The committee started work looking at iteration 1 of the National Broadband Network. You will recall, Mr Acting Deputy President, that the government found that their initial proposal was as stupid as we all told them it would be. After spending some $20 million on a request for tender process they just cancelled it and started again. Twenty million dollars—the words just flow off my tongue. That is $20 million of taxpayers’ money just wasted, just thrown away. We have just been talking about the money wasted on Labor Party advertisements that the taxpayers are paying for. Money means nothing to the Labor Party. Most of them, with respect—they are all lovely people, I have to say—have not had any experience in business in their life. Very few of them have ever worked for themselves or in an area where, if you do not get out and do the work, you do not get paid at the end of the week. Most of them have worked for the unions or for the Labor Party or as staffers for some other politician and they just do not understand the value of money. Sure, go ahead, spend $20 million on a system and then just throw it away. That is why this committee has now issued four interim reports—because the government keeps changing its mind or it cannot come to a conclusion or it brings in legislation that is clearly unworkable and wants to get some help in finding out what is correct.

The committee, in its fourth interim report—and what we thought would be the last—looked at things like the implementation study, which, at the time the hearings were held, had not been released publicly. The committee made some comments about the fact that the government had had the implementation study for more than three months but would not release it to the parliament and to the public. The government paid $25 million of taxpayers’ money to get the implementation study done, but when it was given to them they would not make it available to the people who paid for it—the taxpayers of Australia. The committee had a bit of a look at that. We looked at the exposure draft and made some comments. We looked at the business progress. We looked at some progress on wireless and satellite. We also looked at Tasmania.

We think that the implementation study was done very well by McKinsey-KPMG. It should have been done well—after all, we paid them $25 million for it. I think it was probably worth that money. It should have been made available to everybody, not just to the government. Despite repeated calls for the release of that report, it was not released until 6 May 2010, having been handed to the government several months before that. The implementation study itself made it very clear. The implementation study says that it does not:

- Evaluate Government’s policy objectives;
- Evaluate the decision to implement the NBN via the establishment of NBN Co;

and, most importantly:
- Undertake a cost-benefit analysis of the macro-economic and social benefits that would result from the implementation of a superfast broadband network.

Because the implementation study did not evaluate the merit of the government’s policy objective—because they were told not to—it provides no analysis of whether the NBN is good policy for Australia. It simply does not address the fact of whether or not the NBN should even proceed. The implementation study made it clear it was not a cost-benefit analysis. For all of those reasons and several others, the committee’s first recommendation was that the government should abandon the National Broadband Network project.

The committee made several other recommendations to try to assist the government if they were pig-headed enough to go
ahead with a scheme which I think everybody accepts will not be a commercial operation. This report of the committee looked very carefully at a lot of the issues. Mr Rudd’s original comments were that this was going to be done in partnership with private enterprise, that there would be private equity and private involvement in the NBN network. Even McKinsey-KPMG acknowledged in the end result that, if it is ever privatised, it will be well down the track—10, 15, even 30 years down the track.

In the couple of minutes left to me tonight I want to highlight that, in speaking to NBN Co. and NBN Co. Tasmania in the last couple of months, the committee kept saying to them, ‘Are you going to start in Tasmania on 1 July?’ ‘Yes, we are.’ ‘Tell us what you are doing. Tell us what prices you are going to charge.’ How can anyone possibly sign up when we do not know what the price is going to be? I only mention this today because Senator Conroy was prattling on about this in question time. Good luck to the Tasmanians—I hope they get something out of it; it should be good for them. We found out at estimates that NBN Co., this commercial operation that Mr Rudd said was going to make a profit, is giving the NBN network to the three retail service providers. The three retail service providers are all doing a great job competing but they do not have to bother in their costings for what they are paying the NBN Co., who is providing the network for them. It is incredible. In estimates we were told that all the people who were signing up would have to pay is $300 to get the box in. But that is not a payment to NBN Co. for what has been provided by the taxpayers at the cost of millions and millions of dollars. They are getting that all free. Why wouldn’t someone sign up to this in Tasmania when you are getting it for free? I think, as a colleague of mine from Tasmania pointed out, they are connecting up as they go past or they are being connected as they go past, but that does not mean to say they are actually going to buy the service. Senator Conroy’s statistics, as always, are completely dodgy and bodgy, and I think his efforts in question time today demonstrate that.

How can we treat the government with any credibility at all when they keep telling us how successful this is in Tasmania but they are not going to charge the RSPs for the provision of the network? Again, it has all the hallmarks of a third-rate government in trouble, thinking they are living in a third-rate country with a third-rate political and legal system. I think Mr Rudd is about to find out that Australia is not like that. In Australia we expect things to be done properly and we expect them to be done in a way that does not cost the taxpayers money. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUSTRALIA’S FUTURE TAX SYSTEM

Return to Order

Senator BUSHBY (Tasmania) (5.53 pm)—by leave—I move:

That the Senate take note of the documents.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HOME INSULATION PROGRAM

Return to Order

Senator BUSHBY (Tasmania) (5.53 pm)—by leave—I move:

That the Senate take note of the documents.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Departmental and Agency Appointments

Departmental and Agency Grants

Senator BUSHBY (Tasmania) (5.53 pm)—I seek leave to move a motion relating to the departmental and agency appointments
and grants tabled earlier today by the Acting Deputy President.

Leave granted.

Senator BUSHBY—I move:

That the Senate take note of the documents.

I ask that the documents be separately listed on the Notice Paper and seek leave to continue my remarks later.

Leave granted; debate adjourned.

Senator IAN MACDONALD (Queensland) (5.53 pm)—Mr Acting Deputy President, could I get your guidance? The matters in item 15 on the Order of Business that are not dealt with this afternoon are automatically reserved until Thursday. Is that right?

The ACTING DEPUTY PRESIDENT (Senator Barnett)—I am advised that only 15(d) and (e)—that is, government documents and reports of the Auditor-General—will be reserved. So for items under (a), (b) and (c)—that is, committee reports, government responses and ministerial statements—you would need to seek leave to take note of them and continue your remarks.

COMMITTEES

Economics Legislation Committee
Report

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—in respect of the committee’s report on the provisions of the Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010, tabled earlier today by the Acting Deputy President, I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Public Works Committee
Report

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—in respect of the committee’s report on the proposed fit-out of new premises for the Australian Taxation Office at 735 Collins Street, Melbourne, Victoria, tabled earlier today by the Acting Deputy President, I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Community Affairs Legislation Committee
Report

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—in respect of the committee’s report on the exposure draft and provisions of the Paid Parental Leave Bill 2010, tabled earlier today by the Acting Deputy President, I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Privileges Committee
Report

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—in respect of the committee’s report on statutory secrecy provisions and parliamentary privilege, tabled earlier today by the Acting Deputy President, I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Environment, Communications and the Arts Legislation Committee
Report

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—in respect of the committee’s interim report on the provisions of the Renewable Energy (Electricity) Amendment Bill 2010, Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and Renewable Energy (Electricity) (Small-
scale Technology Shortfall Charge) Bill 2010, tabled earlier today by the Acting Deputy President. I move:

That the Senate take note of the report.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.

OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS MANAGEMENT AMENDMENT BILL 2010

Report of Environment, Communications and the Arts Legislation Committee

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—I move:

That the Senate take note of the report.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CORPORATIONS AMENDMENT (CORPORATE REPORTING REFORM) BILL 2010

FINANCIAL SECTOR LEGISLATION AMENDMENT (PRUDENTIAL REFINEMENTS AND OTHER MEASURES) BILL 2010

SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2010

TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES No. 3) BILL 2010

TAX LAWS AMENDMENT (2010 MEASURES No. 3) BILL 2010

Report of the Economics Legislation Committee

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—I move:

That the Senate take note of the report.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2010

VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2010 BUDGET MEASURES) BILL 2010

Report of the Foreign Affairs, Defence and Trade Legislation Committee

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—I move:

That the Senate take note of the report.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CORPORATIONS AMENDMENT (SONS OF GWALIA) BILL 2010

CUSTOMS TARIFF AMENDMENT (AVIATION FUEL) BILL 2010

EXCISE TARIFF AMENDMENT (AVIATION FUEL) BILL 2010

Report of the Economics Legislation Committee

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—I move:

That the Senate take note of the report.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FARM HOUSEHOLD SUPPORT AMENDMENT (ANCILLARY BENEFITS) BILL 2010

PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT BILL 2010

Report of the Rural and Regional Affairs and Transport Legislation Committee

Senator IAN MACDONALD (Queensland) (5.54 pm)—by leave—I move:

That the Senate take note of the report.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.
COMMITTEES
Finance and Public Administration
Legislation Committee
Report: Government Response
Senator IAN MACDONALD (Queensland) (5.55 pm)—I move:
That the Senate take note of the document.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

DOCUMENTS
Tabling
The ACTING DEPUTY PRESIDENT (Senator Barnett)—On behalf of the President, I table a communique from the 15th National Schools Constitutional Convention held at Old Parliament House from 23 to 25 March 2010.

Responses to Senate Resolutions
The ACTING DEPUTY PRESIDENT (Senator Barnett)—I present responses to resolutions of the Senate:
Auditor-General (Ian McPhee) to a resolution of 13 May 2010 re SIHIP
Chair, Murray-Darling Basin Authority (Michael J Taylor) to a resolution of 18 March 2010 re Murray-Darling Basin

Responses to Senate Resolutions
The ACTING DEPUTY PRESIDENT (Senator Barnett)—I present a response from the Assistant Treasurer, Senator Sherry, to a resolution of 13 May 2010 about a review of the implementation of the Australian Taxation Office’s change program.

Senator XENOPHON (South Australia) (5.56 pm)—by leave—I move:
That the Senate take note of the document.
This is a response to a resolution of the Senate from the Assistant Treasurer in relation to the Australian Taxation Office change program. This resolution of the Senate was supported by all non-government senators on 13 May. It relates to a motion concerning the Inspector-General of Taxation’s change program review. We know that there have been significant difficulties with the change program, that a number of tax office officials have been very concerned about the change program and that the Inspector-General of Taxation, following a request from the Assistant Treasurer—and I commend the Assistant Treasurer for using his powers to instigate the inquiry—is now looking at this review of the change program. We know that the change program has been fraught with very significant difficulties, with returns not being processed properly. Various parts of the whole issue of the processing of returns are now not coming within the change program. We know that the review of BAS, the business activity statements, has been postponed, notwithstanding that this program will be costing taxpayers approaching $1 billion. It is close to $900 million. It is a cost blow-out of some $400 million. There are very real concerns about this.

It is worth noting that all employees of the tax office were sent an email from the Commissioner of Taxation, Mr D’Ascenzo, and the subject was the Inspector-General of Taxation’s review of the change program. It essentially said that they could make submissions, but I am concerned about the tenor of that letter. I am concerned about the tone of that letter in that the commissioner said in his email to all employees:
As a tax officer you should be aware that privacy and secrecy laws still apply to any submissions you may choose to make. Given this, I would like to remind you to be careful in providing confidential information and that the law does not allow you to disclose identifiable taxpayer information unless directly requested to do so by the inspector-general’s office.
The commissioner goes on to say:
If you are unsure about any of your obligations as a tax officer, I encourage you to discuss this with
your manager.

He also goes on to say:

If you are reading the inspector-general’s guidelines and you or your manager have any further questions in relation to the inspector-general’s review, you may contact corporate relations.

He also said:

If you have any particular concerns about any ATO matters, please feel free to contact ATO with your concern.

I am concerned that that does not give the full story. In effect, it is saying: ‘You can go to the inspector-general but be very careful of the information that you give.’ I note the Assistant Treasurer’s response in relation to that motion. My concern is one of emphasis. I do not believe the commissioner’s letter makes it clear that, if a notice is provided by the Inspector-General of Taxation to an employee of the tax office, they are free to make any submission they want that is relevant to the inquiry, and that could consist of providing personal details because those personal details would only be provided to the Inspector-General of Taxation, not to the public at large and not to an external source. That should be made clear in order to determine the nature and extent of the problem with the change program. There is a concern that tax officers may be fettered by the commissioner’s email to his employees.

I think all tax office employees need to understand that if the Inspector-General of Taxation provides them with a notice under the legislation that sets up the Inspector-General of Taxation then they are completely protected in any information that they give to the Inspector-General relating to this inquiry, including any personal information, because in order to determine what is wrong with a change program you sometimes need to find out about individual cases of concern where the system has failed. There have been many, many such cases. So I hope that, in the context of the document that has been tabled today and in the context of the commissioner’s email to his employees, every tax office employee that has relevant information about the unfortunate debacle that has been the change program comes forward. If they are provided with a notice by the Inspector-General, under section 17 as I understand it—and there may be other sections of the act—they are completely protected in the information they give.

It is not quite right for the tax commissioner to say, ‘You should be aware that the privacy and secrecy laws still apply to any submissions you choose to make,’ because if the Inspector-General of Taxation has made it clear that they are protected—they have been provided with a notice requiring that tax officer to provide evidence—they are completely protected. I do not think that the tax commissioner’s email to his employees is sufficiently clear in relation to that.

I note that the Assistant Treasurer has discussed the matter with the Commissioner of Taxation and he has been assured by the commissioner that there will be no prejudice to officials who provide information to the review. The Assistant Treasurer said, ‘Although I should add that officials must comply with the requirements of the law in providing such information.’ I think it is pleasing that the Assistant Treasurer sought those assurances. He is to be commended for that but all those tax officers out there who have information about the mess that is the change program need to know that they are protected if they are provided with a notice by the Inspector-General of Taxation. I do not believe that the commissioner’s email to his employees was sufficiently clear in that regard.

Question agreed to.
AUDITOR-GENERAL’S REPORTS

Report Nos 39, 40, 41 and 42 of 2009-10

The ACTING DEPUTY PRESIDENT
(Senator Ryan)—In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General.

Report No. 39 of 2009-10: Medicare Australia’s administration of the PBS

Report No. 40 of 2009-10: Application of the core APS values and code of conduct to Australian Government service providers

Report No. 41 of 2009-10: Effective cross-agency agreements

Report No. 42 of 2009-10: Fraud control in Australian Government agencies: Attorney-General’s Department, Australian Institute of Criminology

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Additional Information

Senator FARRELL (South Australia) (6.03 pm)—On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, I present additional information received by the committee on its inquiry into the provisions of the National Radioactive Waste Management Bill 2010.

TRADE PRACTICES AMENDMENT (MATERIAL LESSENING OF COMPETITION—RICHMOND AMENDMENT) BILL 2009

Report of the Economics Legislation Committee

Additional Information

Senator FARRELL (South Australia) (6.03 pm)—On behalf of the Chair of the Economics Legislation Committee, I present additional information received by the committee on its inquiry into the Trade Practices Amendment (Material Lessening of Competition—Richmond Amendment) Bill 2009.

Senator XENOPHON (South Australia) (6.04 pm)—by leave—I move

That the Senate take note of the document.

I will be brief in my remarks, given the time and the time constraints in relation to this, but I want to make it clear that there is one aspect of this report that needs to be clarified. My colleagues know that this relates to a bill that I introduced in relation, effectively, to creeping acquisitions.

There is one aspect of this report that needs to be clarified. During the inquiry, Associate Professor Frank Zumbo from the University of New South Wales gave evidence that the ACCC approves around 97 per cent of mergers that the ACCC considers. This figure was calculated from information provided in the ACCC’s annual reports. Associate Professor Zumbo’s reference to this 97 per cent is factually correct and an accurate representation of the ACCC’s own statistics. I direct my colleagues to consider how the ACCC has looked at these figures.

The suggestion that this claim is misleading needs to be taken in the context of the ACCC’s report, and I think it is important that the record reflects that Professor Zumbo provided the information that he did and the evidence that he did, based on the ACCC’s report. I do not believe that it is a fair characterisation to say that it is misleading, in the circumstances. I think that ought to be acknowledged. I think we should also acknowledge the enormous amount of work that Professor Zumbo does in terms of advancing the debate on competition law in this country.

The suggestion that this claim is misleading needs to be taken in the context of the ACCC’s report, and I think it is important that the record reflects that Professor Zumbo provided the information that he did and the evidence that he did, based on the ACCC’s report. I do not believe that it is a fair characterisation to say that it is misleading, in the circumstances. I think that ought to be acknowledged. I think we should also acknowledge the enormous amount of work that Professor Zumbo does in terms of advancing the debate on competition law in this country.

Question agreed to.

COMMITTEES
Privileges Committee

Documents

Senator PARRY (Tasmania) (6.06 pm)—On behalf of the Chair of the Standing
Committee of Privileges, Senator Johnston, I present the Hansard record of proceedings and documents presented to the Standing Committee of Privileges to the report of the committee on an examination of certain provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009.

Intelligence and Security Committee

Report

Senator O'BRIEN (Tasmania) (6.06 pm)―On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the report of the committee, Review of Administration and Expenditure: No. 7—Australian Intelligence Agencies.

Ordered that the report be printed.

Australian Commission for Law Enforcement Integrity Committee

Report

Senator FIERRAVANTI-WELLS (New South Wales) (6.07 pm)―On behalf of the Parliamentary Joint Committee on Australian Commission for Law Enforcement Integrity, I present the report of the committee on the examination of the annual report for 2008-09 of the Integrity Commissioner, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Membership

The ACTING DEPUTY PRESIDENT (Senator Ryan)―The President has received letters from a party leader requesting changes in the membership of committees.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (6.08 pm)―by leave—I move:

That senators be discharged from and appointed to committees as follows.

Environment, Communications and the Arts Legislation Committee—

Appointed—Substitute member:

Senator Hanson-Young to replace Senator Ludlam for the committee’s inquiry into the Water (Crisis Powers and Floodwater Diversion) Bill 2010

Participating member: Senator Ludlam

Legal and Constitutional Affairs Legislation Committee—

Appointed—Substitute member:

Senator Hanson-Young to replace Senator Ludlam for the committee’s inquiry into the provisions of the Migration Amendment (Visa Capping) Bill 2010

Participating member: Senator Ludlam

Procedure—Standing Committee—

Discharged—Senator Bob Brown

Appointed—Senator Siewert.

Question agreed to.

AIRPORTS (ON-AIRPORT ACTIVITIES ADMINISTRATION) VALIDATION BILL 2010

AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL 2009

BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION) BILL 2010

CHILD SUPPORT AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2010

DEFENCE LEGISLATION AMENDMENT BILL (No. 1) 2010

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE BUDGET MEASURES) BILL 2010

HEALTH LEGISLATION AMENDMENT (AUSTRALIAN COMMUNITY PHARMACY AUTHORITY AND PRIVATE HEALTH
Bills received from the House of Representatives.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (6.08 pm)—These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed on the Notice Paper as indicated at item 18 (b) and (c) of today’s Order of Business. 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 STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (6.11 pm)—I table a revised explanatory memorandum relating to the International Arbitration Amendment Bill 2010 and 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—

Airports (On-Airport Activities Administration) Validation Bill 2010

The Airports (On-Airport Activities Administration) Validation Bill 2010 will validate potentially invalid infringement notices and other matters done by persons not validly authorised under the Airports (Control of On-Airport Activities) Regulations 1997 in relation to certain activities at the following Commonwealth leased airports:
Adelaide, Alice Springs, Archerfield, Bankstown, Brisbane, Camden, Canberra, Darwin, Essendon, Gold Coast, Hobart, Jandakot, Launceston, Melbourne (Tullamarine), Moorabbin, Mount Isa, Parafield, Perth, Sydney (Kingsford-Smith), Tennant Creek and Townsville.

Under the Airports (Control of On-Airport Activities) Regulations, ‘authorised persons,’ who must be appointed by the Secretary of the Department or the Secretary’s delegate, are empowered to issue infringement notices for contraventions of certain rules relating to the airport including parking infringement notices.

In addition, authorised persons may perform certain other actions and exercise certain other powers.

For example, under regulation 110, an authorised person for an airport may direct a driver of a vehicle used at the airport in contravention of a parking control to move the vehicle.

Following an examination of parking infringement notices issued at certain airports and other authorisations recently, it has become apparent that the appointment of authorised persons at a number of airports has not been kept up to date, going as far back as 2004.

In some cases, this was due to the administrative oversight by the Department and, in some cases, that of the airports.

As a consequence, parking infringement notices issued and other actions performed by persons without a valid authorisation may be invalid and of no legal effect.

Payment of a parking infringement notice provides a person with immunity from prosecution for an alleged offence at the relevant airport.

This significantly reduces the potential penalty which a driver may be required to pay for committing the parking offence.

A driver may face a penalty five times the amount of the parking infringement notice should the matter be taken to court and the driver found to have committed the offence.

This legislation will confirm immunity from prosecution from the relevant offences of persons who received the infringement notices and paid the corresponding amount.

It is therefore important for the Government to act quickly to bring forward this legislation.

The Bill will validate all actions performed and powers exercised under the Regulations, including the issuance of parking infringement notices, at any current or former leased federal airport up until the Bill commences, to the extent that those actions or powers were performed or exercised by persons not validly authorised.

The Bill will provide the necessary legal certainty that each parking infringement notice and relevant other action are valid and legally effective.

On my instruction, the Department took immediate steps to address this oversight prospectively, by seeking advice from each airport and appointing as authorised persons the appropriate persons at each airport.

The Department is undertaking a full review of all processes and procedures relating to its administration of the Parking Infringement Notices Scheme and the Regulations more broadly in order to meet the standard required by the Government.

The authorisations are now all up to date and all parking infringement notices issued since 25 March of this year are valid. In the interim, this legislation is required to address the uncertainty about the validity of parking infringement notices issued prior to 25 March.

Australian Wine and Brandy Corporation Amendment Bill 2009

The Australian Wine and Brandy Corporation Amendment Bill 2009 amends the Australian Wine and Brandy Corporation Act 1980 (AWBC Act) to allow the Australia-European Community Agreement on Trade in Wine to enter into force, improve the Label Integrity Program and update the compliance provisions of the act.

The agreement was signed on 1 December 2008 in Brussels by the Minister for Foreign Affairs, Stephen Smith, and the European Commissioner for Agriculture, Mariann Fischer Boel, who said ‘the agreement achieves a balanced result for Europe and Australia’.
It is a significant improvement on the first wine agreement between Australia and the European Community signed in 1994 which left several items of negotiation unresolved and exposed a number of loopholes. These have been addressed in the replacement agreement through protracted negotiations over the last 14 years and extensive consultations with the Department of Foreign Affairs and Trade, the Attorney-General’s Department, IP Australia and the Australian Government Solicitor, all of whom support the amendment bill. In particular the Australian wine industry played a key role in the negotiating process and are keen to realise the benefits of the agreement.

Most notably, the agreement clarifies the original intention of the agreement by redefining, expanding and strengthening a number of provisions, the most notable intention being that of ensuring Australia’s reputation as a producer of wines of quality and integrity is preserved whilst promoting and enhancing access to this large and valuable market.

The key benefits to the Australian industry from the agreement include:

- European recognition of 16 Australian winemaking practices;
- a simpler and improved process for the approval of winemaking techniques that may be developed in the future;
- European protection of 112 Australian registered geographical indications including the Hunter, South Burnett, McLaren Vale and Bendigo;
- labelling requirements for Australian wine sold in European markets; and
- an effective dispute resolution system for trade related disputes.

In broad terms, the implications of these benefits mean that Australian producers will have to make fewer changes and concessions to sell their wine in the European Community through the easing of trade barriers that previously existed. It also means that the European Community implicitly recognises the provenance and prestige of Australian wines, which means our wines do not need to hide behind European names; they can market themselves independently.

To bring the agreement to fruition, a number of proposed amendments were essential to the AWBC Act, and the Trade Marks Act, to realign our domestic legislation with our new international obligations. The first set of amendments is required to implement the agreement. The second set is a range of changes (non-agreement related) to update and modernise the act by making the provisions more clear and comprehensive thus enabling the industry to operate more efficiently and effectively.

Schedule 1 of the bill amends the AWBC Act so that Australia’s domestic laws comply with the agreement. The bill provides rules for the protection of geographical indications (GIs), translations of foreign country GIs and traditional expressions.

A geographical indication identifies a good where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin, for example Champagne.

The bill also resolves issues around the meaning of false, misleading and deceptive practices in relation to GIs, traditional expressions and protected terms. This includes providing exceptions from the false and misleading provisions relating to the sale, export or import of wine, as they relate to GIs, for common English words.

The bill amends the Trade Marks Act 1995 so that its interpretation is consistent with that of the AWBC Act. This will entail amending common definitions relevant to the agreement and provide circumstances in which the Registrar of Trade Marks can amend the representation of a trademark or an application to register a trademark.

The bill will clarify that trademarks which include a common English word that coincides with a geographical indication can be registered.

Some geographical indications are also common English words. Under the current system, using such words to present and describe a wine, even with their common meaning, may leave the owner open to prosecution in Australia. This is despite the fact that it would be unlikely consumers would be misled about the origin of the wine.

The AWBC Act and the Trade Marks Act are being amended so that this situation is avoided. The amendments will make it possible for common
English words that are also geographical indications to be used as parts of the description and presentation of a wine, including in a trademark, as long as the use does not deceive or mislead the public as to the origin of the goods.

To give effect to our agreement obligations, the amendments provide a scheme to prevent the use of translations of registered geographical indications. The amendments provide for the registration of these translations on the new Register of Protected Geographical Indications and Other Terms so that Australian winemakers know the words they need to avoid using. For example, Burgundy, the translation of Bourgogne, will be registered.

Australia’s protection of geographical indications mean that registered trademarks containing a word or expression that is a registered geographical indication are in some circumstances not able to be used in the description and presentation of a wine. With additional geographical indications to be protected, more trademarks may be affected.

Currently, where a registered trademark contains a word or expression that is to be protected:
• as a registered geographical indication,
• as a registered translation of a registered geographical indication, or
• as a registered additional term
• the trademark may in some circumstances not be used in the description and presentation of a wine.

Consequently, the Trade Marks Act is also being amended to enable trademark owners to amend their marks without the need to apply for a new trademark. They will be able to remove the protected word or expression or substitute another term for it.

Minor changes are also being made to align the Trade Marks Act with the relevant provisions in the AWBC Act including the revised definition of geographical indications.

The act will provide the opportunity for producers in all foreign countries to register geographical indications and translations of those indications in Australia. The bill clarifies that the AWBC Act gives effect to Australia’s obligation, under other relevant international agreements, not to discriminate between countries—the most favoured nation obligation.

Geographical indications are determined by the Geographical Indications Committee (GIC), an independent statutory committee under the AWBC Act.

This bill extends the powers of the GIC to enable it to determine geographical indications, and translations of such indications, from foreign countries, regions and localities, while also providing the power to omit foreign geographical indications from the register.

The procedure for the determination of foreign country geographical indications and translations will be provided for in the Australian Wine and Brandy Corporation Regulations 1981.

However, it is clear that this increased level of responsibility for the GIC represents an increase in the amount of work that it has to do. Therefore, this bill amends the act to allow the AWBC to charge cost based fees in relation to the work of the GIC.

The AWBC already has the capacity to recover costs in relation to determining Australian geographical indications, so this extension of the corporation’s ability to charge fees does not mark a significant change in operating procedures.

Traditional expressions are words or expressions used in the description and presentation of the wine to refer to the method of production, or to the quality, colour or type, of the wine; for example, claret.

While protection of these terms was agreed in the 1994 agreement, the new agreement clarifies the nature and extent of the protection provided.

Since 1994, industry and government have developed a greater understanding of what constitutes a traditional expression and agree it is not a concept that Australia wishes to use with relation to Australian wine. The provision for Australian traditional expressions has been removed from the new agreement and consequently the amendments remove it from the act.

The amendments implement Australia’s commitment in the agreement to protect European Community traditional expressions. Traditional ex-
pressions get a lower level of protection than geographical indications so:
business owners and trademark owners can continue to use, in Australia, business names and trademarks that contain or consist of a protected traditional expression and
producers from countries not party to this agreement can use traditional expressions under certain conditions.
Currently Australia protects geographical indications, traditional expressions and other terms through the Register of Protected Names. This bill replaces the existing register with a new Register of Geographical Indications and Other Terms that is structured to meet the needs of the Australian wine industry. It will include geographical indications, translations of geographical indications, traditional expressions, quality wine terms and additional terms.
Quality wine terms are terms that Australia would not otherwise be able to use because they are European traditional expressions. For example, makers of fortified wines can use the term vintage, which the Portuguese claim as a traditional expression for fortified wine.
Additional terms are words which will only be able to be used in accordance with registered conditions of use.
As for geographical indications, and in line with our other international obligations, the act will provide the opportunity for producers in all foreign countries to register traditional expressions and additional terms.
The bill also amends the offence provisions in schedule 1 to make it an offence to sell, export or import wine and be reckless to the fact that the wine has a false or misleading description and presentation. The purpose of this change is to ensure that the geographical indications, traditional expressions, quality wine terms and other terms that are protected under the agreement have adequate protection against misuse. The amendment also brings the offence provisions in line with the Criminal Code Act 1995.
To elaborate, under the current system the penalty provision for selling a wine with a false or misleading description and presentation is subject to the mental element of intention. The mental element of intention could allow a person to avoid liability by giving incontestable evidence that they had no intention to mislead. This barrier to prosecution has been the catalyst for this change. Of course, this offence provision applies to all elements of the supply chain. However, the risk of prosecution for those who conduct their business in accordance with the rules and act in good faith is negligible.
For example, if a small wine retailer bought a bottle of wine with a false or misleading description and presentation, in good faith, from a wholesaler and sold that wine in their store, I am advised that they are unlikely to be liable for prosecution under the amended provision. To be liable for prosecution under the amended provision, the small wine retailer would need to be aware of a substantial risk that the wine from the wholesaler had a false and misleading description and presentation, and irrespective of that risk, sold the bottle of wine with that description anyway.
Schedule 2 of the bill amends the AWBC Act to strengthen the provisions of the Label Integrity Program (LIP).
The bill extends record-keeping requirements for those members of the grape and wine supply chain whose actions are captured by the Label Integrity Program. The amendments will benefit both consumers and the Australian wine industry by helping to ensure that Australian wine labels are truthful and accurate with regard to their origin and their characteristics.
Australian wine is known for the clarity and integrity of its labelling. The government is ensuring that this effective marketing advantage is retained by implementing a more robust LIP.
As there is no objective way to test wine to determine its origin, variety or vintage, the only way to give confidence to consumers that what they are getting is as displayed on the label is to have the information recorded.
The current LIP is limited to wine manufacturers and does not cover other players in the wine supply chain, such as people who crush grapes on behalf of others, people who bottle wine on behalf of others, agents, growers, wholesalers and retailers.
The current LIP does not ensure adequate traceability through the wine supply chain. This bill contains amendments to rectify this situation. The bill aims to ensure that the AWBC can verify wine label claims by requiring people in the supply chain to make and keep records of the supply and receipt of wine goods and changes to wine goods (including volume or storage changes), ensuring an auditable trail along the supply chain from harvested grapes to the sale of the wine.

The proposed changes will:

- amend the LIP to provide that those involved in the production, distribution and sale of wine and grapes used to make wine must keep a record of the date of receipt, quantity, vintage, variety, geographical indication and the identity of the supplier of those goods. Similar records must be made upon despatch of those goods, thus ensuring a traceable trail throughout the wine production process, and
- create a new offence applying to a person who makes a claim relating to vintage, variety or geographical indication of wine goods when that claim is not supported by their records.

A retailer or other person making a direct sale to a consumer is not required to keep a record of the person to whom the sale was made but must keep records including details of the total quantity and the vintage, variety and geographical indication of the wine goods sold.

The LIP only requires people in the wine supply chain to keep a record of the delivery to them and the supply from them. This information will allow the AWBC to audit the supply chain.

The changes to the LIP are significant but they will not place onerous requirements on the industry. Under current legislation, for every wine grape delivery the grower should be asked to declare the vintage, variety and geographical indication of the grapes because the wine manufacturer has to record that information.

While many wine grape growers make and keep their own records, the standard grape delivery docket issued by receiving wineries to wine grape growers and standard payment records provided by wineries will in most instances be sufficient record in themselves.

I do not expect that the amended LIP provisions will add to the administrative workload of growers, winemakers and others required to keep records but they will significantly enhance the ability of the AWBC to verify label claims.

Growers will be required to keep records for seven years. The records will typically be in the form of a grape delivery docket which is already kept by growers or their accountants for tax purposes.

Wholesalers and retailers typically keep the required records through bar codes or on paper. Most billable material should contain the information. Therefore, it is expected that the amended LIP provisions will not add to the administrative workload of wholesalers and retailers.

Schedule 3 of the bill amends the compliance provisions of the AWBC Act. The bill includes changes to the compliance provisions which will strengthen the AWBC’s ability to stop a person from engaging in action that may be contrary to the AWBC Act.

In particular the changes will expand the injunction powers so that the AWBC can apply for an injunction to stop or to direct a person engaging in action that may be contrary to:
- the label integrity program,
- the provisions relating to the protection of geographical indications and other terms,
- the export control offence provision, or
- the regulations made for the purposes of these provisions.

These amendments also align the penalties in the AWBC Act with government policy regarding offence provisions and the use of penalty units as a replacement for fixed dollar amounts.

The Australian wine industry is an incredible success story. It is an industry which has become increasingly export focused with more than 714 million litres of wine (about 60 per cent of production) exported in 2007-08 at a value of $2.67 billion by approximately 1,800 licensed exporters of Australian wine.

In the global marketplace, Australian wine is in demand because of its reputation for quality and value for money.
Europe is Australia’s largest export market and accounted for over half of all of Australia’s wine exports in 2007-2008. In fact, more wine is exported to Europe than any other Australian commodity (over and above dairy, meat and other horticultural products).

The Australia-European Community Agreement on Trade in Wine will protect and improve market access to our major wine export market and the Australian wine industry is eager to see the agreement enter into force.

The Joint Standing Committee on Treaties has recently reported on the wine agreement and recommended that binding treaty action be taken. The chair of the committee, the member for Wills, said ‘Accession to the agreement would strengthen trade between Australia and the European Community and will provide Australian winemakers with greater, and more secure, access to European wine markets.’

This bill is an essential step in the process of Australia acceding to the treaty and the Australian industry obtaining those benefits.

The industry will benefit from the enhanced Label Integrity Program and improved compliance provisions that will help prevent fraud that has damaged wine industries in other countries.

This bill has been developed in consultation with the Winemakers Federation of Australia and industry representatives on the Australian Wine and Brandy Corporation’s Legislation Review Committee.

The Winemakers Federation supports the agreement and the bill, and has written to me to express its view by stating, ‘The wine agreement will significantly improve market access to one of our key export markets and the Australian wine industry is keen to see the entry into force of the agreement.’

The Legislation Review Committee also supports the bill and has advised that ‘the industry will derive considerable benefit from the enhanced Label Integrity Program and improved compliance provisions that will assist in preserving Australia’s reputation as a producer of wines of quality and integrity’.

I commend this bill to the Senate.

Broadcasting Legislation Amendment (Digital Television) Bill 2010

The Broadcasting Legislation Amendment (Digital Television) Bill 2010 amends the Broadcasting Services Act 1992 and related legislation to address areas of digital television signal deficiency, or black spots, and to enable the provision of all free-to-air television services to every Australian.

On 5 January 2010, the Minister for Broadband, Communications and the Digital Economy announced that the Government would fund a new satellite service to bring digital television to all Australians who cannot adequately receive terrestrial digital television services.

The new satellite service is intended to deliver the same number of digital television channels to these areas that are available in the metropolitan markets. In addition the service will provide regional viewers with access to the local news currently broadcast in their local terrestrial licence areas via a dedicated news channel.

This Bill introduces a legislative framework for the implementation of the new satellite service.

The amendments will create three new commercial television licence areas specifically for the new satellite service. These are:

- Northern Australia which will encompass the Northern Territory and Queensland;
- South Eastern Australia which will encompass the Australian Capital Territory, New South Wales, South Australia, Tasmania and Victoria; and
- Western Australia.

There will be one new commercial satellite service licence per satellite licence area. Initially, only existing remote commercial television broadcasting licensees will be eligible to apply for the licences.

The satellite service will encompass both national and commercial channels, delivered over a common satellite platform. Access will be through a satellite dish and a set-top-box.

Satellite delivery of the national broadcasting services, the ABC and SBS, will be available to any viewer in Australia in their local time zone through the new satellite service. The main standard definition services offered by the national
broadcasters, ABC1 and SBS ONE, would be delivered on an individual state and territory basis, with the exception of the Australian Capital Territory which would be served by the News South Wales services.

Access to commercial channels will be managed by a conditional access system administered by regional broadcasters, and overseen by the Australian Communications and Media Authority. All Australians living in remote television licence areas will have access to the new commercial satellite service. Any Australians in non-remote regional or metropolitan television licence areas, and who do not receive adequate terrestrial digital television, will also have access.

From the commencement of the satellite service, the licensee of the satellite service will be required to provide a service that offers an equivalent number of commercial digital television channels as is enjoyed in metropolitan markets – that is, three main channels, three standard definition multi-channels, and three high definition multi-channels.

It is expected that the commercial digital television channels on the new satellite service will be provided by existing remote commercial television broadcasting licensees using affiliation and supply arrangements agreed with metropolitan networks. To allow the licensee of each satellite service to meet its licence conditions in the absence of such arrangements, this Bill places an obligation on remote commercial television broadcasters to supply their digital television channels to the relevant satellite service licensee. There is then a corresponding requirement on the satellite service licensee to broadcast them.

If, at the commencement of the satellite service, a remote commercial television licensee is unable to provide one or more digital television multi-channels, the satellite service licensee will be required to provide equivalent replacement channels from a metropolitan television broadcasting licensee.

Metropolitan commercial television broadcasting licensees will also be required to make their programming content available on the satellite service if requested by a satellite service licensee. Satellite service licensees will not be required to provide identical programming to that provided in metropolitan areas. The satellite licensee will have the flexibility to adjust or substitute programming subject to commercial agreement, for example, to show sporting events or advertising that may be more relevant to the local audience served by the satellite service.

Importantly, the new satellite service will provide news and information sourced from the regional commercial television broadcasters operating in the relevant satellite licence area.

In the South Eastern Australia and Northern Australia satellite licence areas, the regional news service will be delivered via a dedicated channel that will aggregate local news content from the relevant regional commercial broadcasters. In Western Australia, a separate news channel is not required, as the satellite licence area will be geographically the same as the existing remote licence area. Hence the satellite licensee will be able to provide local news and information through the main channels of the relevant Western Australian remote broadcasters provided on the satellite service.

To support the news channel, regional commercial television broadcasting licensees will be required to make available local news and information program material to the relevant satellite service licensee. The satellite service licensee will be required to provide that local news on the satellite service as soon as practicable after the regional licensee begins to broadcast the program in the regional licence area. This addresses the cyclical nature of local news and information provided by regional broadcasters.

The Government expects that commercial agreements between broadcasters will underpin the delivery of programming to the satellite service licensee. In circumstances where appropriate commercial agreements are not in place, the Bill introduces amendments to enable the continued provision of television services. The Bill will insert a statutory licensing scheme into the Copyright Act 1968 to permit, subject to equitable remuneration, the use of programming provided to a satellite service licensee by the remote, regional or metropolitan broadcasters.
Should a satellite service licensee contravene its licence conditions about the provision of digital television services and local news, the Australian Communications and Media Authority may give the licensee written notice that if the contravention continues for more than 30 days, the licence may be cancelled. If the contravention continues, the Australian Communications and Media Authority must cancel the satellite service licence and commence a re-allocation process open to any applicant with the capacity to provide the satellite service.

Although unlikely, it is conceivable that there could be circumstances where, after the commencement of the satellite service, a remote television broadcasting licensee stops providing digital television services to their terrestrial licence area. This would mean that the remote commercial broadcaster would then be unable to provide their digital television channels for broadcast on the satellite service, potentially placing the satellite licensee in breach of its licence condition. In such a situation, satellite service licensees would not be required to immediately replace that remote broadcaster’s channels (although they could choose to do so). However, they would be required to broadcast them as soon as the remote broadcaster’s channels are re-established.

Satellite service licensees will be required to comply with the relevant program standards and captioning requirements that apply to terrestrial commercial television broadcasting licensees. But the Bill will also take into account the regulatory and technical complexities that satellite service licensees face when broadcasting across a number of time zones.

The Australian Content Standards, the Children’s Television Standards, and the Commercial Television Industry Code of Practice, all impose requirements on broadcasters in relation to when certain material can be broadcast. This will cause difficulties for a satellite service transmitting a single program stream in several states or territories with different time zones (for example, across South Australia and New South Wales in the South Eastern Australia satellite licence area).

To address this, the amendments in the Bill will allow a satellite service broadcaster to nominate the time in a particular geographic location against which their broadcasting services shall be regulated.

The Bill will also ensure that the regulation that applies to the terrestrial transmission of anti-siphoning events will also apply to services provided by a satellite service licensee. This includes the rules that apply to the transmission of anti-siphoning events on digital multi-channel services.

The Bill also introduces measures to allow all commercial free-to-air digital television services, including digital multi-channels such as GO!, 7TWO and ONE HD, to be provided to Australians no matter where they live. Currently legislation does not allow commercial broadcasters to provide the full range of digital television services in a small number of licence areas where historically there were fewer than three commercial broadcasters. The Bill amends the Broadcasting Services Act 1992 to allow commercial broadcasters in regional South Australia, Griffith and Broken Hill to apply for a third, digital-only commercial licence.

This means that broadcasting licensees in such ‘underserved’ areas will have the same opportunity as other regional and metropolitan broadcasting licensees to provide a full suite of digital television services in their licence area.

Further, in recognition of the special circumstances of terrestrial broadcasters operating in these smaller markets, the amendments permit these broadcasters to provide all of their digital services in standard definition format only. These broadcasters will still have the option to provide high definition multi-channels but they will not be required to do so.

After switchover, commercial television broadcasters in these markets, like all other commercial television broadcasters, will have the option of providing any combination of standard and high definition channels within their allocated spectrum.

The measures in this Bill will help broadcasters provide the same range of digital television services to all Australians wherever they live, whether they access through terrestrial transmission or via satellite. It will dramatically improve the choice and quality of digital television ser-
vices for regional Australia as we move towards digital switchover.

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Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Bill 2010

This bill contains three measures affecting the family assistance law and child support legislation.

Firstly, the bill includes a measure from the 2009-10 Budget that aligns decisions about care of children for the purposes of family tax benefit and child support. This is designed to create simpler rules for separated families.

The Child Support Scheme aims to ensure that children receive the appropriate level of child support from their parents in accordance with their parents’ capacity to provide financial support. Family tax benefit assists with the costs of raising children, taking into account child support and other income available to meet these costs.

The bill makes amendments to provide for a single determination of care for both child support and family tax benefit purposes. Currently, care decisions are made by the Child Support Agency for child support purposes, while care decisions for family tax benefit purposes are made by the Family Assistance Office. This can mean that the Family Assistance Office and Child Support Agency recognise different levels of care for the same child. It can also mean that parents do not receive their correct assessments unless they separately notify each agency. This can put additional strain on separated parents who have to deal with two agencies, and two different sets of rules, when determining the care arrangements for their children.

Aligning the determinations of care between the Child Support Agency and Family Assistance Office will provide consistency in decisions about the level of care being provided by separated parents who have to deal with both agencies. This is intended to remove duplication of process and decision making by the Child Support Agency and Family Assistance Office. We also expect this will reduce objections and appeals flowing from the separate determinations in the two agencies.

Secondly, this bill also contains amendments to the income estimate process under the Child Support Scheme.

In determining their child support obligations, some parents use an estimate of their income. This estimated income is then reconciled against actual income to make sure that the correct amounts have been paid or received.

Currently, when a parent estimates their income for calculating their obligations under the Child Support Scheme, it is for a child support period of up to 15 months, which can cross over up to three financial years.

Estimating income over multiple financial years can be difficult for parents and often leads to inaccurate estimates. Reconciliation cannot occur until the parent’s actual income for each financial year is known. In those cases where the child support period spans up to three financial years, the current system can result in severe delays in reconciling estimates.

This amendment will align estimate periods with financial years.

This means that parents who estimate their income will be required to estimate for a shorter period of time. This measure will make it easier for parents to estimate their income and allow the Child Support Agency to reconcile the estimate automatically, once actual income is known.

These amendments do not affect the length of the child support period, which remains at 15 months. These amendments only change the period over which income estimates are reconciled from 15 months, to a financial year.

This will help improve the accuracy of child support calculations to make sure that the correct information is used.

These changes have been thoroughly canvassed with the Child Support National Stakeholder Engagement Forum, a group jointly convened by the Department of Families, Housing, Community Services and Indigenous Affairs and the Child Support Agency. The stakeholder engagement group includes representatives from a wide range of groups with a policy interest in child support matters.
Lastly, the bill contains amendments to the family assistance law to provide greater flexibility in dealing with family tax benefit non-lodger debts. The 2008-09 Budget announced measures designed to address growing family tax benefit debts arising from circumstances where a family does not lodge their tax returns. Without lodgment of a tax return, the Family Assistance Office cannot reconcile a family’s entitlements to payments and ensure the correct amount of family assistance has been paid. Changes to this system were proposed by the Australian National Audit Office in its 2006-07 report, and implemented in January this year following passage of the Family Assistance Amendment (Further 2008 Budget Measures) Act 2009. Under those new rules, fortnightly payments of family tax benefit can be temporarily suspended if a person’s tax return has not been lodged within 18 months of the end of the financial year.

This bill amends these temporary suspension provisions so that they will not apply if there is no outstanding family tax benefit debt due to the failure to lodge a required tax return, and gives the Secretary the discretion to determine that certain provisions will not apply for a specified period where there are special circumstances.

These amendments do not affect the length of the child support period, which remains at 15 months. These amendments only change the period over which income estimates are reconciled from 15 months, to a financial year. This will help improve the accuracy of child support calculations to make sure that the correct information is used.

These changes have been thoroughly canvassed with the Child Support National Stakeholder Engagement Forum, a group jointly convened by the Department of Families, Housing, Community Services and Indigenous Affairs and the Child Support Agency. The stakeholder engagement group includes representatives from a wide range of groups with a policy interest in child support matters.

Lastly, the bill contains amendments to the family assistance law to provide greater flexibility in dealing with family tax benefit non-lodger debts. The 2008-09 Budget announced measures designed to address growing family tax benefit debts arising from circumstances where a family does not lodge their tax returns. Without lodgment of a tax return, the Family Assistance Office cannot reconcile a family’s entitlements to payments and ensure the correct amount of family assistance has been paid. Changes to this system were proposed by the Australian National Audit Office in its 2006-07 report, and implemented in January this year following passage of the Family Assistance Amendment (Further 2008 Budget Measures) Act 2009. Under those new rules, fortnightly payments of family tax benefit can be temporarily suspended if a person’s tax return has not been lodged within 18 months of the end of the financial year.

This bill amends these temporary suspension provisions so that they will not apply if there is no outstanding family tax benefit debt due to the failure to lodge a required tax return, and gives the Secretary the discretion to determine that certain provisions will not apply for a specified period where there are special circumstances.

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Defence Legislation Amendment Bill (No. 1) 2010

The purpose of the Defence Legislation Amendment Bill (No. 1) 2010 (the Bill) is to address five separate measures:

The first measure amends the Defence Act 1903 to establish the Defence Honours and Awards Appeals Tribunal by legislation.

In 2007 the Australian Government, in accordance with an election commitment, undertook to establish an independent tribunal to consider longstanding Defence honours and awards issues and identified a number of priority issues to be considered by the Tribunal.

In July 2008 the Defence Honours and Awards Tribunal (the current Tribunal) was established administratively so that inquiries identified by Government could commence. As an administrative body the current Tribunal can inquire into and make recommendations relating to issues referred to it by Government. The Government has undertaken to be bound by the current Tribunal’s decisions. The current Tribunal has no au-
authority to make separate decisions or to independently review Defence decisions concerning eligibility for Defence honours and awards.

Prior to the establishment of the current Tribunal in July 2008, there was no avenue of appeal open to Australian Defence Force members, ex-serving members, next of kin or others who had applied for medals and had their application declined. There was also no permanent body that could independently consider broader recognition issues relating to Defence service.

The establishment of the new Tribunal as a statutory body under the Defence Act 1903 will strengthen the Tribunal’s independence, make the Defence honours and awards decision making process more transparent and formalise the Government’s 2007 election undertaking.

In this context, this measure inserts a new Part VIIIC in the Defence Act 1903 to establish the Defence Honours and Awards Appeals Tribunal and provides for the:

- functions of the new Tribunal;
- what decisions are reviewable by the new Tribunal;
- who may apply for review;
- referral of general Defence honours and awards issues for inquiry and advice;
- general provisions relating to the operation of the new Tribunal;
- constitution of the new Tribunal and appointment of members; and
- transitional provisions for the continuation of business of the current Tribunal and the automatic appointment of current members to the new Tribunal.

In particular the Tribunal will have the power to review Defence decisions concerning the eligibility of individuals for Defence honours and awards. The Tribunal will be able to hear appeals against a Defence decision in relation to eligibility for a medal and replace it with a new decision or confirm the Defence decision.

Individuals will be able to appeal directly to the Tribunal, which will be known as the Defence Honours and Awards Appeals Tribunal, about their eligibility for Defence honours and awards.

The Government will also be able to continue to refer Defence honours and awards issues to the Tribunal for inquiry and recommendation.

The Tribunal will not be reviewing eligibility to recommend a person for a Defence honour or award that was made before 3 September 1939 or for service rendered before 3 September 1939.

The Tribunal’s recommendations back to the decision-maker will be the final step in the review process. However, a person will be able to apply for review of tribunal decisions under the Administrative Decisions (Judicial Review) Act 1977, and under section 39B of the Judiciary Act 1903.

The establishment of the Defence Honours and Awards Appeals Tribunal in legislation formalises the Government’s 2007 election commitment to establish an independent tribunal to consider longstanding Defence honours and awards issues. It will give applicants an opportunity to appeal Defence decisions concerning eligibility for medals and will make the decision making process more transparent and accountable.

The second measure - amends the Defence Act 1903 to ensure that there is procedural fairness in the termination and discharge process where a Defence member has tested positive for a prohibited substance.

Part 8A of the Defence Act 1903 provides for the testing of a person to determine whether they have used any prohibited substances. The Act also sets out who can perform those tests and the requirements for issuing a notice to show cause and the termination process.

The current provision does not provide for a step process between the issuing of the notice to show cause and the termination process (procedural fairness).

In its Report into Military Justice in the Australian Defence Force in 1999, the Joint Standing Committee on Foreign Affairs, Defence and Trade recommended that the Australian Defence Force review its current procedural arrangements to ensure organisational separation between the initiating officer and the decision maker for all administrative action involving the termination or discharge of a member’s service with the ADF. This would ensure procedural fairness in the termination and discharge processes.
The Government accepted this recommendation and agreed to amend the Act, as well as relevant Defence regulations and Defence instructions dealing with the termination of appointment of ADF members. The Defence Personnel Regulations and Defence instructions have been amended to take account of procedural fairness in the termination and discharge processes.

This amendment completes the Senate Committee’s recommendation in relation to procedural fairness in the termination and discharge process where a Defence member has tested positive for a prohibited substance. The amendment will also address the delegation provisions in relation to the issuing of a notice and the termination process.

The third measure – amends the Defence Act 1903 to make it absolutely clear that section 58B determinations made under the Act are subject to tabling and disallowance.

Prior to the commencement of Legislative Instrument Act 2003 (LIA), determinations made under sections 58B of the Defence Act 1903 were subject to tabling and disallowance. With the introduction of the LIA determinations made under section 58B of the Defence Act were expressly exempted by the LIA from being subject to the new Legislative Instruments regime. However, that exemption did not make it clear that 58B determinations were still required to be tabled and subject to disallowance.

This amendment will provide that a determination under section 58B is to be subject to tabling and disallowance in accordance with section 46B of the Acts Interpretation Act 1901. The amendment will provide that a 58B determination will be gazetted and also made available to the public on the Defence website.

The amendment will also provide that paragraph 46AA(1)(a) of the Acts Interpretation Act 1901 applies to make clear that determinations under section 58B can incorporate, by reference, material from other 58B determinations, 58H determinations and determinations made under section 24 of the Public Service Act 1999, as in force from time to time or as in force at a particular time.

The fourth measure – amends the Defence Home Ownership Assistance Scheme Act 2008 to ensure that it appropriately covers all Reserve members, regardless of the way they became a Reserve member.

The Defence Home Ownership Assistance Scheme was introduced on 1 July 2008. The scheme encourages retention by providing home loan subsidy assistance that increases as a member passes specified career points.

As at 31 January 2010, 18,363 subsidy certificates had been given to eligible ADF members. Of these, 10,273 members were in receipt of the subsidy assistance on a mortgage with a member of the home loan provider panel.

ADF member feedback indicates that the Defence Home Ownership Assistance Scheme is having a positive influence on retention.

The minor amendment to the Defence Home Ownership Assistance Scheme Act 2008 makes clear that members of the Reserves who had transferred from the Permanent Forces are subject to the same treatment regarding their Reserve service as members who were appointed or enlisted in the Reserves from the beginning of their service.

The amendment will not affect any person’s entitlements that have been recognised before the amendment takes effect.

The final measure in the Defence Legislation Amendment Bill (No. 1) – amends the Defence Force Discipline Act 1982 to enable the appointment of Chief Petty Officers and Flight Sergeants as discipline officers, to clarify the jurisdiction of discipline officers and to align the punishments available to be imposed in respect of certain ranks.

The current Discipline Officer scheme allows certain Australian Defence Force unit personnel to enforce discipline for minor disciplinary infractions without having to resort to summary authority jurisdiction.

This is a quick and effective method by which junior officers, non-commissioned officers and members below non-commissioned officers (who have pleaded guilty) are afforded the opportunity to learn from relatively minor disciplinary indiscretions.
The discipline officers scheme was amended in 2008 to give effect to a previous military justice review to expand the scope of the Discipline Officers scheme to include ‘junior officers’, namely, Lieutenant in the Navy, Captain in the Army and Flight Lieutenant in the Air Force. It was also extended to allow Warrant Officers to be appointed as Discipline Officers.

On 23 January 2009, the final report into the Health of the Reformed Military Justice System, recommended that the Discipline Officers scheme be extended to allow the Navy and Air Force equivalents of Warrant Officer Class 2 ranks to be discipline officers.

This amendment will give effect to that recommendation to allow the appointment of Warrant Officers, Chief Petty Officers and Flight Sergeants as Discipline Officers. The amendment will also clarify the jurisdiction of Discipline Officers and align the punishments available to be imposed in respect of certain ranks.

The five amendments addressed in Defence Legislation Amendment Bill (No. 1) will enhance the accountability and transparency of certain programs and schemes and entitlements for all ADF members.

I commend the Bill and the Explanatory Memorandum.

Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010

The Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010 will cap the Child Care Rebate annual limit at $7,500 for the next four years, as announced in this year’s Budget.

Our Government has a clear record in early childhood education and child care in supporting Australian families. We have prioritised affordable and high quality child care for Australian families and their children, and we remain committed to this.

Evidence of this commitment is clear in our investment of $17.1 billion in early childhood education and child care over the next four years, around $10 billion more than that provided in the last four years of the Howard Government.

In July 2008, we delivered on our election commitment to increase the Child Care Rebate from 30 to 50 per cent of parent’s out-of-pocket expenses. This extra support goes directly to parents to help them with the cost of child care. We also met our election commitment to lift the maximum families could claim from $4354 as it was under the previous Government to $7500 per child per year – a substantial increase of $3146 a year, or some 72 per cent.

Last year 670,000 Australian families benefited from these significant reforms, enabling them to claim back half of their out-of-pocket child care costs up to $15 000 a year for each child in care.

And further, as a result of these changes ABS statistics also show that child care costs to parents fell by over 20 per cent.

Under the previous Government families were also forced to wait until the end of each year to access their Child Care Rebate payment. This put pressure on family budgets throughout the year. The Rudd Government committed to and changed the payment to quarterly – giving parents assistance closer to the time they incur their child care costs.

In addition to the Child Care Rebate we also provide an $8.4 billion in Child Care Benefit over four years for low and middle-income earners through the Child Care Benefit. This means we cover more than half of child care costs for these families.

In total, we will provide $14.4 billion over four years for parents through Child Care Benefit and Child Care Rebate. This is $8 billion more than the Howard Government provided in child care fee assistance in their last years.

We have shown time and again that we are committed to affordable and high quality child care, and we are putting our money where our mouth is.

In line with our commitment to deliver a responsible Budget that secures our economic future and brings the Budget back into surplus in three years, and three years early, and also as a result of our ambitious agenda for early childhood education and child care, we have made the decision to keep the Child Care Rebate cap at the level we committed to during the election - $7,500 a year. This
is still some $3146 higher a year than it was when we were elected to Office.

It is important to note that under the adjustment to the Child Care rebate featured in the Bill - the vast majority of Australian families will not be affected by this change.

In fact only about 3 per cent of families currently receiving the rebate will be affected. The vast majority of families will not be affected.

In order to reach the cap most families would need to be placing their child in care for 10 to 12 hours a day for more than four days week, at average fee levels.

In fact, the average use of child care in Australia is much lower – with most parents using around two and a half days a week with the average Child Care Rebate claim last year being less than $2000, well below the cap of $7500.

Overall less than 1% (0.67) of families using child care who earn less than $100 000 a year will be impacted by this change in 2010-11.

We also know that as a result of our Child Care Rebate increase, a family earning $80,000 with one child in full time care receives $2239 more a year in Child Care Rebate than they would of under the previous Government.

In addition to affordable child care, we have also prioritised improvements to the quality of child care and early education. International studies such as the Perry Preschool Project, the Chicago Parent-Child Centre, and the Effective Provision of Preschool Education have demonstrated that if you invest early in high quality services, children have better outcomes at school and into their life.

This has been backed up by local experts such as Fiona Stanley, Frank Oberklaid and Alison Elliot – who tell us the early years shape the future happiness, health and wellbeing of children.

That is why we took the important decision to invest in the quality of child care, and our decision regarding the Child Care Rebate cap will help support this investment. Quality changes will deliver better staff to child ratios, so each child gets more individual care and attention, and improved qualifications so staff can lead activities that help children learn and develop.

In the 2010-11 Budget we announced that we will provide $273.7 million to support the introduction of the Government’s new National Quality Framework for early childhood education and child care and our commitment to improve the quality of child care in Australia. This includes funding so we can continue to cover 50% of parents out-of-pocket expenses.

And we are also providing $59.4 million to improve the quality of 142 Budget Based Funded early childhood services located in rural and remote Australia to improve infrastructure and staff qualifications in rural and remote services so all children can benefit from improvements to the quality of child care.

We know that children in these areas are not doing as well in these urban areas. This was clearly detailed in the community profiles of the Australian Early Development Index that I released last week.

The AEDI measures how children are developing in their early years and provides crucial information to Governments, service providers and communities. It shows that 23.5 per cent of all Australian children are developmentally vulnerable on one or more domains.

While many Governments would run and hide from collecting and publishing this information we are embracing it. Such is our commitment to the early years that we want to know where the problems so we can work with local communities to fix the problems, so our kids get the best start to life.

The Rudd Government is clearly prioritising high quality, affordable and accessible child care for Australian families. We are preparing our country for the future by investing in our most important resource – our children. We are doing this because we know if kids start right they are set for life.

Our record in this area is clear. Again, we are clearly putting our money where our mouth is by investing $17.1 billion over the next four years in this critical area – around $10 billion more than the last four years of the previous Government.
Health Legislation Amendment (Australian Community Pharmacy Authority and Private Health Insurance) Bill 2010

The Health Legislation Amendment (Australian Community Pharmacy Authority and Private Health Insurance) Bill 2010 (the bill) will amend the National Health Act 1953 and the Private Health Insurance Act 2007.

The bill provides for amendments to the National Health Act 1953 to extend the authority of the Pharmacy Location Rules and the Australian Community Pharmacy Authority from 30 June 2010 to 30 June 2015.

The bill also introduces amendments to the Private Health Insurance Act 2007 that will ensure the lifetime health cover policy is applied fairly and consistently to all residents of Australia who are eligible for Medicare. The bill addresses some anomalies currently in the Private Health Insurance Act 2007 that may inadvertently advantage or disadvantage some people with respect to the application of the lifetime health cover policy.

Australian Community Pharmacy Authority

This bill proposes amendments to the National Health Act 1953 relating to the arrangements for approving pharmacists to supply pharmaceutical benefits subsidised by the Commonwealth. These amendments are the result of the Fifth Community Pharmacy Agreement negotiated between the Pharmacy Guild of Australia and the Government, and are aimed at ensuring that all Australians, particularly those in rural and remote areas, have reasonable access to the supply of pharmaceutical benefits. Significantly, this bill will extend the operation of the Pharmacy Location Rules and their administration by the Australian Community Pharmacy Authority.

These Rules prescribe location based criteria that must be satisfied in order for a pharmacist to obtain approval to supply pharmaceutical benefits at particular premises. Once approved, a pharmacist is entitled to be paid by the Commonwealth for the supply of pharmaceutical benefits. The extension of these Rules and its administration by the Authority until 30 June 2015 will provide stability in the pharmacy sector and help to ensure that an accessible network of pharmacies exists to dispense pharmaceutical benefits to the Australian public.

The amendments to the National Health Act 1953 will commence on Royal Assent.

Lifetime health cover and new migrants

Under lifetime health cover policy, people who do not take out private health insurance hospital cover by their ‘lifetime health cover base day’ are required to pay a 2% loading on their premium for every year they are aged over 30 when first taking out hospital cover. For most people, the lifetime health cover base day is the 1 July following their 31st birthday. The maximum loading a person may be required to pay is 70% and is payable by people who first take out private health insurance hospital cover at age 65 or older. However, for migrants who enter Australia after 1 July following their 31st birthday, their ‘lifetime health cover base day’ is the first anniversary after they are registered for full Medicare benefits (their ‘Medicare eligibility day’) and they need to take out private health insurance hospital cover before this date in order to avoid the application of a lifetime health cover loading.

This bill amends the legislation relating to lifetime health cover to ensure it is consistent and fair for all new migrants to Australia who are over 31 years of age and have full access to Medicare benefits. The amendments only apply to people whose ‘lifetime health cover base day’ falls after 1 July 2010. The amendments do not affect Australian citizens.

The bill resolves some anomalies that currently exist in the present legislation relating to new migrants. Currently, the Private Health Insurance Act 2007 refers to ‘new arrivals’. A ‘new arrival’ must have arrived in Australia for the first time on or after 1 July 2000 and is not an Australian citizen or permanent resident. This has the effect of excluding people who temporarily visited Australia before that time, for example, as a tourist, and of excluding people who migrate to Australia with a permanent residence visa, even though they may be entering Australia for the first time.

The bill removes an anomaly that allows migrants who turned 31 on or before 1 July 2000, and who were overseas on that day, to have access to ‘permitted days without cover’, without ever ac-
actually holding private health insurance hospital cover. The Private Health Insurance Act 2007 allows people who hold private health insurance hospital cover to cease their cover in specific circumstances and for a limited period of time without incurring a lifetime health cover loading, known as “permitted days without cover”.

“Permitted days without cover” are:

- days on which a private health insurer has granted a suspension in accordance with Private Health Insurance (Lifetime Health Cover) Rules;
- days on which the person is overseas for a continual period of more than one year; and
- the first 1,094 days that the person is without hospital cover.

The “permitted days without cover” provision recognises that there may be circumstances when it is difficult or impractical for people to maintain their hospital cover (for example, if facing temporary financial hardship) and is intended to make reasonable allowance for these unforeseen events.

Because migrants who turned 31 on or before 1 July 2000 and who were overseas on that day were taken to have private health insurance hospital cover on their ‘lifetime health cover base day’, they have access to a substantially longer period of time (in some cases up to almost four years) instead of the intended 12 month period from their registration for full Medicare benefits in which to take out private health insurance hospital cover without incurring a lifetime health cover loading. The amendment corrects this unintended outcome. Instead, such people will have 12 months from their ‘Medicare eligibility day’, the same as all other migrants, and consistent with the original policy intention.

The amendments to the Private Health Insurance Act 2007 commence on 1 July 2010. The amendments do no affect Australian citizens, nor any migrants who have had a ‘lifetime health cover base day’ on or before 30 June 2010.

I commend the bill to the Senate.

International Arbitration Amendment Bill 2010

INTRODUCTION

Over time, international arbitration has developed as a practical, efficient and well established method of settling commercial disputes without resorting to national courts.

Arbitration is typically faster, less formal and more tailored to the particular dispute than court proceedings whilst retaining the benefits of impartial adjudication.

Arbitral awards are also more readily enforceable around the world than are judgements of national courts.

Finally, arbitration is a method of dispute resolution that is chosen and controlled by the parties. This helps the parties to preserve their commercial relationship and resolve their dispute in a manner that suits their needs.

THE NEW YORK CONVENTION AND THE UNCITRAL MODEL LAW

There are two pillars that underpin the modern system of international commercial arbitration.

The first is the Convention on the Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958 – commonly referred to as the New York Convention.

The Convention provides crucial support to international trade by ensuring that arbitral agreements and awards are enforceable as between the 144 Contracting States.

This means that commercial parties can turn to arbitration in full confidence that the award made by the arbitral tribunal will be enforceable throughout the world.

The Model Law was developed by UNCITRAL as a basis on which countries may choose to draft their own legislation governing international arbitration.

The Model Law was developed to address the wide divergence of approaches taken to international arbitration throughout the world and to provide a modern and easily adapted alternative to outdated national regimes.

As the Explanatory Note to the Model Law prepared by UNCITRAL states ‘since its adoption by UNCITRAL, the Model Law has come to represent the accepted international legislative standard for a modern arbitration law’.

**THE INTERNATIONAL ARBITRATION ACT**

In Australia, international arbitration is primarily regulated by the International Arbitration Act 1974.

The Act implements Australia’s obligations under the New York Convention to enforce and recognise foreign arbitration agreements and arbitral awards.

The Act also gives the force of law to the UNCITRAL Model Law as the principal arbitral law governing international commercial arbitrations in Australia.

Finally, the Act also implements Australia’s obligations under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States done at Washington on 18 March 1965.

**REVIEW OF THE INTERNATIONAL ARBITRATION ACT**


The reform measures I am presenting today are the product of the Review’s work and have been developed following careful consideration of the more than 30 submissions made to the Review as well as academic literature, court decisions and approaches taken overseas.

**THE INTERNATIONAL ARBITRATION AMENDMENT BILL**

The reforms contained in the International Arbitration Amendment Bill will ensure the Act remains at the forefront of international arbitration practice.

It was very clear from the submissions received as part of the Review that there was strong support for the Act.

In particular, there was strong support for the retention of the UNCITRAL Model Law as the arbitral law governing international commercial arbitrations conducted in Australia.

Accordingly, rather than fundamentally alter the framework of the International Arbitration Act, the reforms to be enacted by the Bill augment the Act by addressing problems that have arisen in its application.

The reforms go further – however – by providing parties with a wider set of tools to help them resolve their disputes.

First, the Bill will repeal section 21 of the Act which allows the parties to choose to resolve their dispute under a law other than the Model Law – such as one of the State Commercial Arbitration Acts – a provision which has long been a source of confusion and concern.

Once amended, the Act will provide a clear distinction between the application of Commonwealth legislation and State and Territory legislation.

Secondly, the Bill includes new interpretation provisions that are intended to provide greater guidance to the courts in exercising powers and functions under the Act and in interpreting its provisions.

The Bill will also clarify the circumstances in which the courts can refuse to recognise and enforce foreign awards.

One concern expressed in submissions to the Review was that parties were finding increasingly novel ways to challenge awards and delay the arbitral process.

These provisions are intended to emphasise the importance of speed, fairness and cost-effectiveness in international arbitration, while clearly defining and limiting the role of the courts
in international arbitration without compromising the important protective function they exercise.

Thirdly, the Bill will implement a number of amendments to the Model Law adopted by UNCITRAL in 2006.

These amendments concern interpretation of the Model Law, the introduction of a more sophisticated regime for making and enforcing interim measures and minor changes to authentication and translation requirements.

Further, the Bill will introduce additional provisions to supplement the operation of the Model Law.

At present, the Act includes a range of optional provisions that parties can use to help resolve their dispute.

These provisions address issues such as the consolidation of arbitral proceedings, interest and costs.

The Bill will add a number of new tools to this set of optional provisions.

The parties will be able to select new provisions that allow the parties to obtain subpoenas and other court orders to assist with the arbitration.

The Bill will enable the parties to select new provisions dealing with the disclosure of confidential information.

Other ‘opt in’ provisions address the death of a party to an arbitration agreement and revise the provisions concerning interest on a debt under an award.

Finally, the Bill includes a range of other measures directed at improving the general operation of the Act, including providing a more expansive definition of what constitutes an agreement in writing for the purposes of the New York Convention.

**JURISDICTION OF COURTS**

The discussion paper I released in November 2008 raised the possibility of conferring exclusive jurisdiction under the Act on the Federal Court of Australia.

Since the discussion paper was released, the States and Territories have evidenced an intention to adopt the Model Law as the basis for redrafting the Commercial Arbitration Acts that apply to domestic arbitration in Australia.

This should result in a more uniform scheme at both the Federal and State and Territory level.

Over time, applying the Model Law to both domestic and international arbitration should result in more consistent interpretation of its provisions.

Given the intention to adopt the Model Law in this way, the Government has decided not to proceed with conferral of exclusive jurisdiction on the Federal Court of Australia at this time.

The Government understands the benefits that consistent jurisprudence would bring to the facilitation of international arbitration in Australia.

The Government therefore encourages all courts to adopt procedures that ensure international arbitration cases are heard by judges with particular expertise in this area.

One possibility for achieving this could be by having specialist international arbitration lists.

**CONCLUSION**

Speaking on the 40th anniversary of the conclusion of the New York Convention the then Secretary General of the United Nations, Kofi Annan, stated:

international trade thrives on the rule of law: without it parties are often reluctant to enter into cross border commercial transactions and make international investments.

Arbitration is an essential tool for doing business across borders.

The Bill will not only assist Australian businesses in resolving their disputes but will ensure Australia is an attractive venue for parties from around the world to resolve their disputes.

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Interstate Road Transport Charge Amendment Bill 2010

The Interstate Road Transport Charge Amendment Bill 2010 will ensure that heavy vehicle owners who operate under the Federal Interstate Registration Scheme are not unfairly charged with higher registration charges that apply next financial
year than vehicle owners who are registered in state or territory systems.

The bill will ensure that from 1 July 2010, heavy vehicle owners of trucks and trailers registered under the Federal Interstate Registration Scheme (FIRS) will pay a registration increase of only 4.2 per cent instead of 9.7 per cent.

This Bill proposes a minor, technical amendment to delete sub-section 5(6) of the Interstate Road Transport Charge Act 1985.

The Interstate Road Transport Charge Act 1985 imposes registration charges for heavy vehicles registered under the Australian Government’s Federal Interstate Registration Scheme, (FIRS), to recover the cost of road usage by heavy vehicles.

Sub-section 5(6) of that Act specifies that any regulations made for the purpose of Section 5 (Amount of Charge) must not take effect earlier than the first day after the end of the Disallowance Period.

The effect of sub-section 5(6) is that it prevents amended regulations that would lower the annual registration charges adjustment from a 9.7 per cent increase in registration charges to a 4.2 per cent increase from coming into effect on 1 July 2010.

Instead the adjusted, lower charge would come into effect after 15 parliamentary sitting days from when the new regulations are made - which would not be until late September 2010.

This would affect over one thousand FIRS vehicle owners who would be charged the higher 9.7 per cent registration increase (determined automatically under the current regulations) rather than the proposed 4.2 per cent increase because the adjusted charge would not come into effect until late September.

There is no administrative option available to deal with this issue. The Act does not provide a ‘refund’ power that could enable vehicle owners charged the 9.7 per cent increase to have the difference returned to them.

Deleting sub-section 5(6) will not in any way remove parliamentary scrutiny. The provisions of Part 5 of the Legislative Instruments Act 2003 that facilitate scrutiny by the Parliament will still apply to amendments to the Regulations. Those provisions could still operate to disallow an amendment to the Regulations that came into effect on 1 July 2010.

The Bill will help implement the agreement by the Council of Australian Governments (COAG) that heavy vehicle charges should be adjusted annually to maintain cost recovery.

In February 2008, the Australian Transport Council adopted the 2007 Heavy Vehicle Charges Determination, which ensures that the Road User Charge and Heavy Vehicle registration charges achieve cost recovery from the heavy vehicle industry for its fair share of road infrastructure and maintenance costs incurred by governments in Australia.

In 2009 an agreed automatic adjustment formula was included in the Commonwealth Interstate Road Transport Charge Regulations 2009 for application to the twenty thousand five hundred heavy vehicles registered under the Federal Interstate Registration Scheme. That automatic annual adjustment to heavy vehicle registration charges applies from 1 July each year.

Adjustments to the heavy vehicle registration charge depend heavily on changes in the level of spending on roads and bridges and on changes in road usage by heavy vehicles.

Roads expenditure across all levels of government has increased significantly in recent years. At the same time, there has been a substantial growth in the number of higher-productivity heavy vehicles using the road network.

The effects of those factors in the current automatic annual adjustment formula results in a registration charge increase of 9.7 per cent and a potential national over-recovery of $116 million from heavy vehicle owners and operators in 2010-11.

All Transport Ministers agreed to address this over-recovery at their meeting of 30 April 2010 by amending their respective charges legislation to ensure the formula neither under nor over charges the trucking industry. They also agreed that industry should benefit from this lower adjustment from 1 July 2010.

State and Territory Governments will implement the adjusted 4.2% registration charge increase from 1 July 2010.
The adjusted 4.2 per cent figure has been calculated by the National Transport Commission following appropriate adjustments to the current charges formula to address any over-recovery resulting from changes in the heavy vehicle fleet mix.

I asked the National Transport Commission to undertake public consultation on the proposed charges adjustment, consistent with requirements under the relevant legislation.

It would be fair to say that industry acknowledges it needs to pay its fair share for road usage and that the 4.2 per cent adjustment is a preferable outcome for it than an adjustment of 9.7 per cent.

The principle of cost recovery has been broadly agreed by all governments and industry and the charges aim to recover, not over-recover or under-recover, the heavy vehicle industry's share of aggregate government road expenditure.

Governments have been spending more on roads; more and heavier vehicles have been using roads. The charges need to reflect these factors.

This government is working successfully through COAG with all states and territories to deliver national, streamlined heavy vehicle regulation that will provide an even, certain and transparent playing field for the heavy vehicle industry.

We need to be sure that this extends to all areas of industry operations, including registration charges.

The passage of this bill is necessary to ensure that federally registered vehicles will be differently and unfairly charged compared to vehicles registered under state or territory law.

I commend the bill to the House.

Ministers of State Amendment Bill 2010

Section 66 of the Constitution prescribes the maximum annual amount that can be paid out of the Consolidated Revenue Fund for the salaries of Ministers of State, unless the Parliament provides otherwise.

The Parliament has otherwise provided for the maximum amount payable in section 5 of the Ministers of State Act 1952, which currently limits that amount to $3.2 million dollars each financial year.

This amount needs to be increased to $3.5 million dollars to pay ministerial salaries at current levels for 2009-2010 (and for future financial years), and to meet any additional expenditure, such as payment of additional salary for acting arrangements.

There have been 29 amendments to the amount set under section 5 of the Ministers of State Act 1952, since its introduction in 1952. This averages one amendment every two years. This section was last amended in 2006 and is therefore well overdue for the regular amendment. This constant cycle of amendments is not the most efficient way of dealing with this matter. Enabling the maximum sum available for ministerial salaries to be provided for by regulation obviates the need for recurrent amendments to the Act. As such regulations would be subject to disallowance, there will continue to be parliamentary scrutiny of any future changes to the amount.

Personal Property Securities (Corporations and Other Amendments) Bill 2010

The bill is the second suite of consequential amendments to Commonwealth legislation brought about by the passage of the Personal Property Securities Act 2009.

Personal property securities reform is an important part of COAG's deregulation agenda. By harmonising the current laws and creating a single national online register, the reform will have a significant positive impact on business and consumers.

Transaction costs will be reduced and businesses will be able to use more types of personal property to secure lending.

Consumers will be able to protect themselves by more easily checking whether major purchases, such as motor vehicles, have money owing on them.

The main purpose of the bill is to amend the Corporations Act 2001.

These amendments are necessary to establish a clear and consistent single national legal regime for security interests in personal property.
The bill will amend the Corporations Act to close the ASIC register of company charges once the new PPS register begins to operate.

The bill will also ensure the conceptual consistency between the Corporations Act and the Personal Property Securities Act.

Importantly, it will do this while preserving the rights of parties under the Corporations Act.

The bill also makes minor amendments to the Personal Property Securities Act.

These amendments will simplify the transitional provisions in the act.

The PPS Act will also be amended to clarify that the act is, in its application to the enforcement of security interests in agricultural products, consistent with the state and territory legislation it will replace.

Finally, the bill will make minor amendments to other Commonwealth legislation.

Before I turn to look at the bill in more detail, I must acknowledge the work of the Senate Standing Committee on Legal and Constitutional Affairs, which has taken a keen interest in PPS reform.

The bill I introduce today contains amendments to the PPS Act made as a result of submissions to the committee and to the Attorney-General’s Department following the committee’s August 2009 report on its inquiry into the PPS Bill.

The efforts of the committee and the wide range of stakeholders who have participated in the extensive consultation on PPS reform undertaken by the government have contributed much to the final form of the legislation.

I should also note that in relation to the Corporations Act amendments, the Commonwealth has complied with clause 506(1) of the Corporations Agreement 2002 and has obtained the approval of the Ministerial Council for Corporations prior to introducing this bill into parliament.

**Amendments to the Corporations Act**

The amendments to the Corporations Act will achieve four objectives.

First, Chapter 2K of the Corporations Act, which established the register of company charges, will be repealed.

When the new PPS scheme begins operation in 2011, registrable company charges will be registered on the PPS register.

Charges currently registered on ASIC’s register of company charges will be migrated to the PPS register.

The bill ensures that the data on the register of company charges will continue to be available as a record of existing charges for a period of seven years, should recourse to the original data be needed.

Second, the amendments will amend the terminology of the Corporations Act to make it consistent with the PPS Act. This will include removing the distinction between different forms of security interest, so as to treat transactions that secure payment or performance of an obligation as security interests, regardless of their legal form.

The third objective is to ensure the Corporations Act treats property provided by a supplier on a ‘retention of title’ basis as secured property. Many businesses supply goods on this basis, retaining title to the goods until the purchase price is paid. Treating such supplies as secured property is consistent with the PPS scheme’s approach of treating transactions that in substance secure payment or performance of an obligation the same way, regardless of the form of the transaction.

Finally, the amendments will ensure that certain existing rights under Corporations Act are not interfered with.

Importantly, the special priority in favour of employees to their employment entitlements over unsecured creditors will be maintained.

**Amendments to the PPS Act**

The PPS Act includes transitional provisions which deal with the status of security interests under the new law from the commencement of the PPS Act until the end of 24 months after the registration commencement time.

These provisions will have particular significance during the period when both old and new security interests are in existence. The government is therefore keen to ensure the provisions are as simple as possible.

Following stakeholder comment, this bill includes measures to streamline the transitional provisions.
The bill does this by treating all security interests during the ‘transitional period’ as if they were created under the PPS Act.

If enforcement action were to be taken in relation to a pre-PPS Act security interest in the ‘transition period’, they would be enforced under the current law, rather than under the PPS Act.

Similarly, where there is a priority contest between two pre-PPS Act security interests, the contest will be determined under the current law.

The bill also clarifies how crops and livestock may be used as security.

The proposed amendments reflect current state and territory law and will have the effect of ensuring there are enforcement rights for parties to security agreements involving crops and livestock.

Amendments to other Commonwealth legislation

The bill would make other minor amendments to Commonwealth legislation.

The Proceeds of Crime Act 2002 would be amended to ensure that the priority provided to amounts owing to the Commonwealth in relation to proceeds of crime actions would continue after the PPS Act commences full operation.

The Proceeds of Crime Act and Mutual Assistance in Criminal Matters Act 1987 would be amended to ensure that the priority of the Commonwealth to amounts owing for action to recover the proceeds of crime would continue after the PPS Act took effect.

The Proceeds of Crime Act would also be amended to ensure that the Commonwealth Director of Public Prosecutions could, subject to the PPS regulations, use the PPS register to protect property subject to proceeds of crime interests.

Finally, a range of other Commonwealth legislation would be amended to reflect changes made by this bill to the transitional provisions of the PPS Act.

Conclusion

This is the last significant bill to be introduced to implement the important PPS reforms. As the minister said when introducing the Personal Property Securities Bill in the House last year, PPS reform will increase certainty for all users of secured finance by removing barriers that preclude businesses and individuals from using personal property as security.

By reducing complexity and introducing greater consistency between the different kinds of security interests, the new PPS system will generate wide-ranging benefits for all parties who use their personal property to raise finance.

PPS reform will meet the needs of businesses and other users of secured finance.

It will simplify the way they conduct their business and, more importantly, it will contribute to the productivity growth and jobs in this country.

Social Security Amendment (Flexible Participation Requirements for Principal Carers) Bill 2010

The Government’s Social Security Amendment (Flexible Participation Requirements for Principal Carers) Bill 2010 addresses the problems encountered by many parents who are income support recipients in meeting activity requirements.

According to the OECD, Australia has relatively low employment rates for mothers of school-age children compared to other OECD countries, particularly for single mothers.

The Government is committed to supporting the economic and social participation of both partnered and sole parents.

Participation requirements associated with receipt of income support are part of this commitment. However such requirements need to better take into account important and different circumstances associated with caring responsibilities.

The aim of the changes within the Bill is to make income support more effective by helping parents balance their parenting responsibilities with their participation requirements.

Parents on income support whose youngest child has reached school age will still be required to undertake 30 hours of a suitable activity each fortnight to meet their requirements.

In May 2008 the Government established the Participation Taskforce to consider whether there were better ways of balancing the participation requirements of carers and parents with their family and community responsibilities.
The feedback the Taskforce received from carers, parents and peak groups representing them was that some participation requirements are unduly onerous and add no value to their efforts to find work.

The Taskforce also found that the current participation rules are often counter-productive to their efforts to gain skills and find work.

The Taskforce reported to Government in August 2008.

The Bill is a response to that report.

The Bill, together with a legislative instrument and changes to the Guide to Social Security Law, will implement the 2009-10 Budget measure ‘More flexible participation requirements for parents’.

It will achieve our aim of creating more opportunities for parents to get skills, qualifications and work by providing flexibility in the activities that parents can undertake to meet their participation requirements.

The Bill and the legislative instrument support the Government’s productivity and education agendas by making education, training and relevant volunteering opportunities more readily compatible with caring responsibilities, including on a part time basis and through a combination of these activities.

Parents with participation requirements will be able to combine activities such as part-time study and part-time paid work to fully meet their participation requirements.

In addition, all parents, regardless of the payment they receive, will be able to participate in New Incentive Enterprise Scheme training on a part-time basis.

The legislative instrument and changes to the Guide to Social Security Law will replace ‘one size fits all’ participation requirements.

This Bill provides support for all job seekers who provide emergency or respite foster care placements, by providing a new exemption to them while a child is in their care and for a period of time afterwards to support their availability for subsequent placements.

A new exemption will be introduced to support a relative who is caring for a child through a kinship care arrangement, where a care plan is in place that has been prepared or accepted by the State/Territory Government.

This will support many people, particularly women who provide care that is not formally recognised through a court order, including women in Indigenous communities in Australia.

Victims of domestic violence will be further supported through this Bill. Parents may receive a 16 week exemption regardless of whether they have left the violent relationship, recognising that for many women this is difficult.

Voluntary work will also be able to be used to meet participation requirements in some situations where a parent is connected to a Job Services Australia provider, particularly in areas of the country where the labour market is poor, there are limited training opportunities and where voluntary work will help build a parent’s skills.

Principal carer parents will be able to take a break from their part-time participation requirements over the Christmas/New Year fortnight, giving certainty and flexibility at a time when caring and other family responsibilities are greater.

If they have a job to return to at the beginning of the new school year and they are unable to work through an employer initiated shut down, such as a parent who is a casual school teacher, they will not have to job search or connect to a Job Services Australia provider over the long school holidays.

A further component of the Budget measure will provide more flexible methods for parents to re-
port their earnings and participation efforts to Centrelink through expanded access to existing facilities such as telephone-based Integration Voice Recognition and web-based channels.

The measure will reduce the need to come into a Centrelink office for face-to-face reporting.

The measure also supports communication of these changes and the exemptions available to parents, through Centrelink.

The Government believes that parents should have the flexibility to develop skills and find employment through individual pathways. It also believes that caring responsibilities should be better recognised and participation in family and community life should be supported.

This Bill provides a sound balance between the role of parents on income support as carers, their participation in paid work, their skill development and their support of their local communities.

The Government does not support a rigid one size fits all approach, because parents gain skills and employment through many pathways.

The Government does support participation requirements.

We also recognise that parents have caring responsibilities that they are constantly balancing as well.

This caring load can change depending on many factors and the Government recognises and has responded to this.

This Bill provides carers and parents with flexibility and support for meeting their responsibilities to children, as community members and through participation in education, training and employment.

Social Security and Indigenous Legislation Amendment (Budget and Other Measures) Bill 2010

This bill introduces an important measure from the 2008 Budget supporting Australia’s carers. The bill also introduces two non-Budget measures.

The carers measure in this bill is the final instalment of the Government’s legislative commitment from our response to the Report of the Carer Payment (child) Review Taskforce, Carer Payment (child): A New Approach. These changes are part of a $294 million package from the 2008 Budget to better support carers of children with disability and serious medical conditions.

The Improved Support for Carers legislation was introduced and passed in 2009. The centrepiece of that legislation was a new assessment process to determine qualification for carer payment paid in respect of a child. Central to this new assessment process was the introduction of the Disability Care Load Assessment (Child) Determination 2009.

The Government is now pleased to introduce further amendments that will deliver consistency in the assessment of carers of children for carer payment and carer allowance.

This Disability Care Load Assessment (Child) Determination will now also be used for qualification purposes for carer allowance, bringing consistency to, and improving the overall efficiency and effectiveness of, assessments for carer allowance and carer payment paid in respect of children under 16. As is currently the case, the List of Recognised Disabilities will also continue in determining eligibility for carer allowance.

The Government recognises the demands on carers and we are pleased to introduce also an amendment that allows carers a further three months after the child or children they are caring for turns 16 in which to complete the Adult Disability Assessment Tool, to test their eligibility for Carer Allowance (adult).

Presently, when a child in respect of whom a carer is qualified for carer allowance turns 16, the carer loses their carer allowance unless they have been assessed and given a successful rating under the Adult Disability Assessment Tool. Under these changes, the carer has up to three more months in which to have the care receiver assessed and rated under the Adult Disability Assessment Tool.

A similar provision in relation to carer payment was introduced in 2009, and this amendment will align the provisions for carer allowance and carer payment paid in respect of children.

This bill will also include some minor improvements to the income management provisions in
the social security law, on administrative matters such as appropriation, debt recovery and financial transactions.

For example, one of the amendments will apply when a third party organisation that holds income managed funds for a person, such as a community store, ceases to operate. Under current legislation, those amounts become debts to the Commonwealth and the person cannot be reimbursed until the debt recovery process is finished.

The amendment will make sure the customer can be reimbursed from the Consolidated Revenue Fund before the debt recovery action is completed. Then, once the debt recovery action has been completed, any recovered funds from third parties will be recredited to the Consolidated Revenue Fund.

Further income management amendments will include fixing some current debt recovery inconsistencies between people’s income managed funds and their substantive payments under the social security law. They will also remove any ambiguity about the appropriation for income management payments, and align the reimbursement processes for unauthorised transactions under the BasicsCard with the Electronic Funds Transfer Code.

Lastly, the bill will make amendments to the Aboriginal and Torres Strait Islander Act 2005 to ensure a reliable income stream for the Indigenous Land Corporation, which is established under that Act. The Corporation’s purpose is to help Aboriginal people and Torres Strait Islanders to acquire and manage Indigenous-held land so as to provide economic, environmental, social and cultural benefits.

The Indigenous Land Corporation’s main source of funding in a financial year is a payment, made from the Land Account established under the Act, equal to the realised real return on the investments of the Land Account in the previous financial year. Over the past several years, the value of payments to the Corporation from the Land Account has fluctuated because of changes in the value of the realised real return. These fluctuations have caused difficulties for the Corporation in long-term strategic planning.

The Government is committed to securing for the Indigenous Land Corporation a more reliable level of funding. To achieve this, the bill introduces a guaranteed annual payment, of $45 million from 1 July 2010, and indexed for later years according to the Consumer Price Index. The bill will also provide for additional payments to be made to the Corporation where the actual capital value of the account exceeds the real capital value of the Land Account. The amount to be paid is the excess above the real capital value. The real capital value of the Land Account will be maintained. An independent review of the effectiveness of the funding arrangements after three years is also introduced.

Tax Laws Amendment (2010 GST Administration Measures No. 2) Bill 2010

The Bill amends the tax law to further progress a package of reforms announced in the 2009-10 Budget aimed at simplifying and streamlining the administration of the GST, this time in the area of grouping, invoices and rulings.

These amendments arose from recommendations of the Board of Taxation in its review of the legal framework for the administration of the GST.

Schedule 1 amends the A New Tax System (Goods and Services Tax) Act 1999 and the Taxation Administration Act 1953 to adopt more principled and flexible rules for GST groups and GST joint ventures. The measure applies from 1 July 2010.

In particular, Schedule 1 replaces the current inefficient system of requiring the Commissioner of Taxation to formally approve the formation and subsequent changes to a GST group and GST joint venture with a self-assessment system. In future, entities will be able to self-assess their eligibility to form or change a GST group or joint venture and need only notify the Commissioner of their action provided this is done before the due date for lodgement of the GST return for the tax period. Entities will also be able to form or change a GST group or GST joint venture with a retrospective date of effect. However, to preserve the integrity of the GST system, such actions will require the Commissioner’s approval.
Schedule 1 also greatly increases the flexibility of the grouping rules. Entities will be able to form, change and dissolve a GST group or GST joint venture at any time during a tax period, rather than needing to wait until the beginning of a tax period or to unwind transactions back to the start of a tax period. This will greatly assist groups that acquire or dispose of entities by allowing a change in membership of the GST group or joint venture to take effect from the date of change of ownership of the entities concerned, regardless of whether or not that day happens to be at the beginning of a tax period. It will avoid delaying commercial decisions or unwinding transactions for GST purposes to the beginning of a tax period, as occurs under the current arrangements.

Finally, Schedule 1 further increases certainty for members in GST groups and participants in GST joint ventures in relation to their exposure to group debts. Entities will be able to enter into indirect tax sharing agreements to limit their joint and several liabilities in respect of indirect tax law liabilities to a contribution amount agreed with the representative member for GST groups or the joint venture operator for GST joint ventures. A particular benefit of indirect tax sharing agreements is that an entity can leave a GST group or GST joint venture clear of any indirect tax law liability that has not yet become payable.

Schedule 2 amends the Taxation Administration Act 1953, the New Tax System (Goods and Services Tax) Act 1999, the Excise Act 1901 and the Income Tax Assessment Act 1997 to include indirect tax rulings and excise advice in the general rulings regime.

Schedule 2 addresses problems which arise from not having an express legislative framework for GST rulings, including no formal review rights and no framework setting out taxpayers’ rights and obligations.

Schedule 2 expands the income tax rulings regime to include GST, luxury car tax, wine equalisation tax and excise matters. In doing so, it simplifies the tax law and provides consistent rules that apply across different taxes. Specific differences between the rulings regimes are retained in cases where essential characteristics of the different taxes require a different approach. One such case is that unless otherwise provided for, indirect tax rulings will continue to apply unless withdrawn.

Schedule 2 applies to rulings made by the Commissioner on or after 1 July 2010. In order to reduce any transitional compliance costs resulting from the changes, the amendments also apply to rulings applied for before 1 July 2010. In addition, private indirect tax rulings in operation immediately prior to 1 July 2010 will be treated as if made under the revised rulings regime. This ensures that the rulings remain valid and do not impose additional compliance costs on affected parties by requiring new rulings to be obtained. Indirect tax rulings in operation immediately prior to 1 July 2010, that are gazetted or labelled as public rulings will also be treated as if made under the revised rulings regime.

Schedule 3 amends the New Tax System (Goods and Services Tax) Act 1999 to introduce a more flexible set of requirements for tax invoices. It also allows recipients of supplies to disregard certain errors in a document intended to be a tax invoice where missing information can be obtained from other documents provided to the recipient by the supplier. These changes apply from 1 July 2010.

Tax invoices are a key element of GST integrity. A recipient must hold a tax invoice issued by the supplier in order to substantiate any claim for input tax credits in relation to a creditable acquisition. However, concerns have been expressed that the present requirements are overly restrictive, often invalidating tax invoices where all of the required information is available.

These amendments revise the requirements for a document to be a tax invoice so that key information will now need to be omitted before a document is not a tax invoice. Further, where recipients have received a tax invoice lacking required information, but can obtain this information from other documents issued by the supplier, then the recipient will be allowed to treat the document as a tax invoice.

These changes will ensure that, consistent with the recommendation of the Board, it is only significant errors involving key information that cannot be obtained from other sources that will prevent a document being a tax invoice.
Full details of the measures in this Bill are contained in the explanatory memorandum.

Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2010

This Bill will increase the Medicare levy low-income thresholds for individuals and families in line with increases in the Consumer Price Index. The low-income threshold in the Medicare levy surcharge provisions will be similarly increased. These changes will ensure that low-income individuals and families will continue to be exempt from the Medicare levy and/or the Medicare levy surcharge.

The Bill will also increase the Medicare levy low-income threshold for pensioners below Age Pension age to ensure that individuals in this cohort receive the full benefit of the increase in the pension announced by the Government in the 2009-10 Budget and do not pay the Medicare levy when they do not have an income tax liability.

The amendments will apply to the 2009-10 year of income and later income years.

Full details of the measures in this Bill are contained in the explanatory memorandum.

Tax Laws Amendment (Transfer of Provisions) Bill 2010

Today, I introduce a bill that rewrites five areas of income tax law. It removes 149 pages from the Income Tax Assessment Act 1936.


The original intention had been for the Tax Law Improvement Project to continue working until it had completed the rewrite. But, in 1998, the project was subsumed into other tax reform work being done at the time and has not resumed since. That has left us today with two income tax assessment Acts.

Having two assessment Acts is undesirable. It is an unnecessary complexity, for taxpayers and for tax practitioners, in an area of our law that is already highly complex. Accordingly, we should strive to achieve a single income tax assessment Act as soon as is reasonable.

To that end, the Government is pursuing an approach of rewriting the law into the 1997 Act, or into the Taxation Administration Act 1953, whenever a particular area of the 1936 Act is being significantly reformed, or as resources otherwise permit.

Examples include the Government’s reforms of the income tax law’s various foreign source income attribution regimes and the research and development provisions, both of which have been the subject of extensive public consultation.

The provisions rewritten by the Bill were selected because they were already drafted in a style that was close to the style used in the 1997 Act, so would require less reworking than provisions drafted in an older style.

The five areas the Bill rewrites are:

1. Part VI, which contains rules about the collection and recovery of income tax, including rules about when income tax becomes due and payable, rules allowing the Commissioner to make estimates of certain tax debts and to take recovery action based on those estimates, and rules imposing penalties on directors of a company that fails to pay certain types of tax debts (e.g. amounts withheld from an employee’s wages).

One of the collection and recovery rules being rewritten gives the Commissioner power to seek security from a taxpayer for an existing or future tax liability in certain situations. The Commissioner may ask for security where he believes there is a serious risk of a tax liability not being paid or to protect the integrity of the tax system.

Examples of such situations include: where necessary to protect the integrity of the tax system against schemes such as ‘fraudulent phoenix activity’, which broadly involves winding up a company (with significant unpaid debts) but continuing the same business through a newly ‘risen’ company, where a taxpayer plans to temporarily carry on an enterprise in Australia and leave without returning, where the taxpayer has a history of non-compliance (including by defaulting on their tax liabilities) and where the directors of a corporate taxpayer have a history of non-
compliance, where the Commissioner is granting a taxpayer the benefit of a payment arrangement.
Consistent with current tax administration policy about having a single set of general collection and recovery rules for all taxes, the effect of security deposits rules has been expanded to cover all taxes administered by the Commissioner. This will assist the Commissioner in ensuring that taxpayers cannot avoid any of their tax liabilities and will limit the effectiveness of tax avoidance schemes like ‘fraudulent phoenix activity’.

The rewrite of these provisions also includes new machinery rules and higher penalties for non-compliance.
Incorporating these machinery provisions provides certainty for taxpayers about their rights and obligations.
The current penalty has been largely untouched since 1936. The penalty no longer provides an appropriate deterrent for taxpayers who do not comply with a requirement to provide security. The penalty has therefore been increased to reflect changed circumstances since 1936.
These changes to the security deposits rules, and a closing of loopholes in the directors’ penalty rules, will contribute to deterring phoenix activity while the Government considers further policy options over the coming year (as part of a wider public consultation process) to address phoenix activity;

2. Schedule 2C, which contains the rules for the income tax treatment of the gain a debtor makes when one of their commercial debts is forgiven;
3. Schedule 2E, which ensures that a lessor and lessee of a luxury car get the same income tax treatment they would have got had the lessor sold the car to the lessee and lent the lessee the money for the purchase;
4. Schedule 2G, which establishes the farm management deposit (FMD) scheme that allows eligible primary producers to set aside pre-tax income in profitable years for subsequent withdrawal in low-income years.
Primary producers claim a deduction when they make FMDs and include an amount in assessable income on withdrawal.

This reduces the risk to eligible primary producers of income variability owing to factors such as drought.
5. Schedule 2J, which ensures that general insurance companies are taxed on premium income received, and can deduct liabilities for outstanding claims, over the period of risk under the policies to which the income and deductions relate.
The rewrites do not make any major policy changes. However, they do make changes to the structure and the text of the 1936 Act provisions so that they conform to the preferred drafting approach used in the 1997 Act. They also simplify the expression of the provisions and remove some redundant provisions.
Details of the changes made by the Bill are contained in the explanatory memorandum.

Veterans’ Affairs Legislation Amendment (2010 Budget Measures) Bill 2010
I am pleased to present legislation introducing measures announced in the 2010-11 Federal Budget that will increase access to Repatriation pensions and benefits and align eligibility for war widow or widower pension.
As a result of this Government’s reconsideration of the recommendations of the Clarke Review of veterans’ entitlements, two periods of service will be reclassified resulting in Repatriation benefits or improved Repatriation benefits becoming available for this service under the Veterans’ Entitlements Act.
Firstly, from 1 July 2010, service by former Australian Defence Force members involved in the British nuclear tests will be recognised under the Veterans’ Entitlements Act with benefits equivalent to those available for non-warlike or hazardous service.
A new category of service will be created under the Veterans’ Entitlements Act, to be known as British nuclear test defence service. British nuclear test defence service will provide eligible former members or their dependants with access to disability and war widow or widower pensions, treatment and a number of other associated bene-
fits and allowances for incapacity or deaths that are accepted as related to that service.

The creation of this new category of service eligibility under the Veterans’ Entitlements Act recognises the unique nature of this peace-time defence service and will provide recognition of that service and appropriate Repatriation benefits.

In addition, pension claims relating to British nuclear test defence service will be determined using the reasonable hypothesis standard, being the more generous reverse criminal standard of proof.

In further recognition of the service undertaken by our Defence Force members, certain submarine special operations between 1978 and 1992 will be reclassified as operational and qualifying service under the Veterans’ Entitlements Act with effect from 1 July 2010. During this period, some Royal Australian Navy submarines were fitted with special intelligence equipment and were deployed regularly in areas to the north and west of Australia.

Eligible members under this measure will be those whose service on submarine special operations between 1978 and 1992, resulted in their being awarded, or being eligible to be awarded, the Australian Service Medal with Clasp Special Ops and includes those members who would have been eligible for the Australian Service Medal with Clasp Special Ops if they had not already received it for another period of service.

The reclassification of this service will provide eligible members with access to all pensions and associated benefits under the Veterans’ Entitlements Act and will provide access to subsidised home loans under the Defence Service Homes Act.

As a result of the reclassification to operational service, eligible members will gain access to disability pension and will be able to receive health care services for their accepted disabilities.

Disability pension claims relating to relevant submarine special operations service will also be determined using the reasonable hypothesis standard, being the more generous reverse criminal standard of proof.

As a result of the reclassification to qualifying service, eligible members will qualify for a Gold Card at age 70 and they and their partners will have access to service pension.

This Budget, continues this Government’s commitment to ensure that appropriate Repatriation benefits are provided based on the nature of service rendered, by reclassifying as qualifying service, certain service in Ubon in Thailand.

From 1 July 2010, service in Ubon in Thailand between 31 May 1962 and 27 July 1962 will be reclassified, under the Veterans’ Entitlements Act, as qualifying service. During this period, Australian Defence Force personnel in Ubon were on an operational footing to counter the level of imminent threat at the time. Qualifying service for this period will provide eligible members and their partners with access to service pensions. Eligible members will also qualify for a Gold Card at age 70.

The last two measures in the bill also relate to this Government’s reconsideration of the Clarke Review.

Firstly, for the purposes of the Veterans’ Entitlements Act, the age of domicile of choice will be lowered from 21 to 18 years of age for veterans who served with British Commonwealth or allied forces during World War Two.

Before the concept of Australian citizenship, for a member of a British Commonwealth or allied force to be considered an Australian veteran for the purposes of the Veterans’ Entitlements Act, the person must have been domiciled in Australia immediately before the outbreak of war.

This measure will enable a small number of veterans of British Commonwealth or allied defence forces to gain access to pensions and benefits available under the Veterans’ Entitlements Act. Other common law rules relating to domicile will continue to apply. This measure will commence on 1 July 2010.

The final measure will align eligibility for the war widow or widower pension for widows or widowers who enter into a de facto relationship, with that of widows or widowers who marry or re-marry.

From 1 October 2010, a widow or widower of a veteran or member who enters into a de facto relationship with another person, before claiming
the war widow or widower pension, will be ineligible for the pension.

I want to make it clear that this measure will not affect any war widow or widowers existing pension, nor will it affect eligibility if the widow or widower enters into a de facto relationship after claiming the war widow or widower pension.

This measure will result in the equal treatment of widows or widowers regardless of whether the new relationship is a marriage or a de facto relationship.

These changes will ensure more veterans and members are recognised for their service to Australia and will deliver almost immediate benefits and entitlements.

This Bill continues this Government’s ongoing commitment to supporting Australia’s current and former service personnel and their families, ensuring their wellbeing now and into the future.

National Security Legislation Amendment Bill 2010

Introduction

An effective legal framework is fundamental to our ability to address Australia’s security environment.

In December 2008, the Government announced its response to a number of independent and bipartisan reviews of national security and counter-terrorism legislation, including:

The Clarke Inquiry into the Dr Mohamed Haneef case

The Parliamentary Joint Committee on Intelligence and Security, Review of Security and Counter-Terrorism Legislation

The Parliamentary Joint Committee on Intelligence and Security, Inquiry into the proscription of ‘terrorist organisations’ under the Australian Criminal Code, and

The Australian Law Reform Commission’s review of Australia’s sedition laws.

The National Security Legislation Amendment Bill 2010 implements the Government’s responses to these reviews. The Government will also be introducing the Parliamentary Joint Committee on Law Enforcement Bill as part of a package of reforms to Australia’s national security legislation.

Broad aims of the Bill

The proposed measures are well considered, balanced and suited to the achievement of a just and secure society.

The proposed amendments included in this package of reforms are designed to give the Australian community confidence that our counter-terrorism laws are precise, appropriately tailored and that our law enforcement and security agencies have the investigative tools they need to counter terrorism.

Public consultation

The legislative amendments contained in this Bill are the culmination of a close and measured examination of the laws and a public consultation process.

In August 2009, the Government released a Discussion Paper to seek public views on all the legislative measures contained in this Bill, as well as the Parliamentary Joint Committee on Law Enforcement Bill, apart from the proposed amendments to the Inspector-General of Intelligence and Security Act.

The Discussion Paper contained the exposure draft provisions as well as extensive explanatory material in order to provide for meaningful consultation.

The Government was encouraged by the level of public participation and submissions received in response to the Discussion Paper, including from interested members of the public, human rights advocacy groups, public interest bodies, law societies, legal academics and community interest groups.

The Government has taken into account some valuable suggestions made by those who provided feedback on the proposals.

Indeed, the process exemplified the level of consistent, well focussed community consultation and responsive participation that will ensure our counter-terrorism legislation is properly understood, appropriately framed and meets community needs and expectations.

I’d like to take this opportunity to outline some of the key amendments contained in this Bill.
1. Treason and sedition (urging violence)
As I have already mentioned, the Bill implements recommendations made by the Australian Law Reform Commission in its Review of Sedition Laws in Australia.

The Government supports the implementation of the Australian Law Reform Commission’s recommendations including repealing outdated provisions in the Crimes Act relating to unlawful associations.

The Bill will amend the treason and sedition offences in the Criminal Code in response to recommendations from this review and the reviews by the Parliamentary Joint Committee on Intelligence and Security and the Security Legislation Review Committee.

The name of the sedition offences will be changed to “urging violence” to better reflect the nature of the offences.

It is already an offence to urge force or violence against a group on the basis of race, religion, nationality or political opinion, where the use of the force or violence would threaten the peace, order and good government of the Commonwealth. The Bill will expand this offence to also cover urging force or violence on the basis of ‘ethnic’ or ‘national’ origin. The offence will also be expanded so that it applies to the urging of force or violence against an individual, not just a group, and covers the urging of force or violence, even where the use of the force or violence does not threaten the peace, order and good government of the Commonwealth.

2. Part 5.3 measures
The package of reforms contains several amendments to Part 5.3 of the Criminal Code.

Amendments will be made to improve the terrorist organisation listings provisions, including extending the duration of listings from 2 to 3 years, consistent with a recommendation of the Parliamentary Joint Committee on Intelligence and Security.

This change will be closely monitored to ensure terrorist organisation listings continue to meet the legislative requirements for listing in accordance with the current practice of keeping listed organisations under ongoing review.

The Bill will also make miscellaneous amendments to definitional provisions to implement the Government’s policy of ensuring equality of same sex partnerships in Commonwealth legislation.

A majority of the States and Territories have agreed to these proposed amendments to Part 5.3 of the Criminal Code in accordance with the Inter-Government Agreement on Counter-Terrorism Laws.

The Government appreciates the support of the States and Territories which has enabled the Government to bring forward these amendments.

3. Part 1C of the Crimes Act
The proposed amendments in the Bill will also clarify and improve the practical operation of Part 1C of the Crimes Act which sets out the investigation powers of law enforcement officers when a person has been arrested for a Commonwealth offence.

The proposed amendments to Part 1C are in direct response to the issues raised in the Clarke Inquiry into the Case of Dr Mohamed Haneef.

4. Enhanced police powers to investigate terrorism
The Bill also introduces amendments which are designed to provide law enforcement officers with improved capacity to deal with terrorism, while ensuring that these extended powers are balanced by appropriate safeguards.

The Bill will amend Part 1AA of the Crimes Act to provide police with a power to enter premises without a warrant in emergency circumstances relating to a terrorism offence where there is material that may pose a risk to the health or safety of the public.

This is not a general search warrant power. The provisions are appropriately limited in terms of what police may do once they have entered the premises.

The Bill will also modify the existing general search warrant provisions in the Crimes Act so that, in emergency situations, the time available for law enforcement officers to re-enter premises under a search warrant can be extended to 12 hours, or, where authorised by an issuing authority in exceptional circumstances, a longer time not exceeding the life of the warrant.
5. Bail provisions for terrorism offences
Currently, State and Territory legislation is relied upon to provide appeal rights to the prosecution or defendant against bail decisions in relation to terrorism and national security offences.

The Bill will amend the bail provisions relating to terrorism and serious national security offences in the Crimes Act to include a specific right of appeal for both the prosecution and the defendant against a decision to grant or refuse bail.

This amendment will establish a nationally consistent right of appeal to overcome limitations and inconsistencies under State and Territory bail laws.

The proposed amendments to the Charter Act of the United Nations Act 1945 will improve the standard for listing a person, entity, asset or class of assets by providing that the Minister for Foreign Affairs must be satisfied ‘on reasonable grounds’ of prescribed matters before they can be listed.

The Charter Act will also be amended to provide for the regular review of listings under the Charter Act.

The National Security Information (Criminal and Civil Proceedings) Act 2004 (National Security Information Act) provides a legislative framework for dealing with the disclosure, storage and handling of national security information in federal criminal proceedings and civil proceedings.

Since its commencement, the legislation has been invoked in a number of federal criminal matters and one civil proceeding.

While the experiences of these cases have demonstrated that the National Security Information Act is working well in practice, there are several aspects of the Act that could be improved.

The proposed amendments are designed to improve the practical operation of the regime, by, for example, clarifying court procedures to ensure processes are flexible and efficient, minimising unnecessary processes and facilitating consensual agreements between the parties about the disclosure of national security information in a proceeding.

8. Inspector-General of Intelligence and Security Act 1986
Currently, the Inspector-General of Intelligence and Security may only examine matters relating to the 6 Australian Intelligence Community agencies: ASIO, the Australian Secret Intelligence Service, Defence Imagery Geospatial Organisation, Defence Intelligence Organisation, Defence Signals Directorate and Office of National Assessments.

The Bill will amend the Inspector-General of Intelligence and Security Act to enable the Inspector-General, on the request of the Prime Minister, to inquire into an intelligence or security matter relating to any Commonwealth agency.

The amendment recognises the increasing cooperation between the intelligence community agencies and other Commonwealth agencies on intelligence and security matters, and will ensure that, in appropriate cases, the Inspector-General can conduct a thorough and robust investigation into an intelligence or security matter.

This is an important step in helping to improve accountability on national security matters.

The amendment is a key part of the Government’s response to the report of the Inquiry by the Hon. John Clarke QC into the Case of Dr Mohamed Haneef.

The Inspector-General of Intelligence and Security Act amendments were not included in the Discussion Paper. Although these amendments were announced at the same time as the Government responses to the reviews, they were initially intended to be taken forward in a separate Bill preceding this Bill. The other Bill has been delayed due to other legislative priorities.

As amendments to this Act are an important accountability measure, the Government has decided that they be taken forward as part of the National Security Legislation Amendment Bill.

Measures contained in the Discussion Paper which are not being pursued
I should take this opportunity also to point out that some of the measures that were included in the Discussion Paper are not in this Bill.
These include proposed amendments to the definition of terrorist act and the proposed new terrorism-based hoax offence.

These amendments will require the States to amend their legislation which referred power to the Commonwealth.

The Government will continue to work closely with the States to progress these measures.

Another measure which was canvassed in the Discussion Paper but is not being progressed as part of this package of amendments is the proposed humanitarian aid exemption to the providing training to a terrorist organisation offence under section 102.5 of the Criminal Code.

The public consultation process raised some issues about the practical application of the proposed scheme. As the Government needs to ensure that any such initiative is workable and properly responsive to aid delivery needs, the Government is committed to further consultation with NGOs and aid organisations to determine whether such an exemption scheme is the best solution.

Compliance with international human rights

The Australian Government is committed to fulfilling the Government’s responsibility to protect Australia, its people and its interests, while instilling confidence that our national security and counter-terrorism laws will be exercised in a just and accountable way.

By ensuring the laws are precise, clearly articulated and properly tailored, the proposed amendments make a real contribution to the fulfilment of this fundamental goal.

Concluding remarks

The measures outlined today are designed to give the Australian community confidence that our law enforcement and security agencies have the tools they need to fight terrorism, while ensuring these laws and powers are effectively framed.

In implementing the various reviews, the Government has taken the opportunity to re-examine key aspects of the legal framework to promote greater clarity, bolster existing safeguards and ensure the laws are appropriately accountable in their operation.

The Government is confident that this package of reforms delivers strong laws that protect our safety whilst preserving the democratic rights that protect our freedoms, and helps prepare us for the complex national security challenges of the future.

I commend this Bill.

Parliamentary Joint Committee on Law Enforcement Bill 2010

The Parliamentary Joint Committee on Law Enforcement Bill 2010, along with the National Security Legislation Amendment Bill, forms part of the package of reforms being progressed by the government to Australia’s national security legislation. These reforms are aimed at promoting transparency and ensuring that our laws are appropriately accountable in their operation.

The bill will improve oversight of the activities of the Australian Federal Police by establishing the Parliamentary Joint Committee on Law Enforcement which will replace and extend the functions of the current Parliamentary Joint Committee on the Australian Crime Commission.

The new committee will be responsible for providing broad parliamentary oversight of the Australian Federal Police and the Australian Crime Commission. It will continue the work of the Parliamentary Joint Committee on the Australian Crime Commission by also monitoring and reporting to parliament on the performance by the Australian Crime Commission of its functions.

The committee will also have the ability to examine trends and changes in criminal activities, practices and methods and report on any desirable changes to the functions, structure, powers and procedures of the Australian Crime Commission or the Australian Federal Police.

The establishment of the Parliamentary Joint Committee on Law Enforcement exemplifies the government’s commitment to improving oversight and accountability in relation to the exercise of the functions of Commonwealth agencies.

I commend this bill.
Renewable Energy (Electricity) Amendment Bill 2010


Together with the related Renewable Energy (Electricity) Amendment Bill 2010 and the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010, it implements changes to enhance the Renewable Energy Target (RET) scheme to separate the existing scheme into two parts—the Small-scale Renewable Energy Scheme and the Large-scale Renewable Energy Target from 1 January 2011.

Combined, the three Bills further strengthen the Government’s commitment to ensure that at least the equivalent of 20 per cent of Australia’s electricity is supplied from renewable sources by 2020.

This Bill establishes a separate rate of shortfall charge of $65 per megawatt-hour to encourage compliance with obligations to surrender Renewable Energy Certificates created from large-scale renewable energy power generation.

The related Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010 establishes a similar shortfall charge in relation to the obligation to surrender certificates created from the installation of small-scale renewable energy systems.

Both shortfall charges encourage compliance with the Renewable Energy Target scheme, as liable parties who do not meet their obligations to submit certificates from small-scale or large-scale renewable sources will need to pay a charge.

The level of the shortfall penalty will be monitored to ensure it remains effective as an incentive for investment in renewable energy.

Along with the two other related Bills I am introducing today, this Bill represents a major step toward the transformation of the Australian economy and the building of Australia’s low pollution future, and I commend it to the Senate.
Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010

The Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010 establishes a new Act which, together with the related Renewable Energy (Electricity) Amendment Bill 2010 and the Renewable Energy (Electricity) (Charge) Amendment Bill 2010, implements changes to enhance the Renewable Energy Target (RET) scheme to separate the existing scheme into two parts—the Small-scale Renewable Energy Scheme and the Large-scale Renewable Energy Target from 1 January 2011.

Combined, the Bills further strengthen the Government’s commitment to ensure that at least the equivalent of 20 per cent of Australia’s electricity is supplied from renewable sources by 2020.

This Bill establishes a separate rate of shortfall charge at $65 per megawatt-hour to encourage compliance with obligations to surrender Renewable Energy Certificates created from installations of small-scale renewable energy technologies such as rooftop solar panels and solar water heaters.

The related Renewable Energy (Electricity) (Charge) Amendment Bill 2010 establishes a similar shortfall charge in relation to the obligation to surrender certificates created from large-scale renewable energy generation.

Both shortfall charges encourage compliance with the Renewable Energy Target scheme, as liable parties who do not meet their obligations to submit certificates from small-scale or large-scale renewable sources will need to pay a charge.

The level of the shortfall penalty will be monitored to ensure it remains effective as an incentive for investment in renewable energy.

Along with the two other related Bills I am introducing today, this Bill represents a major step toward the transformation of the Australian economy and the building of Australia’s low pollution future, and I commend it to the Senate.

Debate (on motion by Senator Stephens) adjourned.

Ordered that the following bills be listed on the Notice Paper as separate orders of the day.

(1) National Security Legislation Amendment Bill 2010, and Parliamentary Joint Committee on Law Enforcement Bill 2010; and

(2) Renewable Energy (Electricity) Amendment Bill 2010, Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and Renew-
GOVERNANCE OF AUSTRALIAN GOVERNMENT SUPERANNUATION SCHEMES BILL 2010
COMSUPER BILL 2010
SUPERANNUATION LEGISLATION (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2010

First Reading

Bills received from the House of Representatives.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (6.12 pm)—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 STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (6.12 pm)—I table revised explanatory memoranda relating to the bills and 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—

Governance of Australian Government Superannuation Schemes Bill 2010

The Governance of Australian Government Superannuation Schemes Bill 2010 (the Bill) is part of a package of Bills to improve and modernise governance arrangements for the main Commonwealth civilian and military superannuation schemes.

The Bill gives effect to the Government’s announcement, in October 2008, to merge the trustees for the Commonwealth’s main civilian and military superannuation schemes—that is, the Australian Reward Investment Alliance, the Military Superannuation and Benefits Board and the Defence Force Retirement and Death Benefits Authority—to form a single trustee body from 1 July 2010.

The Bill establishes the Commonwealth Superannuation Corporation (CSC) as the single trustee. CSC is a Commonwealth authority for the purposes of the Commonwealth Authorities and Companies Act 1997.

Importantly, the Bills do not impact on the design of the schemes or on members’ entitlements, which are protected by separate scheme legislation that cannot be changed by the trustee. There is also no change to the existing features and benefits that reflect the special nature of military service in the Australian Defence Force, such as death and disability arrangements.

The Government’s decision to merge the civilian and military trustee boards was made with the aim of improving member benefits and service levels.

In particular, the ability of a single trustee to consolidate scheme funds will provide access to higher service levels and better investment opportunities, which will allow members of all of the schemes to benefit through lower investment costs and higher investment returns.

Members of the Military Superannuation and Benefits Scheme—which comprises the bulk of serving Defence Force personnel—stand to gain substantial benefits from the merger. This is because of the relatively smaller size of this scheme when compared with the civilian schemes. There is clear industry experience that members of smaller superannuation schemes have the most to gain when their scheme funds are consolidated into a larger pool of funds.

In line with this industry experience, modelling by the Department of Finance and Deregulation suggests a new MSBS member under the single trustee, who joins the Air Force at age 18 as an Officer Cadet and retires at the rank of Group Captain after serving 37 years, could achieve an
increase in superannuation benefit of some $95,000 over a full career. This would amount to a 9 per cent increase in the member’s superannuation savings.

Similarly, a new MSBS member under the single trustee, who joins the Navy at age 18 as a Seaman, and retires as a Warrant Officer after serving 37 years could achieve an increase in superannuation of some $67,000 over a full career. This would amount to a 10 per cent increase in the member’s superannuation savings.

All scheme members will also ultimately benefit through a highly skilled and innovative trustee being responsible for their superannuation schemes. This includes the ability for the single trustee, due to its increased presence in the superannuation industry, to attract and retain quality and experienced board members and staff.

An important consideration when preparing the Bill was to recognise the special nature of military service under the single trustee framework. In finalising the Bill, the Government welcomed the opportunity to hear the views of military stakeholders and made changes to the Bill that are consistent with the views put forward by the ex-service community. This includes providing for greater consultation in relation to the nomination and appointment of directors to the governing board of the trustee.

Both military and civilian interests will be represented on the governing board of CSC. The Chief of the Defence Force will be responsible for nominating two employee directors and there will be consultation between the Finance and Defence Ministers on suitable candidates for the five employer director positions. Three other employee directors are nominated by the President of the ACTU.

In relation to the employee directors on the board, the consent of the Chief of the Defence Force or the ACTU is required in some circumstances to terminate the appointment of a director who has been nominated by that party. This arrangement already applies in the civilian schemes and is underpinned by the equal representation rules in the superannuation prudential framework.

However, the consent of the Chief of the Defence Force or ACTU is not required in all circumstances. Importantly, this includes where an appointment would be inconsistent with superannuation fitness and proprietary standards or where the appointment automatically terminates due to the person being disqualified under the superannuation prudential rules, for example, where the director is bankrupt.

As I have mentioned previously, the Bill does not change the existing features of military superannuation that reflect the special nature of military service. Rather, the Bill complements these features while providing opportunities for members of all the schemes to benefit from better practice trustee operations.

Overall, the implementation of the Bill will better secure the superannuation arrangements for Commonwealth civilian employees and military personnel for the long term. It will also allow substantial benefits to flow to members, while retaining the individual scheme benefits and entitlements.

The Bill evidences the Government’s ongoing commitment to provide efficient and sustainable superannuation arrangements for Commonwealth employees and military personnel, together with its strong commitment to protect those features of military superannuation that recognise that military service is unique and different from civilian employment.

ComSuper Bill 2010

The ComSuper Bill 2010 (the Bill) is part of a package of bills to improve and modernise the governance arrangements for the main Commonwealth civilian and military superannuation schemes.

This Bill will establish ComSuper and provide that it is a statutory agency for the purposes of the Public Service Act 1999 consisting of a Chief Executive Officer (CEO), as head of the agency, and staff. The Bill will also provide that ComSuper will be a prescribed agency for the purposes of the Financial Management and Accountability Act 1997.

The Bill will modernise the governance structure of ComSuper as a statutory agency, and clarify
ComSuper’s functions. The Government’s decision to improve superannuation administration was made with the aim of improving service levels for current and former members.

The function of the CEO will be to provide administrative services to the Commonwealth Superannuation Corporation (CSC), which will be established as the trustee of the main Australian Government civilian and military superannuation schemes from 1 July 2010 by the Governance of Australian Government Superannuation Schemes Bill 2010. The CEO will be responsible for providing administrative services to CSC.

The CEO will be appointed by the Minister for Finance and Deregulation in consultation with the Minister for Defence.

Overall, the implementation of the Bill will better secure the superannuation arrangements for Commonwealth civilian employees and military personnel for the long term. The Bill evidences the Government’s ongoing commitment to provide efficient and sustainable superannuation arrangements for Commonwealth employees and military personnel, which includes investment of some $22.4 million to improve ComSuper’s administration systems.

Importantly, the Bill also amends the Defence Force Retirement and Death Benefits Act 1973 to allow the single trustee to establish a dedicated Defence Force Case Assessment Committee. The establishment of the Committee would provide for the continuation of the current role and function of the Defence Force Retirement and Death Benefits Authority (DFRDB Authority) within the framework of the single trustee.

While the Bill sets out the role of the Committee and provides for military representation in respect of its membership, the establishment of the Committee by the trustee has not been mandated in legislation. This approach has been adopted in line with the overwhelming majority view of military stakeholders that flexibility should be maintained, both now and in the future, for the trustee to be able to establish arrangements that best serve the needs of members of the military schemes.

As I have mentioned, the Bill provides for the Committee to have military representation. This includes representation from each of the three services. The Bill also prescribes the Chair as being one of the directors of the Commonwealth Superannuation Corporation who was nominated by the Chief of the Defence Force.

The arrangements for the Committee set out in the Bill evidence the Government’s commitment to respond to the views of military stakeholders on issues that are important to them and its commitment to recognise the special nature of military service.

Debate (on motion by Senator Stephens) adjourned.

FOREIGN EVIDENCE AMENDMENT BILL 2010

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.
The ACTING DEPUTY PRESIDENT (Senator Ryan)—The President has received a message from the House of Representatives informing the Senate of the appointment of Mr Keenan to the Joint Standing Committee on the National Capital and External Territories in place of Mr Johnson.

DO NOT CALL REGISTER
LEGISLATION AMENDMENT BILL 2010
HIGHER EDUCATION SUPPORT AMENDMENT (UNIVERSITY COLLEGE LONDON) BILL 2010
HEALTH PRACTITIONER REGULATION (CONSEQUENTIAL AMENDMENTS) BILL 2010
AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2010
ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010
FREEDOM OF INFORMATION AMENDMENT (REFORM) BILL 2010
AUSTRALIAN INFORMATION COMMISSIONER BILL 2010
THERAPEUTIC GOODS (CHARGES) AMENDMENT BILL 2010
THERAPEUTIC GOODS AMENDMENT (2009 MEASURES No. 3) BILL 2010
FOREIGN EVIDENCE AMENDMENT BILL 2010
TAX LAWS AMENDMENT (2010 MEASURES No. 1) BILL 2010

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

Senator O'BRIEN (Tasmania) (6.14 pm)—by leave—I move:
That business of the Senate order of the day no. 15, relating to the presentation of the report of the Environment, Communications and the Arts Legislation Committee on the provisions of the Renewable Energy (Electricity) Amendment Bill 2010 and related bills, be postponed to a later hour of the day.

Question agreed to.

COMMITTEES
Community Affairs Legislation Committee
Report
Senator O'BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Community Affairs Legislation Committee, Senator Moore, I present the report of the committee on the provisions of the Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Bill 2010.

Ordered that the report be adopted.

Education, Employment and Workplace Relations Legislation Committee
Report
Senator O'BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Education, Employment and Workplace Relations Legislation Committee, Senator Marshall, I present the report of the committee on the provisions of the Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010.

Ordered that the report be printed.

Economics Legislation Committee
Report
Senator O'BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Economics Legislation Committee, Senator
Hurley, I present the report of the committee on the provisions of the Competition and Consumer Legislation Amendment Bill 2010.

Ordered that the report be printed.

Legal and Constitutional Affairs Legislation Committee

Report

Senator O’BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the provisions of the Crimes Amendment (Royal Flying Doctor Service) Bill 2010.

Ordered that the report be adopted.

Finance and Public Administration Legislation Committee

Report

Senator O’BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Finance and Public Administration Legislation Committee, Senator Polley, I present the report of the committee on the provisions of the Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010.

Ordered that the report be adopted.

Finance and Public Administration Legislation Committee

Report

Senator O’BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Finance and Public Administration Legislation Committee, Senator Polley, I present the report of the committee on the provisions of the Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010.

Ordered that the report be adopted.

Community Affairs Legislation Committee

Report

Senator O’BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Community Affairs Legislation Committee, Senator More, I present the report of the committee on the provisions of the Food Standards Australia New Zealand Amendment Bill 2010, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Economics Legislation Committee

Report

Senator O’BRIEN (Tasmania) (6.15 pm)—On behalf of the Chair of the Senate Economics Legislation Committee, Senator Hurley, I present the report of the committee on the provisions of the Tax Laws Amendment (Research and Development) Bill 2010 and the Income Tax Rates Amendment (Research and Development) Bill 2010, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

PAID PARENTAL LEAVE BILL 2010

PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) BILL 2010

Second Reading

Debate resumed.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.16 pm)—Just picking up where I left off before question time, allowing the government to drop small business right into paid parental leave obligations and duties simply sets up the machinery to fit up small business to pay the cost of fixing the shortcomings of Labor’s flawed scheme. While not impeding the introduction of the gov-
ernment’s scheme, the coalition will move substantive amendments to extend the role of the Family Assistance Office in administering the scheme indefinitely. I acknowledge here the ceaseless advocacy in this area by Mr Billson, the shadow minister for small business, and also the small business champion in this chamber, Senator Boswell. This measure will make ongoing use of the taxpayer investment in the establishment of the necessary payment and operating systems beyond the initial six months. The government is urged to embrace the coalition’s amendment to avoid the imposition of unnecessary and unjustified cost, regulatory burden and compliance risks to the small business community.

Labor’s second-rate scheme does not sufficiently recognise that parents have different patterns of family responsibilities and paid work. It fails to recognise the current economic circumstances Australian families are facing, from increasing interest rates to the housing affordability crisis to increased costs of living and the proposal of another great big new tax on everything. More and more families are now requiring two incomes just to make ends meet. In Australia today parental leave is available to parents through both private enterprise and the Public Service. Conditions such as the length of the scheme vary from very short periods to 18 weeks, yet few schemes provide the ideal leave period of six months. Mums working casual jobs who do not have accrued leave will lose out under the government’s scheme. Labor’s 18-week scheme was recommended by the Productivity Commission as a result of an expectation that an employer would effectively provide a top-up to the leave to reach 26 weeks, thus delivering the internationally recognised standard of six months. But of course casual workers will not have accrued leave and therefore it is unlikely that they would get the top-up.

The coalition has put forward its proposed scheme, which is in stark contrast to the Labor second-rate scheme. The coalition’s scheme is a wage replacement scheme that would provide primary carers, predominantly mothers, with 26 weeks paid parental leave at full replacement pay up to a maximum salary of $150,000 per annum or the federal minimum wage, whichever is greater. The coalition scheme would be available to all employees including full-time, part-time and casual workers, contractors and the self-employed who meet the eligibility test. It would include superannuation contributions at the mandatory rate of nine per cent and it would facilitate an easier transition in and out of the workforce for Australian women during their childbearing years. It would signal to the community that taking time out of the workforce to care for children is a normal part of the work-life cycle for parents. The coalition scheme would promote an increased female workforce participation, leading to productivity gains as it would create a financial incentive for women to be engaged in paid work prior to childbirth and to return to the workforce after their period of leave. The coalition scheme would provide paid parental leave for a period of 26 weeks to afford all mothers the opportunity to breastfeed their infant for the minimum six-month period recommended by the World Health Organisation. Labor’s scheme does not. The coalition scheme would provide women with a replacement wage to a cap or minimum wage, whichever is greater, to adequately support working families when they are at their most financially vulnerable. Again, Labor’s scheme does not.

The scheme Labor is proposing also fails to ensure that all Australian families, regardless of whether a mother is at home or in the paid workforce, are afforded the flexibility to choose what is right for their specific individual family circumstances. Labor’s
scheme is far from perfect but ultimately on balance having a second-rate scheme is better than not having a scheme at all. The coalition has a second reading amendment that further details our concerns with this legislation and our alternative approach. I move the second reading amendment circulated in my name:

At the end of the motion, add “but the Senate:

(a) affirms its commitment to supporting all Australian families and supports policies which give choice and flexibility to parents to enable them to choose what is right for their individual circumstances, whether they are at home or in the paid workforce;

(b) recognises that parents have different patterns of family responsibilities and paid work over their life cycle;

(c) recognises that due to rising costs of living and a housing affordability crisis, the majority of families require two incomes to make ends meet;

(d) notes that Australia remains only one of two OECD countries that does not provide a paid parental leave scheme and that introducing a paid parental scheme is critical to the needs of working families and our national productivity more broadly;

(e) rejects the Government’s representation of a paid parental leave scheme as a social security measure and instead affirms that it is a valid workplace entitlement that must come with a superannuation component to arrest the gross inadequacy of female retirement incomes;

(f) notes the Government’s proposed paid parental leave scheme is inadequate in its current form and should be amended to better reflect the requirements of Australian working mothers, and families more generally;

(g) supports the ability of casual, part-time and full-time women to access paid parental leave provided that they have met the qualifying criteria;

(h) recognises that a paid parental leave scheme is only one part of government’s important role in supporting families as they raise the next generation of Australians;

(i) acknowledges that the bill does not:

(i) provide paid parental leave for a period of 26 weeks to afford all mothers the opportunity to breastfeed their infant for the minimum six month period recommended by the World Health Organisation, or

(ii) provide women with a replacement wage, to a cap or minimum wage (whichever is greater), and so does not adequately support working families when they are at their most financially vulnerable;

(j) acknowledges that the bill places a totally unnecessary impost on Australian businesses by requiring employers to act as paymasters for eligible employees; and

(k) calls on the Government to make such amendments to the bill as would rectify these flaws”.

Senator HANSON-YOUNG (South Australia) (6.21 pm)—I rise to add my contribution to the debate on the government’s Paid Parental Leave Bill 2010 and Paid Parental Leave (Consequential Amendments) Bill 2010. This is a historic day in this chamber: all three of the major players in this place are committed to some form of paid parental leave and are also committed to seeing that some scheme is up and running by the end of this year. I say this, however, with some disappointment that the legislation as it is before us does not provide enough support for parents and is not the best possible scheme that, if we had been able to work together, we would have been able to put in place from the word go.

While I have stated on the record before that the Greens will not be blocking the government’s attempt to introduce a statutory paid parental leave scheme, it is incredibly disheartening that this legislation is anything but a true reflection of what paid parental
leave should be—that is, of course, a workplace entitlement. I am not the first person to voice concern over the direction the government has taken with its paid parental leave scheme and, sadly, I do not think that I will be the last. For more than three decades, men and women around this country have been lobbying governments of all persuasions to provide a paid parental leave scheme as a basic workplace entitlement, and I must say that the recent debate around this particular issue has been an interesting one.

Arguments such as, ‘This legislation is only a starting point and we can lobby the government to improve it once it becomes law’ have perplexed me, because we have waited 30 years already. It is 30 years since the unpaid provisions were given as entitlements to women for maternity leave. Thirty years on, we are now talking about the need for the true support of providing a paid parental leave scheme. I would hate to think that we would have to wait another 30 years in order to improve it when we could be doing that right here today in this place. We now have commitment from all sides that a government funded paid parental leave scheme is something that this parliament must deliver. It is surely the best opportunity that we have had, with all sides now saying that this is something that we should do and that this is something that we are committed to. Well, let us deliver it.

We should be able to improve and fix some of the most fundamental flaws within this legislation so that when it does pass we will be able to say that we did our very best to provide a good scheme. Of course this can be built upon in the future, but let us use the opportunity we have today to make sure that we get the best legislation that we can now. Why, after decades of inaction, would mums and dads out there not want us to come together and ensure that we get the best possible scheme in place simply because the Prime Minister has said today that the Senate should just get out of the way? Frankly, the Senate should not just get out of the way. The Senate is here to work with the government of the day to ensure that we improve pieces of legislation and that we make sure that any law enacted is in the best interests of all Australians. And, as the Senate committee process has shown, there are flaws in this legislation that must be fixed.

While I will come to some of the major concerns over the implications of this legislation in a few moments, one thing I would like state upfront is that 18 weeks is simply not enough. It is not enough when you compare it to international standards and it is not enough for all of those people and organisations, trade unions included, who have been fighting for this for decades. Eighteen weeks is nowhere near where comparable countries are at, when you consider that Sweden offers 47 weeks, New Zealand offers 28 weeks, Finland offers 32 weeks and even the UK offers 39 weeks. The fact is that Australia is still behind the eight ball, as we are not only introducing a scheme only now but introducing a scheme that is far behind those of our international counterparts and is not giving that basic support that families deserve.

The Greens have not been a lone voice in our push for six months paid parental leave. We believe that six months should be the minimum. It is the minimum set down by the World Health Organisation. There is strong support throughout the community for the introduction of a 26-week, six-month scheme. The National Foundation for Australian Women, Save the Children, the YWCA, the Commission for Children and Young People, the World Health Organisation, the Public Health Association, the Australian Breastfeeding Association, Unions NSW and the Community and Public Sector Union are all advocates for a six-month, government funded, paid parental leave scheme—and
that is what we should be passing here this week in this place.

Given that women around Australia have been fighting for paid parental leave to be enshrined as a workplace entitlement for decades, this hard work must not be in vain when it comes to ensuring that the best possible support is provided for Australian mums and dads. Let us not use this as an opportunity to simply whack each other over the head politically. Let us use this as an opportunity to work together and get the best possible scheme. It is simply a cop-out for anybody to suggest that the will is not here, because the will certainly is here in this place, and that is what I think is so exciting about this debate tonight. It is also such an opportunity that we should be taking it with both hands and using it rather than squandering it simply because the Prime Minister’s comments this morning reflected that the Senate should simply roll over and not do its job.

I am sure that many in this chamber recognise that the idea of paid parental leave is not a new concept in this place. My South Australian colleague former Senator Natasha Stott Despoja, a staunch advocate on this issue, introduced Australia’s first paid maternity leave scheme back in 2002, and I introduced the first paid parental leave scheme last year. It was a 26-week, six-month scheme plus superannuation at the minimum wage. That was the best compromise that I could come up with then and it is the best compromise that I believe we could come up with here in this place this week to ensure that parents get the support they need, that we enshrine this as a workplace entitlement and that we give the support that new mums and dads should be entitled to, of course ensuring that women have a connection to the workforce and are not discriminated against or disadvantaged simply because they have ovaries yet are also workers. Let us ensure that the legislation that we pass here this week is one that offers six months leave plus superannuation and that it is a workplace entitlement.

Both of the pieces of legislation that have been before this place already, introduced by Natasha Stott Despoja and by the Greens—with the third being the government’s—recognised that taking time off from work to have a baby should be seen as a basic workplace entitlement and that, just as when on long service leave or sick leave, employees should continue to accumulate superannuation payments. That is a stark difference between the two previous bills introduced into this chamber and the government’s scheme as laid before us today—superannuation is not included in it. Surely, after all the independent studies, Senate inquiries and the recent Productivity Commission report into the feasibility of implementing a paid parental leave scheme, there is enough evidence out there supporting paid parental leave enshrined as a workplace entitlement rather than simply being a welfare handout. That is type of scheme that we should deliver.

Unfortunately, despite all the rhetoric from the government about supporting women to maintain their connection with the workforce and boost workforce participation—the exact words used by the government—this piece of legislation fails to accurately provide any entitlement to take leave and is a slap in the face for all those who have been advocating for a paid parental leave scheme to be viewed as a workplace entitlement. You can say it as much as you want. The reality is that this stand-alone bill does not provide a leave entitlement. It does not amend the Fair Work Act. It is not a workplace entitlement. Only in name is it a paid parental leave scheme not in reality.

This is the first fundamental flaw within this bill and the fact that it is not a paid pa-
rental leave scheme in the true sense of the term is concerning. Regardless of the spin, regardless of the fact that we want something through and we want to provide support to parents, it is very difficult to see how this scheme will be expanded or improved upon if we do not get the fundamentals right at the beginning.

Nowhere in this bill does it guarantee an eligible employee an entitlement to take leave, or the guarantee to even get their job back at the end of that leave period. Although the government may be spruiking this legislation as a historic recognition of the importance of maintaining women’s workplace attachment—an important aspect to any genuine paid parental leave scheme, and one of the key reasons advocates around the country have fought so long for some type of scheme—we know that this particular bill is nothing more than a dressed up version of the baby bonus.

This was my concern from the start. I said it 12 months ago when the government first announced this scheme and, unfortunately, it still stands. A true paid parental leave scheme would have been administered through the Fair Work Act, not simply through the Family Assistance Office. What I cannot work out is this: if unpaid parental leave provisions are contained within the Fair Work Act and if this Labor government truly recognises paid parental leave as a workplace entitlement, why would you create an entirely new act to contain only pay provisions and not leave provisions? This concern was articulated by Professor Andrew Stewart during the course of the Senate Community Affairs Legislation Committee inquiry. He said:

I think there is no question; it is a social security entitlement. In fact it would be better titled the ‘parental leave pay bill’ rather than ‘paid parental leave’. That may seem a matter of semantics but I think it is fair to say that most people in the community would understand the concept of paid leave to mean you have a right to leave your job and come back to it.

This flaw still remains within this piece of legislation, which is why it is important that the Senate is able to fix it and amend it. It is important for the government to accept that as well, and important for the opposition to accept that. It is all very well and good to have the opposition say, ‘When Tony Abbott gets elected’—if he does and they are in government. It is all very well and good for them to say, ‘When we are in government we will put in a bigger, better scheme.’ The reality is that here tonight we have the Labor Party, the coalition and the Greens all saying: ‘We want paid parental leave. We want a good scheme. Let’s get it up.’ The opposition should be supporting our amendments to ensure that it becomes a leave entitlement and a six-month scheme, including superannuation—as of course should the government. If that is a scheme that the opposition wants then it should be supporting the amendments that we have circulated.

The issue of leave entitlement is just one of the many problems that the government has created for itself by drafting this bill. It fails to take into account the key concept of any paid parental leave scheme. The fact is that the legislation before us is nothing more than a parental payment. As to the credence of the argument that it discriminates against stay-at-home mums: what a ludicrous argument that somehow stay-at-home mums should get a workplace entitlement. Of course they should not. If they are not at work then they do not get the entitlement. They get another form of support. And that of course is through the baby bonus. But because the government has drafted this so poorly and not ensured that this is a workplace entitlement, it leaves that door open for criticism from those people who do not want to accept that women need to be supported—
working women in particular—and not be discriminated or disadvantaged simply because they are in the workforce and are the people who have babies. They need that time off; they need to recover from childbirth and spend time with their newborns recovering and bonding. That is why a paid parental leave scheme that is a workplace entitlement is so important. There are other ways that we can support stay-at-home mums. There is the baby bonus—the system that we have. Maybe some things need to be fixed with that, but this is not the place to talk about that. This bill is meant to be about a workplace entitlement. The problem for the government is that, actually, it is not. That is why there is this criticism.

Another concern that was raised throughout the committee process was how this proposed scheme would interact with existing entitlements that an employee might already have. A number of witnesses expressed concern that the bill in its current form does not explicitly state that the government’s paid parental leave payment is an addition to any existing employer funded scheme. The government are saying: ‘This is a top-up scheme. We know it is not enough. We know it is only 18 weeks. We know it is only at the minimum wage for 18 weeks. We know it does not include superannuation. But it is all going to be okay because this is on top of what other scheme you may be entitled to.’ But it does not say that in this piece of legislation. It does not say that at all and that needs to be addressed.

Again, it is important for the Senate to work through these issues, fix the legislation and ensure that these issues are dealt with. The fact that Minister Macklin’s second reading speech said that she believed that this would be seen as a top-up, yet it is not in the legislation, indicates that it was an oversight or that the government does not want to see that in legislation. Either way, it will be interesting to see how the government responds to our amendments to ensure that this is seen and acknowledged as an addition to existing payments and not one that replaces or is simply absorbed by existing schemes.

Another ramification of not ensuring that paid parental leave is a basic workplace entitlement is that it would fail to ensure that, just like with long service leave or sick leave, employees would continue to accumulate superannuation payments. This is a really important aspect of any workplace entitlement and a really important aspect of dealing with the retirement income gap between men and women. We know that one of the biggest factors contributing to that gap is women taking time out from the workforce to have babies and raise their kids; and, in order to address that, any type of paid parental leave scheme should include superannuation. There is clear evidence that women struggle to ensure sufficient superannuation for their retirement, and this would be a clear, simple, good place to try to address that.

This comes from a government who have said that they are committed to better superannuation savings and a stronger culture towards supporting superannuation. Let us see that work for mums as well as for everybody else; because, under this scheme, it is not included. Superannuation must be included in any type of paid parental leave scheme. It should not be the case that superannuation is good for everyone else—but bad luck if you are a mum.

The Greens will be seeking to remedy this situation in the committee stage. We have an amendment relating to superannuation entitlements and requiring that superannuation is paid. While I do not necessarily expect the government to support that amendment—they clearly could have put it into their own legislation—I do expect that the opposition,
who have said that they support superannuation, will support this amendment. Not only do I think that women should not wait another 30 years for an increased and better scheme; I also do not think we should wait for never-never when Tony Abbott is possibly one day elected as Prime Minister. We have the opportunity today to make this scheme a better one. Let’s make it happen. I say to the opposition: if you believe that superannuation should be included, make sure you back the Greens amendment. I would, of course, like the government to do the same. If their rhetoric is anything to go by, there is no reason why they would not back it.

On a final point, we need a review into this legislation. Whatever form it is in when it eventually passes, it needs to be subject to a review. We need to be able to analyse what impact it has on families, what impact it has on existing entitlements in workplaces and what impact it has on the retirement savings of individuals. While the government have said that they expect to run a review within two years of the scheme being up and running, let’s see that legislated for. Based on the past promises of this government, I am not prepared to take what the minister has said as gospel. If we are fair dinkum about making sure we have a good scheme, and if we are fair dinkum about making sure that we can improve it, then we need to know where we can do that and where the pros and the cons in the scheme are so that we can tweak it. That means that a review must be part of the legislation that we pass; so, of course, the Greens will be moving amendments to that as well.

In conclusion, I want to reiterate the Greens’ utmost support for a paid parental leave scheme that offers support to working families and to mums around the country who have waited too long. For those who, 30 years ago, fought for paid maternity leave provisions, to now see their daughters and their granddaughters being able to take advantage of a scheme like this would be such a wonderful thing. But let us make sure we use the best opportunity that we have before us to make sure that it is a scheme that is worth it and that we are not waiting another 30 years to try and fix it. Let us get it in place now and let us ensure that it is the best possible scheme it can be and use the opportunity of tripartisan support.

**Senator Jacinta Collins** (Victoria)

(6.41 pm)—The Rudd government’s Paid Parental Leave scheme is a historic reform for Australia and it demonstrates Labor’s ongoing commitment to supporting working families. As I go along, I will deal with some of the relatively glib criticisms that have been raised to date in this debate, and in the public debate as well, but we need to paint some background history to these proposals.

The government’s Paid Parental Leave scheme was announced in last year’s budget and is fully costed and fully funded into the future—unlike the opposition’s plan, which has no detail, no costings and no time frame. It was cheap politicking by a new opposition leader. The government’s scheme is based on recommendations from the Productivity Commission, which undertook an extensive, year-long inquiry to get the scheme right. Compare this with Mr Abbott’s thought bubble, which has created massive uncertainty for Australian families and businesses—more evidence of him talking first and thinking later, as the opposition’s scheme has evolved.

The government had extensive discussions with employers, unions and family groups about the implementation of this significant reform. The Productivity Commission found that Labor’s scheme would increase the amount of time new parents would have to spend at home with their newborn baby—around six months of exclusive parental care.
on top of existing entitlements. Under Labor’s Paid Parental Leave scheme, women on low incomes will have greater financial security when planning to have a baby. Around 30,000 working families with incomes less than $50,000 are expected to benefit.

The Productivity Commission found that industries which are female dominated and highly casualised, such as retail and hospitality, have the lowest levels of access to paid parental leave. In 2008, only 17 per cent of women on very low wages had access to paid parental leave, compared with 70 per cent of women on high wages, according to the Australian Bureau of Statistics. It is simply time to act. Mr Abbott’s proposal, on the other hand, is for a paid parental leave scheme funded by a great big new tax on employers. The Deputy Leader of the Opposition, Julie Bishop, has said that the great big new tax is only temporary and will be replaced by taxpayers funding their proposals.

Under Mr Abbott’s plan, people earning up to $150,000 a year will have their parental leave paid at the full rate at taxpayers’ expense. Ordinary working families getting by on one-third of that amount or less will be forced to pay more tax or higher prices to fund these higher earners. The opposition’s scheme is targeted to high-income families. It does little to help the majority of families on low to middle incomes. This is perhaps why the polls that have been taken in response to these policies show that 40 per cent of respondents still favoured Labor’s government funded scheme, compared with 24 per cent who supported the coalition’s proposal. This is where the opposition has, in my view, been playing politics with serious policy proposals. You did not see serious proposals put to the Productivity Commission by the now opposition. All we have seen is relatively glib criticisms and a limited understanding of the policy debate.

Last week I attended Diversity Council Australia’s debate on paid parental leave, which was coined ‘Not if, but how’ and explored the government and the opposition’s paid parental leave policies and what they mean for women, families, business and the Australian economy. As I described to the audience, the paid parental leave debate is not about ‘if’ or ‘how’ but ‘at last’. Finally we have action which cannot be compromised by cheap politicking or glib criticism as we have heard to date.

When I first came into parliament in 1995, the contribution I made on the Keating government’s introduction of maternity allowance comes to my mind. This allowance was designed to meet half of our international obligation towards providing minimum income support for a mother taking leave following the birth of her child. The intention of the Keating government at the time, if re-elected—which it was not—was to then fund the other half of our international obligation through about 13 to 14 weeks of minimum income support, rather than the minimum wage, for mothers taking leave around the birth of the child. Many years later, the Howard government had introduced the baby bonus, which improved the level of income support available but still did not get anywhere near meeting our international obligations.

Much of the public discussion has centred on issues such as whether stay-at-home mothers will be worse off. The government, in dealing with our amendments in relation to the legislation and the Senate committee report, will touch in part on this issue. The clear objective of this legislation is to improve the circumstances of women and their workforce engagement when they have babies. It is not a debate about women choos-
ing to stay at home or return to work; it is about improving the outcomes for women who remain engaged with the workforce.

I seek leave to continue my remarks at a later time—when I do so I will address in detail some more of those issues.

Leave granted; debate adjourned.

COMMITTEES

Environment, Communications and the Arts Legislation Committee

Report

Senator O’BRIEN (Tasmania) (6.48 pm)—On behalf of the chair of the Environment, Communications and the Arts Legislation Committee, I present the report of the committee on the provisions of the Renewable Energy (Electricity) Amendment Bill 2010 and related bills, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

DOCUMENTS

Consideration

The government documents tabled today and general business orders of the day Nos 1 to 11 relating to government documents were called on but no motion was moved.

ADJOURNMENT

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

That the Senate do now adjourn

Mr Philip Noel Eastick

Senator FARRELL (South Australia) (6.52 pm)—I rise tonight to speak on the life and achievements of a great friend of mine, Philip Noel Eastick, who died at the Royal Adelaide Hospital on 11 February 2010. I think it was the American essayist, Ralph Emerson, who said, ‘The years teach much which the days never knew’. It is true that we learn things that only the experience of years can teach us. There are joys to be drawn from the passing of the years but there is also sadness too. Chief amongst the sadness is saying goodbye to good friends who pass away before us.

My friend, Phil Eastick, died at the relatively young age of 55. Still, in those short years Phil achieved more than many and his achievements will benefit his fellow South Australians into the future. They were achievements he was scarcely known for at the time and achievements that he did not seek to attribute to himself. My hope is that this speech this evening will place Phil’s achievements on the public record in the nation’s Hansard.

Philip Noel Eastick was born in the Hutchinson Hospital in Gawler, South Australia on 8 August 1954. Phil’s father is Dr Bruce Eastick, a veterinary surgeon who also served in the South Australian parliament for many years as the leader of the Liberal opposition. His mother was Mary Dawn Marsh. Phil attended Gawler Primary School, Gawler High School and Adelaide University, where he studied law. It was here that I first met Phil and we formed a lifelong friendship that lasted until his recent death.

It was during his time at Adelaide University that the spotlight came up on the music industry for Phil and his law studies faded to black. Phil left university before graduating—I suspect much to the distress of his parents. Phil quickly earned a reputation for hard work, initiative and for being the sort of person you could rely on to get the show on the road. His reputation led him to being engaged by many of the leading bands of the day—and you will remember some of these, Madam Acting Deputy President Moore—Billy Thorpe and the Aztecs, Hush, MacKenzie Theory, the La De Das and Sebastian Hardie, to name just a few.
Senator Chris Evans interjecting—

Senator FARRELL—Senator Evans remembers some of them as well. His work with Jands Concert Productions and his emerging interest in big stage concert lighting gave him the opportunity to tour with international acts such as AC/DC, Linda Ronstadt, The Beach Boys—again, to name just a few, and you will recall many of those.

In the early 1980s Phil signed up with the band The Angels and he wound up touring with them through the United States. When The Angels returned to Australia, Phil stayed on in the United States and in 1982 he met his wife and lifelong partner, Robin Sharee, in California. They married shortly after and their daughter, Sarah, was born in 1986, also in California.

Phil’s initiative and entrepreneurial drive led him to form Quick Cargo in 1985, a freight logistics business specialising in moving band and production freight all around the world. His company had offices in London, New York and Los Angeles, and some of his clients included the biggest names in the business: Jimmy Buffet, Alice Cooper—we were planning to go and see the Alice Cooper concert last August, until Phil got sick—and Robert Cray, Kenny G, Icehouse, Jefferson Starship, AC/DC, Willie Nelson, Guns and Roses, Red Hot Chilli Peppers and Metallica. Phil was awarded a number of platinum records for his work with these acts.

In 1992 Phil’s kidneys failed and he returned to his home in South Australia to avail himself of the groundbreaking and excellent work being done by the renal unit of the Royal Adelaide Hospital. Shortly after arriving home, Phil received the first of two kidney transplants. After his first transplant, Phil was back at work as soon as he could be—this time reinventing himself as an ICT/multimedia strategic consultant. In those days the internet and digital communications technology were at a fairly embryonic stage but Phil had the intelligence and foresight to see what lay ahead.

In 1995 Phil became involved in Ngapartji Multimedia Centre, which was born of the Keating government’s Creative Nation initiative. It was Phil who brought together many diverse stakeholders, including a consortium of state government departments, universities, local ICT firms, Telstra and Microsoft. It was said that Phil was the father of Ngapartji, an organisation which played a crucial role in the development of the multimedia industry in Adelaide in the 1990s. It was while there that Phil developed the famous definition of the ICT industry as consisting of ‘ferals, techno-terrorists and exploiters’.

When sold in 2008, Hostworks was the largest internet hosting company in Australia and it grew out of the back room upstairs at Ngapartji that Phil and Marty Gauvin shared as an office. They were working together in late 1996 as there was an opportunity to bring the Microsoft internet data centre for Australia to Adelaide. Phil’s leading role ensured the success of this project thereby shifting the centre of the internet in Australia to South Australia, where it remains.

Phil also assisted in the framing of the government’s outsourcing contracts with EDS. This was the first time that any government had outsourced the entirety of its IT needs. The EDS contract also led to the formation of the Playford centre as an industry development initiative. In later years Phil assisted the Playford centre to become a cornerstone of ICT seed and venture capital in South Australia. Phil’s achievements in the ICT industry were many and varied, and they have contributed significantly to South Australia becoming an internationally recognised hub for information and communications technology.
To the amusement of his friends and family, Phil often said his job involved him ‘drinking coffee for the government’. In drinking coffee for the government, among other things Phil drove the creation of the report *Information economy 2002: delivering the future*. He led the formation of the IT Council, an amalgam of 11 IT industry bodies in the state to form a new peak body, and he served as the founding member of the 2002 World Congress on Information Technology executive committee, an event which largely put Adelaide on the IT map along with cities like Austin in the United States and Kuala Lumpur in Malaysia.

From 2000 Phil had many private clients whom he assisted in their engagement with government and with their business and technology strategies. South Australian state governments also continued to seek his advice. He was a renowned pedant and his attention to detail improved hundreds of government reports.

Phil did all of this while maintaining—and I quote—that ‘he didn’t do geek’. Rather, Phil saw the application of technology with a unique clarity and had the unique ability to translate a vision for the future into something that could be digested by everyone. Phil’s first kidney transplant failed after about eight years, and for many years before his second transplant, in early 2009, Phil endured daily dialysis as well as procedures, minor and major, to correct this and that.

Over the last 12 to 15 years, Phil, John Schumann and I had lunch together once a month or so. We watched at firsthand Phil’s courageous struggle with his health—a struggle which lesser men would have shrunk from. John and I would often wonder to each other just how Phil kept going. When we asked him he would smile quietly and say, ‘Boys, it is what it is, and it’s all part of life’s rich tapestry.’

Phil is survived by his wife, Robin, and their daughter, Sarah. Phil Eastick was a courageous, intelligent and loyal husband, father and friend. He contributed much and sought little for himself. Our world is a poorer place without him.

**Tasmania**

**Senator Bushby (Tasmania)** (7.01 pm)—I rise tonight to raise again my concerns about the severe and abject neglect that this federal Labor government has shown towards my home state of Tasmania, ranging from lack of new investment in roads, rail and public transport to the now very worrying impact on Tasmanians of the government’s proposed great big new tax on mining activities.

The unfortunate fact is that Tasmanians now have to suffer under the dual yoke of a Tasmanian Labor government that has neglected Tasmania for over 12 years, and has now morphed into a Labor/Green state government, and a federal Labor government that is showing strong form of doing the same to Tasmania.

It is hard to see how anyone can do other than draw the conclusion that the Tasmanian government has for years failed to deliver road infrastructure to Tasmania. With very few exceptions, the only significant investment in Tasmanian roads has been that delivered by the previous Howard Liberal government or started or promised under that government. The best that federal Labor can do is to point to the money spent as part of its stimulus project—a massive $90-odd billion spend that has delivered nowhere near the benefit that such an amount should have because of the poor quality of the spend, the bungled delivery, the sorting of the programs that have been permitted to occur and the need to spend hundreds of millions of dollars more of taxpayers’ money to fix the problems it has created.
Sure, schools have new halls and libraries—whether they wanted them or not—but at what cost? How much value, in terms of the dollars spent, have taxpayers received? How much more could have been done for schools, teachers, teaching aides and supplies—for the overall quality of public education—if the money had been more carefully spent and better planning used to ensure that schools received the targeted assistance they needed?

Similar criticisms hold sway with respect to the other stimulus projects, whether they be the pink batts fiasco, green loans or the infrastructure funds where Tasmanian Labor members, state and federal, appear to have failed to ask for any and—surprise, surprise!—received none. There are the undelivered and ill-conceived superclinics. As recently as this weekend I had cause to visit the site of one of the proposed clinics on Hobart’s eastern shore with the Tasmanian state AMA President, Dr Michael Aizen. The AMA has raised the very serious impacts the superclinic is going to have on the many private practice GPs in Hobart’s eastern shore and how the clinics will not deliver the health benefits trumpeted by the government.

This contrasts with the previous Liberal government’s approach. Time and time again the previous federal Liberal-led government stepped in to deliver projects to local Tasmanian communities—projects carefully identified as needed and providing real benefits for those communities. Fortunately, back then, in the absence of action by the state Labor government, the previous Liberal-led coalition government was good to Tasmania.

It is also worth noting that the Tasmanian Labor government is the only state government which regularly spends less on roads than the federal government does. Examples of investment made or promised in Tasmania in just the last few years of the last government include the upgrade of the Arthur Highway to Port Arthur; the $7.8 million upgrade of the dangerous Sisters Hill section of the Bass Highway; the sealing of the Esperance Road in the Huon Valley; duplications and upgrades on the Bass Highway, including the Penguin to Ulverstone and Port Sorell Road to Devonport sections; the Kingston bypass; the Westbury-Hagley bypass on the Bass Highway; an accelerated East Tamar Highway upgrade package; Midland Highway upgrades; a new Bridgewater Bridge; and the very much needed but state-Labor-government-ignored Lilydale to Scottsdale road upgrade.

We also saw the Bass Strait subsidies, both freight and passenger; the Antarctic Airlink; Hobart and Launceston aquatic centres built, support for the forestry industry; the Investing in Our Schools Program, which was a far better targeted program for improving school facilities than the Building the Education Revolution program; and the Howard government funded Kingborough sports stadium, which opened as recently as a week ago.

It is illuminating indeed to contrast the Liberal-led federal coalition government’s investment in Tasmania with that of the federal and state Labor parties. The previous government was able to promise and deliver these projects and more for Tasmanians because it approached the issues it faced sensibly and rationally, creating an ability to invest in local communities all over the country while at the same time putting money in the bank for the future—creating the future funds, the education and the communications funds—and yet still managing to regularly cut taxes paid by Australians.

In a few short years, this federal Labor government has thrown all this away. We now see profligate spending and a reluctance to ‘cut their cloth to suit’. I have previously
mentioned in this place that there are two ways to address the unenviable situation where your spending outstrips your income. The first is to cut spending to suit. The second is to raise your income to suit. As governments have no money other than what they take from those who earn it, it is a great shame that this federal Labor government has chosen the latter—to take more money from those who are earning it: taxpayers, Australian individuals and companies who are working hard, employing Australians and delivering the strong economy that underpins our national standard of living.

While the federal coalition delivered and will continue to deliver sensible, costed and well-managed projects to Tasmania—albeit it will take some years of reinstated good management to get us back to the funding flexibility we had created up to November 2007—it appears that all federal Labor can do is deliver programs reliant on debt and big taxes and riddled with mismanagement.

Of course, then there is Labor’s great big new tax on mining—a tax which will and does impact in Tasmania, despite what many people think. Many in this chamber would not be aware that something up to 50 per cent of Tasmania’s exports comes from the mineral sector. We are one of the nation’s quiet achievers when it comes to mineral exports. We have a long and proud tradition of mining and refining minerals and aggregate in Tasmania, a tradition which stretches back to the very first years of European settlement in my home state. Mining in Tasmania has largely been concentrated on the state’s rugged and hard to access west coast. There are, however, operations right around the state, ranging from sandmining in the state’s south to tin and copper mining on the west coast and aggregate quarrying right across the state.

The variability of commodity prices means that many of Tasmania’s mines have at times struggled to keep operating. Many of them have closed only to reopen or become viable with increased demand and better prices from year to year. What this government fails to understand is that in places like Tasmania mines operate for many years on very little or no return and the few good years that they do have is what keeps the doors open and investment coming in for the future. Without these good years, the others are not viable. We have here the proposition of the government taxing those good years to the extent that they will not be viable at all.

While we recently experienced major job losses and a collapse in investment in Tasmania, from paper to vegetable and saw mill closures, all we have heard Tasmania’s federal Labor MPs do is talk up the job and investment destroying great big new tax on mining. During the last sitting period we heard Tasmanian Labor members of parliament Julie Collins and Sid Sidebottom proudly talking up the mine tax during doorstops. Yes, it is true. Despite suffering massive job losses in his own home electorate and it being massively reliant on mining investment and jobs, Sid Sidebottom has been spruiking the job and investment destroying mine tax! Even in the far more urban electorate of Franklin we have heard the federal Labor member, Julie Collins, supporting a tax that would hit some of her electorate’s biggest employers. With sand mining and some of the state’s biggest quarries, the member for Franklin seems happy to continue the government’s ill-managed spendathon—this time being supported by a new mine tax as well as more borrowings.

I call on the Labor members, senators and candidates in Tasmania to stop this tax before it sends Tasmania’s economy back to where it was 15 years ago. With the state’s forestry industry in crisis, federal Labor are
now sending our mining industry into oblivion, and not one of the three sitting Labor members who are up for election have raised any concerns with the new mine tax. All three of them are members for electorates which have significant resource dependent sectors—and all three members will be punished by Tasmanians for not protecting their jobs and prosperity. In stark contrast, the Liberal Party’s candidates and senators are fighting for the state’s economic prosperity, well-managed infrastructure investment, low taxes and support for the private sector.

When it comes to investment in infrastructure, it has been the federal coalition which has delivered in Tasmania. Current major infrastructure investment is largely thanks to the previous Howard government or reflects promises made by that government. Again, in the absence of action by the state Labor government, the previous Liberal-led coalition government promised to fully finance and build the Kingston bypass, making the funds available immediately. That was back in July 2007. Inexplicably, this offer was not taken up by state Labor, because they preferred the deal, after pressure, offered by the then federal Labor opposition, to provide $15 million to jointly fund the then estimated $40 million project. The Howard-led government was going to fully fund it, and yet state Labor chose $15 million out of $40 million—inexplicable!

A further example highlighting how Labor is letting down Tasmanians in respect of their roads is found in one of Australia’s most productive and unique regions, the Huon Valley, south of Hobart. The Huon Valley maintains a substantial share of one of the most sustainable forestry industries in the world. It has quarries which will be hit by the mine tax. It has a major aquaculture industry worth hundreds of millions of dollars. It is fair to say that the road transport needs and road safety of residents and businesses of the Huon Valley have been totally abandoned by the Labor Party. (Time expired)

Australian National Botanic Gardens

Senator LUNDY (Australian Capital Territory) (7.11 pm)—When the members of the first national parliament met in the elegantly refurbished Victorian parliament building over a century ago, in May 1901, they had the building of a new nation firmly in mind. The substance of that group of first speeches has, over the years, received diligent attention from historians. Much less well known, however, is that just down the road from the parliament, in Collins Street, the country’s design professionals were also meeting—over a two-week period, at precisely the same time—to discuss the new nation’s capital city. The design professionals were determined to see the politicians both well briefed and well educated about the future capital, in order to get the best possible result. The second resolution carried by the ‘Congress of Engineers, Architects and Surveyors’, 109 years ago almost to the day, was to see the ‘federal capital laid out in the most perfect manner possible and the adoption of the most perfect design’.

Speakers at the congress proposed a vast array of measures to realise that ‘perfect design’, but I would like to single out one man in particular: Charles Bogue Luffman, the then Director of the Royal Horticultural Gardens in Burnley, Melbourne. Luffman made a number of visionary recommendations, but one was central to his culturally liberated thinking: what he called ‘a true botanic garden, representing Australian flora’. With some validity, we might consider this the spiritual germination of an idea that would take another seven decades to be realised. A true national capital, for Luffman, simply had to have, as he put it a ‘true botanic garden’.

CHAMBER
I provide this slice of heritage history tonight, in the build-up to Canberra’s centenary, because our Australian National Botanic Gardens—perhaps one of the less publicised jewels in the city’s ornate crown—has done it pretty tough in recent years, so much so that, this time last year, our local paper, the Canberra Times, carried stories about the decline that had occurred over the previous decade, with visitor numbers, low staff morale and the physical fabric in the gardens visibly affected by the drought in the southeastern region of Australia. Something had to be done and, I am delighted to report, has been done since that time, on several fronts to address the situation.

I was privileged to be able to chair a public meeting conducted at the ANU in December last year that sparked some community consciousness-raising. Speakers were invited to consider the future direction of the gardens. Under the auspices of the wonderful Friends of the Australian National Botanic Gardens, the new executive director, Judy West, was particularly upbeat about her plans as she spoke of reinvigorating public programs and investing in the web presence in order to attract new audiences, new age groups and a new enthusiasm for fresh and innovative sources of support for the gardens.

Already in 2010 we have seen the beginnings of a turnaround in fortunes with a succession of splendid public programs at the gardens including Snakes Alive!—if you have not been there, you should try it; it is amazing—which was in January; Nature’s Canvas, an exhibition by Yvonna de Jong in February; and the superb exhibition of some 80 botanical paintings that were hung and put up for sale to raise funds in March. I again had the privilege of opening the Art in the Gardens with Friends exhibition, and you can take my word about the quality of the art presented. I found it truly inspiring that members of the local community found their passion and inspiration in the unique flora that grows in the Australian National Botanic Gardens.

The Rudd Labor government has played its part in this resurgence at the gardens. Six or seven weeks ago now, the Minister for Environment Protection, Heritage and the Arts, Mr Peter Garrett, and I teamed up with the ACT Chief Minister, Jon Stanhope, to plant Canberra’s prized centenary flower, specially developed, called the correa Canberra Bells, at the gardens, with a view to having the beautiful soft reddish blooms out in their full splendour come centenary day on 12 March 2013. Appropriately, the gardens are the first public place to permanently display the centenary correa, and the project was the result of a close collaboration between the gardens, the federal government, the ACT government, the ACT branch of the Australian Native Plants Society and, of course, some of the most astute members of our local plant industry.

But perhaps the most important initiative at the National Botanic Gardens—an initiative with genuine long-term significance—that has occurred in recent months concerns that most crucial of all resources: water. It was particularly appropriate that World Environment Day was celebrated at the gardens last Saturday because, two days before, I was honoured to be invited by the gardens general manager, Mr Peter Byron, to turn the first sod of a $2.9 million water project that will see some 170 million litres of non-potable water being piped from Lake Burley Griffin to the gardens by next summer. The installation of the internal reticulation system by October this year will, staff assure me, enable them to initiate an array of key horticultural projects that have been on the back-burner for far too long. The entire gardens will receive a long-overdue boost from this project, which has been two years in its me-
ticulous planning and which involves a complex filtration system to ensure top quality water. The federal government is proud to be a co-funder of this initiative under its water security plan, along with an investment by Parks Australia.

As a footnote to this story, I note with satisfaction that the Australian Botanic Gardens, in the three months to May this year, obtained record visitor numbers. The conscientious and hardworking staff thoroughly deserve congratulations for this excellent result because the passion and spirit with which they approach their job are truly inspiring. As a re-emerging giant in the Canberra cultural landscape, the Australian National Botanic Gardens are certain to play a complementary and vital role in the future in highlighting environmental and climate issues for all Australians. With the number of non-ACT schools—that is, schools from the rest of the country—visiting the gardens increasing, the range of educational units provided by gardens staff is expanding, and we can expect that families coming to the capital from now on, certainly right through to the centenary year and beyond, will take in the cultural feasts on offer. That will include, as we know, visiting the Australian War Memorial, the National Library, the National Museum and the National Gallery, of course, which is still celebrating its success with the Masterpieces from Paris exhibition, and just being able to enjoy the wonderful environment and vistas through our beautifully designed national capital. Seeing the Australian National Botanic Gardens as part of those visits will add another dimension, a truly beautiful and important dimension, to the experience of visiting the national capital. I think the momentum for change and renewal at the National Botanic Gardens will have a beneficial impact on both the Lindsay Pryor Arboretum and the wonderful National Arbo-

return, invested in so well and so heavily by the ACT government.

At the end of last month the federal Minister for Tourism, Mr Martin Ferguson, welcomed the launch of the next phase of Tourism Australia’s ‘There’s nothing like Australia’ campaign. In doing so, he drew attention to the 12 destinations chosen to feature in a series of print advertisements for global publication in our country’s major international markets, among them the USA, Japan and the United Kingdom. I was thrilled to note that there, in amongst destinations such as Uluru, Kakadu, Ningaloo Reef, Sydney and Melbourne, was the nation’s capital, Canberra. It has been a while coming, but it is there—the recognition from our tourism authorities that Canberra is much, much more than just the place where we, as national politicians, come to work. Yes, that is true too, but, when you visit the nation’s capital and understand the depth of history contained within this beautifully designed capital city and understand how precious the responsibility is that we as Canberrans take as custodians for this nation’s cultural history, it adds a depth of experience to the visit that cannot be replicated in any other city.

In closing, I would like to pay my respects to Charles Bogue Luffman, who, all those years ago, recognised the role that Australia’s capital city of the future might play for the nation when he implored his fellow professionals to produce a new city within a landscape that would be, as he put it, ‘conducive to thought that will animate and inform’. He imagined a compelling, provocative place with a ‘setting’ that would reveal—and again I use his words—’what we are or whence we came’ and ‘the significance of our everyday lives’. It was a bold and inclusive vision and one that is reflected in the nation’s capital, Canberra, in the 21st century.
Australian Sikh Games

Senator FURNER (Queensland) (7.21 pm)—On Good Friday this year it was my great honour and privilege to attend the 23rd Australian Sikh Games held at Tingalpa in eastern Brisbane—and I know that you, Madam Acting Deputy President Moore, were there enjoying the games as well. I extend my congratulations to the Punjabi Cultural Association of Queensland, the organising committee of the games and also the Australian National Sikh Sports and Cultural Council for the opportunity to attend and enjoy the various displays of sporting skill and rich cultural and community spirit evidenced by participants and spectators alike.

It is due to the dedication and skill of these organisations and, of course, the Sikh people they represent across Australia that these games are the long-term success that they clearly are.

I can think of nothing more typically Australian than a celebration of the history and achievements of a community through the pursuit and love of sport. For me, the quality of the competition, the camaraderie and the skill displayed embodied the strengths of the Sikh culture and the values that have ensured the continued survival and flourishing of Sikh communities both in this country and throughout the world. The Sikh Games began as an intrastate hockey tournament with five teams in Adelaide in 1988. From those humble beginnings they have grown into a national event. This year the Sikh Games had 115 teams participating, including teams for cultural events, making it the most highly participated in games yet. This year’s participation comprised 18 kabbadi teams, 18 soccer teams, 26 cricket teams, 10 volleyball teams, eight touch football teams, four netball teams, five field hockey teams and three tug of war teams. Additionally, there were participants involved in golf, wrestling, athletics, bhangra, giddha and gatka. The main events were held at the sportsground in Tingalpa and the other events were held at four different locations throughout Brisbane with around 30,000 people in attendance.

The event has expanded to not only include representatives from every state but also welcome international competitors. Anyone who assumes that these games are just about sport would be very much mistaken. That assumption would be quickly dispelled upon arrival at the games. The games are a celebration, a reunion and a warm invitation to newcomers to get involved and explore. Among the other important statistics of these games are that they included teams ranging from under 13s to over 45s and there were five womens soccer teams and four womens netball teams.

The ties that bind the Australian Sikh community are strong, and the willingness to preserve its heritage can only be assisted by the openness with which newcomers and the curious are welcomed. These games not only provide an opportunity for Sikhs from across all states to compete in the games; they also allow the thousands who attend to remain connected to their communities and friends and families from across Australia and the globe. I note that, in the men’s open soccer, Brisbane defeated Sydney 2–1—and I am sure that score will be reflected in the State of Origin tomorrow night!

It should be noted that the Sikh contribution to Australia began early, with estimates suggesting that Sikhs have been present in Australia since the late 19th century. It is an impressive legacy that continues to this day and can be seen in the unique character and spirit of Sikh and Punjabi-Australian culture. These games and the social and musical activities that accompany them are in the best tradition of that spirit. While the Sikh community have their own set of beliefs and cus-
toms, they are still Australians and they are a very welcome part of our society.

I believe sport has lifelong health and social benefits that are invaluable to the individual, their community and ultimately the country. This country is able to boast an excellent level of participation in sport. The challenge we now face is not just maintain this level of participation but ensure it is reflected across all cultural and community groups. In my role as a senator for Queensland, it has been a source of great satisfaction and pride to be part of a Labor government that not only values the contribution made by sport but is prepared to back that up with action and support. Of particular relevance within the context of culture and sport was the announcement of the All Cultures program by the Minister for Sport, Kate Ellis, on 25 March. The minister joined with the Australian Sports Commission and leading national sports to promote the program, which aims to connect people from new migrant groups with their local sporting clubs. She said:

We want to make sure that people from culturally and linguistically diverse backgrounds can reap the lifelong health and social benefits of sport. Many of our grassroots and elite sports are missing out on the new skills and greater participation rates that the involvement of people from diverse origins can bring. I want to see a multicultural sporting landscape that includes players, coaches, officials, administrators and supporters from different cultural origins. The Australian Sports Commission’s All Cultures program aims to lift low participation rates by providing advice to the Australian sporting sector about how to be more inclusive. Now is the time for sporting groups across the nation to consider how they can better involve people from diverse cultural backgrounds.

It is my sincerest wish that all communities in Australia embrace the spirit of competition and fraternity that the Sikh community so comprehensively demonstrated throughout these games. Notwithstanding my involvement in the 23rd Sikh Games this year, I was privileged to be welcomed for the first time to the Brisbane Sikh Temple at Eight Mile Plains one week before the 2007 federal election. I accepted with enthusiasm an invitation to attend a Sikh temple for the first time. Although my experience was different from my own religious beliefs the friendship, acceptance and food provided by the Sikhs made me feel very comfortable there. Along with the Sikh Games and the other relationships I have developed with the Indian community, this further added to my view that we are very fortunate in this country to have such a diverse multicultural community. I once again congratulate the organisers of the Punjabi Cultural Association Committee and all those who participated in another successful Sikh Games.

Cancer Council Australia

Senator BILYK (Tasmania) (7.28 pm)—Tonight I rise to speak about the wonderful organisation Cancer Council Australia and the important work it undertakes. Cancer Council Australia is the nation’s peak non-government cancer control organisation. Cancer Council Australia advises the Australian government and other bodies on practices and policies to help prevent, detect and treat cancer. It also advocates for the right of cancer patients to the best treatment and supportive care. Cancer Council Australia has branches in each state and territory. Cancer Council Australia works tirelessly to provide support to cancer sufferers and their families. It offers a support hotline, education and financial assistance in the form of grants and loans and also raises funds.

Much of the money raised by the Cancer Council goes towards supporting research into cancer. This year alone the Cancer Council has granted more than $47 million to cancer research, research scholarships and
fellowships. Over a 12-year period the Cancer Council has allocated over $3 million to cancer research in my home state of Tasmania, and that is thanks to the generous support of the Tasmanian community. It is vital that this research is undertaken so that cancer sufferers are given a better quality of life and so that one day, hopefully, a cure is found.

I know a number of members and senators participate in various activities to help raise funds for the Cancer Council, activities such as Australia’s Biggest Morning Tea, Girls Night In, Relay for Life, Daffodil Day, Pink Ribbon Day and the Gala Ball. Cancer has been part of many members’ and senators’ lives, and I know I am not the only survivor in this place. I was pleased recently to attend an event held in Parliament House by the Cancer Council to help raise awareness, and they were seeking support from members and senators to help raise awareness of their cause.

Last week I joined with my colleague the member for Franklin, Julie Collins MP, to host events to support the Cancer Council’s Biggest Morning Tea. We held a morning tea in my Kingston electorate office on 10 June and an afternoon tea at Ms Collins’s Rosny electorate office on 11 June. I am pleased to say that both events were well attended by members of the community. These events were not about politics. They were about politics and about raising awareness and fundraising for the Cancer Council. We were fortunate to have members of the Cancer Council staff at both events. The new Chief Executive Officer of Cancer Council Tasmania, Darren Carr, spoke at the event in my office, while Celia Taylor addressed the guests at Julie Collins’s office.

Darren Carr spoke about where the funds raised are being spent and mentioned one of the services in particular that this year’s fundraising will assist with—that is, transport for patients. One of the participants at my office morning tea told how, when she was diagnosed with cancer some years ago, there was no transport available, so she drove herself to and from her treatment. This woman lives 15 minutes south of Hobart. She made that 15-minute drive each time she had to have her radiotherapy treatment. She is obviously a brave woman—there is no doubt about that—but that just should not have to happen.

The Cancer Council Tasmania has launched a volunteer based cancer patient transport system for Tasmanian cancer patients and their carers travelling to treatment. ‘transport 2 treatment’, as it is called, provides a range of transport options as well as travel assistance for cancer patients around Tasmania. transport 2 treatment can also reimburse travel costs to people transporting friends or relatives to treatment and offers financial assistance to patients who can drive themselves but have difficulty meeting the high costs of travel.

Last year Australia’s Biggest Morning Tea raised a mind-boggling $10.6 million. It was wonderful to see the very generous people of Tasmania give willingly to this important cause, not just at the events held by Julie Collins and me but at the numerous events held throughout the state. The events held by Julie Collins and me raised over $500. This year is the second year I have hosted an Australia’s Biggest Morning Tea event. I am looking forward to the third in 2011, and we might have to find a bigger venue next year so we can invite more people.

This year the Cancer Council aim to raise $12 million Australia-wide. I hope they reach that goal. In March this year I was involved in a thankyou evening for the top 10 fundraisers in the last Girls Night In fundraising event in Tasmania. Funds raised for Girls Night In help the approximately 15,700
women who are diagnosed with breast and gynaecological cancers each year. Women simply register as Girls Night In hosts and then invite their female friends, workmates and family to get together for an evening. Guests are asked to donate the equivalent of what they would have spent on a night out.

The Cancer Council value the support they get from the community, and the evening I attended was a way for them to say thank you to the top ten fundraisers for Tasmania. I had a chance to meet people from all over the state who organised various activities, all in the name of helping others. The great thing about Girls Night In is that it can be anything you want it to be: a movie night, a get-together in someone’s lounge, a beauty night. I even know of someone who was going to host a foot spa evening. It is a great way to catch up with girlfriends and raise some money for a very worthy cause.

I will also be hosting a Girl’s Night In at my office in August. Although Girl’s Night In is usually held in October, events can be held anytime. Of course, the Cancer Council are extremely grateful for all moneys raised. I am inviting family, friends and members of the local business community, and hopefully it will be a fun night and raise some much needed dollars for the Cancer Council. I encourage everyone to support the Cancer Council and other organisations that work hard to help people with illness. Every cent raised and every hour spent volunteering is appreciated by the organisations and by the people they support.

I will now give some examples of what your money can be used for if you choose to donate to the Cancer Council. For just $5 you can help give a newly diagnosed cancer patient important support and information resources to help them through their cancer journey. Ten dollars can help staff the Cancer Council helpline with expertly trained nurses and health counsellors. Twenty dollars can help train a Cancer Connect volunteer to provide one-on-one support for people diagnosed with cancer. Fifty dollars can help them visit a community to educate health professionals and support patients and carers. A hundred dollars can help provide SunSmart educational talks to schools and community groups. Five hundred dollars can help fund research into the causes of cancer and into new and improved treatments. So, as you can see, even a little bit of money can go a very long way.

Volunteers are an important part of the community, and the Cancer Council really appreciates the work that its volunteers do. Unfortunately, I was unable to host an event for volunteers during National Volunteer Week. However, I am holding an event in my office next month to pay tribute to some of the volunteers in the local community. Hopefully among the people attending will be volunteers from the Cancer Council.

I congratulate the Cancer Council on their fine work and look forward to a long association with them. I would like to leave people with this fact: one in two Australians will be diagnosed with cancer before the age of 85. That is something we should all be working to combat. In conclusion, I thank all those people who have helped raise funds and the volunteers and staff of Cancer Council Australia for their hard work and dedication to this very worthy cause.

Mr Murray Nicoll

Senator WORTLEY (South Australia) (7.37 pm)—I rise tonight to pay tribute to a very talented South Australian journalist, the late Murray Nicoll. I knew Murray for 14 years and recently had the honour of inducting him into the South Australian Media Hall of Fame at the South Australian Media Awards. Murray Nicoll was a highly skilled, good humoured, humble and brave journal-
His commitment to the profession was evident to all who knew him or who were familiar with his work. From his on-the-spot reporting of the 1983 Ash Wednesday bushfires, while his family home burnt to the ground before his eyes, to his unique take on stories that others often missed and to his mentoring of young journalists, he was and is a credit to the profession. His bravery went beyond risking his life to let others know of the extreme dangers within the Adelaide Hills during those horrific bushfires. It extended into all of his reporting, in choosing to do things the right way, sometimes the hard way, instead of taking the easy option.

Murray’s personality endeared him to all he met, although he never shied away from a tough interview when necessary. He was both genuine and professional, preferring to say it exactly as he saw it, rather than hiding behind nonsense. It was this aspect of his personality that shone through his journalism. It earned him the respect of his peers and a loyal following from readers and audiences. In separate tributes, South Australian Premier Mike Rann described Murray as a ‘great journo’ and a ‘good bloke’ who ‘liked a story with a twist but never twisted a story’. Channel 7 news director Terry Plane said Murray was a ‘unique storyteller’ rather than a reporter.

Murray was outstanding in all three mediums—print, radio and television. He told people’s stories and also led us into the wider issues, including the plight of the Murray River. Over his 45-year career, he worked at the Adelaide news, ABC radio in Adelaide and 3AW in Melbourne. For the past five years, he worked for Channel 7 news in Adelaide.

In his most famous radio broadcast, that unforgettable 1983 report from Greenhill, Murray captured the fury of the fire front and the absolute urgency and tragedy of the moment. It has become a legendary piece of Australian journalism. On Stateline, 20 years later, Murray recalled the terror of the situation as he and ABC cameraman Dusan Jonic were trapped on Yarrabee Road with a dozen locals and firefighters. Murray said:

“I was quite certain we were going to die, so I started broadcasting through the newsroom, live on the air, at 5DN, because I thought if we were going to die, people’ve got to know about it, because nobody knew what was going on up here at the time.”

Murray said he called through on a two-way radio to 5DN to go live to air only to be told he would have to wait another 30 seconds because the horses had jumped at Flemington. Ever the professional, he waited and then delivered one of the most graphic reports in the history of Australian journalism. It went around the world.

Deservedly, Murray won his first Walkley Award for the broadcast. He won a second Walkley for his work during an expedition to Mount Everest, during which he filed radio reports every day for six weeks. The two Walkleys say a lot about the talent of the journalist, but Murray should also be remembered for his continued commitment and enthusiasm—and his ability to find a story on the slowest of news days. Beyond this commitment to his craft, Murray also dedicated his own time to promoting excellence in journalism through his involvement with awards and activities dedicated to this outcome. He was a proud member of the Australian Journalists Association section of the Media, Entertainment and Arts Alliance.

Murray left this world on Sunday, 2 May, aged 66—way too soon. He leaves behind his wonderful wife, Frankie, daughters Tia and Peta, beautiful grandson Ranger and new granddaughter Kestrel, who by arriving eight weeks early was able to meet her outstanding grandfather.
Mr Peter Curt Giesinger

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (7.42 pm)—A few weeks ago I had the honour of presenting certificates of service to volunteers at the National Museum of Australian Democracy at Old Parliament House. I spent a very enjoyable afternoon with about 40 volunteers, some of whom had been giving of their time and expertise to the thousands of visitors to Old Parliament House for more than 15 years.

The presentation was arranged by the coordinator of volunteers, and I was introduced to the group by the Chair of the Volunteers Committee, Peter Giesinger. Peter told the group that he used to write my speeches but that he had no idea what I was going to speak about that day. He had moved roles and was now working with Skills Australia as their Assistant Director of Communications. He was in fine form and good humour and we promised to catch up some time soon to follow up the ideas that he had about volunteering.

It was a tremendous shock to hear of his death just a week later, on 27 May. Though I knew very little about Peter, I made it my business to find out some more. I discovered that, before moving to Canberra, he had worked for a short time with the NSW Department of Community Services, having returned from the UK where he had worked in public relations for the South Bedfordshire District Council. All his professional life was bound up in his interest in strategic communications, marketing and media. He was very professional and brought a great love and knowledge of the English language to his work. He was a respected and valued colleague in his workplace as well as in his previous role as speechwriter in the Communications Group in the Department of Education, Employment and Workplace Relations. Peter had a great sense of fun and threw himself into everything he did. The development of the Museum of Australian Democracy was something he invested a lot of time in—supporting the volunteers there, who he regarded as good friends.

To Peter’s mother, Maria Sattler, and his brothers, Friedrich and Waltraud, and their families, Peter was a good man, and I offer my sincere condolences. Peter’s friends and work colleagues in Skills Australia and in the department have lost a good friend too. And, to the volunteers and staff at the Museum of Australian Democracy, let’s toast a good man lost, with a glass of red and a hearty cheer. Rest in peace, Peter.

Budget

Senator ADAMS (Western Australia) (7.44 pm)—I rise to speak tonight with a good news story that could perhaps become a bad news story about Australia’s small- and mid-cap miners, the industries that support them and the communities, particularly those in rural Western Australia, that rely on the resources industry for their survival. It is these companies, these industries and these communities that have the most to lose from the widespread uncertainty caused by the government’s resources super profits tax.

Last Thursday I attended the opening of the Western Australian nickel company’s Western Areas Tim King open-pit mine and the stage 2 expansion of the Cosmic Boy nickel concentrator at Forrestania 350 kilometres west of Perth. I joined the member for O’Connor, Wilson Tuckey, Senator Mathias Cormann and WA Mines and Petroleum Minister, Norman Moore, in witnessing an historic event for the company. During the past 10 years Western Areas NL has spent a total of $400 million of investors’ money on exploration, building and mine development to get it to the stage of having two mines open,
repaying the faith of its shareholders through its first dividend payment earlier this year. It has taken 10 years for those shareholders to receive a payment from their investment.

The new facility was funded and built in the midst of the global financial crisis yet the company not only was able to retain all of its existing staff and contractors but was also able to employ an additional 100 people for the expansion. This was done through very astute planning and being able to employ very skilled workers. Western Areas NL has grown from the drilling of the first discovery hole at its Flying Fox mine in September 2003 to the development of two of the highest grade nickel mines in the world.

The Forrestania Project represents an excellent example of what has been achieved in Western Australia under the stable tax regime that businesses enjoyed under the Howard government. It is a stellar achievement by the company, and I congratulate Managing Director, Julian Hanna, Finance Director, Craig Oliver, the chairman of the board, board members and all of the staff involved in establishing the project.

Today, Western Areas is in a strong position, but if the government’s proposals are passed, other companies that are not so far advanced will not get the chance to enhance their projects. Mr Oliver said the new 40 per cent profits tax would increase the company’s total tax rate to around 57 per cent. Already Western Areas has been forced to review its third mine, which was forecast to cost $100 million in capital and create 100 new jobs. It is are now considering looking overseas for project finance to carry out this mining project. Mr Hanna said:

As anyone in the resource industry knows, this will make it very difficult for banks to finance new projects and companies to provide reasonable returns to long term shareholders.

The only thing guaranteed under the government’s new tax proposals is that bankers will be less willing to take the risk. Western Areas’ main comments to the government’s committee and in subsequent interviews were:

- The Government appears to have no clear understanding of the potential impact this tax will have on company profits and importantly, shareholder returns
- Proposed concessions to rebate exploration costs and offset state royalties against the 40% super profits tax will be immaterial to most producers
- The new tax will impact the ability to fund development of new mines which will result in reduced employment in the industry

Western Areas is one of five companies to sell their nickel products to Nickel West, a subsidiary of BHP Billiton. While those opposite criticise the larger companies, their survival ultimately ensures the survival of many smaller companies. Nickel from 11 different mines is processed at the Kambalda nickel concentrator facility, with some material later shipped to Kalgoorlie for further processing throughout the region. Any tax that could threaten the existence of this facility creates uncertainty that is costly for small communities that could lose hundreds of residents.

David Moore, the CEO of one of the parties to the concentrator, Mincor Resources, says the tax would rule out a lot of nearby deposits that would otherwise have been profitable to mine. He told the Australian Financial Review:

Every time you raise the bar as to what is a profitable ore body, you cut out an awful lot of ore bodies, not just a few but a lot.

Mr Hanna from Western Areas has provided data from 11 mid-cap mining companies in a similar position to his own, with projects in gold, iron ore, nickel and phosphate. Eight companies are well-established or recent
producers and three are developing their first projects. The 11 companies directly employ 3,155 staff and contractors and employ numerous other part-time contractors. There are a total of 172,158 shareholders who have lost an average 18 per cent of the value of their investments since the tax was announced. Estimated total capital expenditure for future projects is $4.176 billion. Current and future projects are expected to employ an additional 5,837 people and generate an estimated $34 billion in revenue over the next 10 years.

The projects I have mentioned are largely based in the Goldfields regions of Western Australia, but the impact of this tax will stretch to the mid-west region of Western Australia as well, hurting its iron ore industry. Iron ore comes in two varieties—hematite ores that have a higher iron content, and magnetite ore, which requires more processing before it can be exported as a product for steelmaking. For there to be more processing there must be more capital expenditure, but more capital expenditure means more loans. These taxes would make obtaining finance even more difficult for the magnetite miners.

One company in particular, Gindalbie Metals, has told its shareholders that its major Karara project would be caught mid-stream by the proposed tax. Company chairman Geoff Wedlock told shareholders that the changes would reduce returns for the project and put expansions at risk. The company has signed an agreement with Chinese firm Ansteel, which needs the concentrates produced at Karara for its steel mills. Mr Wedlock said:

We are fortunate that Karara is such an exceptional long term project. There are many others which may not proceed under the new tax arrangements.

He said that Karara:

… will have an additional tax impost but fails to receive any real benefits through accelerated depreciation, Government-provided infrastructure or the exploration subsidy.

The Oakajee port is the new port proposed for the mid-west. Its chairman, John Langoulant, says that at present the three main miners planning to use the Oakajee port facility are confident in their investments. He told the Geraldton Guardian that he had many reasons to be optimistic, as there could be scope for modifications in the region. But it is the future of these projects, and the need to firmly secure finance and investor support, that puts the port at risk. Geraldton Iron Ore Alliance chairman Giulio Casello told the ABC’s Inside Business that the region needed to raise about $17 billion worth of capital in the next four years, with $5 billion of that to go to rail and port facilities. He said:

The issue of the RSPT is that … it’s created uncertainty, so therefore it’s created a lot of issues in actually raising the capital which’ll happen over the next few years … it reduces the cash flow from each of the projects, but we need all of the projects to be successful to get a successful infrastructure solution… Financiers hate uncertainty.

I ask: can the resources industry trust a government that has done nothing but create uncertainty? I do not think so.

Middle East

Senator RYAN (Victoria) (7.53 pm)—Several weeks ago we were informed that Israel had allegedly outrageously intervened to stop a so-called peace flotilla, with commandos launching themselves at a peaceful armada seeking nothing more than to take humanitarian aid to Gaza. Excuse me if I was a little cynical when I first heard the news—for, despite days of a highly orchestrated media campaign to vilify Israel and her defence forces, the truth subsequently came out. These were not peace activists; they were agents of provocation, radicals seeking
a violent confrontation as they broke the legal maritime blockade of Gaza. I did not realise that peace activists were so well armed—in this case, with knives, chains, firearms, molotov cocktails and pepper spray. By viciously attacking the soldiers, they quickly betrayed their true agenda with their anti-Semitic cries, as they did by their refusal to cooperate with the UN, Israeli or Egyptian authorities, who could have facilitated the entry of the humanitarian materials to Gaza. This was no peace flotilla; it was part of an orchestrated campaign to vilify the state of Israel for doing nothing more than would be expected of us in this place: to protect her own citizens.

The blockade of Gaza is well founded in law, but it is also well founded in the entirely legitimate need for a state and government to take reasonable action to protect its citizens—for Gaza under Hamas cannot be treated as if it or they were a reasonable neighbour, and in no way can it be considered a partner for peace. This blockade has been undertaken to prevent terrorist attacks on Israeli civilians, no matter their race or creed. For some reason, certain people, NGOs and so-called human rights organisations expect Israel to tolerate a much higher level of violence than in Manhattan, Melbourne or Manchester.

To those who do not understand what Hamas does to the innocent civilians of Israel, I urge you to go to Sderot. Look at the remains of the rockets that have been fired from Gaza into that neighbourhood by Hamas—intentionally fired from amongst civilians in Gaza so as to make detection and prevention more difficult. Visit the children’s playgrounds in Sderot that are made from reinforced concrete. Bomb shelters are painted as coloured snakes in lieu of a playground, as children need to be within seconds of safety as the sirens blare ‘code red’ as another rocket is launched. Speak to the mothers of the children to whom the word ‘red’ provokes fear because of these sirens and amongst whom mental illness—particularly anxiety, stress and depression-related disorders—are at unprecedented levels. Go and look at the schools which have concrete slabs above their roofs in an attempt to limit the carnage caused by terrorists firing rockets from only a kilometre away, to whom a school is nothing more than a target. This is the situation for Israeli towns along the border with Gaza.

And why is it that we do not hear of the brutal rule of Hamas and what its clear and stated agenda is? It cannot be through innocence; it can only be through ignorance. Hamas does not seek to hide its agenda, at least on its home turf. The truth is that Israel had allowed elections in Gaza. The corrupt Palestinian Authority lost to the terrorist organisation Hamas. The electoral attitude of Hamas can be best summed up as, ‘One man, one vote, once,’ for elections are not regular. And pity those who might attempt to compete with them anyway, as thuggery and violence rule, rather than the ballot box.

Despite a lack of coverage of the reality of Hamas, we should be in no doubt as to what it is. It is a terrorist organisation, dedicated to the use of violence against innocent civilians to achieve its objective. In this case its objective is nothing less than the elimination of the Jewish state and of Jews in their homeland. Across Israel, Hamas has killed thousands, Jewish and Muslim alike. Shrapnel from terrorists does not discriminate. For this reason, Israel blockades the rogue state that is Gaza—but so does Egypt. Contrary to the perception created by some reports, this blockade does not prohibit the entry of food and medicines. It merely ensures that the materials going into Gaza are not diverted into the tools of violence and terror.
So what was the real agenda of this alleged peace flotilla? It was part of the campaign to delegitimise Israel in the West. It was intentionally aimed at weakening the historic friendship between many nations of the West and the only liberal democratic state in the Middle East. Over the past decade, a campaign of vilification against Israel has been undertaken by elements of the left in the West. Using NGOs, an occasionally ignorant media and a lack of understanding in the West of the existential threat faced by Israel, they have joined with other groups, including violent Islamic groups in the Middle East who seek to destroy Israel. The incidence of academic boycotts and the use of terms such as ‘apartheid’ are all an attempt to achieve through factual manipulation what the enemies of Israel have not been able to achieve through other means. It could not be achieved by three wars and it could not be achieved by an unprecedented terror campaign against civilians, so now these organisations seek to weaken Israel by demonising and delegitimising it, weakening its alliance with other nations to diplomatically cripple and hopefully destroy it. This was merely the latest media stunt in that campaign.

For those who doubt the intensity of the hatred of Israel and its people, have a look at what is on some of the television stations in its neighbourhood. I have seen a dramatic serialisation of that historic slur The Protocols of the Elders of Zion being broadcast on television as if it were a miniseries we would see on our own TV screens, and the portrayal of a Disney-like children’s character being killed by Jews on a children’s program. And, of course, there is the constant denial of the reality of the Holocaust.

These are just some of the examples of horrific anti-Semitism fed to millions of people via their TV screens, endorsed or tolerated by Israel’s Arab neighbour states. And while Hamas is of immediate interest with its control of Gaza, it is far from the only offender in creating and furthering racial hatred. The Palestinian Authority has maps on its walls that do not recognise the state of Israel. I have seen them. The schoolbooks the Palestinian Authority distributes to schools contain no reference to Israel or the three wars that were started against it. They have even named and funded a soccer tournament after a prominent suicide bomber. Israel and its citizens, including Muslim Arabs, do not live in the same world we do; they live in a world where their neighbours seek their violent destruction. No government is perfect. No state is perfect. But that does not mean one abandons those simply in need of security. In this case, it is the people of Israel who have that need—the need for no more than what we expect in Australia.

A group called Australians for Palestine has been running a campaign entitled ‘Time to hold Israel accountable’. Israel is accountable to its people via elections, courts and the rule of law, while Hamas, the Palestinian Authority and Israel’s other neighbours are not. Israel has a right to protect itself, and the campaign to undermine this must be opposed. More importantly, it must be exposed. The lies and misrepresentation of facts and the application of double standards in considering Israel’s legitimate right of self-defence cannot go unanswered.

**Budget**

Senator **Barnett** (Tasmania) (8.01 pm)—I am pleased to stand in the Senate in strong opposition to the Rudd Labor government’s mining tax. I specifically refer to some activities that will be occurring in Parliament House tomorrow and make reference to the Mining Tax Forum held in Launceston just Monday last week, 7 June. It was organised by me and my office on behalf of the Tasmanian Liberal Senate team with the support of Steve Titmus, the federal Liberal can-
didate for Bass, and was a very successful forum, with some 50-plus people there expressing their views and opposing in different ways and means the Rudd Labor government’s mining tax.

The forum certainly confirmed in the minds of everyone at the forum that the tax was a great threat to jobs in Tasmania. It would increase the cost of living and diminish retirees investments. The participants were appalled by the Rudd government’s failure to consult local mining companies and others directly affected. The mining and minerals processing industry in Tasmania is worth some $2.45 billion, employing more than 3,300 people directly and contributing nearly 50 per cent of our annual exports. They are a key contributor to our economic growth and development in Tasmania. They are a key contributor to jobs. This mining tax is an attack on those jobs. Why would this government want to proceed and make sure that Australia’s resource industry will be the highest taxed in the world under the Rudd Labor government?

At the forum we had some excellent contributors and speakers. Stuart Ritchie, who is the Acting CEO of the Cement Industry Federation, spoke. He is also the Sustainability Manager for Cement Australia. They, of course, are based in Railton in the Lyons Electorate in North-West Tasmania, employing over 120 people there. They have serious concerns that they have been caught up in all of this, and those concerns need to be addressed. Eric Hutchinson, the federal Liberal candidate for the Lyons Electorate, is very concerned and is furiously lobbying to make sure that this tax is not implemented. Dr Alan Moran, Director of the Deregulation Unit of the Institute of Public Affairs, presented a paper. He could not actually be there in person but made a paper available. Wayne Bould represented not only the Minerals Council of Tasmania but also Grange Resources as its Chief Operating Officer. Wayne is a fifth-generation Tasmanian. He loves his state, he loves his family and he loves his job and his company. He and the CEO, Russell Clark, will be here in Parliament House tomorrow, pressing their case for change in this iniquitous tax.

Robert Wallace, the CEO of the Tasmanian Chamber of Commerce and Industry, spoke at the forum in strong opposition to this tax. The ‘I’ in the TCCI, he said, is ‘industry’. He made their position very clear. He said:

The tax will not be confined to the minerals sector …

He said there would be:

Likely negative and significant second-round consequences in related businesses and regions across Australia—

and he noted the KPMG report, which had a scenario which showed that nickel, copper and gold mines would become economically unviable relative to the status quo under this proposed tax. This is particularly troublesome for Tasmania because those particular minerals are prevalent in Tasmania. The KPMG report confirms that this will be particularly damaging to Tasmania.

In addition to that, we had Donald Beams. Donald Beams and his brothers are salt-of-the-earth people. I was down there the other day at Beams Quarry in the Tamar Valley, not far from Exeter—Flowery Gully, in fact. Ian Beams was there. They employ 50-plus people. Can you imagine? They will be directly affected as a result of this tax. It is a great shame because they have been there since around the mid-1940s and it is a family business. There are a lot of people who are supported in that rural and regional part of Tasmania, and Donald Beams presented a very good paper on the impact of this on him, his business and, indeed, the farming community, because they mine and quarry

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limestone as well. They provide that service and that product to the farmers and the rural and regional parts of Tasmania.

We had Jan Davis, the CEO of the Tasmanian Farmers and Graziers Association. Jan did not pull her punches. She certainly made her opposition very clear in terms of the downstream processing consequences. It will not just be the mining industry that is affected; it covers the farming industry and the farming communities. She even indicated that she has asked whether it impacted other extractive industries. She nominated rock lobster and the abalone industry. She had not had a response. That is not good enough, and I hope that is sorted out promptly. It is a big issue.

Bob Mainwaring is president of the Association of Independent Retirees for northern Tasmania, a very important organisation. This tax is a triple whammy. It is a tax on jobs and it is a job destroyer. It increases the cost of living and not just for the average Joe or just for the farming communities and the agriculture sector but also across the board. Independent retirees and those who have funds in superannuation have already been detrimentally affected big time. They have lost tens of thousands of dollars as a result of this shocking decision by government. The mismanagement and maladministration of our economy seem to be getting worse, not better, under the Rudd Labor government.

The Grange Resources business provide value-adding. They employ between 500- and 600-odd people on the north-west coast. They are clearly the largest private sector employer in north-west Tasmania and one of the largest in Tasmania. It is a Savage River project operating a magnetite mine covering 2,400 hectares in northern Tassie, comprising several open pit mines, concentrator and other associated infrastructure at Savage River. It has an 83-kilometre slurry pipeline to Port Latta in north-west Tasmania and a pellet plant and dedicated port facilities at Port Latta. The operation currently produces around 2.3 million tonnes of pellets per annum with a small amount of concentrate and chips also sold under contract. The current mine plan provides for a life of 14 years and uses 70 million tonnes of the estimated reserve. Utilising the entire ore reserve, Savage River has a mine life in excess of 25 years.

Grange is also examining the potential for expanding the operation to 2.9 million tonnes per annum of concentrate. Minimal capital expenditure would be required as the concentrator and pipeline were originally constructed for this capacity. It is a modern mining facility with $100 million invested in new equipment in calendar year 2008, but the sad thing is that they had $55 million of investment ready to go and now that has been put on hold. These are issues that are very relevant to Grange Resources and north-west Tasmania. They are going to be copping it in the neck as a result of this tax. The value-adding benefits for Grange Resources and for the community should not be underestimated.

They will be here for meetings tomorrow with both the government and the opposition and I think it is excellent that they are coming from Tasmania to Canberra to press their case. I, with other members of the Tasmanian Liberal Senate team—certainly senators Colbeck, Parry, Abetz and Bushby—will be pressing the case. For the north-west coast, I know that Garry Carpenter, the new federal Liberal candidate for the Braddon electorate—who was only selected on Saturday—was quick to see the iniquity of this wretched Labor mining tax—the great big tax on mining. He said, ‘I will be fighting tooth and nail,’ against this great big new supertax on mining. I say congratulations to him because he is out of the blocks. He will be consulting and talking to those on the north-west coast.
and putting his best foot forward for and on behalf of the people of Braddon so that they get proper representation rather than just a simple yes to those in Canberra. This tax needs to be axed and it needs to be axed fast; Labor must dump it. It is certainly damaging not just the industry but also the wider economy and this cannot continue. They are advertising using taxpayers’ money to say how good it is. That is a shame; it should be withdrawn; that is taxpayers’ money. It should be paid for by the Labor Party. In conclusion, this mining tax is a wretched tax and it should be dumped.

**Women Deliver Conference**

_Senator MOORE_ (Queensland) (8.11 pm)—I seek leave to speak for 20 minutes.

Leave granted.

_Senator MOORE_—Last week in Washington the second Women Deliver conference drew over 3,000 people from over 140 countries to come together to talk about one key theme: ‘Delivering solutions for girls and women’. The plan was to ensure that the world, and most particularly the political leaders of the world, understood that the Millennium Development Goals cannot and will not be achieved without investing in women and that there is just enough time—five years to go—before we have to deliver on our aim. We need to invest strongly.

We know from the Women Deliver conference—which I was very fortunate to attend—that women’s wellbeing determines a country’s wellbeing. You cannot have a strong and vibrant country or economy without strong, healthy women. Women drive economic development. They operate the majority of small businesses and farms in developing countries. Women’s work makes everyone more productive. More of their own income goes on food, medicine, education and other family needs, and women contribute to economic growth. Their unpaid work at home and on farms equals about one-third of the world’s GDP. We know that when women survive, families thrive. Also we know through the number of contributions to the conference and by world awareness that there are tragic factors affecting the health of women.

In developing countries each year 215 million women who want to avoid pregnancy do not use effective methods of contraception. Pregnancy and childbirth complications are the leading cause of death and disability in young women. Nearly half of all pregnant women across the globe do not receive any skilled care. We know that over 20 million women have unsafe abortions and 10 to 15 million women suffer severe or long-lasting illnesses or disabilities caused by complications during pregnancy and childbirth. Maternal deaths are preventable—we know that. There is a global consensus on cost-effective solutions that include: effective family planning programs; skilled care for mothers and newborns before, during and after childbirth, including emergency obstetric care; and safe abortion when and where that is legal. Delivering these solutions to the world means that we must prioritise young people, strengthen national health systems that deliver for women and advance and protect human rights for girls and women.

Investing in women makes sense right now and is essential for our future. It was said and agreed that investing another $12 billion a year, for a total of $24 billion, would fulfil the unmet need for family planning and provide every woman with the recommended standard of maternal and newborn care. That investment would result in reducing unintended pregnancies by more than two-thirds, preventing 70 per cent of maternal deaths, averting 44 per cent of newborn deaths, reducing unsafe abortion by 73 per cent and cutting disability adjusted
life years lost to pregnancy related illness and premature death by 66 per cent.

Investing in women brings positive returns. It would return as much as US$15 billion in productivity which is now lost to maternal and newborn death. It would improve public health for all by developing strong, accessible health systems, preventing unintended pregnancies and reducing HIV and other sexually transmitted infections. It would empower girls and women with greater opportunity for education and employment. Most importantly, I think, it would ensure that we strengthen families, communities, economies, nations and the world. This was the goal that was determined by putting in place the Millennium Development Goals—to strengthen families, communities, economies, nations and the world by reducing poverty.

The conference focused most clearly on women and on maternal and child health, particularly millennium development goal No. 5, which is to improve maternal health. Target 5(a) was to reduce by three-quarters between 1990 and 2015 the maternal mortality ratio and target 5(b) was to achieve by 2015 universal access to reproductive health.

The horror is that more than half a million women die each year in pregnancy and childbirth. Most of them die simply because there is not enough skilled routine emergency care. We need to ensure that across our globe we reduce the horror that, in places such as sub-Saharan Africa, one in 22 women has the risk of dying during pregnancy or childbirth over their lifetime. This is compared to one in 8,000 women in the developed world. No-one can hear those stats and remain calm. No-one can hear those stats and remain less than angry. At the Women Deliver conference there was a great deal of professionalism, commitment, knowledge, frustration and anger, but overwhelmingly there was hope, because there is a chance for us to reverse this situation. There is a chance for us to work together to ensure that we can strengthen health systems and to ensure that women survive pregnancy and that children are able to be brought safely into the world.

Millennium development goal No. 5 was brought into focus most clearly I think through the last Women Deliver conference, which was two years ago in London. At that conference, which was subject to a great degree of debate and understanding, it was ensured that, by looking at the health of women and girls, we were in fact considering all the millennium development goals to which our nations had signed up, because you do not look at things in isolation. MDG5 is related to all the other MDGs. As maternal mortality strongly affects newborn mortality, progress on MDG5 will also influence efforts to reduce child mortality, which is MDG4. Progress on MDG5 is also linked to MDG6, which aims to combat HIV-AIDS and malaria as these are important indirect causes of maternal death.

During the Women Deliver conference we heard a great deal about the Global Fund to Fight AIDS, Tuberculosis and Malaria, and we were fortunate a few months ago to have the leaders of the global fund here talking to our parliamentarians in this place to ensure that the horrors of HIV-AIDS, malaria and tuberculosis are being addressed effectively through a contribution by nations to the global fund. There has been an international call for donations to ensure that the global fund remains strong. One of the most impressive things about the global fund is that it looks most clearly at the effectiveness of the countries who are seeking the help. No money is given out unless there is effective planning, accountability and monitoring. We hear often the concern that giving money through the aid process is throwing money away, that there is no effective process to
ensure that our money is well spent. Indeed, the global fund makes that assurance. One of the things that came out of the Women Deliver conference and the call to all nations who are in the position to be able to be donor nations is that we must continue to invest in the global fund.

Maternal mortality is a sensitive indicator of real inequality across the world. The only way that we can actually work together to make sure that we overcome poverty is to make sure that we have strong, effective women’s health. We had the chance because, throughout this area, it is most clear that our nations have signed up to be part of international causes of the Millennium Development Goals. At the Women Deliver conference one of the processes included a parliamentary forum. We had over 80 parliamentarians from across the world who had their own meetings. One of the frustrations of course was that there was so much on offer in the break-out groups and the various plenary sessions that it was very difficult to attend all the things you wished to. But the Women Deliver website will be providing information on the hundreds of workshops available for people to attend, all drawing together the best knowledge and the best professionalism and commitment to achieving real chances, allowing women to deliver.

The focus of the parliamentarians forum was on ensuring awareness raising but also on looking at movement forward. We know that the G8 and the G20 parliamentarians conferences and the G8-G20 summit of leaders of industrialised nations will be occurring in the next few weeks. In September world leaders gather for the UN high-level meeting to review the progress on the MDGs. The Women Deliver conference and also the complementary parliamentary forums were a chance to ensure that we had issues to hopefully be placed before the G8 and G20 but most importantly to put before the international high-level meeting in September to ensure that the call for action is heard and that it is clearly spoken. The parliamentarians at the Women Deliver conference committed to urging ministers across the globe—from developing countries and donor countries all together—to establish realistic, verifiable, annual action plans for reaching the individual MDG targets.

It is important also that donors and recipient countries alike target those MDGs which are falling most behind. To our shame, the MDG that is falling most behind is that to do with women’s health. I have talked before in this place about putting real emphasis on this. We need to ensure that MDG5 is achieved; that means that there is a flow-on effect and that the other MDGs are achieved as well.

We call on governments to act upon the endorsed consensus on maternal, newborn and child health and we also want parliamentarians across the globe to have a priority setting on women’s and girls’ health at the local, national and global level. These issues should be debated freely so that they are not forgotten. We also talked about the need to speak out on women’s and girls’ health to raise awareness and to build knowledge. It is important that the facts that have been established are openly discussed and shared and that politicians—regardless of political parties, regardless of where they are meeting and regardless of whether they are from federal, state or local levels—all talk about our commitment as a country to facing the issues of poverty in our globe.

It is important that we actually engage in the debate and that we include young people in all countries, because consistently in the debate the issues around adolescence are raised. We need to ensure that adolescent health is strong and that young women and men understand their own health needs and
work together to ensure that they make correct choices and have access to the support that they need, medically and socially, in their own communities.

We also have to ensure that the budget is strongly focused, that it is determined and that there is follow-through, particularly now. Post the global economic crisis concerns, some major donors from across our globe have been pulling back. It is very important that we share the responsibility and that we maintain the dedication and the effective funding of the processes that are going to be put in place to make sure that there is an effective aid program. As I said earlier, there is an understanding that there needs to be an additional $12 billion a year invested in women and girls. That is a large amount, but it can be achieved. As part of a donor nation community, we accept this responsibility and we take up our share. When those world leaders gather together in September to look at how the MDGs are progressing, it is absolutely essential that there is an understanding of the financial responsibilities and commitments of these last five years. We are now in 2010 and the world made a commitment that by 2015 we would have an impact on poverty. We now have a five-year period to make sure this is achieved, and we have that chance. There is hope, but it will need an open commitment of funding, and not just by governments.

One of the really important aspects of the conference was the launching of the Joint Action Plan for Women’s and Children’s Health by UN Secretary-General Ban Ki-moon. It called upon nations of the world to come together to ensure that we address these issues—but also private enterprise. One of the exciting aspects of the Women Deliver conference was the leadership shown by the Gates foundation. Bill and Melinda Gates attended the conference and committed $1.5 billion from their foundation as part of the world working together to achieve the aims to which we have committed. That once again gives hope, but it also means that there needs to be so much more commitment into the future.

In the parliamentary forum we talked most about the idea of creating laws and policies with and for women and girls and about legislative and policy responsibilities. One of the core aspects of the Millennium Development Goals is the empowerment of women. It is focused on education, and we heard this evening at another meeting upstairs in this place about a commitment to an education program in which we can all share.

But we also need the engagement of women and girls in the political process. Across the globe women have differing levels of direct involvement in the political process. When I was in Rwanda last year with Senator Humphries—I see him in the chamber—we were able to see the absolute joy that can be achieved when women are able to take up their role in parliament, supported by their own government. The Rwandan women, with the men in their parliament, have been able to prove that you can actually put in place local plans which actively engage women in the process. At the Women Deliver conference and also at the following parliamentary conference, parliamentarians from Rwanda were able to talk about the process they had put in place and how they expected that the greater involvement of women in their parliament would have a flow-on effect in terms of role modelling for women in communities and in ensuring that the economic wellbeing of the community was affected.

Consistently through the Women Deliver process we were looking at delivering solutions for girls and women. Part of that, of course, is engagement in political processes and working towards enforcing national laws.
to reduce gender inequality and gender based violence. One of the ongoing debates through this whole Women Deliver conference was the horror of the act of violence against women which permeates so many parts of our globe, and the way that we work together to ensure that women are safe, that women are healthy and that the political systems respect their rights. Their rights must be acknowledged as we work towards ensuring that women are part of the solution and are involved in the process of building, through their own strength, a greater future in our communities.

We also need to build alliances and coalitions amongst supportive members of parliament. I have certainly spoken before about the role of cross-parliamentary groups on population and development. When politicians have the support of other politicians at the local level who share a passion on these issues it gives them a greater strength and, as I said earlier, it allows the debate to be more widely discussed so that these issues are not allowed to fall off the agenda.

So, across the globe we have various parliamentary groups on population development who share knowledge and who interchange ideas and who can give support and show where things have actually been successful. Through the parliamentary groups on population and development we can see where change has been achieved, and that can encourage others to move forward. We also have to ensure that the key issues—women’s and girls’ sexual and reproductive health and rights, and access to family planning, emergency obstetric care and safe abortion, where it is legal—are made regular agenda items during relevant bilateral, multilateral and international meetings and summits. It is essential that these issues of women’s health are kept on the agenda and that where governments are meeting—where they are making decisions about aid allocation—it is never forgotten that the issues of women’s health and women’s strength are absolutely essential if we are going to have any chance of building a better, stronger world where poverty is reduced.

The pledge by parliamentarians at the Women Deliver conference was to carry out these actions and to systematically and actively monitor the progress we are making in doing so. As a first step, parliamentarians committed to communicating the results achieved through working with our respective authorities and in close cooperation with civil society and other key stakeholders in setting up national action plans to be presented during the UN high-level review meeting in September. We, as parliamentarians, committed to reporting regularly on this progress through our parliamentary groups and our regional networks. I was part of that commitment. I was not representing the Australian government; I was there as part of a UN process. But as a parliamentarian I am making a commitment that we will continue focusing on this cause.

Senate adjourned at 8.31 pm

DOCUMENTS
Tabling

The following government documents were tabled:

Advisory panel on the marketing in Australia of infant formula—Report for 2008-09.


Department of the Treasury—Report on the operation of the Guarantee Scheme for Large Deposits and Wholesale Funding, dated 21 May 2010.


National Health and Medical Research Council—Strategic plan 2010-12.


Tourism Australia—Report for 2008-09—Correction.

Treaties—

Bilateral—

Second Protocol to the Agreement between Australia and the Republic of Austria on Social Security, done at Vienna on 17 February 2010—Text, together with national interest analysis.

Text, together with national interest analysis and regulation impact statement—


Multilateral—

Accession to the Agreement establishing the Advisory Centre on WTO Law, done at Seattle on 30 November 1999—Text, together with national interest analysis and annexures.

Agreement on Requirements for Wine Labelling, done at Canberra on 23 January 2007—Text, together with national interest analysis and regulation impact statement.

Text, together with national interest analysis—


Tabling

The following documents were tabled by the Clerk:

Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number

Acts Interpretation Act—Acts Interpretation (Substituted References – Section
19BA) Amendment Order 2010 (No. 1) [F2010L01322]*.
Agricultural and Veterinary Chemicals (Administration) Act—Select Legislative Instrument 2010 No. 91—Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2010 (No. 1) [F2010L01377]*.
Agricultural and Veterinary Chemicals Code Act—Select Legislative Instrument 2010 No. 108—Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 2) [F2010L01482]*.
Air Navigation Act—Select Legislative Instrument 2010 No. 118—Air Navigation (Aircraft Noise) Amendment Regulations 2010 (No. 2) [F2010L01299]*.
Airports Act—Select Legislative Instrument 2010 No. 119—Airports (Control of On-Airport Activities) Amendment Regulations 2010 (No. 1) [F2010L01541]*.
Airspace Act—Airspace Regulations—Instruments Nos CASA OAR—
  082/10—Determination of airspace and controlled aerodromes etc [F2010L01475]*.
  083/10—Determination of conditions for use of air routes [F2010L01474]*.
Appropriation Act (No. 4) 2005-2006—Determination to Reduce Appropriations Upon Request (No. 9 of 2009-2010) [F2010L01433]*.
Appropriation Act (No. 1) 2008-2009—Determination to Reduce Appropriations Upon Request (No. 8 of 2009-2010) [F2010L01236]*.
Appropriation Act (No. 1) 2009-2010—Advance to the Finance Minister—No. 4 of 2009-2010 [F2010L01479]*.
Appropriation Act (No. 1) 2007-2008 and Appropriation Act (No. 1) 2008-2009 and Appropriation Act (No. 1) of 2008-2009—Determination to Amend Reduction of Appropriations Upon Request (No. 1 of 2009-2010) [F2010L01237]*.
Appropriation Act (No. 3) 2009-2010 and Appropriation Act (No. 4) 2009-2010—Determination to Reduce Departmental and Administered Appropriations in Previous Appropriation Acts (No. 1 of 2009-2010) [F2010L01431]*.
Australian Citizenship Act—Select Legislative Instrument 2010 No. 116—Australian Citizenship Amendment Regulations 2010 (No. 1) [F2010L01519]*.
Australian National University Act—
  ANU College Governance Statute 2010 [F2010L01564]*.
  ANU College Governance Statute 2010—ANU College Governance Rules 2010 [F2010L01565]*.
  Membership of the Council Statute 2010 [F2010L01562]*.
  Membership of the Council Statute 2010—Membership of the Council Rules (No. 2) 2010 [F2010L01563]*.
Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
  8 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L01439]*.
  9 of 2010—Information provided by life insurers and friendly societies under certain reporting standards [F2010L01394]*.
  10 of 2010—Information provided by general insurers and Lloyd’s underwriters for the purposes of the National Claims and Policies Database [F2010L01395]*.
  11 of 2010—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS
400.0, LRS 420.0 and LRS 430.0
[F2010L01525]*.
12 of 2010—Information under Reporting Standard GRS 110.0 (2008), GRS 120.0 (2008), GRS 300.0 (2008), GRS 301.0 (2008), GRS 310.0 (2008), GRS 310.3 (2008), GRS 320.0 (2008), GRS 400.0 (2008) [F2010L01555]*.
Australian Radiation Protection and Nuclear Safety Act—Select Legislative Instrument 2010 No. 101—Australian Radiation Protection and Nuclear Safety Amendment Regulations 2010 (No. 1) [F2010L01072]*.
Australian Radiation Protection and Nuclear Safety (Licence Charges) Act—Select Legislative Instrument 2010 No. 102—Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Regulations 2010 (No. 1) [F2010L01073]*.
Automotive Transformation Scheme Act—
Automotive Transformation Scheme Regulations—Automotive Transformation Scheme Order 2010 [F2010L01551]*.
Select Legislative Instrument 2010 No. 82—Automotive Transformation Scheme Regulations 2010 [F2010L01201]*.
Broadcasting Services Act—
Broadcasting Services (Events) Notice (No. 1) 2004 (Amendment No. 1 of 2010) [F2010L01323]*.
Variations to Licence Area Plans for—
Kalgoorlie Radio – No. 1 of 2010 [F2010L01502]*.
Perth Radio – No. 1 of 2010 [F2010L01550]*.
Regional Victoria Television – No. 1 of 2010 [F2010L01504]*.
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Civil Aviation Order 82.0 Amendment Order (No. 2) 2010 [F2010L01263]*. Civil Aviation Order 82.3 Amendment Order (No. 2) 2010 [F2010L01262]*. Civil Aviation Order 82.5 Amendment Order (No. 2) 2010 [F2010L01261]*. Civil Aviation Regulations—
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142/10—Directions and determinations – Class D airspace [F2010L01275]*. 143/10—Determination – flight visibility and distance from cloud in V.F.R. flights; Direction – Special V.F.R. flights [F2010L01271]*. 174/10—Directions – for determining maximum weight [F2010L01360]*. 178/10—Designation – Class E airspace at Avalon for VFR broadcasts; Directions – VFR broadcasts and frequency for Ava-
EX26/10—Exemption – from standard take-off and landing minima – Singapore Airlines Ltd [F2010L00944*].

EX27/10—Exemption – from standard take-off and landing minima – V Australia [F2010L00949*].

EX28/10—Exemption – from standard take-off and landing minima – Qatar Airways [F2010L00950*].

EX30/10—Exemption – carriage of aeronautical maps, charts and other aeronautical information and instructions [F2010L00978*].

EX33/10—Exemption – carriage of passengers on training flight [F2010L01033*].

EX36/10—Exemption – from standard take-off and landing minima – Etihad Airways [F2010L01093*].

EX37/10—Exemption – from standard take-off and landing minima – Singapore Airlines Cargo [F2010L01094*].

EX38/10—Exemption – from standard take-off and landing minima – Air New Zealand [F2010L01144*].

EX39/10—Exemption – from standard take-off and landing minima – Emirates [F2010L01147*].

EX40/10—Exemption – solo flight training using ultralight aeroplanes registered with the RAA at Sunshine Coast Airport [F2010L01300*].

EX41/10—Exemption – from standard take-off and landing minima – United Airlines [F2010L01301*].

EX42/10—Exemption – from standard take-off and landing minima – Air Mauritius Ltd [F2010L01311*].

EX49/10—Exemption – for seaplanes [F2010L01534*].

Civil Aviation Regulations and Civil Aviation Safety Regulations—

Instruments Nos CASA—

EX32/10—Exemption – agricultural rating (incendiary dropping at or above 500 feet); Exemption – CASR Part 137 (incendiary dropping above or below 500 feet) [F2010L01031*].

EX34/10—Exemption – agricultural rating – aerial baiting; Exemption – CASR Part 137 – aerial baiting [F2010L01034*].

Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/B737/307 Amdt 2—Main Slat Track Downstop Assembly [F2010L01304*].

AD/CL-600/71 Amdt 1—State of Design Airworthiness Directives [F2010L01557*].

AD/GA8/5 Amdt 4—Horizontal Stabiliser Inspection [F2010L01296*].

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Instrument No. CASA EX29/10—Trial exemption – for DAMP organisations using DAMP contractors who are also DAMP organisations [F2010L00954*].

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011/10 [F2010L01306*].

012/10 [F2010L01440*].

013/10 [F2010L01558*].

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[CO 10/321] [F2010L01297]*.
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[CO 10/407] [F2010L01522]*.

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CEO Instrument of Approval No. 1 of 2010—Claim for Drawback of Import Duty Application [F2010L01434]*.
Infringement Notice Guidelines (2010) [F2010L01552]*.
Select Legislative Instrument 2010 No. 95—Customs Amendment Regulations 2010 (No. 2) [F2010L01316]*.

Tariff Concession Orders—
0826518 [F2010L01242]*.
0910173 [F2010L01146]*.
0910405 [F2010L01143]*.
0912352 [F2010L01145]*.
0915970 [F2010L01148]*.
0916018 [F2010L01176]*.
0918846 [F2010L01140]*.
0919695 [F2010L01142]*.
0920259 [F2010L01163]*.
0924323 [F2010L01273]*.
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0924409 [F2010L01160]*.
0925543 [F2010L01225]*.
0925633 [F2010L01139]*.
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0925647 [F2010L01150]*.
0925648 [F2010L01149]*.
0929463 [F2010L01022]*.
0932752 [F2010L01185]*.
0932753 [F2010L01169]*.
0933953 [F2010L01020]*.
0933955 [F2010L01016]*.
0934179 [F2010L01209]*.
0934180 [F2010L01141]*.
0934806 [F2010L01023]*.
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5/2010 [F2010L01239]*.
6/2010 [F2010L01240]*.
7/2010 [F2010L01241]*.
8/2010 [F2010L01243]*.
9/2010 [F2010L01244]*.
10/2010 [F2010L01245]*.
11/2010 [F2010L01246]*.
12/2010 [F2010L01248]*.
13/2010 [F2010L01251]*.
14/2010 [F2010L01253]*.

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Do Not Call Register (Access Fees) Amendment Determination 2010 (No. 1) [F2010L01492]*.

Do Not Call Register (Access to Register) Amendment Determination 2010 (No. 1) [F2010L01491]*.
Do Not Call Register (Administration and Operation) Amendment Determination 2010 (No. 1) [F2010L01493]*.
Do Not Call Register (Duration of Registration) Specification (No. 1) 2010 [F2010L01477]*.

Electronic Transactions Act—Select Legislative Instruments 2010 Nos—
96—Electronic Transactions Amendment Regulations 2010 (No. 1) [F2010L01380]*.
97—Electronic Transactions Amendment Regulations 2010 (No. 2) [F2010L01381]*.

Environment Protection and Biodiversity Conservation Act—
Amendments of lists of—
Exempt Native Specimens—
EPBC303DC/SFS/2010/18 [F2010L01490]*.
EPBC303DC/SFS/2010/26 [F2010L01321]*.
EPBC303DC/SFS/2010/27 [F2010L01324]*.
Threatened species, dated 12 April 2010 [F2010L01221]*.

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Export Market Development Grants (Australian Net Benefit Requirements) Amendment Determination 2010 (No. 1) [F2010L01513]*.
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Fair Work Act—Select Legislative Instrument 2010 No. 99—Fair Work Amendment Regulations 2010 (No. 1) F2010L01362]*.

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Family Law (Superannuation) Regulations—Family Law (Superannuation) (Interest Rate for Adjustment Period) Determination 2010 [F2010L01500]*.
Select Legislative Instrument 2010 No. 98—Family Law (Superannuation) Amendment Regulations 2010 (No. 1) [F2010L01320]*.

Farm Household Support Act—Select Legislative Instrument 2010 No. 109—Farm Household Support Amendment Regulations 2010 (No. 1) [F2010L01536]*.

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Federal Financial Relations (General purpose financial assistance) Determination No. 14 (May 2010) [F2010L01423]*.
Federal Financial Relations (National Partnership payments) Determination No. 18 (May 2010) [F2010L01290]*.
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2010/05—Superannuation Clearing House Special Account Establishment 2010 [F2010L01238]*.
2010/07—Services for Other Entities and Trust Moneys — Export Wheat Commission Special Account Abolition 2010 [F2010L01514]*.
2010/08—Other Trust Moneys Account Abolition 2010 [F2010L01516]*.
2010/09—Section 32 (Transfer of Functions from DEWHA to DCCEE) [F2010L01312]*.
2010/09—Services for Other Entities and Trust Moneys – Department of Broadband, Communications and the Digital Economy Special Account Establishment 2010 [F2010L01517]*.
2010/10—Section 32 (Transfer of Functions from FAHCSIA to Centrelink) [F2010L01319]*.

Select Legislative Instrument 2010 No. 114—Financial Management and Accountability Amendment Regulations 2010 (No. 2) [F2010L01481]*.

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Northern Prawn Fishery Management Plan 1995—NPF Directions Nos—
141—First season closures [F2010L01363]*.
142—Prohibition on fishing [F2010L01364]*.


Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code – Amendment No. 116 – 2010 [F2010L01310]*.

Food Standards Australia New Zealand Application Handbook – Amendment No. 4 – 2010 [F2010L01483]*.

Select Legislative Instrument 2010 No. 103—Food Standards Australia New Zealand Amendment Regulations 2010 (No. 1) [F2010L00600]*.

Foreign Acquisitions and Takeovers Act—
Select Legislative Instrument 2010 No. 104—Foreign Acquisitions and Takeovers Amendment Regulations 2010 (No. 2) [F2010L01314]*.

Health Insurance Act—
Declaration of Quality Assurance Activity—QAA No. 1/2010 [F2010L01476]*.

Determination Relating to the Appointment of Persons as Members of the Medical Training Review Panel No. 1 of 2010 [F2010L01424]*.

Determination Relating to the Nomination of Persons for Appointment as Members of the Medical Training Review Panel No. 1 of 2010 [F2010L01425]*.

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Higher Education Support Act—
Revocation of Approval as a VET Provider—Qantm Pty Ltd [F2010L01368]*.

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Brisbane College of Theology [F2010L01417]*.
Holmes Commercial Colleges (Melbourne) Ltd [F2010L01527]*.
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Southern School of Natural Therapies Ltd [F2010L01571]*.

Income Tax Assessment Act 1997—Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2010 (No. 1) [F2010L01407]*.

Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act—Midwife Professional Indemnity (Commonwealth Contribution) Scheme Rules 2010 [F2010L01548]*.


Migration Act—
Instrument IMMI 10/019—Approval of activities [F2010L01570]*.

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MN22-10b of 2010—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2010L01494]*.
MN22-10c of 2010—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2010L01495]*.
MN22-10f of 2010—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2010L01497]*.

Migration Regulations—Instruments IMMI—
10/021—Places and currencies for paying of fees [F2010L01415]*.
10/033—Class of persons [F2010L01313]*.
10/034—Travel agents for PRC citizens applying for tourist visas [F2010L01389]*.
10/041—Appropriate regional authority [F2010L01487]*.

Migration Act and Immigration (Education) Act—Select Legislative Instrument 2010 No. 117—Migration Legislation Amendment Regulations 2010 (No. 1) [F2010L01518]*.

Motor Vehicle Standards Act—
Vehicle Standard (Australian Design Rule 10/02 – Steering Column) 2008 Amendment 1 [F2010L01470]*.
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National Consumer Credit Protection Act—Select Legislative Instrument 2010 No. 105—National Consumer Credit Protection Amendment Regulations 2010 (No. 2) [F2010L01369]*.

National Consumer Credit Protection (Fees) Act—Select Legislative Instrument 2010 No. 106—National Consumer Credit Protection (Fees) Amendment Regulations 2010 (No. 1) [F2010L01370]*.

National Consumer Credit Protection (Transitional and Consequential Provisions) Act—
ASIC Class Order [CO 10/381] [F2010L01428]*.
Select Legislative Instrument 2010 No. 107—National Consumer Credit Protection (Transitional and Consequential Provisions) Amendment Regulations 2010 (No. 2) [F2010L01371]*.

National Health Act—
Instruments Nos PB—
44 of 2010—Amendment declaration and determination – drugs and medicinal preparations [F2010L01373]*.
45 of 2010—Amendment determination – pharmaceutical benefits [F2010L01374]*.
46 of 2010—Amendment determination – responsible persons [F2010L01375]*.
47 of 2010—Amendment Determination – drugs on F1 and drugs in Part A of F2 [F2010L01378]*.
48 of 2010—Amendment determination – conditions [F2010L01379]*.
49 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program [F2010L01488]*.
50 of 2010—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2010L01489]*.
51 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program [F2010L01429]*.
52 of 2010—Special Arrangements (Variation) – IVF/GIFT Program [F2010L01430]*.

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Primary Industries (Customs) Charges Act—Select Legislative Instruments 2010 Nos—

92—Primary Industries (Customs) Charges Amendment Regulations 2010 (No. 1) [F2010L01081]*.
110—Primary Industries (Customs) Charges Amendment Regulations 2010 (No. 2) [F2010L01526]*.

Primary Industries (Excise) Levies Act—Select Legislative Instruments 2010 Nos—

93—Primary Industries (Excise) Levies Amendment Regulations 2010 (No. 2) [F2010L01080]*.
111—Primary Industries (Excise) Levies Amendment Regulations 2010 (No. 3) [F2010L01508]*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instruments 2010 Nos—

94—Primary Industries Levies and Charges Collection Amendment Regulations 2010 (No. 1) [F2010L01082]*.
112—Primary Industries Levies and Charges Collection Amendment Regulations 2010 (No. 2) [F2010L01533]*.

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Sydney Airport Curfew Act—Dispensation Report 03/10.
Taxation Administration Act—PAYG withholding—Withholding Schedules 2010 [F2010L01472]*.

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Telecommunications (Annual Carrier Licence Charge) Determination 2010 [F2010L01467]*.

Telecommunications (Specification of Costs by ACMA) Determination 2010 [F2010L01469]*.

Telecommunications (Consumer Protection and Service Standards) Act—

Universal Service Subsidies (2009-10 Contestable Areas) Determination (No. 1) 2010 [F2010L01307]*.

Universal Service Subsidies (2009-10 Default Area) Determination (No. 1) 2010 [F2010L01302]*.

Universal Service Subsidies (2009-10 Extended Zones) Determination (No. 1) 2010 [F2010L01303]*.

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Clothing and Household Textile (Building Innovative Capability) Scheme 2010 [F2010L01383]*.

Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme Amendment 2010 (No. 1) [F2010L01382]*.

Therapeutic Goods Act—Therapeutic Goods (Listing) Notice 2010 (No. 3) [F2010L01553]*.

Trade Practices Act—

Declaration No. 92, dated 28 May 2010 [F2010L01539]*.

Select Legislative Instruments 2010 Nos—

123—Trade Practices Amendment (Industry Codes – Franchising) Amendment Regulations 2010 (No. 1) [F2010L01501]*.

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Australian Information Commissioner Act 2010—Sections 3 to 36—1 November 2010 [F2010L01547]*.

Do Not Call Register Legislation Amendment Act 2010—Schedule 1—30 May 2010 [F2010L01325]*.

Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010—Schedule 1—1 July 2010 [F2010L01315]*.

* Explanatory statement tabled with legislative instrument.

Departmental and Agency Appointments and Vacancies

The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Budget estimates—Corrected letter of advice—Families, Housing, Community Services and Indigenous Affairs portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Environment Protection, Heritage and the Arts: Staffing
(Question No. 1926 amended)

Senator Barnett asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 2 July 2009:

(1) With reference to ministerial staff and departmental liaison officers for each Minister and Parliamentary Secretary, since November 2007: (a) how many positions exist; (b) how many staff are employed; (c) how many vacancies exist; (d) what are the levels of these positions; and (e) what is the total cost of staff employed in these respective offices on an annual basis.

(2) Can a breakdown be provided of how many laptops, mobile phones and personal digital assistants (PDAs) the department provides to the office of each Minister and Parliamentary Secretary.

(3) Are any departmental officers on secondment to the office of the Minister and/or Parliamentary Secretary; if so: (a) how many; and (b) to whom.

(4) (a) How much did the department spend on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(5) For the office of each Minister and Parliamentary Secretary: (a) what was the total amount spent on hospitality for the: (i) 2008 calendar year, and (ii) 2008-09 financial year; and (b) can details be provided of each hospitality event, including the: (i) date, (ii) location, (iii) purpose, and (iv) cost.

(6) For the 2008-09 financial year, how much has the department spent on: (a) the hire of plants, either real or artificial; (b) the maintenance of these plants; (c) water coolers; and (d) television subscriptions.

(7) How many government credit cards does the department currently have on issue.

(8) (a) How many credit cards have been reported lost; and (b) in relation to the credit cards that have been reported lost: (i) how many have been cancelled, (ii) how many remain active, and (iii) what is the potential credit liability from the lost cards that remain active.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) (a) There are 10 Ministerial staff positions and two Departmental Liaison Officer (DLO) positions in the office of the Minister for the Environment, Heritage and the Arts.

(b) There are 10 Ministerial staff and two DLO staff employed.

(c) There are no ministerial staff or DLO vacancies.

(d) The levels of ministerial staff positions are:
   • Senior Adviser Chief of Staff (Cabinet) x 1
   • Senior Adviser 1 (Cabinet) x 1
   • Senior media Adviser x 1
   • Adviser x 3
   • Assistant Adviser x 2
   • Executive Assistant/Office Manager x 1
   • Secretary/Administrative Assistant x 1

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The levels of DLO staff are:
• Executive Level 1 x 2

(e) The Department of Finance and Deregulation advises that information relating to the costs of ministerial staff can be found in the Members of Parliament (Staff) Act 1984 Annual Report 2007-08 which was tabled on 23 December 2008 and is available on the Department of Finance and Deregulation website at http://www.finance.gov.au.

The total cost of the provision of DLOs to the Minister’s office for 2008/09 was $246,582.53.

(2) The department has provided 12 laptop computers, three mobile phones and 13 personal digital assistant devices to the office of the Minister for the Environment, Heritage and the Arts.

No departmental officers are on secondment to the office of the Minister for the Environment, Heritage and the Arts.

(4) (a) (i) In the 2008 calendar year, the official hospitality spend for the environment, heritage and arts elements of the department was $150,348.71.

(ii) In 2008/09, official hospitality expenses for the environment, heritage and arts elements of the department totalled $153,532.51.

(b) I refer the Honourable Senator to the response provided to Senate Question 1800 from Senator the Hon Eric Abetz for details of dates, locations, purpose and costs.

(5) (a) (i) Official hospitality expenses for the Office of the Minister of the Environment, Heritage and the Arts for calendar year 2008 totalled $367.39.

(ii) Expenses for 2008/09 total $511.98. The 2008/09 expense is related to an event in Paris which was held in 2007/08 but not invoiced until 2008/09.

(b) I refer the Honourable Senator to the response provided to Senate Question 1800 from Senator the Hon Eric Abetz for details of dates, locations, purpose and costs.

(6) During the 2008-09 financial year, the department spent:

(a) $74,119.35 on the hire of plants, including the cost of maintenance of these plants;
(c) $11,009.63 on water and water coolers
(d) $4,036.66 on television subscriptions

(7) The department has issued 188 credit cards to staff in the environment, heritage and the arts elements of the department.

(a) Five credit cards have been reported lost

(b) (i) All credit cards reported lost have been cancelled. (ii) No credit cards reported lost remain active. (iii) Not applicable

Ammonia and Urea Production
(Question No. 2104)

Senator Colbeck asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 13 August 2009:

(1) What data sources has the department presented, or will it present, to the Government for consideration in relation to setting allocative baselines for ammonia and urea production.

(2) Has the department included, or will it include, international emissions data for ammonia and urea in the advice for consideration by the Government; if so, did it, or will it, include emissions data for all feedstocks used internationally or just natural gas production of ammonia and urea; if so, why.
Senator Wong—The answer to the honourable senator’s question is as follows:

The activity definitions and allocative baselines for emissions-intensive, trade-exposed (EITE) activities will be released as regulations to the Carbon Pollution Reduction Scheme Act subsequent to the passage of the Bills through Parliament. The Government intends releasing draft regulations for EITE activities progressively, the first batch were released in June 2009, and second batch in December 2009.

Allocations of assistance for EITEs detailed in the regulations will be based on the average emissions intensity per unit of production in 2006-07 and 2007-08 of entities conducting the eligible activity in Australia. The Government will take into account international evidence on the emissions per unit of output for activities, particularly those where there is currently only one entity operating in Australia. The key role of this information is to provide assurance to the Government that there are no significant anomalies between the emissions intensity of Australian production and that of a sample of global producers. As highlighted in the Guidance Paper: Assessment of activities for the purposes of the emissions-intensive trade-exposed assistance program released by the Department of Climate Change in February 2009, this information would be expected to carry greater weight in the Government’s considerations where not all entities conducting the activity have submitted data or where the independent audit of the data raises concerns.

It is important to note that this analysis is distinct from an international benchmarking exercise, in which allocations of assistance are set in relation to some measure of the emissions intensity of global production (e.g. ‘best practice’). Instead, the Government’s policy is to provide a level of assistance that is linked with the expected carbon cost exposure of current Australian producers.

Climate Change, Energy Efficiency and Water
(Question No. 2143)

Senator Ronaldson asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 10 September 2009:

For the 2008-09 financial year:

(1) Did the Minister have any ministerial letterhead produced using the funds or resources of his or her home department; if so:
   (a) how many sheets of letterhead were produced; and
   (b) what was the cost of the production of the letterhead.

(2) What was the total postage cost of mailings conducted by the Minister and/or Parliamentary Secretary using their departmental-funded franking machine.

(3) (a) What was the total cost, including production and distribution, of all direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece; and
   (b) can an itemised list be provided of:
       (i) production costs, and
       (ii) distribution costs.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) No.

(2) My department has not supplied a franking machine to my office, the office of the Minister Assisting or the office of the former Parliamentary Secretary.
(3) (a) There were no direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece.

(b) Not applicable.

**Foreign Affairs and Trade**  
(Question Nos 2172 and 2173)

Senator Ronaldson asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year: (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and (b) what was the total cost of: (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including: (a) the cost of producing each of these publications; and (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so: (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary; (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and (c) what resources does the department provide to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so: (a) how and to whom; and (b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:

(1) (a) For the 2008-09 financial year the following table sets out the brand and model of colour printers that were provided for the offices of Ministers and/or Parliamentary Secretaries.

| Minister for Foreign Affairs | One HP C3505 |
| Parliament Secretary for International Development Assistance | Two Lexmark C532 |
| Minister for Trade | One Lexmark C532 |
| Parliamentary Secretary for Pacific Island Affairs | One Fuji Xerox C360* |
| Parliamentary Secretary for Trade (Mr Byrne) | *Multi Function device (MFD). Supplied by AusAID |

*Multi Function Device (MFD)
(b) (i) The department does not collect information separately in its financial management information system on the costs of printer cartridges and/or toner provided to the offices of the Ministers and Parliamentary Secretaries. The total cost of consumables, which may include printer cartridges and/or toner received in the offices of Ministers and Parliamentary Secretaries, is provided in part 3 below. To collect this specific information for the purpose of answering this question would be a major task and I am not prepared to authorise the expenditure and effort that would be required.

(ii) For the 2008-09 financial year the costs of servicing individual printers are not able to be separately identified as these are part of a general support contract between the department and an external company. For the Fuji Xerox C360 and APC4300, which are both leased devices, there was no additional service cost paid in the 2008-09 financial year.

(2) For the 2008-09 financial year, the following table sets out the total value of photocopy paper received in the offices of the Ministers and/or Parliamentary Secretaries.

<table>
<thead>
<tr>
<th>Ministry/Position</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Foreign Affairs</td>
<td>$2,647.28</td>
</tr>
<tr>
<td>Minister for Trade</td>
<td>$2,765.25</td>
</tr>
<tr>
<td>Parliamentary Secretary for International Development Assistance</td>
<td>$472.53*</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>$305.40</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade (Mr Byrne)</td>
<td>$226.36*</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade (Mr Murphy)</td>
<td>$158.69</td>
</tr>
</tbody>
</table>

*Supplied by AusAID

(3) For the 2008-09 financial year, the following table sets out the value of other office consumables received in the offices of the Ministers and/or Parliamentary Secretaries.

<table>
<thead>
<tr>
<th>Ministry/Position</th>
<th>Total Consumable Cost Including Toner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Foreign Affairs</td>
<td>$29,459.18</td>
</tr>
<tr>
<td>Minister for Trade</td>
<td>$26,475.34</td>
</tr>
<tr>
<td>Parliamentary Secretary for International Development Assistance</td>
<td>$1,775.26*</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>$1,711.74</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade (Mr Byrne)</td>
<td>$1,287.43*</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade (Mr Murphy)</td>
<td>$5,533.83</td>
</tr>
</tbody>
</table>

*Supplied by AusAID


To provide the cost of producing each of these publications and the distribution details would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.

(a) The department first established websites for the Minister for Foreign Affairs and the Minister for Trade in 2000, and has developed them incrementally since that time. To research the initial development costs of the websites would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.

(b) No.

(c) The departmental work unit responsible for uploading content to and maintaining the ministerial websites comprises three full-time employees, with a budget of $320,000 in 2008-2009. This unit is also responsible for the DFAT website and several other websites maintained by the department. The department does not differentiate between the resources devoted to maintaining the ministerial websites on the one hand and departmental websites on the other.

(6) The department distributes most media releases for portfolio Ministers and Parliamentary Secretaries. (a) These releases are distributed directly via the department’s email system to email distribution lists, which include news rooms and individual journalists with an interest in receiving portfolio-related releases. (b) There was no additional marginal cost for this distribution.

**Climate Change, Energy Efficiency and Water**

(Question No. 2180)

Senator Ronaldson asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 14 September 2009:

(1) For the 2008-09 financial year:
   (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and
   (b) what was the total cost of:
      (i) printer cartridges and/or toner, and
      (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including:
   (a) the cost of producing each of these publications; and
   (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so:
   (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary;
   (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and
   (c) what resources does the department provided to maintain, update and upload the content for the site.
(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so:

(a) how and to whom; and

(b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Wong—The answer to the honourable senator’s question is as follows:

*Climate Change*

(1) For the 2008-09 financial year:

(a) two Hewlett-Packard Colour LaserJet 4700DN printers were provided to my office, and the office of the Minister Assisting*.

*The Hon Greg Combet AM MP was appointed Parliamentary Secretary for Climate Change from 25 February 2009 to 9 June 2009 and Minister Assisting the Minister for Climate Change from 9 June 2009.

(b) (i) $8,801. (ii) The Hewlett-Packard Colour LaserJet printers were new and did not require servicing or new toner.

(2) For the 2008-09 financial year, the total value of photocopy paper received in my office and the office of the Minister Assisting was $2,344.

(3) For the 2008-09 financial year, the total value of other office consumables received in my office and the office of the Minister Assisting was $8,310.

(4) Below is a list of departmental publications released during the 2008-09 financial year containing my name and/or photograph and/or the name and/or photograph of the Minister Assisting.

<table>
<thead>
<tr>
<th>Publication</th>
<th>Production cost (exclusive of GST)</th>
<th>No. of hard copies distributed</th>
<th>Category of persons distributed to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$22,068</td>
<td>6,000</td>
<td>Government departments, Senate, House of Representatives, industry, peak bodies, NGOs and public via DCCEE call centre.</td>
</tr>
<tr>
<td></td>
<td>$65,450</td>
<td>3,500</td>
<td>Government departments, Senate, House of Representatives, industry, peak bodies, NGOs and public via DCCEE call centre.</td>
</tr>
<tr>
<td>Climate Change Budget Overview</td>
<td>$7,491</td>
<td>1,000</td>
<td>Members of public via DCCEE call centre.</td>
</tr>
<tr>
<td>Ministerial Statement on Climate Change</td>
<td>$4,026</td>
<td>2,389</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers’ offices, Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DCCEE call centre.</td>
</tr>
<tr>
<td>Publication</td>
<td>Production cost (exclusive of GST)</td>
<td>No. of hard copies distributed</td>
<td>Category of persons distributed to</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Portfolio Budget Statements 2009-10</td>
<td>$5,467</td>
<td>600</td>
<td>Senate, House of Representatives, libraries of central agencies, National Library and members of public via DCCEE call centre.</td>
</tr>
<tr>
<td>A series of material including the 8-page resource and competition entry form to support the Think Climate Think Change schools competition cost $67,400. The 8-page resource and competition entry forms were developed and printed with a selection of schools competition material to take advantage of economies of scale. It is estimated that the 8-page resource and competition entry form made up approximately 32 per cent of the total cost incurred for the development and printing for the schools competition material.</td>
<td>$21,000</td>
<td>12,485</td>
<td>Primary and secondary schools across Australia, (11,500 using an education distribution list and a further 985 on request via the online ordering system).</td>
</tr>
</tbody>
</table>

(5) I and the Minister Assisting have departmentally-funded and maintained websites.

(a) My website was developed by the Department of Environment, Water, Heritage and the Arts (DEWHA) at an estimated cost of less than $600. The website of the Minister Assisting was developed by the Department of Climate Change and Energy Efficiency (DCCEE) at an estimated cost of less than $600.

(b) No.

(c) Approximately 0.5 FTE.

(6) From 15 October 2009, DCCEE began administering the distribution of my media releases and the media releases for the Minister Assisting.

(a) Media releases are distributed based on a subscription list via the DCCEE website.

(b) Nil.

QUESTIONS ON NOTICE
Water

(1) For the 2008-09 financial year:

(a) The multifunction printing device provided to my office by DEWHA is a Konica BizHub, model number C550. The printer for the office of the Parliamentary Secretary for Water is supplied by the Department of Defence.

(b) The cost to DEWHA for the 2008-09 financial year for the multifunction device located in my office, including maintenance and toner supplies, totalled $11,673. DEWHA’s share of the costs for provision of printer cartridges, toners and servicing of printers in the office of Parliamentary Secretary for Water for the 2008-09 financial year was $253.50.

(2) For the 2008-09 financial year, the total value of photocopy paper supplied by DEWHA to my office was $122. No photocopy paper was supplied by DEWHA to the office of the Parliamentary Secretary for Water.

(3) For the 2008-09 financial year, the value of consumables supplied by DEWHA to my office was $8,703.65. The value of consumables supplied by DEWHA to the office of the Parliamentary Secretary for Water during 2008-09 was $706.06.

(4) Below is a list of DEWHA publications released during the 2008-09 financial year containing my name and/or photograph. No publications were produced that included the name or photograph of the Parliamentary Secretary for Water.

<table>
<thead>
<tr>
<th>Publication</th>
<th>Production cost (exclusive of GST)</th>
<th>No. of hard copies distributed</th>
<th>Category of persons distributed to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Matters (bimonthly e-newsletter, 4 issues in 2008-09)</td>
<td>$3,360</td>
<td>E-newsletter</td>
<td>Key water stakeholders – distribution based on subscription list.</td>
</tr>
<tr>
<td>*Wetlands Australia: National Wetlands Update 2009 (message from Minister Garrett and Senator Wong)</td>
<td>$32,281.82 (including distribution)</td>
<td>2,000</td>
<td>Caring for our Country facilitators, non-government organisations, Catchment Management Authorities, state and territory environment government departments, Waterwatch groups, naturalists, environmental scientists, Great Barrier Reef Marine Park Authority, Murray-Darling Basin Authority, landcare groups and environmental consultants.</td>
</tr>
<tr>
<td>*Environment Budget Overview (joint with Minister Garrett)</td>
<td>$8,595.20</td>
<td>1,500</td>
<td>Public via DEWHA Community Information Unit, staff on request.</td>
</tr>
<tr>
<td>*2008-09 Portfolio Additional Estimates Statements (joint with Minister Garrett)</td>
<td>$5,038</td>
<td>460</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers’ offices, Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DEWHA Community Information Unit</td>
</tr>
<tr>
<td>Publication</td>
<td>Production cost (exclusive of GST)</td>
<td>No. of hard copies distributed</td>
<td>Category of persons distributed to</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>*2008-09 Portfolio Supplementary Additional Estimates Statements (Bills 5 and 6) (joint with Minister Garrett)</td>
<td>$1,020</td>
<td>200</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers’ offices, Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DEWHA Community Information Unit</td>
</tr>
<tr>
<td>*2009-10 Portfolio Budget Statements (joint with Minister Garrett)</td>
<td>$10,660</td>
<td>475</td>
<td>Senate, House of Representatives, Parliamentary Libraries (Commonwealth, State and Territory), Ministers’ offices, Commonwealth/State departments, Library Deposit Scheme Distribution Service, public via DEWHA Community Information Unit</td>
</tr>
<tr>
<td>*Department of the Environment, Water, Heritage and the Arts 2007-08 Annual Report - Volume 1 (joint with Minister Garrett)</td>
<td>$63,013.91</td>
<td>511</td>
<td>Copies distributed as per tabling requirements, plus stakeholders, DEWHA executive and staff, and public on request</td>
</tr>
</tbody>
</table>

*Note: Some responses relating to joint publications will also be captured in answers to questions on notice to the Minister for Environment Protection, Heritage and the Arts.

(5) I and the Parliamentary Secretary for Water have departmentally-funded and maintained websites.


(b) My web pages have not been redeveloped since they were originally set up using existing templates. Set up time was approximately one day of work at an estimated cost of less than $600. Development was undertaken in house by DEWHA’s Web and Intranet Management Section and no market testing was conducted. The web pages for the Parliamentary Secretary for Water have not been redeveloped since set up on 2 March 2009. The pages were based on existing ministerial site templates and took less than half a day to develop at an estimated cost of around $300. Development was undertaken in house by DEWHA's Web and Intranet Management Section and no market testing was conducted.

(c) The management of my website is no longer administered by DEWHA. All my press releases, speeches and transcripts are published by DCCEE. The press releases, speeches and transcripts of the Parliamentary Secretary for Water relating to his responsibilities are published on the DEWHA site. To maintain, update and upload the content for the Parliamentary Secretary’s site requires approximately half a day per week for one staff member.
(6) (a) During this period the main distribution of my media releases was by subscription to the media release service on the DEWHA website. As of 15 October 2009, DCCEE administers this service via its website. The distribution of media releases by the Parliamentary Secretary for Water is by subscription to the climate change and water media release service on the DEWHA’s website. There was no cost to DEWHA in 2008-09 for these media release services. (b) There was no cost to DEWHA in 2008-09 for these media release services.

**Attorney-General’s and Home Affairs**

*(Question Nos 2182 and 2192)*

**Senator Ronaldson** asked the Minister representing the Attorney-General and the Minister for Home Affairs, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

(1) For the 2008-09 financial year: (a) can a list be provided of each brand and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and (b) what was the total cost of: (i) printer cartridges and/or toner, and (ii) servicing these printers.

(2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.

(3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.

(4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including: (a) the cost of producing each of these publications; and (b) how many copies were distributed and to what category of persons they were distributed to.

(5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded and maintained website/webpage; if so: (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary; (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and (c) what resources does the department provided to maintain, update and upload the content for the site.

(6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary; if so: (a) how and to whom; and (b) for the 2008-09 financial year, what was the cost for this distribution.

**Senator Wong**—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

I have been advised by the Attorney-General’s Department of the following responses in relation to the question from Senator Ronaldson:

(1) (a) The offices of the Attorney-General were provided with a two (2) Konica Minolta C451 colour multifunction devices (MFD’s), one (1) Lexmark C532 DN colour printer and one (1) Konica Minolta MagiColor 2500w colour printer. The offices of the Minister for Home Affairs were provided with one (1) Konica Minolta C451 colour MFD and one (1) Lexmark C532 DN colour printer.

(b) The total cost of printer cartridges/toner and servicing/maintenance of each Konica Minolta C451 is built in to the per copy charge of $0.09c per page:

(i) The total cost of colour printing (total colour print charges which include maintenance, support and cartridges/toner for the offices of the Attorney-General) was approximately $11,860.35 (GST Inclusive).
(ii) The total cost of colour printing (total colour print charges which include maintenance, support and cartridges/toner for the offices of the Minister for Home Affairs) was approximately $11,384.49 (GST Inclusive).

(2) The total cost of photocopy paper received into the offices of the Attorney-General for the financial year 2008-09 was approximately $4,846.04 (GST inclusive). The total cost of photocopy paper received into the offices of the Minister for Home Affairs for the financial year 2008-09 was approximately $2,665.84 (GST inclusive).

(3) The total cost of other office consumables received into the offices of the Attorney-General for the financial year 2008-09 was approximately $11,824.51 (GST inclusive). The total cost of other office consumables received into the offices of the Minister for Home Affairs for the financial year 2008-09 was approximately $13,356.41.

(4) For the 2008-09 financial year, the following departmental publications, excluding ordinary or mail-merged letters, contained the name and/or photograph of the Minister and/or Parliamentary Secretary:

**Attorney-General’s Department Annual Report**
(a) The cost of producing this publication was $70,288 (includes design, production, editing, photography, printing and preparation for web publishing).
(b) 1000 copies were printed. 855 copies were distributed to Tabling Offices in Parliament, the library deposit scheme, internally within the Department, other departments and agencies and to members of the public on request. The report was also published to the Departmental website.

**Australian Safer Communities Awards 2008**
(a) The cost of producing this publication was $5,000.
(b) 1000 copies were printed and distributed to the Award recipients, volunteer organisations, emergency services organisations and local governments. The report was also published on the Departmental website.

(5) The Attorney-General and the Minister for Home Affairs both have a departmentally funded and maintained website.
(a) The cost of developing the website for the Attorney-General was approximately $2,100. The cost of developing the website for the Minister for Home Affairs was approximately $2,100.
(b) The cost during the 2008-09 financial year of refreshing/redeveloping the site for the Attorney-General was approximately $9,200. The cost during the 2008-09 financial year of refreshing/redeveloping the site for the Minister for Home Affairs was approximately $2,300.
(c) The Web Services Section of the Attorney-General’s Department is responsible for the maintenance, updating and uploading of content on the websites of both the Attorney-General and the Minister for Home Affairs. The Department does not allocate specific resources to either site.

(6) The Attorney-General’s Department distributes media releases for the Attorney-General and the Minister for Home Affairs.
(a) The Attorney-General’s Department operates a list-server whereby people can subscribe via the Attorney-General’s web-site or the Minister for Home Affairs’ web-site to receive media releases, speeches or similar information by email.
(b) The cost of distributing the emails cannot be separately identified, but would be minimal.
Climate Change, Energy Efficiency and Water: Legal Advice
(Question No. 2336)

Senator Barnett asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 17 September 2009:

(1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.

(2) How much was spent on: (a) internal; and (b) external, legal advice.

(3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Wong—The answer to the honourable senator’s question is as follows:
For the Department of Climate Change and Energy Efficiency (DCCEE) and the Office of the Renewable Energy Regulator (ORER) to answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.
To require DCCEE and ORER to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

Climate Change, Energy Efficiency and Water: Program Funding
(Question No. 2442)

Senator Ronaldson asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 23 November 2009:
For the 2008-09 financial year, what is the department’s top 5 program:
(a) overspends and their costs; and
(b) underspends and their costs.

Senator Wong—The answer to the honourable senator’s question is as follows:
Climate Change
In relation to the Department of Climate Change and Energy Efficiency (DCCEE) programs:
There were no DCCEE program overspends in the 2008-09 financial year.

<table>
<thead>
<tr>
<th>Top 5 DCCEE Program Underspends in 2008-09 Financial Year</th>
<th>$’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Advertising</td>
<td>3,791</td>
</tr>
<tr>
<td>Climate Change Science Program</td>
<td>29</td>
</tr>
<tr>
<td>Influencing International Climate Change</td>
<td>21</td>
</tr>
</tbody>
</table>

Water
In relation to my ministerial responsibilities for Water programs:

<table>
<thead>
<tr>
<th>Top 5 Water Program Overspends in 2008-09 Financial Year</th>
<th>$’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murray-Darling Basin Commission</td>
<td>(6,970)</td>
</tr>
<tr>
<td>Water for the Future – Sustainable Rural Water Use and Infrastructure</td>
<td>(2,648)</td>
</tr>
</tbody>
</table>
Tuesday, 15 June 2010  SENATE  3385

Top 5 Water Program Underspends in 2008-09 Financial Year $’000

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water for the Future – Water Smart Australia</td>
<td>37,885</td>
</tr>
<tr>
<td>Water for the Future – National Urban Water and Desalination Plan (Appropriation Bill 2)</td>
<td>20,797</td>
</tr>
<tr>
<td>Water for the Future – Living Murray Initiative</td>
<td>20,061</td>
</tr>
<tr>
<td>Water for the Future – National Urban Water and Desalination Plan (Appropriation Bill 1)</td>
<td>4,703</td>
</tr>
<tr>
<td>Tackling Climate Change – Green Precincts</td>
<td>2,500</td>
</tr>
</tbody>
</table>

Adoption

(Question No. 2496 amended)

Senator Pratt asked the Minister representing the Attorney-General, upon notice, on 17 December 2009:

(1) How many intercountry adoption applications have been processed by the relevant state and territory authorities for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10.

(2) What was the average cost of processing each application for: (a) states and territories; and (b) the Commonwealth.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The Community and Disability Services Ministerial Advisory Council (CDSMAC) considered a recommendation of the Overseas Adoption in Australia Report for performance information on intercountry adoption applications to be published including data on timeliness, separations and efficiency indicators such as the cost of each file processed. At the CDSMAC meeting on 5–6 November 2009 members unanimously agreed to not support further work implementing this recommendation. While the Australian Institute of Health and Welfare publishes figures on finalised adoptions by State and Territory each year, many more applications are at the various stages of processing both in Australia and overseas. For 2007/08 there were 270 finalised intercountry adoptions across Australia. No data is yet available for 2008-09 or 2009-10.

(2) (a) State and Territory Governments are solely responsible for processing individual adoption applications. As such, the cost associated with processing applications is a matter for the relevant State or Territory Government. (b) The Commonwealth Government is responsible for the establishment and management of Australia’s intercountry adoption arrangements, and for related policy. The Commonwealth has no role in processing individual adoption applications. The Commonwealth Government allocated $2.7 million to oversee Australia’s intercountry adoption programs in the 2009-10 Budget.

Climate Change

(Question Nos 2498 and 2500)

Senator Barnett 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) (a) How many people were in the delegation; and (b) for each delegate: (i) what was their title and status, and (ii) what was the exact number of days spent in Copenhagen or travelling.
(3) What other costs were directly or indirectly incurred by the delegation.

(4) (a) What was the carbon footprint incurred by the delegation (i.e. the estimated carbon emissions); and (b) what was the itemised cost for each delegate.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) and (b) Information about the total cost of sending the Official Australian Delegation to United Nations Framework Convention on Climate Change (Copenhagen 15) has been provided in response to Senate Question on Notice 2501, asked by Senator Abetz on 21 December 2009.

As at 3 March 2010, the Department of the Prime Minister and Cabinet had incurred the following costs:

- Airfares $25,820.29
- Accommodation $19,682.53
- Meals $904.40
- Transport $161.26, and
- Miscellaneous $1,069.43

The Australian Government has no records of the costs incurred by members of state or territory governments or of non-government organisations in the Official Australian Delegation. All costs associated with state and territory members of the Official Australian Delegation were paid by the state and territory governments. The Australian Government did not pay for observers from non-government organisations.

(2) I understand that the Minister for Climate Change, Energy Efficiency and Water, Senator the Hon Penny Wong, will provide details about the Official Australian Delegation to COP15 in her response to House of Representatives Question on Notice 1308 asked by Mr Fletcher on 15 March 2010.

The Australian Government does not hold records about the role expected of members of state or territory governments or of non-government organisations in the Official Australian Delegation. Questions about those members of the Official Australian Delegation should be directed to the relevant organisations.

Three staff members from the Department of the Prime Minister and Cabinet attended COP15. They were:

- Mr Patrick Suckling, First Assistant Secretary (SES B2), International Division (4 days)
- Ms Chelsey Martin, Senior Advisor (EL2), International Division, (8 days), and
- Ms Rebecca Christie, Visit Coordinator (EL1), Ministerial Support Unit (11 days).

(3) Information about the costs of the Official Australian Delegation has been provided in response to Senate Question on Notice 2501, asked by Senator Abetz on 21 December 2009.

(4) Information about the carbon footprint associated with the Official Australian Delegation has been provided in response to Senate Question on Notice 2506, asked by Senator Ronaldson on 21 December 2009.

Climate Change
(Question No. 2501)

Senator Abetz 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):

QUESTIONS ON NOTICE
(1) For each delegate attending COP15, can the following details be provided:
   (a) their name;
   (b) their title;
   (c) their employment classification and salary, including a full and detailed job description (and specifically where the term adviser is used, in what area of government do they specialise);
   (d) their designated role;
   (e) what days they worked;
   (f) the cost for travel;
   (g) the cost of commercial travel;
   (h) the class of travel taken;
   (i) the name of the agency or office that employed them; and
   (j) what papers, speeches or advice they gave.

(2) Can the following details be provided:
   (a) the number of first class bookings made;
   (b) the total cost of first class travel;
   (c) the number of business class bookings made;
   (d) the total cost of business class travel;
   (e) the number of economy class bookings made; and
   (f) the total cost of economy class travel.

(3) What was the total cost of travel for the delegation.

(4) Were state and territory delegates paid for by their respective state and territory governments or by the Federal Government.

(5) What was the total cost of all relevant participants to:
   (a) the Federal Government; and
   (b) each state and territory.

(6) Can a list be provided of all participants grouped under each:
   (a) state and territory; and
   (b) agency and department.

(7) What was the role of the Australian Federal Police (AFP) at COP15.

(8) How many AFP officers were present at COP15.

(9) Can an outline be provided of:
   (a) the roles of: (i) Mr Howard Bamsey, Special Envoy on Climate Change, and (ii) Ms Louise Hand, Ambassador for Climate Change at COP15; and
   (b) the differences between the roles.

(10) Was there an official doctor travelling with the Australian group participating at COP15; if so, what was the name of the doctor and can a description of employment be provided.

(11) Can an outline be provided of the differences between the role of an adviser employed by the Department of Climate Change and that of a political adviser also employed by the same department.

(12) Why was a student from the University of Oxford travelling with the group from Australia.

(13) Was the student currently on exchange to another university within Australia.
(14) What did the student contribute to COP15.
(15) Who paid for the cost of the student to participate at Copenhagen.
(16) Can a full job description be provided for the following:
   (a) desk officer; and
   (b) baggage liaison officer.
(17) Why was an official photographer required as part of the Australian delegation to COP15.
(18) Was an official photographer or photographers paid for by the organisers of COP15.
(19) What were the differences between the roles of the photographers in (17) and (18) above.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) to (d) and (i) I understand that the Minister for Climate Change, Energy Efficiency and Water, Senator the Hon Penny Wong will provide details about the Official Australian Delegation to COP15 in her response to House of Representatives Question on Notice 1308 asked by Mr Fletcher on 15 March 2010.

The Australian Government does not hold records about the role expected of members of state or territory governments or of non-Government Organisations in the Official Australian Delegation. Questions about those members of the Official Australian Delegation should be directed to the relevant organisations.

Three staff members from the Department of the Prime Minister and Cabinet attended COP15. They were:
-  Mr Patrick Suckling, First Assistant Secretary (SES B2), International Division
-  Ms Chelsey Martin, Senior Advisor (EL2), International Division, and
-  Ms Rebecca Christie, Visit Coordinator (EL1), Ministerial Support Unit

Mr Suckling’s role was to provide advice to the Prime Minister on his international agenda and foreign policy, including in support of his meetings with other world leaders.

Ms Martin heads up the Global and Regional Architecture section. The section’s responsibilities include coordinating the Prime Minister’s international advocacy on the Government’s key foreign policy priorities. Ms Martin travelled to Copenhagen to provide support for the Prime Minister’s international advocacy relating to the COP15.

Consistent with usual practice, Ms Christie travelled to Denmark in advance of the Prime Minister to work with the relevant agencies and Embassy/High Commission to coordinate logistical arrangements necessary to deliver an effective and efficient Prime Ministerial visit.

(e) Formal meetings commenced in Copenhagen on Monday 7 December 2009 and concluded on the afternoon of Saturday 19 December 2009. No formal UNFCCC meetings were scheduled on Sunday 13 December 2009. However, informal negotiations commenced before 7 December, were ongoing through Sunday 13 December and through to the conclusion of the conference.

In addition to the days attended at COP15, some officials participated in additional meetings and negotiations immediately prior to the formal UNFCCC meetings. In addition, some officials also attended the Commonwealth Heads of Government Meeting in Trinidad and Tobago (27-29 November 2009).

(f) to (h) The total costs of relevant participants from the Official Australian Delegation are not available for the following reasons:

QUESTIONS ON NOTICE
- Excluding travel by Special Purpose Aircraft, 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 for 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 on the Finance web site.

- The Australian Government has no records of the costs incurred by members of state or territory governments or of non-Government Organisations in the Official Australian Delegation. All costs associated with state and territory members of the Official Australian Delegation were paid by the state and territory governments. The Australian Government did not pay for observers from non-government organisations.

- The AFP does not comment on security or issues that may disclose methodology associated with security matters. Any disclosure of costs associated with the security of the Prime Minister has a potential to identify methodology.

However, the costs for staff from the Department of the Prime Minister and Cabinet totalled $47,637. Questions about the expenditure for other members of the Official Australian Delegation should be directed to the relevant agencies. Ms Martin and Ms Christie travelled business class to and from Copenhagen. Mr Suckling made his own way to London and flew business class to Copenhagen. He returned to Australia with the PM on the VIP jet.

(j) It is not possible to provide a complete set of the papers, speeches or advice given by each member of the Official Australian Delegation to COP15. The Australian Government did not provide administrative support of this sort to members of the Australian Official Delegation who represented State and Territory Governments and the non-government organisations. Further, discussions by any member of the Australian Official Delegation would not necessarily have been recorded.

(2) (a) and (f) The total bookings or costs incurred by the Official Australian Delegation to COP15 are not available for the reasons outlined in response to part 1 of this question.

As at 3 March 2010, the Department of the Prime Minister and Cabinet had incurred:

- Airfares $25,820.29
- Accommodation $19,682.53
- Meals $904.40
- Transport $161.26
- Miscellaneous $1,069.43

(3) Refer to the answer for part 1 of this question.
(4) Refer to the answer for part 1 of this question.
(5) Refer to the answer for part 1 of this question.
(6) Refer to part 1 of this question.
(7) The role of the AFP was the protection and security of the Prime Minister.
(8) Five (5) AFP protection officers attended COP15.
(9) (a) (i) The role of Mr Howard Bamsey, Special Envoy on Climate Change, at COP15 was to undertake high level representation and strategic engagement with key parties and to participate in meetings in support of Minister Wong.
(ii) The role of Ms Louise Hand, Ambassador for Climate Change, at COP15 was as Lead Negotiator.

(b) The differences between the roles was that Mr Bamsey had a broader strategic role and represented Minister Wong at times, whereas Ms Hand engaged in the more detailed negotiations and led the DCC negotiating team.

(10) As has been the practice with the current government and previous governments, a doctor usually travels with the Prime Minister on overseas visits. His name is listed in the attachment to this answer. He was the medical officer.

(11) There was no political adviser employed by the Department of Climate Change. The provisional (draft) list of COP participants circulated by the UNFCCC Secretariat contained some error, including a reference to a student from Oxford University being part of the Official Australian Delegation.

(12) There was no student from the University of Oxford on the Official Australian delegation.

The provisional (draft) list of COP15 participants was compiled by and circulated by the UNFCCC Secretariat and it reflected information submitted in advance of the COP15 meeting.

(13) Refer to answer for part 12 of this question.

(14) Refer to answer for part 12 of this question.

(15) Refer to answer for part 12 of this question.

(16) There are no job descriptions for a desk officer and a baggage liaison officer. The titles reflect roles taken on by staff members among other duties performed and are not formal position titles. The Desk Officer provided policy advice in Copenhagen.

The Baggage Liaison Officer role was performed, amongst other roles, by a member of the Royal Australian Airforce and a Locally Engaged Staff member.

(17) As has been the practice of successive Governments, an official photographer routinely accompanies the Prime Minister and delegations on overseas visits.

(18) I understand that an official photographer was retained by COP15.

(19) The role of the Australian official photographer is to record the activities of the Australian Prime Minister and Delegation. I am unaware of the particulars of the roles of the official photographer to COP15.

Climate Change

(Question No. 2505)

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), can an itemised list be provided, for each departmental official and staff employed under the Members of Parliament (Staff) Act 1984 on the Copenhagen trip, including the following details:

(a) their name;
(b) their Australian Public Service or MoPS classification level;
(c) if flying by commercial airline, at what class did they fly to and from Copenhagen;
(d) the total allowances paid for their overseas travel;
(e) (i) the name of the hotel or other commercial establishment in which they stayed, and (ii) the cost of this accommodation; and
(f) their primary duty or duties in Copenhagen.
Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a), (b) and (f) I understand that the Minister for Climate Change, Energy Efficiency and Water, Senator the Hon Penny Wong, will provide details about the Official Australian Delegation to COP15 in her response to House of Representatives Question on Notice 1308 asked by Mr Fletcher on 15 March 2010.

The Australian Government does not hold records about the role expected of members of state or territory governments or of non-Government Organisations in the Official Australian Delegation. Questions about those members of the Official Australian Delegation should be directed to the particular organisations.

Three staff members from the Department of the Prime Minister and Cabinet attended COP15. They were:

- Mr Patrick Suckling, First Assistant Secretary (SES B2), International Division. Mr Suckling paid for his travel to London, flew to Copenhagen from London in business class and returned in the VIP Jet with the PM.
- Ms Chelsey Martin, Senior Advisor (EL2), International Division. Ms Martin travelled in business class, and
- Ms Rebecca Christie, Visit Coordinator (EL1), Ministerial Support Unit. Ms Christie travelled in business class.

Mr Suckling’s role was to provide advice to the Prime Minister on his international agenda and foreign policy, including in support of his meetings with other world leaders.

Ms Martin heads up the Global and Regional Architecture section. The section’s responsibilities include coordinating the Prime Minister’s international advocacy on the Government’s key foreign policy priorities. Ms Martin travelled to Copenhagen to provide support for the Prime Minister’s international advocacy relating to COP15.

Consistent with usual practice, Ms Christie travelled to Denmark in advance of the Prime Minister to work with the relevant agencies and Embassy/High Commission to coordinate logistical arrangements necessary to deliver an effective and efficient Prime Ministerial visit.

(1) (c), and(e) The total costs of relevant participants from the Federal Government are not available. Excluding travel by Special Purpose Aircraft, 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 for 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 on the Finance web site.

(1) (d) and (f) As at 3 March 2010, the Department of the Prime Minister and Cabinet had incurred the following costs:

- Airfares $25,820.29
- Accommodation $19,682.53
- Meals $904.40
- Transport $161.26, and
- Miscellaneous $1,069.43
The PM&C delegates stayed at the Madison Blu Royal Hotel and the Imperial Hotel. Details about the accommodation arrangements for delegates from other agencies should be sought from those agencies. Other matters in this question have been addressed in response to Senate Question on Notice 2501 asked by Senator Abetz on 21 December 2009.

**Kyoto Protocol**

*(Question No. 2597)*

Senator Cormann asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 5 February 2010:

In regard to Australian financial liability for failing to meet requirements under the terms of the Kyoto Protocol ratified by the Rudd Government in December 2007:

(1) Does the current estimate of national emissions as measured under the Kyoto Protocol show that Australia will exceed its target of 108 per cent of 1990 levels by 2012; if so:
   (a) by how much will Australia exceed its target; and
   (b) what is the estimated financial liability for Australia.

(2) What would be the estimated financial liability to Australia of exceeding the Kyoto target by:
   (a) 1 per cent;
   (b) 2 per cent; and
   (c) 5 per cent.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) (a) Based on current projections, Australia is expected to meet its Kyoto Protocol target without the use of flexible mechanisms or importing emissions permits.
   (b) As Australia is expected to reach its Kyoto Protocol target, Australia’s current estimated financial liability for the Kyoto Protocol first commitment period (2008-12) is zero.

(2) I note that Australia is already halfway through the first Kyoto Protocol commitment period. At this stage, Australia’s emissions are projected to be almost 2 per cent below our Kyoto target over the five years. It is therefore highly unlikely for Australia to be able to exceed its assigned amount by the percentages specified by the honourable senator over the entire five year Kyoto period.

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1 Department of Climate Change, 2010, Australia’s Fifth National Communication on Climate Change: A report under the United Nations Framework Convention on Climate Change, DCC, Canberra, ACT

**Hawker Britton**

*(Question No. 2599)*

Senator Cormann asked the Minister representing the Prime Minister, upon notice, on 5 February 2010:

(1) On how many occasions has the Prime Minister, the Deputy Prime Minister, associated parliamentary secretaries 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

QUESTIONS ON NOTICE
(c) which Hawker Britton representatives were present.

**Senator Chris Evans**—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) and (2) The Prime Minister’s diary records the following details of his meetings with representatives of Hawker Britton.

<table>
<thead>
<tr>
<th>Date</th>
<th>Hawker Britton representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/08/2008</td>
<td>Bruce Hawker</td>
</tr>
<tr>
<td>29/01/2010</td>
<td>Bruce Hawker</td>
</tr>
</tbody>
</table>

Mr Hawker has been a personal friend of the Prime Minister for 20 years. I am advised that the meetings recorded in his diary were private meetings, which Mr Hawker attended in his personal capacity as distinct from attending in his capacity as a lobbyist on behalf of a third party.

I am advised that the diary of the Parliamentary Secretary to the Prime Minister records the following details of his meetings with representatives of Hawker Britton.

<table>
<thead>
<tr>
<th>Date</th>
<th>Hawker Britton representative(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>26/02/09</td>
<td>Peter Khalil</td>
</tr>
<tr>
<td>11/03/09</td>
<td>Peter Khalil</td>
</tr>
<tr>
<td>30/04/09</td>
<td>Eamonn Fitzpatrick, Peter Khalil</td>
</tr>
<tr>
<td>14/05/09</td>
<td>Bruce Hawker, Peter Khalil</td>
</tr>
<tr>
<td>12/08/09</td>
<td>Simon Banks, Peter Khalil</td>
</tr>
<tr>
<td>28/11/09</td>
<td>Bruce Hawker</td>
</tr>
</tbody>
</table>

I am advised that Sinogold Mining Ltd were in attendance at the meeting held on 11/03/09 and discussed their gold mining projects in China. I am advised that the other details recorded in the Parliamentary Secretary’s diary relate to a combination of social functions, at which representatives of Hawker Britton were also present, and private meetings which representatives of Hawker Britton attended in their personal capacity and at which lobbying activities were not undertaken.

Questions about meetings between the Deputy Prime Minister and representatives of Hawker Britton should be directed to Ministers Carr or Arbib as the ministers representing the Deputy Prime Minister in the Senate.

I am advised that responding to parts of this question relating to departmental officials would involve an unreasonable diversion of government resources, as this would require the examination of a large number of meeting and diary records. It would require all departmental officials to review calendar and diary entries since December 2007.

**Hawker Britton**

**(Question No. 2604)**

**Senator Cormann** asked the Minister for Immigration and Citizenship, 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 answer to the honourable senator’s question is as follows:

(1) Nil.
Senator Cormann asked the Minister for Climate Change, Energy Efficiency and Water, 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 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.

Senator Humphries asked the Minister representing the Minister for Human Services, 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 Human Services has provided the following answer to the honourable senator’s question:

Since 1 July 2007 there have been 690 voluntary redundancies (VRs) offered to Human Services portfolio employees. These are broken down by the portfolio agency as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total VRs Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>4</td>
</tr>
<tr>
<td>2008-09</td>
<td>2</td>
</tr>
<tr>
<td>2009-31 March 2010</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Total VRs offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>267</td>
</tr>
<tr>
<td>2008-09</td>
<td>191</td>
</tr>
<tr>
<td>2009-31 March 2010</td>
<td>167</td>
</tr>
</tbody>
</table>
(3) Medicare Australia

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Total VRs offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>4</td>
</tr>
<tr>
<td>2008-09</td>
<td>18</td>
</tr>
<tr>
<td>2009-31 March 2010</td>
<td>9</td>
</tr>
</tbody>
</table>

(4) Australian Hearing

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Total VRs offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>7</td>
</tr>
<tr>
<td>2008-09</td>
<td>13</td>
</tr>
<tr>
<td>2009-31 March 2010</td>
<td>7</td>
</tr>
</tbody>
</table>

**Home Affairs: Staffing**

*(Question No. 2674 amended)*

Senator Humphries asked the Minister representing the Minister for Home Affairs, 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 Home Affairs has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Commission for Law Enforcement Integrity</td>
<td>a) Nil</td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
</tr>
<tr>
<td>Australian Crime Commission</td>
<td>a) 5</td>
</tr>
<tr>
<td></td>
<td>b) 18</td>
</tr>
<tr>
<td></td>
<td>c) 1</td>
</tr>
<tr>
<td>Australian Customs and Border Protection</td>
<td>a) 10</td>
</tr>
<tr>
<td></td>
<td>b) 14</td>
</tr>
<tr>
<td></td>
<td>c) 11</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>a) 8</td>
</tr>
<tr>
<td></td>
<td>b) 220</td>
</tr>
<tr>
<td></td>
<td>c) 18</td>
</tr>
<tr>
<td>Australian Institute of Criminology</td>
<td>a) Nil</td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
</tr>
<tr>
<td></td>
<td>c) 2</td>
</tr>
<tr>
<td>Australian Transaction Reports and Analysis Centre</td>
<td>a) Nil</td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
</tr>
<tr>
<td></td>
<td>c) 1</td>
</tr>
<tr>
<td>Criminology Research Council</td>
<td>a) Nil</td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
</tr>
<tr>
<td>CrimTrac Agency</td>
<td>a) Nil</td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
</tr>
<tr>
<td>National Capital Authority</td>
<td>a) 6</td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
</tr>
</tbody>
</table>
Commonwealth Grants Commission
(Question No. 2686)

Senator Humphries asked the Minister representing the Treasurer, upon notice, on 3 March 2010:

With reference to the Commonwealth Grants Commission (the commission):

(1) Has the commission received any correspondence from the Chief Minister or Treasurer of the Australian Capital Territory in the past 12 months relating to the goods and services tax.

(2) Has the commission received any request from the Chief Minister or Treasurer of the Australian Capital Territory in the past 12 months to appear personally before the commission; if so: (a) was this request accepted; and (b) if the request was accepted, when.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

(1) In the past twelve months the Commonwealth Grants Commission has not received any correspondence from the Chief Minister or Treasurer of the ACT.

(2) In the past twelve months the Commonwealth Grants Commission has not received a request from the Chief Minister or Treasurer of the ACT to appear personally before the Commission.

(Question Nos 2693 to 2696)

Senator Milne asked the Minister representing the Minister for Resources and Energy, the Minister for Climate Change and Energy Efficiency and Water, the Minister for Innovation, Industry, Science and Research and the Minister for Environment Protection, Heritage and the Arts, upon notice, on 9 March 2010:

(1) For each of the financial years 2006-07, 2007-08, 2008-09 and 2009-10 to date, how much money has been disbursed by the department and associated agencies for: (a) solar energy research and development; and (b) research into carbon capture and sequestration.

(2) Can a list be provided of the names of the programs and initiatives and the amount for each disbursement.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question on behalf of all ministers asked:

DRET has provided a response for each department and associated agency, which is summarised in a short table below. The figures in the more detailed tables also attached have been provided by each department or agency to DRET. The notes included for each Department briefly outline the programs and detail any assumptions that have been made in reaching the figures provided.

<table>
<thead>
<tr>
<th>Summary of Programs</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
<th>2009/10 (to date)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Energy R&amp;D</td>
<td>13,834,463</td>
<td>20,239,025</td>
<td>32,837,682</td>
<td>52,689,475</td>
<td>119,600,645</td>
</tr>
<tr>
<td>CCS Research</td>
<td>9,125,799</td>
<td>20,774,496</td>
<td>20,804,254</td>
<td>21,120,933</td>
<td>71,825,480</td>
</tr>
<tr>
<td>Total</td>
<td>22,960,262</td>
<td>41,013,521</td>
<td>53,641,936</td>
<td>73,092,908</td>
<td>190,708,625</td>
</tr>
</tbody>
</table>

Department of Resources, Energy and Tourism

The Department of Resources, Energy and Tourism operates a number of programs related to solar energy research and development and CCS research. These are:
• **Australian Solar Institute:** The ASI is a commitment by the Australian Government to support solar thermal and solar photovoltaic research and development. The ASI aims to foster greater collaboration between solar researchers in universities, research institutions and industry and help forge strong links with peak overseas solar research organisations.

• **Solar Flagships Program:** The Solar Flagships program will support the construction of large-scale, grid-connected solar power stations in Australia, using solar thermal and photovoltaic technologies. The Solar Flagships program is part of the Australian Government’s $4.5 billion Clean Energy Initiative. The Solar Flagships program is primarily a commercial-scale development and demonstration program as opposed to having clear research objectives. However, $200 million from the Education Investment Fund has been allocated to Solar Flagships, to be used for research infrastructure. This will be disbursed via the Department of Industry, Innovation, Science and Research. To date no money has been disbursed for research and development purposes.

• **Advanced Electricity Storage Technologies:** The Advanced Electricity Storage Technologies program supports the development and demonstration of electricity storage technologies for use with variable renewable generation sources such as wind and solar. Four of the five funded programs relate to solar energy storage and have been included below (the fifth is wind-related). Please note the Department of Environment, Water, Heritage and the Arts previously had responsibility of this program, and payments by this Department in the 2006/07 – 2007/08 years is included under that Department’s summary.

• **Asia Pacific Partnership on Clean Development and Climate:** The Partnership brings together key developing and developed countries in the region (Australia, Canada, China, Japan, India, South Korea, USA) to address the challenges of climate change, energy security and air pollution in a way that is designed to promote economic development and reduce poverty. Only projects related to Solar research and development and CCS research (as opposed to development) have been included below.

• **National Low Emissions Coal Initiative:** The National Low Emissions Coal Initiative (NLECI) has been set up by the Australian Government to accelerate the development and deployment of technologies that will reduce emissions from coal use. Funding is for a mixture of research and demonstration projects. Only payments for research projects have been included below.

The below CCS table also includes payments made by the Department to the CRC for Greenhouse Gas Technologies (CO2CRC), which is administered through the Department of Innovation, Industry, Science and Research (further details below).

Please note that as the portion of the question relating to CCS is for research only, the figures in the CCS table below do not include moneys paid by the Department:

• To the Global Carbon Capture and Storage Institute;

• Through the Carbon Capture and Storage Flagships Program. The CCS Flagships program will support the construction of industrial-scale integrated carbon capture and storage projects across Australia. The CCS Flagships program is part of the Australian Government’s $4.5 billion Clean Energy Initiative. The CCS Flagships program is primarily a commercial-scale development and demonstration program as opposed to having clear research objectives. However, $200 million from the Education Investment Fund has been allocated to CCS Flagships, to be used for research infrastructure. This will be disbursed via the Department of Industry, Innovation, Science and Research. To date no money has been disbursed for research purposes; and

• Money paid through the Low Emissions Technology Demonstration Fund for CCS projects, as these were commercial-scale demonstration programs as opposed to having clear research objectives.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Solar Institute</td>
<td>0</td>
<td>0</td>
<td>6,041,000</td>
<td>29,842,000</td>
</tr>
<tr>
<td>Solar Flagships – EIF component</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Advanced Electricity Storage Technologies</td>
<td>0</td>
<td>896,500</td>
<td>6,284,786</td>
<td>6,973,256</td>
</tr>
<tr>
<td>Payments to solar storage technology projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - High Efficiency Solar Power Stations for Affordable Energy</td>
<td>0</td>
<td>1,950,000</td>
<td>670,000</td>
<td>0</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - Solar Enhanced Fuels for Electricity and Transport (Solargas)</td>
<td>0</td>
<td>380,000</td>
<td>1,500,000</td>
<td>555,000</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - Solar Cooling for Urban and Remote Rural Applications</td>
<td>0</td>
<td>0</td>
<td>407,000</td>
<td>80,000</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - Linear Concentrators to Capture Solar Energy</td>
<td>0</td>
<td>600,000</td>
<td>610,000</td>
<td>70,000</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - Accelerating the Deployment of Smart Minigrids</td>
<td>0</td>
<td></td>
<td>675,000</td>
<td>522,500</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>3,826,500</td>
<td>16,187,786</td>
<td>38,042,756</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RET CCS Research</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
<th>2009/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - China Australia Geological Storage of CO2</td>
<td>0</td>
<td>0</td>
<td>1,021,250</td>
<td>717,500</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - Assessing Post Combustion Capture Parts 1 and 2</td>
<td>0</td>
<td>3,550,000</td>
<td>2,080,000</td>
<td>2,740,000</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - Enhanced Coal Bed Methane</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asia Pacific Partnership on Clean Development and Climate - OxyFuel Combustion Program and Working Group</td>
<td>0</td>
<td>0</td>
<td>270,000</td>
<td>0</td>
</tr>
<tr>
<td>National Low Emissions Coal Initiative - Australian National Low Emissions Coal Research and Development Ltd (ANLEC R&amp;D)</td>
<td>0</td>
<td>0</td>
<td>1,227,151</td>
<td>1,643,400</td>
</tr>
<tr>
<td>National Low Emissions Coal Initiative - Pre-competitive Data Acquisition in Bass Strait</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4,500,000</td>
</tr>
<tr>
<td>Carbon Capture and Storage - CO2CRC Otway Basin Pilot Project Monitoring</td>
<td>1,100,000</td>
<td>2,664,200</td>
<td>5,043,857</td>
<td>635,900</td>
</tr>
<tr>
<td>CCS Flagships – EIF component</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1,100,000</td>
<td>6,714,200</td>
<td>9,642,258</td>
<td>10,236,800</td>
</tr>
</tbody>
</table>
Department of Industry, Innovation, Science and Research

The Department of Innovation, Industry, Science and Research (DIISR) operates a number of programs, through AusIndustry, related to solar and CCS research and development. These are:

- **Climate Ready**: One of the three program elements of the Clean Business Australia initiative, Climate Ready is a competitive grants process which supports small and medium sized businesses develop projects for innovations that address the effects of climate change.

- **Commercial Ready**: Commercial ready was a competitive grants process for small and medium sized businesses which sought to encourage growth and successful innovation in Australian companies by increasing the level of research and development (R&D), proof of concept and early-stage commercialisation by Australian businesses. This program has now been closed.

- **Renewable Energy Development Initiative (REDI)**: REDI was a competitive grants process to support the development of renewable energy technology products, processes or services that had strong early stage commercialisation and emissions reduction potential. This program has now been closed.

- **Innovation Investment Fund (IIF)**: The IIF Program is a venture capital program that supports new innovation funds and fund managers with expertise in early stage venture capital investing. It co-invests with private sector investors in venture capital funds to assist early stage companies to commercialise research and development.

- **Innovation Access**: Innovation Access supported technology access and diffusion and industry collaboration. The program has now been closed.

The table below lists expenditure for the financial years requested across these programs, as they apply to solar and CCS.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate Ready</td>
<td>0</td>
<td>0</td>
<td>2,515,880</td>
<td>1,822,271</td>
</tr>
<tr>
<td>Commercial Ready</td>
<td>0</td>
<td>370,356</td>
<td>464,621</td>
<td>54,912</td>
</tr>
<tr>
<td>REDI</td>
<td>5,004,805</td>
<td>4,079,476</td>
<td>1,846,146</td>
<td>472,617</td>
</tr>
<tr>
<td>IIF</td>
<td>0</td>
<td>20,000</td>
<td>1,150,633</td>
<td>800,412</td>
</tr>
<tr>
<td>Total</td>
<td>5,004,805</td>
<td>4,469,832</td>
<td>5,977,280</td>
<td>3,150,212</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DIISR CCS Research</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
<th>2009/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate Ready</td>
<td>0</td>
<td>0</td>
<td>77,545</td>
<td>186,592</td>
</tr>
<tr>
<td>Commercial Ready</td>
<td>0</td>
<td>209,318</td>
<td>694,806</td>
<td>107,102</td>
</tr>
<tr>
<td>Innovation Access</td>
<td>740,033</td>
<td>1,139,826</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>740,033</td>
<td>1,349,144</td>
<td>772,351</td>
<td>293,694</td>
</tr>
</tbody>
</table>

DIISR also administers the Cooperative Research Centres (CRC) Program. The objective of the CRC Program is to deliver significant economic, environmental and social benefits to Australia by supporting end user driven research partnerships between publicly funded researchers and end users to address clearly articulated, major challenges that require medium to long-term collaborative efforts.

The CRC Program currently provides funding for the CRC for Greenhouse Gas Technologies (CO2CRC) which undertakes research in carbon capture and sequestration. For the financial years 2006-07 to date, the CRC Program has provided CO2CRC with a total of $16,995,000 in funding as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CRC for Greenhouse Gas Technologies</td>
<td>3,500,000</td>
<td>8,300,000</td>
<td>3,745,000</td>
<td>1,450,000</td>
</tr>
<tr>
<td>Total</td>
<td>3,500,000</td>
<td>8,300,000</td>
<td>3,745,000</td>
<td>1,450,000</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
CSIRO

CSIRO’s primary function is to carry out research. As the question relates specifically to disbursement of funds, the below tables excludes CSIRO investment of appropriation funds in solar and CCS research allocated internally in CSIRO. The only mechanism CSIRO has to disburse funds to external services is through the Flagship Collaboration Fund (FCF). The following two tables summarise funding from the FCF for research in solar or CCS technologies since 2006.

Note that the National Hydrogen Materials Alliance (listed below) aims to develop new materials that improve the efficiency and economics of hydrogen generation, storage and end use. Most of the work in this FCF initiative is not directly relevant to solar research, except for the connection between SolarGas and hydrogen generation. It is difficult to determine the proportion of funds in this initiative that could be considered to be disbursed to solar research, but it is estimated to be of the order of 5-10%.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Hydrogen Materials Alliance (NHMA)</td>
<td>0</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CSIRO CCS Research</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
<th>2009/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigation into the chemical processes crucial to amine based post combustion capture of CO2</td>
<td>0</td>
<td>104,000</td>
<td>104,000</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>104,000</td>
<td>104,000</td>
<td>0</td>
</tr>
</tbody>
</table>

Australian Research Council

Funding allocated by the Australian Research Council to research projects relating to (a) solar energy research and development; and (b) research into carbon capture and sequestration is in the tables below:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ARC Future Fellowships</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>788,800</td>
</tr>
<tr>
<td>Centres of Excellence</td>
<td>5,135,192</td>
<td>5,430,096</td>
<td>5,475,000</td>
<td>4,975,000</td>
</tr>
<tr>
<td>Discovery Projects</td>
<td>2,047,313</td>
<td>2,051,324</td>
<td>2,406,148</td>
<td>2,562,239</td>
</tr>
<tr>
<td>Federation Fellowship</td>
<td>457,972</td>
<td>316,222</td>
<td>643,968</td>
<td>643,968</td>
</tr>
<tr>
<td>Linkage Infrastructure Equipment and Facilities</td>
<td>0</td>
<td>142,500</td>
<td>142,500</td>
<td>50,000</td>
</tr>
<tr>
<td>Linkage International</td>
<td>25,150</td>
<td>14,325</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Linkage Projects</td>
<td>890,475</td>
<td>784,926</td>
<td>1,005,000</td>
<td>1,476,500</td>
</tr>
<tr>
<td>Linkage Projects (Australian Postgraduate Awards Industry Only)</td>
<td>23,556</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>8,579,658</td>
<td>8,739,393</td>
<td>9,672,616</td>
<td>10,496,507</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARC CCS Research</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
<th>2009/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARC Future Fellowships</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,660,400</td>
</tr>
<tr>
<td>ARC Research Networks</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
<td>0</td>
</tr>
<tr>
<td>Discovery Projects</td>
<td>1,192,630</td>
<td>1,952,050</td>
<td>2,990,252</td>
<td>4,307,407</td>
</tr>
<tr>
<td>Federation Fellowship</td>
<td>801,296</td>
<td>563,759</td>
<td>1,012,702</td>
<td>782,588</td>
</tr>
<tr>
<td>Linkage Infrastructure Equipment and Facilities</td>
<td>362,000</td>
<td>242,500</td>
<td>312,500</td>
<td>295,000</td>
</tr>
<tr>
<td>Linkage International</td>
<td>7,250</td>
<td>12,100</td>
<td>22,300</td>
<td>26,600</td>
</tr>
<tr>
<td>Linkage Projects</td>
<td>922,590</td>
<td>1,036,743</td>
<td>1,702,891</td>
<td>2,068,445</td>
</tr>
<tr>
<td>Total</td>
<td>3,785,765</td>
<td>4,307,152</td>
<td>5,406,644</td>
<td>9,140,439</td>
</tr>
</tbody>
</table>
The funding figures provided above are estimates based on funded projects extracted from ARC databases using the search criteria outlined below with the subsequent listing of projects then vetted for relevance.

To identify possible projects involving solar energy research and development the following search criteria were used (in a search of ‘Project title’; ‘Abstract’; and ‘National benefit text’):

- Field of Research (FOR) classification: 090605 - Photodetectors, Optical Sensors and Solar Cells; 090607 - Power and Energy Systems Engineering (excl. Renewable Power); 090608 - Renewable Power and Energy Systems Engineering (excl. Solar Cells); 0912 - Materials Engineering; 1007 – Nanotechnology
- Research Fields, Courses and Disciplines (RFCD) classification: 291401 - Polymers; 291499 - Materials Engineering not elsewhere classified; 291104 - Environmental Technologies; 290699 - Chemical Engineering not elsewhere classified; 290901 - Electrical Engineering; 291804 – Nanotechnology
- Socio-economic Objective (SEO) classification: 660204 - Solar-thermal; 660205 - Solar-phoetolectric; 660206 - Solar-thermal electric; 760101 - Global climate change adaptation measures

To identify possible projects involving carbon capture and sequestration research the following search criteria were used (in a search of ‘Project title’; ‘Abstract’; and ‘National benefit text’):

Keywords: “Carbon Capture”; “Sequestration”; “Carbon”; “Greenhouse gas”
- FOR Codes: 050301 - Carbon Sequestration Science; 090703 - Environmental Technologies; 040311 - Stratigraphy (incl. Biostratigraphy and Sequence Stratigraphy); 040312 - Structural Geology
- RFCD Codes: 300199 - Soil and Water Sciences not elsewhere classified; 291104 - Environmental Technologies; 00102 - Soil Biology; 300104 - Land Capability and Soil Degradation; 260110 - Biostratigraphy; 260111 - Other Stratigraphy (incl. Sequence Stratigraphy)
- SEO Codes: 760101 - Global climate change adaptation measures; 660199 - Energy Transformation not elsewhere classified

Department of Environment, Water, Heritage and the Arts

Program spending of the Department of Environment, Water, Heritage and the Arts (DEWHA) is generally deployment-related as opposed to research-focused. Those programs that had a research and development dimension (such as the Renewable Energy Commercialisation Program) had committed all funds prior to 2006/07.

As mentioned above, prior to DRET gaining responsibility for the Advanced Electricity Storage Technologies program, this was funded through DEWHA. Additional figures (obtained by DRET) for this program are:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Electricity Storage Technologies – Payments to solar storage technology projects</td>
<td>250,000</td>
<td>2,203,300</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>250,000</td>
<td>2,203,300</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Department of Climate Change and Energy Efficiency

The Department of Climate Change and Energy Efficiency has not expensed any money for solar research and development or for research into CCS technologies over the years specified.
Treasury: Staffing
(Question Nos 2701, 2720, 2726 and 2728)

Senator Humphries asked the Minister representing the Treasurer, 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 Treasurer 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 to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Treasury</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Australian Bureau of Statistics</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Australian Competition and Consumer Commission</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Australian Office of Financial Management</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Australian Prudential Regulatory Authority</td>
<td>1</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Australian Securities and Investment Commission</td>
<td>1</td>
<td>4 SES incentives to retire</td>
<td>2</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>7</td>
<td>4</td>
<td>6 (1 July 2009 to 1 March 2010)</td>
</tr>
<tr>
<td>Corporations and Markets Advisory Committee</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Inspector-General of Taxation</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>National Competition Council</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Productivity Commission</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Royal Australian Mint</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Human Services: Staffing
(Question No. 2719)

Senator Humphries asked the Minister representing the Minister for Human Services, 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 Human Services has provided the following answer to the honourable senator’s question:

(1) Human Services and CRS Australia

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total involuntary Redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>0</td>
</tr>
<tr>
<td>2008-09</td>
<td>0</td>
</tr>
<tr>
<td>2009-31 March 2010</td>
<td></td>
</tr>
</tbody>
</table>

(2) Centrelink

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Total involuntary redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>0</td>
</tr>
<tr>
<td>2008-09</td>
<td>1</td>
</tr>
</tbody>
</table>
Financial year | Total involuntary redundancies
--- | ---
2009-31 March 2010 | 0

(3) Medicare Australia

Financial year | Total involuntary redundancies
--- | ---
2007-08 | 0
2008-09 | 0
2009-March 2010 | 0

(4) Australian Hearing

Financial year | Total involuntary redundancies
--- | ---
2007-08 | 0
2008-09 | 0
2009-March 2010 | 0

### Hobart District Registrar

(Question No. 2774)

**Senator Abetz** asked the Minister representing the Attorney-General, upon notice, on 7 April 2010:

With reference to the answer to question no. 19 taken on notice during the 2009-10 supplementary Budget estimates of the Legal and Constitutional Affairs Legislation Committee and, in particular, the answer to part (a) in relation to advertising of the Hobart District Registrar position: Was the position advertised in national newspapers; if so, in which newspapers was it advertised.

**Senator Wong**—The Attorney-General has provided the following answer to the honourable senator’s question:

The District Registrar’s position for the Tasmania Registry was not advertised in a national newspaper. It was advertised in the Hobart Mercury, the Launceston Examiner, the Burnie Advocate and in the APS employment gazette.

### Resources and Energy

(Question No. 2775)

**Senator Abetz** asked the Minister representing the Minister for Resources and Energy, upon notice, on 7 April 2010:

With reference to the answer to question no. SR-10 taken on notice during the 2009-10 supplementary Budget estimates of the Economics Legislation Committee: Given that the arcs intersect across the whole of the ‘Area of proposed AUSGEO offshore energy security program’ identified on the map, will valuable hydrocarbon resources identified on the map from seismic data surveys undertaken in the area (at a cost of $9.43 million) be at risk if Australia loses sovereignty over the Elizabeth and Middleton Reefs [islands].

**Senator Carr**—The Minister for Resources and Energy has provided the following answer to the honorable senator’s question:

Australia’s entitlements to any resources of the seabed and subsoil in the area are secured by its entitlements under Article 76 of United Nations Convention on the Law of the Sea, confirmed by the Commission on the Limits of the Continental Shelf in its recommendations of April 2008. As such the Department is of the view that any such resources are not at risk.
**Resources and Energy**

**(Question No. 2776)**

Senator Abetz asked the Minister representing the Minister for Resources and Energy, upon notice, on 7 April 2010:

(1) What percentage of the overall budget allocation for seismic data surveys does the $9.43 million represent.

(2) Given that the department had insufficient data to make any meaningful estimate of the value of the resources in the area, on what basis is the department able to justify spending $9.43 million on seismic data surveys in the region of the Elizabeth and Middleton Reefs [islands].

(3) Given that representatives of the exploration team in the department and from Geoscience Australia will be available at the 2010 Australian Petroleum Production & Exploration Association Ltd and Good Oil conferences in Houston, Brisbane and Fremantle to discuss Australian exploration policy and technical matters:
   (a) can the department outline what departmental representatives and/or officers will be advising conference attendees; and
   (b) will they advise that there is insufficient data to make any meaningful estimate of the value of the resources in the region of the Elizabeth and Middleton Reefs [islands] at present; if not, what will be the basis of departmental advice to conference attendees and to international inquiry about the hydrocarbon resources potential in the region.

(4) At the estimates hearing in October 2009, was the Minister and/or the department aware of the report published on 29 November 1989 in an Australian scientific journal by Dr Philip Symonds (Australia’s United Nations Commissioner) and J.B. Wilcox projecting the tremendous potential of hydrocarbon reserves in the islands area and stating that because the Elizabeth and Middleton Islands area lies beyond Australia’s present 200-mile continental shelf (identified on a chart within the report), Australia would be declaring an expanded continental shelf claim if the Commonwealth asserted jurisdiction over the islands; if so:
   (a) when was the Minister and/or department made aware of the report;
   (b) was the Minister and/or the department also aware that from this report, the minimum estimated recovery from the Middleton, Capel and Faust Basins in the area adjacent to Elizabeth and Middleton Islands [reefs] is 0.20 billion barrels which at US$70 per barrel equates to US$14 billion and the maximum estimated recovery from these basins is 15.9 billion barrels which at US$70 equates to US$1.1 trillion, excluding, of course, potentially large deposits of natural gas and methane from gas hydrates referred from time to time over many years in various Geoscience Australia newsletters; and
   (c) does the Minister and/or the department consider the projected minimum and maximum estimated recovery from the basins identified to be supportable and sufficient to justify the committee’s concerns about possible loss of valuable resources if Australia lost sovereignty over the islands of the Elizabeth and Middleton Reefs [islands].

(5) Does the department agree that if Australia obtains sovereignty over the Middleton and Elizabeth Reefs as ‘islands’, then Australia would be entitled to substantial mineral rights with respect to the Exclusive Economic Zone area gained and that this would confirm the critical importance of Elizabeth and Middleton Islands towards achieving and maintaining the status of the islands beyond their value as being located in a marine reserve, or as some of the most southernmost coral reefs in the world.
Senator Carr—The Minister for Resources and Energy has provided the following answer to the honorable senator’s question:

(1) Of the $9.43 million figure spent on marine surveys in the Capel and Faust Basins, $6.2 million was spent on the acquisition of 2D seismic data in these basins. The $6.2 million figure represents 29.6 percent of the total funds spent on 2D seismic acquisition for the period 2003 - 2009.

(2) The purpose of the program was to acquire additional geophysical and geological data to make an informed assessment of the geological history, and resource potential, of the Capel and Faust Basins. The Middleton Reef and Elizabeth Reef are located approximately 250kms from the nearest Geoscience Australia seismic line in the Capel Basin.

(3) (a & b) The datasets collected over the Capel and Faust Basins have led to the identification of geologic depocentres (sediment containers) with dimensions up to 125km x 35km and maximum sediment thicknesses of 5 - 7km. If source rocks are present in older parts of the basins, they are of sufficient thickness to produce hydrocarbons.

(4) (a) The paper was authored by staff of the Bureau of Mineral Resources (BMR, a forerunner of Geoscience Australia) and was published in the 1989 September issue of the BMR Journal of Australian Geology and Geophysics. Geoscience Australia staff have been and are aware of the report.

(4) (b & c) Geoscience Australia is aware of the estimates published in Symonds and Willcox (1989). The estimates were based on very limited data and rely on generic parameters from potential global analogue basins and take no account of characteristics of Australian petroleum systems. The methodology is not used in Geoscience Australia, and these old estimates cannot be supported. Although the presence of gas hydrates has been inferred and claimed to be present in this region based on characteristics observed on some seismic profiles, more recent studies indicate that these characteristics are likely to have other origins. There is no definitive evidence of the existence of gas hydrates in the region.

(5) Australia already exercises sovereignty over Middleton and Elizabeth Reefs and considers them to be islands. Australia already exercises Exclusive Economic Zone (EEZ) rights from these features. Regardless of the existence of an EEZ generated by these features, Australia’s entitlements to the resources mentioned is secured by its entitlements under Article 76 of UNCLOS, confirmed by the Commission on the Limits of the Continental Shelf in its recommendations of April 2008.

Elizabeth and Middleton Islands
(Question No. 2777)

Senator Abetz asked the Minister representing the Attorney-General, upon notice, on 7 April 2010:

With reference to the answer to question no. 69 taken on notice during the 2009-10 supplementary Budget estimates of the Legal and Constitutional Affairs Legislation Committee:

(1) Given that the question specifically asked ‘whether the status of Elizabeth and Middleton Islands were “important for locating the boundary between the EEZ [Exclusive Economic Zone] and the ECS [extended continental shelf]”’ and that the ‘reply indicated that “Middleton Island was used as a base point in the delimitation with France in relation to New Caledonia”’: Can an answer to the original question asked be provided.

(2) Given that it was further advised that the boundary between the EEZ ‘and the extended continental shelf in any maritime area is the outer limit of the EEZ located 200 nautical miles from the territorial sea baseline. Base points on Elizabeth and Middleton Reefs are necessary to establishing the proclaimed outer limit of the EEZ’, does not answer the question, but would appear to confirm that in claiming an EEZ to 200 nautical miles, Australia regarded Elizabeth and Middleton Islands as islands in accordance with United Nations Convention on the Law of the Sea (UNCLOS) Articles...
121(1) and (3) with their own continental shelf and EEZ, and if that is the case, can answers to the following be provided in a clear, concise and easy to understand language:

(a) have the Elizabeth and Middleton Islands achieved island status as defined by UNCLOS Article 121;

(b) have Middleton and Elizabeth Islands been used to claim an EEZ up to 200 nautical miles from the territorial sea baseline; if so, can a detailed explanation be provided of how the Commonwealth was able to prove that they are islands in accordance with UNCLOS Articles 121(1) and (3) thus removing any risk of future disputes and the circumstances under which each of these two features have satisfied the three requirements as required by that article;

(c) if Elizabeth and Middleton Islands were used to claim an ECS to 350 nautical miles, how was the Commonwealth able to prove that they are islands in accordance with UNCLOS Articles 121(1) and (3) thus removing any risk of future disputes and the circumstances under which each of these two features have satisfied the three requirements as required by that article;

(d) if Elizabeth and Middleton Islands were not used to claim an ECS to 350 nautical miles, why would Australia use them to claim an ECS to 200 nautical miles and not to 350 nautical miles e.g. such a claim might have created a conflict with the French boundary, or Australia could not prove that Elizabeth and Middleton were islands with economic life in accordance with UNCLOS Articles 121(1) and (3);

(e) if Elizabeth and Middleton Islands were not used to claim an ECS to 350 nautical miles, what other structure or island was used and on what basis was this possible under international law;

(f) if Elizabeth and Middleton Islands are regarded as islands in accordance with UNCLOS Articles 121(1) and (3), why were they not named and/or otherwise identified on any map or chart forming part of Australia's submission to the UNCLOS; and

(g) is it true that an EEZ is of more value to a sovereign state than an ECS because of the operation of UNCLOS Article 82 which is an obligation on the sovereign state to pay royalties on any commercial exploitation within the ECS.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The answer given to question no. 69 did answer the question. That answer stated: ‘The boundary between the exclusive economic zone (EEZ) and the extended continental shelf in any maritime area is the outer limit of the EEZ located 200 nautical miles from the territorial sea baseline. Base points on Elizabeth and Middleton Reefs are necessary to establishing the proclaimed outer limit of the EEZ’.

(2) (a) Yes.

(b) Yes. It follows that Australia regards them as meeting the requirements of Article 121(1) and (3) of UNCLOS. It would not be appropriate to give legal advice on the application of those Articles.

(c) The outer limit of the extended continental shelf in the Lord Howe Rise region is not dependent on base points on Elizabeth and Middleton Reefs.

(d) The premise of the question is wrong in so far as it refers to a claim to an extended continental shelf to 200 nautical miles. An extended continental shelf (ECS) by definition is an area of continental shelf that is beyond 200 nautical miles from the territorial sea baseline. That said, it is necessary to use Elizabeth and Middleton Reefs to claim an exclusive economic zone (EEZ) the outer limit of which is 200 nautical miles distant from the base points located upon them. However, Elizabeth and Middleton Reefs are not relevant to the location of the outer edge of Australia’s continental margin in the Lord Howe Rise region.
In its public summary of the recommendations on the Australian submission to the Commission on the Limits of the Continental Shelf, the Commission explicitly stated the basis of Australia’s entitlement to an ECS in the Lord Howe Rise region as follows:

‘69. The Commission recognises that the continental margins, as established for the purposes of the Convention, of the landmasses of the Lord Howe Island and the Norfolk Island in the New Caledonia Basin overlap completely with each other and with the treaty lines with France in the north and New Zealand in the south, so that the continental shelf will cover the entire area outside 200 M on the Australian side of the treaty lines in this area. The Commission recommends that Australia proceeds to establish the limits of the continental shelf around the Caledonian Basin accordingly’.

Therefore, Australia’s extended continental shelf does not depend on the existence of Elizabeth and Middleton Reefs for its validity.

Elizabeth and Middleton Reefs are clearly shown on the Executive Summary maps and within the main body of Australia’s submission. However, like many other features on the maps, including some islands, they are not labelled.

Assuming that there were resources in an area of EEZ and in an area of ECS of precisely the same value the answer is ‘yes’.

Senator Abetz asked the Minister representing the Attorney-General, upon notice, on 7 April 2010:

With reference to the answer to question no. 70 taken on notice during the 2009-10 supplementary Budget estimates of the Legal and Constitutional Affairs Legislation Committee:

(1) On what basis has the department determined that the Ure-Chan Group has not established proprietary rights over the Elizabeth and Middleton Reefs [islands].

(2) (a) What is the date the department considers to be the correct date for Australia first ascertaining sovereignty over the Elizabeth and Middleton Reefs [islands]; and (b) in detail, why does the department consider this to be the correct date.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) It would not be appropriate for the Commonwealth to reveal its legal arguments in support of its rejection of the claim of the Ure-Chan Group to proprietary rights over Elizabeth and Middleton Reefs.

(2) Ascertaining the precise date upon which Australia acquires sovereignty over certain islands forming part of its territory is not a straightforward matter. It involves an assessment of factors such as time of discovery, intention, authority and effective occupation. However, there is no doubt that Australia has considered the islands on Elizabeth and Middleton Reefs to be subject to Australian sovereignty for a substantial period of time.

Senator Bob Brown asked the Minister for Defence, upon notice, on 8 April 2010:

(a) What is the proposed purchase price per plane and any other costs, including initial investment in the project, of the F-35 Joint Strike Fighter; and (b) what are the scheduled delivery dates for the planes.
Senator Faulkner—The answer to the honourable senator’s question is as follows:

(a) Acquisition of Australia’s first 14 Joint Strike Fighters (JSF), with infrastructure and support required for initial training and testing, will cost an estimated A$3.2 billion.

In regard to price per plane, I refer you to Dr Gumley’s (Chief Executive Officer, Defence Materiel Organisation) report to the Joint Standing Committee on Foreign Affairs, Defence and Trade. On 30 March 2010, Dr Gumley reported that our expected average fly-away price for the expected Australian JSF fleet of 100 aircraft was still approximately A$75 million in 2008 dollars per aircraft, based on an exchange rate of US$0.92, including risk funding for known and unknown cost risks. To this figure, Defence has provided for additional contingency funding for broader Australian project costs.

In regard to other costs, operational costs for a total fleet of about 100 aircraft would be in the order of A$20 billion over a 30 year life based on the currently expected rate of effort and assuming the economies of scale of an eventual all-JSF fleet.

(b) On current plans, Australia’s first two JSF will be delivered in 2014 to commence initial training and to take part in operational testing in the US. The next eight aircraft will also be based in the US for a number of years for pilot and maintainer training.

The next four aircraft are planned to be delivered in Australia in 2017 to conduct Australia-specific operational testing.

On current plans, the first squadron will be ready for deployed operations by the end of 2018. The first three operational squadrons, comprising a total of no fewer than 72 JSF will be available in 2021.

A decision on the final batch of JSF, to replace the Super Hornets, is not expected before 2015.

Queensland Ports: Pilotage

(Question No. 2780)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 8 April 2010:

(1) What would be the average cost for a marine pilot to guide a ship leaving a port south of Cairns which then travels through or near the Great Barrier Reef.

(2) What volumes of coal do ships leaving Queensland ports typically carry.

(3) What is the current per tonne value of Queensland coal.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) The average cost for pilotage from Gladstone up through the Inner Route to Booby Island is approximately $9,500 to $10,000 per passage, and for pilotage from Gladstone to the Jomard Entrance, the approximate cost is $7,000 per passage.

(2) and (3) These questions are matters for the Minister for Resources, Energy and Tourism.

Jandakot Airport

(Question No. 2782)

Senator Siewert asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 13 April 2010:

With reference to Jandakot Airport, Western Australia:

(1) How will building the fourth runway impact on the residents of Cockburn, Melville and Canning.
(2) (a) How will the noise amelioration and property resumption program, required as part of the proposed expansion, be funded; and (b) when will it be funded.

(3) Who is responsible for: (a) noise amelioration in the affected areas; and (b) the action to be taken to address noise pollution in the vicinity.

(4) By how much will further plans to increase the use of heavier aircraft in the area, compound the already existing noise pollution.

(5) How will the future use of pure jet aircraft which is under consideration, impact on noise pollution to residents in Cockburn, Melville and Canning.

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) Any proposal for a new runway at Jandakot Airport will be subject to a Major Development Plan under the Airports Act 1996 including full public consultation. The potential siting of a fourth runway was in the 2005 and 2009 Master Plans.

(2) Jandakot Airport’s noise management plans are detailed in the 2009 Master Plan and property resumption is not required for the development of the fourth runway.

(3) Jandakot Airport’s noise management plans are detailed in the 2009 Master Plan.

(4) The proposed fleet mix to 2029 and the 2029 Australian Noise Exposure Forecast (ANEF) for Jandakot Airport are included in the 2009 Master Plan.

(5) The proposed fleet mix to 2029 and potential impacts are considered in the 2009 Master Plan.

**Convention on Cluster Munitions**

(Question No. 2783)

**Senator Bob Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 April 2010:

(1) Does the Government intend to participate in the Convention on Cluster Munitions (CCM) meeting in Vientiane, Laos in November 2010; if so, will the Government participate as a states party.

(2) When is the Government planning to progress legislation needed to ratify the CCM treaty.

**Senator Faulkner**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Government will participate in the First Meeting of States Parties of the Convention on Cluster Munitions (CCM) to be held in Laos in November 2010. If, as currently expected, ratification has not occurred in time to allow for Australia’s participation as a State Party, Australia will participate as an observer.

Through the United Nations Development Programme, the Government is providing approximately $730,000 to support the first Meeting of States Parties to the CCM.

(2) Drafting instructions for the implementing legislation have been issued to the Office of Parliamentary Counsel. Once finalised, this implementing legislation will be tabled in parliament at the first possible opportunity. The Government will complete the ratification process when the legislation has been enacted.
Telecommunications
(Question No. 2785)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 19 April 2010:

What is the: (a) number; and (b) location, of places where a telecommunications carrier has installed a low-impact telecommunications facility on a residential building, i.e. a single standalone house or a multiple unit dwelling, which requires notification to the owner or owners via a land access and activity notice under Schedule 3 of the Telecommunications Act 1997 and the Telecommunications Code of Practice 1997.

Senator Conroy—The answer to the honourable senator’s question is as follows:

I am advised that the Department of Broadband, Communications and the Digital Economy sought the assistance of the Mobile Carriers Forum (MCF), a division of the Australia Mobile Telecommunications Association, to prepare the response to this question. The MCF previously provided data on the use of land access and activity notices (LAANs) which was used in preparing the response to Senate Question on Notice 2414.

The carriers that are members of the MCF, Telstra, Optus and VHA, maintain databases to track the issue of LAANs to ensure that activities are undertaken within prescribed timeframes. The MCF advises, however, that the data fields in the databases do not refer to specific property zones and as such the assessment of which sites are residential can only be approximated.

In relation to wireline activities the MCF has advised that the overwhelming majority of these activities relate to ‘pit and pipe’ work undertaken within road reserves. However, it is also necessary to place copper cable and optical fibre within land owned by third parties to deliver telecommunications services. LAANs are issued in this context as a procedural necessity.

The MCF has advised the Department that in 2009 approximately 523 LAANs had been issued to connect cable/optical fibre to the main distribution frames (MDFs) within multi-storey residential buildings. Principally these LAANs are used in new residential developments to expedite the provision of essential telecommunications services to allow occupancy. The MCF has advised that there is no significant volume of objection in relation to this process.

In relation to wireless facilities, the MCF has advised that the majority of activity is in relation to low impact facilities installed on commercial, retail or industrial properties. It advises that in most cases wireless facilities in residential areas are deployed on existing power and light poles. The MCF advises that according to the data provided to it by carriers, only four LAANs were issued for the installation of a wireless facility on a residential apartment building in 2009. The MCF further advised that there were no instances where a carrier issued a land access activity notice for wireless facilities on a single dwelling house.

The location of properties in relation to which LAANs were issued is treated as confidential by the carriers.

Fossil Fuels
(Question No. 2786)

Senator Milne asked the Minister representing the Prime Minister, upon notice, on 20 April 2010:

Given that the Prime Minister committed Australia to phasing out subsidies on fossil fuels at the Pittsburgh G-20 Summit held in September 2009: What steps have been taken since the meeting to implement that commitment?

QUESTIONS ON NOTICE
**Senator Chris Evans**—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised that:

At the Pittsburgh Summit, G20 Leaders agreed to rationalise or phase-out inefficient fossil fuel subsidies that encourage wasteful consumption (excluding subsidies that support clean energy or are targeted at assisting the poor).

The Australian Government supports this commitment. We are participating in the G20 Energy Experts Group, which is responsible for coordinating the G20’s response to the commitment.

The Government expects to finalise its response in time for the Toronto Leaders Summit in June 2010.

**Australian Broadcasting Corporation**

(Question No. 2793)

**Senator Ludlam** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 27 April 2010:

Does the Government plan to commence a technical trial of audio description on the Australian Broadcasting Corporation (ABC) before the digital switchover, as stated in the discussion report *Access to electronic media for the hearing and vision impaired: Approaches for consideration*, dated 2009; if so: (a) has any funding been allocated to the ABC to undertake such a trial; and (b) what will be the consultation process with stakeholders, including blind and vision impaired people across Australia.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

The Media Access Review Discussion Report released in November 2009 outlined a range of possible approaches to increase access to electronic media for the vision and hearing impaired, including a possible technical trial of audio description for television services by the ABC before digital switchover is completed.

The approaches being considered by Government aim to ensure that meaningful improvements to levels of media access for the hearing and vision impaired can be achieved in a way that is practical for broadcasters and content producers.

Stakeholder views on these approaches were called for by 29 January 2010 with 54 being received. The Government will consider these submissions and finalise a report for tabling in Parliament in 2010.

**Solar Flagships Program**

(Question No. 2797)

**Senator Cash** asked the Minister representing the Minister for Resources and Energy, upon notice, on 3 May 2010:

(1) What grants, concessions or schemes are currently available to promote the use of solar technologies in Australia

(2) (a) How many applications have been received for the Government’s $1.5 billion Solar Flagships Program (the program); and (b) what are the criteria required to be met by applicants.

(3) (a) Who are the members of the Solar Flagships Council which will assess applications for the program; and (b) what is the anticipated time frame for decisions to be made on applications.

**Senator Carr**—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question:

(1) The Australian Government has a range of initiatives in place to promote the use of solar technologies in Australia. The 20 per cent by 2020 expanded Renewable Energy Target (RET) came into force on 1 January 2010 and is driving the additional deployment of renewable energy generation.
Solar energy is an eligible technology under the scheme. The RET includes the Solar Credits initiative, which provides a multiplied credit for generation from small-scale solar systems.

On 26 February, the Minister for Climate Change, Water and Energy Efficiency announced that from 1 January 2011, the RET will include two parts – the Small-scale Renewable Energy Scheme (SRES) and the Large-scale Renewable Energy Target (LRET). The SRES will cover small-scale technologies such as solar panels and solar hot water systems and provide a fixed price of $40 per megawatt hour of electricity produced.

The Australian Government’s Clean Energy Initiative is investing in a range of low emission energy technologies and includes the following funding programs, which are targeted to solar technologies and are delivered through the Department of Resources, Energy and Tourism:

- The Australian Centre for Renewable Energy (ACRE) is providing funding for two solar projects under the Renewable Energy Demonstration Program.
- The Australian Solar Institute is currently funding 13 innovative photovoltaic and solar thermal research and development projects to advance solar energy technologies in Australia.
- The Solar Flagships Program is a competitive grants program to provide funding for the construction and demonstration of large scale, grid-connected solar power stations operating within a competitive electricity market in Australia.

The expanded Clean Energy Initiative announced in the May 2010 budget also includes the $652 million Renewable Energy Future Fund, which will support the development and deployment of large and small scale renewable energy projects.

In addition, there are a number of other initiatives delivered through the Department of Climate Change and Energy Efficiency, including:

- The National Solar Schools Program (NSSP).
- The Australian Government’s Renewable Energy Bonus Scheme offers rebates for the replacement of an electric storage hot water heater with a low emission water heater.

(2) (a) Fifty two proposals were received for Round 1 of the Solar Flagships Program. (b) The eligibility criteria set out in the Solar Flagships Program Administrative Guidelines - Round 1 and further detailed in the Solar Flagships Program Round 1 Information Guide for Applicants, are:

1 Eligibility Criteria

1.1 To be eligible for consideration for a grant provided in Round 1 of the program, an applicant must:

1.1.1 complete and lodge a Solar Flagships Proposal Form with the Department by the specified closing date;

1.1.2 demonstrate that the nominated research partner is an eligible EIF Research Institution as defined by the Specification of Higher Education Institutions, Research Institutions and Vocational education and Training Providers No. 2 of 2009;

1.1.3 provide evidence that the applicant’s proposed project is endorsed by the State or Territory governments governing the jurisdictions in which the project is proposed to be built.

1.1.4 be a non-tax exempt Australian company incorporated under the Corporations Act 2001 or a wholly or majority owned Commonwealth or State Government body;

1.1.5 not be insolvent, bankrupt, in liquidation, or under administration or receivership;

1.1.6 be able to demonstrate access to, or right to the beneficial use of, any intellectual property necessary to carry out the project;
1.1.7 be able to demonstrate that they have sought funding at a ratio of at least two dollars from private, State or Territory government sources for every dollar from the Solar Flagships program, and have exhausted private, State or Territory government funding sources;
1.1.8 not have had a judicial decision relating to employee entitlements made against it (not including decisions under appeal) and have not paid the claim; and
1.1.9 not be named as an organisation that has not complied with the Equal Opportunity for Women in the Workplace Act 1999.

1.2 To be eligible for consideration for a grant in Round 1 of the program, a project must:
1.2.1 have a net solar electricity generation capacity of at least 150MW;
1.2.2 be connected to the National Electricity Market or the South West Interconnected System by 31 December 2015;
1.2.3 use an eligible solar technology, either photovoltaic or solar thermal;
1.2.4 provide evidence that the technology to be used in the project:
1.2.5 has been demonstrated in operation at a scale of at least 30MW generation capacity for 12 months; or
1.2.6 is a replicable module that has been demonstrated in operation for at least 12 months and the applicant has proposed scale up plans that are supported by financial and construction firms.
1.2.7 undertake project development in stages of no less than 30MW of net electricity generation capacity;
1.2.8 be located on a single site, if it is a proposal using a solar thermal technology;
1.2.9 be located on no more than five sites, each of which would be connected to the same electricity grid, if it is a proposal using a photovoltaic technology;
1.2.10 use only solar energy or eligible supplementary energy sources, where those supplementary energy sources are operated as an integrated part of a solar thermal project;
1.2.11 limit the output of electricity from eligible supplementary energy sources to 15 percent of the net electricity output from the plant;
1.2.12 be scheduled to complete construction and commissioning of the plant by 31 December 2015; and
1.2.13 include an off-take agreement between the project proponent and a market participant, either contractually or through ownership.

(3) (a) The Solar Flagships Council members are:
Dr Mike Vertigan AC (Chair)
Mr Antony Cohen
Ms Kathy Hirschfeld
Ms Gaye McMath
Dr Jenny Purdie
Dr John Tamblyn
Mr Mark Twidell

(b) The Australian Government announced eight projects shortlisted under Round 1 of the Solar Flagships Program on 11 May 2010. The shortlisted projects will now undertake feasibility studies and be invited to submit Full Applications for funding. The Government will fund one photovoltaic and one solar thermal project under Round 1. The Government expects to announce the successful Round 1 applications in the first half of 2011.

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