INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2010

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

RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

- ADELAIDE  972AM
- BRISBANE  936AM
- CANBERRA  103.9FM
- DARWIN    102.5FM
- HOBART    747AM
- MELBOURNE 1026AM
- PERTH     585AM
- SYDNEY    630AM

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
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

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

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

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

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

Prime Minister 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
Hon. Tony Abbott MP

Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition
Hon. Julie Bishop MP

Shadow Minister for Trade, Transport and Local Government and Leader of The Nationals
Hon. Warren Truss MP

Shadow Minister for Energy and Resources
Hon. Ian Macfarlane MP

Shadow Minister for Employment and Workplace Relations and Leader of the Opposition in the Senate
Senator Hon. Eric Abetz

Shadow Treasurer
Hon. Joe Hockey MP

Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
Hon. Christopher Pyne MP

Shadow Attorney-General and Deputy Leader of the Opposition in the Senate
Senator Hon. George Brandis SC

Shadow Minister for Defence
Senator Hon. David Johnston

Shadow Minister for Health and Ageing
Hon. Peter Dutton MP

Shadow Minister for Families, Housing and Human Services
Hon. Kevin Andrews MP

Shadow Minister for Climate Action, Environment and Heritage
Hon. Greg Hunt MP

Shadow Minister for Indigenous Affairs and Deputy Leader of The Nationals
Senator Hon. Nigel Scullion

Shadow Minister for Regional Development and Water and Leader of the Nationals in the Senate
Senator Barnaby Joyce

Shadow Minister for Agriculture, Food Security, Fisheries and Forestry
Hon. John Cobb MP

Shadow Minister for Small Business, Deregulation, Competition Policy and Sustainable Cities
Hon. Bruce Billson MP

Shadow Minister for Broadband, Communications and the Digital Economy
Hon. Tony Smith MP

Shadow Minister for Immigration and Citizenship
Mr Scott Morrison MP

Shadow Minister for Innovation, Industry, Science and Research
Mrs Sophie Mirabella MP

Shadow Minister for Finance and Debt Reduction and Chairman of the Coalition Policy Development Committee
Hon. Andrew Robb AO MP

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

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

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

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

Shadow Assistant Treasurer
Hon. Sussan Ley MP

Shadow Minister for COAG and Modernising the Federation
Senator Marise Payne

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

Shadow Minister for Justice, Customs and Border Protection
Mr Michael Keenan MP

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

Shadow Minister for Veterans Affairs
Mrs Louise Markus MP

Shadow Minister for Ageing
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

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

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

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

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

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

Shadow Parliamentary Secretary for Tourism
Mrs Jo Gash MP

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

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

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

Shadow Parliamentary Secretary for Defence
Mr Stuart Robert MP

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

Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector and Deputy Manager of Opposition Business in the Senate
Senator Mitch Fifield

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

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry and Shadow Parliamentary Secretary for Innovation, Industry, Science and Research
Senator Hon. Richard Colbeck
CONTENTS

WEDNESDAY, 16 JUNE

Chamber
Committees—
Legal and Constitutional Affairs Legislation Committee—Meeting ............................. 3415
Paid Parental Leave Bill 2010, and
Paid Parental Leave (Consequential Amendments) Bill 2010—
  Second Reading.............................................................................................................. 3415
  In Committee ................................................................................................................. 3434
Matters of Public Interest—
  Trade Unionism.............................................................................................................. 3459
  Aged Care ...................................................................................................................... 3462
  Environment................................................................................................................... 3465
  Palliative Care ................................................................................................................ 3468
  Housing Affordability .................................................................................................... 3471
Questions Without Notice—
  Asylum Seekers ............................................................................................................. 3474
  Economy ........................................................................................................................ 3476
  Budget ......................................................................................................................... ... 3477
  Budget ......................................................................................................................... ... 3479
  Budget ......................................................................................................................... ... 3480
  Superannuation .............................................................................................................. 3482
  Budget ......................................................................................................................... ... 3483
  Aged Care ...................................................................................................................... 3485
Questions Without Notice: Take Note of Answers—
  Budget ......................................................................................................................... ... 3487
Petitions—
  Winchelsea Roundabout................................................................................................. 3493
Committees—
  Selection of Bills Committee—Report .......................................................................... 3493
Leave of Absence ............................................................................................................... . 3495
Notices—
  Presentation................................................................................................................... . 3495
  Postponement ................................................................................................................. 3496
Committees—
  Finance and Public Administration Legislation Committee—Reference ........................ 3496
  Finance and Public Administration References Committee—Extension of Time .......... 3497
  Rural and Regional Affairs and Transport References Committee—Reporting Date .... 3497
  Environment, Communications and the Arts References Committee—
    Extension of Time .......................................................................................................... 3497
  Finance and Public Administration References Committee—Reference ....................... 3498
  Finance and Public Administration Legislation Committee—Meeting ......................... 3498
  Public Accounts and Audit Committee—Meeting ......................................................... 3498
Preventing the Misuse of Government Advertising Bill 2010—
  First Reading .................................................................................................................. 3498
  Second Reading .............................................................................................................. 3499
Fossil Fuel Subsidies—
  Order .................................................................................................................................... 3500
Committees—
  Community Affairs References Committee—Extension of Time ................................. 3501
  Legal and Constitutional Affairs Legislation Committee—Reporting Date ................. 3501
CONTENTS—continued

Importation of Apples from New Zealand ................................................................. 3501
Committees—
  Finance and Public Administration Legislation Committee—Reference ........ 3502
Business—
  Rearrangement .................................................................................................. 3502
Matters of Public Importance—
  Budget ............................................................................................................... 3510
Committees—
  Scrutiny of Bills Committee—Report ............................................................... 3523
Ministerial Statements—
  International Whaling Commission ................................................................ 3524
Auditor-General’s Reports—
  Report No. 43 and 44 of 2009-10 ................................................................... 3528
Documents—
  Responses to Senate Resolutions .................................................................. 3528
Budget—
  Portfolio Budget Statements ........................................................................... 3528
Papua New Guinea Liquefied Natural Gas Project—
  Return to Order ............................................................................................... 3528
Delegation Reports—
  Parliamentary Delegation to the United Nations and Other International
  Agencies in Europe, and the 121st Assembly of the Inter-Parliamentary
  Union in Geneva ............................................................................................... 3528
Electoral and Referendum Amendment (Pre-poll Voting and Other Measures)
Bill 2010,
Electoral and Referendum Amendment (Close of Rolls and Other Measures)
Bill (No. 2) 2010,
Electoral and Referendum Amendment (Modernisation and Other Measures)
Bill 2010, and
Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures)
Bill 2010—
  First Reading .................................................................................................... 3533
  Second Reading ................................................................................................ 3533
Business—
  Rearrangement ............................................................................................... 3540
Paid Parental Leave Bill 2010, and
Paid Parental Leave (Consequential Amendments) Bill 2010—
  In Committee ................................................................................................. 3540
Documents—
  Consideration ................................................................................................ 3548
Adjournment—
  Cancer .............................................................................................................. 3548
  Budget ............................................................................................................ 3550
  Child Protection ................................................................................................. 3553
  Food Security .................................................................................................. 3555
Documents—
  Tabling ............................................................................................................ 3558
  Tabling ............................................................................................................ 3558
Questions On Notice

Families, Housing, Community Services and Indigenous Affairs: Staffing—
(Question Nos 2657, 2672 and 2673) ................................................................. 3559
Attorney-General’s: Staffing—(Question No. 2664) ........................................... 3559
Families, Housing, Community Services and Indigenous Affairs: Staffing—
(Question Nos 2707, 2722 and 2723) ................................................................. 3560
Attorney-General’s: Staffing—(Question No. 2714) ........................................... 3561
Home Affairs: Staffing—(Question No. 2724) ................................................... 3562
Northern Territory National Emergency Response—(Question No. 2737) .......... 3563
Muckaty Land Trust—(Question No. 2761) .......................................................... 3564
Health and Ageing—(Question No. 2802) .......................................................... 3569
Infrastructure, Transport, Regional Development and Local Government:
Motor Vehicles—(Question No. 2804) ................................................................. 3570
Aviation Fuel Excise—(Question No. 2805) ......................................................... 3571
National Gallery of Australia—(Question No. 2807) ......................................... 3571
Black Spot Program—(Question No. 2808) .......................................................... 3572
International Maritime Organisation—(Question No. 2809) ............................. 3580
Coastal Trade Permits—(Question No. 2810) ...................................................... 3581
Transport: Air Passenger Ticket Levy—(Question No. 2812) ............................. 3581
Civil Marriage Celebrants—(Question No. 2816) ............................................... 3581
Family Court of Australia—(Question No. 2817) .............................................. 3583
National Competition Council—(Question No. 2818) ....................................... 3586
Roads: Kingston Bypass and Brighton Bypass—(Question No. 2821) ................. 3590
Wednesday, 16 June 2010

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Meeting
Senator CROSSIN (Northern Territory) (9.30 am)—by leave—I move:
That the Legal and Constitutional Affairs Legislation Committee have leave to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

PAID PARENTAL LEAVE BILL 2010
PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) BILL 2010
Second Reading
Debate resumed from 15 June, on motion by Senator Sherry:
That these bills be now read a second time.
upon which Senator Fifield moved by way of amendment:
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:
(ii) 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 JACINTA COLLINS (Victoria) (9.32 am)—In my speech last evening on the Paid Parental Leave Bill 2010 and the Paid
Parental Leave (Consequential Amendments) Bill 2010 I was highlighting the key intentions of this Rudd government scheme which are to enhance the circumstances for women who have a workforce connection and to facilitate that by continuing employment choices into the future. This scheme does not take away from women who choose to stay at home but seeks to enhance conditions for those who seek to continue working. This is an area where Australia’s performance has lagged well behind most other economies.

I would like to highlight the issues around the alternative policy proposal put forward by Mr Abbott where women at home may feel there is a differential in circumstances and payments—and much of this varies depending upon tax circumstances, how many children are in the family and such matters. If you look at the coalition’s scheme, you will see a very stark difference between families who might seek to maintain an employment connection and those where the mother chooses to stay at home. Under Mr Abbott’s proposal, taxpayers, average mums and dads whether they are working or not working, will fund the scheme that will pay very large amounts to some women on very high incomes. Some fortunate members of the community with a workforce connection will receive payments of up to $75,000. This coalition scheme will be a burden on the taxpayer.

I highlight that the government has listened to the Senate Community Affairs Legislation Committee inquiry and will be looking at dealing with these objects as part of this bill. The other objective of this scheme is to improve the work and family balance and pay equity issues. The government’s scheme is not the only element of the total picture. There are new provisions in the Fair Work Act that seek to enhance what is available to maternity leave and to facilitate better connections to the workforce for mothers taking additional leave or more flexible work arrangements when returning from leave. These are some of the measures introduced by the Rudd government which complement paid leave. Because they are within the Fair Work Act is not a reason to say these measures cannot be complementary or cannot work together.

I think it is a furphy to suggest that the payment for leave should be within the Fair Work Act and indeed, as was suggested by Senator Hanson-Young and by the opposition, that the entitlement aspect of both schemes should match or be equivalent to each other. I was somewhat astounded to hear, particularly from the opposition spokesperson, Sharman Stone, that the coalition thought the eligibility criteria should match. It is unclear whether this is a new policy or a new policy flank, because once again the coalition have failed to consult. Any suggestion that the longstanding provisions for access to unpaid leave should be changed and that any woman who is eligible for paid parental leave should also be eligible to return to their employment is an interesting concept, and one that has not been flagged with the employers. I will be very interested to see how they respond to that notion.

Why Mr Rudd has suggested that the Senate should get out of the way of this proposal is that, through the Productivity Commission and countless years of consultation and debate, we have a scheme that was built on consensus that finally introduced in Australia prudent, funded and sensible proposals. Instead, now, particularly from the opposition, ideas are being thrown in without consultation. The suggestion is that that they are simply seeking to destroy the consensus.

The final comments I would like to conclude with focus on the issues between the two schemes. As I said, the Rudd govern-
ment’s scheme is prudent, affordable and fair both for families and for business. Mr Abbott’s scheme is economically irresponsible and will cost $2.7 billion a year. It has been universally opposed by business groups who say it will hit jobs at a time when business is recovering from the impact of the global financial crisis. Those businesses can be expected to pass on this additional cost of the great big new tax on employers which will cost working families more through higher taxes at the supermarket and at the petrol pumps as well as gas and electricity charges.

According to the Business Council of Australia, big business is already doing the heavy lifting on paid parental leave as most of their members already have fully paid parental leave arrangements in place averaging six to seven weeks. The Australian Chamber of Commerce and Industry’s Chief Executive, Peter Anderson, says the proposal is an ‘unfair impost which will not be well received by Australian employers.’

This is where the opposition has been in absolute denial. Last week, at the debate I was referring to last night, the opposition spokesperson, Sharman Stone, suggested she had heard of only one employer who was complaining about the coalition’s scheme—only one employer. Yet here we have, from the quotes I have just referred to from the Australian Chamber of Commerce and Industry and the Business Council of Australia, instances essentially saying ‘Please don’t destroy this consensus that has been developed to finally introduce sensible, prudent and fair arrangements.’

Under Mr Abbott’s proposal, offsets will be provided for businesses already paying parental leave, so there is no net gain, so to speak, because some businesses will simply be able to offset or absorb the payments that will be essentially taxpayer funded. This will result in employers having their current parental leave entitlements absorbed into Mr Abbott’s proposal instead. Working families will be looking at Mr Abbott’s sudden conversion, however, to the cause of paid parental leave and comparing it to his inability to declare Work Choices dead. He keeps coming back to it, supporting a return to elements of it. So on the one side we have Mr Abbott refusing to declare Work Choices dead and on the other side we have Sharman Stone suggesting that we are going to improve workers’ access to leave entitlements in a way where they have not even consulted business.

Before I conclude on this point, I should say the other area is another recent plank in the coalition’s policy area here is access to childcare support. Last week again, Sharman Stone—plucking ideas out of her head—suggested that if you were receiving parental leave then you would not have access to childcare support. Once again, she has not thought through this idea. Countless working families have more than one child in the period before school who, if they lose access to their childcare support, are going to be seriously financially affected. Again, I think the opposition has just plucked another idea out of the head and said that if you are getting paid leave to be at home you should be a full-time mother—this is Sharman Stone’s language—and you would not have access to childcare support. I think many working families rightly would query whether that means for one child, for two children, for three children—what are we talking about here? The potential loss of support for families receiving childcare support for their second or third child could be enormous. Once again, this plucking of ideas out of the head by the opposition has not been seriously managed and has not been competently demonstrated.

This is why people look at the opposition’s proposals and say they are just not real. Yesterday, Sharman Stone suggested
that if Mr Abbott became Prime Minister their scheme would be in place within 12 months. This is simply just not real. They have not got the details of what they would propose. Senator Hanson-Young suggested last night that what the government was dealing with might not be gospel. I am sorry, but that is more of a reflection on what Mr Abbott says and whether it would be gospel truth or whether, once again, we are dealing with phoney Tony.

Families—let me conclude—need certainty from 1 January next year. They will be able to access paid parental leave because the Rudd government has introduced the Paid Parental Leave Bill and it will become an act. The government’s paid parental leave scheme is fair, balanced, economically responsible and, unlike the Liberals’, does not involve a big new tax on employers. For 12 years in government Tony Abbott refused to deliver a paid parental leave scheme. Now he wants to hit business with a big tax that will hurt Australia’s economy. Families have been waiting too long for paid parental leave and only the Rudd government has delivered it. The Senate should get on with the consensus that has been built around this issue and make this bill an act.

Senator O’BRIEN (Tasmania) (9.42 am)—I seek leave to incorporate Senator Xenophon’s speech in relation to this debate.

Leave granted.

Senator XENOPHON (South Australia) (9.42 am)—The incorporated speech read as follows—

There’s no doubt that the Paid Parental Leave Bill 2010 and the Paid Parental Leave (Consequential Amendments) Bill 2010 are a landmark for all Australians. Until now, Australia and the US were the only two OECD countries without a legislated paid parental leave scheme. So we should be very proud that we have finally, albeit belatedly, reached this point.

Sweden was the first country to introduce paid parental leave in 1974. Since then, countries across Europe, the Americas and Africa have introduced varying forms of paid parental leave schemes, the majority providing for between three and six months leave. In his submission to the Productivity Commission’s 2009 inquiry into Paid Maternity, Paternity and Parental Leave, Dr Andrew Scott, Senior Lecturer at RMIT University, stated that Sweden, along with Norway, Denmark and Finland, is regarded as one of the most economically efficient nations in the world by the World Economic Forum. What is interesting, as Dr Scott points out, is that all four of these Nordic countries have the world’s highest labour force participation rates for women, and all four of these countries have substantive paid parental leave schemes in place, and have done so for years. So there is no question that the benefits of statutory paid parental leave extends beyond direct positives for families; it also helps the wider economy in the long term.

Today, women make up around 45.7 percent of Australia’s workforce, around half of those on a full-time basis, and this scheme will improve retention and long-term attachment of women to the workforce. Ultimately, paid parental leave must be about encouraging women to return to work after they have had a child; giving a woman the comfort of knowing she will be able to take 18 weeks off to nurture her newborn, during which time she will supported by the government on the minimum wage. Furthermore, the government’s Paid Parental Leave scheme will work in addition to schemes already in place within some businesses.

The Paid Parental Leave scheme will be extended from 12 weeks to 13 weeks. Combined with the 18 weeks to be paid by the government, this will mean that parents who have worked for Westpac for at least 12 months will be able to access 31 weeks of paid parental leave from January 2011. Retail giant, Myer, provides 6 weeks parental leave at full pay for employees who have been with the company for at least 18 months, which will mean a total of 24 weeks leave once the government scheme comes into effect. And car manufacturer, Holden, gives women who have worked with the company for at
least two years, 14 weeks maternity leave. Add that to the government’s Paid Parental Leave scheme and there are eight months for a new mum to spend at home with her newborn.

The government’s scheme will benefit those who are already able to receive paid leave, and will benefit those who may not otherwise have this option available to them. Research by the Australian Institute of Family Studies shows that women are inclined to return to work faster if provided with scheduled time off work in the first few weeks and months after the birth of their child. Experts agree that the first few months of a newborn’s life are crucial. It is a time for parent and child to bond; to nurture and be nurtured.

I know there are those who say this bill is still not enough—that the scheme should be for 26 weeks, not 18 weeks; that it should include superannuation; that it should be a percentage of salary, not set at the minimum wage; that it should include all women, not just working women. But, regardless, we can all agree that it is a start. It is a significant step for Australian parents. And it is something women—and men—around the country have been waiting for.

Let us not pretend this is just a woman’s issue. This affects men as much as women, because if a mother is restricted it also restricts the options of the father. We should be very proud that, for every baby born after midnight on 1 January 2011, his or her parents will be supported in their decision to take time off work. A 2008 report by the Australian Institute of Family Studies found that about five per cent of women return to work within weeks or days of leaving hospital. If you ask me, a woman returning to work within days of giving birth cannot be a good idea, not for her baby’s wellbeing and not for her own health.

The longitudinal study also showed, specifically that of those mothers who returned to work within three months of giving birth, 44 per cent was due to a lack of paid maternity leave, while over 45 per cent said it was because of lack of money. In these instances, thank goodness this scheme will assist these women with support for 18 weeks on the minimum wage. Indeed, although paid maternity leave schemes in the private sector have certainly been on the rise in recent years, over half of employed mothers still do not have access to paid maternity leave in any form. According to the Productivity Commission, these employees often resign when they have a baby, or if they remain employed, take a shorter time off work to care for their babies than other employees.

An estimated 290,000 babies are born every year, to around 280,000 mothers. Of those, Treasury expects 148,000 mothers—and some fathers—will take up the Paid Parental Leave scheme. Others will opt for, or will receive, the Baby Bonus and Family Tax Benefit instead. Under the Paid Parental Leave scheme, parents will receive just under $10,000 while they take care of their newborn in his or her first 18 weeks of life.

Juggling a family with work is not easy—and going from two incomes to one is harder still. But this scheme gives parents the freedom to choose what is best for them and their baby, and the space and time to bond with their child, while being supported on a base wage. It is important to remember that while this scheme will mainly benefit women—mothers—it will also help fathers in some instances who choose to be the primary caregiver. And there is flexibility in this scheme to allow for parents to decide between themselves what works for their family and their child.

There is no question stay-at-home mums have it tough as well. No one questions the dedication and commitment of women who choose to be full-time mums, and the challenges these women face on a daily basis—some might even say it is even harder than working in an office. For these women, the Baby Bonus and the Family Tax Benefit are applicable, while paid parental leave will encourage working women to return to the workforce.

While I believe this bill is significant and something we should all be proud is finally here, I do believe there is one key feature missing—superannuation. On average, women, once they reach retirement age, have less in their superannuation than their male counterparts. This is because women, on average, earn less income during their careers and of course, they take more time out of the workforce than men. It is estimated that a typical woman will have 35 per cent less in her superannuation fund at retirement than
So it is crucial that we do what we can to help women save for their retirement while they are taking small periods of time out of the workforce to become mothers.

However, I acknowledge the position of the government and the Productivity Commission as to why superannuation has not been included within the scheme at this stage, and I look forward to the review of this legislation in two years’ time when the global financial crisis is no longer applicable as a reason not to include super under the scheme.

At this time, I note the amendment that will be moved by the Australian Greens for the review to begin in 18 months, rather than after 24 months, and to be completed within three months, rather than 12 months. May I indicate at this stage that I will support this amendment —and I believe that the review will also be an opportune time to assess whether the scheme should be extended beyond the 18 weeks. It will provide us with the information required to adequately review the legislation in 18 months time so we can continue to improve it for Australian parents.

This bill does not present a perfect scheme. But it is a start, a good start. This bill puts Australia alongside almost every other country in the world when it comes to having a mandated paid paternity leave scheme in force. I applaud the government for making this significant step for Australian families. I look forward to this scheme being introduced and I expect there will be improvements made to it in the years to come.

Senator FISHER (South Australia) (9.43 am)—This is a convenient point in time to take up Senator Collins’s forecast that Australian families will, with the Paid Parental Leave Bill 2010, get certainty as from 1 January. Australian families will not get certainty about much at all under this bill because the government is promising Australian families paid parental leave. They will not get paid parental leave under this bill. The government is promising that the provisions of this bill will result in topping up employers’ existing schemes, yet this bill fails to guarantee that that will occur. There is hardly certainty delivered for Australian families in this bill—indeed, far from it. Whilst we clearly support the spirit and the intent of paid parental leave, what is evident in this bill is yet another example, sadly, of the Rudd Labor government breaking promises and botching their delivery.

What about employers’ potential liability for payroll tax? Senator Collins suggests that the government’s regime will be ready to roll out from 1 January. Well, this Labor government has not started in some cases and certainly has not concluded discussions that it needs to have with state governments to sort out potential liability for employers in respect of payroll tax when employers become the government’s paymaster, as is intended by this bill in its current form. The Rudd Labor government and the various state governments have not sorted out the extent to which those additional payments would add to an employer’s threshold for payroll tax or to the amount on which an employer’s payroll tax liability is assessed. So this is potentially another botched delivery of one of the government’s promises.

What of the government’s promises? This bill breaks two key aspects of the government’s promise to Australian families—firstly, that it would legislate paid parental leave and, secondly, that it would legislate it additional to schemes currently offered by employers. Let us go first to the prospect that the government’s parenting payment, which is what this bill is about, will always be additional to existing schemes. The government promised this, but the bill does not compel this outcome. Worse than that, the government’s bill fails to clarify how the parenting payment under this bill will interact with existing schemes. There is no certainty in that for Australian families and there is certainly no certainty for Australia’s employers.
Senator Collins, as the government’s Special Adviser for Work and Family Balance, was quoted in the Australian Financial Review on 9 June—after, I understand, she addressed a conference to this end—as saying the government scheme’s 18 weeks at the minimum wage was intended to be on top of existing corporate schemes. Marsha Jacobs reported:

She told a Diversity Council of Australia event that this intention was not in the legislation but that employees would not view favourably employers that used the payment to reduce the benefits they paid.

Well that may be so, but, Senator Collins, if the Rudd government has the courage of its policy convictions why is this promise not in any of the Rudd government’s legislation?

The article goes on to quote Gilbert and Tobin’s senior lawyer, James Pomeroy, as saying:

… there was a “reasonable argument” that companies that provided paid parental leave by policy, rather than in a contract or enterprise agreement, could withdraw the policy or change it.

It is very clear from evidence given by the Department of Education, Employment and Workplace Relations and the Department of Families, Community Services and Indigenous Affairs to the Senate Community Affairs Legislation Committee inquiry that, once an employer is in receipt of a payment from the government intended for a worker entitled to receive the parenting payment, there are provisions in the bill to compel the employer to pass the payment on. But it is equally very clear that there is nothing in this bill or in any of the Rudd government’s other legislation that prohibits or prevents an employer from using that payment in full or part satisfaction of their obligation to an employee in respect of parental leave. Indeed, why would an employer not contemplate doing so? Why would a small business not contemplate setting one off against the other when, after all, the Rudd Labor government scheme is funded by taxpayers, and small businesses are taxpayers? Particularly, why would they not contemplate it when there is nothing in the bill to prohibit it happening? If the government means what it says, if it has the courage of the policy conviction that its parenting payment will be additional to existing schemes offered by employers, then why hasn’t it tried to legislate it?

The second aspect of the government’s broken promise that I want to focus on in the few minutes remaining is that this is supposedly a paid parental leave scheme. It is not. The government promised that the scheme meant what it said: paid parental leave, not a government handout. But that is what this bill is about, and it is all that this bill is about. It is about money, money, money; it ain’t about any sort of leave. Professor Andrew Stewart, who gave evidence to the Senate inquiry into the bill, said that the bill would better be called the ‘parental payment bill’ than the Paid Parental Leave Bill. I could not agree more, given that the bill creates a right to payment but not to leave from work. It does not create, preserve or guarantee a right to any sort of leave to accompany the 18-week payment yet the government continues to hold out that paid leave is being delivered under this bill. An 18-week payment is delivered under this bill but not an 18-week period of leave.

Why does that matter? It matters in respect of workers who are eligible to receive the parenting payment—let us call it that because that is what it is—under the Paid Parental Leave Bill but are not guaranteed commensurate parental leave as of right by their employer. Workers in that invidious position have to decide if they want to receive the government’s parenting payment, because if they want to get the payment they cannot be at work. They have to decide if they want to receive the government’s par-
enting payment and be prepared to quit their job for the duration of that payment so that, after all, they can achieve what should be the object of paid parental leave: help with work and family time and bonding between dad, mum and bub. It should be about family, mum and bub, but the legislation is more about money. This bill places some workers in the invidious position of choosing, potentially, to quit their job in order to access the government’s parenting payment. In the words of Professor Andrew Stewart:

The title of the Bill is a misnomer, since the proposed scheme does not confer any entitlement to paid leave ... There will be workers who can receive payments, but cannot take leave from their existing jobs ... This means that an employee—(could face)—

I inserted the words ‘could face’ without affecting the meaning—

the prospect of having to quit her job without any guarantee of a return to work ... It is hardly unreasonable for employees (or indeed employers) to believe that a right to ‘paid parental leave’ means what it says!

I could not agree more. If the government really means its promise that this legislation delivers paid parental leave, then why has it not tried to legislate as such? Particularly, why does it not legislate as such when Senator Collins opposite criticises the coalition in respect of stay-at-home mums?

What this legislation does in failing to ensure leave for every worker eligible for the parenting payment conferred under the legislation is potentially add to the queue of stay-at-home mums. It adds to the queue of stay-at-home mums those workers who are in the invidious position of not being guaranteed leave to accompany their entitlement to the parenting payment. It places those workers in the invidious position, as I said before, of choosing to quit their job or forget about the parenting payment. And, if they quit their job, where are they? They are essentially in the queue of stay-at-home mums, courtesy of the Rudd Labor government. That is what this legislation does and it is about time that the government faced up to that and admitted that this is a paid parenting bill rather than a parental leave bill.

We have got botched delivery in terms of the uncompleted negotiations with states in respect of payroll tax. We have got two broken promises because this legislation is all about money and little about leave, and breaks the promise that the 18-week parenting payment will top up existing employer schemes. If the government means these promises, why hasn’t the government tried to legislate them? The government knows that it cannot comprehensively and universally legislate either of those two things in this legislation. And why not? Because each of those two things goes to the heart of workplace relations matters: guaranteed leave from work and preventing an employer from satisfying, in whole or in part, a workplace relations obligation through some other means. Both of those things are properly the province of workplace relations laws. And guess what? The federal government gloated about its successful referral of powers deal with the various states to the Commonwealth at the end of last year, and indeed this parliament passed laws to that end. But part of the deal over which the government gloats compels the government to have detailed consultations with the states prior to amending its workplace relations law and, in this case, its Fair Work legislation.

The government has bound itself up in red tape as part of the deal it did to get the states to refer their workplace relations powers. That red tape is around the amount of consultation needed, the amount of time it will take and the ability for states to potentially veto workplace relations amendments by the federal government. Once again the federal government did not really think about it until
the eleventh hour. It did not realise until too late, I would suggest, that it could not comprehensively keep these promises by putting provisions in this legislation. The government could not comprehensively and universally ensure both those things in this legislation but it woke up to that too late. It is another botch. It has now woken up to it. It has realised that it would be behind the eight ball were it ever to contemplate keeping those two promises by adding them to amendments which it has said it is in the process of attempting to make to the Fair Work legislation and in respect of which it has kick-started consultation with the states.

The government has realised too late that it cannot keep its promises by amending the paid parenting bill in those respects, and it has also realised that it has left it too late to do so through the Fair Work legislation in time for the paid parenting bill to kick off on 1 January next year. With that not particularly favourable prediction about how the legislation will hit the deck in practice as of 1 January, if it be passed by this parliament, I express my regret that, while I support paid parental leave, this legislation is not about that. I express my regret that this is going to be yet another example of the Rudd Labor government’s broken promises and botched delivery.

Senator BOYCE (Queensland) (9.59 am)—I would firstly like to congratulate and thank my colleague Senator Mary Jo Fisher for her contribution as a participating member of the Community Affairs Legislation Committee in the inquiry that was held into the Paid Parental Leave (Consequential Amendments) Bill 2010. I do take her point about this being a bill on parenting payments, but I am going to use the term ‘paid parental leave’ because that is the one I am used to using.

I think almost everyone in this chamber and in the other house would be delighted that we finally have before us legislation that somehow relates to the idea of paying families to stay out of the workforce to care for their children for a short length of time and to try to bring together in a more seamless way the idea of having a family and being a worker. I certainly support and reiterate the comments made by the Leader of the Opposition, Mr Tony Abbott, about regarding paid parental leave as an industrial relations issue, not a social welfare issue. When we think about where we were perhaps just five years ago, we realise we have come a long way in developing, understanding and accepting the need for paid parental leave in Australia. I think we can be particularly pleased about the Productivity Commission’s work here, the work of Ms Elizabeth Broderick from the Human Rights Commission and the work of many people who developed this. I pay tribute especially to probably a pioneer in this field, Ms Pru Goward, who is a member of the state legislature in New South Wales and who was the first ever Sex Discrimination Commissioner. She was appointed by the Howard government. I think there was a little shock when her report first came out well over 10 years ago on the topic of paying mothers to stay home. We have moved a long way since then. We no longer talk about maternity leave; we talk about paid parental leave. We are, I hope, getting more along the road to actually accepting that this is about parents and children. Whilst mothers still tend to be the ones who do the majority of caring, it is about supporting families and not only about supporting women.

As I said, I was delighted to have Senator Fisher involved in the Community Affairs Legislation Committee inquiry into this. The coalition, whilst accepting this as a first step along the way, have suggested a number of amendments, many of which Senator Fisher
has outlined to us. We are not the only ones suggesting amendments. If you look at the little list here, you see there are government amendments, Family First amendments, Greens amendments and coalition amendments suggested to this legislation. Many of them are extremely sensible and the fact of their existence makes the little performance of the Prime Minister yesterday even more bemusing when he rushed out and tried to take over someone else's press conference, which in itself made you wonder why a petition with 25,000 signatures needed to be presented yesterday asking that this legislation be passed. It was very obvious that this legislation, with amendments, was going to be accepted by all sides of the house. We had a stunt by the ACTU then turn into a super-stunt by the Prime Minister. We had the pusillanimous person standing there and saying: 'It’s now down to crunch time. We have a very simple message for the Senate: get out of the road, guys, just get on with it. We can’t delay any longer.’ How incredibly bizarre and how incredibly pathetic, given that the work has been done by many others—some of whom I have named—over a very long period of time, that the Prime Minister thinks that he can run in just as the game has finished and say, ‘Hey, it’s my game and if you don’t finish it straightaway I’ll be really upset and get angry and everything.’ It was the most pathetic and sad little effort I think I have seen in a very long time from anyone claiming to have the ability to lead or to be a leader.

I will now just go through a few of the other areas in this legislation that I think need immediate consideration. Firstly, where is superannuation in this scheme? It is not there. There is no requirement for superannuation to continue to be paid. Senator Collins was earlier talking about gender pay equity—a very real issue and one which is about to be addressed in the courts but which is only the first step along the way to fixing that. Nevertheless, one of the biggest reasons for the lack of pay equity is the fact that women do have broken careers: they work part time and they work in lower paid jobs. Because of that lack of super and lack of savings, they end up as the poorest group comparatively in our community. Women over 65 are the poorest group in our community. This bill begins to assist women to continue to save and grow their assets while out of the workforce and having children, but only in a very small way. One of the key measures is superannuation. That was not in the legislation that was brought to the Community Affairs Legislation Committee for inquiry.

I think the most bizarre aspect of this legislation for business, and one that certainly would not be maintained under a coalition government, is the fact that employers have to be the paymasters of this scheme. There were a lot of questions asked at estimates about this, many of which I asked. For the first six months of this scheme the Family Assistance Office will pay everyone. So the Family Assistance Office will set up their systems, they will get the computer programs, they will organise the resources and they will get the staff so that for six months they can pay everyone. Then they will stop paying everyone and just pay about one-third of them. The other two-thirds will be paid by employers. Why? Why is this scheme like this? Why are they insisting that small business and others become the paymasters for staff who are away? It is a lovely theory but it involves new computer programs and in many cases it involves a lot of expenditure—for a few staff to replace something that the government is already going to do. It just does not make sense. It never has made sense. It never will make sense. Why would you do it this way?
The other problem is that it sets up all these liabilities for employers and uncertainties around workers compensation and superannuation—and payroll tax, for heaven’s sake. I remember the last time someone said: ‘Oh, it’s all right; the government is going to talk to the states and sort it out.’ Yes, and in time for 1 January what’s more! I do have concerns about this. Under a coalition scheme the FAO would administer 100 per cent of the paid parental leave scheme. They would be the permanent paymasters. This is not a job that would be duckshoved off to small business and others who, in many cases, do not have the resources to do it and are waiting, trustingly, for the government’s money to arrive so that they can make these payments.

The amount of red tape and the cost in this system is bizarre. It adds to those many little problems—the subtle discriminations that might make an employer think: ‘It’s all too hard. If I have a choice between a man and a woman for that job, I’ll take the man because I don’t have to worry about it then.’ So, instead of making it as easy as they can, they have come up with other bizarre little ways to make it complicated and complex. Certainly we would be making many changes to this legislation to improve it and turn it into a scheme that acknowledges and respects families, parents and the way they fit within the industrial relations framework.

I am pleased that, despite the Prime Minister’s ‘concerns’ about ‘crunch time’, this legislation is to be supported, with amendment, in the House. I think we have come a long, long way that this can be done with the support of both sides of the House.

**Senator Moore** (Queensland) (10.10 am)—I think it is really positive that we can actually agree on something. I am pleased to be able to pick up on Senator Boyce’s comment that we can move forward with support from both sides of the House for this legislation, the Paid Parental Leave Bill 2010 and the Paid Parental Leave (Consequential Amendments) Bill 2010. One of the most pleasing aspects of the debate we are having is that we have people from around the chamber agreeing that there needs to be a paid parental leave scheme in Australia.

Over 25 years ago, I was involved with a group of women in Queensland who were talking about workplace issues. At the meeting—I was a public servant—a number of women came forward and talked about their own workplaces and the situations they faced. One of the strongest issues that came up in that discussion was the lack of any form of respect from their workplace when they chose to have children. They explained that there was no protection for them, there was no paid leave arranged for them and they felt that there was no support from their employers for the very necessary decisions that had to be made about what we know is so important for all families: work-life balance—although the term was not then known.

The really disappointing fact is that, after 25 years of ongoing discussion and consideration and processes being put in place recognising that this is an important issue, during the Productivity Commission inquiry, which went on for an extensive time last year—and many of us followed that very closely—and during the Senate Community Affairs Legislation Committee hearings on this bill, women were still coming forward telling us exactly the same stories as before. In fact, one of the most confronting aspects of consideration of this bill was (1) the fact that it must happen and (2) the fact that the kinds of stories that women and their partners were telling us at the community affairs committee and the Productivity Commission showed the same pain, the same lack of re-
spect and the same need that was expressed so many years ago.

At one of the committee hearings there was a young woman who told us her story very openly. I want to put on record my respect for Mrs Puriri-Giblin, who spoke to us about her experiences as a new mum with a child that had care needs and her inability to have any support in her workplace as she was working through the very difficult aspects of having a new child and a partner who had lost his employment—and her sense of desolation. She told us her story in great detail. She took us through the fact that there was a need for her to return very quickly to the workplace because there was no paid leave entitlement in her employment. She told us about the struggles she had when she came back to the workplace, including the lack of respect for her need to breastfeed, and the trauma that this caused her relationship.

All of this shows the absolute need we have today as a parliament to say, ‘Yes, we are going to support the introduction of a paid parental leave scheme.’ People want to talk about whether it is a ‘paid parenting scheme’ or a ‘payment scheme’. What it is is a piece of legislation which finally, after so long, respects the rights of mothers and their children, allows them to balance their linkage with their workplace and gives them that time—that period of 18 weeks. There has been lots of discussion about whether that is the right period. During the discussions of the Productivity Commission the period of 18 weeks came up as one that we could introduce in the legislation, and it is being put in place to kick the scheme off. We now have legislation which we can agree to and which will in some way put in place true respect for women who are workers as well as parents, and that is the core aspect.

In the process of discussion many issues came up, and those will come out through the debate we are going to have about proposed amendments, but I just want to touch on a few of them. Certainly one of the key aspects that were raised many times was the aspect of the employer taking on the role of ‘paymaster’. It is a term I do not use very often but it came up consistently during the discussion. I was surprised by that because I thought employers were the people who paid their employees. I did not think it was any different; I thought that employers made payments to employees. No-one seemed to debate that during the inquiry; there was just an overwhelming concern that, when you have an employee who is receiving a paid parental leave entitlement for a maximum period of 18 weeks, there would be some adjustment in the payroll systems of employers so that they would maintain that link with their employees, keep that respectful relationship and continue to engage with the employee who is taking her—mainly her—entitlement to paid parental leave.

I went through with a couple of the witnesses step by step how complex the process would be. Whilst it is another work impost, it is strictly a relationship agreement between the employer and the employee. Certainly we did discuss the fact that there may need to be some adjustment to computer systems and those types of arrangements, but in the overall scheme of a relationship between an employer and an employee it is my firm belief that that is part of the job. As an employer working with an employee, you make payment. You stay in contact. You have that linkage. And that is a relationship which is earned by the employee who is eligible for paid parental leave having an established work relationship. Entitlement to this leave is dependent upon having employment with the workplace over a period of time leading up to making the claim. It is not someone who
has just arrived in the job; it is someone who already is part of that employment relationship. So on the issue of whether the employer should retain the job of making the payments, I strongly support that.

How it will operate will, of course, be one of the issues that the implementation team that is being put together by the government to oversee the implementation of this payment will take into consideration. Over the two-year period there will be an implementation team which includes representatives of employers and employees. They will work with the participants to ensure that they will be able to see exactly how it is working. The scheme will take time to be introduced and to settle, as indeed any scheme will, but I think that the issue about the employment relationship should be, most rightly, between the employer and the employee. The government will provide the funding, but the relationship must continue for those workers with the immediate employer. For those workers who have left employment but who have still gained entitlement to the payment, that will be done through the Family Assistance Office, an organisation which has great experience in working in this way and which will be able to provide advice and support for employers along the way.

Another issue was some kind of competition between those people who would be eligible for the paid parental leave and those parents who make the choice to stay at home. It was an issue very strongly felt by people who gave evidence to our committee, but my personal view, and that which the committee put forward, was that what we have here are two separate payments. They are not competing. There is no value judgment about the choices that mothers make in terms of their payment. What we are doing as a government is introducing a Paid Parental Leave scheme for workers who are in the workforce and who, when they choose to have their child, leave the workforce. They are entitled to take up the Paid Parental Leave scheme. For mothers who are making their choice to stay at home, there always will be the baby bonus in place and also the family tax benefit.

It was quite disappointing in many ways that there seemed to be some competition being established—a division between parents, between mothers and between families. That is not the intent of the legislation. There are two separate payments. Indeed, one of the things we will need to do—again, as the scheme is cemented and put in place—is to work out exactly how it operates and to see the different responses that we have when we are talking to women about how it is affecting their choices.

No-one pretends that this scheme by itself will be the solution for all the issues that face families when they are raising children, particularly when they are starting a family, with all the expenses. Many other things have to be put in place as well. We had considerable evidence about the need for family-friendly workplaces and effective breastfeeding processes in workplaces. That needs to be worked on, absolutely. We also have to look at the issues of child care. But this is an important step towards ensuring that women and their families are able to effectively work and continue their linkage with their employment.

It has taken a long time. Many, many people have been involved, and I know we have mentioned, across the chamber, people who have played a role in this area. I particularly want to mention the role of Sharan Burrow. I know that has been mentioned before, but I have worked with her on this issue for many, many years. Ms Burrow in her evidence to the committee talked about the link between employer and employee in this case. She said:
They know that it generates the kind of loyalty and appreciation that you get when somebody feels that they have the backing and the trust that comes with the income security and the job security of paid and unpaid parental leave.

This scheme hopes to ensure that employers and employees will continue to talk and will continue to have a relationship, and, during the process of making the choice to return to work or not, this payment will be some help in making that job a little easier. I also want to put on record my appreciation of Marie Coleman, from the National Foundation for Australian Women, who worked with me consistently through the Productivity Commission process, making sure that I knew what was going on, and my appreciation of all those women and their families over the past very many years, for only 25 of which I have been involved.

This is an important step forward. It is but one step, and we will have to look very carefully at how the review process will operate. But in this legislation there will be an effective review process within two years of the bill being introduced to look at, amongst other things, the exceptionally important issue of superannuation and other issues that may come, to make sure that this bill is a very valuable consideration for all workers and all employers in this country.

*Senator BIRMINGHAM* (South Australia) (10.22 am)—It is a pleasure to rise to speak on the Paid Parental Leave Bill 2010 and the Paid Parental Leave (Consequential Amendments) Bill 2010, and to follow some distinguished and admirable comments from many of my colleagues in this place from all sides of the chamber on this very important issue. I do not intend to take long in my remarks today; however, I do want to associate myself with this debate and particularly with the remarks of my colleagues on this side of the chamber—especially those of Senator Fifield, who introduced our concerns about this proposal whilst acknowledging that it is a step, at least, in the right direction.

Senator Fifield rightly highlighted concerns around the uncertainty surrounding the implementation of this proposal—the ‘trust us’ approach of the Rudd government that has been shown to be so flawed so many times before. He highlighted concerns about the impact on business and especially the impact on small business: the administrative impact, the cost impact, and the potential for double the payroll tax impost. Those are real concerns, and they are concerns that need to be addressed and considered in a debate such as this one.

Of course, at the heart of this are the measures relating to the assistance for families. The fact is that we have contrasting policies now on this issue from the two sides of the chamber, and it is a delight and a pleasure to know that we have reached the stage that we have of contrasting policies, both of which are a step forward. But they are in contrast, and they provide real and marked differences: the difference between the 18 weeks of support that the government is offering and the 26 weeks that is the international standard, which the coalition believes is reasonable and should be pursued; and the difference between a minimum wage payment and a real wage payment providing an actual, real, genuine income stream for families at the time when they most need it. These are fundamental differences and they are differences that obviously we will take through to the next election.

I join with others in challenging the government to improve their scheme, to make it better, to make it more reflective of the model outlined by Tony Abbott and this side of the chamber. But, if they reject that, we will take any step forward—rather than take no step at all—and that at least is what they are offering.
I do want to reflect on some of those who have brought this debate to this stage, because it has, as many have reflected, been a long debate—one spanning many years, many ministers, many senators, and many public policy advocates outside of this place. They have all done an outstanding job in raising awareness of the need to provide this type of practical assistance for Australian families, for working families—to coin a phrase; it is a phrase that has been used so often in this place—and, in particular, to provide a better form of choice for many Australian women and to make sure that they are supported in the family and workplace choices they make in their lives.

I look back to the Human Rights and Equal Opportunity Commission’s 1999 pregnancy and discrimination report, Pregnant and productive, which investigated some of the discrimination on the grounds of pregnancy and the management of pregnancy in the workplace. It started a process that has led us ultimately to this debate today, and I am sure will lead to subsequent debates to improve the proposal that is on the table. That report recommended the inclusion of a review, by HREOC and the Department of Employment and Workplace Relations, of funding options for a paid parental leave scheme.

That work was continued under the Howard government by HREOC, the department and, in particular, the government’s Sex Discrimination Commissioner at the time, Pru Goward—who, I note, is now the member for Goulburn in the New South Wales parliament and the shadow minister for community services and for women. Then Sex Discrimination Commissioner Goward presented several options for extending paid maternity leave in the report Valuing parenthood in April 2002. That was followed by a final report, Time to value, later that year. Those were the types of policy development processes that have laid the foundations for the broad acceptance of the policy that is being undertaken today, and I want to pay particular tribute to Pru Goward for her work in all that she did in getting us to that point.

I also want to acknowledge some before us in this place who have championed the issue, and one in particular: our former colleague, a former senator from South Australia, Senator Stott Despoja. Natasha Stott Despoja was an early advocate for, and she long advocated, paid parental leave options. Indeed, she, on behalf of the Australian Democrats, developed a proposal, for the 2001 election, relating to paid parental leave, and tabled the first legislation specifically seeking a paid parental leave scheme in May 2002. At the time of tabling that bill, then Senator Stott Despoja said:

Action on this issue simply requires a commitment to get things right for Australia’s working women and their families. We do not need more deferral strategies—more costings, options and talk. It is time to act.

From talking to Natasha when she was in town just the other week, I know that she is delighted that—although eight years have passed since she made those remarks in this place—it is, finally, indeed time to act, and that action has ensued on this very important issue. She wishes that the scheme were more than is proposed—many of us wish that—but she acknowledges the steps that have been taken. I know she would have been delighted, had she still been in this chamber, to make a thorough contribution to this debate—to argue, I am sure, for improvements that she would have been passionate about. But she would at least certainly have welcomed this step forward.

So I want to pay tribute to the many people—on all sides of the chamber and, especially, outside of parliament—who have carried this public policy debate forward. This will be a positive step forward. It will help
many of Australia’s families. It will help in terms of our economic productivity in the future. It should not be seen just as a welfare measure or a social policy measure; it should be embraced equally as an economic and productivity measure that will allow Australian families to maximise their productive place in the workforce.

In closing, I again urge the government to consider the very significant improvements that the coalition advocates—improvements which would make a good step forward a great step forward and which would ensure that we get the best of benefits for Australian families and for the Australian economy into the future.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.29 am)—I believe we should be increasing the assistance we give to families with children, because having children is expensive and families need all the help they can get. But the Rudd government’s Paid Parental Leave scheme goes about doing this in the wrong way. The scheme is a long, long way from perfect. Instead of having a policy that benefits all families, such as the baby bonus, the government has come up with a scheme that discriminates against parents, depending on how they choose to raise their children. It is a scheme that places higher value on mothers who leave their children in child care, to quickly return to the workforce within a few months after having a baby, and devalues mothers who want to spend more time at home looking after their children. It is a policy that gives money to prisoners and prostitutes but ignores stay-at-home mums and the important unpaid work that they do. Mums who stay at home and look after their kids will be about $2,000 worse off because of the decision than those mums who rush back to the workforce.

Clearly put in this context, this policy hardly seems a fair policy at all, especially to stay-at-home mums. Under the Rudd government’s Paid Parental Leave scheme, mothers will be required to have worked 10 of the last 13 months before giving birth in order to be eligible for the payments. Because of this work test, thousands of stay-at-home mothers will miss out on these payments. This work test is unlikely to affect too many mothers having children for the first time, but what about those mothers who are having their second or third child or, like my mother did, who have 16 children? The Productivity Commission has noted that only 51 per cent of all mothers are engaged in paid work 18 months after giving birth. Many parents like to have their children close together, often two or three years apart. The government’s strict eligibility criteria will now force many parents to delay or decide against having more kids. How can anyone consider this to be sensible policy?

Under the proposed Paid Parental Leave Bill 2010 and related bill, mothers will now be faced with the following scenario after the birth of their first child: (1) rush back to work after only a few months so that they can get 10 months of work time under their belts and still qualify for paid parental leave for their next child or (2) stay at home and look after their newborn and miss out on thousands of dollars in assistance as a consequence. How fair is this choice? What about stay-at-home mums? The government’s policy is designed to discourage women from staying at home and looking after their children during their important formative years and intent on getting women into the paid workforce to help stimulate the economy and increase the tax revenues available for the government. I have no problem with businesses offering a paid parental leave scheme, because it makes economic sense for them to offer attractive incentives to their staff to
encourage them to return to work, and ultimately business is about increasing the bottom line. However, profit-making should never be the one and only consideration of the government. If that were the case, no government would ever pay pensions to the elderly or disabled and rural communities would be even more underfunded than they already are. A government’s responsibility is to govern in the best interests of all Australians, not just a select few. A government must also consider the social cost of every policy, not just the economic cost.

Numerous studies show that there are enormous benefits to children who are cared for by their parents and given personal attention rather than being put in the care of strangers with 50 other children in long day care centres, and it would seem that the Rudd government has failed to properly consider this benefit. I am not suggesting for a moment that women should not want to have careers. I also understand that there are many women who would like to spend more time at home looking after their children but their financial situation makes this next to impossible. Similarly, I am in no way advocating cutting the amount of money that we give to families, rather quite the opposite. I believe we should be increasing the assistance that we give to families, rather quite the opposite. I believe we should be increasing the assistance that we give to families with children, because having children is expensive and families need all the help they can get. However, this help should be across the board, not just for those families with mothers in the workforce. Instead, we have the government scheme which enshrines into law a policy which ignores the value of the work performed by mothers who stay at home and look after their children. It makes a judgment call on what is real work and what is not. I do not think any parent who has ever spent a day at home looking after a one-year-old will claim that it was a relaxing day off.

The government’s scheme treats underpaid childcare work as the lowest form of work. In fact, it does not even classify it as work. Most incredibly, even prisoners and prostitutes are valued more highly than stay-at-home mums. It is a disgrace, and this is part of Labor policy. That is right. Under the proposed scheme, a criminal who does paid work in prison or a woman who works as a prostitute can each meet the work test requirement to qualify for government payments, but an exhausted mother looking after three small children at home cannot. It is outrageous. What kinds of values is the Rudd government sending the community when prisoners and prostitutes are more highly valued than stay-at-home mums? It is a disgrace. The truth is that the government scheme does have holes in it, probably more than swiss cheese. Also, unlike the baby bonus which stay-at-home mothers can apply for and which is means-tested based on whether the total family income exceeds $150,000, the Paid Parental Leave scheme looks only at how much money the mother earns. Again, this is further discrimination against stay-at-home mothers by having one set of rules for them and another set of more generous rules for women in the workforce.

The government’s scheme also imposes a huge financial cost on businesses and forces small businesses to wade through even more red tape. It makes employers the paymaster instead of the Family Assistance Office, costing businesses $197 million in the first year alone. It makes no sense to set up the Family Assistance Office to be able to administer these payments and then force businesses to take the responsibility for some of these payments at a huge cost to their bottom line. Family First believes that all payments should come through the Family Assistance Office, leaving businesses without the headache of more red tape and allowing them to get on with running their business.
Another huge flaw in the bill is the fact that people who have late-term abortions would still be eligible to receive paid parental leave payments. That is right. Under this bill drug addicts and welfare cheats can rort the system and get paid parental leave money for nothing. Drug addicts and welfare cheats can get pregnant, then after 20 weeks have an abortion and still pocket the government’s cash. It is absolutely ridiculous and it makes you wonder whether the government is making policy on the run again. This was a loophole which was discovered in the baby bonus legislation, and I cannot understand why the government has been so careless as to make the mistake again and is then too stubborn to fix it up.

A recent Galaxy poll showed that 68 per cent of people thought there should be equal funding for all mothers. I will say that again. A recent Galaxy poll showed that 68 per cent of people thought there should be equal funding for all mothers irrespective of whether they engage in paid work in the workforce or do unpaid work as stay-at-home mothers. This is something the Rudd government clearly has not understood. What is more, hundreds of people signed up to my petition calling for equal help for all mums just a couple of hours after it was put up on my website. These figures are compelling and prove that the Rudd government’s scheme as it currently stands is out of touch with the views of the general population.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (10.39 am)—I thank everyone for their contributions to the debate. The Paid Parental Leave Bill 2010 and related bill are important pieces of legislation because the package of bills will introduce Australia’s first national government funded Paid Parental Leave scheme from 1 January next year. This is a significant economic and social reform for Australia’s families and for Australian employers.

The Rudd government has produced a Paid Parental Leave scheme that will provide financial support and certainty to families at a time when they need it most. Importantly, we will also be helping business to retain their skilled staff and to reap the benefits of family-friendly policies. This government has committed $1.042 billion over five years to establish a national Paid Parental Leave scheme that will encourage women to stay connected with the workforce and with their careers while helping them to balance their work and family lives. The primary objective of the Paid Parental Leave scheme is to enhance child and maternal health and development by enabling mothers to spend longer caring full time for their newborn child. Again, we want to facilitate women’s workforce participation because this, of course, will improve Australia’s productivity.

The scheme promotes gender equity and encourages work and family life balance. This is particularly so for Australian women who have long been juggling family responsibilities with the responsibilities and aspirations of their careers and their working lives. Taking time off to look after a newborn baby is a normal part of a woman’s working life not an abandonment of her working life. This scheme is a culmination of much consultation and consultation with a range of groups over a two-year period and before that it has been a conversation that has been had for more than a decade. Many of the speakers in today’s debate have contributed some perspectives around that long period of consultation, and we believe that the scheme balances the needs of all parties, businesses and families. The opposition, while having affirmed paid parental leave as a valid workplace entitlement rather than a social security measure, has also asserted that this bill:
... places a totally unnecessary impost on Australian businesses by requiring employers to act as paymasters for eligible employees ... It is precisely because this government sees our Paid Parental Leave scheme as an entitlement for women participating in the workforce that we are asking employers to provide parental leave pay to their eligible long-term employees just as they currently pay these employees their other workplace entitlements, their annual leave, their sick leave and other forms of leave.

Paid parental leave should be considered a normal part of employers supporting women to take leave from work to care for their new child. Employers will only have to pay parental leave payments to their long-term employees not to people who will be returning to work for them. The Family Assistance Office will make payments to other women. These arrangements balance the interests of women and employers, and employers will reap the benefits from their participation through their retention of skilled staff.

Despite complaints from some, women on low salaries are the big winners from this new scheme. Precisely because these women usually have no paid parental leave under their employment arrangements, the government is funding 18 weeks at the national minimum wage for all eligible women who meet the paid parental leave work test. In relation to superannuation and paid parental leave the government has said that we will review the scheme in two years time and the introduction of superannuation will be one of the matters considered then.

The Productivity Commission has estimated that women will take an extra 10 weeks off on average further to the 37 weeks they take now. This means that many mothers will be taking most of a year off to care for their babies, which is well above the minimum six-month period recommended by the World Health Organisation to give mothers the opportunity to breastfeed their infants. This again is real support for mothers and their families.

Some have commented that the new legislation is an impost on business. Well, employers will have six months to understand and adjust to the scheme before they are required to pay paid parental leave pay from 1 July 2011. They can, though, choose to participate earlier if they want to. To give business this adjustment time, the Family Assistance Office will provide parental leave pay during the first six months to claimants who are not paid by their employers. This scheme has been designed so that employers will not have to work out if their employee is eligible; the Family Assistance Office will do all of this work and then inform employers of their role. Employers will not be out of pocket through making the parental leave payments. The Family Assistance Office will send sufficient funds to the employer before the payment date, and their cash flow will not be affected. Businesses will not need to change their payroll systems, because full funding will be provided before the payment date so that payments can be made in line with their existing pay cycle.

The system will soon become familiar to businesses once they start to make payments. Many small and medium-sized businesses that currently offer no or minimal parental leave pay will find this scheme most beneficial. This is what businesses have actually told us. This scheme will allow business to benefit from employee loyalty and retention of skilled labour without having to pay for it and without a new tax or levy.

There is no scope for employers to absorb parental leave pay into existing employer funded schemes and withhold parental leave pay owed to an employee. Employers cannot use this parental leave pay to offset an exist-
ing employer funded scheme. The legislation requires employers to provide parental leave pay to their employees if they have been funded to do so.

In summing up this landmark legislation, I remind the Senate that this scheme is based on sound evidence, on rigorous analysis of that evidence by the Productivity Commission and on consultation with all stakeholders over more than two years. We have released an exposure draft and we have had a Senate inquiry into the main bill, and this is considered open and transparent policy development undertaken over a very reasonable period of time. The scheme meets the needs of a broad range of women and their employers and balances many interests, and we believe that that balance is right. Women get 18 weeks of parental leave pay to take time off work, and this is in addition to their current workplace entitlements. Their employers are funded to make the new payments and are not subjected to any new taxes or levies. Costs involved in paying employees will be tax deductible for businesses, and the Australian people get an affordable scheme which will help to increase women’s workplace participation and alleviate the impacts of an ageing population on the workforce. This is a scheme that Australia’s working women want us to deliver, and I urge all senators to support the bill.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Paid Parental Leave Bill 2010

Bill—by leave—taken as a whole.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (10.48 am)—I table a supplementary explanatory memorandum relating to the government amendments and requests for amendments to be moved to this bill. The memorandum was circulated in the chamber on 15 June 2010.

Senator HANSON-YOUNG (South Australia) (10.49 am)—I will be withdrawing Australian Greens amendments (1) and (2) on sheet 6111, because it seems as though the government has accepted that this is an issue and it is moving its own amendment. I think it is really good that the government has accepted that there needs to be an amendment to the bill in this particular area, despite the Prime Minister saying himself less than 24 hours ago that the Senate should simply get out of the way and roll over. It seems as though 24 hours ago the Greens and the Senate were being seen as a robot by the Prime Minister, and now all of a sudden we are being seen as contributors to good policy and as putting forward good suggestions, because the government has picked up our amendments. So I will be withdrawing those particular amendments.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (10.50 am)—I move government amendment (1) on sheet AF249:

(1) Page 2 (after line 10), after Division 1, insert:

Division 1A—Object of this Act

3A Object of this Act

(1) The object of this Act is to provide financial support to primary carers (mainly birth mothers) of newborn and newly adopted children, in order to:

(a) allow those carers to take time off work to care for the child after the child’s birth or adoption; and

(b) enhance the health and development of birth mothers and children; and

(c) encourage women to continue to participate in the workforce; and
(d) promote equality between men and women, and the balance between work and family life.

(2) Generally, the financial support is provided only to primary carers who have a regular connection to the workforce.

(3) The financial support provided by this Act is intended to complement and supplement existing entitlements to paid or unpaid leave in connection with the birth or adoption of a child.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.50 am)—If no-one else is speaking, I will certainly speak. I will just read out what this amendment on the ‘object of this act’ says. Item (2) says: Generally, the financial support is provided only to primary carers who have a regular connection to the workforce.

This, again, is my concern about it being connected just to those in the workforce. Stay-at-home mums need to be valued, and now in the ‘object of this act’ you are putting in that it is only for the workforce. Again, I cannot agree with this going in there, for that reason.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (10.51 am)—I will just clarify that the government’s approach to developing Australia’s first national Paid Parental Leave scheme has been highly consultative from the beginning and the government has sought to balance the interests of business and families and ensure that the scheme is practical and affordable. Consistent with this approach, we released an exposure draft in early May which facilitated an early start to the relevant Senate committee inquiry into the bill, and the government has paid very close attention to the community’s views on the bill. In response to those views and recommendations in the Senate committee’s inquiry report, the government is now moving four amendments to the bill. This first amendment, which Senator Fielding has drawn our attention to, is to insert the object clause into the bill, which ensures that women who do not meet the work test due to premature birth or a pregnancy related complication or illness can be eligible for paid parental leave if they otherwise have met the work test.

Some witnesses to the Senate inquiry actually gave evidence that it would be helpful to have a very clear statement of the objectives of the Paid Parental Leave scheme in the bill to reduce confusion and to clarify the intended goals of the legislation. This was expressed in recommendation 1 of the Senate committee report, and the government sees merit in this.

Senator HANSON-YOUNG (South Australia) (10.53 am)—As this was a very similar amendment to the Greens amendment which has subsequently been withdrawn, I just want an opportunity to speak to it. I think it is really important, as I said, that the government has picked this up as a glitch in their draft legislation. It is really important with a bill like this, particularly one that is so historic and that is setting down a new framework for how we support working mothers to have that time off with their kids, for us to be very clear about what the objectives are. The objectives in the bill as drafted currently without this amendment are not clear; there is confusion. We need to be very clear about what the objectives are so that down the track when we deal with the review we know what we are measuring: the success of the bill and how it has worked. Is it meeting the objectives?

Of course, one of the key objectives should not be just financial support for families—mums and dads who need to take time off when their baby is born—but about allowing women, in particular, to stay con-
nected to the workforce. While the govern-
ment has adopted a need to clarify their ob-
jectives, the subsequent amendments that I
will move back that up. If this is a workplace
entitlement—if this is about finding ways to
allow women to stay connected to the work-
force, increase female workplace participa-
tion and provide that really crucial financial
support to families—then it must become a
workplace entitlement. That is where the rest
of the Greens amendments flow to. So if the
government accepts that they are the objec-
tives then let us see the government accept
the rest of the amendments to fix this legisla-
tion.

Question agreed to.

Senator HANSON-YOUNG (South Aus-
tralia) (10.55 am)—Similarly, the govern-
ment in their wisdom have seen that the sec-
ond Greens amendment here is worth pick-
ing up on, and they have moved their own.
Again, it is very good; it is a very good re-
fection on how this process works.

This, of course, it goes to the concerns
around the fact that this payment should not
be replacement of or absorbed by existing
employer funded schemes. For women who
already have access to employer funded
schemes, this should be in addition to; it
should not be in replacement of. We have
heard concerning reports, with one published
in the Financial Review only last week sug-
gesting that a majority of companies were
actually assuming that this could be absorbed
as part of their payments. This has been a
concern that the Greens have had for a long
time, and the fact that the government has
finally picked up on this was clarity that we
needed to see.

I withdraw my amendment (2) on sheet
6111, but I am thankful that the government
has adopted our criticisms and our amend-
ment as it was put forward.

Senator STEPHENS (New South
Wales—Parliamentary Secretary for Social
Inclusion and Parliamentary Secretary for the
Voluntary Sector) (10.56 am)—I thank Sena-
tor Hanson-Young for indicating her with-
drawal of that amendment, and I just reiter-
ate that the government was very clear in
taking the advice and evidence of the Senate
inquiry that it was important to be quite ex-
PLICIT that an employer cannot use parental
leave pay under this bill to meet their obliga-
tion to provide employer funded paid paren-
tal leave under an industral instrument. That
is the purpose of the amendment and we are
very happy to do that.

Senator BERNARDI (South Australia)
(10.57 am)—I just have some general ques-
tions, which we could clear up in a few min-
utes if I address them to the minister now.
The minister may be aware that in the past I
have raised the issue of the eligibility of
those having late-term abortions to access
the baby bonus. There are a number of coal-
ition senators who are concerned with regard
to the availability of government funds for a
late-term abortion.

When I raised this, Minister Macklin de-
nied that it was a loophole in the legislation.
She was subsequently corrected, and the de-
partment assured me that it would be cor-
rected by a change in the forms. The advice I
have received, and the concerns of a number
of coalition senators and also some in the
wider community are that the same criteria
will be applied to the paid parenting payment
as applies to the baby bonus in that a baby
that is deemed stillborn would be eligible for
the paid parenting payment. There is some
concern that those who undertake or have a
late-term abortion would still be eligible for
the paid parenting payment.

This is not a political point-scoring exer-
cise; this is a genuine concern because I feel,
and a number of other individual senators
and community people feel, that it is inappropriate. I am seeking a comment from the minister with regard to this, and an assurance that, barring fraud or misrepresentation by a doctor or medical professional, this payment will not be available to those undergoing voluntary terminations.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.00 am)—I welcome the opportunity to give a bit of clarity to this issue because it is so important to many members of the Senate, as I well know. The government believes that the proposed amendments on this issue are quite unnecessary, for an important reason. The baby bonus and now the paid parental leave can be paid in the case of a stillbirth, as should be the case, but there needs to be an actual delivery of a stillborn child to qualify and all claims for the baby bonus in cases of stillbirth have to be certified by a medical practitioner. The claim form requires the doctor or the midwife to certify that a stillborn child was delivered and this requirement necessarily excludes other events. I think that this goes to the nub of the question you asked. Changes were made to the claim form last year, in 2009, to make this very clear as there was a lack of clarity in the past, which has unfortunately led to some misunderstanding and concern about the law. Those misunderstandings appear to have motivated these amendments, but the law is very clear. The baby bonus and the paid parental leave can be paid only when there is the delivery of a stillborn child.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.02 am)—In relation to the original question, the point that I make to you very clearly is that medical practitioners have to certify that a stillborn child was delivered and any claim for the baby bonus or the paid parental leave will have to be certified as such. So the notion that someone would, for the purposes of receiving the baby bonus or paid parental leave, proceed to a post-20 week pregnancy and then procure an abortion is anathema. It is really the most incongruous thing that anyone could consider might happen and it certainly would not be something that a medical practitioner or a midwife would certify as having been a legitimate activity.

Senator BERNARDI (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.03 am)—I agree with the Parliamentary Secretary for Social Inclusion that it seems a grotesque suggestion, but unfortunately there is some evidence that these circumstances have arisen. Frankly, I am not sure of the potential implications of Senator Fielding’s amendments across not only this bill but also some similar areas in other legislation. What
I am seeking to do on behalf of some of my colleagues and some in the community is to satisfy myself that, barring a misrepresentation by a doctor or medical professional that certifies that a child is stillborn, there will not be circumstances where a termination or someone undergoing a late-term abortion will be eligible for this payment. If you can give me that assurance I will accept that assurance. That is all I am seeking. It is about the language being used, because I do not want people to twist it. I want the government’s intentions to be very, very clear so that we do not make unnecessary amendments to the legislation and that we know we have examined all the circumstances that people are concerned about.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.04 am)—I do acknowledge that you are concerned about this. What I can say to you is that this is not the intent or purpose of this legislation and that recently the Federal President of the Australian Medical Association has made public comments that this is not happening and it is not likely to happen.

Senator WILLIAMS (New South Wales) (11.05 am)—I have a couple of questions about the proposal and how it will work in relation to small businesses, especially employees’ entitlements to workers compensation, superannuation et cetera. Perhaps I could use an example of a lady working in a small business who takes 18 weeks off. Does that small business still have to pay the workers compensation, being aware that a percentage of workers compensation is paid on gross wage, depending on what field and what level of danger there is in certain employment? Do small businesses—and large businesses, for that matter—have to pay workers compensation, superannuation and payroll tax when the lady has the 18 weeks off?

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.06 am)—Clause 98 of the bill ensures that payment of an instalment of parental leave pay is not relevant for the purposes of the provision of any Commonwealth, state and territory law dealing with workers compensation or accident compensation. The purpose of that provision is to ensure uniformity and consistency across jurisdictions and to avoid the need for amendments to relevant state and territory legislation. What it does is create certainty for employers regarding the intended interaction between the government’s Paid Parental Leave scheme and workers compensation laws.

On your question about payroll tax: parental leave pay will also be exempt from payroll tax under the Australian government’s Paid Parental Leave scheme due to start on 1 January 2011. The government has confirmed that employers providing parental leave pay to their eligible employees will not be liable for payroll tax under current state and territory payroll legislation. The treasurers from all states and territories have provided advice to confirm this—that is, that parental leave pay under the Australian government scheme is exempt. The government has welcomed this advice and appreciates and wants to thank state and territory governments for their consideration of this issue.

Senator WILLIAMS (New South Wales) (11.07 am)—I wish to make just a couple of points. On superannuation: will the business have to pay the superannuation? Thank you for that sign to say no. On holiday leave, the four weeks leave for a full-time employee: when a lady takes the 18 weeks off, will her holidays accumulate during that 18-week
period? For example, over a 52-week year, with 18 weeks off you would think she would be eligible for only 34 weeks worth of holidays. Would she be eligible for the whole 12 months worth? In other words, would she accumulate holidays while having that 18 weeks off on paid parental leave?

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.08 am)—Can I assure senators that the government has given a lot of consideration to the interaction between this leave and other forms of leave. On the issue of accumulation of recreation or holiday leave, no, it does not accumulate. It does not impact on accruing entitlements to any other leave.

Senator BOSWELL (Queensland) (11.08 am)—I too have some inquiries along the lines of Senator Bernardi’s. I followed this in the Senate estimates committee hearing, and I got what I thought was a reasonable assurance. But, after reading back what was said in that hearing, I do have some further questions for you, Senator Stephens. I understand the intent of this. Hell is paved with good intentions. Everyone tries to make the right decisions here, and obviously you are doing that. Let me read to you from the transcript of the Senate estimates committee hearing. One senator said:

My understanding is that, with a late-term termination, you could be eligible for both the baby bonus and paid parental leave.

Mr Warbuton answered:

That is not correct. You can only obtain one or the other.

It went on. The senator said:

Sorry, I know you cannot obtain both, but you could be eligible for one or the other if you had a late-term termination.

Mr Warburton said:

People who have stillborn children may be eligible for paid parental leave and they may be eligible for baby bonus, and they get to choose, as everyone can. They have a choice between those two payments, but that is for a stillbirth with certification as we have outlined.

The follow-up question was:

But a late-term termination can be considered to be a stillbirth by the doctor?

The answer was:

That would be up to the medical practitioner.

He did not say it would be illegal, that he should not do it or that he would lose his licence if he did do it. He said:

That would be up to the medical practitioner.

I find that not very convincing, Senator Stephens. I am not a doctor. What if a baby is stillborn but was aborted? Where does that leave paid parental leave? Yes, I know no one should do it. People would be stupid to do it. No-one should do it. But these things do happen. We are playing with legislation here. We are not talking in estimates committee hearings. This will become legislation. Even some babies that are aborted actually come into this world alive. Where does that leave paid parental leave? I know this is not a very edifying discussion, but nevertheless it does take place. Babies are born and left to die in a dish. Are they stillborn? Are they eligible? Can you give us some assurances?

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.12 am)—Senator Boswell, I have the transcript of that discussion in the Senate committee hearing as well. If you go to the first page, you will see that you ask this question:

Is the baby bonus payable following a post 20-week elective abortion?

The response was:

… there is a payment made for stillbirths that are certified by a medical practitioner and there is a
process within the baby bonus system for stillbirths that are certified by a medical practitioner.

You say:

There is a division between stillbirths and abortions?

The response was:

The only provision for payment of baby bonus is for stillbirths that are certified by a medical practitioner.

I want to take you to an outcome of an appeal by the Social Security Appeals Tribunal, which was heard in April 2007. The tribunal found:

Whilst the narrow definition is the delivery of a dead child, a stillborn child is usually considered to be progressing towards a live delivery until some adverse event occurs that ends the child’s life. Such an event may include antenatal haemorrhage, placental insufficiency or foetal abnormality et cetera and all of these events are unintended events. In contrast, an elective termination in which there is no life-threatening abnormality or risk to the mother’s health is very much intentional and does not fit the accepted meaning of a stillborn death.

Therefore, an intended termination after 20 weeks does not fit the definition of a stillborn death and therefore would not be seen to be eligible for a parental leave payment.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (11.14 am)—I have a question in follow-up to that from Senator Williams. Senator Stephens indicated that she had written advice from each of the state treasurers that paid parental leave would not be subject to payroll tax. Could the minister indicate whether she has received advice from each of the state treasurers that paid parental leave would not be subject to payroll tax. Could the minister indicate whether she has also received advice from each of the territory treasurers and could she table the advice she has received from treasurers.

What the minister shared with the chamber before was news to this side of the chamber because, when the question had been specifically asked by the opposition during briefings, departmental officers were unable to answer that question. So I ask the minister whether the territories have also provided advice and whether that advice could be tabled.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.15 am)—Yes, treasurers from all states and territories provided advice. I do have copies of the letters and I am happy to table them for the information of senators.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (11.16 am)—Could the minister advise whether she has received advice in relation to workers compensation schemes and whether PPL will also be subject to that.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (11.16 am)—Perhaps Senator Fifield was not here earlier when Senator Williams asked that question. Clause 98 of the bill ensures that the payment of an instalment of parental leave pay is not relevant for the purposes of the provision of any Commonwealth, state or territory law dealing with workers compensation or accident compensation.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.17 am)—by leave—I move:

That the House of Representatives be requested to make the following amendments:

(1) Clause 4, page 3 (line 27), omit “the work test,”.

(4) Clause 6, page 18 (line 7), definition of work test, omit the definition.

(5) Clause 12, page 23 (lines 26 and 27), omit “the work test,”.

(6) Clause 26, page 36 (line 9), omit paragraph (1)(a).
(7) Clause 26, page 36 (line 19), omit paragraph (2)(a).
(8) Clause 30, page 38 (line 11), omit “the work test.”.
(9) Clause 30, page 38 (lines 20 to 24), omit the paragraph relating to Division 3.
(10) Clause 31, page 40 (line 8), omit paragraph (2)(a).
(13) Part 2-3, page 42 (line 1) to page 45 (line 12), Division 3, omit the Part.

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

Amendments (1) and (4) to (11) and (13)

Amendment (13) removes a work test which otherwise must be met before a person qualifies for payments under this Act. The effect of the amendment would be to expand the class of people entitled to payments, resulting in additional amounts being paid. The increased expenditure would be met from the standing appropriation in clause 307 of the bill.

Amendment (13) is therefore circulated as a request.

Amendments (1) and (4) to (11) are consequential amendments, and are therefore also circulated as requests.

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

The Senate has long accepted that an amendment should take the form of a request if it would have the effect of increasing expenditure under an appropriation clause in a bill.

On the basis that amendment (13) would result in increased expenditure under the appropriation in the bill, it is in accordance with the precedents of the Senate that those amendments be moved as requests.

It is also in accordance with precedents for the consequential amendments to be moved as requests.

Senator FIELDING—The requested amendments basically get rid of the work test, which would mean that stay-at-home mums would not miss out on the paid parental leave payments. Therefore they would not be discriminated against through this bill. As I said before, mums who stay at home to look after their kids and who are not in the paid workforce would be $2,000 worse off if they decided to stay at home after having their first child then continued to stay at home after the second or even third child. All of a sudden they are worse off under this bill, and I think that is crazy.

I was making this point before. People may say it is emotive, but I will say it again: prisoners and prostitutes get payments under this paid parental leave arrangement but stay-at-home mums do not. Is that fair? Is it fair that someone who decides to stay at home to look after their first child then has a second child and chooses not to go back into the paid workforce ends up being financially not as well off as those in the paid workforce? I think that is wrong. You are giving a greater incentive to those in the paid workforce than to stay-at-home mums, who I think also should be valued.

Each senator has to look at this and think about how they have been saying to communities outside this place that they are for stay-at-home mums. There are concerns that, through this legislation, those parents in the paid workforce will be $2,000 better off than those who are staying at home. This is a real concern. In relation to items (4) and (13), if the government does not get 39 votes—in other words, if there were 38 votes against this—those clauses would be deleted from the bill. I make it very clear that senators cannot go out to the community and say that they are for stay-at-home mums and then, in considering this bill, not vote for these requests for amendments. Basically, these requested amendments remove the work test from this bill to make sure that stay-at-home mums are not discriminated against.
Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.23 am)—I will just respond to Senator Fielding’s argument. Clearly the government does not support his proposition, because fundamentally we are introducing a parental leave scheme. It is a scheme designed to provide parental leave for those in the workforce. I will come to some broader points in a moment, but Senator Fielding says we should amend it to be something other than that. He makes an argument about the relativity between those in the workforce and those outside the workforce when they are about to have a child. I will come to those comparable issues. That is a reasonable point to make in terms of a public policy debate about how various persons are treated under broad public policy, but this is a debate about a parental leave scheme and fundamentally Senator Fielding’s requested amendments undermine the whole objective of the bill and the parental leave scheme.

The scheme is designed to provide financial support to parents in the paid workforce so they can take sufficient time off work for the exclusive care of children while in the longer term helping to maintain and further encourage women’s labour force attachment. We think it is good for families, good for business and good for the economy. Most women participate in the labour force and most women want to maintain that attachment. Industry groups and others have been very supportive of us introducing the scheme. It is about achieving better outcomes for parents in the paid workforce but does not skew assistance to working mothers at the expense of non-working mothers. I think Senator Fielding looks to use an emotive argument but, as I said, if you look at the scheme you will see it is about parental leave. It is about achieving that objective—for the first time providing the right to parental leave for those in the workforce. That is what this legislation is about. Senator Fielding’s amendments seek to undermine that. He seeks to undermine that on the basis of a comparison about how persons not in the workforce are treated. I would therefore urge him, if he wants to run that argument, to look at the totality of how those persons are treated. Their treatment is not solely contained in this bill. Families who are not in the workforce are entitled to FTBB. So their package of social support is not just the parental leave system but also family tax benefit B. To be fair, if Senator Fielding wants to make a comparison, he has to put in the whole package. It is not what this bill is about.

I would argue that fundamentally Senator Fielding’s requested amendments seek to undermine the whole purpose of the bill, but the argument he uses to do that is not sustainable. It is based on an argument that women outside the workforce are worse off, and that is just not true. If you take into account their family tax benefit B, in totality they will receive more assistance on average than those women who are in the workforce, because this financial year an eligible mother who has not worked prior to the birth of a baby will receive the $5,185 tax-free baby bonus and up to $3,829 in tax-free FTBB—a total of $9,014 in government support free of tax. A mother receiving the taxable PPL, paid parental leave, will obtain the equivalent of the baby bonus and an average net additional gain of $2,000. If the mother has income over $23,800 she will not receive any FTBB.

So the argument that Senator Fielding makes fundamentally undermines the whole objective of the bill and seeks to introduce wider issues. But his argument in support of the wider issues is not true. It is just not true. The total assistance for those families comes from other measures in addition to this bill. While you have to look at each individual circumstance to work out what each family
or woman might get out of the system—depending on when they were working, how long they have been off work, their family income and all those things—the fundamental argument Senator Fielding seeks to advance ignores the FTBB arrangements. That is just not right. If you are talking about total financial assistance to a woman for the care of a child and the taxpayer support for that, you have to look at the whole package. On average, non-working women will get more support than those who are in the workforce.

This bill is about achieving what this parliament has supported in theory for many years but which no-one has ever done—that is, introduce paid parental leave. That is something that has been established in most Western democracies for many years and has been highly successful as a means of supporting particularly women but parents more generally and supporting good connection to the workforce while allowing people time to care for their child. It is a family-friendly measure. It is a family supporting measure. But, as I say, the argument that somehow non-working mothers will receive less support from the government is not right.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.29 am)—I think the key issue here is that the government is not valuing the work that stay-at-home mums do. That is the issue here. All of a sudden there seems to be this valuing of paid work above and beyond the work that stay-at-home mums do. The government is not valuing stay-at-home mums and the work that they do in looking after kids.

Question negatived.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.30 am)—by leave—I move amendments (2), (3) and (12) on sheet 6112 revised:

(2) Clause 6, page 8 (after line 8), after the definition of

\[ \text{abortion} \] means intentionally causing the termination of a woman’s pregnancy with the consent of the woman by:

(a) using an instrument; or
(b) using a drug or a combination of drugs; or
(c) any other means.

(3) Clause 6, page 17 (line 16), at the end of the definition of \[ \text{stillborn} \], add “; but does not include a child whose period of gestation was terminated by abortion”.

(12) Clause 31, page 41 (after line 9), at the end of the clause, add:

(6) Despite subsections (2), (3) and (4), a person is not eligible for parental leave pay for a child on a day if the child:

(a) is stillborn following an abortion; or
(b) has died before that day following an abortion.

These amendments are to do with the issue of abortion. I know that this is always a difficult topic for discussion, but it is a discussion that needs to be had. These amendments will close any loophole and remove any greyness which currently allows parental leave payments to be paid to someone who has an abortion after 20 weeks. It takes away any greyness. All the assurances that we may have heard before are just talk. We do not need assurances; we need to make sure it is in legislation. These amendments are quite clear. Amendment (2) says: ‘abortion means intentionally causing the termination of a woman’s pregnancy with the consent of the woman’. It is a clear definition that will be written into law and will not be left to someone’s guesswork or to assurances that the minister or the government may give. This makes it clear. It is not an assurance from the minister. This puts into law that people who have an abortion after 20 weeks should not be able to receive money from paid parental leave.
These amendments will close the loophole that is clearly there, which means that it will not entice people. I find it horrific to even think it for a moment, but there may be people out there who want to cheat the system in a horrific way. It is a difficult discussion to have, but I want to make it quite clear that this is about making sure that if there is an abortion post-20 weeks there will be no payment of paid parental leave. I think it is quite a simple thing to put and I think most people would agree with this position. I will leave it for senators to think about as they vote on this issue.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (11.33 am)—These amendments do not create an assurance; they create a wedge. These amendments bring into this chamber an issue on which there are deeply held beliefs around the parliament. It is a conscience issue. The way in which this issue has been introduced takes the debate to a base level. You know full well that if you bring the abortion debate up then a bit more diligence is required than you have shown with the process you are following here. I am disgusted by the mechanism of this. An assurance has been given. We have actually been doing the footwork—asking people and getting the assurances across parliamentary lines on this issue. I find it one of the more base forms of politics to bring up an issue that you know full well, Senator Fielding, is held as an absolutely primary issue by so many people around this place. I really question the motives you have at the forefront of your mind in bringing this issue forward in this manner.

It is quite clear—it has been disclosed by the minister and also by Senator Stephens. You are asking what we are to do if a person commits a criminal act—that is, if the doctor lies about the motives that they have put forward. I suppose that if the doctor lies they go to jail or they lose their registration. What are your motives on this one, Senator Fielding? What are you trying to do here today? What is your motivation? Is this a sincere and honest approach on which you have spent a period of time lobbying people, discussing the issues and going through the proper mechanisms and processes? Have you done that, Senator Fielding? Or have you just brought in a highly emotive issue without actually consulting or doing the footwork? What is your primary motivation? Can you tell the chamber about all the people that you have discussed this with? Can you tell the chamber about all the lobbying you have done on this issue? Or is this merely a political ploy of yours? If it is, I think it is absolutely disgusting.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.36 am)—I want to put on record the government’s view. Senator Fielding has raised the issue of abortion and Senator Joyce has replied. But let us look at this calmly and logically before we get carried away with a de facto debate on abortion. It is not a matter of my providing you with an assurance; it is the current law. It has been the law since about 2002 that we do not fund abortions in this way. I think it was originally covered under the maternity payment and then under the baby bonus when a change in name was introduced in 2005. What we have here is the application of the Howard government legislation covering this issue. It is not a question of an assurance from me; it is about what this parliament has legislated. The payment can only currently be made in the case of stillbirth. There has to be an actual delivery of a stillborn child to qualify. The payment can only currently be made in the case of stillbirth. There has to be an actual delivery of a stillborn child to qualify. There has been legislation and regulations for the various forms of payment—maternity payment, baby bonus and now parental leave. This legislation does not change the conditions around the payment of the bonus for abortions or stillbirths. The current re-
gime applies to the new payment. There is no change going on here. That has been the legislative framework for a number of years as enacted by the Howard government and continued by this government. So let us get that straight. It is not about this minister providing an assurance; it is about the law that this parliament has passed, which has been in place for some time.

There was a change made in 2009. Senator Boswell and I discussed this at length at estimates when he sought assurances about these things—and I think I have done that two or three times at estimates in recent years. Concerns were raised about the form on which the doctor or midwife certifies that a stillborn child was delivered. The concern was raised with the government and more generally. Changes were made to the claim form in 2009 to make it clear that the payment would only be made in cases of a stillbirth where there was an actual delivery of a stillborn child. The misunderstanding and lack of clarity in the form was addressed in 2009 and the form was changed. But the form was changed to better reflect the law, not to change policy. The law is clear. The baby bonus and parental leave payments can only be paid when there is a delivery of a stillborn child. The medical practitioner has to certify that and, as Senator Joyce correctly pointed out, to do otherwise is to breach the law, to commit a criminal offence. It is an offence under the law for a medical practitioner to certify falsely, just as they are bound by a whole range of other laws in how they carry out their practice. That legal protection is there and it has been passed by us. There is no change today. We are merely applying the same legal framework that was applied to the baby bonus with the name change that occurred under the Howard government. That framework will continue to apply now.

Senator Fielding, I do not think the concerns you have raised are justified. Senator Joyce is concerned that there is an attempt to use this debate as a vehicle for debating abortion. People can behave as they wish, but let us be very clear about it: there is no change to the law and the laws are very clear on this. This is the same framework that applies to the baby bonus and applied to the maternity leave prior to that. This government took action in 2009 to clear up concerns about the form and make it absolutely clear how the law is to apply. That is the current law and there is no change to those arrangements in this legislation.

Senator HANSON-YOUNG (South Australia) (11.42 am)—The Greens will not be supporting Senator Fielding’s amendments. Although I might have put my concerns in different words than Senator Joyce used, and although I come from a different perspective on this issue, I could not agree more with him. This legislation is meant to be a historic opportunity for us to deliver support to working mums in particular but Senator Fielding has taken the debate down to the level of dirty politics. As far as I am concerned, there is no way we should consider Senator Fielding’s rabid right-wing views any further.
Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (11.43 am)—In relation to Senator Fielding’s proposed amendments, it is entirely unclear that there is actually a problem here. In the committee stage Senator Bernardi asked some very direct questions of Senator Stephens, who gave assurances that a scenario like that outlined by Senator Fielding was highly unlikely to eventuate. Obviously we cannot stop people from committing an act of fraud. We cannot stop a doctor from falsely filling out a form; that is not something we can address in this place. I think the chamber needs to rely on the government’s assurances that this is not a problem. Senator Boyce also extensively ventilated these issues in Senate estimates and her concerns were satisfied. Senator Joyce, who is in the chamber, is known to be not unsympathetic to some of the concerns that Senator Fielding traditionally has in this area.

I think it is important that this chamber resist the temptation to look for proxy wars or ways of waging a proxy battle on the issue of abortion. It is a very serious issue. It is one where people have very strongly held feelings, but this particular piece of legislation the opposition does not believe is the place to have those discussions. Discussions are not relevant to that particular subject on the basis that we have the assurance from the government that there is not an issue here. I am surprised that there have been concerns raised about me raising this issue. It is a very difficult topic to discuss and to have to debate. We have had assurances today. All I am seeking is to make sure that this legislation is absolutely clear, because with the baby bonus it was not clear and there are still con-

Senator BOSWELL (Queensland) (11.45 am)—It is no secret that my views are very pro-life. I have campaigned on it. I have gone out there and run my colours up the mast. And I do not think it is any secret where Senator Ursula Stephens is. I think she would share my views and I do not think she would mind me saying it. She gave an assurance here. Not only did she give an assurance; she read out the law. It was not just an assurance; it was the law and she read it out. You cannot tamper with the law, and she would be the last person that would. I am assured that the only way mischief can happen is for a doctor to be a blatant liar and risk his ability to earn money, because if he did sign off a stillbirth as an abortion or vice versa he would lose his right to practise—I presume that would be the penalty or one of the penalties—and risk his reputation and his good standing in the community, and I do not know what for. The law is the law. That was read out by Senator Ursula Stephens. Maybe the Leader of the Government in the Senate can read that law out again, read it into Hansard again, to reassure Senator Fielding. But I think the people who are pro-life on this side of the house have accepted that the law is the law as read out by Senator Stephens and have accepted the assurances given by other ministers. Let’s not build up a straw man to knock it down here.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.47 am)—Quite clearly even before I got to my feet to move these amendments there was concern around the chamber about this issue. So it is not just Fielding raising the issue; there were a number of others who raised this issue specifically. It was not just Fielding raising this issue; this is a genuine concern. Groups are genuinely concerned about this issue. I am surprised that there have been concerns raised about me raising this issue. It is a very difficult topic to discuss and to have to debate. We have had assurances today. All I am seeking is to make sure that this legislation is absolutely clear, because with the baby bonus it was not clear and there are still con-
cerns out in the community. This would clarify it by adding at the end of the definition of stillborn that it ‘does not include a child whose period of gestation was terminated by abortion’, with the definition I gave before. It makes it absolutely clear.

In actual fact I am a little surprised that some people are speaking against making sure it is clear and having this included in the paid parental leave scheme bill. I believe there are still prospects, as the bill currently stands, that drug addicts and welfare cheats could go out and get themselves pregnant and after 20 weeks have an abortion and get paid taxpayers' money. There is a concern and we should rule it out completely in this legislation in writing so that there is no doubt. Quite clearly there was doubt among coalition senators. They raised this issue even before I got to my feet. I think we could make sure that it is clear for everybody through this bill and these amendments.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (11.49 am)—I tell you what I know is clear: that the views that are held on this issue are absolutely primary in the motivations of many people in this chamber. I tell you what I know is clear: that Senator Fielding never came to see me about this issue if he holds it so dearly. I do not think he ever saw Senator Boswell. I do not think he went to see anybody in the Liberal Party about this issue, I do not think he went to see anybody in the Labor Party on this issue and I am pretty certain he did not go to see anybody in the Greens about this issue. He did not go to see Senator Xenophon, because I asked.

So what I question is the motivation of Senator Fielding on this issue. Yes, you are stating the obvious that it is a primary aspect, and that is why it is contemptuous to believe that you are working what I would suggest is a wedge, what I would suggest is a political chess manoeuvre by the most minor pawn in the most base way to deliver an outcome that, to be honest, I do not believe the many people in this place who genuinely hold a pro-life view would want. It is more for the base political gain in a very minor period of time and no real acumen, consideration or hard work has gone into it. Therefore it remains contemptuous. The statement is that, if an action happens that is illegal, it is illegal and it makes you a criminal. We spend a lot of time in this chamber making laws that can pass that is going to somehow stop criminality. So what is your motivation, Senator Fielding? Can you please table for this chamber the footwork you did prior to moving these amendments.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.52 am)—Quite clearly this issue does need to be clarified. I ask Senator Joyce: what is the wedge? This quite clearly is a concern, and one way of making it absolutely clear is by having it in this bill.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.52 am)—In response to Senator Boswell, what Senator Stephens did on behalf of the government was refer to a decision of the Social Security Appeals Tribunal from a hearing in April 2007 which affirmed the decision by a Centrelink review officer who affirmed the original decision to reject a claim for maternity payment for a termination of pregnancy at 22 weeks gestation. In fact, they tested the legislation and found it to be sound and achieving what it was supposed to achieve. This was the original Howard government legislation. The framework applied here is the same that applied in that legislation. There is no need for amendment; in fact, it can be argued that one might weaken the provision. The concerns that
were raised were addressed in 2009 with a form to make it absolutely clear how the law applied.

Senator Fielding. I think the reason people like Senator Joyce get upset about these issues is that when people start saying things like, ‘Drug addicts, prisoners and welfare cheats are getting better deals,’ there is a bit of a sense that maybe we are trying to whip up a little hysteria in the debate. I think that is what concerns people. We should take a calm, considered view of it. First of all, ‘welfare cheats’ means, I assume, that you are on welfare; therefore, you are not entitled to parental leave, so I am not sure how welfare cheats get into the act. If they are cheating and, therefore, on welfare, they are not entitled to parental leave. But it is all rhetoric. The bottom line is this legislation has been in place for a long time under successive governments and was passed by this Senate. It is meeting the objectives set for it. The type of payment paid has changed—this is a significant social reform—but the same framework applies in relation to consideration of payments for stillbirth and for those who have an abortion. Nothing changes. The legislative framework has been tested and found to be sound. It is meeting the objective of the parliament and, therefore, ought to be supported on this occasion.

Senator FIELDING (Victoria—Leader of the Family First Party) (11.54 am)—I still urge senators to look at these amendments. At worst, they do exactly what the government is saying cannot happen, so they reinforce it and make it absolutely clear. I say again that coalition senators were raising this issue before I even got to my feet. It makes sure that the definition of stillbirth does not include abortions after 20 weeks. I think it is a simple proposition to put forward and I ask senators to support it.

Question negatived.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (11.56 am)—by leave—I move:

That the House of Representatives be requested to make the following amendments:

(2) Clause 6, page 9 (after line 15), after the definition of birth verification form, insert:

born prematurely: a child is born prematurely if, at the time of the child’s delivery, the child’s period of gestation is less than 37 weeks.

(3) Clause 31, page 40 (line 8), after “(see Division 3)”, insert “or subsection (4A) applies to the person”.

(4) Clause 31, page 40 (line 32), after “(see Division 3)”, insert “or subsection (4A) applies to the person”.

(5) Clause 31, page 41 (after line 6), after subclause (4), insert:

(4A) This subsection applies to a person if:

(a) the person does not satisfy the work test in relation to a child; and

(b) the person is the birth mother of the child; and

(c) the Secretary is satisfied that either or both of the following subparagraphs apply:

(i) the child was born prematurely;

(ii) while the person was pregnant with the child, the person had complications or illness related to the pregnancy which prevented the person from performing paid work; and

(d) the Secretary is satisfied that the person would have satisfied the work test if either or both of the subparagraphs in paragraph (c) had not applied.

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

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation

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

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

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

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

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

Amendments (2), (3), (4) and (5)
The effect of these amendments is to allow a birth mother who does not meet the work test to be eligible for parental leave pay if the Secretary is satisfied that the mother would have met the work test but for the premature birth of her child, or pregnancy related complications or illness. This expands the eligibility criteria for parental leave pay and will increase the amount of parental leave pay that is payable under the Bill. Parental leave pay is paid out of the Consolidated Revenue Fund under the standing appropriation in clause 307 of the Bill. The amendments are covered by section 53 because increasing the amount of parental leave pay paid out under clause 307 of the Bill will increase the proposed charge or burden on the people.

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

Amendments (2) and (5)
The effect of these amendments is to expand the eligibility criteria so that certain mothers who do not satisfy the work test may still be eligible for parental leave pay. Although the payment is subject to the Secretary’s discretion, if such a payment is made, the increased expenditure would be met directly from the standing appropriation contained in clause 307 of the bill.

The Senate has long followed the practice that it should treat as requests amendments which would result in increased expenditure under a standing appropriation. On the basis that these amendments would result in increased expenditure under the standing appropriation in clause 307 of the bill, it is in accordance with the precedents of the Senate that these amendments be moved as requests.

Amendments (3) and (4)
Amendments (3) and (4) are consequential on the requests. It is the practice of the Senate that amendments purely consequential on amendments framed as requests should also be framed as requests.

Senator CHRIS EVANS—The government seeks to amend this bill to pick up a concern that was raised during the Senate committee inquiry regarding premature birth and pregnancy complications. The Senate Community Affairs Legislation Committee in its report recommended:

… that the government examine the eligibility requirements … to ensure that … women who experience unexpected difficulties during pregnancy which may affect their ability to meet the eligibility requirements of the bill are able to access paid parental leave.

Arising out of consideration of that Senate committee recommendation, the government is requesting these amendments to the bill to modify the work test for women who experience a premature birth or are unable to meet the work test due to complications or illness related to their pregnancy. These requests will allow a birth mother to be eligible for parental leave pay where the secretary of the department is satisfied that she would have met the work test but for the premature birth of her child or pregnancy related complications or illness.
The changes will ensure that women in these circumstances are not precluded from the Paid Parental Leave scheme because of unexpected developments during their pregnancy that prevent them from doing the amount of paid work they would otherwise have undertaken. The costs of the requests are likely to be negligible, because many women experiencing pregnancy related illness or complications will have accessed paid leave, sick leave or annual leave, which already count as qualifying work for the work test. The new provisions will ensure that the smaller number of women who may not have met the PPL work test for these reasons will be able to access parental leave pay. It would not be appropriate for women who clearly have a genuine labour market attachment to be made ineligible in these sorts of situations. It picks up the concern that the Senate committee raised. We think it is a legitimate concern, and the requests seek to make sure that we have the ability to respond to prevent detriment to those women who might have issues brought about by premature birth and pregnancy complications.

Senator FIFIELD (Victoria) (12.00 pm)—The opposition will not be opposing the requests.

Question agreed to.

Senator HANSON-YOUNG (South Australia) (12.01 pm)—by leave—I move:

That the House of Representatives be requested to make the following amendments:

(3) Clause 7, page 19 (lines 23 to 27), omit “18”, substitute “26” (thrice occurring).
(4) Clause 11, page 22 (line 30), omit “125 days”, substitute “181 days”.
(5) Clause 11, page 22 (line 31), omit “18 weeks”, substitute “26 weeks”.

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

Amendments (3), (4) and (5)

The effect of amendments (4) and (5) would be to extend the duration of the entitlement to parental leave pay, resulting in additional amounts being paid. The increased expenditure would be met from the standing appropriation in clause 307 of the bill.

Amendments (4) and (5) are therefore presented as requests.

Amendment (3) is a consequential amendment and is therefore also presented as a request.

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

The Senate has long accepted that an amendment should take the form of a request if it would have the effect of increasing expenditure under an appropriation clause in a bill.

On the basis that amendments (4), (5) and (10) would result in increased expenditure under the appropriation in the bill, it is in accordance with the precedents of the Senate that those amendments be moved as requests.

Senator HANSON-YOUNG—These requests go to the heart of much of the disappointment about this particular Paid Parental Leave scheme, as 18 weeks is simply not enough. In fact, my requests suggest that we should go with the bare minimum of six months—that is, 26 weeks. That is what has been represented by the World Health Organisation, various other organisations and associations, and experts, who understand that, if we really want to be able to give mums, in particular, time off with their newborn baby, exclusively to care for their child, that needs to be a six-month period. It goes to the heart of this argument about putting forward a Paid Parental Leave scheme that really offers the support that parents need. We know that the opposition support six months. The government’s official position has never been put on the public record so I am not sure what their official position is. They say, ‘Maybe we will start at 18 weeks and move upwards,’ although there has been no firm commitment as to whether they would support a six-month scheme.
We need to go to six months. Let us use this historic opportunity of all sides of parliament wanting a Paid Parental Leave scheme. Let us put it in place. In the big scheme of things, let us not wait another 30 years to try to improve this piece of legislation when we can bed down the bare minimum here today. If you compare Australia with other countries around the world that have already had paid parental leave schemes in place for quite some time, the numbers of weeks that they offer parents far outstrip this miniscule 18-week period. Sweden offers 47, New Zealand offers 28, Finland offers 32 and even the UK offers 39. Even 26 weeks, which I am suggesting would be the bare minimum, is still behind most of those countries.

We really should be looking at how long it has taken us to get to this point. For years and years women in particular trade unions and health organisations, advocates for the rights of children and health officials have been saying that we need a Paid Parental Leave scheme to give parents—mums, in particular—time off to spend exclusively with their newborn child. Let us do it properly and give them six months to spend with their newborn child, to recover from childbirth and to give them the best chance of breastfeeding. We know that that is such an important aspect and that, if you can do it, you should be able to do it for a six-month period if the Paid Parental Leave scheme is supportive enough. That is what this is about.

I hope that seeing as this is now an opposition policy position—Tony Abbott has said that he wants a six-month scheme; that has been backed up by his shadow cabinet and his backbench—this is the place where we can start to see this happen today. I look forward to their support on this particular matter. As I said, it would be nice to hear from the government as to where they stand. There has been a lot of talk from various ministers that they acknowledge 18 weeks is not good enough but that this is simply one step along the road. Where does the road lead to? Perhaps the minister could indicate whether the government support, and will show commitment on the record for, six months, because as of today they have not actually said that.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.05 pm)—The government will not be accepting the requests seeking to extend the scheme from 18 to 26 weeks. Clearly that would be quite a different proposition and would more than double the cost of the scheme. The estimated cost would be at least an additional $300 million a year to fund the extra eight weeks of the minimum wage with the same offset in savings. But we have made it clear that this is a foundation proposal. We have worked very hard to build community support for this. The reality is that Australia has talked about this for many, many years. Senator Hanson-Young is right to point out that parental leave arrangements have been in place in other countries for many years and that many are more generous than this. It is equally true that during all that period when they have had those schemes we have had nothing. She undervalues the importance and significance of this reform.

We have put in a lot of work to build community support and to assure employers about the efficacy of the scheme and that it will not place unfair impacts on them and the management of their business, which has always been a major argument used against us going down this path. The Productivity Commission’s final report supported the compelling evidence of child and maternal health and wellbeing benefits when mothers can take at least six months off work, but the report also noted that a paid parental leave scheme does not need to cover the full six-
month period. It estimated that an 18-week scheme would enable most primary carers to spend six months exclusively caring for their baby.

The scheme is expected to increase the average length of leave taken by employed women after childbirth by around 10 weeks. Currently, working mothers take an average of 37 weeks leave after childbirth but around one-third return to work within less than six months. Obviously, these 18 weeks of funded parental leave can be taken in conjunction with or in addition to employer provided maternity leave and other employer provided leave. It is possible to extend the period people have off work but this parental leave introduces a very significant social reform in this country’s history. It is overdue, but this government has made that commitment. We have negotiated with industry and other constituent groups with an interest in the subject and we have brought something that is feasible, that is practical and that is broadly supported.

While many will argue for 26 weeks, 38 weeks or 49 weeks, and I understand all those arguments, we think this is a very important initiative. It is one where we have built community support and, quite frankly, political support because it was not until recently that the opposition endorsed such a move. It was not one they were prepared to support while in government. I am not trying to score political points but that has been the reality. Recently, the now opposition have got to that point of accepting the rationale for such a scheme. We are grateful for that political support.

We think that this is a good basis for the nation to move forward. We think we can make this work in the interests of all Australians and of all parents who access the scheme. It would be good if we could get this in place. We can always have the arguments about how we might be able to fund a scheme that provides more leave. But we have done the work, we have done the consultation, we have built community support and we have built political support. It is an important social reform and I would urge the Senate to reject this amendment and accept that this is an important foundation step and that we ought to focus on the positive not on the future agenda that perhaps some may have for the scheme. Let us get this in place. Let us get it right and let us make sure it works for parents in this country.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (12.10 pm)—The opposition is more than sympathetic to Senator Hanson-Young’s amendments, because 26 weeks is indeed the opposition’s policy, but the opposition has taken the judgment that, although the government’s scheme is clearly inadequate, although it is clearly second rate, it is a step in the right direction. The opposition does not have a desire to thwart or frustrate a step at least in the right direction.

Having said that I must say it was disappointing yesterday when the Prime Minister in his doorstep in one of the courtyards of the parliament surrounded by mothers and their babies said that the Senate should—words to the effect of—’get the heck out of the way.’ I was not actually aware that the Senate was in the way of this particular piece of legislation. The Senate is, as always, merely doing its job. It is our job to review legislation. It is our job to seek to improve legislation where we can.

On this occasion the Greens and the opposition have taken a different view as to the best way forward. The Greens have taken the view that the best thing to do is to endeavour to alter this legislation. We are fully aware that we do not have the numbers in the House of Representatives and that to insist
on particular amendments would frustrate the passage of this bill. That is not something that the opposition wishes to do. It is clearly our policy that a PPL scheme should be for 26 weeks. That is something that we would like to see, but we do think that something is better than nothing and for those reasons the opposition will not be supporting Senator Hanson-Young’s amendments.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.12 pm)—Family First supports a more generous scheme for mums, but not one that discriminates against stay-at-home mums and this amendment will make the difference even greater. Therefore stay-at-home mums will be, I suppose, discriminated against even more so under this more generous scheme. Family First does support a more generous scheme for all mums, but obviously these amendments are for only those mums in the paid workforce and stay-at-home mums are discriminated against.

To show at this point in the debate whether stay-at-home mums are better off under the government’s assistance than people in the paid workforce, if you take an example of a stay-at-home mum where the father earns $80,000 and the mother has no income, the total net income after tax and assistance—I will not bore you with the details, I am happy to go through this with the minister later on—is $77,019. In the case of a working mother where the father earns, say, $60,000 and the mother earns $20,000 the total net income after tax and assistance is $81,279. Quite clearly that particular family with the stay-at-home mum is about $4,000 worse off. After you take into account all the assistance and the tax advantages through working, they are actually worse off.

So this is the argument, and I suppose that you can go back and forward in this argument: stay-at-home mums are discriminated against and their work of looking after kids full time is not valued by the government. Therefore, this amendment actually makes the difference even higher, and stay-at-home mums will be worse off compared to those in the paid workforce. That would be a concern to Family First.

Senator HANSON-YOUNG (South Australia) (12.15 pm)—It is extremely disappointing to see what has happened despite all the evidence and despite every witness that appeared before the Senate inquiry into this piece of legislation bar the government’s own department. The witnesses all said that this bill should be extended to six months and that that should be the amount of leave that we are talking about. Despite the opposition’s position—and, of course, I am not sure whether Tony Abbott had it written down, so perhaps it was not gospel—there was an opportunity here for us to get a scheme that delivered that support that families needed.

The minister says that actually most women will get access to six months because of the top-up arrangements if they include their employer funded schemes. Well, one of the key reasons why the government has argued that it needs this scheme and that it needs to be administered the way it is is that it provides support to those women—the majority of women—who do not have access to an employer funded scheme. Those are, of course, those in the casual workforce, those in the more low-paid workforce and seasonal workers. They are, of course, the very same women who now will not have access to the top-up and therefore the six-month leave schemes because it simply does not exist for them now. Under this scheme, they will continue to be worse off in relation to their counterparts, simply because the government is relying on the goodwill of business to continue their employer funded schemes in order to create what the government has acknowledged would be a better scheme if it were six
months—although it is interesting to note that the government still refused to commit to extending the scheme or to agree in principle to a six-month scheme. I just think that is important for everybody to remember. In two years time, when this bill is reviewed—and we will get to the amendments around the review further on—it will be very interesting to see whether the government will move to extend this scheme, because we have not heard the commitment from the minister or any of the ministers to date.

Question put:
That the requests (Senator Hanson-Young's) be agreed to.

The committee divided. [12.22 pm]
(The Temporary Chairman—Senator RB Trood)

Ayes………… 5
Noes………… 35
Majority……… 30

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

NOES
Adams, J. Bilyk, C.L.
Birmingham, S. Boyce, S.
Brown, C.L. Cameron, D.N.
Cash, M.C. Cormann, M.H.P.
Crossin, P.M. Evans, C.V.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fielding, S.
Fifield, M.P. Fisher, M.J.
Forshaw, M.G. Furner, M.L.
Hurley, A. Hutchins, S.P.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Minchin, N.H. Moore, C.
O’Brien, K.W.K. Parry, S.
Polley, H. Pratt, L.C.
Sterle, G. Troeth, J.M.
Trood, R.B. Williams, J.R. *
Wortley, D.

* denotes teller

Question negatived.

Senator HANSON-YOUNG (South Australia) (12.25 pm)—by leave—I move Greens amendments (6) and (7) on sheet 6111 together:
(6) Clause 36, page 44 (line 24), omit “56”, substitute “84”.
(7) Clause 36, page 45 (line 7), omit “56”, substitute “84”.

These amendments relate to the definition of permissible breaks as outlined in the work test eligibility criteria that are limited to eight weeks. These came out of evidence presented in the Senate inquiry that the work break time did not effectively reflect some of the various different seasonal work that exists and, of course, the university and school terms where people work on various contracts.

The Greens propose to extend this eight-week limitation to 12 weeks, recognising that a number of casual workers may miss out on the payment despite working for a significant period during the previous 12 months. This was a problem identified, as I said, in the various submissions to the Senate inquiry. In particular, the extension of 12 weeks covers people who have casual employment in occupations that often have a break over the summer such as universities. For a lecturer, a tutor or a researcher for example, who are only employed for the official semester periods, that eight-week period permissible break would cut them out from being able to apply for this parental leave. Surely, it seems to be something that the government should just be able to accept. This does not change the operation of the bill at all; it is simply saying, ‘We know there are significant numbers of people—women in particular—in those fields which will be caught short if we keep the permissible break period at only eight weeks.’

Twelve weeks seems to cover most people; in fact, I found it difficult to find anyone...
who would not be able to fit into that category of the 12-week break. But those who need to work on a semester-by-semester basis need to have that 12-week permissible break. That is what these amendments are about.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (12.27 pm)—We will not be supporting these amendments. The bill does provide that a person can have a break of up to eight weeks between consecutive working days and be regarded as having worked continuously. It is a fairly generous arrangement, which we think will pick up people like school teachers and others who have quite a serious break within their working year. A working day is defined as a day on which a person has worked for at least one hour, so it is not a big hurdle in that regard either.

This, of course, means that for the first time many women in seasonal casual work, as well as contractors and self-employed people, will have access to paid parental leave—so it is a big step forward. They will get access even though there are some significant periods when they will not be at work.

While the work test needs to have some notion of a permissible break to ensure those workers have access to the scheme, we do have to find the right balance. We believe an eight-week break finds that balance and we do not support pushing that out even further to three months. You have got to retain a genuine attachment to the labour market, and we are not convinced that a person who has a genuine attachment to the labour market would be unable to find one hour of paid work within a two-month period. This is all it takes to retain continuity of work over the required 10-month period: one hour of paid work every two months and a total of 330 hours of paid work in the 10-month period then the person will meet the work test.

It is a pretty generous arrangement and it is designed to address the concerns of some about casual workers and contractors. We think it does that. Obviously though, if there is a problem we can address that in the review of the act. But we think this will meet those needs and it will extend an entitlement well beyond previous arrangements and try and pick up all those who are maintaining serious contact and genuine attachment to the labour market. We think the balance is better placed with the eight-week proposal in the bill and do not support the Greens suggestion to extend it even further.

Senator HANSON-YOUNG (South Australia) (12.30 pm)—I am very disappointed that the government is overlooking a significant group of female employees in this country—those who work in our universities educating the future leaders of tomorrow who finish their teaching in November and do not resume until March. There is no way they can fit into the eight-week permissible break period. That is the evidence that was given by various people to the Senate inquiry. I would like the minister to address that specific example. How does the minister excuse not giving parental leave to a woman because of the birth of her child who has to take more than the eight weeks off simply because she works in a university as part of the core teaching staff?

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.30 pm)—We have considered those matters and we think the government’s position accommodates those concerns. As the son of a former lecturer, it has been well ingrained in me that formal teaching is not the only work that they do; that periods of marking and course preparation et cetera are also work. That is the first point I want to put
Secondly, people with postgraduate scholarships, people doing research and people who have other connections as part of their work at a university will have those arrangements recognised. The strict interpretation of the term we think is not a problem. We have looked at this and are happy that it will deal with those persons in the education sector and that they will be able to meet the requirements through their ongoing contact with the workforce.

Senator HANSON-YOUNG (South Australia) (12.32 pm)—I would assume that the minister’s father who was a lecturer was perhaps part of the permanent staff, back in the days when universities promoted permanent employees. We know that the casualisation rate of staff at universities is growing significantly. It is another issue that the government should not hide behind but actually deal with. Putting that aside, we know specifically that those on contracts that end in November that start again in March will not be eligible for this payment. If the government want to vote it down, that is their problem and they will have to explain it to the NTEU.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (12.32 pm)—I indicate that the opposition will not be supporting these Greens amendments.

Question negatived.

Senator HANSON-YOUNG (South Australia) (12.33 pm)—by leave—I move:

That the House of Representatives be requested to make the following amendments:

(8) Heading to Chapter 3, page 61 (line 1), at the end of the heading, add “and superannuation”.

(9) Clause 62, page 61 (at the end of line 10), after “(see Part 3-3).”, insert “Instalments are treated as salary or wages for superannuation purposes (see Part 3-6).”.

(10) Page 101 (after line 8), at the end of Chapter 3, add:

PART 3-6—Superannuation

115A Entitlement to superannuation

Parental leave pay instalments are to be treated as income, in the nature of salary or wages, and as part of ordinary time earnings for the purposes of superannuation law.

115B Payments in lieu of superannuation

(1) Section 115A does not operate so as to impose taxation.

(2) If, under section 115A, a superannuation contribution may not be made to a person in relation to an instalment because of the operation of subsection (1), the Secretary may make a payment to the person in lieu of that superannuation contribution.

115C Regulations—Superannuation

(1) Regulations made for the purposes of this Part may provide for the following matters:

(a) the calculation of amounts of superannuation;

(b) the making of superannuation contributions;

(c) the calculation of amounts to be paid in lieu of superannuation;

(d) the payment of amounts in lieu of superannuation.

(2) Without limiting subsection (1), regulations made for the purpose of that subsection may:

(a) modify provisions of this Act or of the superannuation law; or

(b) provide for the application (with or without modifications) of provisions of this Act or of the superannuation law, to matters to which they would otherwise not apply.
115D Interpretation

In this Part:

superannuation law means:

(a) the Superannuation Guarantee (Administration) Act 1992 and instruments made under that Act; and

(b) the Superannuation Industry (Supervision) Act 1993 and instruments made under that Act; and

(c) the Income Tax Assessment Act 1997, and instruments made under that Act, to the extent that they deal with superannuation.

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

Amendments (8), (9) and (10)

Amendment (10) provides that parental leave pay instalments are to be treated as income for superannuation purposes, and that regulations made provide for the calculation and payment of superannuation. For some classes of people – particularly those whose usual superannuation guarantee payments are funded by the Commonwealth – any extra expenditure required to meet those payments would be met from standing appropriations in existing Acts.

The amendment is conditional: it is restricted in operation to ensure that it does not operate to impose taxation. To the extent of that limitation, the amendment provides that the Secretary may make payments in lieu of superannuation. The increased expenditure involved in making these payments would be met from the standing appropriation in clause 307 of the bill.

Amendment (10) is therefore presented as a request.

Amendments (8) and (9) are consequential amendments and are therefore also presented as requests.

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

The Senate has also long accepted that an amendment should take the form of a request if it would have the effect of increasing expenditure under a standing appropriation in another Act. To the extent that amendment (10) also operates to have this effect, it is again in accordance with the precedents of the Senate that the amendment be moved as a request.

It is also in accordance with precedents for the consequential amendments to be moved as requests.

Senator HANSON-YOUNG—These requested amendments go to the failure of this bill to allow for a core workplace entitlement that includes superannuation under the Paid Parental Leave scheme. We know that one of the biggest issues in relation to the gap in retirement savings between men and women is that women need to take time off from the workforce when they have their babies. From day one they are behind the eight ball when it comes to saving for their retirement. We know this and the government have specifically spoken about this only recently—that they want to do more to ensure that the retirement pay gap between men and women is closed. This would be a perfect place to do it—paying for superannuation as part of what is meant to be a workplace entitlement under this scheme. Paid parent leave should include superannuation. It is a no-brainer.

If this is meant to be a workplace entitlement like other workplace entitlements then let us ensure that women are not disadvantaged or discriminated against simply because they have ovaries and let us ensure that the scheme includes superannuation. That is one of the key aspects of any paid parental leave scheme put forward by this parliament, particularly by a Labor government who understands the importance of superannuation. Let us make sure it is important to everybody, including mums. That is what these amendments are about: ensuring that superannuation is included.

It may not seem like a lot of money—the superannuation for an 18-week period over the minimum wage works out to be $800 per person. We know that women have their babies at a particular period of their lives. The
compound effect of that saving of course will pay dividends into the future. It is not an awful lot of money for the government to include, but will be quite significant in helping to bridge the retirement savings gap between men and women, and of course a very symbolic representation of how fair dinkum the government are about addressing this inequity in women’s superannuation.

The TEMPORARY CHAIRMAN (Senator Crossin)—Senator Fifield? No. Minister.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.36 pm)—Senator Fifield lets me do all the hard running and take the flak.

Senator Fifield—you are so good at it.

Senator CHRIS EVANS—I am a big target. The government will not be supporting these requested amendments. I understand the argument that Senator Hanson-Young puts and I have a couple of things to say about it. Firstly, we think the amendment is a bit unclear and its consequences are unclear. We are not sure of all the implications of the amendment. Having said that, that is not the basis of our opposition. Under this proposal, it appears that both employers and government would be required to meet the cost of introducing compulsory superannuation contributions on parental leave pay. It appears that the level of contribution of each of these parties for a person would depend on that person’s circumstances.

The key principle is that the bill does not provide for superannuation contributions on parental leave pay and Senator Hanson-Young seeks to amend the bill to bring about a change so that superannuation contributions will be paid. Our approach is in line with the Productivity Commission’s final report, which proposed that superannuation contributions under the scheme be delayed until after the review of the scheme. As I say, I understand the reasons for the amendments moved by Senator Hanson-Young. I share her concern about lifetime superannuation contributions of women and the inequities in the scheme. It has been an issue I have been engaged with for many years from my early days in the Senate when I was on the Senate Select Committee on Superannuation as it then was.

As I understand it, the current superannuation guarantee legislation does not require employers to make contributions while persons are on private parental leave arrangements, so the super guarantee legislation does not require it. Some employers apparently do; some do not. But, in line with the Productivity Commission report, we have decided not to support superannuation contributions on parental leave pay at this stage. It is something that we have picked up under the review of the scheme. Like many of the issues, I think this reflects Senator Hanson-Young and the Greens’ desire that it go further. I understand that. This is about the government having worked to reach a proposition that is workable and broadly supported, and while it does not deliver everything some people would want we think it is a major reform. It is a good scheme; it will deliver for working parents. As I say, while a superannuation payment is not included at this stage, it is something that we will take up in the review in line with the Productivity Commission’s final report.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (12.39 pm)—The opposition clearly appreciates the intention and objective of Senator Hanson-Young’s amendments. We do have great sympathy with the objective. However, as there is no realistic prospect of the government accepting such amendments in the House we will be declining to support the amendments because, as I have indicated before, we do not wish to frustrate the pas-
sage of this legislation. Although not perfect, it is a step in the right direction and we do not want to thwart that.

Question put:

That the requests (Senator Hanson-Young’s) be agreed to.

The committee divided. [12.44 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes............ 5
Noes............. 34
Majority......... 29

AYES
Brown, B.J. Hanso-Young, S.C.
Ludlam, S. Milne, C.
Siewert, R. *

NOES
Adams, J. Back, C.J.
Bilyk, C.L. Birmingham, S.
Boswell, R.L.D. Cameron, D.N.
Colbeck, R. Collins, J.
Coonan, H.L. Cormann, M.H.P.
Crossin, P.M. Feeney, D.
Ferguson, A.B. Fielding, S.
Fisher, M.J. Furner, M.L.
Hurley, A. Hutchins, S.P.
Lundy, K.A. Macdonald, I.
Marshall, G. Mason, B.J.
McEwen, A. McLucas, J.E.
Minchin, N.H. Moore, C.
Parry, S. Polley, H.
Pratt, L.C. Stephens, U.
Sterle, G. Troeth, J.M.
Williams, J.R. Wortley, D.

* denotes teller

Question negatived.

Progress reported.

MATTERS OF PUBLIC INTEREST

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

Trade Unionism

Senator CAMERON (New South Wales) (12.48 pm)—I rise on a matter of public interest concerning the brutal murder of trade unionists and the continued violation of trade unionists’ rights in developing countries around the world. There have been attacks on workers’ rights in this country, but those attacks on workers’ rights were not of the type that are mounted against workers in developing countries.

In November 2007 in this country a message was sent by the Australian community to the coalition that rights at work were important for working people, and the community rejected Work Choices and all of the baggage that Work Choices brought to bear on ordinary Australians, such as 3½ million workers denied any unfair dismissal rights under Work Choices and no effective independent umpire to provide any fairness and equity in the workplace. Millions of Australians had real pay cuts of $97.75 a week when the minimum wage was cut. Hundreds of thousands of workers were pushed onto individual contracts where 70 per cent lost shift loadings, 68 per cent lost their annual leave loadings, 65 per cent lost their penalty rates, 49 per cent lost their overtime loadings and 25 per cent no longer had public holidays. We know that the coalition want to go back to Work Choices. They want to go back to a situation where workers’ rights are stripped away once again in this country.

But the challenges that trade unions and workers in this country faced under the coalition government pale into insignificance against the challenges that some workers and trade unionists face around the world. On 24 June 2009 I spoke in this chamber about the murder of trade unionists and the violation of the human rights of trade unionists in Colombia. The basis of my remarks on that occasion was the 2009 International Trade Un-
CHAMBER

The International Trade Union Confederation report on violations of trade union rights around the world. The ITUC’s 2010 report has just been released. This shows that at least 101 trade unionists were killed in 2009, compared to 76 the previous year. So it is getting tougher for trade unionists around the world—and it would get tougher for trade unionists in this country if Tony Abbott were ever to get back into power. Forty-eight unionists were killed in Colombia, 16 in Guatemala, 12 in Honduras, six in Mexico, six in Bangladesh, four in Brazil, three in the Dominican Republic and three in the Philippines. These are real people with real lives and real families who were murdered because they stood up for trade unionism.

Unfortunately, Colombia remains the most dangerous place in the world to be an active trade unionist. The historical and structural violence against the Colombian trade union movement remains firmly in place, manifesting itself in the form of systematic human and trade union rights violations. On average over the past 23 years, men and women trade unionists in Colombia have been killed at a rate of one every three days. In 2009, 48 trade unionists, including five women and 22 trade union leaders, were killed. Heading the list of those who perpetrate these murders are the paramilitary and guerrilla groups operating in Colombia. In addition to these murders in Colombia, there were at least 500 attacks on Colombian trade unionists, including 11 attempted murders and three disappearances. Measures by the Colombian state have proved ineffective and insufficient, and the murders, disappearances and threats are continuing. The efforts to investigate these crimes are incomplete and the cases reported by trade union organisations are not always taken into account. The law continues to place a range of limitations on trade union rights, despite the recent improvements in labour legislation.

Colombia is not the only country where violation of workers and trade union rights occur. In Mozambique, trade unions are rarely accepted at the workplace. Activists are harassed and collective agreements are constantly violated. Public servants still do not have the right to organise, and the right to strike is restricted. Employers have continued to show their hostility towards workers’ representatives. Anti-union discrimination remains a problem, as the 2007 labour code does not sufficiently protect workers. Legal constraints on private gatherings and workers meetings at the workplace are very strict.

In Cameroon, trade union activism is repressed, notably at Cameroon railways and the port of Douala, with several cases of unfair dismissals and transfers taking place. Organisations considered too demanding or too independent are discriminated against. There are too few collective agreements and those that exist are not fully applied. Workers face prison sentences if they disregard the procedures for union registration. In Ghana, workers were recently arrested and several were wounded by rubber bullets when they were forcibly removed from their steel plant for starting a strike. The labour legislation does not sufficiently secure trade union rights and the authorities retain discretionary powers over unions.

In Guinea, trade union activities were banned by the ruling junta until 28 February this year. After the massacre of up to 200 civilians by the army on 28 September during protests against the junta, the trade unions, like the rest of the population, witnessed a further cycle of violence. On 28 February, the National Council for Democracy and Development lifted the ban that had prevented all trade union and political activity since the coup d’etat on 23 December 2008. Three days later, troops under the command of the Secretary of State for the
Fight against Drugs raided the home of the general secretary of the National Workers Confederation of Guinea. This trade union leader, who has often been harassed and threatened with death, described it as another act of intimidation.

In Tanzania, there was good news and bad news. Teachers were caned for asking for a pay rise, while at the docks and on the railways employers tried to ignore unions. In the catering industry, however, the government urged employers to allow union representation, while a court upheld the unfair dismissal claim of the mineworkers union made on behalf of 700 members. Overall, the legal environment is not conducive to trade unions, especially in Zanzibar, where all strikes are prohibited. Remember: these are areas where our mining companies operate and never raise a voice against these issues.

In Brazil, trade union activists and leaders met with extreme and repeated violence in 2009. Precarious contracts continue to be the norm and are used as a means of flouting trade union and labour rights. Trade union pluralism is restricted and the authorities have the right to reject collective agreements. Rural trade union leader Raimundo Nonato was murdered, fishing union leader Paulo Santos Souza was murdered, trade union leader Josenaldo Alves da Silva was murdered, rural workers rights activist Elton Brum da Silva was murdered and there was a murder attempt on agrarian sector trade union leader Elio Neves.

In the Dominican Republic, restrictive labour laws coupled with poor enforcement make organising difficult. Even though the law prohibits dismissals of trade union members and their leaders for trade union activities, it is generally not applied and the penalties are not sufficiently dissuasive to prevent employers from violating workers’ rights. Dismissals of the founding members of a union that is denied registration by the administrative authorities are not unheard of. Due to the requirement that a union must represent an absolute majority of workers in a company in order to bargain collectively, only a minority of companies have a collective bargaining agreement.

In the EPZs, only a handful of companies have negotiated collective agreements. Most of the workers on the republic’s sugar plantations are undocumented Haitians. They do not have the right to form unions or to bargain collectively. Employers prefer to hire them as a means of evading the law and paying lower wages. Workers at Gildan, a clothing company headquartered in Canada, attempted to form a union but were met with reprisals by the company. After formally presenting all the paperwork required to register the union to the Dominican Republic Ministry of Labour, the company responded by laying off workers and coercing them not to join the union.

Against a backdrop of a high-level ILO mission to the Philippines to investigate allegations of the murder and abduction of trade unionists, the killing, kidnapping and disappearances continued. Three trade union officials were shot and killed by unknown assassins and one died after being interrogated by state security forces. Three other members were abducted and one former trade union leader was arrested and charged with murder. Army personnel also harass and intimidate striking workers.

Apart from the egregious violations of workers’ human and trade union rights that occur in these countries, they have something else in common: they are host to the operations of some of the biggest mining companies in the world that here in Australia are claiming in hysterical terms that reform of the way in which the extraction of our finite resources is taxed makes Australia the
biggest source of sovereign risk they face anywhere in the world.

BHP Billiton mines coal and nickel in Colombia as well as bauxite in Mozambique, Suriname and Brazil. Rio Tinto mines bauxite in Brazil, Cameroon, Ghana and Guinea. Xstrata mines coal in Colombia, copper in the Philippines and nickel in Tanzania and the Dominican Republic. While these mining companies are able to raise a cacophony of conflated outrage at the government’s proposal for a decent and fair resource rent tax, their silence over outrageous violations of human rights in other countries in which they operate is deafening.

In fact, statements such as those by the American boss of Rio Tinto, Tom Albanese, about Australia representing the biggest sovereign risk faced by his company are wrong. Rio Tinto’s assertions on sovereign risk pale into insignificance when compared to the risks that unionists face in countries where he does business on a daily basis. Where are Rio Tinto’s, BHP’s and Xstrata’s voices on the risks facing workers who exercise their international rights to collectively bargain and form a union in Colombia, Mozambique, Brazil, the Philippines and the Dominican Republic?

What Mr Albanese, Clive Palmer and BHP Billiton executives reveal is that these companies are too accustomed to behaving like the sovereign power in the countries in which they operate. They are far too well accustomed to operating like the Dutch East India Company of centuries past. While they may be able to bully and coaxle the governments of developing countries in Africa, Asia and the Americas into dancing to their tune, they will not succeed here in Australia. We will not capitulate to their unfair demand to get superprofits in their back pockets and not in the pockets of the people who deserve them—that is, the Australian public. We will not go back to Work Choices in this country because the coalition will do whatever these big mining companies want. We will not go back to a position where we give up on decent rights in this country.

Aged Care

Senator FIERRAVANTI-WELLS (New South Wales) (1.03 pm)—Today I rise to speak on a matter of public interest which is the reality for the aged-care sector of failed expectations raised by this Rudd Labor government and of failed promises and dashed hopes. The ageing of our population is the biggest social issue facing Australia. Australia has a rapidly ageing population that is living longer with more complex health conditions and increasing and changing aged-care needs. At a time when there is increasing demand for services, providers are walking away from this sector due to the lack of viability in providing high-care beds and the increasing compliance demands of the Labor government.

The aged-care industry is in meltdown. Forty per cent of aged-care providers are operating in the red and 2,000 aged-care beds and 786 bed licences have been lost since 2007. The outlook is bleak for growing the capacity of aged care in Australia. Senior Australians are finding it increasingly difficult to access the services and the care they need when and where they want them. This continues to place pressure on the public hospital system. Catholic Health Australia have said to us that on any given night in this country there are 3,000 people in our hospitals who should be better cared for in our aged-care facilities.

There are many dedicated and committed individuals in this sector who are doing a fantastic job under difficult circumstances. I have seen firsthand the frustration of the sector with the approach of the Rudd Labor government to aged care and their failure to
deliver on promises and make hard decisions. What did we see at the last federal election? We had Kevin Rudd on 8 August 2007 criticising the then government:

The other part is you’ve got the Federal Government there not providing enough aged care beds and people are becoming bed blockers in acute hospital beds. That’s part of the real problem nationwide.

Then we had Labor releasing their policy, which it entitled ‘New directions for older Australians: improving the transition between hospital and aged care’. That was the promise that they made to older Australians. What have they done? They are doing the complete opposite. Now they are shuffling off more and more money to the failed state and territory hospital systems to keep older Australians in hospitals for longer stays. It is a breach of the very promise that was on the front page of their aged-care policy. What have they done? They are doing the complete opposite. Now they are shuffling off more and more money to the failed state and territory hospital systems to keep older Australians in hospitals for longer stays. It is a breach of the very promise that was on the front page of their aged-care policy.

In what really has to be one of the lowest acts of this government, Labor have raided money put aside in the aged-care budget for new nursing home beds to help fund this supposedly grand hospital plan—this big-taxing big-spending budget. They have redirected $276.4 million, which was destined for high-care residential aged-care places, to help state and territory governments with long stays in hospitals, to prop up failed state and territory hospital budgets. The frail and aged in this country who need a nursing home bed and cannot find a bed are now expected to pay for Labor’s massive budget deficit, which this year is coming in at over $40 billion, the second-biggest since World War II. We are borrowing at $700 million a week, or $100 million a day.

Senator Mason—How much is that?

Senator FIERRAVANTI-WELLS—That is $100 million a day, Senator Mason. Labor has used the vulnerable frail and aged to buy off the states to get its way in this hospital plan. The Prime Minister said that he would stop the blame game. When older Australians cannot find a nursing home bed, they will certainly know who they have to blame. Labor’s reckless economic management and spending is hurting older Australians and their families, and the budget reveals the high price that all Australians will pay for Labor’s spending spree over the last 20 months.

Our priority will be to deliver high-quality, affordable and accessible aged care
that meets the needs and preferences of older Australians. That is our priority. We understand that without reform of the sector senior Australians will not have their current and future aged-care needs met and the wellbeing of senior Australians will be at risk. There is a very real concern that our aged-care system is overregulated and underfunded and facing many challenges to delivering a good standard of care.

A strong indicator of this has been the perilous position seen in the lack of take-up of places in the aged-care approval rounds. Historically there was always strong competition for these places. But this has been dramatically turned around in the last two rounds, with undersubscription and indeed with no subscription. In Western Australia and Tasmania the government has failed to meet that quota and is filling the quota by allocating more places to community packages. The 2009-10 ACAR round was announced late, with the allocation of places not expected until the second half of this year.

In recent weeks we have seen very clearly that Prime Minister Rudd does not deliver on his promises and is not prepared to make the hard decisions. There is climate change—the greatest moral challenge of our time—and there is the super tax on the mining sector which is going to hurt all Australians. One only has to look at the difficult decisions that have to be made to see that they are all shunted off. I mentioned the referral to the Productivity Commission in the aged-care area. But there is also the current aged-care planning ratios and the review. There was 2 million set aside in the 2008-09 budget but, according to the department’s annual report, this has been deferred yet again—and again this has been another difficult decision shunted off to the Productivity Commission.

Let us look at some of Labor’s promises in this area. The Bringing Nurses Back into the Workforce program was abolished. They failed to deliver on the promised 1,000 aged-care nurses. Only 139 nurses were delivered by February 2010. Now the sector is expected to trust the new nurse recruitment initiative to deliver. But, this time, Labor have not told us how many they are anticipating delivering—given the bad record that they have thus far.

Another example of underdelivery is hidden in the portfolio budget papers: only 8,200 of the 13,100 training places for aged-care workers were delivered in 2008-09. The other great failure has been the zero interest loans. The paperwork for these is so complex, and providers have said to me that it is really not worth it because, with the viability of the sector so much in question, if the sector cannot repay its loans then there is no point in taking out a loan even at zero interest level. Notwithstanding this bad uptake, here we have in the budget another $46 million in zero interest loans. Only $46 million has been taken up and now we have $300 million promised. But we have not actually seen any projects—indeed I have only met one person who has even applied for these zero interest loans. Transition care is another big priority for this government. We only have 698 transition places—of the promised 2,000. As at 3 February this year we only had 228.

Against all this we have the background of the Prime Minister’s grand hospital plan. As Premier Brumby said, aged care was used as the bargaining chip in this whole process. I have canvassed issues in relation to the Prime Minister’s grand hospital plan, and the COAG programs have been the subject of a hearing by the Senate Standing Committee on Finance and Public Administration over the last couple of weeks. What has this shown? It has shown that the new system is not much more than an entrenchment of the current system. As Premier Brumby and his
health minister boasted in the newspapers on 22 April, the states got everything that they wanted, and the Prime Minister’s grand plans, which he announced at the National Press Club on 3 March 2010, all fell by the wayside. The mantra of ‘federally funded and run locally’ has now been shown up for the sham that it really is.

The advertising campaign that this government is running is deceptive and misleading; it does not tell the Australian public the reality of the hospital plan. What has emerged from the committee hearings is that this government is deceiving the Australian public about the reality. The reality is that the states are still in control. The local hospital networks will not be run by local doctors. The doctors who will be in the local hospital networks will be appointed by the states. The agreement specifically says that the clinical expertise in those local hospital networks wherever practical—it starts from that fundamental point—will come from outside the local hospital networks. That is the fraud that this government is perpetrating on the Australian public. Last night on Lateline we heard Minister Albanese trumpeting:

... we deserve to be re-elected because we have a constant reform program ... We are a government that is determined to reform, because the job of reform is never done.

If Mr Rudd’s grand plan for the hospitals is his idea of reform, can I tell you that this government is definitely going backwards. This is not reform; this is deception of the Australian public. It is all absolute drivel.

Let me conclude my comments. This industry is fed up. In Western Australia last week one provider said to me that the situation was so bad that at a forum he called for the industry to stop accepting admissions from hospitals. It is not surprising that the aged-care sector are up in arms. They have started a campaign for the care of older Australians. A coalition of the major groups in the aged-care sector are very clear that they are going to run a major campaign before the next federal election. But of course what does one expect? The minister keeps talking about more money in aged care. Of course; people are getting older and they are needing more and more services. As the Australian Financial Review reported, it is little wonder that the aged-care sector is up in arms. It says:

In the junior ministry a conspicuous failure has been Justine Elliott, who is simply not up to the job in the important aged care portfolio. (Time expired)

Environment

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.18 pm)—This morning our time, the President of the United States, Barack Obama, gave an impassioned speech to the nation about what is described as the greatest environmental tragedy to overcome the American nation, the shocking oil spill in the Gulf of Mexico. He then went on to talk about the transformation of the economy that is needed if it is not to engage in more and more desperate efforts to tap fewer and fewer oil and gas reserves, leading to greater risk to the environment and indeed to the economy. Let me quote from President Obama’s speech:

As we recover from this recession, the transition to clean energy has the potential to grow our economy and create millions of good, middle-class jobs—but only if we accelerate that transition. Only if we seize the moment. And only if we rally together and act as one nation—workers and entrepreneurs; scientists and citizens; the public and private sectors.

This is a very fitting speech for a leader of the Australian nation to deliver in our country also. President Obama went on:

... there are costs associated with this transition. And some believe we can’t afford those costs right now. I say we can’t afford not to change
how we produce and use energy—because the long-term costs to our economy, our national security, and our environment are far greater.

So I am happy to look at other ideas and approaches from either party—as long as they seriously tackle our addiction to fossil fuels. Some have suggested raising efficiency standards in our buildings like we did in our cars and trucks. Some believe we should set standards to ensure that more of our electricity comes from wind and solar power. Others wonder why the energy industry only spends a fraction of what the high-tech industry does on research and development—and want to rapidly boost our investments in such research and development.

All of these approaches have merit, and deserve a fair hearing in the months ahead. But the one approach I will not accept is inaction. The one answer I will not settle for is the idea that this challenge is too big and too difficult to meet. You see, the same thing was said about our ability to produce enough planes and tanks in World War II. The same thing was said about our ability to harness the science and technology to land a man safely on the surface of the moon. And yet, time and again, we have refused to settle for the paltry limits of conventional wisdom. Instead, what has defined us as a nation since our founding is our capacity to shape our destiny—our determination to fight for the America we want for our children. Even if we’re unsure exactly what that looks like. Even if we don’t yet know precisely how to get there. We know we’ll get there.

It’s a faith in the future that sustains us as a people.

Those same words ought to be, and are fit to be, heard in this parliament regarding the need for a transition in and reconfiguring of our own economy in an age that we desperately need to leave behind, the age of fossil fuels. Where the President was talking about oil we can substitute the word ‘coal’.

The need for action in transforming our economy to clean energy—no less than the American economy needs to transfer and no less than China’s is being transferred, as the President cited in his speech this morning—is urgent. It cannot afford to wait for a government that says, ‘Let’s put this on the shelf for another three years.’ The Greens would appeal to the government to reopen negotiations on the Garnaut style carbon tax, which is needed to give certainty to business on carbon price, to help reconfigure our economy and to rapidly reduce greenhouse gas emissions in this nation. That is a live proposal before this parliament and this community in the run-up to the election.

But there is another factor which could very well and very rapidly bring down greenhouse gas emissions in this country, and that is transforming the wood based industry by immediately getting the logging industry—the biggest natural carbon banks in terrestrial Australia—out of native forests. The logging industry is confronted by the so-called wall of wood. There is a huge glut of wood, which has been predicted for years by experts looking at the configuration of the forest industry. There are massive plantations around the world—two million hectares—mostly of Australian eucalypts in China alone. That is equivalent to the whole of the plantation estate in Australia. There are other massive plantations in Spain, Argentina, Chile, Vietnam and in South Africa, just to name a few.

We have seen in all the states in which native forest logging is continuing—under the aegis of the Howard government and now the Rudd government and the state governments involved—that the price that is being returned to the people for the destruction of those forests has dropped. I cite, for example, the contentious $16 a tonne royalty paid to Forestry Tasmania at the time of the controversy over the Wesley Vale pulp mill proposed by North Broken Hill in Tasmania in the late 1980s. A campaign against that was headed by my colleague Christine Milne—now Senator Christine Milne. The price then being paid by that corporation was $16 a
tonne for the native forests being converted into woodchips and potentially into pulp. That price has fallen. If you do not take into account inflation, the price is now $12 or less a tonne—and we have Forestry Tasmania, for one, running at a loss. It is highly subsidised. Since 1987 the logging industry in Tasmania has had more than $1 billion of taxpayers’ money fed into it by federal and state governments. That is $1 billion that it ought not to have received had the free market been left to take its course. But it is a drip-feed which continues.

A fortnight ago the Minister for Energy and Resources in Tasmania, Mr Green, handed another $3.6 million to this industry to help it pay loans. But the industry itself is in extremis. It does not have the markets that it needs for its products. Not only is the native forest industry highly subsidised by taxpayers, due to serial federal and state governments making such arrangements, but its main competitor, the plantation industry in Australia, with the two million hectares of alternative wood supply, is also being subsidised by taxpayers through managed investment schemes. So we have two competing schemes for a falling market, increasingly subsidised by taxpayers, due to the advocacy of politicians such as Senator Abetz in this place, and the previous Howard government, to the loss of all players. The time is now ripe for a historic transition from the native forest destruction by the logging industry to that plantation base which, if the wit, wisdom and government leadership are made available, can provide all the wood needs of this nation, including paper, building materials and furnishings.

A Galaxy poll which the Greens did a fortnight ago showed that 77 per cent of Australians want the Rudd government to stop the logging of native forests. Only 11 per cent disagreed. That is a seven to one majority in favour of ending the logging of forests, and it would be behind the Rudd government if it took this course of action. Seventy-two per cent want to see workers helped by government and, no doubt, companies to make the transfer from native forests across to the plantation bases. Ninety per cent of Australians want the high-conservation-value forests of Tasmania, Victoria and New South Wales protected in national parks. Nine out of 10 Australians want the high-conservation-value forests and their wildlife protected in national parks. This is a place where political leadership is way behind not only public sentiment but also market reality. The time has now come—and there is an inevitability about this—to end the logging of native forests. Of course there will always be a place for high-value-added pursuits such as craft woods to take produce from native forests on a sustainable basis. I would permit that in my own back paddock if I thought it would keep such industries going.

But we are talking here about the end of industrial logging, big-scale forest logging and destruction in Tasmania, Victoria, New South Wales and indeed Western Australia, where the Gallop government had the good wit and wisdom to end the destruction of the then described high-conservation-value forests back in 2006 with a package that bought out the industry which was creating the majority of the carnage in the forests and, at the same time, helped workers into other pursuits. That has been a massive success in Western Australia. It is a success upon which we can build the end of similar destruction in south-east Australia, including in Tasmania.

At the moment there is a debate about this. There was a meeting of environmentalists from around Australia in Melbourne last Thursday where it was agreed that the end of native forest logging had come, that the industry should be translocated to existing plantations and that assistance should be given to help the industry to end its previous
practices, particularly the export driven woodchip industry which has sent native forests—wildlife habitat, including the irreplaceable habitat of rare and endangered species—to Japan and elsewhere as woodchips, and this is continuing as I speak.

Part of the drive here has been the work of the Wilderness Society and others to have the Japanese recognise that that is unsustainable and that, in this age of modern information and communications, no company wants to live with the reputation of destroying what is left of biodiversity on this planet. I might interpolate here that a forthcoming report in this International Year of Biodiversity from the United Nations, according to the Guardian Weekly, points to the loss of biodiversity of plants and animals, including fish, that will cost the global economy, if measured in dollar terms, $3 trillion to $4 trillion per annum by the end of this century. In other words, the stupidity, the irresponsibility, of the destruction of the variety of nature upon which we human beings depend for many more things than food and pharmacology is going to deprive us and our economy of a massive component of that enrichment as we destroy the biodiversity. It is not cost free. Nor is climate change. As Sir Nicholas Stern pointed out, if we do not act on that—and currently we have a government which is not acting on it—the cost to the economy by mid or late century will be six to 20 per cent of gross national and gross global income by the end of this century. Here we have a collision of economic and environmental goals. The destruction of forests is absolutely costing the future economy of this nation billions of dollars in lost biodiversity and lost carbon because we are destroying the biggest on-land carbon banks in the Southern Hemisphere in this process, yet that is not put onto the cost side of the industry which for so long has been diminishing that very resource.

A transformation is going on within the industry itself, and no doubt when such transformations occur there is a lot of contention. I flag the real potential there is for a win-win in politics. It is a challenge to the coalition as well as to Labor to get behind the industry as it transforms itself from its native forest base to plantations in the future. This is a win for the environment, a win for climate change, a win for biodiversity, a win for the economy and a win for the long-term job security of those people who are involved.

Palliative Care

Senator POLLEY (Tasmania) (1.33 pm)—I rise today to speak on a matter of public interest and what I believe is a matter of importance to all Australians—that is, palliative care. Any discourse on this subject requires clear definition. Palliate means alleviating disease without curing it. Palliative care is the specialised care of someone who has advanced terminal illness. In essence, this matches the vision statement of the Tasmanian Association for Hospice and Palliative Care, TAHPIC, which reads ‘Quality care at the end of life for all’. This clearly states that such care should affirm life and accept dying as a normal process. This is a consistent ethos which flows from the World Health Organisation to all Australian palliative care agencies.

I draw attention to recent announcements in the media with regard to palliative care in this country. The first of these was the major release from the Minister for Health and Ageing, Nicola Roxon, at the commencement of National Palliative Care Week 2010 which outlined increased funding for and a clear strategy to further improve services to the 520,000 Australians who are affected by this traumatic experience each year. When we talk about 520,000 Australians we also have to remember the impact on their fami-
lies and their communities. In total, $14.3 million has been allocated by the federal government to fund care, training and research programs designed to assist staff, families and patients to cope at such a trying and emotional time. Indeed, this is a most challenging time for all involved—the families and those who care for the patients and, of course, the patients themselves.

The importance of this commitment by the federal government should not be underestimated. Other governments around the world are choosing to investigate alternative options for dealing with palliative patients which attack the very fabric of civilised and Christian societies. Canada is a prime example of a country entertaining such radical solutions. On 16 March this year, the Canadian parliament debated bill C-384 which aims to legalise euthanasia and assisted suicide. Three days later, a Tasmanian newspaper published an article which would tear at the heartstrings of any parent. Melwood Young People’s Room has been created to enable young people in palliative care to remove themselves from the main centre which is generally filled with much older patients. This new environment is full of modern technology and has been created for young people under 25. It is saddening that these individuals who have really only just begun their lives are using this facility to prepare for death. Despite this stark reality, it is commendable that young Tasmanians such as Marg Hughes and her team continue to provide stimulating environments and creative innovative programs which enhance the wellbeing of those who are dying. It is important that young people in this situation stay connected to the outside world. The use of technology provides a fun, attractive and age-appropriate space for young people facing end-of-life issues and also serves the dual purpose of diverting focus by creating vibrant activities when friends and family arrive to visit.

The Melwood Unit is also about to initiate an artistic program for all patients which can provide loved ones with another lasting and positive memory. Using art as an avenue for personal expression and communication is not a new concept, but in this context it provides a meaningful and engaging creative opportunity for patients. Such an attitude of innovation, preparedness and support reflects the efforts of the Australian government to facilitate quality programs which aim to continue positive development of palliative care services.

Since 2007 the Rudd government has provided more than $55 million to promote national quality standards, support patients and their families, increase the knowledge and skills of the health workforce and improve access to medicines. In stark contrast, overseas politicians admit:

… we do not have anywhere near the services in palliative care … that we should have.

… … … …

Until we are in a position to complete the building of the medical infrastructure that we need to support patients—this measure is ‘premature’. That is Canadian MP Joe Comartin referring to bill C-384. Dr Els Borst, the architect of the Dutch euthanasia laws admitted the Netherlands should have pursued advances in patient care before considering euthanasia. Comartin said of her: She recognized they did not have anywhere near a full system of palliative care in Holland.

I cite some experiences of Dr Frank Brennan, a noted palliative care physician who gives a valuable insight into the dedication of our healthcare professionals. Recounting a case, he said:

I met her at the main hospital … Her disease had progressed, and her options were rapidly diminishing … I talked to her about palliative care …
… … … …
By the week’s end she had deteriorated further …
Jack— her husband— sat by her bed, as usual. … I explained the process of dying and said that I did not think that it would be long. There was a pause, finally, Jack looked up at me and asked: “Doctor, can’t you give her a needle …?”

I’d heard the question before, from relatives of other patients, at other deathbeds. I knew that the sentence would end with “… a needle to end her suffering” or “… a needle to put her out of her misery.” I was ready with an answer, prepared and clear: “No, ethically and legally we cannot cause any one to die or hasten their death and that the natural process of dying, already progressing, would inevitably lead to her death.”

But the sentence did not end that way … He completed the sentence by saying, “Doctor, can’t you give her a needle to wake her, so that we can speak one last time?”

Recalling another case, Dr Brennan said:
He had been deteriorating … It was time to discuss the future. When I arrived at his room I was pleased to see his wife, her presence would make communication easier …
… death was approaching … from now on, the most important things were to keep him comfortable and for him to share his time with his family …

His wife stood at the end of the bed … She said, “We’ve had a great life together you and I. My darling we have”.

He said, “Well if that’s it, that’s it. Everyone has to go through it I suppose and now” he said, looking up toward her “it’s my time”.

… … … …
I said that I thought he would not suffer any more than he had and that we would do our very best to ensure his comfort. I said that more than any medication we could give, the most important thing now was love—reflecting on their time together as a family and their love for him as a man.

… … … …
I was reminded of the deep significance of those words … such as death and dying, hope and reflection … A patient recently said to me, “Never underestimate the power of your concern”.

… … … …
I stopped speaking. I looked back into the eyes of the patient. “Go on doctor” he seemed to say, “you’re doing alright” … Each member of the family took turns to come up to him. They leaned over to look directly into his eyes … each kissed him … It was a ceremony of immeasurable grace.

As unobtrusively as I could I began to leave the room. The deaf mute man, Anne’s father, now carrying the baby turned from the huddle surrounding his father-in-law. He stepped toward me, reached out and shook my hand. He mouthed the words “thank you”. I wept, I wept for the singular beauty of what I had seen that afternoon, for the courage Anne had shown, I wept for their love, I wept for all the patients, on all the days and for the sadness of leaving. And finally for this small act of decency that a grieving man would interrupt such an intimate moment with his family to turn and thank me. I rarely weep. Long ago I abandoned the question of whether it is professionally appropriate or otherwise. Now, I do not worry either way.

We are humans working in the most human of enterprises. Our tears whether they are shared often, rarely, or never are part of us as much as our skills, our knowledge, and our presence. Anne’s father looked at my tears, reached over and rubbed my elbow …

The baby, mirroring his action reached out. I lifted the baby into my arms … as one life is coming into the world, one is going out.

This underlines that we all start life dependent on someone else, and more and more Australians are finishing life reliant on others. The Australian government’s third Intergenerational report projects the number of people aged over 85 will quadruple by 2050 to almost two million. Our Labor government is already planning and ingraining funding to address potential issues in relation to that statistic. Australia’s substantial financial investment in palliative care and long-
term planning strategies when considering an individual’s final days are compassionate and commendable.

It is possible that a generation who grew up enjoying green environments, mobile phones, flat screen televisions, the internet and iPods will be demanding information, guidance and medical input into the ultimate transition, when moving on from advanced illness. Hence, many Australians will revisit the way they contemplate and approach death. Palliative care is a critical component of health care in this country. All those who work within it are specialised. They are some of the most caring and compassionate people in our society. They deserve our support, our respect and our thanks for the wonderful job they do not only for the patients and their families but for our society. Palliative care is certainly the best alternative to attempts to legalise euthanasia in this country.

Housing Affordability

Senator HUMPHRIES (Australian Capital Territory) (1.44 pm)—I rise to address the question of housing affordability in Australia today. I want to remind senators that this is an issue which goes to the very heart of the cost of living in this country and an issue which very few Australians can avoid. Generally household rent or mortgage repayments constitute the largest single expenditure by a household and therefore are central to the question of standard of living in this country. Senators will recall that before the last federal election the then federal opposition had a great deal to say about what it saw as an unacceptable level of housing affordability across Australia. It lectured the then Howard government about how housing was becoming less affordable under that government. To quote the then shadow minister for human services and housing, Ms Plibersek:

The Howard government is putting the great Australian dream of home ownership out of reach from any ordinary families.

She said:

Australians locked out of home ownership, or spending huge portions of their salary on rent, are sick of the blame game.

Australian families want Mr Howard to roll up his sleeves and show some national leadership on the housing affordability crisis.

In another press release she went on to say:

There is no silver bullet to make homes affordable for all but there are plenty of ways the federal government could help young people and families afford a home.

The opposition leader, later to become the Prime Minister, Mr Rudd, went on to describe housing affordability as a barbecue stopper.

I think 2½ years into the life of the Rudd government is an appropriate point at which to start examining just how well this government is performing on the question of housing affordability. The record is not particularly attractive. Labor promised in 2007 that it would make housing more affordable. It said that it would deal with this barbecue-stopping issue affecting so many Australians. The truth, however, is that today house prices are rising faster than inflation, mortgage repayments are rising faster than inflation, rents are rising faster than inflation, interest rates are going up, homelessness is increasing, there is greater pressure than ever before on social housing and the Rudd government is failing to address these issues with the very extensive and very expensive programs it is rolling out on this question.

I do not accuse the Rudd government of doing nothing on this question. I do accuse it, however, of doing too much about the symptoms of home unaffordability and not
enough about the causes. I will come back to that issue in a moment. In a press release in 2007 Ms Plibersek said:

Ensuring a supply of affordable housing is not brain surgery.

But it does appear to have become just that much too complicated for this government to properly address, because the question of the supply of affordable housing, as the recent Housing Supply Council report demonstrated, has become the most serious factor in ensuring that Australians get access to affordable housing and the most serious issue which has not yet been addressed comprehensively by this government.

So although, on the face of it, the government is investing heavily in housing affordability measures, for Australians seeking to purchase their own home or to maintain affordable mortgage repayments or rental payments, the question of affordable housing is getting harder and harder to deal with. They are going backwards rather than forwards. Rents have risen by some 8.9 per cent and house prices by 19.2 per cent, and interest rates have increased five or six times in the last year alone. Housing and rental affordability now run the risk of becoming a sad joke for many in the Australian community. In this area, as in so many others, the exaggerated promises made by the Rudd government before being elected now turn out to be a sick and sad joke. The fact is that Australia faces a serious crisis because the Rudd government has been unable to address those issues which have led fundamentally to higher prices for houses and diminishing affordability.

I mentioned before that there were programs to address these issues, and indeed there are. The Rudd government have announced a number of programs—the National Rental Affordability Scheme, the Housing Affordability Fund and a number of stimulus projects in cooperation with state and territory governments. I give them credit for rolling out some initiatives which have had some impact on individual households’ capacities to afford a home. But what they have not done by rolling out these programs is attack the fundamental causes of higher house prices and declining housing affordability. Those issues relate to such things as interest rate rises and the amount of land which state, territory and local governments are releasing into the market to address the supply, to address the cost of bringing new housing onto the market. They have not comprehensively dealt with the question of state and territory planning approval processes, processes which are still extraordinarily slow in many cases. The recent Housing Supply Council report documented delays of between nine and 15 years in bringing particular blocks of brownfields developments in inner city areas from the stage of identification to the sale of dwellings. They fail to deal with tortuous planning processes and public consultation processes which can add huge costs. They have also failed to deal with the mounting level of hidden developer charges inherent in so much of the housing stock which is released today in Australia.

It was estimated in a recent report that in Sydney some dwellings are attracting $100,000 in government charges built into the cost of provision of that new housing. That is $100,000 per dwelling. It is not across an estate or a development; it is per dwelling. It is not surprising that having those kinds of government costs loaded up onto their shoulders would make that land much more expensive to release into the marketplace.

The other problem which the Rudd government has failed to address which is exacerbating this problem and which again the government does not appear to have any response to or strategy to deal with is increased
demand for housing. We are seeing a natural growth in the Australian population. We have also seen clear indications of a very serious rise in the overall Australian population over the next 40 or so years. A few months ago the Prime Minister rather gleefully announced that his government was projecting that Australia would have a population of 36 million people by 2050. He said he embraced a big Australia when he released that figure, although he subsequently had cause to believe that perhaps he overstated his case and over-eggled his pudding and he somewhat backed away from that statement. But 36 million remains the projection that the government is working on. However, figures released in the recent round of estimates committee hearings suggest that perhaps that figure is a conservative estimate. Senator Bernardi in the course of questioning at estimates asked Treasury officials what the net migration was for 2008-09 and the calendar year 2008. For 2008-09 the net migration was 298,924 and for the 2008 calendar year it was 301,196. Senator Bernardi went on to ask: ‘If, say, 300,000 was the annual net migration figure over the next 40 years, what would our population be?’ The official from Treasury at the table said:

Our population would be about 43.9 million.

There is no indication from the government that it intends to modify that level of migration at the present time. It wants to change the mix, yes, but there is no indication that it wants to reduce that level of migration.

If you have a population in Australia in 2050 of almost 44 million people you will require on present occupancy levels of the average Australian home another 8.3 million homes in Australia—a doubling of the housing stock in this country in the next 40 years. That is an extraordinarily large amount of housing to build and Australians are entitled to cast their eyes over such a policy and ask, ‘Where is the government’s plan to deliver another 8.3 million homes across Australia?’ They would be entitled to say on careful examination that there is no policy or plan. There is no way that this government has put forward the framework for Australia to sustain building on that scale.

It is those sorts of factors—the levels of migration for which there has not been a proper planning or housing response—which have led to the declining level of housing affordability across the country. We see the evidence of that every day as cities become more congested and as pressure on public transport and infrastructure services becomes greater. We begin to understand that our cities are facing enormous pressures which the government simply is unable to respond to in a comprehensive way.

I mentioned before the suggestion from other sources that the costs of purchasing or renting homes in this country have risen. The Real Estate Institute of Australia demonstrates a 9.9 per cent rise in median house prices between December 2007 and June 2009 across the eight capital cities. Of course, in cities such as Sydney and Melbourne those house prices have experienced a much more significant increase—something like 20 per cent. When you see figures of that kind you have to ask yourself, ‘How are Australians living in those cities affording those increases?’, because average weekly earnings have not risen by anything like 9.9 per cent in the 18 months in question much less 20 per cent in Sydney and Melbourne. Of course, they are not. Those are the Australians whose incomes are being hit by higher interest rates, the sluggish release of new housing, state and territory and local government red tape holding up new constructions, tortuous planning processes and the increasing tendency of state and territory governments to build hidden development
So the $20 billion or so in housing affordability initiatives in the last two years has not resulted in any appreciable improvement in housing affordability in Australia. In fact, on these measures, housing affordability in Australia has gone backwards.

The question that needs seriously to be asked is: is it really in the best interests of the Australian people to spend $20 billion and see no apparent dividend for that kind of expenditure? How familiar a story has that become to Australians in the last two years? Extraordinarily large amounts of money have been spent from the public purse, the taxpayers' pockets, for little or no apparent benefit across the board.

I accept that some individuals and some households have benefited from the direct provision of subsidies and more affordable housing in individual cases. But the question needs to be asked: if this government has said, as it did in 2007, that ensuring a supply of affordable housing is not brain surgery, if it has said that it will fix this issue which has caused such angst in the Australian community—that of affordable housing—how is it that it can spend $20 billion in a little over two years and still achieve no net improvement in housing affordability but rather a serious decline in housing affordability over that time? We are entitled to ask why that would be the case.

The Real Estate Institute of Australia reports that average household loan repayments are $337 a month higher than they were 12 months ago. The proportion of income required to meet loan repayments increased nationally from 30.7 per cent in the December quarter of last year to 32.6 per cent in the March quarter of 2010. Where is the action on housing affordability there? Where is the barbecue stopper that was making so many Australians pay attention? (Time expired)

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator ABETZ (2.00 pm)—My question is to Senator Evans, the Minister for Immigration and Citizenship. Can the minister confirm that during the last five years of the Howard government only 18 boats carrying asylum seekers arrived in Australia? Can the minister also confirm that at last count at least 137 boats have arrived in the 18 months or so since the Rudd government softened the coalition’s stronger border protection laws?

Senator CHRIS EVANS—I thank Senator Abetz for the question. I note that, similar to material put out by senators and lower house members from Western Australia, the Leader of the Opposition in the Senate chooses his dates very carefully. He chooses the date of the last five years of the Howard government, not the full 12 years. He is selective. He does not want to talk about the 86 boats that arrived in 1999. He does not want to talk about that. Selective memory!

Senator Brandis—Mr President, I know it is early in the answer to be taking this point of order, but the minister has already declared by what he has said that he is not answering the question asked of him. He was asked about the last five years of the Howard government, not the full 12 years. He is selective. He does not want to talk about the 86 boats that arrived in 1999. He does not want to talk about that. Selective memory!

Senator Brandis—Mr President, I know it is early in the answer to be taking this point of order, but the minister has already declared by what he has said that he is not answering the question asked of him. He was asked about the last five years of the Howard government, not the full 12 years. He is selective. He does not want to talk about the 86 boats that arrived in 1999. He does not want to talk about that. Selective memory!

Senator CHRIS EVANS—I thank Senator Abetz for the question. I note that, similar to material put out by senators and lower house members from Western Australia, the Leader of the Opposition in the Senate chooses his dates very carefully. He chooses the date of the last five years of the Howard government, not the full 12 years. He is selective. He does not want to talk about the 86 boats that arrived in 1999. He does not want to talk about that. Selective memory!

Senator Brandis—Mr President, I know it is early in the answer to be taking this point of order, but the minister has already declared by what he has said that he is not answering the question asked of him. He was asked about the last five years of the Howard government, not the full 12 years. He is selective. He does not want to talk about the 86 boats that arrived in 1999. He does not want to talk about that. Selective memory!

Senator CHRIS EVANS—I think that Senator Brandis confirms the sensitivity. There is a selective nature to their criticism here. They do not want to talk about the 86
boats that arrived under them in 1999—that Senator Scullion was ushering into Darwin Harbour. They were not landing at Christmas Island; they were coming into Darwin Harbour. Senator Scullion was earning a nice little earner bringing them in, and good luck to him! I understand he did a very good job.

We have had in this country three or four periods of increased boat arrivals over the years. In 26 out of the last 33 years we have had arrivals, but we have had peaks and troughs. Senator, you may want to forget about 1999 to 2001—86 boats in 1999 and 43 boats and 5,516 people in 2001, during the last peak in activity. We have dealt with this problem for 26 out of last 33 years. We will continue to have to deal with it. It presents a challenge in public policy terms. But the difference is we are not going to lock children up behind barbed wire. We are not going to send them off to a Pacific island and lock them up for years as you did. Kids were in detention centres behind barbed wire for more than two years. There is a difference between us and I am proud to say there is a difference, but we both have had to deal with peaks in arrivals and we will continue to have to do so.

Senator ABETZ—Mr President, I think Australians know that we had a problem in the past and that the Howard government fixed it. My supplementary question, and I refer specifically to the minister’s assertion that ‘we are not going to lock up children’, is: is it true that 427 children as of today are in detention as a direct result of Labor’s softened border protection policies? Can he explain where the humanity is in that?

Senator CHRIS EVANS—I have noticed in the last few weeks the Liberal Party are getting sensitive about their position on this issue. Suddenly they want to describe their position as compassionate. Last week it was turning back the boats, even though you did not do that after 2003. Now the opposition spokesman is out there talking about how compassionate they are.

Senator Brandis interjecting—

Senator CHRIS EVANS—That is not factually correct, Senator. You are morally bankrupt! Your spokesman, Mr Morrison—

Senator Abetz—Mr President, I rise on a point of order. Clearly that assertion by the Leader of the Government in the Senate needs to be withdrawn. To accuse somebody of being morally bankrupt must be a reflection, in any interpretation of the terminology, and should be withdrawn unreservedly.

The PRESIDENT—Senator Evans, you should withdraw that.

Senator CHRIS EVANS—If that is your ruling, Mr President, I withdraw. The Liberal Party now want to pretend that their policies are compassionate. They are clearly not. The reintroduction of TPVs and the reintroduction of the Pacific solution can in no way be described as compassionate. But they are clearly sensitive to these things, so they want to pretend that their policy of detaining children behind barbed wire was more compassionate than this government’s changes. No-one agrees with them; no-one takes them seriously. (Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. Can the minister confirm that since Labor softened Australia’s border protection laws up to 170 people have drowned at the hands of criminal people smugglers? Where, Minister, is the humanity in that?

Senator CHRIS EVANS—This represents a new low in Australian politics. The opposition pretend they have better policies in terms of children. We do not put them in detention centres; we allow them to stay with their families. But that is not good enough for you. Now you want to blame the gov-
ernment for the fact that people drowned. How morally bankrupt can the Liberal Party get! You are in a race to the bottom. In a desperate bid to win government, you have engaged in a race to the bottom. I am taking the names of the Liberal moderates up the back because you are missing again. Senator Humphries, where are you? Senator Abetz’s question is below contempt. I think the Liberal Party ought to have a look at how low it is prepared to go. *(Time expired)*

**Economy**

**Senator McLUCAS** *(2.09 pm)—* My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer inform the Senate of the government’s plans for further job-creating reforms in the Australian economy? In particular, how does the government plan to boost the ability of Australian companies, including small business, to expand, to compete internationally and to create jobs? What role will the government’s proposed resource super profits tax play in providing assistance to all Australian companies to keep growing for the benefit of shareholders, workers and the economy as a whole?

**Senator SHERRY**—I thank Senator McLucas for the question. Job creation, a stronger economy and supporting Australian businesses to grow are key priorities for the Rudd Labor government. Our economic policies contributed to the creation of some 279,000 jobs in the year to May. Indeed, in the 2½ years since the government was elected there have been some 400,000 new jobs created despite a global recession—and that is in marked contrast to other advanced economies.

Making a strong economy even stronger is the future plan of this government. Unlike those opposite, we are planning for the future. That is why we are introducing a resource super profits tax. We are unapologetic about doing this. This reform is about turning some of the future profits from the mining sector into other forms of long-term wealth. A fair share of the profits from the resource super profits tax will help to fund company tax rate cuts from 30 per cent to 28 per cent. A fairer share of the profits from the resource super profits tax will also fund an instant write-off for small business for all assets of up to $5,000. In fact, about one-third of the revenue raised from the resource super profits tax will go towards business tax reform, which will make it easier for small and larger companies to hire more employees, expand operations and grow our already strong economy and make it even stronger. Changes to mining taxation are expected to increase GDP by 0.3 per cent in the long run, and the cut in company tax will increase the growth of the economy by 0.4 per cent. That is a long-run boost to GDP of around 0.7 per cent, which will add to jobs. *(Time expired)*

**Senator McLUCAS**—Mr President, I ask a supplementary question. How will the government’s proposed reduction in the company tax rate to be funded by the resource super profits tax make all Australian companies more internationally competitive? In the global economy how does Australia compare to other countries on company tax rates?

**Senator SHERRY**—At the moment Australia’s company tax rate stands at 30 per cent, which is on the high side compared to other OECD economies. The government’s proposal is to use a share of the resource super profits tax to reduce the company tax rate across the whole economy to 28 per cent. That is in contrast to those opposite, who want to increase company tax rates. This will improve Australia’s competitive position.

**Senator Abetz**—That is false.

**Senator SHERRY**—Senator Abetz interjects that it is not true. The only tax policy we have from the opposition is to increase
company tax by 1.7 per cent. That is the only tax policy they have. A lower company tax rate will reinforce Australia as a good place to do business. It will be of substantial benefit to the economy, it will help attract investment and it will add to jobs. The benefits from increased investment are many. They include business expansion, improved productivity, higher wages and investment.

(Time expired)

Senator McLUCAS—Mr President, I ask a further supplementary question. Is the Assistant Treasurer aware of any alternative policies on reducing company taxes in the Australian economy? Is the Rudd government’s proposal to cut the company tax rate, to be funded by the resource super profits tax, the only policy aimed at giving Australian companies an edge in competing internationally and assisting them to expand domestically?

Senator SHERRY—I have mentioned a couple of the tax cuts the Labor government intends to deliver as a result of the resource super profits tax. The only policy I am aware of from the Liberal and National parties is to increase company tax. They intend to increase company tax by 1.7 per cent. They want a higher company tax rate, 30c in the dollar going up to almost 32c in the dollar, in contrast to the Labor government’s proposal to reduce company tax to 28 per cent. A higher company tax rate as proposed by those opposite of some 32 per cent would lift Australia’s effective company tax rate to almost the highest, if not the highest, company tax rate in the advanced world. The only policy those opposite have on tax is to increase company tax to 32 per cent. That would make Australian industry uncompetitive and cost jobs. (Time expired)

Budget

Senator BIRMINGHAM (2.15 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Wong. Is the minister aware of the report issued today by Morgan Stanley which demonstrates that under Rudd Labor’s new tax on mining the $20 billion Olympic Dam mine expansion in South Australia would have ‘no economic value’ and, further, ‘would be unlikely to be developed’? Doesn’t this analysis, independent of BHP Billiton or the mining industry, demonstrate that this new tax will make it harder to gain the investment necessary to get new projects off the ground?

Senator WONG—I am aware in broad terms of a range of commentary in relation to Olympic Dam, just as I am aware of a range of commentary in relation to many other projects. One of the things that has characterised this debate is that there have been a number of claims made publicly which subsequently have been found to be taken with a grain of salt. I refer particularly to Mr Palmer, who is quite a public figure these days, and also to comments made by Xstrata which subsequently had to be clarified. As a South Australian I am very aware of the issues in relation to Olympic Dam, and it is a project that has had—

Senator Brandis—Mr President, I raise a point of order. It goes to relevance. The minister was asked whether she was aware of a named report, a report by Morgan Stanley issued today. That was what the question was. She has not gone close to it. She is not even being relevant, let alone directly relevant. If the minister does not know about it, she should be honest enough to admit it.

Senator Ludwig—On the point of order, Mr President: if Senator Brandis were more honest with the issue he would have put the whole question, because it was about more than simply the report itself. It also went to discussion within the report about a $20 billion Olympic Dam project in South Austra-
lia. The minister is being relevant to the question. The minister is answering the question. Those opposite cannot pick and choose a part of the question and seek only to have that part answered or to have that part answered first. The minister has a minute to provide a full answer to the entire question. The minister was continuing to be relevant to the whole question that was asked.

The PRESIDENT—I am listening closely to the minister’s answer. The minister has one minute remaining to answer the question that was asked.

Senator WONG—As I said at the outset, I was aware in broad terms of a range of claims in relation to Olympic Dam. I am aware, for example, that Mr Abbott stated on 21 May that BHP had said that the $22 billion expansion of Olympic Dam could not go ahead. We then saw Mr Kloppers, who I think is known to most people, say on 26 May: ‘At the moment, it is not frozen. We are carrying on.’ So it is quite clear that Mr Abbott was prepared to say something significantly further than what at that time was in the public arena.

We know that the opposition in relation to this tax reform debate stand on the side of those opposed to tax reform. They oppose tax reform, they oppose a reduction in the company tax rate, they oppose tax breaks for small business and they oppose increased superannuation for working Australians. But what we know they stand for is the interests of a few.

Senator WONG—I am very familiar with OneSteel. When I was a lawyer and a trade union official I in fact represented workers in that region and that company.

Opposition senators interjecting—

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

Honourable senators interjecting—

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

Senator WONG—I am happy to talk to Senator Birmingham about OneSteel and the history of both of us in that region. But on this issue of OneSteel, just as we dealt very closely with OneSteel through the CPRS negotiations, and I personally dealt in detail with that company in order to understand the issues raised—

Senator Brandis interjecting—

Senator WONG—We came to a resolution with OneSteel, Senator Brandis. You may not recall. We are also very conscious—

Opposition senators interjecting—

The PRESIDENT—Order! I remind senators that interjections are disorderly and constant interjections totally disorderly.

Senator WONG—Just as we have previously consulted with OneSteel in detail in relation to government policy, the government is also currently engaged in consultation with OneSteel on how the RSPT impacts on its business. We do recognise the situation of OneSteel. We will continue to take on board the nature of their operations.

Senator BIRMINGHAM—Mr President, I ask a supplementary question. Is the minister aware that thousands of current
South Australian jobs at OneSteel, thousands of prospective South Australian jobs at Olympic Dam and many, many more elsewhere hang in the balance as a result of Rudd Labor’s new tax on mining? Why is the minister and her government being so cavalier with jobs in our home state, and why won’t the minister represent the workers today that she so proudly claims to have represented in the past?

_Honourable senators interjecting—_

The PRESIDENT—Order! I remind senators on both sides.

Senator Wong—The irony of being lectured by the party of Work Choices about working people! The irony of being lectured about jobs from those who voted against the stimulus package, which has supported jobs and driven down unemployment compared to world levels! The irony of talk about representing people from people who oppose a fair share of taxation and a fair share of the mining boom for working families!

_Honourable senators interjecting—_

The PRESIDENT—Order! Senator Wong, resume your seat. It is going to be one of those days. When we have silence on both sides, we will proceed.

Senator Wong—We are determined to proceed with tax reform because it is the right thing for the nation and the right thing for the economy. We want to build a stronger mining sector but ensure we share the proceeds of the mining boom more fairly. So you go out there, Senator Birmingham, and you tell South Australians why they do not deserve a tax break if they work in a small business or better superannuation.

Budget

Senator Bob Brown (2:25 pm)—My question is to the Assistant Treasurer. I refer to the cover-up by Mitch Hooke and the Minerals Council of Australia as to how much money they are prepared to spend in the political campaign against the mining boom tax—rumoured to be $100 million. I ask the minister: is that money tax deductible?

Senator Sherry—Thank you for your question. I have seen media reports that the mining industry is to spend a figure of up to $100 million on its advertising campaign to defeat the legislation on the resource super profits tax. I have seen those reports. Whatever the figures are, they are certainly very substantial. The issue of the tax deductibility of the costs of the mining industry’s advertising campaign is an interesting one. It has not had much, if any, attention that I can recall in the media. Spending up to $100 million on a political campaign to defeat the government’s proposals is obviously a significant level of expenditure. I note that the effective company tax rate in the mining sector is 17 per cent.

Senator Ronaldson—Whose money are you spending?

The PRESIDENT—Senator Sherry, resume your seat. The time for debating is post question time. I remind all senators on both sides.

Senator Sherry—The company tax rate in Australia is 30 per cent, so it is certainly true that the tax rate of the mining sector, compared to other sectors of the Australian economy—it is a matter of fact—is on the low side at 17 per cent. Ultimately, the issue of the deductibility of perhaps up to $100 million is a matter for the tax commissioner, but I note there is a fair degree of precedence in this area that would allow them to claim their massive advertising campaign as a deduction. (Time expired)

Senator Bob Brown—Mr President, I ask a supplementary question. I thank the minister for his answer. Is this industry which gets a fuel tax credit of $1.7 billion...
that other sectors of the economy do not share therefore in for a windfall $17 million to $30 million remission in taxes through this campaign? Is it therefore clear that that is money that will not be available for schools, hospitals and other infrastructure for the Australian people?

Senator SHERRY—Obviously you have highlighted a further tax concession that is available for the mining industry. It is available to other sectors, but certainly the mining industry make extensive use of that concession to reduce the overall level of the tax they pay. As I have already mentioned, the effective company tax rate in the mining sector is 17 per cent, which is very, very considerably less than the full company tax rate of 30 per cent. As I was saying, in the past when companies have funded advertising campaigns or funded their respective industry associations—so it is not just a matter of a company spending the money directly but also through the conduit of an industry association—that has frequently been allowed as a tax deduction. So, presumably, the effective company tax rate of some 17 per cent at the present time would drop lower after they claimed the cost of their advertising. (Time expired)

Senator BOB BROWN—Mr President, I ask a further supplementary question. I take it from that answer that this political advertising by the mining companies is going to reduce the ability of Australians to have $17 million to $30 million spent on their welfare withdrawn to support a political campaign. I ask the government: will it consider—

Senator Ronaldson interjecting—

The PRESIDENT—Order! You might not like what Senator Brown asks but he is entitled to be heard in silence.

Senator BOB BROWN—The question is: will the government support a future Greens amendment to the tax laws to remove the ability for political advertising to be subsidised in this obscene way by the taxpayers?

Senator SHERRY—What the Labor government have said is that we intend to ensure that the super profits that result from the increased profits in the resource sector, a resource that is owned by all Australians, will attract a super profits tax as a consequence of the increase in future mining profits. On the issue of—

Opposition senators interjecting—

The PRESIDENT—Order! When there is silence, we will proceed. I remind senators that interjections are disorderly.

Senator SHERRY—What we have is a situation where the mining sector want to defeat the proposed resource super profits tax. They are against paying a fair share of tax, and they are going to reduce their already-low level of company tax by claiming it as a deduction. They are going to claim the advertising campaign as a deduction and reduce their currently effective 17 per cent company tax when the headline rate is 30 per cent. That is one of the reasons this government intends to introduce a resource super profits tax on the future profits of a resource owned by the Australian people. (Time expired)

Budget

Senator BERNARDI (2.33 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Wong. Has the minister seen the comments attributed to Chile’s mining minister, Laurence Golborne, who described the situation surrounding the Rudd Labor government’s new tax on mining as a ‘tremendous opportunity’ for Chile? Aren’t the Chileans right when they say that this new tax on mining means that Chile provides a more secure investment environment and a better return on investment than Australia?
Senator WONG—I have not seen the detail of those comments. I am amused by the prospect of Senator Bernardi quoting any Latin American government in support of some of his policies, given what I think he said about a range of similar governments previously. The next thing is that we will have him coming in here and quoting Chavez.

An honourable senator interjecting—

Senator WONG—That is right; we will have Senator Bernardi quoting Chavez in support of his argument. We know that those opposite are opposed to tax reform, and they will trawl, apparently, the world in order to try to find evidence to support their scare campaign. As I said previously, we on this side are supportive of tax reform. We believe that a profit based tax is more sensible and more economically efficient. In fact, you may recall there was a range of submissions to the Henry review, including some from the mining sector, which reflected that. We also believe that the Australian people should get a reasonable share of the income from the resources, which are not renewable, which they own, and we want to invest that to strengthen the economy—

Senator Abetz—They’re all watching this in Chile.

Senator WONG—I will take that interjection. I somehow do not think they are watching us in Chile, although they might be watching other things. What I will say is this: this is about tax reform for the future. We know that we on this side are about building a stronger economy for the future. We know that those on the other side are about a scare campaign and the interests of a few. I think that, over time, we will see the Australian people exposed more and more to the shallowness of the campaign by those opposite. (Time expired)

Senator BERNARDI—Mr President, I ask a supplementary question. Has the minister seen the comments attributed to Canada’s finance minister, Jim Flaherty, who thinks that this new tax offers a ‘competitive advantage for Canada’? Do the Canadians have it wrong too? Does the minister expect us to believe that every other government has it wrong but hers does not?

Senator WONG—Senator, perhaps a way of looking at this is to consider the member for Dickson’s investment strategies. If he had bought BHP shares on 4 May, which he did when the price reached $38.50, we would see that today the price is higher. If he had invested in some of the Canadian mining companies—I am coming to Canada, Senator Brandis—

Senator Brandis—Mr President, I rise on a point of order. A question about the effect of Australia’s competitive advantage as a result of this tax in the context of remarks made by the Canadian finance minister does not admit of an answer that begins with the words, ‘Let us consider the member for Dickson’s investment strategy.’ Plainly, the minister is treating the Senate and the questioner with contempt.

Senator Ludwig—Mr President, on the point of order: I can understand Senator Brandis’s confected outrage in relation to his defence of the member for Dickson. I am sure he does not have that view really. What the minister has been doing is answering the question. The minister has 44 seconds remaining to provide an answer to the question. The question was very broad in its frame and the minister was providing an answer relevant to the question that was asked. I humbly submit there was no point of order.

The PRESIDENT—The minister has 44 seconds remaining in which to address the question.
Senator WONG—I was referencing Canadian mining companies. Cameco has fallen two per cent since 4 May, Tech Cominco has fallen six per cent since 4 May and London Mining has fallen by 18 per cent since 4 May. These figures do, I think, go to exposing the opposition’s scare campaign for what it is. It is a scare campaign from an opposition bereft of policies about the future.

Opposition senators interjecting—

Senator Conroy interjecting—

The PRESIDENT—Order! Senator Conroy!

Senator BERNARDI—Mr President, I ask a further supplementary question—third time lucky. Could the minister explain why it is that the rest of the world appears to be celebrating the imposition of this new tax on investment and jobs in Australia? Could the minister say just whose side the Rudd Labor government is on—Australian working families, Chilean working families, Canadian working families or maybe even Russian working families?

Senator WONG—This government through its stimulus package ensured that this country’s unemployment rate compares extremely favourably with those overseas. Let us talk about the UK or the United States, where we see close to or double-digit unemployment. As a result of the stimulus package, against which you voted, we have seen unemployment in Australia at levels which are reasonable given the economic crisis that we faced. Remember, you voted against that package. We on this side stand for jobs; we on this side stand for investment in the future—

Honourable senators interjecting—

The PRESIDENT—Senator Wong, resume your seat. I remind senators on both sides that interjecting is disorderly. If people wish to debate the question then debate it post question time.

Senator WONG—We on this side support tax reform which strengthens the economy for the future, which ensures working people get a better share and more superannuation, which ensures lower taxes for small business and which lowers the company tax rate. You oppose that. (Time expired)

Superannuation

Senator FEENEY (2.42 pm)—My question is to the Assistant Treasurer, Senator Sherry. Is the Assistant Treasurer aware of the challenges to Australia’s retirement and superannuation savings as outlined in the Intergenerational report and other independent reports? Can the Assistant Treasurer inform the Senate how the government is putting in place a responsible and fair plan to improve the superannuation and retirement outcomes for all Australians? I am sure Senator Bernardi will be fascinated by the answer.

Senator SHERRY—I have already indicated that part of the revenue from the resource super profits tax is to be directed towards reducing the company tax rate from 30 per cent to 28 per cent and providing an additional write-off to small business of up to $5,000, but it is also to be used to improve the retirement incomes of millions of Australians. There are four initiatives in the tax package, which is being funded by the resource super profits tax, in the area of superannuation. We will be gradually increasing the superannuation guarantee to 12 per cent. That will assist in—

Senator Abetz interjecting—

Senator SHERRY—It is funded by the government, Senator Abetz, because it is a cost to budget. You do not understand tax, Senator Abetz, through you, Mr President. In estimates, from which you were absent for most of the period, the evidence given was that the cost to government of the superan-
nuation guarantee will be about $3.6 billion. That is the cost to revenue as a consequence of the superannuation guarantee change, so there is a cost to government and that is what in part the resource super profits tax is to fund.

It will also fund a tax cut on superannuation for 3½ million low-income earners. Low-income earners at the moment pay a contributions tax of 15 per cent; many do not pay any effective income tax. So we are going to cut the tax for 3½ million low-income earners. We are extending the $50,000 superannuation contribution cap for those with a balance below half a million dollars who are over 50. Also, we will be ensuring that older workers currently in the workforce over the age of 70 and up to the age of 75, for the first time, will receive superannuation. At the present time, it is not a requirement that they receive superannuation. Thirty-three thousand employees will benefit. (Time expired)

Senator FEENEY—Mr President, I ask a supplementary question. How do the government’s measures allow Australians to increase contributions to their superannuation and boost their retirement savings? What has been the response of the superannuation industry to the government’s forward-looking agenda to secure the retirement future of every Australian?

Senator SHERRY—Improved superannuation is an important part of the tax package that we have announced, which is funded by the resource super profits tax. The superannuation measures will increase the superannuation savings pool by some $85 billion over the next 10 years—$85 billion in additional savings. These are savings that do not just benefit the individual and, obviously, increase their retirement income; they also benefit the broader economy, because the bulk of the $85 billion extra in savings that will flow from superannuation will be reinvested back in the Australian economy. So it serves a dual purpose: higher retirement incomes for the individual and building a stronger Australian economy—an already strong Australian economy being made stronger as a result of the increased investment dollars that predominantly flow back into the Australian economy. A range of superannuation organisations, retail industry corporates and public sector superannuation funds, and ASFA, have endorsed this approach. (Time expired)

Senator FEENEY—Mr President, I ask a further supplementary question. Is the Assistant Treasurer aware of any alternative policies on boosting the superannuation outcomes of Australians? Would these alternative policies in fact lead to less money for Australians in their retirement?

Senator SHERRY—Thank you, Senator Feeney, for the question. As I said in answer to an earlier question, there is only one tax policy that the Liberal and National parties have, and that is to increase company tax. Their one and only tax policy is to increase company tax from 30c to almost 32c. They have no policy to reduce company tax, very obviously. They have no policy to assist small business. They have no policy to reduce tax on small business. They have no policy to reduce tax on superannuation—none whatsoever. Their only tax policy is to increase company tax and to ensure that the broader Australian economy is less competitive than other advanced economies. It will be less competitive than other advanced economies because they intend—they proudly boast of their parental leave policy—to raise billions of dollars by increasing company tax. (Time expired)

Budget

Senator CORMANN (2.48 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator
Wong. Does the government stand by the Prime Minister’s statement at the Melbourne Press Club on 6 May 2010 that:

… if companies aren’t earning super profits, they don’t pay the tax. In fact, the new regime can actually help more marginal mining ventures because state royalties will be refunded, meaning that emerging mining companies may actually get a cash flow gain …

Senator Wong—It is the case that the government’s policy in relation to this issue is a tax on profits. We have also said that it is a tax that would cut in above a reasonable rate of return; we have made that clear. There are also mechanisms within the policy which are intended to assist companies which are more marginal. In fact, one of the arguments in favour of a profits based regime as opposed to a volumetric based regime—leaving aside the specific debate on this tax—has always been that it would be a more fair way to levy taxation on the sector and that it would mean that those who earn more profit would pay relatively more tax than those who earn less. Therefore, as a matter of logic, that would mean that there would be companies at the marginal end who are likely to pay less under a profits based regime than under a volumetric regime.

Senator Cormann—Mr President, I rise on a point of order. I asked a very specific question of the minister: whether the government stood by the statement that state royalties would be refunded. Yes or no? Does the minister stand by the statement that more marginal mining ventures will be better off because state royalties will be refunded?

The President—I believe the minister is answering the question. The minister may not be answering the question in the way in which you would like it to be answered. The minister has 51 seconds remaining if there are further matters to add to the answer.

Senator Wong—Thank you. It is the case also that Treasury estimates which were released indicate the way in which this tax would operate. It would in fact be lower for some companies—that is, those companies who are less profitable—than the current regime. It is also true that the Treasurer has outlined that we are consulting in relation to the implementation of this regime, including transitional arrangements. That has been made public. We will continue to do that sensibly.

Senator Cormann—Mr President, I ask a supplementary question. If a mining company has a rate of return of less than six per cent and therefore pays no supertax, will it still get its royalty payments repaid by a cash refund from the Commonwealth?

Senator Wong—As I said previously, we have made clear the nature of this tax reform. We have also made clear that we are consulting with the sector through the processes outlined on the implementation of the tax. I know, Senator, that—

Honourable senators interjecting—

The President—Order! Senator Wong, resume your seat. Order on both sides! I need to hear the response of the minister.

Senator Wong—I know the fact that we are consulting might be uncomfortable for those opposite, who are really anxious to get into a scare campaign, but we have made it clear that we will consult on the implementation details of this tax. We also believe that it is more efficient to tax profits than to continue the current arrangements, which essentially apply taxation on the basis of volume.

Honourable senators interjecting—

Senator Wong—It is interesting isn’t it, that whenever the facts are put on the table they just start to yell. The only way they want to play politics is to play a scare cam-
paign. Their accusations are often factually incorrect— *(Time expired)*

Senator CORMANN—Mr President, I ask a further supplementary question. Given that the minister refuses to recommit to the Prime Minister’s statement on 6 May that more marginal mining ventures will benefit because state royalties will be refunded—a core assumption in the KPMG Econtech modelling, which the government relied on to assert the increase in investment and jobs—does the government now concede that its tax on mining will cost jobs and investment?

Senator WONG—The answer to that question is no. Again, I just remind those opposite that we have an opposition that has voted against the stimulus package—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Conroy and Senator Abetz: your exchange across the chamber is not welcome. I am trying to listen to what Senator Wong is saying.

Senator WONG—This is an opposition which has voted against the stimulus package and now wants people to believe that they care about jobs. You voted against the stimulus package, you voted against the investment in education, you voted against supporting employment in this economy through the global economic crisis and now you want to come in here and run a scare campaign on the basis that you actually care about jobs after all that—

Senator Cormann—This is a core claim of your government!

The PRESIDENT—Order! Senator Cormann, you asked the question, you are entitled to hear the answer and it is silly to interject on your own question, because I cannot hear the answer.

Senator Conroy—Hear, hear!

The PRESIDENT—Senator Conroy, you can help by not interjecting as well.

Senator WONG—It is unsurprising that they do not want to hear the answer. They do not want to be reminded that they were a party against economic stimulus at a time when this nation’s economy needed it, at a time when this nation’s workers needed it and at a time when this nation’s companies needed it. They were against providing stimulus to the economy and now they want to come in here and pretend that they care about employment. I think the Australian people know which party voted for stimulus. *(Time expired)*

Aged Care

Senator FIELDING (2.55 pm)—My question is to the Minister representing the Minister for Health and Ageing, Minister Ludwig. Can the Rudd government explain why it has given such a stingy increase this year in the budget to aged care providers which does not even cover the increase in inflation and is so pathetic that it will not be enough to cover the increase in aged care providers’ operating costs? Given that, how can the government pretend that it actually gives a stuff about aged care when it is forcing aged-care facilities to run into losses and to cut some of their services to the frail and elderly?

Senator LUDWIG—I think I thank Senator Fielding for his question, although perhaps not for the additional comments that went with it. It is a very important area, and I would hope that Senator Fielding does treat it with the respect that it deserves.

There are many senior Australians in the community who do need adequacy of funding for aged care. Of course, we are providing more funding for services than ever before. The 2010-11 budget builds on the Rudd government’s reform to aged care so that we will build a national aged-care system which
will provide better support for older Australians. There will be $10.8 billion for 2010-11, an increase in total aged-care funding of nearly 30 per cent over the last three years. So we have put our money on the table; more than $47 billion for aged care and community care over the next four years.

Funding per resident has increased by more than $6,100 over the last three years, an increase of more than 16 per cent. The government will invest $900 million over the next four years to deliver, and it is about ensuring that we do these things. With the support of the opposition, we will be able to build a national-aged care system with more highly qualified aged-care workers, more aged-care places, more healthcare services and greater protection for older Australians.

I ask Senator Fielding, the opposition and the opposition spokesperson to support those initiatives about ensuring that we do provide for the aged-care facilities, so we do assist those in aged care. The package will also support—

Opposition senators interjecting—

Senator LUDWIG—It seems to be that those opposite do not like me talking about— (Time expired)

Senator FIELDING—Mr President, I ask a supplementary question. Can the government explain how aged-care providers are supposed to attract high-quality staff to care for the elderly when places such as the Sale Elderly Citizens Village are going to be forced to lose money simply by increasing staff wages by a tiny three per cent because the government funding for aged care is so inadequate? Will the government commit to reversing this disgraceful funding decision?

Senator LUDWIG—As I have indicated for the previous question, this government does take aged care, particularly the facilities, very seriously. We have provided additional funding for that. We have also looked at how we could ensure that building the aged-care workforce is also undertaken; for the benefit of Senator Fielding, there is better planning of our aged-care workforce. It is important to ensure that the workforce are supported in the aged-care facilities so that they can provide the care that our older Australians do require.

It is about supporting the vital role that nurses play in the skilled workforce to improve the quality of care. The government will invest $523 million to train and support our nurses, including workers in aged care, and it will invest more than $310 million to deliver more than 31,000 training places, more than 1,000 clinical and graduate places and support for aged-care workers while they undertake that training. (Time expired)

Senator FIELDING—Mr President, I have a further supplementary question. Given that Gippsland’s over-65 population is expected to double from 41,000 to 85,000 by 2026 and given that operating expenses such as electricity, gas and water are increasing by 20 to 50 per cent annually, does the government have a proper plan for managing aged care or does it plan to handle it like it has handled its policy on asylum seekers and pink batts—that is, bad policy and policy on the run?

Senator LUDWIG—I reject Senator Fielding’s contention. This government has invested more than $900 million over the next four years. It is about a national aged-care system. It is about ensuring more high-quality aged-care workers. It is about ensuring more aged-care places. It is about ensuring greater protection for older Australians receiving care. The package will also support the integration of aged-care systems with local hospital networks. It is about ensuring that we do provide the integration that is necessary across both aged care and the local hospital networks through the government’s
National Health and Hospital Network. This government does have a plan to support those in aged-care facilities. Why? Because older Australians do require our assistance. This investment builds on the commitment to maintain the conditional adjustment payment in the forward estimates. That is worth $2.3 billion over the next four years. *(Time expired)*

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Budget

Senator CORMANN (Western Australia) (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 Senators Birmingham, Bernardi and Cormann today relating to the proposed new tax on mining.

Clearly the Minister for Climate Change, Energy Efficiency and Water, Senator Wong, had no idea what she was talking about when she was answering questions from coalition senators about the government’s supertax on mining today. This is just one further example of absolute failure and incompetence by the Rudd Labor government. The minister is not across the brief that she represents in this chamber. Why is that? Very clearly, this is yet another policy decision that was made by a very small circle of two without the proper cabinet processes, without proper procedure and without making sure that everyone that should be involved was involved.

We have a Prime Minister in Australia who has completely lost the plot. Whatever he has touched he has stuffed up. He inherited a healthy balance sheet and he stuffed that up—remember GroceryWatch and Fuelwatch. He was going to bring down the price of fuel and groceries and he stuffed that up—remember GroceryWatch and Fuelwatch. He was going to protect our borders, presenting himself as a mini-me John Howard and he stuffed that up, 137 boatloads of illegal immigrants having arrived on our shores since Kevin Rudd softened the strong border protection policies he inherited from the Howard government. He was going to bring in an emissions trading scheme and he stuffed that up too because he was too frightened to engage in a proper debate about the massive flaws in his scheme. So wherever you look there are failures, incompetence and broken promises. What is the reason for that? We have a government that does not go through proper process. Ministers of the government are not aware of what is being done and why it is being done. That is the reason Minister Wong was not able to answer some very basic questions today.

This supertax on mining is a bad tax. It is bad for Australia and it is even worse for my home state of Western Australia. It is going to cost jobs and it is going to reduce investment, yet this government was waving around the KPMG Econtech modelling report to suggest that, no, things are not going to be so bad, investment is going to go up and jobs are going to go up, all of which is of course completely counterintuitive. The argument on which the government based that assertion is to say that marginal projects are going to be better off; a profit based system instead of the system of state and territory royalties will make sure that marginal projects will be able to survive and thrive where royalties might choke them. Part of that is the big assertion made by the Rudd government again and again that they would like royalties to be abolished altogether, but because the states have not agreed with this—because they have not consulted the states about any of this—they will just refund
them. But in the fine print is that the only mining ventures and companies that are going to get their royalties refunded are those that are subject to the so-called superprofits tax.

If you make a profit of zero to six per cent, you will continue to pay state royalties as before and you will not be eligible for a refund of those state royalties. That means that for those marginal projects nothing is going to change. They are not going to be any better off, there is not going to be any additional investment and there are not going to be additional jobs. We are going to have the impact at the top where the government is going for this lazy tax grab from those projects which have a regular and reliable profit, those projects which have taken on all the risk, which have made all the hard decisions, which have gone through the challenging times and which have a regular and reliable cash flow. From those projects the government is coming in and saying, ‘We want to take 40 per cent off the top of that, thank you very much.’

The reason the government is imposing this tax retrospectively is that there is no money for the government in new projects. We have a Prime Minister who wants to fix up his massive deficit and his record levels of debt, so he goes for this lazy tax grab from those projects which have a regular and reliable profit, those projects which have taken on all the risk, which have made all the hard decisions, which have gone through the challenging times and which have a regular and reliable cash flow. From those projects the government is coming in and saying, ‘We want to take 40 per cent off the top of that, thank you very much.’

Why do I say those things? I say them for this reason. What have the mining industry and major corporates been asking for year in, year out? They have been asking for two particular things: (1) a profits based taxation regime and (2) for taxation and other measures to be levied on a project or subindustry basis. They have been asking, firstly, for a profits based tax so that more profits are paid to government as the enterprise or project becomes more successful and, secondly, for taxation to be levied on an industry or subindustry basis. How do we know they have been asking for that? We know that because it was in their submissions to the Henry review. That has been in their submissions to numerous Senate committee inquiries. There was nothing shy or backward about it. Publicly and openly that has been their position—and the position of the Minerals Council for many years.

What did Minister Ferguson repeat yesterday when he discussed the government’s current position, which is the same as it was
six weeks ago, with respect to taxation in the mining industry? He said, ‘We’re going to give to the mining industry what it wants, a profits based tax. We’re going to have a different regime for different sectors,’ and he outlined three sectors by way of example: firstly, the coal gas development up in Central and Northern Queensland; secondly, low-value industries where you turn big rocks into small rocks and use them for aggregate and the like on roads; and, thirdly, mineral and metal type industries, which have been around for donkey’s years in this country.

Over the last 30 or 40 years Western Australia, Queensland, South Australia and the Northern Territory have gone ahead in leaps and bounds as more and more projects have come online, more and more sites have been developed, more and more investment has been made, more and more projects have gone ahead and more and more employment has been created. Minister Ferguson said in an interview yesterday that we were happy to accede to the wishes of the mining industry as they have expressed them publicly: a profits based taxation regime and a regime based on individual subunits within the overall mining industry.

What also did we offer? We offered, by way of negotiation, generous transitional arrangements. Of course, every company, Australian or foreign, that wants to invest in this country seeks to have negotiations with the appropriate level of government, and they always discuss the appropriate regulatory regime, the appropriate taxation measures and the timing of taxation measures. So we said, ‘Yes, that’s legit, that’s upfront and we will accommodate your desires.’

In terms of the existing regimes, everyone in this chamber and out there in the industry knows that there has been a boom in the mining industry in the last 10 or 15 years, particularly in Western Australia and Queensland and latterly in South Australia. The state governments have been less than efficient in garnishing the appropriate amount of resources from their state based royalty regimes. They are now belatedly, latterly, seeking to increase it by 1½ or 2½ per cent, but still the lion’s share goes missing. And who should have that lion’s share? The lion’s share, an appropriate share, should go to the Australian people. Those resources are in the ground, and of course they are invested in the Crown in respect of each state.

What are the states doing now? They are turning themselves into mere convenient administrative subunits. One only has to look at what happened in the health and hospitals negotiations, where they gave away the one thing they have been seeking since Federation, an independent taxation regime. (Time expired)

Senator BIRMINGHAM (South Australia) (3.12 pm)—I am tempted to ask for extra time for Senator Bishop, because I think he was about to destroy and tear apart the great claims the government make about health reform and how important health reform is. He seemed to be saying it was a disgrace that the states had given away their GST income. There were many remarkable things about what Senator Bishop just said. I note firstly that Senator Bishop did not mention Kevin Rudd’s name once in his contribution. I wonder why that is. He did not have the courage to mention Kevin Rudd’s name.

The DEPUTY PRESIDENT—Order! Senator Birmingham, you must refer to the Prime Minister by his proper title.

Senator BIRMINGHAM—Sorry, he did not mention Prime Minister Rudd’s name once. He mentioned Minister Martin Ferguson several times. He mentioned the minister who was not consulted in the development of this tax, who is playing catch-up to try to
restore his credibility with the mining industry and to try to restore the government’s prospects. Minister Ferguson is left playing catch-up on this.

As Senator Bishop, this whole chamber and the Australian public know, only two people made this decision, a gang of two: the Prime Minister and the Treasurer. They were the two, they are the ones who did it and the rest of the government are left defending something that none of them really believe is a good thing. They know it is not a good thing because, of course, everybody can see that this is going to have consequences into the future. Those consequences go to the very heart of employment, jobs and investment in Australia.

Frankly, this is a government that has taken the most cavalier attitude to jobs and investment seen in recent Australian history, and we saw that on display from Minister Wong today. Minister Wong, of course, is the only South Australian in the federal cabinet. Yet, when asked about the damage to jobs in South Australia of this tax, she demonstrated not just a cavalier attitude but that she really did not care and had not looked into it.

Today we had leading investment analyst Morgan Stanley come out and talk about the Olympic Dam project. They are not a mining company. They are not spokespeople for a mining company. They are independent investment analysts. What did they say of the impact of the Rudd Labor government’s mining tax? They are reported as saying:

... under the RSPT as proposed the project has no economic value in our view.

... ... ...

Including the RSPT at 40 per cent, the Olympic Dam project would fail to achieve an adequate return on invested capital in our view.

We think under these fiscal conditions, the project would be unlikely to be developed.

Minister Wong had clearly not even heard of the Morgan Stanley report when she was asked about it. She tried to brush it off as one of numerous reports, tried to pretend it was a mining industry report—tried to do everything she could to avoid talking about it and the threat to investments and jobs in South Australia. This is a $20 billion investment, creating thousands and thousands of jobs—6,000-plus jobs during the construction phase.

OneSteel are a major employer in Whyalla and a value-adder to our resources industry. They are one of the few value-adders, in many ways. They do not just mine the iron ore; they value-add and continue in steel production. What did OneSteel’s chairman have to say about this? He said that the new tax:

... fundamentally changes the economics of the Whyalla steelworks and threatens the viability and, hence longevity, of our steel businesses.

... ... ...

Unless the Government makes substantial changes to the tax there is likely to be serious implications for our shareholders, employees and the local communities in which we operate.

Those serious implications are that their jobs and the future of their communities are on the line. That is what is at stake here—future investment, because mining capital is incredibly fluid. We saw from Senator Bernardi’s questions to Senator Wong that the Chileans, the Canadians and all those other countries with significant mineral resources are celebrating what the Rudd Labor government is proposing because they know that the fluid capital of mining investors will go to their countries—to Chile, to Canada, to Russia, to anywhere but Australia—because they will offer a better return on investment. The jobs will go to those countries and Australia will be poorer as a result. That is what this tax will do. It will crush the mining industry, it will crush value-adding in the min-
In the mining industry, it will crush jobs and investment in Australia and it will hurt all Australians as a result.

Senator BILYK (Tasmania) (3.17 pm) — In Senator Cormann’s speech on his motion to take note of answers given by Senator Wong today in question time he spoke about payments of royalties. I find that very interesting because it is the one argument that often gets left out of this debate. That is because the proposed resource super profits tax replaces mining royalties. This makes the RSPT more efficient than existing arrangements. This means that some projects will actually pay less tax, particularly the marginal and less profitable projects that the coalition says are at risk.

Those opposite are so intent on running a scare campaign in relation to the RSPT that the first thing Senator Birmingham stood up to debate was how many times Senator Bishop had mentioned the Prime Minister by name. So let me get that out of the way to start with. I am happy to mention the Prime Minister, Mr Kevin Rudd. The Rudd Labor government has announced this super profits tax to ensure that all Australians get a fair share from our non-renewable national resources. That is what those on the other side just will not spell out to everybody. They are running a scare campaign in the media, and both sessions of question time so far this week have been taken up with it, as I am sure the rest of the week and next week will be. It is very similar to what happened in the last sitting weeks: just about every question turned out to be about asylum seekers because they were getting a bit of a media run and they wanted to keep that up. We are happy to take up the challenge. We are happy to point out to people the importance of this tax to everyday Australians, to working Australians, to those people that are not the big mining companies that you are supporting and that in return are supporting you with their billion-dollar campaign. They will be out there, as we heard today from Senator Sherry, being able to claim the tax on their big campaign. We know that you are supporting them because they are your mates.

Earlier you feigned support for working people. Let’s not ever forget that you were the government that brought in Work Choices. We know that Work Choices II—perhaps it will get a different name—will certainly be on Mr Abbott’s agenda should you ever be elected into government with him as leader. I hope that never happens for the people of Australia.

Let us remember that before the last mining boom Australians received $1 in every $3 of mining profits through royalties and charges, but during the last mining boom, as mining profits increased, we saw a decreasing share of profits returned to the Australian people. What has happened? The return has shrunk to $1 in every $7. Although profits were over $80 billion higher in 2008-09 than in 1999-2000, governments only collected an additional $9 billion in revenue. Australia needs to deliver a fair share of these resource profits to the Australian people because a fair share will mean, amongst other things, higher retirement savings; less company tax, especially for those thousands of small businesses; and more infrastructure like rail, ports and roads.

Between the mining industry and those opposite we have seen plenty of bizarre claims during this sketchy scare campaign. If they were so worried about it, why did one of the shadow ministers dash out and buy some shares in BHP? I think it was the member for Dickson, but I am happy to be corrected if I am wrong in that respect. The only reason they oppose this so vociferously is that it suits them politically. They will run their massive scare campaign because they can guarantee that it will be backed up, as I
said, by those big mining companies. They will keep receiving campaign contributions from their billionaire mates like Clive Palmer. When Australians go to the poll at the next federal election they will have a clear choice, and I hope they remember it. They will have the clear choice of whether they want a 12 per cent superannuation guarantee or whether they want their super stuck at nine per cent. On this side of the chamber we stand for reducing the tax burden on small business and we stand for boosting the retirement savings of ordinary working Australians. We stand for infrastructure investment in the mining regions of Australia. (Time expired)

Senator BARNETT (Tasmania) (3.22 pm)—I stand today in strong opposition to this proposed mining tax and to respond to Minister Wong’s statements and answers in the Senate today and to respond to Senator Bilyk, who seems to have similar knowledge and understanding of this mining tax to the current federal member for Franklin. Senator Bilyk has indicated today that she thinks some mining companies are actually going to be paying less tax. I would like to know which mining companies want to embrace this great big new mining tax. Can she name them? Can she identify the mining companies in Tasmania or elsewhere that are going to embrace this great big new tax on mining? In fact, we will be the highest taxing country in the world on our mining resources, so how on earth has she come up with that proposition? It seems to be that her understanding and comprehension is similar to that of the federal member for Franklin, Julie Collins, who today at a doorstop was quite embarrassing. Is that right?

Senator Abetz—Very embarrassing.

Senator BARNETT—Yes. I have heard part of that. I have not heard all of it. It has been reported to me that she said again and again that she is still consulting, but she could not explain how the tax works and what level it is. She indicated that consultations were continuing. The fact is that Labor are in complete disarray with respect to this tax, whether it be the Prime Minister, his gang of four, the ministers or the backbench. What we do know is that uncertainty now prevails. Frankly, this tax is wicked. It is an iniquitous tax. The government’s assumption that the increase in tax on smoking is going to decrease smoking but the increased tax on mining is going to increase investment in mining is simply dumb, illogical, irrational and does not make sense.

I want to refer in particular to the KPMG report that has been released recently. Yes, it was funded by the Minerals Council. I say to them: congratulations—well done. It is a very thoughtful report. It says new projects relating to copper, gold and nickel will be economically unviable compared to and relative to the current tax regime. The fact is that it is going to hurt Tasmania big time. Gold, copper and nickel are particularly prevalent in Tasmania. Mining companies on the north-west coast are particularly concerned as a result of that. That report confirms that they will be unviable. This is a tax that is particularly bad for Tasmania. It is bad for the other states, of course, such as Western Australia, Queensland, New South Wales, South Australia et cetera—the mainland states—but for Tasmania this is particularly serious and the consequences need to be fully investigated.

I am very proud of the fact that Grange Resources have come today and represented their views to both the government and the opposition. They have pressed their case and I say congratulations. Well done on doing that. Last week we heard that they had put on hold $75 million of investment in their magnetite operation on the north-west coast. They employ over 600 people in Tasmania.
They are the biggest mining company in Tasmania and they are pressing their case in Canberra today. I am not hopeful for a positive outcome but they are pressing their case and the fact is that jobs are on the line. Wayne Bould and Russell Clark have been doing a good job. I see Wayne Bould is in the gallery today, representing his company and those 600-plus workers. What I do know is that they spend $52.3 million in wages every year. I know that they put nearly $200 million directly into the Tasmanian economy every year. The fact is that this company is threatened by this tax. They oppose this tax and on behalf of the Tasmanian Liberal Senate team and on behalf of Gary Carpenter, the federal Liberal candidate for Braddon, Eric Hutchinson, Steve Titmus and Jane Howlett, I say we are as one in opposition to this tax. We will fight tooth and nail. We will go up hill and down dale. We will leave no stone unturned to ensure that this tax is axed. It is a wicked, iniquitous tax. The fact is that this company deserves a fair go and we want them to invest and to employ more people. They are vertically integrated. They have a 14-year life at least. They have been there for 42 years already. They are a great company doing good things. I rest my case.

Question agreed to.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Winchelsea Roundabout

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned shows:

There is a very urgent need for construction of a roundabout (or alternate solution) and pedestrian crossing at the intersection of Princes Highway and Hesse Street, Winchelsea (the “Intersection”). The community holds strong concerns that the Intersection is currently very dangerous for road users and pedestrians alike and is an ‘accident waiting to happen.’ The community is also concerned there is no pedestrian crossing to link the town’s aged care facilities, primary school, post office and hospital with the commercial centre of town.

Your petitioners ask/request that the Senate direct the Federal Government to:

(1) Immediately fund and construct a new roundabout (or alternate solution) and a pedestrian crossing on the Intersection through the Federal Government’s Black Spot Program; and

(2) Ensure there is full community consultation in relation to such funding and construction such that all local issues are addressed.

by Senator Ronaldson (from 376 citizens)

Petition received.

COMMITTEES

Selection of Bills Committee

Report

Senator O’BRIEN (Tasmania) (3.28 pm)—I present the eighth report of 2010 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator O’BRIEN—I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2010

1. The committee met in private session on Tuesday, 15 June 2010 at 4.28 pm.

2. The committee resolved to recommend—

That—

(a) the provisions of the Excise Tariff Amendment (Aviation Fuel) Bill 2010 and the Customs Tariff Amendment (Aviation Fuel) Bill 2010 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 22 June 2010 (see appendix 1 for a statement of reasons for referral); and
(b) the provisions of the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 26 August 2010 (see appendix 2 for a statement of reasons for referral).

3. The committee resolved to recommend—

That the following bills not be referred to committees:

- Fisheries Legislation Amendment Bill (No. 2) 2010
- Paid Parental Leave (Consequential Amendments) Bill 2010.

The committee recommends accordingly.

4. The committee considered the following bills and, noting that they had been referred to committees pursuant to the order of the Senate of 13 May 2010, resolved to make no recommendation:

- Autonomous Sanctions Bill 2010
- Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Bill 2010
- Competition and Consumer Legislation Amendment Bill 2010
- Corporations Amendment (Corporate Reporting Reform) Bill 2010
- Corporations Amendment (Sons of Gwalia) Bill 2010
- Crimes Amendment (Royal Flying Doctor Service) Bill 2010
- Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010
- Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010
- Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010
- Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010
- Export Market Development Grants Amendment Bill 2010
- Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010
- Farm Household Support Amendment (Ancillary Benefits) Bill 2010
- Financial Sector Legislation Amendment (Prudential Refinements and Other Measures) Bill 2010
- Human Rights (Parliamentary Scrutiny) Bill 2010
- Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010
- Migration Amendment (Visa Capping) Bill 2010
- Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010
- Primary Industries (Excise) Levies Amendment 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

5. The committee deferred consideration of the Commonwealth Commissioner for Children and Young People Bill 2010 to its next meeting.

(Kerry O’Brien)
Chair
16 June 2010

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:
Excise Tariff Amendment (Aviation Fuel) Bill 2010
Customs Tariff Amendment (Aviation Fuel Bill 2010)

Reasons for referral/principal issues for consideration:
Industry concern

Possible submissions or evidence from:
REX Airlines
Regional Aviation Association of Australia
Aerial Agricultural Association of Australia

Committee to which bill is to be referred:
Rural and Regional Affairs and Transport Legislation Committee

Possible hearing date(s):
18 June 2010

Possible reporting date:
22 June 2010

Stephen Parry
Whip/Selection of Bills Committee member

LEAVE OF ABSENCE

Senator O’BRIEN (Tasmania) (3.29 pm)—by leave—I move:

That leave of absence be granted to Senator Faulkner on 17 June 2010, on account of parliamentary business.

Question agreed to.

Senator O’BRIEN (Tasmania) (3.29 pm)—by leave—I move:

That leave of absence be granted to Senator Xenophon for 16 June and 17 June 2010, for health reasons.

Question agreed to.

NOTICES

Presentation

Senators Xenophon and Bob Brown to move on the next day of sitting:

That the Senate—

(a) notes that basic food products, including pasta, coriander, fruit jams, instant coffee and fresh meat, none of which have any link to national security, have been banned under Israel’s blockade on Gaza; and

(b) expresses its concern for the social, humanitarian and economic impact of Israel’s blockade on Gaza.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) Australia needs to reverse its current trend of increasing carbon emissions if it is to contribute to efforts to reduce the risks of climate change,

(ii) a significant proportion of Australia’s energy use is represented by energy waste, with estimates by researchers suggesting that cost-effective (i.e. budget neutral) opportunities exist to reduce energy use in residential and commercial processes.

CHAMBER
commercial buildings by 30 to 35 per cent, and

(iii) energy costs are increasing and will continue to do so, placing a growing burden on industry and households; and

(b) resolves to:

(i) work multilaterally with industry, the community, the Government and all opposition parties to ensure that reducing energy waste is considered as a policy opportunity commensurate with its potential for environmental and economic benefit,

(ii) publicise the findings of the Prime Minister’s Energy Efficiency Task Group and support action for far-reaching recommendations to create a step change in energy efficiency implementation at the earliest opportunity, and

(iii) work with the Australian Alliance to Save Energy to ensure that Members of Parliament are well informed on the opportunity that energy efficiency presents to improve Australia’s economic competitiveness and the large contribution that it can make to reducing greenhouse emissions.

Senator Back to move on the next day of sitting:

That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 August 2010:

(a) the implications to the Australian horse industry of committing to an Emergency Animal Disease Response Agreement (EADRA);

(b) the options for equitable contributions by horse owners to a levy scheme to meet their obligations under an EADRA in the event of an emergency animal disease outbreak in horses;

(c) the criteria by which the cost burden of a levy would be shared between Commonwealth, state and territory governments, horse industry groups and owners;

(d) quarantine and biosecurity threats to Australia’s horse industry; and

(e) any other related matters.

Senator Abetz to move on the next day of sitting:

That the Senate notes the Prime Minister’s continued unprincipled attacks upon the Senate.

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett) for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 23 June 2010.

Business of the Senate notice of motion no. 3 standing in the name of Senator Xenophon for today, proposing the disallowance of new regulations 4.67C and 4.67E in item [2] of Schedule 1 to the Aviation Transport Security Amendment Regulations 2010 (No. 1), postponed till 22 June 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 23 June 2010.

General business notice of motion no. 819 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to Australian combat troops in Afghanistan, postponed till 21 June 2010.

Committees

Finance and Public Administration Legislation Committee

Reference

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.30 pm)—I move:

That, upon its introduction, the Preventing the Misuse of Government Advertising Bill 2010 be

Senator O’BRIEN (Tasmania) (3.30 pm)—by leave—The government opposes this motion. We recognise that Senator Brown has the support of the opposition and therefore has a majority. We will not be calling a division.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.31 pm)—I seek leave to make a statement.

The DEPUTY PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—The government is seeking to prevent this bill going to the Finance and Public Administration Legislation Committee.

Senator O’Brien—No, we are not. I was just recording the vote instead of having a division.

Senator Parry interjecting—

Senator Ludwig interjecting—

The DEPUTY PRESIDENT—Order! We will not have the chatter across the chamber. Senator Brown has the call.

Senator BOB BROWN—I am quite happy for there not to be a division, but my hearing was, and I will stand corrected, that the government did not support this motion. I am commenting on the government’s lack of support for a bill to be referred to a committee—very unusual behaviour. There is a very short time line, but the bill ought to go to a committee for a look. I have made it clear that I will be moving to suspend standing orders to have this bill debated in the Senate next week. The bill is about the misuse of government funds being prevented when the government moves to allocate millions of dollars of taxpayers’ money for advertising. I might say that I would have thought it is a bill that would have had government support, because just a couple of years ago Senator Wong, for example, was advocating almost exactly what this Greens bill would do—that is, have the Auditor-General watch over government advertising to make sure it is in the public interest. I am sure that we are going to hear from the government a better explanation than we have had today as to why it would oppose this bill being looked at by the committee, but I do not think it is good form.

Question agreed to.

Finance and Public Administration References Committee

Extension of Time

Senator PARRY (Tasmania) (3.33 pm)—At the request of Senator Ryan, I move:

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.

Question agreed to.

Rural and Regional Affairs and Transport References Committee

Reporting Date

PARRY (Tasmania) (3.33 pm)—At the request of Senator Nash, I move:

That the report of the Rural and Regional Affairs and Transport References Committee on import restrictions on beef be presented by 22 June 2010.

Question agreed to.

Environment, Communications and the Arts References Committee

Extension of Time

PARRY (Tasmania) (3.33 pm)—At the request of Senator Fisher, I move:

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.

Question agreed to.
Finance and Public Administration
References Committee

Reference

Senator FIELDING (Victoria—Leader of the Family First Party) (3.34 pm)—I move:

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 reform advertising campaign is an outrageous abuse of taxpayers’ dollars;
(b) whether the Rudd Government should be allowed to spend millions of dollars in advertising a new tax that has not been approved 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 Campaigns by Australian Government Departments and Agencies; and
(d) what further provisions are necessary to strengthen the controls on government advertising to prevent taxpayers’ dollars being used for electioneering purposes in the future.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.34 pm)—by leave—Mr Deputy President, I ask that the Greens support for that motion be recorded.

Finance and Public Administration
Legislation Committee

Meeting

Senator PARRY (Tasmania) (3.35 pm)—At the request of Senator Abetz, I move:

(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.

Question agreed to.

Public Accounts and Audit Committee

Meeting

O’BRIEN (Tasmania) (3.35 pm)—At the request of Senator Lundy, I move:

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’.

Question agreed to.

PREVENTING THE MISUSE OF GOVERNMENT ADVERTISING BILL 2010

First Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.36 pm)—I move:

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.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.36 pm)—I present the Preventing the Misuse of Government Advertising Bill 2010 and move:

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

Question agreed to.

Bill read a first time.
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.36 pm)—I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Preventing the Misuse of Government Advertising Bill 2010 will address the growing public concern around government expenditure on advertising campaigns which have electoral or party political content. History shows that the use of millions of dollars of taxpayer funds for advertising campaigns which are clearly political in nature has been adopted practice of governments of both political persuasions. This Bill will ensure that governments in the future will be constrained by legislation to comply with an accountability framework when seeking to deliver advertising campaigns in excess of $250,000.

Criticism of the use of government advertising for allegedly political purposes goes back to at least as far as the early 1990s. In her 2004 book The Persuaders: Inside the Hidden Machine of Political Advertising Dr Sally Young notes that in 1993, the Coalition attacked the Keating government’s $3.5 million Medicare advertising campaign as ‘blatant electioneering’ and ‘ALP propaganda’. It is well documented that there is a ‘spike’ in government advertising in the pre-election period. A report from the National Audit Office in 1998 noted that pre-election ‘spikes’ in government campaign advertising expenditure before the 1990, 1993, 1996 and 1998 federal elections.

In 1998 the Auditor-General developed advertising guidelines in the wake of widespread criticism of the Howard government’s tax advertising campaign which was screened just before the federal election campaign. The Howard government ignored those guidelines for a decade and continued the practice of using public funds for government advertising campaigns which were generally agreed to contain party political content. The Rudd government came to power after the 2007 federal election with a strong commitment to address this ‘long term cancer on our democracy’. However, the recent controversy over the government’s decision to spend $38.5 million on an advertising campaign to explain the new mining tax proposal highlights the need to address this important issue in legislation.

The Bill establishes a framework for accountability of expenditure on government information and advertising campaigns. It sets out a process for all campaigns with a budget in excess of $250,000, which provides for comprehensive and continuous review of these campaigns by the Auditor-General, and a full transparency and reporting mechanism by the relevant Minister and the Auditor-General to allow scrutiny of the parliament.

The Auditor-General will assess and review the information and advertising campaign against the Guidelines set out in the Schedule of the Bill. The Schedule outlines the principles and guidelines to govern the expenditure, material, implementation and delivery of campaigns. The Guidelines are based on those issues by the Department of Finance and Deregulation in July 2008 and incorporate key recommendations made by the Auditor-General in the review of the guidelines conducted this year.

The Guidelines set out provisions for the development of material to meet specific objectives including the requirement for material to be relevant to government responsibilities; to be presented in an objective, fair and accessible manner; to be produced and distributed in an efficient, effective and relevant manner, with due regard to accountability; to comply with legal requirement and that material must not be directed at promoting party political interests.

Most importantly, the Bill ensures that only information and advertising campaigns related to national emergencies can be exempted from the accountability process. In that case, the Minister can seek an exemption for compliance with the guidelines from the Cabinet Secretary to undertake an advertising campaign. However, there is a provision that the exemption expires when the national emergency ends and that, as soon as practicable after the exemption is granted, the
Minister must seek a review of the campaign by the Auditor-General.

This provision removes all room for subjective interpretation and political expediency in the exercise of exemptions from compliance. The current guidelines which allow exemptions on the basis of ‘a national emergency, extreme urgency or other compelling reason’ allows broad interpretation which demonstrably results in campaign which breach the clear and stated intention. This Bill closes that loophole.

Further it provides a legislated process for the revision of the guidelines governing government advertising campaigns. Previously, government has been at liberty to ignore the guidelines or to adapt and change them at their will. Under this Bill the guidelines can only be revised by regulations following a process of public consultation. This makes sure that the revision process and the changes themselves are subject to public and parliamentary input and approval.

The Bill places the Auditor-General in a key position to assess, review and report on each advertising campaign over $250,000 to ensure it complies with the guidelines. The Auditor-General will provide reports to the Minister and to the parliament on each campaign and while the Minister retains ultimate responsibility for the approval or rejection of a campaign, the transparency of the process will ensure that the Australian public are fully informed of review and decision-making processes.

The Bill removes the temptation for governments of all persuasions to bend the rules to meet their immediate political needs. It is time that the public interest is given priority on this important issue. This Bill enshrines a framework for accountability of government expenditure on information and advertising campaigns so that they are no longer subject to the whims and vagaries of politics.

I commend this Bill to the Senate.

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

Leave granted; debate adjourned.
COMMITTEES

Community Affairs References Committee

Extension of Time

Senator SIEWERT (Western Australia) (3.39 pm)—I move:

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.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator PARRY (Tasmania) (3.40 pm)—At the request of Senator Scullion, I move:


I understand Senator Fielding may be moving an amendment.

Senator Fielding—Can I foreshadow an amendment? It is just to do with a date.

Senator PARRY—by leave—If I may just explain that Senator Crossin has agreed and I understand the government agrees with the amendment that Senator Fielding will be proposing that the date of report, instead of being tomorrow at 10 am, be Monday at 10 am. I understand there has been general agreement to that effect, and Senator Fielding will move an amendment to this motion.

Senator Fielding—you move an amendment?

Senator PARRY—by leave—Just very quickly, the brief background to this is that the motion originally had the report being tabled tomorrow. That clearly is just not enough time for the committee to get that done. After speaking to a number of people, I feel as if the report could be produced by Tuesday next week. My discussions then were with both the government and opposition. Monday seems to be the date that seems to be okay, so I am happy for those formal discussions to be formalised later on when this comes back. That gives you an idea of what was happening.

The DEPUTY PRESIDENT—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—I move:


The DEPUTY PRESIDENT—The question now is that the amendment be agreed to.

Senator O’BRIEN (Tasmania) (3.41 pm)—by leave—I apologise if there has indeed been an agreement to amend the motion. I am not aware of that. My current instructions are not to support the motion. It would be useful if there was a delay in this process to allow me to refresh those instructions, if indeed they need to be refreshed. I ask that this matter be postponed to a later hour of the day.

Senator FIELDING (Victoria—Leader of the Family First Party) (Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?

Senator FIELDING (Victoria—Leader of the Family First Party) (3.41 pm)—by leave—Is it agreed that it be postponed to a later hour?
(ii) if the recommendations contained within the report are unfavourable this 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 BOB BROWN (Tasmania—Leader of the Australian Greens) (3.44 pm)—by leave—Mr Deputy President, it would be helpful if Senator Colbeck could indicate if Senator Xenophon, who is not here, is happy with that amendment.

Senator COLBECK (Tasmania) (3.44 pm)—by leave—Senator Xenophon and I have discussed this matter and we have agreed on it, as I think it has been agreed with the government.

Question agreed to.
Senate and the legislative agenda that we are seeking to progress. It is with regret that I recognise that a number in the chamber do not support additional hours for the government business this week. I will recap what happens when we get to the end of the winter session. It is not unusual, and it was usual during that time when we were in opposition, for the government of the day to ask for additional hours for late Thursday or late Tuesday of the first week and usually but not always Friday as well of the first week. But it was always usual for the government of the day, when I was in opposition and Manager of Opposition Business, to ask for additional hours in the second week on the Tuesday, additional hours on the Thursday night and Friday and effectively what I would call a ‘job and finish’, a list of bills that were outstanding and needed to be progressed through the Senate prior to the Senate adjourning for the winter break. The opposition would scrutinise those bills, ensure that they were necessary for the end of the session and consent to the additional hours to allow everyone to participate in the debates, to allow senators to argue their cases about the particular legislation. That is really a Senate agreement, because of course the minor parties and Independents would agree that we needed to finalise the legislative agenda.

What we have seen in the last year and perhaps a little bit longer is an opposition and minor parties and Independents not willing to agree to additional hours in the last two weeks to allow the legislative agenda of the government of the day to proceed. There are a range of reasons that have been put forward. They hang their hat specifically on one main issue: they complain that the government did not add enough weeks to the sitting period. They bring out statistics and a range of information to demonstrate that fact. If we put that to the side for a moment, even with additional weeks it is still not unusual for the government of the day to ask for additional hours to allow the legislative program to be finalised in the last fortnight. Why? Because even over the last 10 years there have been uneven numbers of weeks and they have been interrupted on occasion by elections, which also means fewer weeks than in other years. So the opposition and the minor parties—if I am wrong about the minor parties I am sure they will correct me—complain that there are not additional weeks and argue for additional weeks. The point I am making is that, to finalise the bills prior to the winter session, it is not unusual for us to agree on a rough list of those bills which the government claims and argues are urgent and it is usually settled, sometimes with a little less than we might sometimes claim.

Despite the opposition rejection of additional sittings, and I will come to that, it is useful to acknowledge that the Senate has traditionally, as I have said, sat extended hours and on Fridays. And the opposition is not prepared, as far as I can see, to allow for additional hours this week in similar circumstances. It is disappointing for a government that has an important legislative agenda to progress. The opposition is using government business time. It seems when you analyse the figures that they are using government business time for their own business—in other words, for those matters which concern them. They want to discuss bills that go nowhere. They want to take up government business time discussing issues that do not progress the government’s legislative agenda. It is government business time and should be utilised for that purpose.

No doubt the opposition will say that they are refusing additional hours on the basis that, as I have indicated, the government has not allowed sufficient Senate sitting days. I disagree with this. This government allocated sitting days on the expectation that the Senate would allocate the standard amount of
time for government business, but this is not occurring either. In the autumn sittings we have had a record low proportion of Senate time on government business—just 38 per cent of Senate time was given to government business as against a standard of around 50 per cent. So, even with the available time, those opposite and those on the crossbenches are ensuring that the available government business time has been reduced from 50 to 38 per cent. So my complaint is not only founded on the available time for government business but that you are chewing that down to ensure that we do not even get the available time to progress government legislation.

The complaint about the additional week then falls on a hollow vessel when you look at that statistic, because even with an additional week or weeks, if you continue to depress the number of hours that we have available for government business, you still do not progress government business. You are still caught with not being able to progress the government’s legislative agenda. You will still get a request for additional hours to ensure that we have available time to debate government bills. I took the opportunity of providing a graph for the Senate. I know it is unparliamentary, but it does highlight the problem.

**Senator Fifield**—It’s very Kevin-like.

**Senator Ludwig**—I think Mr Hockey has also used charts, so I would be very careful about that. The blue on the chart shows government business time. What we have is significantly less government business time available. I table the chart and circulate it to other members so they can see the issues that I raise. I know the opposition will, of course, cobble together a range of figures to support their case, but it is usual practice to ensure that the government’s legislative agenda is finalised. They have been successful, in part, in delaying and blocking the legislative agenda of this government—notably the CPRS legislation. They have also blocked the preventative health agency and the transformation of the NBN. Both were not supported by those opposite. All of that takes up legislative time. Granted, you do not have to support it—

**Senator Fifield**—There should be extra time now because you’ve abandoned the ETS.

**Senator Ludwig**—So you are still supporting it? It is good to hear the opposition is still supporting it. It would come as a shock to us on this side if you were saying that you support it.

*Honourable senators interjecting—*

**The Deputy President**—Order! Enough banter, thank you.

**Senator Ludwig**—I simply ask for what is usual practice in this place to be continued with to ensure that the government’s legislative agenda gets dealt with in the remaining fortnight before the winter break. It is not an unreasonable request, and it is a request that this government, when in opposition, sat down and reasonably accepted from the government of the day to ensure that their legislative program was dealt with—not voted for or against but allowed to be dealt with so that votes could be taken and positions put. What the opposition are now doing is frustrating the Senate in the tactics that they are using to ensure bills are not debated, their positions remain unknown and the Senate does not have the opportunity to express views in relation to bills.

**Senator Fielding** (Victoria—Leader of the Family First Party) (3.56 pm)—How dare the government say that the Senate is not helping them get on with their business.
How dare the government say that the Senate is the problem. Clearly the Rudd government is the problem. They cannot even manage to get the number of sitting days this year right. I have here a chart. It shows a 37 per cent drop in the number of sitting days compared to 1999 levels. No wonder the government cannot get their stuff through; they have not set the right number of sitting days and weeks for this year. They are running this place as if it is policy on the run. The fact remains that there has been a 37 per cent drop in the number of sitting days since 1999, so before Mr Albanese in the other place gets on his high horse to whinge about the Senate he needs to get his facts right about making sure that business is managed according to the number of days set.

I made this point last year when you set the number of sitting days. You knew you were going to be short. It is just wrong the way that you come in here at the last minute and try to manage this place on the run. There is no way we can allow you to continue to do this. It is wrong and we will not be supporting it. I seek leave to incorporate a chart in *Hansard*.

Leave granted.

*The chart read as follows—*
number of sitting days. They did not do that in 2008 for the 2009 sitting schedule when we requested it be done. They again did not do it in 2009 for this sitting schedule. We have criticised the low number of weeks. The government do not like the scrutiny of the chamber, so they thought that they would be able to sneak through the provision of extending hours when they got bogged down with legislation. We have said that we are not going to do that. We are not going to support that; otherwise, we would continually see a decline in sitting weeks and legislation by exhaustion, not legislation by thorough analysis.

Let me come to a thorough analysis. Mr Albanese was on Lateline last night, and he has criticised the Senate for scrutinising legislation too much. I would like Mr Albanese to go back to some sort of politics 101 and understand the value of the Senate in scrutinising legislation. That is our role; that is what we do. The House of Representatives does not have that role as much as we do. We scrutinise legislation and we do it for a great purpose. I also dispel the myth that Senator Ludwig and the government have created that it is the coalition that actually controls the Senate. That is not true. All we need to do is to analyse the numbers to realise that we do not have a majority; we do not even equal the votes. We have one less than a majority so, if we want to move anything, we require the support—as do the crossbenchers—of each other. The majority of the chamber, not just the coalition, has decided that we are not going to play the games that the government wish to play—that is, reducing the number of productive weeks in this place and reducing the scrutiny of the government by allowing, at some point in time, additional hours and, as I said, legislation by exhaustion.

I also go to Senator Ludwig’s comment that 38 per cent of the Senate’s time has been taken up with government business. That is correct. But what Senator Ludwig conveniently left out in that 38 per cent is that that is purely for legislation. The other matters that take up the Senate’s time, to which the government members contribute—and in fact on many occasions have contributed more than any other group in this chamber—are things like ministerial statements, which are purely for ministers; taking note of answers, where the Labor Party and the crossbenchers contribute to half that time; the general conduct of business on a Thursday afternoon for anywhere between two and three hours, where the opposition of the day actually has the opportunity to raise matters—it is our exclusive time; committee reports, where Labor primarily introduce the committee reports and there is a response—again, from Labor senators as well as senators from around the chamber; matters of public interest, where Labor senators get more of the share of the chamber than any other group; and government responses to documents and reports. Again, the Labor Party generally speak on those as well. Standing orders provide for the format of the running of the chamber. We do not dictate when government business will be dealt with. We just follow the provisions of the standing orders that have been in place for many, many years prior to this government being in office.

I suggest to the government that one of the reasons why they are not getting some of their business through—in particular, legislation—is that they have a range of speakers. I can point to many examples where, on several occasions, government speakers outnumbered the coalition and the crossbenchers, taking up their own legislation time. There have been many occasions on which matters have been taken up in the chamber concerning hours or other procedural matters where we have spoken for less time than the government speakers, and
some of the issues have been on the amount of time that they appear not to have in the chamber.

I also indicate that, on the legislative front, the opposition has not yet been given proof—which we have asked for—of what the matter is that is urgent and needs to be considered, requiring additional powers of the Senate. Mr Albanese has indicated that we are frustrating his program. That is not correct. This week alone, we are about to pass 17 pieces of legislation. That is not counting the pieces of legislation that have already gone through this week. Tomorrow we will be passing 17 pieces of legislation in what is called non-controversial time. Not only will we be doing that tomorrow but, for the first time that I can ever recall, the Senate will be commencing government business tomorrow with non-controversial legislation. It will not be dealing with other legislation because there is nothing else that is urgent. We are commencing on the non-controversial legislation. Those 17 bills are deemed to be important enough to be the ones that we commence the process with, and we will complete those on the basis that we are cooperating with the government in relation to legislation—in particular some budget measures that the government wishes to process through this place before what may possibly be the last two sitting weeks of this parliament.

I also indicate that the government have deferred five pieces of legislation that were on the list for this week. There are also two additional pieces of legislation that the government might have in the non-controversial selection. We are still determining whether or not they are non-controversial. But it goes to the point: the heart of the matter is that there is no other legislation that is deemed urgent enough for us to sit longer hours or to sit beyond these two sitting weeks. Senator Ludwig has just had 10 minutes to clearly demonstrate that there is any urgent legislation other than what is in the non-controversial legislation tomorrow, which we have agreed to pass through the Senate by the end of this week, but he did not do that. I think Senator Ludwig is crying tears and he is probably just pursuing the facade that the lower house is trying to—

**Senator Colbeck**—They could be crocodile tears.

**Senator PARRY**—Crocodile tears, yes; thank you for that interjection. Senator Ludwig is simply just adopting the rhetoric of the lower house that we have no other excuse for failed policy other than, ‘Let’s blame the Senate,’ because the Senate seems to have this dark art of dealing with legislation that gets convoluted at times and it is very easy, from the House of Representatives perspective, to spin, ‘It’s not our fault; it’s the Senate’s fault.’ We are not going to wear that anymore at all.

I conclude my remarks by placing clearly on the record once again how cooperative this opposition has been with this government. I do not know why because we always get criticised about cooperation. In 2008 we gave up an extra 83 hours and, to be precise, 54 minutes to government business from our time and in 2009 we gave up 108 hours and 45 minutes of our time. We voluntarily gave this time to the government of the day. Senator Ludwig is indicating that there are fewer sitting weeks, so he believes that we should be giving more time. We have given more time than any opposition in the history of this Commonwealth to a government of the day, and the government of the day has responded by having fewer sitting weeks. I do not understand why the government is not standing up and saying: ‘We should be so thankful to have an opposition that is so considerate of government business time that they’ve given up their own time when they
could have been debating issues of their own desire.’

I indicate, through you, Madam Acting Deputy President, to the government, to Senator Ludwig and to the Prime Minister that we are not going to do this any longer. We have allowed you to abuse the process, to abuse our generosity and we cannot do this anymore. We have given the government the equivalent of 4.6 sitting weeks for business in those hours that I indicated. They have squandered their time. They have not run the program effectively.

Now they get to the dying stages of this parliament and indicate that they want more sitting hours simply as a show of brinkmanship or as a show to the public. ‘Gosh, we’ve failed on some of our legislative policies. Our legislative agenda is in disarray. Let’s blame the Senate; let’s blame the opposition in the Senate.’ We will not have it. The record is now corrected. This government will not get additional hours; this government need to legislate properly through additional sitting weeks and also to manage their legislation program and not constantly withdraw or change their agenda because they do not have support or because they do not know how to manage the place. They certainly cannot organise their legislative agenda.

Senator SIEWERT (Western Australia) (4.07 pm)—Perhaps I should start by reminding this place that the Greens moved a motion some time ago to extend the sitting of the Senate by four weeks. The government did not support it but, strangely enough, the opposition also did not support it. So while they are talking about lack of time, quite rightly, and criticising the government’s management of the legislative agenda, we Greens did provide the opposition with an opportunity to support an extension of sitting hours so that we could deal appropriately with the legislation.

I find it amazing that criticisms are being made of the Senate blocking legislation when, firstly, the government had an opportunity to extend sitting weeks but, secondly, there has been no attempt to have a leaders and whips meeting this fortnight. We always have a leaders and whips meeting at the beginning of the sitting fortnight before we break for the long winter break and for the summer break because we all know that there is going to be an extensive program of bills.

It happened under the previous government; it has happened under this government. We get a backlog of bills and there is a push to get them through the Senate chamber before we rise. Why hasn’t there been a leaders and whips meeting where all the parties’ leaders and the whips, as the name of the meeting suggests, talk about the legislative agenda, what the government priorities are, how long we expect the debate to last and what bills the government wants to get through urgently et cetera? We have not had that meeting, so we come into this place, we are told the government has a whole list of priorities, yet there is no discussion, as we usually have at the beginning of such sittings, to work out how we could make this place work a little better.

Having said that, I actually question how any senator who comes to Canberra for these two sitting weeks and does not expect to be sitting Fridays looks at the Senate agenda. We always sit on Fridays in the last two sitting weeks before the winter break and before the summer break because we know that there are a stack of bills that we need to deal with. That happened under the previous government as well. I will get on to the government not managing their legislative agenda in a minute but we always do sit at least those two days and long hours and we definitely did it under the previous government.
So what is different this time? What is different is that we have an even bigger stack of bills than we usually have because we have had so few sitting weeks to enable us to discuss the bills. It is disingenuous, as Senator Parry has pointed out, to say there is only a certain percentage of Senate time that has been spent on government business—that is, on legislation. We do spend other time on government business, but this place also deals with a range of other issues that are important to this country and we have quite rightly been dealing with those issues as well.

The Greens, as I said, proposed that we should sit for more weeks. We came here expecting that we would be sitting Fridays. I do not pack my bags to come here all the way from Western Australia knowing we have a full week without thinking that we are going to be sitting on the Fridays of these two sitting weeks. However, the government should have timetabled more sitting weeks for the Senate. They knew very well what bills they had. If they did not, they should have and that implies mismanagement of the legislative agenda. They knew what we would be dealing with. They knew what they would be dealing with.

They want to treat this place as a sausage factory when they used to rail for hours against the now opposition when they were in government about treating this place as a sausage factory. Now they are doing the same thing. They are trying to treat this place like a sausage factory by banking up the bills. There is a list a mile long of bills and we are supposed to be just ticking them off and pushing them through. Do they think that with things like welfare quarantining we may just close our eyes and it will go through without our full attention? There are a range of bills on the legislative agenda this week that we demand that we have time to talk about. We are not going to just tick and flick.

We need an appropriate time in this place to deal properly with the legislative agenda. As I said, the Greens came to this place expecting that we would be sitting longer this week. We prefer to sit on Fridays but we have not seen a reflection of our goodwill from the government because the government did not even see fit to come and talk to us about extended hours. We kept expecting them to, but there was no phone call to say, ‘What do you think about sitting longer hours?’ We heard the opposition got a phone call. We heard Senator Fielding got a phone call. Senator Joyce did not get a phone call apparently—maybe it is this end of the chamber.

Senator McGauran—Have you got the Greens number?

Senator SIEWERT—Apparently not, Senator McGauran. It goes back to management of this place.

Senator Ludwig interjecting—

Senator SIEWERT—I did check with Emma and we did not.

Senator Parry—who’s Emma?

Senator SIEWERT—Our whip’s clerk. When I heard the rumour yesterday about extended hours, I checked whether we had had a phone call and we have not. Subsequently, apparently, we got a phone call. However, given that we came expecting that we would need to sit some extra hours—the preference is for sitting Friday so that we are not brain dead from sitting here into the late evenings, as has happened in the past—the Greens are willing to support this motion. We do, this time, concede that we do need to spend some extra hours on the legislative agenda, and we are willing in this instance to agree to sit this Friday. So we will be supporting the motion, because we are trying to
show some goodwill to try to move the legislative agenda along, but it would be handy for us to be consulted through a leaders and whips process so that we can talk about the legislative agenda, set some priorities, do some estimates of how long it will take to discuss the legislation and have a more orderly approach. So, as I said, the Greens indicate that we will in this instance be supporting this particular motion.

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

The Senate divided. [4.19 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 32
Noes.......... 33
Majority....... 1

AYES
Arbib, M.V.  Bilyk, C.L.
Bishop, T.M.  Brown, B.J.
Brown, C.L.  Cameron, D.N.
Collins, J.  Conroy, S.M.
Crossin, P.M.  Farrell, D.E.
Feeney, D.  Forshaw, M.G.
Furner, M.L.  Hanson-Young, S.C.
Hogg, J.J.  Hurley, A.
Hutchins, S.P.  Ludlam, S.
Ludwig, J.W.  Lundy, K.A.
Marshall, G.  McEwen, A. *
McLucas, J.E.  Moore, C.
O’Brien, K.W.K.  Polley, H.
Pratt, L.C.  Sherry, N.J.
Siewert, R.  Stephens, U.
Sterle, G.  Wortley, D.

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

PAIRS
Carr, K.J.  Abetz, E.
Evans, C.V.  Brandis, G.H.
Faulkner, J.P.  Barnett, G.
Milne, C.  Trood, R.B.
Wong, P.  Back, C.J.

* denotes teller

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Budget

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

The impact of the Government's ill-considered super tax on small quarries and on the cost of living.

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

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

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

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (4.23 pm)—The Prime Minister’s latest incarnation of the nationalisation of the mining industry has to be seen to be believed. Australia is going down a path and who knows where it is go-
ing to finish. But just on one issue, the issue of quarrying and the impacts that this tax will have on it, it seems that Mr Rudd, Mr Swan, Mr Tanner and Ms Gillard are oblivious to the effect that this is going to have on that sector of the economy.

There are approximately 2,200 quarries operating across the country. They are excavating about 130 million tonnes of stone, limestone, gypsum, gravel and sand. These are used in such things as construction, and 18,000 people work in this industry. We have about half a million people working in the mining industry itself, and the Labor government seems to be oblivious to the fate of working families, to the prosperity of this nation and to where this tax goes.

The economics of Australia are so heavily reliant on our export of minerals that the reality is that if we do not have those boats parked off our west coast collecting the red rocks and the boats parked off our east coast collecting the black rocks then our nation would be in such dire financial circumstances that it would be beyond belief. We fool ourselves if we think that we are the sort of manufacturing powerhouse that Japan or the United States are; or the sort of financial centre that London is. We are a nation that has as the cornerstone of its prosperity our mining resources, and we are lucky that we are blessed that it is in situ—in the ground in Australia. The capacity to live, to act and to have all of the luxuries that so many other nations in the world crave would not be there if we did not have the mining industry. It is absolutely negligent to start putting pressure on an industry where if it topples over the ramifications will come home to everybody. You do not have to love miners or hate them; you just have to understand the basic premise of the economics and how our nation works.

If we drill down to a microform of what the effect of this tax will be, from where I am standing I can look around me and see steel purlins that are holding up this building. Underneath me would be concrete and running those lights is a coal-fired power station somewhere. All these are going to be affected by this tax. Through the process of this debate we have also seen almost the debauchery and prostitution of the Treasury. The sorts of things that the Treasury have been wheeled out to say just do not pass muster; they just do not make sense.

The latest one is where Dr Henry, who has said in the past that I have an oversimplistic view of things, stated that from high school he knows that if you have a tax on profits—even if it is at 40 per cent—it does not affect the motivations and the aggregate size of the economy. Then, when pushed, he said that it would not affect it if it were 60, 70 or 80 per cent. In fact, the only that time he conceded that there might be an effect is if you taxed all the profits. This is very peculiar indeed. Lately, we also had the pie charts. Remember the pie charts that they brought out? They looked awfully like a complete and utter botch.

We asked a question on notice of the Treasury—who are putting their credentials on the line to stand behind this—about where on earth the figures came from that said that in 2008-09 royalties and resources were at 14 per cent and in 2008-09 royalties, resources, taxes and company taxes were at 27 per cent. It is just so blatantly absurd: the figures are bunkum; they just do not pass muster. The answer to the question on notice has come back, and I must say that I am more confused now than when we first asked the question. The answer is just completely absurd. They have constructed and misconstrued the numbers. As poor old Mrs Mrakovcic from the Treasury said, they are not their numbers; they are Wayne Swan’s numbers and the Treasury are putting their imprimatur on
them. Why would they do that? Why would they take themselves down this path?

Going into the numbers that they have supplied, we find that the resource rents from 2007-08 to 2008-09 went from $40.7 billion up to $91.2 billion. That was a remarkable year: it went up by 124 per cent. And do you know what is amazing about it going up by 124 per cent? It did this in the global financial crisis—the greatest crisis that we have had! Remember that they said we had to spend all this money to save us from the crisis? If these figures are correct, why bother? It was a boom year; the place was going ballistic. And if we go back through the figures before that we see a more regimented line of proportions of 47 per cent—that seems like a fair take on their profits; 45.8 per cent—that seems like a fair take on their profits; and 37.5 per cent from resources and company taxes as a portion of their profits. Then we have one year—surprise, surprise—the miraculous year 2008-09 where it just drops down 27 per cent.

So it just neatly fits into this graph—the problem being that they have had to jack up their resource rents by 124 per cent. Where were these mines? Where did they open up? What happened? Did we double the Hunter Valley that year in the middle of this crisis where there was $90 billion worth of discretionary spending by the Labor Party to try and keep us away from the crisis? Everything about the economic management of the Labor Party is implausible and they have sucked the Department of Treasury into the vortex of implausibility. To be honest, it is starting to look like the Treasury department and key figures in there have been sullied and in some instances may have been fatally damaged trying to prop up the insanity of the Labor Party.

We have a big football game on tonight: the Maroons are playing the Blues, and the Maroons are going to win. There are some very interesting blues that we should be concentrating on, but they will not be playing tonight. The very interesting blue that we should be concentrating on is the Gray versus Tanner blue—Gary Gray versus Lindsay Tanner—as they start seeing their seats peel off and disappear. Another interesting blue to have a close look at would be the Hutchins versus Kevin Rudd blue—I reckon that blue would be a ripper. Then we have the Kevin versus ‘every sane man, woman and child’ blue, another blue that would be an interesting one to watch. Then we have the Labor versus ‘any person who looks like they are gaining a profit’ blue, another one we would want to look at. One of the best ones is going to be ‘marginal seats and the probability of survival after the Kevin Rudd epic’ blue—that is going to be the best one.

For some unknown reason you have in your first term managed to completely and utterly debunk the mechanism, the reason and the critique you gave for attaining office—that you were apparently economic conservatives, that you would be a safe set of hands and that we had nothing to worry about. Now we find that one of the key groups that is most concerned about your tax is women. Why? It is because they can see what this is going to do to the economy and the overwhelming sense of uncertainty because you are manipulating and meddling with the financial prosperity that is going to pay for their houses, their children and the welfare of this nation into the future. This has been a disaster under the Labor Party, a disaster that has cost us up to $2 billion a week in extra borrowing.

But this resource tax just takes the cake. How we have come to live in a nation where the government has decided to nationalise the mining industry is beyond comprehension. This will come home—of course it will with a new Labor Party tax—as any person
who can pass the cost on will pass the cost on to the housewife and to the working family. In this case it might be passed on by putting them out of work. With this tax they have gone to the good people of Western Australia and basically relieved them of their wealth. They have basically picked up the wealth of Western Australia and wandered back to Canberra with it. In Queensland they are doing the same thing. They cannot even keep the left wing of their own party onside in Queensland because they see this as a ticket for Kevin’s insanity. This has to stop and it is our duty to stop it.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator Joyce, I remind you that you should call the various people you have named in your contribution by their right names.

Senator JOYCE—The Prime Minister’s complete lack of judgment.

Senator HURLEY (South Australia) (4.33 pm)—As Senator Joyce noted, he has found himself many times at odds with Treasury advice and it seems not to have occurred to him that he might be wrong. I would back the expertise of the economists in Treasury over Senator Joyce any time and it appears that Mr Tony Abbott would too because he has stripped Senator Joyce of any responsibility for finance. But I have come prepared to talk about the resource super profits tax. Senator Joyce apparently did not because he spent most of the time addressing a political take on it—his own political take on it—and not the tax at all. I think that illustrates how little the opposition choose to understand this tax. Whether it is a deliberate omission or simply ignorance I do not know, but let us talk about the resource super profits tax and let us talk about how it will affect smaller miners and quarries. Let us take a look at some facts rather than standing on our soapbox and talking generally about things.

I turn to the profitability of mining companies in the first place and I refer to an excellent couple of articles on the pollytics.com website about an analysis of the profitability of mining companies. The conclusion was that:

Only 51.2% of all mining firms were actually profitable in 2008/9—the lowest of all industry classifications—even though the industry wide aggregate profit margin for mining was the highest for any industry classification in Australia, coming in at a whopping 37.1%, and where the aggregate profit margin for large mining firms was an even larger 46.1%

It goes on to say:

It would be accurate to say here that a majority of firms—and probably a very large majority of firms at that—would actually be better off under the proposed RSPT than the existing regime.

They are facts and the facts are that some mining companies are making a very handy profit indeed, in the order of 46.1 per cent. That is because the price of some ores and commodities has gone up to exceptionally high levels. This is at a time when Australia needs to address the infrastructure deficiencies that were left to us as the legacy of the Howard government, and the government is proposing to do something about that.

We look at the scare campaign which is being conducted by businesses and we find that in Australia there are a large number of commodities in which we hold a substantial share of the world’s resources: over 20 per cent, for example, of silver, cobalt, brown coal and zinc, and over 30 per cent of lead, uranium, zircon, rutile, nickel and tantalum. And we have mining companies saying that they will get up and leave, that they will not invest in Australian resources anymore! As the Pollytics blog says:

When mining companies … say that their investment … will cease … as a result of the RSPT,
they are effectively stating that their firm will not exploit these immobile, finite resources which make up to nearly 40% of the total global supply of these minerals.

That of course is a nonsense. So the question becomes: how do we, for the future, best take advantage of these scarce resources which belong to Australians? What the tax has been carefully designed to do is not disadvantage those smaller companies, the small mines and small quarries, which are not making these superprofits. Where quarries or other mines do make the superprofits, why shouldn’t they be taxed at that rate? Why shouldn’t they contribute more to the future of Australian society?

It has been bandied around quite often that the Henry review said that we should not tax quarries, which is not accurate, as so many of the arguments are not from the opposition and other mining interests. What the Henry review said was:

The resource rent tax should be applied to non-renewable resources other than those expected to generate low rent where the administration and compliance costs are likely to outweigh any gains from a rent-based tax …

That is, the recommendation is that where the administrative costs outweigh the benefits of the tax then it might not be a sensible thing to do. There was no recommendation at all that these resources should not be taxed in line with other resources. This is all part of the negotiation which the government is conducting at the moment and which the government has always said that it would conduct.

Finally, I would like to address the ‘disaster’ that Senator Joyce talked about, this idea that if the bosses of the big mining companies like Gina Rinehart and Andrew Forrest do not continue to receive their income then Australia will be in huge economic trouble. I would like to quote from an article written by Vanessa Cicchini in the Australian late last month. She said:

Lately, barber shop talk has revolved heavily around the tax and my anecdotal surveys have all reaped similar results. People in the western suburbs—

that is, the western suburbs of Perth—

staunchly oppose it. Those with the wrong opinions are infidels.

Here lies my gripe. This small but wealthy section of Perth with its vitriolic hatred of this proposed tax are also the most vocal and are viewed almost unquestionably as the authority on what’s best for the west.

But did they ever get out of their social-business circles to consult with people from other areas, let alone those more socioeconomically challenged? Hell no!

The mining boom has not rocked everyone’s world. Here in WA it has made day-to-day living hideously expensive, with most transactions tantamount to extortion. The social aspect is just as grim. Putting aside the muted phenomena of the “cashed-up bogan”, there really is a huge gap between haves and have-nots.

This is what the Labor government intends to address. The opposition, of course, listen to big business all the time. They listen to those people who have vested interests in making sure that the mountains of cash keep rolling in. But the Labor government wants to make sure that some of that cash reaches other people in the community in the form of improved superannuation payments and also lower company tax to stimulate further productivity improvement in our economy. That is what the Rudd Labor government is all about. The opposition are about kowtowing to their big business mates.

Senator McGAURAN (Victoria) (4.43 pm)—The Senate is debating a matter of public importance. This is a time reserved for serious debate on the issues of the day, and this surely is the issue of the day. But anyone listening in to the previous speaker would
have heard her very lacklustre performance. There was certainly no true belief or heart to put into it—and I have looked at the other speakers to follow her, and it is not going to get much better at all.

**Senator McEwen**—How do you feel about that, Michaelia?

**Senator McGauran**—From the government side, I should add, of course. Falling short of an argument five minutes into her 10 minutes, the previous speaker broke into what Labor have been breaking into for the last month or so when defending this tax: a class war, talking about mountains of cash rolling in and how we are defending the big boys. But you in no way addressed the matter of public importance before the Senate today about small mining industries and small quarries. You conveniently avoided that.

I think you started to quote some figures you got off the internet. From what I could gather, you glanced over, saying that the smaller quarries were getting returns of something like 40 per cent. That is absurd. You say that this tax is not designed to capture those smaller quarries. There happen to be 42 around the Bendigo area alone in Victoria. Are you telling me that this tax is not designed to capture those small quarries and those small companies—in Ballarat and Bendigo alone? That is what you said. What an absurdity. Your idea of supertax—the cash rolling in, as you say—is anything above the risk-free rate, the bond rate, of six per cent. That is your idea of supertax. That is why, after five minutes, you lapsed into the old class war. That is the sum of the defence for introducing this tax.

What an unhappy time the three senators opposite have had in government. What a wasted experience you have had in government. You have spent months defending this tax. Prior to that you spent months defending the pink batts scheme, months defending the emissions trading scheme, another supertax—if you fail in one supertax try and try again—and months defending your budget. You need not worry. It will all be over soon. What an unhappy, miserable time you have had in office while the kitchen cabinet runs this government, and you have no say in it at all.

Whatever trust the Australian people put in electing the Rudd government has been crushed in just one term alone. Nothing cemented the disappointment more than the introduction of this tax. It epitomises and brings to its very point that disappointment and the incompetence and deceit that surround the government. The government brought in this tax without consulting with their own party let alone with the industry. It has no detail and no design at all. There is no understanding of the cascading effects of the tax. What is more, it is a policy cooked up just to cover over a short-term problem that they have in their budget. In no way did the previous government speaker—I expect no more from government speakers that will follow—address the core issue.

It is worth reading out the core issue of this matter of public importance submitted to the Senate for discussion:

The impact of the Government’s ill-considered Super Tax on small quarries, and on the cost of living.

The previous speaker avoided it meticulously. She was unable to address how this tax is going to affect small and medium operations. It is because the Treasurer and the Prime Minister—and the Treasury, as our lead speaker rightly pointed out—had no concept of how this tax was going to affect businesses, from large to small, from auxiliary to household. For example, Selkirk bricks in Ballarat, where I have an office, are a family company some hundred years old.
They do not know whether they are caught up in this tax or not, but if they are they will close. They are greatly affected. There is a cloud over them. They do not know what the effect is but it is not good at all. What about the cement works in Geelong or all the quarries that surround the township of Bendigo?

This is nothing short of a tax grab. This is not tax reform. This was laid out to be a tax grab on BHP and Rio Tinto. Not even a thought was put into this; there was not even any knowledge of these smaller operations. That is what we are debating today. Yes, it is going to hurt Rio Tinto and BHP, but what of the hundreds and hundreds of smaller operations? Those opposite have reverted to a class war and that is a very brittle strategy that is not working out with the public. It is not even working with your own supporters. The pawns walk in here and repeat that argument. It is outdated, divisive and false.

The truth is that this tax will cut a swathe through family businesses like Selkirk, through medium-sized businesses. We already know that there has been a downgrading of many investments, a cut in many investments—Xstrata, for example. In Stawell, a small township outside Melbourne, a mining company is now reviewing its operations, which means job losses. Gekko in Ballarat, which supplies mining equipment, has already laid off six workers directly because of this tax. The uncertainty is now cascading through the share market, affecting the value of these companies and future investment. We heard today at question time that our main competitors, like Canada and Chile, are salivating at the chance to grab some of our markets.

There are three falsehoods spun by the Labor Party. One is that this is in fact tax reform. It is a tax grab to prop up an ailing budget. When you had to abolish your emissions trading scheme—that other supertax—you had the audacity to introduce this tax and you further have the audacity to have Senator Wong stand up in question time to defend it. Her previous failure was the emissions trading scheme tax.

The second falsehood is that this is a tax on superprofits. It is in fact a supertax on profits, as it kicks in at the six per cent bond rate. No mining company is going to sit there and expect returns of six per cent. They outlay hundreds of millions of dollars. It is the most risky business of any industry or sector. It is a supertax on profits—on the most minimal, risk-free profits, in fact. Because of this tax, the extension of the Olympic Dam project in South Australia is also now under a cloud.

The third falsehood is that the mining industry should pay a fair share. There is the class warfare again. There is the beat-up again. They are paying a fair share. Senator Sherry ran that through question time over and over again. Company tax is progressive. When their profits go up, so does the tax. They are the greatest contributors to the Treasury coffers. They got us through the global financial crisis. It is acknowledged. You don’t think the pink batts scheme got us through, do you? You don’t think the building revolution got us through—that sort of wasted money! It was the mining industry that got us through.

Time does not permit me to source my references, but it is well known that the tax rate of the companies averages out at 41 per cent. That is royalties and company tax. That is before you even get to payroll tax or any local government taxes that are placed on this industry. They pay more tax than any other industry. They contribute more to the Treasury than any other group.

You ought to start listening, not just watching the polls and getting nervous about it all—which you should be and which Gary
Gray is as he jumps up and down in his seat in aeroplanes back to Perth. You ought to start listening to people who have some experience and wisdom, not the boys that run the Prime Minister’s office. Start listening to the likes of Rod Eddington—who has your interests at heart, believe it or not, seeing as you gave him a job—and David Murray, the chairman of the Future Fund. Today we heard from the chief of the Wesfarmers, Mr Every. I know what the next person will get up and say— (Time expired)

Senator PRATT (Western Australia) (4.53 pm)—I will begin my contribution to this debate by quoting head of Treasury Ken Henry, who during estimates gave senators opposite a lesson in high school economics. He said:

I learnt in high school in the study of economics that profits based taxes cannot affect prices. So that immediately dismisses the premise of the motion before us. Secondly, he said:

I also learnt in high school if you shift the supply curve down into the right, which is what a cut in company tax rates would do, you get a reduction in prices; I remember that. But when you impose a tax on the pure profit, you do not actually shift the demand and supply curves—I remember learning that—so the price should not be affected.

So there you have it—basic economics 101. Firstly, the RSPT will not affect prices because it is a profits based tax. Furthermore, Australian consumers stand to benefit from downward pressure on the cost of living from a cut in the company tax rate. All companies are subject to company tax, and company tax will go down under our tax reform package. This will benefit companies big and small across Western Australia and across the nation. It will benefit consumers. Many mining companies already pay less company tax than many other industries in Australia, and that is because of generous deductions and concessions that our system offers them. So, when it comes to the mining industry, this debate is not really about a company tax.

The heart of this debate is about what charge, if any, this nation should levy on mining companies for the use of Australia’s non-renewable resources—resources that belong to the Australian people and not to mining companies. Our argument is this: we should charge a levy that reflects the level of profits mining companies make out of the use of those resources. That way when projects are highly profitable the Australian people will get their fair share of the value generated from their resources and when projects are less profitable the charge will be reduced or eliminated so that less profitable projects can still go ahead. This is a win-win situation for the Australian people. They get their fair share of value generated from their non-renewable resources when that is possible and when it is not they still get to benefit from the production and employment generated by less profitable projects.

The problem with the current royalties system is that it operates in the opposite manner. That is why it is an inefficient tax. It penalises less profitable projects by subjecting them to charges that they are not always able to bear, making some projects unviable. Worse still, when projects become more profitable, the charge levied for the use of Australia’s commodities does not keep pace with rising profits. So when profits rise rapidly, as they did during the last resources boom, the share of those profits going to the Australian people for the use of those resources goes down. In the last mining boom it went down from one-third of the profits being made to one-seventh of the profits being made. If one-third of the profits was a fair and reasonable charge prior to the last boom then why is it not fair and reasonable now? Why was it not fair and reasonable during the last boom? What possible justification could there be for mining companies
to be charged less relative to profits just because higher prices are making those companies more profitable? Why should the share of profits going to the Australian people for the use of their resources go down simply because higher prices are driving mining companies' profits up? Why?

This is not only unjust; it in fact defies logic and common sense. The RSPT will take the charge levied by the Australian people for the use of their resources back up to the same level in relation to profits as it was prior to the last boom. Just as this level of charge did not destroy the mining industry prior to the last boom, it will not destroy the industry now. The major challenge for Australia as it seeks to seize the opportunities presented by a rise in demand for commodities from Asia is not the RSPT. No, the major challenge for Australia as it seeks to seize these opportunities is capacity constraints on the mining industry. The major challenge is ensuring that we have human capital and infrastructure to support a growing resources sector. It is these capacity constraints that this tax will help address—in particular, through the $6 billion infrastructure fund this tax will generate. It is a fund that will help ensure that resource-rich states like Western Australia have the roads, rail and ports necessary to support our growing resources sector.

The RSPT is specifically designed to enhance investment, production and employment, because unlike royalties, which tax production regardless of profitability, the RSPT only taxes superprofits. It is by definition set at a level that enables companies to remain reasonably profitable. This is why the RSPT will in fact encourage, rather than discourage, investment, production and employment. Unlike royalties, the RSPT will fall most heavily on those companies and projects that can most afford to pay. That is why all those billionaires are screaming so loudly. It does not fall on those who cannot bear the burden. This applies to small quarries just as it does to other projects. To the extent that small quarries are not making superprofits they should not pay any extra tax. Twenty-two of this nation’s most reputable economists have concluded that there is no reason to expect a net contraction in mining as a result of the RSPT—their words, not mine. David Buckingham, the former head of the Minerals Council, has commended the very deliberate design of the RSPT to lighten the tax burden on less profitable projects, encouraging investment in the projects that might otherwise have stayed on the drawing board. I repeat: the RSPT will encourage investment in projects that might otherwise have stayed on the drawing board—again, Mr Buckingham’s words, not mine.

Investment in projects that would have stayed on the drawing board means more production and more employment. It also means an increased supply of these commodities, and increased supply generally means lower prices. This is about returning Australia’s share of our resources to where it was prior to the last boom. It is about ensuring that Australians get a fair share of the profits generated from the last boom and investing in Australia’s future the extra revenue generated. It is about investing it in resource-rich states like my own so that we can maximise growth in the mining industry. It is about investing it in superannuation, especially for women and the low paid. It is about giving more working Australians access to a secure retirement. It is about less tax, especially for small business. It is about boosting employment and reducing cost-of-living pressures throughout the economy. Just as during the last global recession we refused to sit idly by when decisive action was required, we are taking this action in Australia’s interests, despite the scare campaigns of those opposite. Again, we will take
decisive action to protect Australia’s interests during the coming resources boom. Just as we did not bury our heads in the sand when danger loomed on the world stage in the form of a global recession, we will not squander the boom times like those opposite. We will act to seize the opportunities presented for and on behalf of all Australians.

Senator CASH (Western Australia) (5.03 pm)—To coin a very well-known phrase: ‘Tell ’em they’re dreaming.’ If those on the other side actually believe that this tax is in any way going to increase production in this country they are living in la-la land, quite literally. Their pattern of failure— their failure to think things through, their failure of judgment, their failure to consult and their failure to follow any sort of process whatsoever—is now creating real damage to Australians and to the Australian economy. This is more apparent than ever after listening to the speeches of those on the other side on this very important issue in this matter of public importance debate. This tax is nothing more and nothing less than a triple whammy on the Australian people. It is a tax on the half a million Australians whose jobs depend either directly or indirectly on the mining industry. Yes, that is right, the mining industry is actually a huge employer in this country. Industry creates jobs. Governments, and in particular Labor governments, do not create jobs; they destroy jobs. This is a tax on the millions of Australian retirees whose incomes are drawn from the shares and dividends that the mining companies pay. It is a triple whammy because it is a tax that will hit the back pockets of Australian families. It is going to impact on their budgets. You cannot raise the price of oil and gas, building materials and fertiliser, which is exactly what this tax is going to do, without having a flow-on effect on the price that Australian families are going to pay for essential items.

You will recall that the Henry tax review, a review that we all waited with bated breath for, had 138 recommendations. But Mr Rudd, the Prime Minister of this country is a weak and insipid leader and did not have the guts to undertake full-bodied tax reform in this country. So what did he do? He woke up one morning and said: ‘That is it, I’m going to go for the blatant tax grab. What will I impose? I will impose a resource super profits tax.’ He chose this over genuine taxation reform. That would hardly be surprising to the Australian people because it is so typical of a Labor government. Rudd Labor have no other way than to rob the mining industry blind to pay off the debt that they are incurring in this country.

The problem with Mr Rudd is this: he is at great pains to tell Australians that what the big mining companies are saying about the impact of this tax should be taken with a grain of salt, but he fails to understand that it is not just the big mining companies that are telling us they have real problems with this tax. What Mr Rudd fails to understand is that, while he talks tough about targeting Rio Tinto and BHP Billiton, the small businesses, the family quarry operators—and we all know them; we have all got them in our home states—are the ones that are really going to feel the impact of this tax. These businesses operate across Australia. They produce sand, gravel, road base, lime and phosphate. And guess what? All of those materials are crucial inputs to housing and construction and agriculture in Australia. So guess what? If you tax those products, those companies will have to pass the tax on to the consumer, and mums and dads in Australia will actually end up paying more and there will be an increase in the cost of living.

I would like to put to bed a myth the Labor Party consistently raises, which is that Treasury secretary Ken Henry, in his recommendations, said these small companies
should be taxed. Well, he did not. Mr Henry did not recommend the taxing of low-value commodities. There is actually a table in his report, table C1.1, that lists resources that may merit exemption from the resource tax. It was not Mr Henry’s recommendation that the Labor Party go down this path. If this tax does go through, when it hits the local quarries—and it will—it will ultimately hit the hip pockets of mums and dads in Australia. Why? Because local quarries produce clay, gravel, monumental stone, gypsum, limestone, cement and plaster, and all of those products are used to build the great Australian dream—that is, your own home. Local quarries have made it very clear that they will have a choice if this tax goes through. They can either pass the additional cost on to the consumer or, alternatively, they can close down their businesses. The choice is a very simple one. They are not going to close down their businesses, so these costs will be passed through to the mums and dads of Australia.

Merrill Lynch, one of the world’s leading financial management and advisory companies, came out with a report today. They have done some numbers. And guess what? They say the supertax will quite literally ‘hit home’. Merrill Lynch estimate that it will add no less than $800 to the price of the concrete used in an average home costing approximately $500,000. And there have been other estimates that the tax will add no less than $20,000 to the price of a new home. That is a consequence of imposing this tax on small quarries. It will reach into every Australian household through higher power bills, higher gas bills and higher prices for bricks and mortar and gravel. These very basic commodities will all be affected by this tax.

What if the tax were to hit phosphate mining? The logical effect is that the price of fertiliser would go up. What does that mean for Mr Rudd’s working families, whom he keeps telling us he strives so hard to defend? It is bad news, Mr Rudd. Guess what? Your tax will mean that the price of food will go up. That is right—under Rudd Labor’s tax the mums and dads of Australia will be paying more for food. Ultimately this tax, if placed on mining quarries, will flow through to the people of Australia. The bottom line is this: if you are a young person or a mum or dad and you are thinking about going out and purchasing a new home, if you want to fulfil the great Australian dream, if this government is re-elected and this tax goes through forget about the Australian dream because it is quite possible that you will not be able to afford it. That is the end result of an ill-thought-out concept.

The bottom line is this: what we have in Australia today is a big-spending government and this mining tax is designed to do nothing more and nothing less than satiate their out-of-control spending. To implement what is nothing more than a blatant tax grab which will have devastating effects on our economy—in particular, our quarries—is economic lunacy. This tax is economic vandalism and economic lunacy from a Labor government that does not have a clue about economic management in Australia.

Senator FURNER (Queensland) (5.13 pm)—I rise as a senator for Queensland and I am proud to defend the Rudd Labor government’s resource super profits tax, from which Queenslanders will benefit with more than $2 billion for infrastructure funding for roads, rail and ports. As a senator from a state which has 40 per cent of this country’s mining production, I am proud to defend the $6 billion infrastructure fund that will be established by the government to reinvest the proceeds from the RSPT. The RSPT is about building a stronger economy and delivering a fairer share of profits from our resource industry to Australian families. And why
shouldn’t they benefit from it? Australians own 100 per cent of this nation’s natural resources, yet their share of the profits has fallen while the mining companies’ profits have risen. Before the industry was booming, Australians received $1 in every $3 of profits through royalties and charges, but at the end of the boom they only received $1 in every $7 of profit. The government collected only an additional $9 billion in revenue, yet profits were over $80 billion higher in 2008-09 than they were at the beginning of the decade.

By replacing mining royalties with an RSPT, a fairer share of the mining boom will enable superannuation for working Australians to be increased from nine per cent to 12 per cent, which will assist 8.4 million working people. It will provide a tax break for 2.4 million small businesses and will reduce the company tax rate from 31.7 per cent to 28 per cent. And let us not forget the $6 billion infrastructure fund, which will benefit our mining states for roads, rail, ports and economic infrastructure. This tax reform will strengthen our economy.

But we understand it will not be an easy task. The opposition, along with their pinup boy, Clive Palmer, have started a massive scare campaign telling Australians that share prices have dropped because of the proposed RSPT. Opposition leader Tony Abbott said on 25 May that ‘our share market is under pressure, at least in part because the government has totally mismanaged its proposal for a great big new tax on mining’. However, conversely, Richard Grace, the chief currency strategist of the Commonwealth Bank of Australia, said on 25 May on The 7.30 Report:

We’ve seen a 10 per cent fall in the global MSCI stock market, 11 per cent fall in the S&P 500. We’ve seen oil prices fall over 20 per cent. We have seen base metal commodity prices fall over 20 per cent, and this is all since the start of May or late April. These are the sort of factors that have been going on which are not at all related to the mining tax. And just to further push that point home, some of the shares of the big offshore mining companies such as Vale have fallen by similar magnitude.

In fact, Australian shares have not fallen as much as they have in other countries. The London stock market has fallen by 10.4 per cent, the US Standard and Poor’s index dropped by 11.5 per cent and the Japanese stock market fell by 12.8 per cent, while Australian shares have only fallen by 10 per cent. Australian mining shares have fallen even less at 8.9 per cent and the bank shares have fallen by 12.3 per cent. Clearly the opposition is not listening to its own scare campaign when the member for Dickson raced out recently and purchased $2,000 worth of shares in BHP. If he thought the shares were going to drop, why did he rush out to make such an investment?

The opposition also claims that the cost of living would increase with the introduction of the RSPT, and we have heard some of that here in this chamber this afternoon. Tony Abbott said on 21 May that it is ‘an assault on our standard of living’. Then on 27 May the shadow Treasurer, Joe Hockey, said that mining companies are going to pass it on to everyone.

They’re going to pass it on to their clients … and it will flow through to every home. Everything—you think for a moment about everything in your life that comes from mining. Your car … Everything in your house comes from mining and energy.

It is just another blatant lie.

According to the Federation Fellow in Economics, someone who is a lot more knowledgeable about the economy, Professor John Quiggin, the scare campaign is hurting the debate. He said on 26 May:

A number of the arguments we’ve seen raised against the tax simply have no credibility at all…
I think that’s about the least defensible. The reason that there are super profits to be taxed is because of high world prices for these minerals that are set on world markets. So there’s no reason at all to think that the tax is going to affect the world price of these minerals, and therefore that that’s going to feed in any way into Australian consumer prices. On the other hand, there’s potentially some benefit for consumers in the offsetting reductions in the general rate of company tax. So it certainly is depressing to see this kind of scare tactic put up, it really is just distorting the debate. In fact, according to Econtech modelling, the tax reform will reduce the price of food and housing over time, making our economy more effective. According to the Econtech report, food is set to decrease in the long term by 0.9 per cent; tobacco and alcohol by 1.1 per cent; clothing and footwear by 1.3 per cent; housing, household contents and services by 1.1 per cent; health costs by 0.6 per cent; transportation by 1.7 per cent; communication by 1.4 per cent; recreation by 1.3 per cent; and education by 0.3 per cent. Financial and insurance services will drop by 0.8 per cent.

Commodities which are traded on the world market will have their prices set by that market. The myth about electricity prices going up because of the RSPT is exactly that: a myth. Because the RSPT is aimed at superprofits, coal-fired electricity stations are unlikely to be affected as they use low value coal therefore unlikely to make superprofits.

I am proud to stand here today and say that the Rudd Labor government has been nothing but upfront with Australians about the RSPT. We have established the Resource Tax Consultation Panel and have been open at every step—a practice which demonstrates our government’s willingness to discuss this very important tax reform and a practice which is completely different to the previous government’s. In 1995 John Howard promised ‘never ever’ to introduce a goods and services tax. In fact, he said, ‘There’s no way that a GST will ever be part of our policy—never ever—it’s dead,’ and five years later everyone knew what the letters GST stood for as a result of that broken promise.

We understand that tax reform is not easy, but it has been done before successfully. The Minister for Small Business, Independent Contractors and the Service Economy, the Hon. Craig Emerson, recently said the petroleum resource rent tax was just as controversial. He said:

It was just as difficult; it was an important tax reform and we implemented a profits-based tax that’s been in place for 25 years and has been consistent with the go-ahead of major projects like the Gorgon gas project and the Pluto project, and the extension of the life of Bass Strait for 30 years.

Even John Howard’s right-hand man, former Prime Minister and Cabinet secretary Max Moore-Wilton, and Tony Abbott’s finance spokesman, Andrew Robb, support reforming the current system. In fact, Tony Abbott seems to be the only one who doesn’t support this tax reform.

On 12 June Andrew Robb said:

Well we will look at any reform that is offered and if we think it will, um, you know improve incentives, improve fairness, you know, reduce the tax avoidance, all of those, be more efficient, less paperwork, there’s enormous scope in the tax system to do work.

On 11 June Max Moore-Wilton said, ‘Everyone likes the idea of a profits tax; it makes sense.’ In terms of the impact on small quarries, the RSPT will only be taxing superprofits. If the quarry is not making superprofits, it will not pay net tax. Depending on profits, some companies will pay more tax than others, but the mining industry is still expected to have 5.5 per cent growth in production. The Rudd Labor government is committed to building a stronger economy and providing a fairer share to Australians. The RSPT will
benefit this economy by investing in our much needed infrastructure and assisting our small businesses and companies. The opposition’s lack of support for this important tax reform shows that Mr Abbott is against a superannuation increase for working Australians. He denies small businesses a well-deserved tax break and instant tax write-off of up to $5,000 and denies a tax cut to companies to improve their competitiveness. Mr Abbott cannot be trusted to run this country, let alone a proposed budget—(Time expired)

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! That concludes the debate.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator ADAMS (Western Australia) (5.23 pm)—At the request of Senator Coonan, I present a report and Alert Digest of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.

Senator ADAMS—I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

In tabling the Committee’s Alert Digest No. 6 of 2010 and its Sixth Report of 2010 I draw the Senate’s attention to the Committee’s comments on:

• the importance of explanatory memoranda; and

• the Paid Parental Leave Bill 2010.

In scrutinising the bills for Alert Digest No. 6 the Committee had occasion to comment on the quality of several of the explanatory memoranda accompanying the bills.

The Committee is concerned when there are items in bills which are not addressed in the explanatory memorandum accompanying the bill. An explanatory memorandum is important in a number of different ways:

• to assist with the scrutiny of legislative proposals before they become law;

• more generally to assist those whose rights may be affected by a bill to understand the legislative proposal; and

• an explanatory memorandum can be needed by a court to interpret the legislation under section 15AB of the Acts Interpretation Act.

The Committee is itself directly aware that an explanatory memorandum is an essential aid to effective Parliamentary scrutiny (including by the Scrutiny of Bills Committee).

An explanatory memorandum is particularly useful when it contains important context and relevant policy information and outlines the intended operation of each provision. In relation to the scrutiny process, a well-written explanatory memorandum can provide the foundation for avoiding adverse comment because whether or not a provision is of concern often depends on the context in each case. An explanatory memorandum can be used to demonstrate that a policy approach reflects an informed choice and is fully justified.

I am pleased to tell you that in Alert Digest No. 6 there are a number of examples of this. To note one instance, the Electoral Pre-Poll Voting Bill at Schedule 2, items 3 and 188 contains a wide delegation of power that could be of concern to the Scrutiny of Bills Committee if it constituted an inappropriate delegation of legislative power. In this case the use of the delegation was comprehensively explained in the explanatory memorandum and this alleviated any concerns the Committee might have otherwise had about the provision.

Unfortunately the opposite is also true. The Committee regularly encounters provisions that, from a scrutiny perspective, turn out to be inappropriate, but the absence of an adequate explanation in the explanatory memorandum attracts the Committee’s attention. The Committee usually
seeks further advice about each provision until the rationale for the provision is understood.

In Alert Digest No. 6 the Scrutiny Committee notes that it is seeking advice on 2 bills in relation to deficiencies in the quality of the accompanying explanatory memoranda.

I also draw to the Senate’s attention the Committee’s comments in Alert Digest No. 6 on the Paid Parental Leave Bill 2010. From a scrutiny perspective this bill has attracted a number of adverse comments relating to various issues of concern, including:

- the determination of important matters by regulation;
- apparently severe penalties for some offences;
- the exclusion of merits review without justification; and
- possible undue trespass on personal rights and liberties.

More details about the Committee’s scrutiny of this bill, and others, is contained in Alert Digest No. 6 of 2010 and I commend the Committee’s Alert Digest No. 6 of 2010 and Sixth Report of 2010 to the Senate.

Question agreed to.

MINISTERIAL STATEMENTS

International Whaling Commission

Senator SHERRY (Tasmania—Assistant Treasurer) (5.24 pm)—I table a ministerial statement relating to the future of the International Whaling Commission.

Senator BIRMINGHAM (South Australia) (5.24 pm)—by leave—I move:

That the Senate take note of the document.

I will keep my remarks brief. This ministerial statement is simply a statement of the failure of the Rudd government on the issues of whaling. It is a government that has been all talk, all spin and yet there has been so little effective action on so many issues, perhaps none so emphatically as the whaling issue. The government, when in opposition, promised it would deliver an end to whaling, promised it would bring to a stop the whaling culture, and yet every year, as the Japanese fleet has sailed out and the whaling hunt has started, what we have seen is yet again the government expressing its shock and horror, desperately scrambling for strategies or tactics and not actually delivering on any of its promises in any effective way. They promised to undertake some surveillance. They did a little bit of that in the first year but have done none in any of the subsequent years. They set up a whaling envoy position—somebody who has travelled the world at great expense, who has met with international leaders and talked about issues of whaling endlessly but who has delivered no significant change to whaling practices around the world.

They promised legal action, and finally what we saw towards the end of the last whaling season—just a short while ago—was the government saying there would be legal action. Just a short while ago they finally acknowledged they would take some legal action. I note they made that acknowledgement only after the last lot of Senate estimates. They were still ducking, dodging and weaving during the last Senate estimates questions about whether the legal action would be undertaken. They did not want to face scrutiny from this parliament and from the Senate on the issues of their legal action. Indeed, it strikes me, looking at this ministerial statement, that the legal action they announced was nothing more than a distraction on the day of the announcement, because in Minister Garrett’s ministerial statement, which goes on for five pages, the legal action gets just two lines. It gets the most fleeting of mentions. That is how significant the government see their promised legal action to be. They took three years even to announce that they would do it, let alone proceed in any meaningful way with it. That is how sig-
significant they see their response to the issue of commercial whaling to be.

What they have done in announcing the legal action, in taking the stand that they have taken—which looks, from the way they have done it, to be little more than a media stunt designed for the Australian market—is put themselves in the worst of all positions leading into this meeting of the International Whaling Commission. In many ways they have now checked themselves out of the debate. We have this statement from the minister, trying to position the government and say what they might do come the International Whaling Commission meeting, but the reality is that they have now said, ‘No, we’re giving up on the International Whaling Commission; we’re going to take Japan to court instead.’ They could have done that two or three years ago, and we might know whether that was a meaningful strategy. Instead, right on the cusp of the most significant meeting of the International Whaling Commission in years—when reform and compromise proposals are on the table, when Australia should be at the forefront and trying to ensure that it has as much clout as possible on this issue that Australians hold dear and important—the Rudd Labor government decided that getting a day or two’s worth of cheap headlines at home was more important.

Having failed to honour their promise of court action for the first, second and much of the third years of office, for some strange reason, less than a couple of months ago, and we might know whether that was a meaningful strategy. Instead, right on the cusp of the most significant meeting of the International Whaling Commission in years—when reform and compromise proposals are on the table, when Australia should be at the forefront and trying to ensure that it has as much clout as possible on this issue that Australians hold dear and important—the Rudd Labor government decided that getting a day or two’s worth of cheap headlines at home was more important.

They do not hold out much hope of defeating that proposal at the IWC. Little wonder they do not hold out much hope, because Australia has checked itself out of the debate. It is stranded in no-man’s-land. It is taking legal action that none of the other strong antiwhaling nations like New Zealand have agreed to back. Australia has been left out on a limb. It will now be up to other countries to wage the fight in the IWC while
Mr Garrett is there looking as impotent as he has been in every other aspect of his portfolio. This meeting will show him making another failure.

The risk is that we will get the worst of all outcomes, that we will see a sanctioning of commercial whaling. But we will then proceed on our way with our court challenge, possibly having that court challenge undermined by the IWC decision that we failed to help shape for ourselves. It is a fail, fail, fail from this government on the issue. Yet again, it is a demonstration that all their talk, all their promises and all the millions of dollars they have spent on envoys, diplomacy and research—and potentially in years to come on legal action—have been a waste. It will be wasted money that will not deliver a result. It has all been about public spin rather than actually delivering anything on the issue of whaling.

Senator SIEWERT (Western Australia) (5.32 pm)—It is interesting to read the minister’s statement that I understand he tabled yesterday in the House of Representatives. He is essentially trying to reassure Australia that the government and the minister are not asleep at the wheel on whaling and, ‘It’s okay; we’ve now made up our minds about what we are going to be doing.’ They have set a course, after making very clear promises in the run-up to the last election that they were going to take decisive action to end whaling. The only whales that have been saved from being killed in the Southern Ocean on the government’s watch have been saved by the Sea Shepherd and the work of the volunteers in trying to protect those whales. The government have not yet saved one whale.

The government have left it to the last minute to take legal action. They are part of the IWC. They have been at the negotiations and at the small group meetings. They knew what direction the IWC was taking. They knew that diplomatic action was not succeeding. They have left it to the last minute to initiate legal action against whaling, knowing full well that if the proposals before the IWC succeed their legal action will probably be invalid and unsuccessful. They have one hand tied behind their back already going into this legal action because they knew the proposals coming up at the IWC had the potential to make their legal action invalid.

At the same time the government were toing and froing about whether to take legal action, two people in Japan, the Tokyo Two, took action to try and expose the embezzlement of whale meat. I had the good fortune of meeting one of them, Toru Suzuki. He is a delightful, brave young man who made a decision to try and expose the embezzlement of whale meat and expose what is going on in the whaling industry. The Tokyo Two are currently on trial in Tokyo. Foreign Correspondent had an excellent show on this last week. That program highlighted just how brave these two young men were and the risks they took that could see them sent to jail. They face 10 years jail for trying to expose this embezzlement. It is something that I think every Australian would be proud that they tried to do.

Rather than an investigation into the embezzlement of whale meat, those two young men who were seeking to protect whales have been charged and are currently facing trial. What have our government done? As far as I am aware, they did not even send an observer to the trial—something that was requested by many people. Those two young men are currently facing a 10-year jail sentence for doing what I think most Australians would have done to expose this trade. Yet this government have taken so long to take legal action, and now they are trying to de-
fend their position a minute before midnight before they go into the IWC.

A similar situation where the government has not been active enough can be applied to the sinking of the *Ady Gil*. We are very concerned that that ship was sunk by the deliberate action of Japanese whalers. A report was released by the Maritime Safety Authority which is inconclusive. Our Federal Police facilitate Japanese investigation of the *Sea Shepherd* and yet do not take any action when a boat is sunk, we believe, in our territorial waters. The *Ady Gil* was sunk, putting at risk six lives—those people trying to take action to save whales—but again our government has refused to act. In the ministerial statement the minister talks about the crucial role of science and says:

It is Australia’s view that the role of science is paramount to the IWC.

I think what is paramount to the IWC is protecting and conserving whales. Australians are very clear: they want our government to ensure that the killing of whales is stopped. We Australians totally oppose the commercialisation of whaling and we want our government to take action to ensure that does not occur.

I am concerned that the focus on the paramount role of science takes attention away from the fact that we expect the IWC to be conserving whales. That is the role that Australians want from the IWC, and we want our government to be taking clear action not only to ensure that the killing of whales ends but also to work very constructively and proactively to ensure that happens—and not make meaningless promises and commitments and not take action after the horse has bolted, which I am deeply afraid is what is happening with the legal action that the government has now said it will take.

If it had initiated that action straight after the *Oceanic Viking* had been to the Southern Ocean and had the video footage and the documentation of that process at the end of the 2007-08 season, we might have now been in a position where that court case had been argued and where we might have had a judgment. Now we may never have a judgment because the government has prevaricated on this issue for so long. The previous government tried diplomatic action and it failed. So this government continued it, but it does not use other levers—for example, saying we do not want to negotiate a free trade agreement. It is an example of a mechanism that the government could have used to remind the Japanese just how important we find the whaling issue.

I agree with the minister’s comments in his ministerial statement that commercial whaling is dying out and that the countries that are whaling are subsidising it. In Japan it is clear that it is being subsidised. That is true and I agree with the minister that it is being propped up. Japan is continuing to prop it up. Whale meat, as I understand it, is not popular in Japan, and whaling is not a traditional industry, broadly, in Japan. I am aware that there has been coastal whaling in some communities, but the commercialisation of whaling at the scale that it is not a tradition in Japan. It started in the fifties as a way to feed the country after World War II—the 1940s and 1950s, after the war—but there is no justification whatsoever for continuing this barbaric trade and this barbaric view of whaling.

I think the nations of this world made a very sensible decision to put in a moratorium. We need to ensure that whaling never ever recommences. I am very concerned that the proposals that are being put to the IWC will in fact wind back the good work that has been done in the past. I urge the government and the minister to take an extremely strong stand—but, unfortunately, I think the action has been taken too late. We will be watching
IWC negotiations very closely—very closely indeed—and I just hope that the outcome at the IWC does not invalidate the legal action that the government is commencing.

Question agreed to.

AUDITOR-GENERAL’S REPORTS

Report No. 43 and 44 of 2009-10

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

Report no. 43 of 2009-10: Army individual readiness notice

Report no. 44 of 2009-10: Administration of the tax obligations of non-residents

DOCUMENTS

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator McGauran)—I table the following documents:

Employment—Fair Work Australia—Letters to the President of the Senate from Secretary of the Industrial Relations Society of Australia (Mr Catanzariti), dated 10 June 2010.

Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), dated 15 June 2010 and attachment.

Health—Therapeutic groups—Letter to the President of the Senate from the Minister for Health and Ageing (Ms Roxon) responding to the resolution of the Senate of 11 May 2010, dated 15 June 2010.

BUDGET

Portfolio Budget Statements

Senator SHERRY (Tasmania—Assistant Treasurer) (5.42 pm)—I present corrections to the portfolio budget statements for the Environment, Water, Heritage and the Arts portfolio.

PAPUA NEW GUINEA LIQUEFIED NATURAL GAS PROJECT

Return to Order

Senator SHERRY (Tasmania—Assistant Treasurer) (5.43 pm)—I table a statement relating to the order for the production of documents concerning Papua New Guinea Liquefied Natural Gas Ltd.

DELEGATION REPORTS

Parliamentary Delegation to the United Nations and Other International Agencies in Europe, and the 121st Assembly of the Inter-Parliamentary Union in Geneva

Senator TROETH (Victoria) (5.43 pm)—by leave—I present the report of the Australian parliamentary delegation to the United Nations and other international agencies in Europe and the 121st Assembly of the Inter-Parliamentary Union in Geneva, which took place from 7 to 24 October 2009. I seek leave to move a motion in relation to the report.

Leave granted.

Senator TROETH—I move:

That the Senate take note of the document.

I have great pleasure in presenting the report of the delegation of which I was deputy leader, with Mr Roger Price from the other place as the leader. I should also mention Senator Crossin, sitting across from me, who was the other senator who was a member of this delegation.

The international agencies in Europe which we visited and had in-depth discussions with were the World Food Program; the Global Crop Diversity Trust, about which I will have more to say later; the Food and Agriculture Organisation of the United Nations, more commonly known as the FAO; the United Nations Office on Drugs and Crime; the International Atomic Energy Agency; the Preparatory Commission for the Comprehensive Nuclear-Test-Ban-Treaty
Organisation; and the Organisation for Economic Cooperation and Development, known as the OECD.

The particular item that I would like to stress as being very important to this delegation was the global diversity trust. The reason is that not only did we visit this trust but it had a particular place to play in the discussion at the IPU. At the IPU Australia was instrumental in moving a resolution on food security which was adopted by consensus and was, I believe, the first in which Australia played a very constructive role, and we issued a press release to mark this.

The Parliamentary Action to Ensure Global Food Security was adopted by the assembly, as I said, and in particular spoke about the way in which governments can assist to free up both the production and the movement of food. The assembly recognised that the world is experiencing various natural and man-made disasters ranging from drought, famine and floods to locust invasions, and of course all of that affects agricultural productivity and the macroeconomic status of countries, particularly developing ones. We recognised that these severe weather patterns have become so common globally that they have led to the loss of life and property and the destruction of farmlands and transport infrastructure and we reaffirmed that, although obviously each country has primary responsibility for its own sustainable development and poverty eradication, there is a great deal that can be done by developed countries to enable developing countries to achieve their sustainable development goals, particularly those that arise out of the relevant UN conferences and the United Nations Millennium Declaration.

It is interesting to note that the number of malnourished people in developing countries has unfortunately increased to more than one billion. Food prices have fallen from their recent peaks but they remain volatile. That is due, among other things, to speculative trade in futures markets in food grains, and they are expected to remain relatively high in the foreseeable future. Armed conflict, of course, also causes a steep decline in socioeconomic conditions, and the international community’s capacity to respond to the growing demand for food is constrained by increasing urbanisation—a topic that we have often discussed in this chamber—water scarcity, the decline in investment in agricultural research and development, distortions in global food markets, increasing energy prices, environmental degradation and climate change.

Our visit to the Global Crop Diversity Trust pointed out several ways in which Australia can help to achieve the millennium goals by the work that we do. The global diversity trust ensures the conservation and availability of crop diversity for food security worldwide. Australia was an inaugural donor to the trust and is now a leading donor. It has also managed to attract large donations from private sector corporations, but Australia is the fourth biggest contributor behind the Bill and Melinda Gates Foundation, the United Kingdom and Norway, and we have guaranteed our future contribution by announcements in various budgets. I was very pleased to note that the Grains Research and Development Corporation, a body for which I was formerly responsible as parliamentary secretary, has pledged US$5 million to the trust, of which US$3.25 million has been paid to date.

As well as funding the endowment fund, AusAID funds a three-year seconded position to the secretariat of the trust, and we have had an officer from the Department of Agriculture, Fisheries and Forestry in that role. We are also represented on the trust through various members of the board, including in particular Professor John Lovett,
who is a former executive director of the Grains Research and Development Corporation.

The global diversity trust, along with the Norwegian government, funded the high-profile Svalbard Global Seed Vault in Norway, which means that, increasingly, rare seeds and other biological resources can be kept so that the most important collections of priority food crops can be built on in the future and kept in order that agricultural research can be further developed to be the main source of genetic resources for the world’s plant breeders. The Svalbard Global Seed Vault was opened in February 2008 and will eventually store virtually every variety of almost every important food crop in the world. It is essentially the world’s agricultural insurance policy against disaster so that food production can be restarted should it be threatened by a regional or global catastrophe.

When delegations such as this one visit institutions they very rarely make recommendations, understanding that the organisations that they visit are best fitted to run their own business. But in this instance the entire delegation was of the view that Australia could be doing more to ensure the safety and protection of its seed bank. The Svalbard Global Seed Vault was opened in February 2008 and will eventually store virtually every variety of almost every important food crop in the world. It is essentially the world’s agricultural insurance policy against disaster so that food production can be restarted should it be threatened by a regional or global catastrophe.

When delegations such as this one visit institutions they very rarely make recommendations, understanding that the organisations that they visit are best fitted to run their own business. But in this instance the entire delegation was of the view that Australia could be doing more to ensure the safety and protection of its seed bank. So we recommend in this report that the Australian government work cooperatively with state governments to ensure that their stocks of seeds are securely held in seed banks and that they are duplicated and safely lodged with the Svalbard Global Seed Vault in Norway. That is something that I would particularly like to see happen, and it was an integral part of the delegation’s work.

I also want to particularly mention the outstanding work of Mr Neil Bessell, who was secretary to the delegation and accompanied the delegation throughout. He was absolutely assiduous in seeing that every detail that we needed—particularly at the IPU meeting in Geneva—was provided for us and that our every comfort was looked after. In other words, he ensured that all delegates were completely looked after from the start to the finish. His company was excellent and I do want to extend to him the very sincere thanks of the delegation for the work that he did on that delegation and in every other activity that Mr Bessell carries out.

We went on to develop another resolution at the 121st Assembly of the Inter-Parliamentary Union, and that carried over to the 122nd assembly, which was held in Bangkok, Thailand, earlier this year. I was chair of the drafting committee for that particular resolution, and I hope to report on that process when we table the report of the 122nd assembly in the future. This was the most interesting delegation to go on in terms of learning more about Australia’s role in international organisations and playing quite an important role in the resolution on food security at the IPU assembly.

Senator CROSSIN (Northern Territory) (5.53 pm)—I rise to reiterate some of the remarks of my colleague Senator Troeth and to provide a comment on the report of the Australian parliamentary delegation to the United Nations and other international agencies in Europe that we are tabling this afternoon. As Senator Troeth said, I was the other senator on the delegation, and the two delegates from the House of Representatives were Mr Roger Price and Mrs Sophie Mirabella.

From time to time in this place we get reports of parliamentary delegations and they are often tabled and left for people to read if they so wish, and they are probably very rarely looked at. I would really urge anyone who has an interest in international agriculture and food security to have a very close
look at this report. I thoroughly enjoyed my time with my colleagues from this place, and what we achieved as a nation is worth studying in this report. Mr Price and Senator Troeth devised this program and it is thanks to their ingenuity and their foresight that it had a tremendous outcome. What this delegation did was quite different from previous delegations is that we went to the 121st Assembly of the Inter-Parliamentary Union with the intention of moving the major resolution in the main assembly, and that was on food security. In order to do that, we went to a number of United Nations organisations and we met with and lobbied members of the IPU in various countries on the way to Geneva. It was because of the legwork that we did in gathering the facts, having documentation to back the resolution we put forward, and the support of members of the IPU in places such as France, Italy and Austria, that we actually achieved the outcome that we did.

We went to the United Nations World Food Program, as Senator Troeth said. We went to the Food and Agriculture Organisation of the United Nations. We went to the Global Crop Diversity Trust, and Senator Troeth has talked about the seed bank and the recommendation from this committee following the report to that trust. We also went to the United Nations Office on Drugs and Crime, because food security, lack of food and access to food are interrelated when it comes to serious and organised crime. We also used the time to go to the International Atomic Energy Agency and the OECD.

We spent some time in Italy on the way over, and I want to publicly commend former Senator Amanda Vanstone, the Australian Ambassador to Italy, for her very well organised and warm, hospitable reception. I think she has done this country very proud in the way she has undertaken her duties as ambassador. We were able to meet with the IPU President, Mr Pier Ferdinando Casini, and, of course, Ms Angela Napoli, who played a pivotal role in the IPU.

We also had a chance to meet with the Australian Ambassador to the Holy See, the Hon. Tim Fischer. I know there has been some controversy about that appointment and whether or not we need an ambassador in the Holy See. After spending some time with Mr Fischer and listening to the work that he does, I have no doubt that it is crucial for this country to have a personal presence in Vatican City and the Holy See. I have no doubt that he has played a contributing role—not a pivotal role—in the fact that this year, as Catholics in Australia, we will celebrate the canonisation of our first saint, Mary MacKillop. I think that the liaising that Mr Fischer has done between the Vatican City and this country was, at the time, very crucial and important and that his appointment has facilitated that canonisation.

I also want to mention the fact that we were the very first parliamentary delegation to go to the new country of Slovakia. Of course, that country has existed for a number of years. It was formerly Czechoslovakia and it has now split to become Slovakia. It was a very proud moment for us to be the first official delegation from this country to meet with members of their parliament, to interact with members of their parliament and to talk about how our committee structure works and some of the committee work that we do. I also found that our visit to the parliament in Vienna was quite interesting, particularly the interaction we had with the parliamentary education office there. I have given our Parliamentary Education Office in this building samples of the work that they undertake with children in Vienna. It is interesting that in Vienna they teach children not only about how the legislation program works and how parliament works but also about the media and the perception of legislation and the
day’s events as part of their program. I found that that was another interesting way in which you can inform young children about civics and politics in their development.

Finally, I think the delegation was tremendously successful in that on the floor of the assembly there were three items put up to be the main items of debate at that meeting and we and Uganda managed to convince the countries there that our resolution was the one that should be considered. At the IPU they actually vote on what they are going to vote on. Of the three resolutions that were put up, they chose the resolution that we sponsored with Uganda on world food security. That motion, which is about four pages long, is attached to the back of this report.

After a number of hours of debate we were successful in getting that resolution put up. I think internationally it is a watershed resolution. If you want some key pointers for what parliaments, governments, politicians and countries should do when it comes to world food security, I do not think you can go past the range of ideas and options that were in that resolution.

For us as a country, I think it was a tremendously successful delegation. I think the work and lobbying we did on our way to Geneva paid dividends given the fact that we were successful in getting the resolution up. I understand it is the first time Australia has got a resolution through the assembly and I pay tribute again to Mr Price and Senator Troeth for their initiative in taking that forward.

In closing, I also want to reiterate the comments that Senator Troeth made about Mr Neil Bessell and Mr Eric Van Der Wal, who is from the Department of Foreign Affairs and Trade. One of the things that I noticed when I went overseas is that we have some tremendously talented people from this country who know a lot about how the world works and who undertake their roles diligently. They are experts in what they do and they know how to assist delegations such as ours.

Neil Bessell was one of those people. At night, when we had decided we were going to put our feet up and have a bit of a rest, Neil was making sure the next day’s meetings were organised, typing up reports from the day before and making sure that the paperwork was done. He worked many long hours in the days that we were overseas. He knows how to handle a delegation. He knows how to represent this parliament and this country, and he did it astoundingly well. I want to thank him very much for the way in which he accompanied and looked after us. I had a broken arm during my 17 days. With my arm in plaster, they were not exactly the best 17 days I have had travelling in Europe but Mr Bessell made sure that I was comfortable most of the time and not in an awful lot of pain.

I think this report ought to be read by the ministers and shadow ministers in this parliament. It certainly proved to me that we have some very fine people overseas, such as Robert Tickner and Chris Lamb, the head of the International Red Cross. The many Australians we met working in the United Nations certainly do this country very proud. I think that this report and the outcome from this delegation is something this country can be most proud of.

Question agreed to.
ELECTORAL AND REFERENDUM AMENDMENT (PRE-POLL VOTING AND OTHER MEASURES) BILL 2010
ELECTORAL AND REFERENDUM AMENDMENT (CLOSE OF ROLLS AND OTHER MEASURES) BILL (No. 2) 2010
ELECTORAL AND REFERENDUM AMENDMENT (MODERNISATION AND OTHER MEASURES) BILL 2010
ELECTORAL AND REFERENDUM AMENDMENT (HOW-TO-VOTE CARDS AND OTHER MEASURES) BILL 2010

First Reading

Bills received from the House of Representatives.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.04 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 one of the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.04 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—

Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010

I am pleased to present legislation that will bring real reform to key provision in the Commonwealth Electoral Act 1918 (the Electoral Act) and the Referendum Machinery Provisions Act 1984 (the Referendum Act).

Three of the four schedules implement the Government response to recommendations made by the Joint Standing Committee on Electoral Matters following their inquiry into the conduct of the 2007 federal election (JSCEM Report). These amendments will:

- modernise enrolment processes to enable electors to update their enrolment details electronically;
- allow the Australian Electoral Commission (AEC) to manage its workload more efficiently by enabling enrolment transactions to be processed outside the Division for which the person is enrolling;
- enable pre-poll votes cast in an elector’s ‘home’ Division to be cast and counted as ordinary votes; and
- provide a legislative framework for people who are blind or have low vision to cast an independent and secret vote.

Schedule 3 deals with an issue that emerged at the 2009 Bradfield by-election and relates to multiple candidates being endorsed for a single Division by the registered officer of a political party. This bill contains amendments that will prevent the registered officer of a political party endorsing more than one candidate for each Division.

The overriding aim of the amendments in the Bill is to enhance the ability of otherwise eligible Australians to participate in the electoral process by removing obstacles to their enrolment. The Electoral Act currently contains a number of hurdles to facilitating modern and technologically up-to-date interaction between the AEC and eligible electors.

Of particular concern is the estimated 1.4 million eligible electors currently not on the electoral Roll, with up to two thirds of the missing electors falling in the 18 to 39 year age group. It is intended that amendments introduced in the Bill...
will address declining enrolment rates and improve electoral participation in this age group, and more generally, by enabling flexible and modern interaction between eligible electors and the AEC.

Schedule 1 – ‘Home’ Division pre-poll votes as ordinary votes

The amendments contained in Schedule 1 to the Bill will enable pre-poll votes issued in an elector’s ‘home’ Division to be cast and counted as ordinary votes, wherever practicable.

The Electoral Act and the Referendum Act provide for pre-poll voting to take place prior to polling day. This provides electors who have specified other commitments to meet their voting obligations by voting early. Recent elections have seen a large increase in the demand for early voting; at the 2007 federal election almost 15 per cent of the total votes were cast as early votes.

The increase in demand for early voting has two major consequences. First, it requires the AEC to devote increased resources to deal with early voting as more resources are required to issue and count this type of vote. Second, the results of an election are more likely to be delayed as the counting of these early votes generally does not take place on polling night as the declaration envelopes containing the votes must go through the time consuming preliminary scrutiny processes.

The Bill provides for pre-poll votes cast in an elector’s home division, prior to polling day to be treated as ordinary votes, wherever practicable. An elector’s home Division is the Division in which the elector is enrolled. For elector’s to cast a pre-poll vote in this manner it will be conditional upon elector’s to make a declaration at the time of voting indicating that they are entitled to a pre-poll vote and each elector’s name being marked off the certified list. This will ensure that the integrity of this type of vote is maintained. Votes cast as ordinary votes in an elector’s home division, for counting purposes, will be treated in the same manner as ordinary votes cast in polling places on polling day. The AEC estimates that if this amendment had been in place for the 2007 federal election it would have resulted in an additional 667,000 votes being counted on polling night.

Schedule 2 – Efficient management of AEC workload & Electronic address update

Schedule 2 to the Bill contains amendments that can be grouped into two main themes. The first theme provides for the efficient and effective management of AEC workload. The second theme enables electors to update their address details electronically.

Recommendation 42 of the JSCEM Report recommends that the Electoral Act should be amended to enable the AEC to manage its workload in non-election periods by allocating work, principally enrolment applications and enrolment changes, throughout the AEC divisional office network. The Electoral Act as it currently stands provides that such workload sharing can only take place during the election period. There is no apparent rationale for limiting the operation of this workload sharing to the election period. Expanding this ability will result in a number of benefits to electors and reduce handling times.

Such changes will allow the AEC to manage its workload more efficiently by enabling enrolment transactions to be processed outside the relevant Division. These amendments will provide the AEC with additional tools to maintain the electoral Roll in a timely and efficient manner. These changes will ensure that the Electoral Commissioner has the obligation to receive and action any enrolment related transactions rather than only the Divisional Returning Officer or the Australian Electoral Officer. The Electoral Commissioner will then use an enhanced delegation power to delegate the processing of the transactions to any AEC officer or member of staff, which may include Divisional Returning Officers and Australian Electoral Officers.

The second theme of amendments in Schedule 2 provide for modern enrolment processes to enable electors to update their address details electronically. Despite recent trends encouraging Australians to communicate with government agencies electronically, the Electoral Act still requires voters to complete and sign paper forms when enrolling or updating their enrolment details. These forms are then required to be sent to the AEC by post to be entered into the electronic database used to maintain the electoral Roll.
These amendments give effect to Recommendation 9 of the JSCEM Report and will enable persons who are already on the electoral Roll to update their address details by providing this information to the AEC in an electronic format. In addition to the requirement that the person is already on the electoral Roll, the Bill foreshadows the making of regulations which will prescribe minimum verification information that the elector will need to provide to the AEC before the Electoral Commissioner can act on the electronic communication. The regulations will enable the AEC to request prescribed information from electors, for example date of birth and drivers licence number, to ensure that the electronic transaction is authentic and is being undertaken by the elector to whom the information relates.

These amendments will facilitate the maintenance of an effective electoral Roll by enabling voters to communicate with the AEC by electronic means rather than by written hardcopy forms.

Schedule 3 – Limitation on the number of endorsed candidates per Division

Schedule 3 to the Bill contains reforms which will restrict the number of candidates that can be endorsed by a political party in any one Division. At the by-election in the Division of Bradfield on 5 December 2009 there were 22 candidates, nine of whom were endorsed by a registered officer of a single registered political party.

The ability for a registered officer of a political party to endorse candidates for an election was introduced into the Electoral Act in 1987 to provide a streamlined way for political parties to nominate candidates. If not endorsed by a registered political party, a person seeking to be a candidate for an election must obtain the support of 50 electors in the Division in which the person is seeking to nominate. The current provisions of the Electoral Act do not prohibit political parties from endorsing more than one candidate in each Division for an election.

For a voter to cast a formal vote they are required to number a ballot paper from ‘1’ to the number of candidates on the ballot paper without errors in the numbering sequence. At the above mentioned by-election for the Division of Bradfield the rate of informal votes was 9.00 per cent. This is a record for any election for the Division of Bradfield and more than double the informality rate for the Division at the 2007 federal election. The average national informality rate at the 2007 federal election was 3.95 per cent.

The practice of multiple candidates for a single Division being endorsed by the registered officer of a political party has not emerged on this scale prior to the 2009 Bradfield by-election. Legislative amendment is required to prevent a similar rise in the informality rate in multiple Divisions at the next federal election.

Schedule 4 – Electronically assisted voting for people who are blind or have low vision

Schedule 4 to the Bill will provide a mechanism for people who are blind or have low vision to cast an independent and secret vote. Without the amendments in Schedule 4 there is no provision in the Electoral Act or the Referendum Act for such voters to cast a secret vote.

The amendments in Schedule 4 provide a framework for the making of regulations that will provide for a flexible regime of electronic voting while maintaining the integrity of the voting process.

This approach provides the flexibility to amend the mechanics of the electronically assisted voting process as technology changes from election to election.

This integrity of the voting process is ensured in the amendments as any regulations made under the amendment may include:

- a process for casting an electronically assisted vote;
- methods to ensure the privacy, secrecy and integrity of the vote;
- places, days and hours at which the electronically assisted vote will be available;
- recording of each person who has been issued with a vote; and
- recording of the vote and how this vote record will be treated.

Conclusion

The Government is committed to restoring the integrity of our electoral processes and systems. The first step in that process was the introduction of the Commonwealth Electoral Amendment (Po-
and the subsequent 2009 Bill, which aimed to restore accountability, integrity and transparency to our system of donation disclosure. Unfortunately, those provisions have been blocked by the Senate. The reforms contained in this Bill will continue the important process of updating the Commonwealth Electoral Act.

Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010

I am pleased to present legislation to meet two of the Government’s 2007 election commitments. This bill contains two schedules that will:

- restore the close of Rolls period to seven days after the issue of the writ for an election; and
- repeal the requirement for provisional voters to provide evidence of identity.

Schedule 1 – Close of the Rolls

Schedule 1 to the Bill deals with the close of the Rolls for an election. There is a deadline for every federal election after which the roll will be ‘closed’ for an election. This is known as the ‘close of the Rolls’ and specifies the date after which no additions or deletions can be made to the electoral Roll. The certified list of voters for an election is a list of persons who enrolled or updated their details before the close of the Rolls deadline.

The amendments proposed by Schedule 1 implement one of the Government’s pre-election commitments to restore the close of rolls period to seven days after the issue of the writ for an election. This amendment will provide sufficient time for new voters to enrol to vote for a federal election or existing electors to update their address details with the AEC.

Schedule 2 – Evidence of identity and provisional votes

Schedule 2 to the Bill repeals the requirement for provisional voters to provide evidence of identity. Provisional votes are a type of declaration vote cast by an elector at a polling place on polling day. The Electoral Act and the Referendum Act currently specify that a person who needs to cast a provisional vote at a polling place on polling day must provide a polling official with evidence of identity at the time of voting or by the first Friday following polling day. If the elector does not provide such evidence of identity by the deadline, his or her provisional vote will not be counted. The AEC estimates that over 27,000 provisional votes were excluded from the count at the 2007 federal election due to the operation of the existing evidence of identity provisions.

In accordance with JSCEM Recommendation 2, the Bill will repeal the requirement for voters casting a provisional vote to provide evidence of identity and will instead insert the new requirement that, where there is any doubt as to the bona fides of the elector, the signature on the envelope containing a provisional vote be compared with the signature of the elector on previously lodged enrolment records.

The amendments in Schedules 1 and 2 to the Bill implement recommendations of the JSCEM supported by the Government as necessary to provide eligible electors with the greatest opportunity to enrol and vote in an election.

Conclusion

The Government is committed to removing the barriers that prevent Australians from voting by:

- restoring the close of Rolls period to seven days after the issue of the writ; and
- repealing the requirement for provisional voters to provide evidence of identity.

Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010

I am pleased to present a bill that brings much needed reform to the Commonwealth Electoral Act 1918 (the Electoral Act) and the Referendum Machinery Provisions Act 1984 (the Referendum Act).

The Bill:

- repeals redundant provisions;
- gives the Electoral Commissioner flexibility rather than prescription; and
- places more technological tools at the Australian Electoral Commission’s (AEC) dis-
posal so that the AEC can continue to deliver the best enrolment and election practices.

The majority of reforms in this Bill are based on unanimously supported recommendations of the Report by the Joint Standing Committee on Electoral Matters following its inquiry into the 2007 Federal election (JSCEM Report).

Schedule 1 – Publishing forms and information about places to vote

The Electoral Act and the Referendum Act currently require information such as the location of polling places and the various enrolment forms to be published in the Gazette.

The requirement to gazette this information is intended to provide transparency in the electoral process and ensure that members of the public have access to such information.

In recognition of the trend for people to use technology and websites to interact with Government, Schedule 1 provides for the publication of electoral information on the AEC’s website.

These amendments will give effect to recommendation 41 of the JSCEM Report.

Schedule 2 – Evidence of identity for enrolment

Schedule 2 amends the evidence of identity requirements for enrolment. The amendments require a person making an application for enrolment, or a person changing their name, to provide evidence of identity with their enrolment application.

Such persons may provide any one of the following forms of evidence of identity:

- driver’s licence number;
- passport number; or
- the signature of a person currently on the electoral roll who attests to the identity of the person.

If an elector is simply changing his or her address details then evidence of identity is not required.

These amendments give effect to the unanimously supported recommendation 7 of the JSCEM Report.

Schedule 3 – Age 16 enrolment

Currently a person who is 17 years of age may provisionally enrol. These electors will automatically attain full enrolment on their eighteenth birthday. Provisional enrolment is voluntary.

The AEC has found that provisional enrolment for such people allows the AEC to target enrolment of young people in schools, educational institutions and youth events. Schedule 3 reduces the age of provisional enrolment from 17 years to 16 years of age.

Schedule 4 – Electoral rolls, related lists and ballot papers

Schedule 4 makes four sets of amendments relating to the use of technology in elections and election-related matters.

First, the amendments provide for Senators and Members to receive electoral Roll information in electronic form. This amendment is based on the unanimously supported recommendation 50 of the JSCEM Report.

Second, the amendments provide for the use of electronic certified lists. An electronic certified list will be known as an ‘approved list’. The approved list will be required to be approved by the Electoral Commissioner and will contain the same information as the certified list. Electronic approved lists and hard copy certified lists may be used at the same polling place. This amendment implements the unanimously supported recommendation 43 of the JSCEM Report.

Third, the amendments remove the technical requirement for ballot papers to be ‘overprinted’. This requirement is replaced by the requirement for ballot papers to contain a feature approved by the Electoral Commissioner. This amendment gives effect to the unanimously supported recommendation 38 of the JSCEM Report.

Finally, Schedule 4 amends the process of authenticating ballot papers by a Divisional Returning Officer. A Divisional Returning Officer will be required to mark a ballot paper that he or she believes is authentic with the words ‘I am satisfied that this ballot paper is an authentic ballot paper on which a voter has marked a vote’. This amendment implements the unanimously supported recommendation 37 of the JSCEM Report.

Schedule 5 – Mobile polling

The Electoral Act and the Referendum Act currently provide for mobile polling to be conducted
at special hospitals, prisons and remote divisions, with specific provisions applicable to each type of mobile polling.

To provide for consistent mobile polling arrangements, Schedule 5 consolidates the various mobile polling provisions into a single mobile polling provision.

In general, Schedule 5 provides for mobile polling to be conducted on polling day and the 12 days prior to polling day.

The Electoral Commissioner is given the power to determine the places at which mobile polling can be conducted. The Electoral Commissioner will publish information about the availability of mobile polling on the AEC’s website and by any other means deemed appropriate.

The practical process of issuing ballot papers remains unchanged.

These amendments are based on the unanimously supported recommendations 18, 20, 28, 29 and 30 of the JSCEM Report. The amendments differ from the recommendations as they will provide for a single mobile polling provision that allows the delivery of mobile polling where and when it is needed.

Schedule 6 – Postal voting

Schedule 6 provides four reforms to postal voting. First, Schedule 6 removes the requirement that a postal vote application be signed by an applicant and a witness. This reform enables postal vote applications to be lodged online or electronically and reduces potential delays in the delivery of postal vote applications. The amendments require an elector making an application for a postal vote to make a declaration that he or she is entitled to make an application.

Second, Schedule 6 prohibits extraneous material being attached to, or incorporated into, a blank postal vote application form. It is currently common practice for political parties and candidates to undertake large-scale reproduction and distribution of their own version of the official AEC postal vote application.

These amendments prohibit the inclusion of extraneous material, including political material, being attached to, or incorporated into, a postal vote application. However, extraneous material may be included in an envelope along with the postal vote application.

Third, the amendments require a completed postal vote application be returned directly to the AEC. To avoid delays in the issue and return of postal vote applications, these amendments provide that postal vote applications must be returned directly to the AEC. This is intended to ensure that the application is not returned via a third party, including a political party.

Finally, the amendments introduce a new requirement for both the elector and the witness to make a written declaration that the requirements for completing the ballot paper were completed before the close of the poll. The amendments also provide for the date of the witness signature on the postal vote to be the determining date for completion of the postal vote, rather than the postmark on the certificate.

These amendments are based on the unanimously supported recommendations 5, 6 and 33 of the JSCEM Report. The amendments differ from recommendation 33 as they require the completed postal vote application to be returned directly to the AEC and prevent extraneous material being included on, or affixed to, a postal vote application.

The intention is for Schedule 6 to commence at the default time of six months after Royal Assent.

Schedule 7 – Other amendments relating to rolls and enrolment

Schedule 7 amends enrolment practices and the provision of Roll information.

The Electoral Act requires a version of the electoral Roll to be publicly available for viewing. Schedule 7 clarifies that there is no right to copy or record by electronic means the publicly available Roll. This amendment is based on the unanimously supported recommendation 53 of the JSCEM Report.

The AEC maintains the electoral Roll for federal elections and also state and territory elections under ‘joint roll arrangements’. The AEC collects information from every eligible elector and then forwards that information to the relevant state or territory. Schedule 7 provides for a regime under which the roll information provided to the states and territories may be used for additional pur-
poses. The regime provides for regulations to prescribe the purposes for which roll information may be used, for example, the compilation of jury lists. This amendment is based on the unanimously supported recommendation 44 of the JSCEM Report.

Finally, Schedule 7 introduces specific provisions to facilitate enrolment and continued enrolment for people who are experiencing homelessness. A person experiencing homelessness will not lose their itinerant elector enrolment because he or she has been living in crisis or transitional accommodation for one month or longer. In addition, a person experiencing homelessness will not automatically be removed from the electoral Roll if they do not vote at a general election. This amendment implements the unanimously supported recommendation 19 of the JSCEM Report.

Schedule 8 – Eligibility for early voting
Pre-poll voting and postal voting are known as ‘early voting’. An elector who wishes to cast an early vote must apply and make a declaration that they are eligible for such a vote. Once the elector has made such a declaration the elector is issued with ballot papers.

Schedule 8 implements the unanimously supported recommendations 25 and 26 of the JSCEM Report. The amendments provide two additional grounds upon which an elector may apply for an early vote. First, throughout the hours of polling on polling day, the elector will be absent from his or her Division. Second, the elector will be unable to attend a polling booth on polling day due to a fear for his or her personal safety or wellbeing.

Schedule 9 – Minor technical amendments
Schedule 9 makes several minor technical amendments to:
- remove gender specific language;
- amend incorrect cross references; and
- provide for consistent use of terminology.

The amendments in Schedule 9 do not affect the voting or enrolment rights and obligations of electors.

Conclusion

Taken together these amendments provide the AEC with the necessary flexibility and technological tools needed to deliver modern electoral practices for the benefit of all electors.

The reforms are significant, and they are overdue. This Bill demonstrates the Government’s continuing commitment to update the Electoral Act and the Referendum Act for the benefit of all electors.

Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010

This bill implements two amendments relating to the important area of electoral advertising generally. First, it regulates the authorisation of how-to-vote cards to make it clear who will benefit from the preference flow suggested on the how-to-vote card. Second, the Bill prohibits a person from causing to be printed, published or distributed including by ‘radio, television, internet or telephone’ anything that may mislead or deceive an elector in relation to how to cast a vote.

Schedule 1 – How-to-vote cards

Schedule 1 to the Bill expands the authorisation requirements on how-to-vote cards. As how-to-vote cards are a subset of electoral advertising they are currently regulated under section 328 of the Electoral Act. In general terms, this means that how-to-vote cards must contain the name and address of the person who authorised the card and the name and place of business of the printer. This authorisation information is currently required at the end of the how-to-vote card.

The amendments proposed by Schedule 1 will provide specific and expanded authorisation requirements for how-to-vote cards and introduces two new offences for a breach of the authorisation requirements.

How-to-vote cards will be required to include at the top of each printed face the name and address of the person who authorised the how-to-vote card. If the how-to-vote card is authorised on behalf of a registered political party, the card must include the name of the registered political party. If the how-to-vote card is authorised on behalf of a candidate who is not endorsed by a registered political party, the card must include
The name of the candidate and the word ‘candidate’ printed next to the name.

The authorisations must conform to certain requirements in relation to the size of the characters in the authorisation. This amendment is intended to ensure that the authorisation is clearly visible and identifiable to electors.

The amendments make it an offence for a person to publish or distribute a how-to-vote card that does not comply with the authorisation requirements. The penalty is 10 penalty units.

There is a further offence for a person who publishes or distributes a how-to-vote card with false authorisation details. The penalty is 10 penalty units.

The Government is mindful of the views expressed by the Joint Standing Committee on Electoral Matters in its report on the 1998 election. That report concluded that how-to-vote cards serve a useful purpose to inform voters, enable the franchise and minimise informal votes. Consistent with these views, the measures in Schedule 1 to the Bill are aimed at ensuring voters are clearly advised of the source of the how-to-vote cards before casting their votes.

These amendments will make it clearer who will benefit from the preference flow suggested on the how-to-vote card and reduce the potential for voters to be misled. These amendments are important to give voters the means of making informed decisions when voting.

Schedule 2 – Misleading or deceptive publication

Section 329 of the Electoral Act currently prohibits publications that are likely to mislead or deceive an elector in relation to how to cast a vote. Section 329 of the Electoral Act provides a definition of the term ‘publish’. Schedule 2 to this Bill expands the definition of publish to include anything that is published by radio, television, internet or telephone.

As the offence in section 329 is expanded to cover material published on the internet, the offence is amended to provide extended geographical jurisdiction for such offences. The extended geographical operation captures material published overseas by an Australian citizen or resident.

Conclusion

The Government is committed to reducing the potential for voters to be misled and to give voters the means to make informed decisions about voting.

Debate (on motion by Senator Arbib) adjourned.

Ordered that the Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010 be listed on the Notice Paper as one order of the day, and the remaining bills be listed as a separate order of the day.

BUSINESS

Rearrangement

Senator O’BRIEN (Tasmania) (6.06 pm)—by leave—This afternoon there was a division on Senator Ludwig’s motion to vary the hours of meeting and routine of business. Senator Xenophon wished for his vote to be recorded, although he was not here to be paired. He was not paired. He indicated his support for the government motion. His pairing would not have affected the result, but I should indicate to the chamber that that was his wish and that is the way he would have wished to vote on that motion.

PAID PARENTAL LEAVE BILL 2010

PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) BILL 2010

In Committee

Consideration resumed.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.08 pm)—by leave—I move opposition amendments (1) to (5), (7), (10), (11), and (15) to (20) on sheet 6134:

(1) Clause 63, page 62 (lines 3 to 8), omit sub-clauses (1) and (2), substitute:
(1) Parental leave pay must be paid to a person by the Secretary in instalments.

(2) Clause 64, page 62 (line 16) to page 63 (line 18), omit the clause, substitute:

**64 A person’s instalment period and the payday for an instalment**

(1) A person’s **instalment period** is the period of 14 days starting on a day the Secretary considers appropriate for the person (or a class of person in which the person is included) and each successive 14 day period

Note: Sections 93 and 94 affect when an instalment period for a person starts and ends in certain circumstances.

(2) The **payday** for the instalment is a day that the Secretary considers appropriate that occurs after the instalment period to which the instalment relates.

(3) Clause 67, page 64 (line 22), omit “An employer or the Secretary”, substitute “The Secretary”.

(4) Clause 67, page 64 (lines 26 to 31), omit the note.

(5) Clause 68, page 65 (line 13), omit “An employer or the Secretary”, substitute “The Secretary”.

(7) Clause 69, page 65 (line 22), omit “(2)”.

(10) Clause 83, page 76 (lines 3 to 16), omit the clause, substitute:

**83 Guide to this Part**

This Part is about the payment of instalments to a person by the Secretary.

The Secretary is required to pay instalments directly to a person on the payday for the instalment.

In certain circumstances where the Secretary becomes required to pay instalments to a person, the Secretary is also required to pay the person arrears for instalments that had previously become payable, but not been paid, to the person.

(11) Clause 84, page 77 (line 2) to page 78 (line 26), omit the clause, substitute:

**84 When the Secretary pays instalments**

The Secretary must pay an instalment that is payable to a person on the payday for the instalment.

(15) Clause 117, page 103 (lines 15 and 16), omit paragraph (c).

(16) Clause 117, page 103 (line 19), omit “;”, substitute “.”.

(17) Clause 117, page 103 (lines 20 to 25), omit paragraphs (e) to (g).

(18) Heading to clause 133, page 112 (lines 3 and 4), omit “or PPL funding amount”.

(19) Clause 133, page 112 (lines 8 to 15), omit paragraph(1)(b), substitute:

(b) order the person to pay the Commonwealth an amount equal to any amount paid to, or in relation to, the person by way of an instalment of parental leave pay because of the act, failure or omission that constituted the offence.

(20) Clause 138, page 113 (lines 21 and 22), omit “or a PPL funding amount”.

The opposition will be opposing clause 69, clause 70, part 3-2, clauses 85 and 86, clauses 93 and 94, and part 3-5 in the following terms:

(6) Clause 69, page 65 (lines 18 to 21), sub-clause (1) **TO BE OPPOSED**.

(8) Clause 70, page 66 (lines 5 and 6), sub-clause (2) and the note **TO BE OPPOSED**.

(9) Part 3-2, page 67 (line 1) to page 75 (line 9), **TO BE OPPOSED**.

(12) Clauses 85 and 86, page 78 (line 27) to page 80 (line 12), **TO BE OPPOSED**.

(13) Clauses 93 and 94, page 84 (line 1) to page 85 (line 1), **TO BE OPPOSED**.

(14) Part 3-5, page 87 (line 1) to page 101 (line 8), **TO BE OPPOSED**.

In moving these amendments, the opposition are not in any way seeking to impede the passage or introduction of the government scheme. As we have flagged in the second reading debate, the opposition are concerned
that the government is seeking to give business in effect the role of being the PPL paymaster. We are therefore seeking these substantive amendments to extend the role of the Family Assistance Office in administering the Paid Parental Leave scheme indefinitely. This measure would make ongoing use of the taxpayer investment in the establishment of the necessary payment and operating systems beyond the initial six months. We urge the government to embrace the coalition’s amendments in order to avoid the imposition of unnecessary and unjustified cost, additional regulatory burden and the compliance risks to the small business community.

I think anyone who has been watching the debate in this chamber about the PPL legislation would be well aware that the opposition have been very responsible in the approach we have taken to amendments that have been put forward. Where amendments have been put forward which may have given effect to part of the coalition’s own policy but where it is clear that there was no prospect of the government agreeing with such amendments in the House, we have not supported those amendments. We have been at pains to do everything we possibly can to facilitate the passage of this legislation. However, the Senate, and the opposition in particular, has an important role to scrutinise legislation, and where we see what we feel to be a genuine problem that can easily and readily be addressed then we think it is the responsible and appropriate thing to move an amendment to that effect. It is the opposition’s hope that the government will seriously consider the amendments we are putting forward.

In moving these amendments I want to acknowledge the ceaseless advocacy in this area—that being the impact of the government’s legislation on business—of Mr Billson, the shadow minister for small business, and Senator Boswell, who is also a ceaseless advocate in this place for small business. We genuinely hope that the government will consider these amendments.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.12 pm)—I was hoping a quorum would have been called as a common courtesy. These amendments are similar to the amendments Family First put to this chamber. This is all about making sure that small businesses and businesses are not inconvenienced. The Family Assistance Office is already involved in handling paid parental leave payments for people who have worked fewer than 12 months in one business. They are already handling it, they are already taking care of it, and they are already doing this sort of stuff, so why would you duplicate and have another set of people worrying about how to make these payments? The Family Assistance Office is already going to have to do it for some. I think it is unnecessary red tape that will be placed on businesses, especially small businesses. These amendments obviously make sense and, seeing as they are Family First amendments, and the opposition’s ones are similar to ours, I am hoping common sense prevails. These amendments make sure that the Family Assistance Office is doing the hard work and not leaving the burden and red tape to small businesses. I think it is an impost that we can certainly do without placing on them. The Family Assistance Office is the right place for it to take place in.

The TEMPORARY CHAIRMAN (Senator Crossin) (6.13 pm)—Senator Fifield, can I just reaffirm with you that, in moving amendments (1) to (5), (7), (10), (11), and (15) to (20) on sheet 6134 together and moving to oppose the clauses and subclauses you indicated in (6), (8), (9) and (12) to (14) on sheet 6134, we will need to split the question in terms of making sure they stand as printed?
Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.14 pm)—Yes. I appreciate that. I was just flagging that that would be needed.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.14 pm)—I thank Senator Fifield and Senator Fielding for their contributions. Unfortunately the government does not support removing employer involvement in the Paid Parental Leave scheme. We want to ensure that women maintain a strong connection with the workforce by receiving their government funded parental leave pay through their employer, as they would receive any other work entitlement. Only nine per cent of all businesses will be involved in Paid Parental Leave in any given year and only three per cent of small businesses. To help employers prepare for the scheme, the role of employers in providing government funded parental leave pay will be phased in over the first six months to align with the new financial year. Parental leave pay will be paid in accordance with an employer’s normal pay practices and the employees’ usual pay cycle. The design of the government scheme as recommended by the Productivity Commission sends a strong message that taking leave from work around the time of a birth is a normal part of work and family life.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.15 pm)—It is disappointing that the government did not take a moment, even, to consider the opposition’s amendments. The opposition is serious about these amendments and about the need for them, but in supporting our amendments I want to indicate that we will not be seeking to imperil the legislation.
The TEMPORARY CHAIRMAN
(Senator Crossin)—The question now is that subclause 69(1), subclause 70(2) and the note, part 3-2, clauses 85 and 86, clauses 93 and 94 and part 3-5 stand as printed.

The committee divided. [6.29 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes............ 31
Noes............ 31
Majority........ 0

AYES
Arbib, M.V.    Bilyk, C.L.
Bishop, T.M.   Brown, B.J.
Brown, C.L.    Cameron, D.N.
Collins, J.    Conroy, S.M.
Crossin, P.M.  Farrell, D.E.
Feeney, D.     Forshaw, M.G.
Furner, M.L.   Hanson-Young, S.C.
Hogg, J.J.     Hurley, A.
Hutchins, S.P. Ludlam, S.
Ludwig, J.W.   Lundy, K.A.
Marshall, G.   McLucas, J.E.
Milne, C.      Moore, C.
O’Brien, K.W.K. * Pratt, L.C.
Sherry, N.J.   Siewert, R.
Stephens, U.   Sterling, G.
Wortley, D.    

NOES
Abetz, E.       Adams, J. *
Back, C.J.      Barnett, G.
Bernardi, C.    Birmingham, S.
Boswell, R.L.D. Boyce, S.
Brandis, G.H.  Cash, M.C.
Colbeck, R.     Coonan, H.L.
Cormann, M.H.P. Ferguson, A.B.
Fielding, S.    Fifield, M.P.
Fisher, M.J.    Heffernan, W.
Humphries, G.  Johnston, D.
Joyce, B.       Kroger, H.

* denotes teller

Question negatived.

The CHAIRMAN—The vote is equal, indicating that the clauses and parts lack majority support, and the clauses and parts are therefore negatived.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.34 pm)—I move government amendment (6) on sheet AF249:

(6) Page 86 (after line 29), at the end of Division 2, add:

99A Payment of paid parental leave does not affect other employer obligations

An obligation of an employer to pay a person parental leave pay under this Act is in addition to any other obligation the employer may have in relation to the person, however that other obligation might arise (including, for example, under another law of the Commonwealth, a State or a Territory, or an industrial instrument (however described)).

This amendment seeks to address a question raised at the Senate inquiry as to whether the government scheme was offering entitlements that were additional to those that already exist or whether employers could use the government funding to offset their own
schemes. This amendment removes any possible uncertainty over the issue. It makes it clear that an employer cannot use parental leave pay under this bill to meet their obligation to provide employer funded paid parental leave under an industrial agreement. This amendment simply confirms that the government’s PPL payment—

"Opposition senators interjecting—"

The TEMPORARY CHAIRMAN (Senator Crossin)—Senator Fisher is calling a point of order. Senator Fisher, if your colleagues could get out of the way, that would be helpful.

Senator Fisher—Madam Temporary Chairman, on a point of order: my apologies, but I am unable to hear the words of the minister and I would like to. I wonder if he could start again.

The TEMPORARY CHAIRMAN—I think that is a very good point of order, Senator Fisher, so if people are not involved in the debate then they might like to sit and listen or leave the chamber.

Senator ARBIB—Thank you. I am happy to start again. This amendment removes any possible uncertainty over the issue. It makes it clear that an employer cannot use parental leave pay under this bill to meet their obligation to provide employer funded paid parental leave under an industrial agreement. This amendment simply confirms that the government’s PPL payment cannot be used to satisfy any other employer obligations as they may exist from time to time.

Senator FIFIELD (Victoria) (6.35 pm)—The opposition is quite perplexed by this amendment on sheet AF249. The amendment which was circulated today was, in fact, drafted on the 11th of this month, so I am just wondering at the outset if the minister could explain what the delay was between the drafting of this amendment on the 11th, as is printed at the bottom, and its circulation today, the 16th—some five or six days later.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.36 pm)—This went through our normal processes; it also went through our caucus yesterday.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.36 pm)—That is not particularly illuminating but, given the delay and our concerns about this amendment, this amendment really gives rise to a fear that we had, which was flagged in the second reading debate, that the government would ultimately try to set up small business to pay for and fix up the shortcomings of the government’s own flawed scheme—that this is the top-up amendment, if you like, to try to top the scheme up. As indicated, we do not want to be difficult on this but, as there were five days between the drafting of this and its circulation, and it was only circulated today, I ask the minister if this particular amendment could be pushed down the list and a briefing provided for the opposition so that we can get a better understanding as to the working of these proposed amendments.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.38 pm)—There were discussions today with ACCI and AiG and my understanding is that they were both very comfortable with this amendment. This amendment simply confirms that the government’s PPL payment cannot be used to satisfy any other employer obligations as they may exist from time to time. It is no more complex than that.

Senator FISHER (South Australia) (6.38 pm)—The minister indicated that the government has had consultations with AiG and
ACCI today; with whom at AiG and with whom at ACCI, if I may ask?

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.38 pm)—It was Tony Melville from AiG. I do not have the information on ACCI on me at present, but those meetings did take place and, again, this is simply confirming that the payments cannot be used to satisfy other employee obligations. I do not think it should hold up the progress of the legislation.

Senator FISHER (South Australia) (6.39 pm)—At what time did you have discussions with ACCI today?

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.39 pm)—I was not in those discussions, but my understanding is that the minister responsible had discussions with them some time today; I do not have the time.

Senator FISHER (South Australia) (6.39 pm)—It may surprise you to know that as far as I understand it ACCI has concerns about the amendment, and had concerns at the time that they had the amendment relayed to them just before lunch time today. I find your reassurance somewhat at odds with my understanding of ACCI's position. I look forward to hearing with whom the minister did consult at ACCI and the basis of the minister’s reassurance that ACCI and, indeed, AiG are not concerned about the amendment.

Has the government consulted with the union movement in respect of this amendment, and if so, who with?

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.41 pm)—The government is happy to withdraw the amendment. This amendment was put in place to provide certainty to employers. It came out of the recent inquiry, but it is not legally required. So if coalition senators wish to oppose it then we are happy to withdraw it.

Senator FISHER (South Australia) (6.41 pm)—If the government takes up the coalition’s request that the coalition be briefed about the amendment we may be in a better position to deal with it. Senator Fifield may wish to comment at this stage. I have further questions pending that.

Senator HANSON-YOUNG (South Australia) (6.42 pm)—I did indicate earlier in this committee process that the Greens would withdraw our amendment relating to these issues because the government had subsequently adopted their own solution to the issue and put forward their own amendment. If the government are now going to withdraw their amendment then I will recirculate the Greens amendment. This is a very important issue and I do not want to see the government backtrack on this. This is a clear indication—it was spoken about in the Senate inquiry, and it has been spoken about since by the minister—that there needs to be a much clearer direction given in this legislation to ensure that employers do not cut their existing entitlements simply because this parental leave scheme is coming in. Please, Minister, I would urge you not to withdraw; otherwise, I will put mine back on.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.43 pm)—As I indicated previously, we are not looking to cause a difficulty here. This amendment was only circulated today. There may not be an issue with it, but I think it would facilitate the deliberation of this chamber if the government were prepared to agree to a briefing for the opposition on this amendment. If this amendment can be
pushed down the list then I think that would expedite matters. There is only another five minutes before we finish dealing with PPL tonight, so I think if the government could agree to that, that might be a way forward.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.44 pm)—I get the feeling that we are heading towards a filibuster from coalition senators which I think government senators find disappointing, especially given some of the earlier comments from Senator Fifield. Considering the comments from Senator Hanson-Young and Senator Fifield, we are happy to leave the bill on the table, provide a briefing to coalition senators tomorrow at 9 am and continue with the debate.

Senator FISHER (South Australia) (6.44 pm)—I would like to respond to the minister’s suggestion that the opposition is filibustering. In case there be any concern about that I am happy to take whatever time is provided to ask the minister questions of substance about this amendment if he needs to be reassured of our genuineness in wanting to be briefed about it.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.45 pm)—Given the time, if Senator Fifield would like to provide a list of concerns then we can provide a response tomorrow at 9 am briefing.

Senator FIFIELD (Victoria)—Deputy Manager of Opposition Business in the Senate (6.45 pm)—I thank the minister for offering a briefing and I want to indicate that if this amendment had been circulated in good time or a briefing had been provided previously then we could have avoided this situation. If the opposition were seeking to cause difficulty here then we would have said that we would oppose and divide on the amendment until such time as a briefing was provided. We are not doing that. So, Minister, thank you for the offer of a briefing and we look forward to that tomorrow.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (6.47 pm)—I seek leave to postpone government amendment (6) on sheet AF249.

Leave granted.

Senator HANSON-YOUNG (South Australia) (6.48 pm)—I move Greens amendment (11) on sheet 6111:

(11) Page 233 (after line 7), after Division 3, insert:

Division 3A—Review of Act

301A Review of operation of Act

(1) The Minister must cause a review of the Act to be conducted by an independent panel.

(2) The review must:

(a) start not later than 1 October 2012; and

(b) be completed within 3 months.

(3) The review must report on:

(a) the operation of the Act; and

(b) the options for extending the PPL period; and

(c) the options for including concurrent paid partner leave; and

(d) the options for payment of superannuation in connection with PPL; and

(e) the impact of the Act on pre-existing entitlements; and

(f) collective bargaining outcomes as they relate to paid parental leave schemes; and

(g) any other matters considered relevant.
(4) The panel must give the Minister a written report of the review.

(5) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

I was going to announce that I would be withdrawing this amendment based on the fact that the postponed amendment from the government deals with it. The third issue that the government has picked up on that the Greens have been talking about is the importance of having a legislated review of the scheme. I am thankful that the government has taken this on board. I hesitate to withdraw this amendment because I would hate to think that tomorrow morning we might come back and the government's amendment has changed. I seek leave to postpone Greens amendment (11) on sheet 6111.

Leave granted.

Senator HANSON-YOUNG (South Australia) (6.48 pm)—I move Greens amendment (12) on sheet 6111:

(12) Page 233 (after line 7), after Division 3, insert:

Division 3B—Data on the impact of PPL

301B Publication of data on the impact of PPL

(1) The Secretary must publish information on the following:

(a) the number of people receiving PPL instalments;
(b) the number of people paid instalments:
   (i) by employers; and
   (ii) by the Secretary;
(c) PPL periods.

(2) The Secretary must routinely consult with Fair Work Australia on bargaining outcomes in enterprise agreements with respect to paid parental leave schemes and publish a report on those consultations, including information about the extent to which enterprise agreements contain additional paid parental leave entitlements and changes to those bargaining outcomes over time.

(3) Information required to be published under this section to must be:

(a) updated at least every 6 months, not later than 31 December and 30 June each year; and
(b) published on the department's website.

This amendment goes to the fact that we want some data collected through this process so that once the review happens we have access to data to see how this scheme has impacted on workplaces, women who have taken the leave and parents who have access to the scheme, and we ensure that we can track how the scheme is rolling out. There have been a lot of comments made about the fact that this scheme is not perfect; that it is a block which needs to be built upon. The best way of us ensuring that we get that right is to have an audit of the issues it faces.

Progress reported.

Ordered that the committee have leave to sit again on the next day of sitting.

DOCUMENTS

Consideration

The government documents tabled today were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! I propose the question:

That the Senate do now adjourn.

Cancer

Senator FURNER (Queensland) (6.51 pm)—This evening I rise to speak on a matter which I have been involved in for many years. When it comes to cancer, there is no need to reinforce my commitment to the cause. Since 2006 I, along with other com-
mitted senators, House of Representatives members, Queensland members of parliament, councillors, trade union officials and members of communities in Brisbane, have been raising dollars to combat cancer and hopefully find a cure for this insidious disease. Collectively to date we have raised over $55,000 to help the Cancer Council of Queensland to fund outcomes. Most of the activities have been concentrated on fund-raising through the Relay for Life events in Pine Rivers, Redcliffe and Brisbane. However, on Saturday, 13 March I was invited, along with the member for Longman, Jon Sullivan, and the state member for Morayfield, Mark Ryan, to participate in an event held at the Caboolture hall to commemorate the passing of Toni Lee-Anne Connelly and to raise money for the Cancer Council of Queensland.

To have an understanding of Toni’s illness we need to go back to May 2005, when she was diagnosed with a brain tumour, having experienced muscular spasms in her left leg. She was operated on within a week of being diagnosed, her loving family by her side. The operation was followed by extensive radiation therapy. As normal procedure, scans were conducted at six-monthly intervals. By 2008 scans revealed the cancer was returning in the form of an aggressive blastoma multi-forme cancer. Doctors were hesitant to operate and the family continued to search for a possible cure, as they had before. Subsequently, a debulking operation was performed in September 2008 at Sydney’s Royal Prince Alfred Hospital, with Toni’s loving family at her side once again. Chemo and stereotactic radiation therapies were administered in further attempts to stop the tumour’s progression.

Toni knew from her many visits to the cancer wards that there were countless others affected by this disease, not just the direct suffers but also their families and friends. Toni always tried to make her family happy and reduce their worries. She never complained about the effects of the treatment or the way it made her feel. Quite selflessly in November 2009, despite all the pain and treatment she had endured, Toni expressed a wish to raise funds to help young children and others affected by cancer. The family spoke with close friends and soon team TLC was formed.

Team TLC set about raising awareness and support for the cause, and a fundraiser was held in March 2010. The Cancer Council Queensland were contacted and they threw their support behind the team’s efforts. Team members reported widespread community support for the cause, and on 13 March 2010 the event became reality at the Caboolture Memorial Hall. The event took on the theme of a mad hatters tea party and auction, with items from the wider community, including political memorabilia from Prime Minister Kevin Rudd and Queensland Premier Anna Bligh, and a multitude of local business donating various items for auction. Along with entry and sales from a sausage sizzle, the auction raised funds of over $16,500 on that day, and the sole beneficiary was Cancer Council Queensland.

Despite Toni spending her palliative days in the care of her family at home and passing quietly in the early hours of the morning of 1 March, 12 days short of the event, I am sure she would have been overwhelmed with the success of main convener Russell Veritz, the TLC team and supporters. Toni was loved by all who knew her. She was a very well respected member of the community, not just as a businesswoman but as a person. She is sadly and deeply missed by her sons and family and all who knew her. Like Toni and the TLC team, I shall continue my commitment to raising funds through my involvement in Relay for Life to one day find a cure for this insidious disease.
In respect of this government’s commitment, the Rudd government provided $500,000 in funding towards the Cairns Base Hospital chemotherapy initiative in the 2009-10 financial year and will provide $7.3 million over three years to establish an integrated cancer centre at Cairns Base Hospital. It will be a purpose-built facility offering a range of cancer treatments, including a radiation oncology service. Funding will also be injected into the states to support follow-up for National Bowel Cancer Screening Program participants who returned a positive test result. Queensland will receive $400,000 in the 2010-11 financial year. Through the Health and Hospitals Fund, the Commonwealth will provide $1.3 billion over six years to support infrastructure to deliver a world-class cancer care system. This will modernise cancer services and improve detection, survival and treatment outcomes.

Since 2007 the government has injected millions into cancer care, including $600 million to ensure Australians with cancer can get the medication they need, $120 million to replace BreastScreen Australia’s analogue mammography equipment with state of the art digital mammography equipment used for screening women with breast cancer, $87.4 million to expand the National Bowel Cancer Screening Program, $31 million for women who require breast prostheses as a result of breast cancer, $12 million for the McGrath Foundation to recruit, train and employ breast care nurses for four years, $15 million for a children’s cancer centre in Adelaide, $15 million for CanTeen to establish youth cancer networks, $15 million to set up two dedicated prostate cancer research centres in Brisbane and Melbourne and $15 million to establish the Olivia Newton-John Cancer and Wellness Centre in Melbourne.

The Minister for Health and Ageing, the Hon. Nicola Roxon, recently announced the Rudd government’s plan to create a single national cancer control agency to further strengthen the government’s strategic focus on cancer control and to build a better health and hospital system. The government intends to amalgamate the national lead cancer agency, Cancer Australia, with the successful National Breast and Ovarian Cancer Centre, the government’s expert centre on breast and ovarian cancer control. The proposed joint agency will have a clear leadership mandate across all cancers and a capacity to better focus on Cancer Australia’s responsibilities under the Cancer Australia Act 2006. The benefits of such an approach are as follows: the amalgamated agency would allow the time, effort and expense spent on separate reporting requirements and administration to be redirected so that the maximum resources go to front-line cancer programs and research; all cancer stakeholders would have one Australian government agency to work with, regardless of cancer type; and the government would have one coordinated source of expert advice on cancer care.

Breast and ovarian cancer patients and their families can be assured that these cancers will remain a priority of the Australian government, as the new Cancer Australia will continue to focus on breast and ovarian cancer as it delivers the government’s broader cancer programs and research priorities. The proposed model has proved effective internationally and will create a more strategic approach to fighting cancer, building on the successes in treating specific cancers such as breast and ovarian cancer. When it comes to commitment to combating cancer, I am pleased to say that the Rudd Labor government and my team members who walk and run for 18 hours each year in Relay for Life are as one.

**Budget**

Senator CASH (Western Australia) (6.59 pm)—I rise to address an issue that is of su-
prime importance to the state of Western Australia and to all Western Australians—that is, the impact of the Rudd Labor government’s proposed resource super profits tax on the state of Western Australia.

Soon after the Rudd Labor government was elected on 24 November 2007, it became patently obvious that the Rudd government was to become a big-spending, high-taxing government. In May 2008, just six months after its election, and as a consequence of its extravagant, wasteful and reckless spending, the Rudd government realised it would need to raise taxes to fund its proflific spending. So what did it do? It announced a review of Australia’s tax system. The crass political objective of the review, which became known as the Henry tax review, was to extract more tax from the Australian taxpayer and from corporate Australia.

Rather than signal that the review was designed to raise taxes, the Rudd government clothed the review in its political spin and claimed that it would examine Australia’s tax and transfer system, including state taxes, and make recommendations to position Australia to deal with the demographic, social, economic and environmental challenges of the 21st century. The long-awaited tax review by Treasury secretary Ken Henry has now been published. There are 138 recommendations in the Henry tax review, but because Mr Rudd is a weak person, because he is an insipid person and because he does not have the guts for full-bodied tax reform, Mr Rudd, the Prime Minister of Australia, chose to accept only 2½ of Mr Henry’s 138 recommendations. Mr Rudd chose a blatant tax grab rather than measured tax reform. Clearly, the Henry tax review represents a lost opportunity for taxation reform in Australia given that the centrepiece of the proposal is the addition of a new supertax, which will destroy Australia’s resources sector rather than streamline and refine the current tax system.

As a senator for Western Australia, which has the biggest mining industry of all the Australian states and territories, I am very concerned about the impact this additional resource tax grab will have on my state. Let’s face it: if it impacts on Western Australia, there will be a consequential flow-on to the rest of the nation. If the Rudd Labor government implements its proposed resource tax grab we will see a new supertax being imposed on the mining industry in addition to the $21 billion that is currently paid by companies in royalties, income tax, payroll tax, fringe benefits tax and taxes paid by individuals working in the mining industry. The imposition of a mining supertax is likely to have a significant adverse effect on export earnings in Western Australia and this will be to the detriment of the state and the nation.

Mining is a globally competitive industry which makes investment decisions based on the perceived sovereign risk of a host country and the relevant taxation regimes. It is estimated that there are currently in excess of $100 billion worth of new mining projects being considered by mining companies around Australia. Because of the extended life of mining projects, which are measured in years rather than months or seasons, decision makers in the mining industry look for certainty and stability, particularly in the area of taxation. This certainty and stability is often reflected in state agreements where a state government will enshrine in legislation the terms and conditions that are to be applied to a particular mining project. In Western Australia there are many examples of such state agreements.

It is in the Australian people’s interests to expand our mineral exports so that the resulting economic benefits can be used to continue to raise our standard of living and pro-
vide a secure future for generations to follow. Clearly a tax grab on mining projects, which is now being contemplated by the Rudd Labor government, raises the issue of sovereign risk and will adversely affect future investment decisions in the mining industry, particularly in Western Australia.

Then there is the impact this tax will have on jobs. Western Australia is one of the world’s most diversified mineral mining regions, and is the economic powerhouse that drives development throughout Australia. In WA there are more than 75,000 direct employees and contractors in the mining industry. If the economic multiplier is applied to mining expenditure, it is obvious that this results in huge numbers in indirect employment and a huge increase in aggregate demand, resulting in both economic and social benefits to Western Australia and the nation. Clearly, the introduction of a mining super-tax will have an adverse effect on mining employment and indirectly on other employment in Western Australia.

Then there is the impact on mining exploration. The mining industry is underpinned by continued growth in both exploration and investment. Without both the industry will without a doubt decline. Mineral exploration in Australia in 2008-09 was worth $2.2 billion, of which 56 per cent was expended in Western Australia. About 63 per cent of Western Australia’s exploration expenditure was on existing deposits, with the remaining 37 per cent on greenfields sites. Exploration is the lifeblood that finds new mineral deposits and it provides the catalyst to unlock Western Australia’s mineral wealth.

Contrary to the Rudd Labor government, which is intent on damaging the mining industry by the imposition of a resource super profits tax, the Western Australian government is actively encouraging the mining industry and last year introduced an $80 million Exploration Incentive Scheme aimed at encouraging exploration in underexplored greenfields regions of WA. I believe that the imposition of a mining supertax is likely to have a significant adverse effect on exploration in Western Australia and this will be to the detriment of the state and the nation.

Research and development is crucial to the mining industry as it can identify and create new technologies that have a direct impact on the operations and profitability of a mining venture. Research and development can identify opportunities to reduce production costs, add value to recovery techniques and identify safety enhancement opportunities to benefit employees. I believe that the imposition of a mining supertax is likely to have a significant adverse effect on mining research and development, and this will be not only to the detriment of Western Australia but to the detriment of the nation.

In 2009 the Western Australian government received more than $2.5 billion in royalties from mineral and petroleum producers in Western Australia, of which about $1.5 billion was from mining. As Western Australians know, royalties are a payment for access to and extraction of a particular mineral resource and relate to the land management function that is a constitutional right of a state. Western Australian voters are well aware of the contempt Mr Rudd has for Western Australia, which is reflected in his complete disdain for the Federation and his continued failure to uphold the principles of federalism.

Let us not forget that as a result of the recent Grants Commission 2010 report on revenue-sharing relativities, which sets out how the GST should be distributed between states and territories, in 2010 and 2011 WA’s share will fall by $222 million or nearly $100 on a per capita basis. Western Australia now keeps only 68c of its per capita GST
dollar at a time when the overall national GST revenue is growing. It is critical that Mr Rudd knows that if he introduces his new mining supertax Western Australia will not forgo its constitutional right to impose a royalty on mining operations in that state. Any mining supertax imposed by the Prime Minister of Australia, Mr Rudd, will be in addition to any applicable state royalty. The bottom line is that the Rudd government is a big-spending government and this mining supertax is designed to satiate the out-of-control spending pattern that has become a hallmark of Rudd Labor.

The facts are clear, particularly to the people of Western Australia. Mr Rudd has failed the test as a fiscal conservative as with so many of his promises and he has become the nation’s biggest underachiever. I hear this from so many people back in Western Australia. No wonder his colleagues in the west now refer to Mr Rudd as the worst Prime Minister since Billy McMahon. Then they offer their apologies to Billy McMahon for putting him in the same category as Mr Rudd, the underachiever.

The federal opposition will oppose Rudd Labor’s great big new tax on the mining sector. The so-called superprofits tax has dire consequences for Australia’s most successful industry, with significant flow-on effects right across the economy. This tax is economic vandalism and it is economic lunacy from a government that does not have a clue about economic management. Rudd Labor should axe the tax.

**Child Protection**

**Senator BILYK** (Tasmania) (7.09 pm)—Tonight I rise to speak once again on the important issue of child abuse and neglect. I want to pay tribute to two organisations working in this area. Those two organisations are Barnardos Australia and the Australian Childhood Foundation. Both these organisations play vital roles in supporting Australian children and I believe it is important that they get some recognition for the great work they undertake. I should use this opportunity to point out that there are also many other organisations that work for the benefit of children, and each and every organisation working in this area is valued for its efforts.

As a mother and a former childcare worker, the welfare of children is of the utmost importance to me. Barnardos has been protecting children for more than 120 years and is known for its slogan, ‘We believe in children.’ It was founded by Dr Thomas Barnardo in England after he was disturbed to find out how many children did not have families and lived on the streets. In 1870, Barnardo was forced to turn away children as he did not have the money or space to care for them. Sadly, a child known as ‘Carrots’ died a few days after being turned away and Dr Barnardo stated that ‘no destitute boy or girl ever be refused admission’. Dr Barnardo opened homes and a small hospital, arranged for children to be fostered by families and expanded his program to Australia and New Zealand.

Under the heading ‘Barnardos’ Vision’, the Barnardos website states that:

All children and young people will have caring families, in which they can grow safely and fulfil their potential. Families and young people will be valued and supported by quality services and engaged communities.

Under the heading ‘Barnardos’ Mission’ it states:

Barnardos builds relationships between children, young people, their families and the community. It advocates for children and young people and contributes to community knowledge about their issues.

Barnardos Australia has Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia, as its patron.
Well-known TV personality and mother of two Noni Hazlehurst AM is the national ambassador. She states:

Every one of us has a responsibility to look after children and their carers in our community, in our nation and worldwide. I admire the work that Barnardos does in caring for children and families. The Barnardos Australia’s Mother of the Year Awards recognise the importance of mothers and highlight the remarkable achievements of mothers all around Australia.

During April, I had the pleasure of attending the Barnardos Tasmanian Mother the Year Award, held in Hobart. Every mother nominated had an amazing and inspiring story to tell. Jenny Piemontese of Sandford in southern Tasmania was one of three finalists, along with Aileen Charles and Delwyn Polden, both of Burnie. Jenny was declared the Tasmanian Mother of the Year and I would like to share her story with you.

Jenny has combined raising her three biological children, Tamara, Matthew and Brianna, and her stepson Nathan, with fostering many others. Jenny became a foster parent not long after her youngest child was born. Originally Jenny and her husband, Vince, only planned to foster one child, but they knew there was great need for foster carers and Jenny decided not to return to her job. The children Jenny has cared for have often been babies suffering from drug and alcohol withdrawals because of substance abuse during pregnancy. Jenny delights in seeing the babies in her care become stronger but finds it challenging sometimes to give up the children as many of them will have been in her care for 12 months or longer. Jenny has also fostered older children. As well as her busy life as a mother, Jenny has been a volunteer for Lifeline and Calvary Hospital and helps in the school canteen. If that were not enough, Jenny also has her 17-month-old granddaughter, Hannah, who lives nearby, and the family pets.

Like Jenny, both Aileen and Delwyn have biological children as well as being foster carers and both take on that wonderful role of caring for children with disabilities. All three women have shown remarkable courage and compassion by caring for children from difficult circumstances—particularly when it has involved the added challenge of a disability or substance withdrawal.

Barnardos is a wonderful organisation and it is for this reason the federal government provides funding under a number of initiatives. These include the Proceeds of Crime Act, the Jobs Fund and the Protecting children is everyone’s business: national framework for protecting Australia’s children 2009-2020.

The second organisation I want to mention tonight is the Australian Childhood Foundation—the ACF. This organisation provide education, training and counselling, and work to give parents the skills they need to be effective. They assist foster parents and undertake fundraising as well as doing advocacy work. I visited the ACF a few weeks ago and had the opportunity to talk to staff about the important work they carry out. David Boon MBE is a former member of both the Tasmanian and Australian cricket teams, and coincidentally was born in Tasmania, and is an Ambassador for the ACF. Mr Boon states, ‘I decided to become involved in this campaign because children really deserve better. All kids need to be safe.’ How right he is. The foundation has directly helped 4,000 children, with their specialist counselling aimed at assisting a child in the recovery process who has suffered as a result of abuse, neglect and/or family violence. It is a long process in which the children have to deal with their feelings and learn to trust again. Sometimes, as we know, this can take years. The foundation has supported more than 400,000 families through its parenting education and resource
programs. It has helped more than 200,000 parents from different cultural backgrounds to improve their knowledge and confidence through the distribution of parenting information, which is available in 16 languages.

When children are removed from their parents because of abuse or neglect they have a range of issues to deal with that often result in behavioural problems. The foundation provides support to foster parents to help them cope with the child in their care and to find the best possible ways to communicate with them and to build a relationship—despite the many barriers. Another area the foundation is involved in is offering training to people who work in education, criminal justice and child protection. Education focuses on the neurobiology of trauma, attachment and related practice issues. The foundation argues strongly for policy and legislative reform that will make a real difference to the ways that the community can keep children safe from violation. The ACF strives to be a fearless advocate for children and their need to feel safe, respected and cared for.

In 2009, the ACF and Monash University launched the report Doing nothing hurts children. The report focused on a survey of 722 adults conducted in July 2009. This was the third such survey over a six-year period. The survey found that one in four Australian adults have identified a case of child abuse and neglect in the preceding five years. Dr Joe Tucci, CEO of the ACF states, ‘This makes child abuse the most significant problem facing our community.’ Forty-four per cent of those people who had identified a case of child abuse were worried about the child’s safety to the extent that they felt it was necessary to involve the authorities. Twenty-one per cent felt the need to discuss the situation with a professional, while 16 per cent had chosen to ignore the problem. Of the people who chose not to act, 24 per cent were unwilling to become involved while 53 per cent did not know what they should do or who to talk to. The report also found that 26 per cent of cases involved physical abuse and 21 per cent involved sexual abuse. More than half of the cases involved children under eight years old. In a 12-month period, only 45 per cent of those people surveyed who recognised abuse took action on the same day.

Research by the ACF in combination with Access Economics and Monash University found that child abuse costs Australia between $10 billion and $30 billion each year. Dr Tucci states that there are a number of obstacles in protecting children. These include the fact that children are not always believed and people are not confident of recognising the signs of abuse. Others do not know what action they should take to help the child. Tasmania is fortunate to have the service of both Barnados and the Australian Childhood Foundation. I would like to thank all those people who support children in times of need and say a special thank you to the foster parents, carers and staff of these two organisations. Our children need protecting and we all have a role to play in offering that protection. I urge everyone to open their eyes, to take action if needed and to support the work of Barnardos, the Australian Childhood Foundation and the other organisations working for the benefit of our children.

Food Security

Senator HEFFERNAN (New South Wales) (7.19 pm)—Tonight I would like to put on the agenda for all Australians—and begin the debate that will lead to the protection of Australia’s sovereignty and food security, both for our country, the world’s luckiest continent, and our role in supporting the global food task—the urgent need to put our agricultural land and water resources on the radar of the Foreign Investment Review
I will give the Senate a snapshot of the future. By 2050, the world will have a population of 9 billion. According to the science—all science has vagaries though—50 per cent of the world’s population could be poor for water; one billion people could be unable to feed themselves; 30 per cent of the productive land in Asia, where two thirds of the world’s population will live, could be out of production due to urbanisation and climate change; the food task will double and possibly up to 1.6 billion people out of 9 billion on the planet will be displaced. If you extrapolate the science out to 2070, you will see that the world will have just on 12 billion people—this was evidence provided to the Senate Select Committee on Agriculture and Related Industries last week. China will have just on two billion people, but it will only have the capacity to feed a third of its population from its own agriculture resources with the known advance of science. Ninety-seven per cent of the world’s water is salt water and three per cent is fresh water, two-thirds of which is tied up permanently in snow and ice so that only 1/250th of the world’s water is available in our rivers and streams. Indeed, there is more water tied up in the clouds than there is in our rivers and streams.

We face the situation where agricultural land is not on the radar. The Foreign Investment Review Board, which gave evidence to my committee last week, says:

The legislated requirements for the notification and screening of land acquisitions only apply to urban land. Acquisitions of rural land are generally exempt from the foreign investment review except where they occur through an acquisition of an interest in a company that owns rural land or the acquisition is otherwise subject to notification under the foreign investment review.

Agricultural land except in urban areas is exempt unless it hits the trigger of $230 million. The Foreign Investment Review Board last week confirmed to me and to the committee that it is indeed possible to go down the Murrumbidgee River today and buy every property—a foreign entity could go down the river and buy every property and not trigger the interest of the Foreign Investment Review Board. Given the future of the global food task I think that, as part of protecting Australia’s sovereignty, we should have some sort of oversight of who is buying and acquiring our agricultural and water resources. I would like to table a letter from a constituent, which I have shown to the opposition, to back up my argument.

Leave granted.

Senator HEFFERNAN—We take it for granted when we go to Coles, Woolies and Aldi that the tucker is down that aisle, the veggies are down there and the meat is down there. But by 2050, and certainly by 2070, what is in the fridge will be far more important than what is in the garage. China is through the denial phase. By 2050 they will have 400 million people living off the Great Northern Aquifer, which is being irretrievably mined. They will have to engineer a water solution for that. India is still in denial. India has a huge water problem which will exacerbate the problem in Bangladesh. India is mining the groundwater that becomes the river water for Bangladesh.

At the present time on the African continent there are Arab states with sovereign backed funds—the same money trail that is now trying to acquire Cubbie Station on the lower Balonne. One of those companies is a Cayman Islands based company—we know what happens with companies in the Cayman Islands—and the other is sovereign backed by Arab states. Australia is fortunate that it is an island continent. With the climate change that is predicted for the world, Australia will gain potential in the north and lose potential in the south—and I will not go into the tech-
nical details of that because I do not have time tonight. On the African continent at the present time, major players from the Arab states, China and India are going into some of the poorer countries and buying some of the better agricultural land—not to feed the poorer countries but to export the production from that land back to their countries to feed themselves.

That is fair enough. But we need to put that on our radar in Australia. We need to know who owns our agricultural land. China will have the capacity to feed only one-third of its population by 2070, so obviously they will be on the march around the world. What has made Australia the best place in the world to raise a family, breathe fresh air and drink clean water is the environment in which we live. Water is the world’s most precious resource, and our most precious human resource is our children—and our children will have to face up to this problem. We could endanger all that today by worrying about where we are going to be at the next election, not where we are going to be in the next 50 years. This should not be a political issue. It is in the national interests of Australia and it is a sovereign issue for Australia.

The alarm bells are already ringing in places like New Zealand. I have a press release here from a South Australian source which says the New Zealand equivalent of our Foreign Investment Review Board is investigating a Chinese consortium’s attempt to buy 8,000 hectares and 17,000 cows. Professor Zhou, from James Cook University, says the push to buy international land is coming from the Chinese government, which wants to ensure the country has food security for the future. That is fair enough. But at the same time we need to protect our own security, so we need to have some oversight of who is acquiring and buying our land and water. There was recently a purchase in one of those dodgy managed investment schemes, the Timbercorp one, where the resources and some of the water have gone off to a company in Singapore. We absolutely need to put this on the radar. This is not about farmers getting the best price for their land, which is the opposite argument being put by people who doubt the wisdom of protecting our sovereignty through controlling and having knowledge of who is acquiring our agricultural resources.

The southern Murray-Darling Basin has 23,400 gigalitres of mean run-off. It is presently running at about 25 per cent of that figure at the end of the system. If the science on Australia’s weather is 40 per cent correct then we will absolutely have to reconfigure the way we have settled and the way we do our business in regional and rural Australia. There is a proposition that we should lock up Northern Australia. If you think the people coming in on boats now are a problem, if the science is 10 per cent correct then there will be 160 million people on the planet who are displaced and looking for somewhere else to live. So we ought to occupy and make the best use of the resources that mother nature is providing to us. Instead of locking up Cape York Peninsula and the first kilometre of land along all those rivers up there from any commercial use, especially for the Indigenous people, we ought to be into it and developing it. If we do not, I think someone else eventually will.

Unfortunately I have only 10 minutes tonight—this could take two hours. I want to give an example of what I am talking about for farming land and the capacity of farmers to get a decent return on their land. At the present time globally we have $40 billion of research into agriculture for the food task. It is estimated that we need $160 billion worth of research. To put that into context, at the present time, as Senator Faulkner would know, there is about $1.8 trillion being spent
annually on defence around the globe. So we are all worrying about defence but not about how we are going to feed ourselves. And the distortion that has occurred in the Sydney home market because of it being off the FIRB’s radar—that has now been altered; gladly, the government has twigged to it and we are changing the rules—could happen with agricultural land. I think this is a serious issue for Australia. I would like to put it firmly on the radar and get ordinary Australians to think about this. This is not about banning foreign sales or stopping the Vestey's. The other weakness in the system is that there is self-reporting of the involvement of foreign sovereign funds. It should not be self-reporting; it should be compulsory reporting.

Senate adjourned at 7.29 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Migration Act 1958—

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2009 to 28 February 2010.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2009 to 28 February 2010.

Section 486O—Assessment of detention arrangements—Personal identifiers 590/10 to 594/10—Commonwealth Ombudsman’s reports.

Government response to Ombudsman’s reports.

Treaties—Bilateral—Exchange of Letters Constituting an Agreement to Amend Annex 4-A (Textile or Apparel Specific Rules of Origin) of the Australia-United States Free Trade Agreement, done at Washington on 18 May 2004—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]

Australian Bureau of Statistics Act—Proposals Nos—

3 of 2010—2010 General Social Survey.

4 of 2010—Multipurpose Household Survey 2010-11.

5 of 2010—Health Care Services Survey.

6 of 2010—Waste Management Services Survey.

7 of 2010—Economic Activity Survey.

Commissioner of Taxation—Public Rulings—

Luxury Car Tax Determination LCTD 2010/1.


Taxation Determination TD 2010/17.

Defence Act—Determination under section 58B—Defence Determination 2010/22—Medical officers—amendment.

Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2010/28 [F2010L01590]*.

* Explanatory statement tabled with legislative instrument.
The following answers to questions were circulated:

**Families, Housing, Community Services and Indigenous Affairs: Staffing**

(Question Nos 2657, 2672 and 2673)

**Senator Humphries** asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous 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 Chris Evans**—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

In the Department of Families, Housing Community Services and Indigenous Affairs and all the agencies in the portfolio, the number of redundancies were:

(a) 38;
(b) 85; and
(c) 60.

**Attorney-General’s: Staffing**

(Question No. 2664)

**Senator Humphries** asked the Minister representing the Attorney-General, 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 Attorney-General has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Redundancies</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General’s Department</td>
<td>a) 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 2</td>
<td></td>
</tr>
<tr>
<td>Administrative Appeals Tribunal</td>
<td>a) 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Government Solicitor</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Law Reform Commission</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Security Intelligence Organisation</td>
<td>a) 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 3</td>
<td></td>
</tr>
<tr>
<td>Family Court of Australia</td>
<td>a) 16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 18</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 7</td>
<td></td>
</tr>
<tr>
<td>Agency</td>
<td>Redundancies</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Federal Court of Australia</td>
<td>a) 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 15</td>
<td></td>
</tr>
<tr>
<td>Federal Magistrates Court of Australia</td>
<td>a) No record</td>
<td>There are no records accessible for the FMC for 2007/08 or the first half of 2008/09 which is prior to Family Court taking over the records.</td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>High Court</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Human Rights Commission</td>
<td>a) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Insolvency and Trustee Service Australia</td>
<td>a) 6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 1</td>
<td></td>
</tr>
<tr>
<td>National Native Title Tribunal</td>
<td>a) 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 1</td>
<td></td>
</tr>
<tr>
<td>Office of the Director of Public Prosecutions</td>
<td>a) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 3</td>
<td></td>
</tr>
<tr>
<td>Office of Parliamentary Counsel</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
</tbody>
</table>

**Families, Housing, Community Services and Indigenous Affairs: Staffing**  
*(Question Nos 2707, 2722 and 2723)*

**Senator Humphries** asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, 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 Chris Evans**—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:  
In the Department of Families, Housing, Community Services and Indigenous Affairs and all the agencies in the portfolio, the number of involuntary redundancies were:  
(a) 1;  
(b) 0; and  
(c) 3.
**Attorney-General’s: Staffing**

(Question No. 2714)

**Senator Humphries** asked the Minister representing the Attorney-General, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Wong**—The Attorney-General has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Involuntary Redundancies</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General’s Department</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Administrative Appeals Tribunal</td>
<td>a) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Government Solicitor</td>
<td>a) 6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 27</td>
<td>There are no records accessible for the FMC for 2007/08 or the first half of 2008/09 which is prior to Family Court taking over the records.</td>
</tr>
<tr>
<td>Australian Law Reform Commission</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Security Intelligence Organisation</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Family Court of Australia</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 2</td>
<td></td>
</tr>
<tr>
<td>Federal Court of Australia</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 1</td>
<td></td>
</tr>
<tr>
<td>Federal Magistrates Court of Australia</td>
<td>a) No record</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 10</td>
<td></td>
</tr>
<tr>
<td>High Court</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Australian Human Rights Commission</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
<tr>
<td>Insolvency and Trustee Service Australia</td>
<td>a) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Nil</td>
<td></td>
</tr>
</tbody>
</table>
### Home Affairs: Staffing

*(Question No. 2724)*

**Senator Humphries** asked the Minister representing the Minister for Home Affairs, upon notice, on 10 March 2010:

With reference to the department and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date.

**Senator Wong**—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Involuntary Redundancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Commission for Law Enforcement Integrity</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>Australian Crime Commission</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>Australian Customs and Border Protection</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>a) 8 &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>Australian Institute of Criminology</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>Australian Transaction Reports and Analysis Centre</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>Criminology Research Council</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
<tr>
<td>CrimTrac Agency</td>
<td>a) Nil &lt;br&gt;b) Nil &lt;br&gt;c) Nil</td>
</tr>
</tbody>
</table>
Senator Bob Brown asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 10 March 2010:

(1) How is the Government relating to Indigenous communities in Indigenous languages under the Northern Territory National Emergency Response (NTER).

(2) How much is the Government spending on interpreters and for translating material to Indigenous languages under the NTER.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) Use of interpreters contributes to effective two-way communication in many remote Indigenous communities. There are challenges with both the supply of and demand for Indigenous interpreters, which are being addressed in partnership with the Northern Territory Government. The Government engages Indigenous Engagement Officers recruited from local communities to work with major communities.

From June to August 2009, the Government conducted extensive consultations with Aboriginal people in the Northern Territory on future directions for the NTER. The Government made an explicit decision to utilise Indigenous language interpreters wherever possible as an integral part of the consultation process. Interpreters assisted in around two-thirds of the 109 whole-of-community consultation meetings covering the 73 NTER communities plus a number of other communities and town camps. Most interpreters were engaged through the Northern Territory Aboriginal Interpreter Service, part of the Northern Territory Department of Housing and Local Government.

(2) How much is the Government spending on interpreters and for translating material to Indigenous languages under the NTER?

Northern Territory Emergency Response Interpreters and Translation Services Expenditure

<table>
<thead>
<tr>
<th></th>
<th>2007-08 $m</th>
<th>2008-09 $m</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centrelink’s provision</td>
<td>0.231</td>
<td>0.299</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Interpreters for</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Management rollout</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(funded by FaHCSIA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FaHCSIA’s translation</td>
<td>0.107</td>
<td>0.041</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of NTER specific material</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to Indigenous languages*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FaHCSIA NTER Interpreters</td>
<td>0.909</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FaHCSIA CIG NPA Interpreter Program</td>
<td>0.900</td>
<td>2.907</td>
<td>4.278</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Includes NTER and NTER Redesign. Generally, information was translated into Indigenous languages for radio broadcasts. Amounts under this heading include translation costs only; broadcasting, other production and media buy costs are excluded.
Muckaty Land Trust
(Question No. 2761)

Senator Ludlam asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 24 March 2010:

(1) In accordance with the Aboriginal Land Rights (Northern Territory) Act 1976 (the Act), who were the trustees appointed as members and chair of the Muckaty Land Trust (the trust) by the Minister on the recommendation of the Northern Land Council (NLC) for the:
   (a) 2008 09; and
   (b) 2009 10, reporting periods.

(2) For each financial year from 1996 97 to 2006 07, who were the trustees appointed to the trust on the recommendation of the NLC by previous ministers.

(3) Does the Minister or the department have any information on what systems, timelines and processes the NLC has to ensure that membership of land trusts and statutory corporations recognised under the Act are up to date and compliant with the Act; if so, what are they.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) Gordon Jackson was appointed as Chair and the following were appointed as members: Jill Foster, Jeffrey Lauder, Amy Lauder, Allan Albert, Rowena Albert, Jeremy Jackson, Gregory Jackson, Jason Bill, Geraldine Dixon, Karen Cooper and Earl Foster.

(2) It should be noted that members are not appointed on a financial year tenure. Members of Aboriginal Land Trusts hold office for a period of 5 years.

The Muckaty Aboriginal Land Trust was established on 16 July 1999 (Gazette No. GN3 14 August 1999), and the first members were appointed on 10 August 1999. There was no Chair appointed at that time. The members were Gladys Toprail Brown, Jeffrey Lauder Jupurrula, Peter Jackson, May Foster Napanangka, Johnny Nelson (Walamanta) Japanangka, Peter Henderson Jalyirri and Dolly Julypungali Nangala.

On 18 July 2002, Gladys Toprail Brown was appointed as the Chair. In addition to the previous members, two new additional members were appointed, namely Dick Foster and Amy Lauder.

On 12 February 2007 the Muckaty Aboriginal Land Trust membership was renewed with Gordon Jackson appointed as Chairman with Jill Foster, Jeffrey Lauder, Amy Lauder, Allan Albert, Rowena Albert, Jeremy Jackson, Gregory Jackson, Jason Bill, Geraldine Dixon, Karen Cooper and Earl Foster appointed as members.

(3) The Department’s Northern Territory State Office maintains a database of the membership of land trusts. It includes appointment and expiry dates.

The Northern Land Council maintains a similar database to ensure that membership is up to date.

The appointment of members of Aboriginal Land Trusts is made by the NT State Manager or the NT Deputy State Manager of the Department acting as the Minister’s delegates under section 7 of the Act. Appointments are made within 14 days of receiving notice of nominations from the relevant Land Councils.

Insofar as Aboriginal corporations are concerned, these are established under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, not the Aboriginal Land Rights (Northern Territory) Act 1976. Such corporations must comply with the former statute as administered by the Registrar of Indigenous Corporations. The Registrar is responsible for monitoring compliance by corporations with that statute; land councils do not perform this function.
International Labour Organisation Occupational Health and Safety Convention

(Question No. 2799)

Senator Cash asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 3 May 2010:

(1) Has Australia Ratified any of the following International Labour Organisation Occupational Health and Safety Conventions:
   - C139 Occupational Cancer Convention, 1974;
   - C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977;
   - C155 Occupational Safety and Health Convention, 1981;
   - C162 Asbestos Convention, 1986;
   - C167 Safety and Health in Construction Convention, 1988;
   - C170 Chemicals Convention, 1990;
   - C174 Prevention of Major Industrial Accidents Convention, 1993; and
   - C176 Safety and Health in Mines Convention, 1995,
   If so (a) which ones; and (b) on what date.

(2) What discussions has the Commonwealth had with each state and territory on their respective compliance levels and whether they support formal ratification.

(3) What is the position of each state and territory.

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) Australia ratified Convention 155, the Occupational Safety and Health Convention, 1981 on 26 March 2002. Further, at its 80th meeting on 3 April 2009 the Workplace Relations Ministers’ Council (WRMC) identified a number of ILO Conventions including Convention 162, the Asbestos Convention 1986, as a priority target for ratification. At its 84th meeting on 11 December 2009, the WRMC noted the opportunity to progress ratification of Convention 162 in 2010 and work is continuing on this, with a view to ratification by the end of 2010.

(2) and (3) The process for Commonwealth, state and territory discussions on unratified ILO Conventions has been determined by resolutions made from time to time by Labour Ministers in each jurisdiction. Labour Ministers have made resolutions in 1947, 1973 and 1998 regarding consultation on ILO matters, including unratified ILO Conventions.

The 1947 and 1973 resolutions provided that all new ILO Conventions would be forwarded to states and territories for advice on compliance with the Convention and their position on ratification. Each year, the ILO Technical Officers Meeting (comprised of officials from Commonwealth and state and territory governments) would consider compliance issues for unratified Conventions and report to the Heads of Labour Departments. The Heads of Labour Departments would also meet annually. They would consider recommendations from the ILO Technical Officers and then determine which Conventions would be recommended to the Labour Ministers’ Council (now called the Workplace Relations Ministers Council (WRMC)) as appropriate for consideration of ratification.

In 1998, the Labour Ministers’ Council adopted a revised resolution on consultation on ILO matters. Under this resolution the process for consultation remained the same, however Ministers also agreed that Conventions which fell wholly, or partly within the responsibility of states and territories would not normally be ratified until all jurisdictions were compliant with the Convention and had agreed to ratification.
There was no formal requirement under the 1947, 1973 or 1998 resolutions for consideration of unratified Conventions to be completed by a particular date even once identified as potential targets for ratification by Ministers. However, in April 2009 WRMC agreed to a new approach to the consideration of ILO Conventions which included a requirement that the Commonwealth, state and territory agencies responsible for the coordination and preparation of law and practice reports for ILO Conventions provide at least the level of resources necessary to complete two law and practice reports annually in addition to other regular and ad hoc tasks as required. At that same meeting, Ministers also identified a number of ILO Conventions as priority targets for ratification including Convention 162, the Asbestos Convention, 1986, Protocol 155, the Protocol of 2002 to the Occupational Safety And Health Convention, 1981 and Convention 175, the Part Time Work Convention, 1994.

The history of discussions with state and territory governments, as well as the latest advice provided to the Commonwealth Government on support for ratification is discussed with respect to each individual Convention below. With the exception of Conventions 162 (Asbestos), 167 (Safety and Health in Construction) and 176 (Safety and Health in Mines), the Conventions listed in Question 1 were not discussed again after the 2004 ILO Technical Officers Meeting. At that meeting, officers noted that workload issues were impeding the progression of unratified OH&S Conventions and suggested that priority be given to Conventions 162 (Asbestos) and 167 (Safety and Health in Construction).

**Convention 139, Occupational Cancer 1974**

This Convention was identified as appropriate for ongoing consideration of its ratification prospects by the Labour Ministers’ Council at their meeting in October 1992.


The Commonwealth has not received advice from the states and territories regarding their formal position on ratification of Convention 139.

**Convention 148, Working Environment (Air Pollution, Noise and Vibration) 1977**

Convention 148 has been discussed at the Conference of Commonwealth and State Labour Ministers in 1986 and the Labour Ministers’ Council meetings in October 1992 and May 1995.


The Commonwealth has not received advice from the states and territories regarding their formal position on ratification of Convention 148.

**Convention 162, Asbestos Convention, 1986**


The then Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP, wrote to his counterparts in the states and territories on 7 December 2005 seeking formal agreement to ratification as well as law and practice reports demonstrating compliance with the Convention.

At its 80th meeting on 3 April 2009, WRMC identified a number of ILO Conventions as priority targets for ratification, including Convention 162, the Asbestos Convention, 1986.

At its 84th meeting on 11 December 2009, the WRMC noted the opportunity to progress ratification of priority ILO Conventions in 2010, including Convention 162.

All states and territories have indicated that they support ratification and that their law and practice is consistent with the Convention. The Convention is expected to be ratified by the end of 2010.
Convention 167, Safety and Health in Construction, 1988

Convention 167 was identified as an appropriate target for ratification by the Labour Ministers’ Council in May 1995.


At the 2008 ILO Technical Officers Meeting, it was advised that there was not yet compliance with Convention 167 in all jurisdictions. Convention 167 has not been discussed since.

Support for ratification was provided by Victoria on 24 December 1991, South Australia on 21 July 1992, Queensland on 8 April 1991 and Western Australia on 4 April 2002. The Commonwealth has not received advice from other states and territories regarding their formal position on ratification of Convention 167.

Convention 170, Chemicals Convention, 1990

This Convention was identified as an appropriate target for ratification by the Labour Ministers’ Council in 1992.


Formal support for ratification was provided by Western Australia on 8 July 2002 and South Australia on 14 December 1992. The Commonwealth has not received advice from any other state or territory regarding their formal position on ratification of Convention 170.

Convention 174, Prevention of Major Industrial Accidents Convention, 1993

This Convention was identified as appropriate for ongoing consideration of its ratification prospects by the Labour Ministers Council in 1995.


Western Australia provided support for ratification on 4 June 2002. The Commonwealth has not received advice from other states and territories regarding their formal position on ratification of Convention 174.

Convention 176, Safety and Health in Mines Convention, 1995

Labour Ministers agreed (by correspondence) in 1996 that Convention 176 be classified as “appropriate for consideration by the Commonwealth-State consultative machinery on ILO matters”.


At the 2008 ILO Technical Officers Meeting, it was advised that there was not yet compliance with Convention 176 in all jurisdictions. It has not been discussed since.

Formal support for ratification was provided by Queensland on 10 May 2005 and Western Australia on 30 August 2006. The Commonwealth has not received advice from other states and territories regarding their formal position on ratification of Convention 176.
Zimbabwe

(Question No. 2801)

Senator Cash asked the Minister representing the Minister for Foreign Affairs, upon notice, on 3 May 2010:

(1) To alleviate the hardship and potential famine in Zimbabwe: (a) what is Australia doing diplomatically; and (b) what programs are in place.

(2) What is the status of the Commonwealth leaders’ troika on Zimbabwe.

(3) What financial support did Australia provide to Zimbabwe for each of the following financial years: (a) 2006-07; (b) 2007-08; (c) 2008-09; and (d) 2009-10 to date.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) (a) Australia is pursuing an active diplomatic strategy on Zimbabwe and engages closely with many other countries, including in Africa, on this issue. Mr Smith outlined Australia’s policy approach in detail to the House of Representatives on 16 March 2010. (b) Australia’s aid to Zimbabwe focuses on food security, agriculture, and water and sanitation, and also provides some assistance to health, and education. Assistance is delivered through the following organisations and programs

Food and agriculture
- Australia is among the leading contributors to the World Food Programme (WFP) Protracted Relief and Recovery Operation in Zimbabwe.
- Australia also co-funds the Protracted Relief Programme (PRP) established by the United Kingdom Department for International Development (DFID) to improve food security, access to water and sanitation, and social protection for the most vulnerable. Australia’s support for the distribution of seed and fertiliser to smallholder farmers through the PRP contributed to a reduction in the number of Zimbabweans needing food aid from almost seven million in March 2009 to an estimated two million in 2010.
- Australia also supported the distribution of improved maize seed for the 2009-10 agricultural season through US$7 million (approximately $8.6 million) allocated to Zimbabwe from the $50 million contribution to the World Bank Global Food Crisis Response Program announced by Minister Smith on 13 July 2008.
- Australia is providing support for the role of the private sector in Zimbabwe’s agricultural recovery through a special program of the Africa Enterprise Challenge Fund to support innovative private sector activities with benefits for the rural poor.

Water and sanitation
- Australia contributed to international efforts to combat the severe cholera epidemic in Zimbabwe in 2008-09 and has provided assistance through the United Nations Children’s Fund (UNICEF) and Australian non-government organisations (NGOs) for rehabilitation of water and sanitation systems to address the underlying causes of the epidemic. This assistance has contributed to a dramatic fall in the incidence of cholera in 2010, compared with 2009. By late March 2009, the cholera epidemic had killed more than 4,000 people from more than 93,000 suspected cases. In contrast, following a new outbreak which began on 4 February 2010, there had been 9 deaths from 289 suspected cases by 28 March 2010.

Health
Australia has also supported efforts to combat cholera by providing $5 million through the UK DFID for incentive payments to health workers, to encourage them to return to work in clinics and hospitals which had stopped functioning as a result of Zimbabwe’s economic collapse.

**Education**

- Through a $2 million contribution to the multi-donor UNICEF Education Transition Fund, Australia is also supporting efforts to resuscitate Zimbabwe’s education system, mainly through provision of textbooks and learning materials.

Australia continues to have in place robust implementation and monitoring systems to minimise the risk of funds being misused or misdirected.


(3) (a) $6,237,354;
(b) $13,637,006;
(c) $42,816,802; and
(d) approximately $38 million.

**Health and Ageing**

(Question No. 2802)

Senator Cash asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 May 2010:

(1) (a) What was the value of medical services provided to overseas visitors to Australia for each of the following calendar years: (i) 2007, (ii) 2008, and (iii) 2009; and (b) of those costs, how much was recovered from those visitors.

(2) What is the Government’s position on recovering medical costs from overseas visitors.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) All visitors to Australia, with the exception of those covered by a reciprocal healthcare agreement, are responsible for their own healthcare costs. Payment for any services provided to these visitors is a matter to be arranged between the patient and the provider.

Australia currently has reciprocal health care agreements with ten countries: New Zealand, the United Kingdom, Ireland, Italy, Malta, Sweden, Finland, Norway, Belgium and the Netherlands. A reciprocal agreement with Slovenia will likely come into force in 2010.

These agreements entitle residents of these countries visiting Australia to access health care on the same basis as Australian residents. Given the reciprocity of these arrangements, there is considered to be no net cost to the Australian health system.

Medicare Benefits for Eligible individuals under the Reciprocal Agreements

<table>
<thead>
<tr>
<th>Calender Year</th>
<th>Medicare benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$5,555,577</td>
</tr>
<tr>
<td>2008</td>
<td>$6,667,358</td>
</tr>
<tr>
<td>2009</td>
<td>$7,789,569</td>
</tr>
</tbody>
</table>

(b) No costs are recovered from visitors treated under reciprocal healthcare agreements. This is because they are considered to be eligible individuals, as defined by the Health Insurance Act 1973. People not covered by reciprocal arrangements are responsible for their own costs. All travellers are advised to have travel insurance to cover the cost of medical treatment. Arrangements regarding payment for medical costs are between the patient and the provider.
(2) The Commonwealth Government has traditionally provided funds to each state and territory to assist with the costs of providing public hospital services. Under the National Healthcare Agreement, states and territories have committed to provide Australian residents, and other eligible individuals, with the choice to receive public hospital services free of charge as public patients.

The day-to-day administration of hospital services rests with the state and territory Governments. For a variety of reasons, such as the protection of public health, decisions relating to the provision of free public hospital services to ineligible overseas visitors are made by state and territory governments and individual hospitals. Under the National Healthcare Agreement, where ineligible overseas visitors are not treated free of charge, they may be charged an amount for public hospital services as determined by the state and territory.

For services provided privately to ineligible visitors, that is, services outside of the Medicare arrangements, payment is, as noted above, a matter between the patient and the doctor.

Infrastructure, Transport, Regional Development and Local Government: Motor Vehicles

(Question No. 2804)

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 3 May 2010:

How many second-hand passenger sedans were imported into each state and territory for each of the following financial years: (a) 2000-01; (b) 2001-02; (c) 2002-03; (d) 2003-04; (e) 2004-05; (f) 2005-06; (g) 2006-07; (h) 2007-08; (i) 2008-09; and (j) 2009-10 to date.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

The following table shows the number of ‘cars’, which includes coupes, sedans, wagons, vans, SUVs, utes, minibuses and light commercial vehicles, granted import approval in each of the financial years beginning June 2000.

<table>
<thead>
<tr>
<th>FY</th>
<th>NSW</th>
<th>Vic</th>
<th>Qld</th>
<th>WA</th>
<th>SA</th>
<th>Tas</th>
<th>NT</th>
<th>ACT</th>
<th>Other</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>1230</td>
<td>1110</td>
<td>1340</td>
<td>520</td>
<td>350</td>
<td>40</td>
<td>90</td>
<td>120</td>
<td>4840</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>1020</td>
<td>1130</td>
<td>1270</td>
<td>680</td>
<td>550</td>
<td>30</td>
<td>30</td>
<td>130</td>
<td>4910</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>1250</td>
<td>1640</td>
<td>2370</td>
<td>1580</td>
<td>600</td>
<td>30</td>
<td>100</td>
<td>310</td>
<td>7920</td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>3560</td>
<td>3450</td>
<td>4970</td>
<td>3330</td>
<td>1230</td>
<td>40</td>
<td>150</td>
<td>300</td>
<td>17090</td>
<td></td>
</tr>
<tr>
<td>2004-05</td>
<td>5150</td>
<td>5520</td>
<td>6940</td>
<td>3720</td>
<td>1770</td>
<td>140</td>
<td>160</td>
<td>310</td>
<td>23760</td>
<td></td>
</tr>
<tr>
<td>2005-06</td>
<td>4190</td>
<td>4320</td>
<td>4710</td>
<td>2260</td>
<td>1070</td>
<td>90</td>
<td>80</td>
<td>200</td>
<td>16930</td>
<td></td>
</tr>
<tr>
<td>2006-07</td>
<td>3580</td>
<td>3740</td>
<td>4460</td>
<td>1910</td>
<td>940</td>
<td>60</td>
<td>70</td>
<td>470</td>
<td>15240</td>
<td></td>
</tr>
<tr>
<td>2007-08</td>
<td>4390</td>
<td>5150</td>
<td>5450</td>
<td>1820</td>
<td>1310</td>
<td>100</td>
<td>210</td>
<td>660</td>
<td>19110</td>
<td></td>
</tr>
<tr>
<td>2008-09</td>
<td>3050</td>
<td>3350</td>
<td>3480</td>
<td>1180</td>
<td>670</td>
<td>70</td>
<td>32</td>
<td>250</td>
<td>12892</td>
<td></td>
</tr>
<tr>
<td>2009-10</td>
<td>4650</td>
<td>3780</td>
<td>3290</td>
<td>831</td>
<td>750</td>
<td>50</td>
<td>120</td>
<td>450</td>
<td>13941</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>32070</td>
<td>33190</td>
<td>38280</td>
<td>17831</td>
<td>9240</td>
<td>670</td>
<td>292</td>
<td>1300</td>
<td>3760</td>
<td></td>
</tr>
</tbody>
</table>

1 Source: Import Vehicle Application System; 21 May 2010
2 Numbers truncated at tens of vehicles
3 Applicant provided an overseas address or state/territory not listed in IVAS
Aviation Fuel Excise  
(Question No. 2805)

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 3 May 2010:

(1) How much was collected from aviation fuel excise for each of the following financial years: (a) 2005-06; (b) 2006-07; (c) 2007-08; (d) 2008-09; and (e) 2009-10 to date.

(2) Has there been any increase in the aviation fuel excise levy in any of the abovementioned financial years; if so: (a) on what date was each increase; and (b) how much was each increase in both percentage and actual terms.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) (a) $65.8 million.  
(b) $70.5 million.  
(c) $76.1 million.  
(d) $78.4 million.  
(e) $65.7 million as at 30 April 2010.

(2) No.

National Gallery of Australia  
(Question No. 2807)

Senator Cash asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 3 May 2010:

(1) How many people attended the Masterpieces from Paris: Van Gogh, Gauguin, Cézanne and beyond exhibition at the National Gallery of Australia (the gallery) between December 2009 and April 2010.

(2) Were any complaints received by the Minister’s office or the gallery regarding the waiting and queuing time to enter the exhibition; if so, how many.

(3) Has the gallery considered the merit in allocating entrance tickets based on staggered times throughout the day, similar to arrangements in some leading European galleries, or some other procedure designed to reduce visitor waiting and queuing time; if not, why not.

(4) What action does the gallery intend to take to reduce visitor waiting and queuing times for future exhibitions.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) Between 4 December 2009 and 18 April 2010, 473,201 people visited the exhibition. This is the highest attendance figure ever for a single exhibition anywhere in Australia. Eighty per cent of those attending the exhibition travelled from interstate or overseas, injecting almost $100 million into the local economy.

(2) The Gallery received 51 negative comments through its Service Charter and 152 written complaints relating to waiting and queuing times to enter the exhibition. 379 positive comments relating to the exhibition were received through the Service Charter. In addition, 70 letters praising the exhibition were received from local businesses, members of the public and Members of Parliament.

(3) Visitation to the Masterpieces from Paris exhibition was nearly double that expected and indeed broke all National Gallery and Australian records for a single exhibition. For the first two months,
attendance was in accordance with the expected trend. By February, it became clear that attendance was far greater than projections. By this time approximately 62,000 wholesale tickets had been made available for sale through the tourism industry and a further 40,000 tickets had been pre-sold through the internet. Although timed ticketing was considered, it could not be implemented at this time because of the tickets that had already been sold for the remaining exhibition season.

The exhibition season was then able to be extended for two weeks and timed ticketing was introduced during this extension period. This was the first time any gallery in Australia had utilised timed ticketing.

(4) Ticketing arrangements for all major exhibitions are determined according to expected visitation. Timed ticketing will be considered for future ‘blockbuster’ exhibitions, although the downsides of this are that visitors to the exhibition have to be highly organised, and timed-ticketing comes at considerable cost to the Gallery.

Black Spot Program
(Question No. 2808)

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 3 May 2010:

(1) What criteria are used to select roads for funding under the Black Spot Program.
(2) Who are the current chairs of the relevant state and territory Black Spot Consultative Panels.
(3) For each of the financial years 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10 to date: (a) which locations have been chosen in each local authority in Western Australia; (b) how much Black Spot funding has been granted to each local authority in Western Australia; and (c) what proportion of the national Black Spot funding was allocated to Western Australia.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) This information is set out in the Notes on Administration for the program which are available on the Nation Building Program website at:
(2) New South Wales – Mr Craig Thomson MP
   Victoria – Mr Steve Gibbons MP
   Queensland – Mr Bernie Ripoll MP
   Western Australia – Ms Melissa Parke MP
   South Australia – Mr Steve Georganas MP
   Tasmania – Ms Julie Collins MP
   Northern Territory – Mr Damian Hale MP
   ACT – Ms Annette Ellis MP

(3) Black Spot program projects are recommended by the Consultative Panel in each state and territory based on their Benefit-Cost Ratio in comparison with other nominated projects in that jurisdiction in a financial year. In general, projects nominated by the state are delivered by the state road authority and projects nominated by a council are delivered by the council. The information provided in response to 3(a) and 3(b) includes both state and council delivered projects. Projects funded under the additional funding provided as part of the Government’s Economic Stimulus Plan are included in the 2008-09 list.
   (a) See attached lists.
(b) See attached lists.
(c) Western Australia has a set annual allocation of $6.485 million for the period 2009-10 to 2013-14. This is approximately 10.9 per cent of the $59.5 million provided per annum under the program.

<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Busselton Shire Council</td>
<td>Dunn Bay Road, Dunsborough</td>
<td>$25,000</td>
</tr>
<tr>
<td>Busselton Shire Council</td>
<td>Hester Street, Busselton</td>
<td>$172,987</td>
</tr>
<tr>
<td>Busselton Shire Council</td>
<td>Naturaliste Terrace, Dunsborough</td>
<td>$200,000</td>
</tr>
<tr>
<td>Busselton Shire Council</td>
<td>Yallungup Beach Road, Yallungup</td>
<td>$30,000</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Broun Avenue - Beechboro Road North, Morley</td>
<td>$34,044</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Broun Avenue - Russell Street, Morley</td>
<td>$56,622</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Walter Road West - Collier Road, Morley</td>
<td>$37,538</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Walter Road West - Russell Street, Morley</td>
<td>$55,058</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Walter Road West - Wellington Road, Morley</td>
<td>$69,439</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>Perth-Bunbury Highway - Sandridge Road, Bunbury</td>
<td>$91,453</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>South Western Highway - Bussel Highway, Bunbury</td>
<td>$231,471</td>
</tr>
<tr>
<td>City of Cannning</td>
<td>Vahlad Avenue - Apsley Road, Willetton</td>
<td>$120,000</td>
</tr>
<tr>
<td>City of Cannning</td>
<td>Vahlad Avenue - Corinthian Road East, Riverton</td>
<td>$225,000</td>
</tr>
<tr>
<td>City of Geraldton-</td>
<td>Walkaway Road - Slk 11.74 To 14.98, Walkaway</td>
<td>$198,867</td>
</tr>
<tr>
<td>Greenough</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Geraldton-</td>
<td>North West Coastal Highway - From Mark Street To</td>
<td>$279,512</td>
</tr>
<tr>
<td>Greenough</td>
<td>Hosken Street, Bluff Point</td>
<td></td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>William Street - From Railway Parade To Edward Street,</td>
<td>$400,000</td>
</tr>
<tr>
<td></td>
<td>Beckenham</td>
<td></td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Hodges Drive - Country Club Boulevard, Connolly</td>
<td>$5,019</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Warwick Road - Chessell Drive, Duncraig</td>
<td>$6,815</td>
</tr>
<tr>
<td>City of Kalgoorlie-</td>
<td>Gatacre Street - Johnston Street, Victory Heights</td>
<td>$20,009</td>
</tr>
<tr>
<td>Boulder</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Kalgoorlie-</td>
<td>Macdonald Street - Wilson Street, Kalgoorlie</td>
<td>$60,000</td>
</tr>
<tr>
<td>Boulder</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Mandurah</td>
<td>Steerforth Drive, Mandurah</td>
<td>$70,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Farrington Road - Casserly Drive East, Leeming</td>
<td>$125,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Farrington Road - Casserly Drive West, Leeming</td>
<td>$120,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Leach Highway - Murdoch Drive, Winthrop</td>
<td>$17,581</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Leach Highway - North Lake Road, Myaree</td>
<td>$66,893</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Leach Highway - Winthrop Drive, Winthrop</td>
<td>$41,884</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Wellington Street - Barrack Street, Perth</td>
<td>$120,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Patterson Road - Read Street, Rockingham</td>
<td>$38,226</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Read Street - Chalgrove Avenue, Rockingham</td>
<td>$55,491</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Read Street - Malibu Road, Rockingham</td>
<td>$70,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Read Street - Willmott Drive, Rockingham</td>
<td>$47,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Warnbro Sound Avenue - Halliburton Avenue, Warnbro</td>
<td>$145,000</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>Coode Street - Corner Street, South Perth</td>
<td>$75,000</td>
</tr>
<tr>
<td>City of Swan</td>
<td>Marangaroo Drive North - Illawarra Drive, Ballajura</td>
<td>$70,288</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Wanneroo Road - Buckingham Drive, Wangara</td>
<td>$56,436</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Beverley</td>
<td>Northam Cranbrook Road - 9Km South Of Beverley, Beverley</td>
<td>$250,000</td>
</tr>
<tr>
<td>Shire of Carnamah</td>
<td>Brand Highway - Slk 224.07 To 235.07, Eneabba</td>
<td>$569,847</td>
</tr>
<tr>
<td>Shire of Derby/West Kimberley</td>
<td>Ashley Street - Between Fitzroy Street And Guilford, Street, Derby</td>
<td>$65,000</td>
</tr>
<tr>
<td>Shire of Donnybrook Balingup</td>
<td>Bentley Street, Donnybrook</td>
<td>$147,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Clifton Road - West Of Brunswick, Brunswick</td>
<td>$350,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Mornington Road - 7Km East Of Wokalup, Wokalup</td>
<td>$450,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Raymond Road - 4Km West Of Roelands, Brunswick</td>
<td>$147,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Wellington Street - Gordon Street, Northam</td>
<td>$80,000</td>
</tr>
<tr>
<td>Shire of Victoria Plains</td>
<td>Glentromie-Yerecoin Road - Skilling Road (Both Intersections), Yerecoin</td>
<td>$127,634</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Alexander Drive - Yirrigan Drive, Dianella</td>
<td>$986</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Yirrigan Drive - Dianella Drive, Dianella</td>
<td>$986</td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>Curtin Avenue - Marine Parade, Cottelsoe</td>
<td>$153,000</td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>Eric Street - Railway Street, Cottelsoe</td>
<td>$143,240</td>
</tr>
<tr>
<td>Town of Victoria Park</td>
<td>Mercury Street - Bishopsgate Street, Carlisle</td>
<td>$120,000</td>
</tr>
</tbody>
</table>

### 2006-07

<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Busselton Shire Council</td>
<td>Queen Elizabeth Avenue - College Avenue, West Busselton</td>
<td>$56,264</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>Ocean Drive - From Sturt Street To Washington Avenue, Bunbury</td>
<td>$196,000</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>Spencer Street - From Rose Street To Cornwall Street, Bunbury</td>
<td>$150,000</td>
</tr>
<tr>
<td>City of Canning</td>
<td>Renou Street - Crawford Street, East Cannington</td>
<td>$81,000</td>
</tr>
<tr>
<td>City of Geraldton-Greenough</td>
<td>North West Coastal Highway - Drummond Cove Road, Drummond Cove</td>
<td>$36,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Dorothy Street - Lissiman Street, Gosnells</td>
<td>$24,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Spencer Road - Wilfred Road, Thornlie</td>
<td>$99,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Spring Road - Thornlie Avenue, Thornlie</td>
<td>$150,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Grand Boulevard - Boas Avenue, Joondalup</td>
<td>$20,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Warwick Road - Dava Street, Duncraig</td>
<td>$8,840</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Whitfords Avenue - Kingsley Drive, Kinglsey</td>
<td>$3,158</td>
</tr>
<tr>
<td>City of Kalgoorlie-Boulder</td>
<td>Brookman Street - Maritana Street, Kalgoorlie</td>
<td>$220,000</td>
</tr>
<tr>
<td>City of Kalgoorlie-Boulder</td>
<td>Burt Street - From Lionel Street To Gatacre Street, Boulder</td>
<td>$115,000</td>
</tr>
<tr>
<td>City of Kalgoorlie-Boulder</td>
<td>Hopkins Street - From Lionel Street To Keegan Street, Boulder</td>
<td>$130,000</td>
</tr>
<tr>
<td>City of Kalgoorlie-Boulder</td>
<td>Wilson Street - From Cheetham Street To Roberts Street, Kalgoorlie</td>
<td>$77,000</td>
</tr>
<tr>
<td>LGA</td>
<td>Project Name</td>
<td>Australian Government Contribution</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Wellington Street - Outram Street And Lucknow Place, West Perth</td>
<td>$24,170</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Harrison Street - Florence Street, Rockingham</td>
<td>$11,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Warnbro Sound Avenue - Bakewell Drive, Port Kennedy</td>
<td>$7,765</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>Hayman Road - Thelma Street, Como</td>
<td>$10,000</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>South Terrace - Coode Street, Como</td>
<td>$110,000</td>
</tr>
<tr>
<td>City of Subiaco</td>
<td>Thomas Street - Rokeby Road, Subiaco</td>
<td>$25,525</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Hester Avenue - Baltimore Parade, Merriwa</td>
<td>$5,813</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Marmion Avenue - Quinns Road, Quinns Rock</td>
<td>$140,965</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Mirrabooka Avenue - Marangaroo Drive, Marangaroo</td>
<td>$104,654</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Wanneroo Road - Gnangara Road, Madeley</td>
<td>$511,855</td>
</tr>
<tr>
<td>Shire of Corrigin</td>
<td>Brookton Highway - East Of Corrigin - 1.77Km Section, Corrigin</td>
<td>$190,000</td>
</tr>
<tr>
<td>Shire of Dardanup</td>
<td>Hamilton Road - 2Km Section, Eaton</td>
<td>$160,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Old Coast Road - East Of Australind - 1.8Km Section, Australind</td>
<td>$150,000</td>
</tr>
<tr>
<td>Shire of Kalamunda</td>
<td>Welshpool Road East - 3.5 Km Up Lesmurdie Hill, Lesmurdie</td>
<td>$700,000</td>
</tr>
<tr>
<td>Shire of Manjimup</td>
<td>Ipsen Street - West Of West Boundary Road, Manjimup</td>
<td>$18,000</td>
</tr>
<tr>
<td>Shire of Murray</td>
<td>Lakes Road - Gulf Road, Nambeelup</td>
<td>$200,000</td>
</tr>
<tr>
<td>Shire of Williams</td>
<td>Albany Highway - 3Km Section In Williams, Williams</td>
<td>$346,454</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Karrinyup Road - Marmion Avenue, Karrinyup</td>
<td>$8,857</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Mirrabooka Avenue - Boyare Avenue, Mirrabooka</td>
<td>$13,580</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Scarborough Beach Road - Harbourne Street And</td>
<td>$128,049</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Wanneroo Road - Nollamara Avenue, Nollamara</td>
<td>$441,710</td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>Broome Street - Napier Street, Cottesloe</td>
<td>$110,000</td>
</tr>
<tr>
<td>Town of Kwinana</td>
<td>Anketell Road - Mclaughlan Road, Postans</td>
<td>$20,624</td>
</tr>
<tr>
<td>Town of Kwinana</td>
<td>Challenger Avenue - Parmelia Avenue, Parmelia</td>
<td>$43,285</td>
</tr>
<tr>
<td>Town of Vincent</td>
<td>Grosvenor Road - Fitzgerald Street, North Perth</td>
<td>$5,144</td>
</tr>
</tbody>
</table>

2007-08

<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Albany</td>
<td>Hardie Road - From Angrove Road To Ulster Road, Spencer Park</td>
<td>$5,671</td>
</tr>
<tr>
<td>City of Belmont</td>
<td>Surrey Road - Oats Street, Cloverdale</td>
<td>$14,000</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>Sandridge Street - King Road And Picton Road, Bunbury</td>
<td>$40,000</td>
</tr>
<tr>
<td>City of Fremantle</td>
<td>Parry Street - High Street, Fremantle</td>
<td>$77,000</td>
</tr>
<tr>
<td>City of Fremantle</td>
<td>Queen Victoria Street - James Street, Fremantle</td>
<td>$98,000</td>
</tr>
<tr>
<td>City of Fremantle</td>
<td>South Street - Solomon Street, Fremantle</td>
<td>$22,903</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Corfield Street - Dorothy Street, Gosnells</td>
<td>$60,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Fremantle Road - Corfield Street, Gosnells</td>
<td>$13,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Kelvin Road - Maddington Road, Maddington</td>
<td>$7,500</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Nicholson Road - Yale Road, Thornlie</td>
<td>$34,500</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Gosnells</td>
<td>Wanaping Road - Brixton Street, Kenwick</td>
<td>$25,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Grand Boulevard - Shenton Avenue, Joondalup</td>
<td>$15,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Hepburn Avenue - Allenswood Road, Greenwood</td>
<td>$5,517</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Hepburn Avenue - Cockman Road, Greenwood</td>
<td>$8,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Hepburn Avenue - Karuah Way, Greenwood</td>
<td>$4,734</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Hepburn Avenue - Lilburne Road, Duncraig</td>
<td>$5,281</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Hepburn Avenue - Moolanda Boulevard, Kingsley</td>
<td>$5,612</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Marmion Avenue - Cook Avenue,Hillarys</td>
<td>$8,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Marmion Avenue - Harman Road, Sorrento</td>
<td>$8,000</td>
</tr>
<tr>
<td>City of Mandurah</td>
<td>Anstruther Road - Henson Street, Silver Sands</td>
<td>$51,096</td>
</tr>
<tr>
<td>City of Mandurah</td>
<td>Anstruther Road - Pinjarra Road, Mandurah</td>
<td>$116,250</td>
</tr>
<tr>
<td>City of Mandurah</td>
<td>Pinjarra Road - Arnold Street, Mandurah</td>
<td>$61,089</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Beaufort Street - Roe Street, Northbridge</td>
<td>$30,059</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Fitzgerald Street - Newcastle Street, West Perth</td>
<td>$30,000</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Hill Street - Wellington Street, East Perth</td>
<td>$23,000</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Lord Street - Wellington Street, East Perth</td>
<td>$30,000</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Thomas Street - Hay Street, West Perth</td>
<td>$25,000</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Thomas Street - Wellington Street, West Perth</td>
<td>$35,000</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>Mill Point Road - Mends Street, South Perth</td>
<td>$51,000</td>
</tr>
<tr>
<td>City of Subiaco</td>
<td>Railway Road - Nicholson Road, Shenton Park</td>
<td>$77,100</td>
</tr>
<tr>
<td>City of Subiaco</td>
<td>Thomas Street - Churchill Avenue And Richardson Street, Subiaco</td>
<td>$24,000</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Marangaroo Drive - Highclere Boulevard, Marangaroo</td>
<td>$5,000</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Marmion Avenue - Pitcairn Entrance, Quinns Rock</td>
<td>$4,577</td>
</tr>
<tr>
<td>Shire of Augusta-Margaret River</td>
<td>Boodijup Road - 3 Km Length - 5 Km South West Of Margaret River</td>
<td>$276,000</td>
</tr>
<tr>
<td>Shire of Augusta-Margaret River</td>
<td>Watcliffe Road (Slk 1.5 - 5.2) - 3.7 Km Length West Of Margaret River</td>
<td>$70,401</td>
</tr>
<tr>
<td>Shire of Dardanup</td>
<td>Warring Road - 2 Km Length Near Eaton, Eaton</td>
<td>$215,077</td>
</tr>
<tr>
<td>Shire of Kalamunda</td>
<td>Canning Road - Lesmurdie Road, Lesmurdie</td>
<td>$50,000</td>
</tr>
<tr>
<td>Shire of Murray</td>
<td>Pinjarra Road - 10.13 Km Length Between Pinjarra And Barragup,Pinjarra</td>
<td>$30,000</td>
</tr>
<tr>
<td>Shire of Plantagenet</td>
<td>Carbarup Road - Moorilup Road And Collins Road, Mt Barker</td>
<td>$29,701</td>
</tr>
<tr>
<td>Town of Bassendean</td>
<td>Lord Street - Railway Parade, Bassendean</td>
<td>$25,300</td>
</tr>
<tr>
<td>Town of Kwinana</td>
<td>Gilmore Avenue - Challenger Avenue, Kwinana</td>
<td>$68,288</td>
</tr>
<tr>
<td>Town of Kwinana</td>
<td>Gilmore Avenue - Christmas Avenue, Orelia</td>
<td>$77,385</td>
</tr>
<tr>
<td>Town of Victoria Park</td>
<td>Star Street - Oats Street, Carlisle</td>
<td>$80,000</td>
</tr>
</tbody>
</table>

2008-09

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Albany</td>
<td>Drome Road - Lakeside Drive, McKail</td>
<td>$7,586</td>
</tr>
<tr>
<td>City of Albany</td>
<td>Mawson Road - Hanrahan Road, Albany</td>
<td>$43,000</td>
</tr>
<tr>
<td>City of Albany</td>
<td>McKenzie Drive - Marsh Way, Lower King</td>
<td>$25,149</td>
</tr>
<tr>
<td>City of Albany</td>
<td>Nanarup Road - Prideaux Road, Lower King</td>
<td>$114,991</td>
</tr>
<tr>
<td>City of Albany</td>
<td>Princess Avenue - Sandpatch Road, Torridirrup</td>
<td>$101,293</td>
</tr>
<tr>
<td>City of Albany</td>
<td>Serpentine Road - Parade Street to Collie Street, Mount Melville</td>
<td>$2,565</td>
</tr>
<tr>
<td>City of Albany</td>
<td>Ulster Road - 600m Section, Collingwood Heights</td>
<td>$9,432</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Crimea Street - Walter Road West, Morley</td>
<td>$190,000</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Russell Street - Barnett Street, Morley</td>
<td>$160,000</td>
</tr>
<tr>
<td>City of Canning</td>
<td>Bannister Road - Baile Road, Canning Vale</td>
<td>$210,000</td>
</tr>
<tr>
<td>City of Cockburn</td>
<td>Spearwood Avenue - Barrington Street, Bibra Lake</td>
<td>$400,000</td>
</tr>
<tr>
<td>City of Geraldton-Greenough</td>
<td>Brand Highway - Yallalong Entrance, Wandina</td>
<td>$79,260</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Amherst Road - Fraser Road North to Sarah Close, Canning Vale</td>
<td>$50,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Fraser Road North - Gateway Boulevard, Canning Vale</td>
<td>$188,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Kelvin Road - Bickley Road, Maddington</td>
<td>$30,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Warton Road - Forrest Lakes Road, Huntingdale</td>
<td>$31,000</td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>Warton Road - Garden Street to Ranford Road, Canning Vale</td>
<td>$300,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Craigie Drive - From Gradient Way to Barwon Road, Beldon</td>
<td>$240,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Gradient Way - Haddington Street to Gwendoline Drive, Beldon</td>
<td>$70,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Ocean Reef Road - Edgewater Drive, Edgewater</td>
<td>$15,000</td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Warwick Road - Allenwood Road, Greenwood</td>
<td>$15,000</td>
</tr>
<tr>
<td>City of Kalgoorlie-Boulder</td>
<td>Roberts Street - Lionel Street, Kalgoorlie</td>
<td>$125,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Canning Highway - Stock Road, Melville</td>
<td>$55,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Murdoch Drive - Marsengo Road, Bateman</td>
<td>$70,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Riseley Street - Coomoora Street and Almondbury Road, Booragoon</td>
<td>$55,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Riseley Street - Marmion Avenue, Booragoon</td>
<td>$55,000</td>
</tr>
<tr>
<td>City of Nedlands</td>
<td>Alfred Road - Rochdale Road, Mt Claremont</td>
<td>$320,000</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Newcastle Street - Pier Street, Northbridge</td>
<td>$17,690</td>
</tr>
<tr>
<td>City of Perth</td>
<td>Thomas Street and Loftus Street - Railway Parade, West Perth</td>
<td>$10,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Mundijong Road - St Albans Street, Baldivis</td>
<td>$22,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Read Street - Centaurus Street and Chalgrove Avenue, Rockingham</td>
<td>$56,500</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Read Street - Rae Road, Rockingham</td>
<td>$55,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Read Street - Swinstone Street, Rockingham</td>
<td>$190,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Sixty Eight Road - Eighty Road, Baldivis</td>
<td>$38,000</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>Manning Road - Challenger Avenue, Como</td>
<td>$25,000</td>
</tr>
<tr>
<td>City of Subiaco</td>
<td>Churchill Avenue - Coughlin Road, Subiaco</td>
<td>$170,000</td>
</tr>
<tr>
<td>City of Subiaco</td>
<td>Hamersley Road - Townshend Road, Subiaco</td>
<td>$150,000</td>
</tr>
<tr>
<td>LGA</td>
<td>Project Name</td>
<td>Australian Government Contribution</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Alexander Drive - Maranguroo Drive, Alexander Heights</td>
<td>$58,000</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Archer Street - Amberley Way, Pearsall</td>
<td>$80,000</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Connolly Drive - Neerabup Drive, Clarkson</td>
<td>$292,000</td>
</tr>
<tr>
<td>Collie Shire Council</td>
<td>Mornington Road - SLK 16.0 - 19.0, Collie</td>
<td>$600,000</td>
</tr>
<tr>
<td>Mt Magnet Shire Council</td>
<td>Great Northern Highway - Geraldton Mount Magnet Road, Mount Magnet</td>
<td>$775,100</td>
</tr>
<tr>
<td>Narembeen Shire Council</td>
<td>Cramporne Road - 4km Section at Wogalar Muntagar Road, Cramporne</td>
<td>$350,000</td>
</tr>
<tr>
<td>Shire of Augusta-Margaret River</td>
<td>North Treton Road - SLK 1.00-3.8, Cowaramup</td>
<td>$295,000</td>
</tr>
<tr>
<td>Shire of Augusta-Margaret River</td>
<td>Wallcliffe Road - SLK 5.2-9.6, Margaret River</td>
<td>$740,000</td>
</tr>
<tr>
<td>Shire of Beverley</td>
<td>Kokendin Road - Dobaderry Road, Talbot West</td>
<td>$120,000</td>
</tr>
<tr>
<td>Shire of Boddington</td>
<td>Albany Highway - SLK 51 to 215, Mount Cooke to Arthur River</td>
<td>$145,205</td>
</tr>
<tr>
<td>Shire of Brookton</td>
<td>Brookton Highway - SLK 138.09-140.51, Brookton</td>
<td>$360,000</td>
</tr>
<tr>
<td>Shire of Carnamah</td>
<td>Brand Highway - SLK 209 - 211.5, Near Eneabba</td>
<td>$193,500</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Chittering Road - Blue Plains Road, Chittering</td>
<td>$168,000</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Chittering Road - SLK 8.4 to 10.0, Chittering</td>
<td>$142,000</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Julimar Road - 3.6km Section, Chittering</td>
<td>$196,200</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Muchea East Road - Wandena Road, Lower Chittering</td>
<td>$84,200</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Muchea Road South - 2.6km Section, Muchea</td>
<td>$179,000</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Tea Tree Road - 3.7km Section, Bindoon</td>
<td>$165,500</td>
</tr>
<tr>
<td>Shire of Chittering</td>
<td>Wells Glover Road - Bridges Road, Mooliabenee</td>
<td>$90,000</td>
</tr>
<tr>
<td>Shire of Dandaragan</td>
<td>Brand Highway - Cadda Road, Badgingarra</td>
<td>$260,000</td>
</tr>
<tr>
<td>Shire of Dardanup</td>
<td>Harris Road - Martin Pelusy Road, Dardanup</td>
<td>$215,000</td>
</tr>
<tr>
<td>Shire of Dardanup</td>
<td>Waterloo Road - SLK 0.5-4.5, Dardanup</td>
<td>$400,000</td>
</tr>
<tr>
<td>Shire of Derby/West Kimberley</td>
<td>Great Northern Highway - Forrest Road, Fitzroy Crossing</td>
<td>$870,900</td>
</tr>
<tr>
<td>Shire of East Pilbara</td>
<td>Marble Bar Road - SLK 162.4 to 164.4, Nullagine</td>
<td>$700,000</td>
</tr>
<tr>
<td>Shire of Exmouth</td>
<td>Burkett Road - Minilya Exmouth Road to North West</td>
<td>$229,800</td>
</tr>
<tr>
<td>Shire of Gingin</td>
<td>Gingin Brook Road - Beattie Road, Muckenburra</td>
<td>$141,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Indian Ocean Drive - SLK 37.5 to 39.1, Near Ledge Point</td>
<td>$1,205,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Australind Bypass - Old Coast Road, Australind</td>
<td>$150,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Australind Bypass - Paris Road and Clifton Road, Australind</td>
<td>$250,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Logue Brook Dam Road - SLK 1.00-4.00, Harvey</td>
<td>$45,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Old Coast Road - SLK 146 - 161, Myalup</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Shire of Irwin</td>
<td>Brand Highway - SLK 245.4 to 256.5, Arrowsmith</td>
<td>$915,000</td>
</tr>
<tr>
<td>Shire of Irwin</td>
<td>Brand Highway - SLK 269.35-273.6, Arrowsmith</td>
<td>$160,000</td>
</tr>
<tr>
<td>Shire of Katanning</td>
<td>Northam Cranbrook Road - SLK 278 to 283.3, Katanning</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Shire of Kulin</td>
<td>Corrigin to Lake Grace - SLK 13 to 22, Kulin</td>
<td>$400,000</td>
</tr>
<tr>
<td>Shire of Kulin</td>
<td>Narrogin Condinnin Road - SLK 80 - 131, Kulin</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Shire of Lake Grace</td>
<td>Newdegate Pingrup Road - SLK 24.91, Newdegate</td>
<td>$111,000</td>
</tr>
<tr>
<td>Shire of Meekatharra</td>
<td>Great Northern Highway - Goldfields Highway, Meekatharra</td>
<td>$102,800</td>
</tr>
<tr>
<td>LGA</td>
<td>Project Name</td>
<td>Australian Government Contribution</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Shire of Mundaring</td>
<td>Great Eastern Highway - 500m East of Great Southern Highway, The Lakes</td>
<td>$100,000</td>
</tr>
<tr>
<td>Shire of Murray</td>
<td>South Western Highway - SLK 41.1 to 42.0, Pinjarra</td>
<td>$180,000</td>
</tr>
<tr>
<td>Shire of Nannup</td>
<td>Balingup-Nannup Road - SLK 9.5-12.5, Nannup</td>
<td>$280,000</td>
</tr>
<tr>
<td>Shire of Northam</td>
<td>Chidlow York Road - SLK 17.0 - 18.0, Woottating</td>
<td>$350,000</td>
</tr>
<tr>
<td>Shire of Northam</td>
<td>Great Eastern Highway - Eadine Road, Northam</td>
<td>$50,000</td>
</tr>
<tr>
<td>Shire of Northam</td>
<td>Great Eastern Highway - Old Great Eastern Highway, Northam</td>
<td>$50,000</td>
</tr>
<tr>
<td>Shire of Peppermint Grove</td>
<td>Stirling Highway - Johnston Street, Peppermint Grove</td>
<td>$150,000</td>
</tr>
<tr>
<td>Shire of Plantagenet</td>
<td>Lowood Street - Mondurup Street, Mt Barker</td>
<td>$237,000</td>
</tr>
<tr>
<td>Shire of Toodyay</td>
<td>Rosedale Street - Folewood Road, Toodyay</td>
<td>$24,441</td>
</tr>
<tr>
<td>Shire of Victoria Plains</td>
<td>Bindoon Moora Road - SLK 48 - 55, Gillingarra</td>
<td>$80,000</td>
</tr>
<tr>
<td>Shire of Wandering</td>
<td>Wandering Road North - York Williams Road, Hastings</td>
<td>$70,000</td>
</tr>
<tr>
<td>Shire of Wickepin</td>
<td>Lomos Road - SLK 2.63 to 4.13, Yealering</td>
<td>$80,000</td>
</tr>
<tr>
<td>Shire of Wickepin</td>
<td>Narrogin Kondinin Road - SLK 32 to 76.5, Wickepin</td>
<td>$896,395</td>
</tr>
<tr>
<td>Shire of Wickepin</td>
<td>Tincurrin North Road - SLK 0 to 6, Wickepin</td>
<td>$160,300</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Mitchell Freeway - SLK 7.68 - 13.72, Stirling</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Town of Bassendean</td>
<td>Walter Road East - Iolanthe Street, Bassendean</td>
<td>$247,502</td>
</tr>
<tr>
<td>Town of Cambridge</td>
<td>Southport Street - Railway Parade, West Leederville</td>
<td>$150,000</td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>Broome Street - Jarrad Street, Cottesloe</td>
<td>$90,000</td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>Eric Street - Broome Street, Cottesloe</td>
<td>$24,000</td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>Lyons Street - North Street, Cottesloe</td>
<td>$41,100</td>
</tr>
<tr>
<td>Town of Victoria Park</td>
<td>Kent Street - Gloucester Street, Victoria Park</td>
<td>$60,000</td>
</tr>
<tr>
<td>Town of Victoria Park</td>
<td>Sunbury Road - From Miller Street to Gresham Street, Victoria Park</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

2009-10

<table>
<thead>
<tr>
<th>LGA</th>
<th>Project Name</th>
<th>Australian Government Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Armadale</td>
<td>Armadale Road - Seville Drive, Seville Grove</td>
<td>$240,000</td>
</tr>
<tr>
<td>City of Armadale</td>
<td>Armadale Road - Warton Road, Forrestdale</td>
<td>$450,000</td>
</tr>
<tr>
<td>City of Armadale</td>
<td>Railway Avenue - Abbey Road, Armadale</td>
<td>$750,000</td>
</tr>
<tr>
<td>City of Bayswater</td>
<td>Walter Road West/Wellington Road - Old Collier Road, Morley</td>
<td>$200,000</td>
</tr>
<tr>
<td>City of Belmont</td>
<td>Barker Street - Belgravia Street, Belmont</td>
<td>$100,000</td>
</tr>
<tr>
<td>City of Belmont</td>
<td>Gabriel Street - Abernethy Road, Kewdale</td>
<td>$40,000</td>
</tr>
<tr>
<td>City of Cockburn</td>
<td>North Lake Road - Osprey Drive, Yangebup</td>
<td>$144,000</td>
</tr>
<tr>
<td>City of Fremantle</td>
<td>South Street - Ladhern Street, Samson</td>
<td>$20,000</td>
</tr>
<tr>
<td>City of Fremantle</td>
<td>Winterfold Road - McCombe Avenue/Rocke Road, Samson</td>
<td>$200,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>North Lake Road - Garling Road, Willagea</td>
<td>$90,000</td>
</tr>
<tr>
<td>City of Melville</td>
<td>Riseley Street - Kears Crescent, Ardross</td>
<td>$220,000</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>Warnbro Sound Avenue - Bristol Street, Warnbro</td>
<td>$38,000</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>Roberts Street - Cale Street, Como</td>
<td>$90,000</td>
</tr>
<tr>
<td>LGA</td>
<td>Project Name</td>
<td>Australian Government Contribution</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>City of Swan</td>
<td>Alexander Drive - Truganina Road, Malaga</td>
<td>$81,000</td>
</tr>
<tr>
<td>City of Swan</td>
<td>Clayton Street - Military Road, Bellevue</td>
<td>$93,000</td>
</tr>
<tr>
<td>City of Swan</td>
<td>Gnarangara Road - Beechboro Road North, Whiteman</td>
<td>$172,000</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>Wanneroo Road - Hester Avenue, Nowergup</td>
<td>$530,000</td>
</tr>
<tr>
<td>Shire of Augusta-Margaret River</td>
<td>Boodjidup Road - Clarke Road, Margaret River</td>
<td>$62,500</td>
</tr>
<tr>
<td>Shire of Brookton</td>
<td>Brookton Highway - SLK 94.27 - 97.27, Brookton</td>
<td>$7,286</td>
</tr>
<tr>
<td>Shire of Brookton</td>
<td>Brookton Highway - SLK 97.27 - 100.28, Brookton</td>
<td>$7,537</td>
</tr>
<tr>
<td>Shire of Coolgardie</td>
<td>Great Eastern Highway - Kundana Road, Kambalda West</td>
<td>$499,800</td>
</tr>
<tr>
<td>Shire of Dardanup</td>
<td>Damiano-Italiano Road - SLK 0.88 - 1.12, Dardanup</td>
<td>$60,000</td>
</tr>
<tr>
<td>Shire of Dardanup</td>
<td>Ferguson Road - SLK 10.5 - 15.00, Ferguson</td>
<td>$520,000</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Paris Road - SLK 0.75 - 3.75, Australind</td>
<td>$400,000</td>
</tr>
<tr>
<td>Shire of Kalamunda</td>
<td>Welshpool Road - Lesmurdie Road, Lesmurdie</td>
<td>$97,570</td>
</tr>
<tr>
<td>Shire of Leonora</td>
<td>Goldfields Highway - Agnew Leinster Road, Leinster</td>
<td>$174,500</td>
</tr>
<tr>
<td>Shire of Northampton</td>
<td>North West Coastal Highway - SLK 47.3 - 47.7, Northampton</td>
<td>$750,000</td>
</tr>
<tr>
<td>Shire of Waroona</td>
<td>Nanga Brook Road - SLK 4.30 - 9.70, Waroona</td>
<td>$170,000</td>
</tr>
<tr>
<td>Stirling City Council</td>
<td>Alexander Drive - Grand Promenade, Dianella</td>
<td>$75,000</td>
</tr>
<tr>
<td>Town of Cambridge</td>
<td>Kirkdale Avenue - Grantham Street, Floreat</td>
<td>$50,000</td>
</tr>
<tr>
<td>Town of Claremont</td>
<td>Stirling Road - Gugeri Street, Claremont</td>
<td>$64,400</td>
</tr>
<tr>
<td>Town of Kwinana</td>
<td>Gilmore Avenue - Feilman Drive, Wellard</td>
<td>$50,000</td>
</tr>
<tr>
<td>Town of Vincent</td>
<td>Vincent Street - Norfolk Road, Mount Lawley</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

**International Maritime Organisation**

(Question No. 2809)

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 3 May 2010:

1. Does the Government support the International Maritime Organization’s Maritime Safety Committee’s implementation of a range of measures to address bulk carrier safety, including strengthening of side shell plating.

2. (a) Which Australian ports impose restrictions on single hull bulk carriers entering that port; and (b) in each case, what is the substance of those restrictions.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

1. At the International Maritime Organization’s Maritime Safety Committee Meeting (MSC 87), which was held from 12 May to 21 May 2010, the Committee was invited to adopt the international goal-based ship construction standards for bulk carriers and oil tankers, which had been agreed to by MSC 86 in June 2009. Australia supports the adoption of the standards.

2. (a) AMSA is not aware of any Australian ports imposing restrictions. (b) Not applicable.
Coastal Trade Permits
(Question No. 2810)

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 3 May 2010:

With reference to Coastal Trade (CT) permits issued pursuant to section 286 of the Navigation Act 1912:

(1) What is the current fee for a CT permit.

(2) Has the CT permit fee increased in the past 10 years; if so: (a) when; and (b) by how much.

(3) What revenue has been raised from the issue of CT permits for each of the following financial years: (a) 2003-04; (b) 2004-05; (c) 2005-06; (d) 2006-07; (e) 2007-08; and (f) 2008-09.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:


(2) No.

(3) Revenue from permits is not separately accounted for.

Transport: Air Passenger Ticket Levy
(Question No. 2812)

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 3 May 2010:

With reference to the air passenger ticket levy imposed in 2001: (a) how much did the levy raise prior to the gazetted final levy date; and (b) to whom and in what amounts was the revenue distributed.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(a) This information is available from the Report to the Commonwealth made under Section 24 of the Air Passenger Ticket Levy (Collection) Act 2001 for the period 1 April 2008 to 31 March 2009. The Report is available from the website of the Department of Education, Employment and Workplace Relations.

(b) See response to (a).

Civil Marriage Celebrants
(Question No. 2816)

Senator Cash asked the Minister representing the Attorney-General, upon notice, on 3 May 2010:

(1) How many civil marriage celebrants are located in each Statistical Local Area in Australia.

(2) How many civil marriage celebrants were appointed in each state and territory for each of the following financial years: (a) 2005 06; (b) 2006 07; (c) 2007 08; (d) 2008 09; and (e) 2009 10 to date.

(3) What qualifications or training is a prospective civil marriage celebrant required to demonstrate prior to their appointment.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) As at 25 May 2010, there were a total of 10,441 Commonwealth-registered marriage celebrants.
NSW Capital City Region – 1980
NSW Rest of State Region – 1317
Vic Capital City Region – 1768
Vic Rest of State Region – 598
Qld Capital City Region – 1250
Qld Rest of State Region – 1415
WA Capital City Region – 810
WA Rest of State Region – 274
SA Capital City Region – 433
SA Rest of State Region – 159
Tas – 225
ACT – 156
NT – 56
TOTAL – 10,441

(2) The following table provides the numbers of Commonwealth-registered marriage celebrants appointed during the specified financial years: 2

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Capital City Region</td>
<td>70</td>
<td>160</td>
<td>183</td>
<td>523</td>
<td>473</td>
</tr>
<tr>
<td>NSW Rest of State Region</td>
<td>55</td>
<td>99</td>
<td>109</td>
<td>428</td>
<td>297</td>
</tr>
<tr>
<td>Vic Capital City Region</td>
<td>61</td>
<td>135</td>
<td>142</td>
<td>586</td>
<td>391</td>
</tr>
<tr>
<td>Vic Rest of State Region</td>
<td>25</td>
<td>49</td>
<td>55</td>
<td>192</td>
<td>121</td>
</tr>
<tr>
<td>Qld Capital City Region</td>
<td>43</td>
<td>86</td>
<td>105</td>
<td>396</td>
<td>330</td>
</tr>
<tr>
<td>Qld Rest of State Region</td>
<td>49</td>
<td>99</td>
<td>130</td>
<td>404</td>
<td>354</td>
</tr>
<tr>
<td>WA Capital City Region</td>
<td>31</td>
<td>64</td>
<td>77</td>
<td>227</td>
<td>180</td>
</tr>
<tr>
<td>WA Rest of State Region</td>
<td>13</td>
<td>32</td>
<td>29</td>
<td>51</td>
<td>47</td>
</tr>
<tr>
<td>SA Capital City Region</td>
<td>20</td>
<td>39</td>
<td>46</td>
<td>93</td>
<td>97</td>
</tr>
<tr>
<td>SA Rest of State Region</td>
<td>6</td>
<td>16</td>
<td>19</td>
<td>26</td>
<td>36</td>
</tr>
<tr>
<td>Tas</td>
<td>12</td>
<td>20</td>
<td>24</td>
<td>39</td>
<td>54</td>
</tr>
<tr>
<td>ACT</td>
<td>8</td>
<td>10</td>
<td>14</td>
<td>30</td>
<td>45</td>
</tr>
<tr>
<td>NT</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>397</td>
<td>812</td>
<td>937</td>
<td>3004</td>
<td>2433</td>
</tr>
</tbody>
</table>

* Cap ceased to apply on 1 September 2008.

(3) From 3 February 2010, a person lodging an application for registration as a Commonwealth marriage celebrant must hold the Certificate IV in Celebrancy (national code: CHC42608) or an equivalent university qualification. Within this qualification there are four mandatory marriage celebrant units that must be undertaken as part of the ‘elective’ package. The new qualification replaces the single unit of training called ‘Plan, conduct and review a marriage ceremony’ and the Certificate IV in Marriage Celebrancy.

Different criteria apply to a person who is seeking to apply for registration as a marriage celebrant based on their fluency in an Australian Indigenous language. Such a person is not required to obtain the above qualification.
In addition to holding the qualification or skills mentioned above, the Registrar of Marriage Celebrants must be satisfied that the person is over 18 years of age and is a fit and proper person to be a marriage celebrant (paragraphs 39C(1)(a) and (c) of the Marriage Act).

1 There was a cap that was applied to the number of marriage celebrants that could be appointed until 1 September 2008 which divided each State (except Tas, the ACT and the NT) into Capital City and Rest of State Regions. These divisions have been retained to provide these current figures.

2 The figures reflect the capping areas used from 1 September 2003 – 31 August 2008 and figures used after that date reflect the registrations of marriage celebrants who reside in those areas since that date.

Family Court of Australia
(Question No. 2817)

Senator Cash asked the Minister representing the Attorney-General, upon notice, on 3 May 2010:

(1) How many judges of the Family Court of Australia are currently appointed to each State and Territory.

(2) (a) As at 31 December 2009, how many reserved judgments were outstanding; and (b) for each outstanding reserved judgment:

(i) what was the date of the last day of the relevant hearing, and

(ii) how many days have since elapsed.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) As at 3 May 2010, the Family Court of Australia had 36 judges, who were appointed to each State and Territory as follows:

NSW 12; VIC 7; QLD 6; WA 5; SA 3; TAS 1; ACT 2; NT 0.

(2) (a) As at 31 December 2009, there were 141 reserved judgments outstanding. However, this total may represent multiple reserve judgments per file/case. Many of these judgments have subsequently been delivered. (b) The table at Attachment A contains details of the last day of hearing and the days that had elapsed as at 31 December 2009.

Attachment A

Reserved judgements as at 31 December 2009

<table>
<thead>
<tr>
<th>#</th>
<th>Application</th>
<th>Reserved Since/ (Last Hearing)</th>
<th>Days reserved (as at 31/12/09)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Apr-08</td>
<td>623</td>
</tr>
<tr>
<td>2</td>
<td>FCOA CONTRAVENTION APPLICATION</td>
<td>9-Sep-08</td>
<td>478</td>
</tr>
<tr>
<td>3</td>
<td>FCOA FINAL ORDERS</td>
<td>26-Sep-08</td>
<td>461</td>
</tr>
<tr>
<td>4</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>3-Oct-08</td>
<td>454</td>
</tr>
<tr>
<td>5</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Dec-08</td>
<td>379</td>
</tr>
<tr>
<td>6</td>
<td>FCOA CASE APPLICATION</td>
<td>16-Dec-08</td>
<td>380</td>
</tr>
<tr>
<td>7</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>30-Jan-09</td>
<td>335</td>
</tr>
<tr>
<td>8</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>9-Feb-09</td>
<td>325</td>
</tr>
<tr>
<td>9</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>24-Feb-09</td>
<td>310</td>
</tr>
<tr>
<td>10</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>27-Mar-09</td>
<td>279</td>
</tr>
<tr>
<td>11</td>
<td>FCOA CASE APPLICATION</td>
<td>30-Mar-09</td>
<td>276</td>
</tr>
<tr>
<td>12</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>3-Apr-09</td>
<td>272</td>
</tr>
<tr>
<td>#</td>
<td>Application</td>
<td>Reserved Since/ (Last Hearing)</td>
<td>Days reserved (as at 31/12/09)</td>
</tr>
<tr>
<td>----</td>
<td>-----------------------------------------</td>
<td>--------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>13</td>
<td>FCOA CASE APPLICATION</td>
<td>2-Apr-09</td>
<td>273</td>
</tr>
<tr>
<td>14</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>16-Apr-09</td>
<td>259</td>
</tr>
<tr>
<td>15</td>
<td>FCOA CONTRAVENTION APPLICATION</td>
<td>24-Apr-09</td>
<td>251</td>
</tr>
<tr>
<td>16</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>29-Apr-09</td>
<td>246</td>
</tr>
<tr>
<td>17</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>20-May-09</td>
<td>225</td>
</tr>
<tr>
<td>18</td>
<td>FCOA CASE APPLICATION</td>
<td>20-May-09</td>
<td>225</td>
</tr>
<tr>
<td>19</td>
<td>FCOA CASE APPLICATION</td>
<td>25-May-09</td>
<td>220</td>
</tr>
<tr>
<td>20</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>5-Jun-09</td>
<td>209</td>
</tr>
<tr>
<td>21</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>5-Jun-09</td>
<td>209</td>
</tr>
<tr>
<td>22</td>
<td>FCOA NOTICE OF CHILD ABUSE OR RISK OF F</td>
<td>5-Jun-09</td>
<td>209</td>
</tr>
<tr>
<td></td>
<td>FAMILY VIOLENCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>12-Jun-09</td>
<td>202</td>
</tr>
<tr>
<td>24</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>19-Jun-09</td>
<td>195</td>
</tr>
<tr>
<td>25</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>26-Jun-09</td>
<td>188</td>
</tr>
<tr>
<td>26</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>2-Jul-09</td>
<td>182</td>
</tr>
<tr>
<td>27</td>
<td>FCOA CASE APPLICATION</td>
<td>7-Jul-09</td>
<td>177</td>
</tr>
<tr>
<td>28</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>7-Jul-09</td>
<td>177</td>
</tr>
<tr>
<td>29</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>8-Jul-09</td>
<td>176</td>
</tr>
<tr>
<td>30</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>16-Jul-09</td>
<td>168</td>
</tr>
<tr>
<td>31</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>15-Jul-09</td>
<td>169</td>
</tr>
<tr>
<td>32</td>
<td>FCOA CASE APPLICATION</td>
<td>27-Jul-09</td>
<td>157</td>
</tr>
<tr>
<td>33</td>
<td>FCOA CASE APPLICATION</td>
<td>27-Jul-09</td>
<td>157</td>
</tr>
<tr>
<td>34</td>
<td>FCOA CASE APPLICATION</td>
<td>30-Jul-09</td>
<td>154</td>
</tr>
<tr>
<td>35</td>
<td>FCOA CASE APPLICATION</td>
<td>31-Jul-09</td>
<td>153</td>
</tr>
<tr>
<td>36</td>
<td>FCOA CONTRAVENTION APPLICATION</td>
<td>5-Aug-09</td>
<td>148</td>
</tr>
<tr>
<td>37</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>5-Aug-09</td>
<td>148</td>
</tr>
<tr>
<td>38</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>10-Aug-09</td>
<td>143</td>
</tr>
<tr>
<td>39</td>
<td>FCOA CASE APPLICATION</td>
<td>12-Aug-09</td>
<td>141</td>
</tr>
<tr>
<td>40</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>10-Aug-09</td>
<td>143</td>
</tr>
<tr>
<td>41</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>14-Aug-09</td>
<td>139</td>
</tr>
<tr>
<td>42</td>
<td>FCOA NOTICE OF CHILD ABUSE OR RISK OF F</td>
<td>14-Aug-09</td>
<td>139</td>
</tr>
<tr>
<td></td>
<td>FAMILY VIOLENCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>14-Aug-09</td>
<td>139</td>
</tr>
<tr>
<td>44</td>
<td>FCOA CASE APPLICATION</td>
<td>25-Aug-09</td>
<td>128</td>
</tr>
<tr>
<td>45</td>
<td>FCOA CASE APPLICATION</td>
<td>27-Aug-09</td>
<td>126</td>
</tr>
<tr>
<td>46</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>26-Aug-09</td>
<td>127</td>
</tr>
<tr>
<td>47</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>28-Aug-09</td>
<td>125</td>
</tr>
<tr>
<td>48</td>
<td>FCOA CASE APPLICATION</td>
<td>28-Aug-09</td>
<td>125</td>
</tr>
<tr>
<td>49</td>
<td>FCOA NOTICE OF CHILD ABUSE OR RISK OF F</td>
<td>28-Aug-09</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>FAMILY VIOLENCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>FCOA NOTICE OF CHILD ABUSE OR RISK OF F</td>
<td>28-Aug-09</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>FAMILY VIOLENCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>2-Sep-09</td>
<td>120</td>
</tr>
<tr>
<td>52</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>4-Sep-09</td>
<td>118</td>
</tr>
<tr>
<td>53</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>15-Sep-09</td>
<td>107</td>
</tr>
<tr>
<td>54</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>15-Sep-09</td>
<td>107</td>
</tr>
<tr>
<td>55</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>16-Sep-09</td>
<td>106</td>
</tr>
<tr>
<td>56</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>21-Sep-09</td>
<td>101</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>#</th>
<th>Application</th>
<th>Reserved Since/ (Last Hearing)</th>
<th>Days reserved (as at 31/12/09)</th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
<td>FCOA FINAL ORDERS</td>
<td>23-Sep-09</td>
<td>99</td>
</tr>
<tr>
<td>58</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>22-Sep-09</td>
<td>100</td>
</tr>
<tr>
<td>59</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>25-Sep-09</td>
<td>97</td>
</tr>
<tr>
<td>60</td>
<td>FCOA CASE APPLICATION</td>
<td>28-Sep-09</td>
<td>94</td>
</tr>
<tr>
<td>61</td>
<td>FCOA CASE APPLICATION</td>
<td>28-Sep-09</td>
<td>94</td>
</tr>
<tr>
<td>62</td>
<td>FCOA FINAL ORDERS</td>
<td>9-Oct-09</td>
<td>83</td>
</tr>
<tr>
<td>63</td>
<td>FCOA CASE APPLICATION</td>
<td>9-Oct-09</td>
<td>83</td>
</tr>
<tr>
<td>64</td>
<td>FCOA CASE APPLICATION</td>
<td>9-Oct-09</td>
<td>83</td>
</tr>
<tr>
<td>65</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>15-Oct-09</td>
<td>77</td>
</tr>
<tr>
<td>66</td>
<td>FCOA NOTICE OF CHILD ABUSE OR RISK OF FAMILY VIOLENCE</td>
<td>13-Oct-09</td>
<td>79</td>
</tr>
<tr>
<td>67</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>14-Oct-09</td>
<td>78</td>
</tr>
<tr>
<td>68</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>16-Oct-09</td>
<td>76</td>
</tr>
<tr>
<td>69</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>27-Oct-09</td>
<td>65</td>
</tr>
<tr>
<td>70</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>29-Oct-09</td>
<td>63</td>
</tr>
<tr>
<td>71</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>28-Oct-09</td>
<td>64</td>
</tr>
<tr>
<td>72</td>
<td>FCOA CASE APPLICATION</td>
<td>2-Nov-09</td>
<td>59</td>
</tr>
<tr>
<td>73</td>
<td>FCOA CASE APPLICATION</td>
<td>2-Nov-09</td>
<td>59</td>
</tr>
<tr>
<td>74</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>5-Nov-09</td>
<td>56</td>
</tr>
<tr>
<td>75</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>4-Nov-09</td>
<td>57</td>
</tr>
<tr>
<td>76</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>5-Nov-09</td>
<td>56</td>
</tr>
<tr>
<td>77</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>6-Nov-09</td>
<td>55</td>
</tr>
<tr>
<td>78</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>6-Nov-09</td>
<td>55</td>
</tr>
<tr>
<td>79</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>13-Nov-09</td>
<td>48</td>
</tr>
<tr>
<td>80</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Nov-09</td>
<td>44</td>
</tr>
<tr>
<td>81</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Nov-09</td>
<td>44</td>
</tr>
<tr>
<td>82</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>18-Nov-09</td>
<td>43</td>
</tr>
<tr>
<td>83</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>20-Nov-09</td>
<td>41</td>
</tr>
<tr>
<td>84</td>
<td>FCOA FINAL ORDERS</td>
<td>19-Nov-09</td>
<td>42</td>
</tr>
<tr>
<td>85</td>
<td>FCOA CASE APPLICATION</td>
<td>19-Nov-09</td>
<td>42</td>
</tr>
<tr>
<td>86</td>
<td>FCOA CASE APPLICATION</td>
<td>20-Nov-09</td>
<td>41</td>
</tr>
<tr>
<td>87</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>23-Nov-09</td>
<td>38</td>
</tr>
<tr>
<td>88</td>
<td>FCOA FINAL ORDERS</td>
<td>24-Nov-09</td>
<td>37</td>
</tr>
<tr>
<td>89</td>
<td>FCOA HAGUE CONVENTION FC2</td>
<td>25-Nov-09</td>
<td>36</td>
</tr>
<tr>
<td>90</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>26-Nov-09</td>
<td>35</td>
</tr>
<tr>
<td>91</td>
<td>FCOA CASE APPLICATION</td>
<td>25-Nov-09</td>
<td>36</td>
</tr>
<tr>
<td>92</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>24-Nov-09</td>
<td>37</td>
</tr>
<tr>
<td>93</td>
<td>FCOA CASE APPLICATION</td>
<td>24-Nov-09</td>
<td>37</td>
</tr>
<tr>
<td>94</td>
<td>FCOA CASE APPLICATION</td>
<td>24-Nov-09</td>
<td>37</td>
</tr>
<tr>
<td>95</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>26-Nov-09</td>
<td>35</td>
</tr>
<tr>
<td>96</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>27-Nov-09</td>
<td>34</td>
</tr>
<tr>
<td>97</td>
<td>FCOA CASE APPLICATION</td>
<td>30-Nov-09</td>
<td>31</td>
</tr>
<tr>
<td>98</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>1-Dec-09</td>
<td>30</td>
</tr>
<tr>
<td>99</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>3-Dec-09</td>
<td>28</td>
</tr>
<tr>
<td>100</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>2-Dec-09</td>
<td>29</td>
</tr>
<tr>
<td>101</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>3-Dec-09</td>
<td>28</td>
</tr>
<tr>
<td>102</td>
<td>FCOA NOTICE OF CHILD ABUSE OR RISK OF FAMILY VIOLENCE</td>
<td>3-Dec-09</td>
<td>28</td>
</tr>
</tbody>
</table>
## QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>#</th>
<th>Application</th>
<th>Reserved Since/ (Last Hearing)</th>
<th>Days reserved (as at 31/12/09)</th>
</tr>
</thead>
<tbody>
<tr>
<td>103</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>4-Dec-09</td>
<td>27</td>
</tr>
<tr>
<td>104</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>4-Dec-09</td>
<td>27</td>
</tr>
<tr>
<td>105</td>
<td>FCOA CONTRAVENTION APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>106</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>107</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>108</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>109</td>
<td>FCOA CASE APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>110</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>8-Dec-09</td>
<td>23</td>
</tr>
<tr>
<td>111</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>8-Dec-09</td>
<td>23</td>
</tr>
<tr>
<td>112</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>113</td>
<td>FCOA CASE APPLICATION</td>
<td>7-Dec-09</td>
<td>24</td>
</tr>
<tr>
<td>114</td>
<td>FCOA CASE APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>115</td>
<td>FCOA CASE APPLICATION</td>
<td>9-Dec-09</td>
<td>22</td>
</tr>
<tr>
<td>116</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>10-Dec-09</td>
<td>21</td>
</tr>
<tr>
<td>117</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>10-Dec-09</td>
<td>21</td>
</tr>
<tr>
<td>118</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>11-Dec-09</td>
<td>20</td>
</tr>
<tr>
<td>119</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>15-Dec-09</td>
<td>16</td>
</tr>
<tr>
<td>120</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>14-Dec-09</td>
<td>17</td>
</tr>
<tr>
<td>121</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>15-Dec-09</td>
<td>16</td>
</tr>
<tr>
<td>122</td>
<td>FCOA CASE APPLICATION</td>
<td>14-Dec-09</td>
<td>17</td>
</tr>
<tr>
<td>123</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>18-Dec-09</td>
<td>13</td>
</tr>
<tr>
<td>124</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>18-Dec-09</td>
<td>13</td>
</tr>
<tr>
<td>125</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>18-Dec-09</td>
<td>13</td>
</tr>
<tr>
<td>126</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Dec-09</td>
<td>14</td>
</tr>
<tr>
<td>127</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Dec-09</td>
<td>14</td>
</tr>
<tr>
<td>128</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Dec-09</td>
<td>14</td>
</tr>
<tr>
<td>129</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>18-Dec-09</td>
<td>13</td>
</tr>
<tr>
<td>130</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>17-Dec-09</td>
<td>14</td>
</tr>
<tr>
<td>131</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>18-Dec-09</td>
<td>13</td>
</tr>
<tr>
<td>132</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>21-Dec-09</td>
<td>10</td>
</tr>
<tr>
<td>133</td>
<td>FCOA FINAL ORDERS</td>
<td>21-Dec-09</td>
<td>10</td>
</tr>
<tr>
<td>134</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>23-Dec-09</td>
<td>8</td>
</tr>
<tr>
<td>135</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>23-Dec-09</td>
<td>8</td>
</tr>
<tr>
<td>136</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>24-Dec-09</td>
<td>7</td>
</tr>
<tr>
<td>137</td>
<td>FCOA CASE APPLICATION</td>
<td>24-Dec-09</td>
<td>7</td>
</tr>
<tr>
<td>138</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>22-Dec-09</td>
<td>9</td>
</tr>
<tr>
<td>139</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>23-Dec-09</td>
<td>8</td>
</tr>
<tr>
<td>140</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>24-Dec-09</td>
<td>7</td>
</tr>
<tr>
<td>141</td>
<td>FCOA FINAL ORDERS APPLICATION</td>
<td>23-Dec-09</td>
<td>8</td>
</tr>
</tbody>
</table>

### National Competition Council

(Question No. 2818)

**Senator Cash** asked the Minister representing the Treasurer, upon notice, on 3 May 2010: For each of the financial years 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10 to date, has the National Competition Council recommended to the Treasurer that the level of competition payments made by the Commonwealth to a state jurisdiction be reduced; if so, can the details of these recommendations be provided.

**QUESTIONS ON NOTICE**
Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

The National Competition Council recommended to the Treasurer that the Commonwealth reduce the levels of competition payments in 2003-04, 2004-05 and 2005-06. These reductions took two forms – permanent deductions and suspensions which might be released in a subsequent year. Competition payments ended in 2005-06 and no further recommendations were made.

Details of the Council’s recommendations are as follows:

Financial year 2003-04

The Council’s recommendations arising from its 2003 NCP assessment are summarised in Table 1.

Table 1: Council’s recommendations on 2003-04 competition payments

<table>
<thead>
<tr>
<th>State</th>
<th>Category</th>
<th>Percentage</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>Chicken meat industry legislation</td>
<td>5%</td>
<td>12.7m</td>
</tr>
<tr>
<td></td>
<td>Regulation of liquor sales</td>
<td>5%</td>
<td>12.7m</td>
</tr>
<tr>
<td></td>
<td>Other outstanding legislation review items</td>
<td>10%</td>
<td>25.4m</td>
</tr>
<tr>
<td>Victoria</td>
<td>General outstanding legislation review items</td>
<td>5%</td>
<td>9.4m</td>
</tr>
<tr>
<td>Queensland</td>
<td>Regulation of liquor sales</td>
<td>5%</td>
<td>7.3m</td>
</tr>
<tr>
<td></td>
<td>Tranche 4A electricity reforms</td>
<td>10%</td>
<td>14.6m</td>
</tr>
<tr>
<td></td>
<td>Full retail contestability electricity reforms</td>
<td>15%</td>
<td>21.9m</td>
</tr>
<tr>
<td></td>
<td>Other outstanding legislation review items</td>
<td>10%</td>
<td>14.6m</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Retail trading hours regulation</td>
<td>10%</td>
<td>7.5m</td>
</tr>
<tr>
<td></td>
<td>Regulation of liquor sales</td>
<td>5%</td>
<td>3.7m</td>
</tr>
<tr>
<td></td>
<td>Regulation of potato marketing</td>
<td>5%</td>
<td>3.7m</td>
</tr>
<tr>
<td></td>
<td>Lack of transparency in water pricing</td>
<td>10%</td>
<td>7.5m</td>
</tr>
<tr>
<td></td>
<td>Regulation of egg marketing</td>
<td>5%</td>
<td>3.7m</td>
</tr>
<tr>
<td></td>
<td>Other outstanding legislation review items</td>
<td>20%</td>
<td>14.9m</td>
</tr>
<tr>
<td>South Australia</td>
<td>Chicken meat industry legislation</td>
<td>5%</td>
<td>2.9m</td>
</tr>
<tr>
<td></td>
<td>Regulation of liquor sales</td>
<td>5%</td>
<td>2.9m</td>
</tr>
<tr>
<td></td>
<td>Barley marketing arrangements</td>
<td>5%</td>
<td>2.9m</td>
</tr>
<tr>
<td></td>
<td>Other outstanding legislation review items</td>
<td>15%</td>
<td>8.7m</td>
</tr>
<tr>
<td>Tasmania</td>
<td>General outstanding legislation review items</td>
<td>5%</td>
<td>0.9m</td>
</tr>
<tr>
<td>ACT</td>
<td>General outstanding legislation review items</td>
<td>10%</td>
<td>1.2m</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Regulation of liquor sales</td>
<td>5%</td>
<td>0.4m</td>
</tr>
<tr>
<td></td>
<td>Other outstanding legislation review items</td>
<td>15%</td>
<td>1.1m</td>
</tr>
</tbody>
</table>

*All dollar amounts are subject to minor revision to reflect changes in population and inflation.

Financial year 2004-05

The Council’s recommendations arising from its 2004 NCP assessment are summarised in Table 2. These recommendations also addressed release or otherwise of payments suspended in 2003-04.

Table 2: Council’s recommendations on 2004-05 competition payments and suspended 2003-04 competition payments
<table>
<thead>
<tr>
<th>Country</th>
<th>Council’s recommendations for suspended 2003-04 payments</th>
<th>Council’s recommendations for 2004-05 payments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New South Wales</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water reform obligations</td>
<td>—</td>
<td>10% suspension ($26m)</td>
</tr>
<tr>
<td>Rice marketing legislation</td>
<td>—</td>
<td>5% suspension ($13m)</td>
</tr>
<tr>
<td>Chicken meat industry legislation</td>
<td>—</td>
<td>5% suspension ($13m)</td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td>Victoria</td>
<td>Pool suspension</td>
<td>Release full amount</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full retail contestability gas reforms</td>
<td>—</td>
<td>5% suspension ($7.6m)</td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>—</td>
<td>5% permanent deduction ($7.6m)</td>
</tr>
<tr>
<td>Tranche 4A electricity reforms</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td>Full retail contestability electricity reforms</td>
<td>Permanently deduct funds</td>
<td>15% suspension ($22.7m)</td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td><strong>Western Australia</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural electricity reforms</td>
<td>—</td>
<td>15% suspension ($11.5m)</td>
</tr>
<tr>
<td>Retail trading hours regulation</td>
<td>—</td>
<td>10% permanent deduction ($7.7m)</td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>—</td>
<td>5% permanent deduction ($3.8m)</td>
</tr>
<tr>
<td>Regulation of potato marketing</td>
<td>—</td>
<td>5% permanent deduction ($3.8m)</td>
</tr>
<tr>
<td>Lack of transparency in water pricing</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td>Regulation of egg marketing</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release full amount</td>
<td>15% suspension ($11.5m)</td>
</tr>
<tr>
<td>South Australia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chicken meat industry legislation</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>—</td>
<td>5% permanent deduction ($3.0m)</td>
</tr>
<tr>
<td>Barley marketing arrangements</td>
<td>Permanently deduct funds</td>
<td>5% suspension ($3.0m)</td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release 5 percentage points ($2.9m) and permanently deduct 10 percentage points ($5.8m)</td>
<td>10% suspension ($5.9m)</td>
</tr>
<tr>
<td><strong>Tasmania</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td><strong>ACT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release full amount</td>
<td></td>
</tr>
<tr>
<td><strong>Northern Territory</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>—</td>
<td>5% deduction ($0.4m)</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Wednesday, 16 June 2010  SENATE  3589

Council’s recommendations for suspended 2003-04 payments  Council’s recommendations for 2004-05 payments

Outstanding legislation review items  Release full amount  —

"All dollar estimates in the table, including those relating to 2003-04 competition payments, are subject to minor revision to reflect changes in population and inflation.

Financial year 2005-06

Following on from the 2005 NCP assessment the Council’s recommendations on 2005-06 competition payments and suspended 2004-05 payments are summarised in Table 3.

Table 3: Council’s recommendations on 2005-06 competition payments and suspended 2004-05 competition payments

<table>
<thead>
<tr>
<th>State</th>
<th>Council’s recommendations for suspended 2004-05 payments</th>
<th>Council’s recommendations for 2005-06 payments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New South Wales</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chicken meat industry legislation</td>
<td>Release suspended funds in full</td>
<td>na</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full retail contestability electricity reforms</td>
<td>Release suspended funds in full</td>
<td>na</td>
</tr>
<tr>
<td>Full retail contestability gas reforms</td>
<td>Release suspended funds in full</td>
<td>na</td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>na</td>
<td>5% permanent deduction ($7.8m)</td>
</tr>
<tr>
<td><strong>Western Australia</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural electricity reforms</td>
<td>Release suspended funds in full</td>
<td>na</td>
</tr>
<tr>
<td>Retail trading hours regulation</td>
<td>na</td>
<td>10% permanent deduction ($7.9m)</td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>na</td>
<td>5% permanent deduction ($3.9m)</td>
</tr>
<tr>
<td>Regulation of potato marketing</td>
<td>na</td>
<td>5% permanent deduction ($3.9m)</td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release 5%; permanently deduct 10%</td>
<td>10% permanent deduction ($7.9m)</td>
</tr>
<tr>
<td><strong>South Australia</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>na</td>
<td>5% permanent deduction ($3m)</td>
</tr>
<tr>
<td>Barley marketing arrangements</td>
<td>5% permanent deduction</td>
<td>5% permanent deduction ($3m)</td>
</tr>
<tr>
<td>Outstanding legislation review items</td>
<td>Release 5%; permanently deduct 5%</td>
<td>5% permanent deduction ($3m)</td>
</tr>
<tr>
<td><strong>Northern Territory</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation of liquor sales</td>
<td>na</td>
<td>5% permanent deduction ($0.4m)</td>
</tr>
</tbody>
</table>
Roads: Kingston Bypass and Brighton Bypass
(Question No. 2821)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 12 May 2010:
Has the Government: (a) provided funding for the Kingston Bypass and the Brighton Bypass road building projects in Tasmania; if so, how much; and (b) tied a requirement for the projects to include bicycle and pedestrian ways to receive funding; if not, why not.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:
(a) The Government is providing $15 million to assist Tasmania in the construction of the Kingston Bypass and $173.5 million towards the Brighton Bypass.

(b) Australian Government funded road projects are developed in accordance with the agreed Ausroads and State road design guidelines. These guidelines cover the provision of facilities for pedestrians and cyclists.

In the case of the Kingston Bypass, significant provision has been made within the project for pedestrian and cyclist facilities. This includes underpasses, walking and cycling paths and enhanced on-road facilities where appropriate. Detailed information is available on the Tasmanian Department of Infrastructure, Energy and Resources (DIER) website.

In the case of the Brighton Bypass, the proposed 2 metre sealed shoulders will provide a safer opportunity for on-road cycling. DIER is continuing to work with the Brighton Council to integrate pedestrian and cycle paths with the existing network from Brighton and Pontville to the East Derwent Highway and Bridgewater.