INTERNET

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the Senate and committee hearings are available at

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SITTING DAYS—2010

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RADIO BROADCASTS

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

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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

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
<table>
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<th>Role</th>
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<tr>
<td>Prime Minister</td>
<td>Hon. Kevin Rudd MP</td>
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<tr>
<td>Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Immigration and Citizenship and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for Defence and Vice President of the Executive Council</td>
<td>Senator Hon. John Faulkner</td>
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<tr>
<td>Minister for Trade</td>
<td>Hon. Simon Crean MP</td>
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<tr>
<td>Minister for Foreign Affairs and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<tr>
<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>Hon. Lindsay Tanner MP</td>
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<tr>
<td>Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<tr>
<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<td>Minister for Climate Change, Energy Efficiency and Water</td>
<td>Senator Hon. Penny Wong</td>
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<tr>
<td>Minister for Environment Protection, Heritage and the Arts</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Attorney-General</td>
<td>Hon. Robert McClelland MP</td>
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<tr>
<td>Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<tr>
<td>Minister for Agriculture, Fisheries and Forestry and Minister for Population</td>
<td>Hon. Tony Burke MP</td>
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<tr>
<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
</tr>
<tr>
<td>Minister for Human Services and Minister for Financial Services, Superannuation and Corporate Law</td>
<td>Hon. Chris Bowen MP</td>
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[The above ministers constitute the cabinet]
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<tr>
<td>Minister for Veterans’ Affairs and Minister for Defence Personnel</td>
<td>Hon. Alan Griffin MP</td>
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<tr>
<td>Minister for Housing and Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Minister for Home Affairs</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery</td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td>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</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>Senator Hon. Nick Sherry</td>
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<tr>
<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<tr>
<td>Minister for Early Childhood Education, Childcare and Youth and Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
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<td>Minister for Defence Materiel and Science and Minister Assisting the Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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<td>Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government</td>
<td>Hon. Maxine McKew MP</td>
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<tr>
<td>Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<td>Parliamentary Secretary for Western and Northern Australia</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
<td>Hon. Bill Shorten MP</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bob McMullan MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade</td>
<td>Hon. Anthony Byrne MP</td>
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<tr>
<td>Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for Voluntary Sector</td>
<td>Senator Hon. Ursula Stephens</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
<td>Hon. Laurie Ferguson MP</td>
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<td>Parliamentary Secretary for Employment</td>
<td>Hon. Jason Clare MP</td>
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<tr>
<td>Parliamentary Secretary for Innovation and Industry</td>
<td>Hon. Richard Marles MP</td>
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SHADOW MINISTRY

Leader of the Opposition
Hon. Tony Abbott MP

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

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

Shadow Minister for Energy and Resources
Hon. Ian Macfarlane MP

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

Shadow Treasurer
Hon. Joe Hockey MP

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

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

Shadow Minister for Defence
Senator Hon. David Johnston

Shadow Minister for Health and Ageing
Hon. Peter Dutton MP

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

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

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

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

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

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

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

Shadow Minister for Immigration and Citizenship
Mr Scott Morrison MP

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

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

[The above constitute the shadow cabinet]
<table>
<thead>
<tr>
<th>Position and Portfolio</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shadow Minister for Tourism and the Arts and Shadow Minister for Youth and Sport</td>
<td>Mr Steven Ciobo MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation, Apprenticeships and Training</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Minister for Consumer Affairs, Financial Services, Superannuation and Corporate Law and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer</td>
<td>Hon. Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for COAG and Modernising the Federation</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Minister for Early Childhood Education and Childcare and Shadow Minister for the Status of Women</td>
<td>Hon. Dr Sharman Stone MP</td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<tr>
<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>Hon. Bob Baldwin MP</td>
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<tr>
<td>Shadow Minister for Veterans Affairs</td>
<td>Mrs Louise Markus MP</td>
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<tr>
<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
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</tr>
<tr>
<td>Shadow Special Minister of State and Scrutiny of Government Waste</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Infrastructure and Population Policy</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Transport</td>
<td>Mr Don Randall MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Emerging Trade Markets</td>
<td>Mr Mark Coulton MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tourism</td>
<td>Mrs Jo Gash MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Education and School Curriculum Standards</td>
<td>Senator Hon. Brett Mason</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Murray Darling Basin and Shadow Parliamentary Secretary for Climate Action</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Public Security and Policing</td>
<td>Mr Jason Wood MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services, Health and Wellbeing</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector and Deputy Manager of Opposition Business in the Senate</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Families, Housing and Human Services and Shadow Parliamentary Secretary for Citizenship</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry and Shadow Parliamentary Secretary for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Richard Colbeck</td>
</tr>
</tbody>
</table>
## CONTENTS

### MONDAY, 21 JUNE

**Chamber**
Renewable Energy (Electricity) Amendment Bill 2010,
Renewable Energy (Electricity) (Charge) Amendment Bill 2010, and
Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010—
  Second Reading ................................................................. 373

**Questions Without Notice**
  Asylum Seekers .................................................................................. 375
  Broadband .......................................................................................... 375
  Broadband .......................................................................................... 375
  Paid Parental Leave ............................................................................. 375
  Broadband .......................................................................................... 375
  Internet Content ................................................................................ 375
  Budget ................................................................................................. 375
  Murray-Darling River System ................................................................. 375
  Mental Health ..................................................................................... 375
  Broadband .......................................................................................... 375

**Questions Without Notice: Take Note of Answers**
  Broadband .......................................................................................... 376

**Petitions**
  Broadband .......................................................................................... 376

**Committees**
  Finance and Public Administration References Committee—Extension of Time ... 377
  Leave of Absence .................................................................................. 377
  Environment, Communications and the Arts References Committee—
    Extension of Time ............................................................................... 377
  Leave of Absence .................................................................................. 377

**Notices**
  Presentation .......................................................................................... 377

**Notices**
  Postponement ..................................................................................... 377
  World War II: Papua New Guinea Campaign ........................................ 377
  Energy Use ......................................................................................... 377
  Matters of Public Importance—
    Asylum Seekers ............................................................................... 377
  Notices—
    Presentation .......................................................................................... 379

**Committees**
  Economics Legislation Committee—Additional Information .................. 379
  National Capital and External Territories Committee—Report .............. 379
  Public Works Committee—Report ......................................................... 379

**Documents**
  Tabling ................................................................................................ 379

**Committees**
  Public Works Committee—Report ......................................................... 379
  Reform of the Australian Federation Committee—Membership ............ 379

**Tax Laws Amendment (2010 Measures No. 2) Bill 2010**
  Returned from the House of Representatives ........................................ 379
CONTENTS—continued

Tax Laws Amendment (Research and Development) Bill 2010........................................ 3793
Income Tax Rates Amendment (Research and Development) Bill 2010—
  First Reading .................................................................................................................. 3793
  Second Reading .......................................................................................................... 3793
Committees—
  Finance and Public Administration Legislation Committee—Report .......................... 3795
Renewable Energy (Electricity) Amendment Bill 2010,
Renewable Energy (Electricity) (Charge) Amendment Bill 2010, and
Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010—
  Second Reading ........................................................................................................ 3799
Environment Protection and Biodiversity Conservation Amendment (Recreational
Fishing for Mako and Porbeagle Sharks) Bill 2010—
  Second Reading ........................................................................................................ 3804
Ministerial Statements—
  Afghanistan ................................................................................................................... 3808
Environment Protection and Biodiversity Conservation Amendment (Recreational
Fishing for Mako and Porbeagle Sharks) Bill 2010—
  Second Reading ........................................................................................................ 3810
  In Committee .............................................................................................................. 3824
  Third Reading ............................................................................................................ 3828
Social Security and Other Legislation Amendment (Welfare Reform and
Reinstatement of Racial Discrimination Act) Bill 2009—
  Second Reading ........................................................................................................ 3828
  Third Reading ............................................................................................................ 3842
Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010—
  Second Reading ........................................................................................................ 3842
Adjournment—
  World War II: Papua New Guinea Campaign .............................................................. 3845
  Hospitals ...................................................................................................................... 3847
  Paid Parental Leave .................................................................................................... 3849
  Prime Minister: Statements Relating to the Senate ...................................................... 3852
Documents—
  Tabling ....................................................................................................................... 3854
Questions On Notice
  Climate Change—(Question No. 2501 amended) ........................................................ 3856
  Resources, Energy and Tourism: Staffing—(Question No. 2717 and 2718) .............. 3859
The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010

RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010

RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE TECHNOLOGY SHORTFALL CHARGE) BILL 2010

Second Reading

Debate resumed from 15 June, on motion by Senator Stephens:

That these bills be now read a second time.

Senator BIRMINGHAM (South Australia) (12.31 pm)—It is my pleasure to rise to contribute to this debate on the Renewable Energy (Electricity) Amendment Bill 2010, the Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010. At the outset, I restate the coalition’s strong commitment to the renewable energy sector and the types of reforms that are outlined in these bills. The coalition have a proud history of the type of direct action on climate change matters that this type of proposition develops. We have a strong history when it comes to the renewable energy target. It was the coalition that put in place the original renewable energy target for Australia that mandated a 9,500 gigawatt-hour mandatory renewable energy target. It was as a result of this that Australia’s renewable energies got the kick-start that they deserved, and we were very pleased last year to build on that and support the extension of that renewable energy target.

We went to the last election proposing an extension of the renewable energy target, as I know the government did, so we were pleased to be able to find the means last year to give effect to that increase in the renewable energy target and to see continued support and a continued mechanism to guarantee the growth of the renewable energy sector in Australia. But it is disappointing to be back here in this chamber less than 12 months later, having to fix up the mistakes of the changes that were made less than a year ago. That is what we are effectively on this week when it comes to these bills—it is a fix-up measure. It is to right wrongs that were identified and discussed at the time that the original expansion of the renewable energy target was passed, and that is extremely disappointing for us. It is disappointing because issues that we are fixing today are very similar to issues that were identified in the debate less than 12 months ago.

Particularly disappointing is the fact that what we are having to do in the legislation before us today is provide some certainty of opportunity for the major, large-scale renewable energy technologies. That is what the proposal before us today attempts to do: provide some certainty of investment opportunity for large-scale renewable energy technologies. The legislation does this by effectively splitting the renewable energy target. It creates, in a sense, two targets within one: a large-scale renewable energy target, which will now seek to produce 41,000 gigawatt hours by 2020; and a small-scale component which the government has proposed of, it says, around 4,000 gigawatt hours by 2020—but this figure is uncapped under its proposed small-scale renewable energy scheme. That is an issue to which I will return later.

Last year this parliament agreed to increase from 9,500 gigawatt hours to 45,000 gigawatt hours the target for renewable energy in Australia by 2020. We did so believ-
ing it would be a great fillip, a great boost, to the renewable energy sector. But there were particular warnings that the measures being proposed would not provide enough certainty for investment in the types of large-scale developments that are not only necessary to achieve that 45,000 gigawatt-hour target but critical if we are to transform Australia’s reliance on fossil fuels and non-renewable energy sources. What Australia needs if we are to transform that reliance on those traditional energy sources are major development and major advances in the technology of renewables like wind, solar, geothermal and biomass—the types of renewables that we hope can actually provide baseload power for Australia.

It is one thing to provide intermittent power but it is another thing to provide baseload power. That is why in the debates last year coalition members and senators highlighted again and again the importance of ensuring that, under this expanded renewable energy target, there was enough certainty to ensure there was investment in those potential baseload electricity sources—things like the geothermal opportunities that abound in my home state of South Australia and the major solar developments that have struggled under this government because of the ever-changing policy parameters that it has set.

I know that Senator Barnett will highlight wind and other opportunities like tidal and wave energy—the potential is endless. But what we have seen put in place from last year is a scheme that did not set aside any of the renewable energy target for large-scale developments and did not set aside any of the renewable energy target for developments that could provide baseload power. It just put in place one target which has seen a great surge in the amount of renewable energy certificates generated by those small-scale technologies because of the types of incentives that exist for small-scale technologies not just from the Commonwealth through things like the solar credits multiplier but also from state governments through their ever-changing and ever-developing policies, especially around gross feed-in tariffs and other such mechanisms. As a result of that surge, we have seen a drop in the price of renewable energy certificates. As a result of that drop in price and the surging abundance of certificates from small-scale technologies, we have seen reduced investment in the large-scale sector. This is precisely what this chamber and the other place debated. There was the fear that there would be not be sufficient incentive for large-scale projects, especially those that could provide baseload power, to get off the ground and be a key part of this renewable energy target.

The real disappointment in being back here today is that we had to come back and fix up a problem that was identified at the time. But I am pleased that we are attempting to fix it up this week, because it is important that we fix it. It is important that those large-scale projects have some certainty of investment and the knowledge that they can go forward and plan to develop their projects and be part of this renewable energy target—and I know that there will be a market for the certificates at a viable price when they are generated. Without those large-scale projects, we have no hope of the type of transformation in electricity generation that I know many people in Australia hope for in the years to come.

The coalition has concerns, however, about some of the detailed aspects of the legislation before us. The coalition and the government have been negotiating over the last couple of weeks in an attempt to resolve our concerns and our points of difference before we get to a final vote and the committee stage of the legislation this week.
They are eleventh-hour negotiations now, but I hope they can resolve some of the key issues we have concerns about. One of those issues relates to the unlimited liability that is placed on electricity users in Australia as a result of these changes. The Small-scale Renewable Energy Scheme is uncapped. It allows for the production of as many small-scale technology certificates, or STCs, as can be produced with a floor price of $40 through a clearing house. The clearing-house price of $40 applies no matter how many are produced. Year after year, the liable entities—the major electricity buyers and sellers of Australia—will be the ones that have to pick up the tab for that unlimited liability. That has created great and legitimate concern throughout major industry and those who retail electricity to Australian households and businesses, because they are the ones who will have to pick up the tab. The concern for them is that, under this legislation, they may not know until March of each year what they will be liable for in that year. There will be an estimate of what they might be liable for the year after, and that is all the certainty they get. Potentially, they will not know until March of the following year whether that estimate was right, whether there is a carryover of STCs from the previous year and whether they are liable for much more than they ever thought they would be. It will not be until then that they get another estimate for the following year. For the liable entities who have to pick up the tab for the STCs, there is significant uncertainty about what it is going to cost them year after year after year. We hope the government can find a way to address that uncertainty. I know there are not easy ways to address it. The Senate committee inquiry into this canvassed whether you could place an annual cap on the number of STCs that could be generated. I recognise that the problem with placing an annual cap is that, when the cap is reached in September, October or November of each year, your market falls off the edge of a cliff for that last month or so.

There are real problems with how you reconcile the unlimited liability for those who have to buy the STCs and the risk of a highly volatile market for those creating the STCs. It should not be that hard. I hope that, whether or not it be through an appropriate pricing mechanism that allows the $40 price to fluctuate a little more, we can find a means to provide some certainty—maybe not total certainty but at least some—for the liable entities without risking what exists for the STCs. I highlight this issue in particular because even the government acknowledged in the second reading speech that the SRES, the Small-scale Renewable Energy Scheme, in creating its fixed price will have the potential to produce more certificates than needed for the 45,000 gigawatt-hour change to the target that was originally set. So industry concerns about this are real. Industry thought last year, when the scheme was put in place, that the renewable energy target was a 45,000 gigawatt-hour target. They now learn that it is uncapped, that the government expects that that original target will be breached and that industry will have to pay more as a result. That is why those concerns are extremely real.

I would also like to highlight the concerns that we have about changes surrounding the treatment of waste coalmine gas. Last year, in negotiating the passage of this legislation, the opposition in good faith agreed with the government to provide for the incorporation of waste coalmine gas in the renewable energy scheme. This year the government appears to be backing away from that deal and putting the inclusion of waste coalmine gas somewhere out on the never-never. That sector continues to have concerns about its coverage under GGAS in New South Wales, and the uncertainty which surrounds that scheme.
is a factor of the uncertainty surrounding the government’s plans for their emissions trading scheme. All those uncertainties mean that the existing incentives for waste coalmine gas are uncertain and unreliable. That sector argues quite strongly that it needs a long-term scheme with a fixed date at the end and some fixed targets so that it can have business certainty for its electricity generation from waste coalmine gas. The government appear to be pulling the rug out from under that sector and removing the certainty that it has longed for. We urge the government to look at how they can somehow provide a degree of certainty for that sector so as to ensure that it is not disadvantaged.

We equally have concerns about the way emissions-intensive trade-exposed industries are treated. There are some complexities in the formulae for how industries that are highly electricity dependent but highly trade exposed are given some offset treatment under this plan. In particular, the aluminium and alumina sectors have highlighted—and, again, their comments are recorded in some of the Senate inquiry material—their concerns that the current formula, whereby they receive a partial exemption for the amount above 9½ thousand gigawatt hours but then only a partial exemption for the amount below 9½ thousand gigawatt hours if the RET price exceeds $40, is a complicated approach and a complex system that does not provide them with certainty and ease of business operation or guarantee their ongoing competitiveness in a trade exposed environment. So again I look forward to hearing the government’s response to those concerns and to ensuring that they are also addressed.

In relation to other aspects of the small-scale technologies, we heard during the Senate inquiry some very valid evidence from those in the solar photovoltaic sector that the current solar multipliers have a risk of creating another unsustainable boom in the solar industry. We have seen what happens when you have booms in some of these industries. We saw it writ large with the Home Insulation Program. An unsustainable boom, where things are effectively given away, brings all types of charlatans, fraudsters and shonks into the business, and as a result the whole industry ends up suffering. The insulation industry today suffers as a result of the Home Insulation Program. It is an industry crippled and on its knees, and it is an industry whose public reputation is in tatters as a result of a giveaway program.

The concern of some of those in the solar sector is that the current five times multiplier for a 1½ kilowatt system is too generous now that costs in their industry have come down and that there is too much scope for systems to be given away or nearly given away, creating the risk of having too many people entering the industry selling products not up to the standards that they should be up to. The committee heard some evidence from that sector that we should look at shaving the multiplier—and it compelling evidence when industry operators who stand to actually lose something themselves in the short term come in and advocate to get less today for their long-term security. I urge the government during the committee stage to look at whether in fact they have got the balance on the issue of the solar multiplier wrong and whether that needs to be redressed during the debate on this legislation.

We are, of course, entering this debate in absolute good faith. We are committed to a renewable energy target. We want to see it work and we want to see this legislation pass. We want to see it pass in a form that means we will not be back here once again in less than 12 months. We want to see it pass in a form that will guarantee some stability and certainty for this important sector into the future. I implore the government to conclude the negotiations with the opposition in
good faith to address some of the issues that I have highlighted today and to ensure that we can give some certainty and a strong and prosperous future to the renewable energy sector in Australia.

Senator Barnett (Tasmania) (12.51 pm)—I stand on this side of the Senate chamber, along with my colleague Senator Birmingham, speaking to the Renewable Energy (Electricity) Amendment Bill 2010 and related bills. I wish to highlight the importance of renewable energy and its role in the energy make-up of Australia and, specifically from Tasmania’s perspective, the important role of renewable energy in Tasmania. I will have more to say about that shortly.

I want to go back in history and note on the record the proud achievement of the Howard government in 2000. In fact, this year is the 10th anniversary of the legislation for the Renewable Energy (Electricity) Act being introduced to the parliament and passed under the Howard government. Historically, that was a very special occasion in support of renewable energy, and the mandatory renewable energy target has a very important role to play in promoting, supporting and encouraging renewable energy. I also want to put on the record my thanks for the leadership of David Kemp, former Minister for the Environment and Heritage. Former senator Robert Hill also had an important role to play in and around that time and since the year 2000.

The bills before us are fix-up measures because the government bungled it last year. As a result of the ‘muffing up’ of the process, as I call it, they have had to come up with remedial measures in the form of the legislation before us in the Senate today. Of course, they have bungled a number of things, and in this area and on environmental initiatives the pink batts fiasco comes to mind. That has been one of the most highly publicised and worst-bungled government programs administered by the Rudd Labor government in recent years. It is a shameful display of waste and mismanagement. It is a $2.45 billion program where $1 billion has clearly been wasted, and there is no commitment on behalf of the government to ensure that every home in Australia that has had insulation put into it as result of the program will be properly and fully inspected. So people still live in fear not knowing exactly whether their home has dodgy or unsafe insulation, whether they have electrified roofs and whether they might be next on the list for a house fire. The government has a track record. They mucked it up last year in terms of this legislation.

In doing my research on the bills before us, I am reminded of two Senate motions that were passed through this chamber. One was passed on the voices on 24 February but opposed by Labor. The other was passed on 15 March 2010. That one was moved by me, together with Senator Mary Jo Fisher from South Australia. The import of those motions, which are on the public record, is that they highlighted the fact that there were major flaws in the design of the federal government’s renewable energy target legislation that have led to a dramatic drop in the price of renewable energy certificates and have stalled investment in the renewable energy sector. The motion also indicated that the federal government was warned of these flaws by industry and opposition parties but chose to ignore the warnings. Those warnings were given last year. It was not just the coalition; the Greens and other opposition senators highlighted concerns. I am happy to note that on the record. The industry was very concerned last year but the government did not respond. They did not fix it until late in the day, late in the hour, and as a result...
have caused a drop in investment and job creation in this sector.

The motion that I put up in February said:

(iii) the Federal Government’s failure to act is now threatening the financial viability of major renewable energy projects such as the Muselroe Bay Wind Farm project in north-east Tasmania; and

(b) condemns the Government accordingly.

The motion in March indicated similar things. It referred to the Hallett Wind Farm in South Australia and called on the government to:

(i) work cooperatively with industry, the community and the opposition parties to ensure the bill is properly designed and introduced without delay,
(ii) without delay, release any modelling or other analysis on which this proposal is based, and
(iii) provide assurances that the legislation will not result in unreasonable additional costs in power prices to end users.

These are very well-worded, sensible motions. They achieved the support of this Senate chamber, and for that I am most thankful. I like to think that these motions and the will of the Senate on behalf of the people that we represent in this chamber—the Australian people—were a stimulus to get this government to act to fix the problems that they caused last year.

The legislation before us confirms that we will have, as we have had for some time, 20 per cent of Australia’s electricity generated from renewable sources by 2020. The existing RET will be achieved through a series of increasing annual targets, culminating with a target of 45,000 gigawatt hours of eligible renewable energy generation in 2020. The bills before us provide for the creation of renewable energy certificates by generators of renewable energy. One REC generally represents one megawatt hour of electricity from an eligible renewable energy source.

Before I go on, I want to commend and thank the Senate Environment, Communications and the Arts Legislation Committee for their report, which was tabled in recent days in the Senate, and thank the committee secretary for their work in pulling that report together. That report contains the chair’s draft and the coalition senators’ report as well. It is a very useful document and informs members of the Senate accordingly.

As a result of the legislation before us, we now have an opportunity for large-scale renewable energy operators and technology. The renewable energy target is clearly broken up between large- and small-scale operators. In terms of the timing, as I have indicated, the motions put forward in February and March this year hopefully had a part to play in stimulating the government into action. In terms of the impact of this in Tasmania, I am hopeful that this legislation will be passed, and the sooner the better. We have been calling for this for a long time now—and why the Tasmanian Labor senators refused to support those motions earlier this year is beyond me, because this is definitely of benefit to Tasmania. The Muselroe Bay Wind Farm in north-east Tasmania has a lot going for it. It is strongly supported by the Dorset Council and by the local community. Tasmanians up there need investment and jobs, like many other parts of Australia, and I know they will be very pleased if this legislation is passed. This is a must-do initiative to support projects like that. Further things still need to be done by Roaring 40s, the proponent, but this is a must-do action; it is a condition precedent to getting action.

We know that that wind farm is around about a $400 million development for Tasmania, in particular in the north-east. I understand there are 56 turbines and it will de-
liver 168 megawatts of power. The company has already invested over $20 million in facilities and jobs, which is good. As I said, Roaring 40s has the full support of the local people and the local community. I am advised that the project will deliver around 180 jobs during the construction phase, so that is clearly good news.

This project will support businesses like Haywards Engineering just outside of Launceston near the airport at Breadalbane. Tony Abbott inspected the Haywards factory last year with the federal Liberal candidate for Bass, Steve Titmus, and Tasmanian Liberal Senate team members. This highlighted the importance of businesses like Haywards that build the towers that support the turbines and the wind energy industry generally. They had a very important role to play in the development of the Woolnorth Wind Farm in north-west Tasmania, as did many other small and large businesses throughout Tasmania. We are very proud of their efforts and developments, and I hope that they get success in the weeks and months ahead if things proceed positively.

I have been advised this morning that the REC price is under $40. Having talked to Steve Symons, of Roaring 40s, I know that they would prefer it to be somewhat higher than that. I just want to put on the public record my thanks to Hydro Tasmania for their positive contribution. We are proud of the Hydro in Tasmania. Tasmania, more than any other state or territory of Australia, is a renewable energy state, and we are proud of that. In fact, Tasmania is the largest generator of renewable energy in Australia. I know that most Tasmanians are proud of that. I am advised that Hydro Tasmania actually owns and operates in Tasmania some 29 hydropower stations. Based on the last estimates that I have been briefed on, these stations are worth $4.8 billion. Hydro Tasmania have a joint venture partner, China Light and Power, and they own Roaring 40s, a very important proponent for the Musselroe Bay wind farm. I look forward to continuing to work with them in the months and years ahead on behalf of the local community.

I want to commend the shadow minister for sustainable transport and alternative energy in Tasmania, Matthew Groom, who used to be an employee of Roaring 40s. He is now, of course, a Liberal member of the Tasmanian parliament for the electorate of Denison. He has been a strong proponent of renewable energy for a long time and he now has a shadow ministry role in that area. He is very keen to see if we can get fast action on renewable energy, as I know are Will Hodgman and the state Liberals. But I think we are heading in the right direction. I am fully aware that negotiations are continuing, and more action will occur in the committee stage on this bill.

I also want to put on the record the importance of protecting jobs at places like Rio, Temco and other major business enterprises that rely on power and energy for their operations. An aluminium smelter and other industrial developments in northern Tasmania are very important. We want to protect jobs, we want to make sure that the price increase for power is at an absolute minimum and we want to ensure that we get 20 per cent of our electricity from renewable energy in the long term. I am of the view that Tasmania can play a leadership role in this regard. Just a few years ago I had the opportunity of visiting Denmark and the Vestas factory, where they produce turbines and wind energy equipment and materials to support the wind energy sector. Of course, Denmark already leads the way in providing renewable energy in Europe.

There are also future opportunities for geothermal energy in Tasmania. KUTh Energy is a player in Tasmania, as is Tidal En-
ergy, and there are other renewable energy opportunities. I, like other members and senators, have been lobbied by a range of players in the renewable energy sector. I thank them for their information. I am no expert in this area but I like to be informed and I certainly use opportunities to advance the cause. In conclusion, I remain hopeful that this fix-up job that the government have been forced into to remedy the problems that they caused last year will be successful and will provide further confidence and hope for the key players and stakeholders in the renewable energy sector, whether they be the Clean Energy Council or other players who are very supportive of giving confidence in this industry. We need it, we want it and I am hopeful of it. I thank the Senate.

Senator FISHER (South Australia) (1.06 pm)—I rise to speak in support of the intention of the Renewable Energy (Electricity) Amendment Bill 2010 and cognate bills, although I am very concerned to see that some amendments that may be being contemplated are seriously considered by the government. After all the government has a track record of programs that sound good but, where not well implemented, do no good. Exhibit A is the Home Insulation Program and exhibit B is the so-called Building the Education Revelation.

With the renewable energy target and the regime of aiming at 20 per cent of renewable energy generation within a certain time period, that is of course a goal that the coalition supports. But the lessons of the Home Insulation Program, where the goal was to stimulate the economy, create and protect jobs and help the environment, are that none of those goals has been achieved. Indeed, to the contrary, it is arguable that the Home Insulation Program has backed money out of the economy, cost jobs and sent the environment backwards in terms of, in particular, removing insulation that has been installed and the carbon miles that go into that.

Unfortunately, in terms of the renewable energy scheme, the opposition was raising concerns with the government as early as the end of last year. The evidence before the Senate committee inquiring into this bill included concerns from witnesses about the renewable energy scheme becoming another Home Insulation Program. Essentially what the government was doing with the Home Insulation Program was picking winners, mucking around with the market. The renewable energy scheme arguably sees the same thing. The government is picking winners and mucking around with the market. When you are doing that, you want to be very confident that you have the right checks and balances. In the case of the Home Insulation Program, where it is clear that you do not have the right checks and balances, you need to show that you know what you are doing when you move in to mop up the mess and that you have learnt the lessons of the past.

We heard from witnesses at the inquiry into this bill that they were concerned that he mucking around with the market skews demand and leads to increased demand. My colleagues have already spoken about the pressure placed on the large-scale renewable sector from an unpredicted upswing in the small-scale renewable sector, which of course is why the bill finally proposes a splitting of the regime into two. But we have unsatisfied concerns in terms of evidence provided by witnesses to the committee that there can still be demand pressures on the small end of the system, that there can still be incentives for householders to install photovoltaic cells for a subsidy and, once installed, they then have an income incentive, which is not something that was assisting to skew the market in a demand sense with the Home Insulation Program. Witness
Fiona O’Hehir from Greenbank Environmental said to the committee:

When things are for nothing and when margins are completely squeezed for the installers, people start taking shortcuts. Photovoltaics is actually electricity. It is electricity generation. You actually have generation on your roof, and if people start putting in cheap panels that are made with just plain glass, not tempered glass, it is dangerous. … A flood of cheap imports into Australia could mean that we have significant risk.

I am sure that the government will be doing everything it can to learn from the lessons of the Home Insulation Program to ensure that that does not happen with renewable energy and with photovoltaic cells. Fiona O’Hehir went on to say:

Currently, in New South Wales … there are companies giving away 1.5 kilowatt systems for free. If it continues at this rate, we will soon end up with a situation along the lines of the insulation program, which would be a disaster for the renewable energy industry, as it has been for the insulation industry.

I want to say two things about that evidence. Firstly, admittedly the committee was not necessarily able to find comprehensive evidence of photovoltaic cells being installed for free, although there was some limited anecdotal evidence about that. Secondly, on the reputation of this industry, the stakeholders in the industry are reinforcing the concerns that the coalition raised last year. The industry deserves reassurance from this government that it does not face the same fate as the insulation industry, which now has an unjustifiably tarnished reputation. You may think that it is beyond the pale in some respects to suggest that the government owes this industry that reassurance, but some of us would have thought that it was beyond the pale for the government to so mismanage the Home Insulation Program that the reputation of that industry would end up being as unjustifiably tarnished as it has been. We have an understandable ‘let’s get this legislation through this week’, but why are we left with that? Why didn’t the government bring on this legislation for debate earlier, particularly when the concerns had been spoken loudly about by the industry and reinforced by the opposition last year? Why weren’t we debating it in February and March?

The committee heard some evidence about analogies with the environment department implementing the Home Insulation Program. The government was warned that the environment department was underresourced and ill-equipped to do a job of that scale in the time frame within which it was tasked to do it. This department now is contemplating a new regime under the bill with a clearing house. The department has no experience running a clearing house, yet it is reassuring us that it is going to be able to establish the clearing house from scratch. There have been concerns expressed to the Senate committee about the length of time it will take for value to be redeemed through the clearing house. Mike Sexton, from Rheem, told the committee:

The situation is that when we have sold a water heater we have given the value of the certificate to the householder. We then have taken that certificate and … need to redeem those certificates as soon as possible. If I would go into a clearing house which is clearing them on a first-in, first-out basis—and under the proposal I understand that they would not pay out any certificates if their target had already been satisfied—and he is talking there about the overall target—

I might have to wait until the following year and hold that whole amount of money until the following year. That is the issue, so how would a company like ours, or any other company, or a distributor, be able to fund that within their business?

Surely we are not going to get to a situation—and we have heard claims again today—where installers in the home insulation
industry are owed several hundreds of thousands of dollars. These are small businesses; these are mums and dads. They cannot afford to be the bank in lieu of the government, yet that is what is happening with the Home Insulation Program. With the renewable energy scheme the proposition is essentially that the clearing house be ‘kind of like a bank’. Well, let us make sure that it is but also that it pays out on time and in a way that ensures the stakeholders in the industry can do what they are in business to do, consistent with the goals of the legislation.

I placed on notice a question about whether the government was doing a risk assessment of this program as it did for the Home Insulation Program yet failed to make public—and, I would argue, failed to take adequate heed of. Happily, in answer to the question the department has indicated that a risk assessment will be done. I look forward to the government releasing that risk assessment and making public the risk register as soon as it is done. I look forward to the government, through the department, indicating each and every measure that is being taken in the implementation of this amended program to address each and every one of those risks and to appropriately mitigate them. We in the opposition want to make sure that the renewable energy scheme achieves its goals and, in attempting to do so, does not harm the reputation of an industry and lead to interference with market forces which has consequences that a government has not contemplated and then finds itself ill-equipped to deal with. I look forward to further debate of this bill and its consideration in the committee stages.

Senator BOSWELL (Queensland) (1.17 pm)—The Renewable Energy (Electricity) Amendment Bill 2010 is a bad bill to fix a bad law based on a bad policy. This second remake of the RET inside a year will go the same way as the first. If, God forbid, the government wins the next election we will be back here quickly for a third try. The centrepiece of this government’s first go at legislating its 20 per cent RET was the bid to increase the opportunities for large-scale wind projects. That effort was limited to an increase from $40 to $65 in the penalty to be paid by liable entities in default of meeting their annual REC target. The penalty is actually in excess of $90 because the $65 is not tax deductible. It was assumed the penalty would ensure that wind farms, which needed a REC price of around $50 or more, would be able to get finance and make a return. It did not work and it was never going to work.

The built-in mutual exclusive was pre-existing generous subsidies for small-scale renewable energy programs. By early last year it was obvious that the creation of RECs from small-scale projects was a runaway bus. Even a cursory look at the subsidy explains why. For the installation of rooftop solar power systems you would get an upfront Commonwealth cash subsidy of $8,000, or around 80 per cent of the cost. From the middle of last year that morphed into an upfront payment of RECs worth about $6,200, which you could sell or exchange to the power generators or the installers. You could then sell the power you generated to state power retailers—and that really increased it again—at two to three times the price of grid power. In the ACT you can put power into the grid at 60c a kilowatt hour and buy it back at 19c. Someone is paying that subsidy—the people who do not have power generators on top of their roofs.

For a rooftop solar hot water system you can get $1,600 upfront plus RECs. RECs from these sources flooded the market and collapsed the price. The price did not get near the $70 that the government said it would; in fact, it went to about $27. The government should have seen that coming. Hundreds of millions of dollars were deliberately thrown into rooftops even though it
was inevitable that this was going to undermine wind power and the price of wind power.

The $8,000 cash rebate that the former coalition government instituted in its last budget in 2007 was a program worth $150 million over five years. This government deliberately allowed that to blow out to $700 million before it was stopped. But it was replaced by Commonwealth and state subsidies that were even more generous. The big-end-of-town wind generators were effectively double crossed so that Labor could keep throwing money around where it thought it would have most effect politically. It became part of the stimulus package.

Here we are debating a fix for a problem that we did not have, did not have to have and should not have had—and the fix is flawed as the government’s first attempt. The government’s second attempt to carve room for the big end of renewables splits the target. The so-called liable entities, the big wholesale buyers of electricity charged with the primary responsibility of meeting the target, will have to source 41,000 gigawatt hours of power from large-scale renewable projects by 2020. There is a nominal target of 4,000 gigawatt hours of renewables to come from rooftop systems or small RETs. But it is not a 4,000-gigawatt target; it is an open-ended target. I have not seen any amendments coming through but I hope the coalition does put a cap on this.

The liable entities will not only have to buy 41,000 gigawatt hours from big projects; as a public service they will have to buy every REC created by small-scale systems, however many there are going to be. The government says it has modelling suggesting its policy of an uncapped SRES system will result in the 20 per cent target actually reaching 22 per cent by 2020. I made an agreement that we would go to 20 per cent and already we are talking about 22 per cent. It is impossible to believe it. The numbers might as well have been plucked out of the air. The last time this government modelled its RET it predicted the REC price starting at around $70, but it topped $50 only briefly before collapsing. The government cannot model for six months, let alone for a decade. The entire RET program did not last six months. Part of it lasted weeks. The law this legislation will replace was proclaimed last September. In February, barely six months later, with parts of it in effect only from January, it had to be remade because the outcome was a disaster, an own goal—and I think Senator Milne would agree with me.

There are several seeds for further disasters in this remake. First, liable entities are now trapped in a seller’s market. If they do not buy their designated share of RECs they will pay a penalty in excess of $90 for a megawatt hour they are short. The price they are charged will therefore inevitably get as close to the penalty level as sellers dare. The aluminium industry, in its submission to the government’s discussion paper on the revamped policy, predicted that prices will rise as much under the new version of the RET as they would have under the CPRS if the CPRS also existed. Such is the power of a seller’s market.

That increase might not happen for some time because there will be, according to the government, in excess of 16 million RECs from small-scale generations in the pool. Some industry commentators estimate there will be up to 20 million. At least one industry estimate suggests it will take two or three years before they wash out of the system and the price is able to rise much above the current dollar level of around the high 30s. That is still way too low to attract investment in wind, so anyone who goes into it before the REC price starts to rise will be gambling that the ‘straw in the wind’ policy settings of the
government have somehow finally solidified. I wish those investors good luck.

If the government is successful then the price of power will ramp up far more than it should, because of the seller’s market. That points to the other great unknown in the second remake of the RET in a year: the price impact. The government is at pains to suggest it is minimal, about two per cent from these bills and about four per cent from the RET overall. Others suggest the impact will be far greater. There are suggestions from a variety of sources that power prices in Australia will double or even triple over a decade. Large aspects of this prospect relate to the serial neglect by state governments of their transmission systems. There will also need to be a massive investment in new baseload and peaking power to meet growing consumption. Doubts about the future of a carbon price are so deep that nobody is prepared to punt billions on the construction of coal-fired generators that could turn into white elephants. That leaves gas. Either we will see a big increase in gas-fired baseload and peaking plant in Australia over the next few years or we will see the lights go out.

These factors make it difficult to determine what element of the massive increases in power prices we confront are RET related. Even if only 20 per cent attributed to it—and that is an estimate given to me by one industry player who believes we may see a doubling of prices over the next decade—then that amounts to many hundreds of dollars a year, not Minister Wong’s estimate of a few dollars a year, on household power bills.

There are several factors behind suggestions that the price impact of the RET will be far more substantial than the minister suggests. One is the need to deal with the intermittency of wind. It is accepted that wind has the capacity to work around 30 per cent of the time. That means for 70 per cent of the time it is useless and it means you have to have massive conventional backup to maintain supply. That can come from coal-fired power stations running at full steam and sending the heat up the cooling tower until the wind drops or increases, as the case may be. It can come from open cycle or combined cycle gas generation. Experience from around the world suggests that more than two-thirds of the nameplate capacity of wind farms has to be backed up. It is possible that the amount of gas-fired generation coming on line will be able to handle backing up wind for several years, until its volume really starts to ramp up. But the closer we get to 2020 and many wind farms, the tighter it will get.

The international literature suggests that as you get near to 20 per cent renewables the job of balancing the grid becomes huge. You not only have a need for major backup capacity; you have a much more complex grid. At some of the many far-flung wind farms at any given time there will not be any wind. At some there will be too much and at some too little. If you are lucky, at some it will be just right. If you are very skilful in juggling that massively complex grid you will be able to keep the lights on, but do not fall for any suggestion that you will be saving a lot of greenhouse gases in the process. You will not. The need for the reserve to deal with the fluctuations in wind can negate any saving. This legislation also consolidates other problems with the original RET, and Senator Fisher has enunciated some of them.

The Senate Economics Legislation Committee that examined these bills was told of major concerns in the photovoltaic area. Concerns were expressed about safety and rott ing. Other concerns were built around the same sorts of problems that generated not only the home insulation fiasco but also the BER debacle. If you make vast amounts of money available to many thousands of small
projects, all going ahead simultaneously, you are begging for accountability problems. Sections of the industry fear a flood of cheap imported products that will not meet performance or safety standards. The Senate was told that hundreds of new installation firms cropped up in the space of just a few weeks last year. Problems relating to poor product and poor installation might already be out there and might have been out there for some time.

The Department of the Environment, Water, Heritage and the Arts said there had been no fires associated with faulty installations. Within days there was confirmation that there had been at least two fires in Melbourne. The department said that there was no evidence that installers were giving away product. A number of witnesses promptly provided evidence to me to the contrary. It appears that the scale and pace of a program has, again, overpowered the ability of the Public Service to manage and monitor it. Even the solar hot water system program hints at chaos. When the government shut down the Home Insulation Program overnight in February, it also shut down the Solar Hot Water Rebate Program. There was no explanation, but the explanation is apparent.

The installation of solar hot water heaters was the primary cause of the collapse in the REC price last year. That was the principal catalyst for these bills. The government had to slow down the flow of RECs from that source, so it shut down the program, cut the rebate and did not allow applications for the new rebate to be presented for months. And the delaying tactic worked. In July last year solar hot water systems created one million RECs. In April they created just 300,000. The plan was to reduce the number of RECs from hot-water systems before the boom dropped on their validity at the end of this year. The fewer there are, the faster they will wash through the pool and the quicker the seller’s market will be able to dominate the LRET. The deeper you dig, the more this program looks like the Home Insulation Program and the BER.

In desperation to spray cash around, the government has thrown accountability and good governance, not to mention the wind industry, to the wolves again. The RET is just another Rudd government policy, financial and administrative, disaster. Initially, it was marked by fundamental policy errors, followed by serial, ad hoc, sneaky changes to try to maintain the charade. Nothing in this legislation addresses the core problem and, as I said at the beginning, if Labor wins the looming election we will be back here for another go at it.

Senator MILNE (Tasmania) (1.32 pm)—I rise today to welcome the changes that are coming before the Senate to address the problems with the renewable energy target. I remind the Senate and Senator Boswell, who has just resumed his seat, that when I spoke on this legislation, the Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and related bills, last year I pointed out this problem would occur. I cited evidence from Dr Mark Diesendorf, at the ANU, pointing out that if solar hot water systems and heat pumps were left in the program we would see a flooding of the market, a collapse in the price and that it would be a disaster for large-scale renewables. The then minister for Climate Change and Water at the time said to me that that was not correct. In fact, she quoted from her department—and of course it is the minister’s responsibility to take note of the modelling—to the effect that the MMA modelling:

… indicates that less than five per cent of the renewable energy target would be taken up by solar hot water and by heat pumps.

The government department got it incredibly wrong and did not listen to the industry at the
time and, as a result, we have had a stalling of investment in large-scale renewables that was foreseen and that should have been dealt with. At that time I moved an amendment and, sadly, I did not get the support of anyone in the Senate—even Senator Boswell and The Nationals did not support it, even though now they recognise that that was the situation. The really wonderful thing is that this is a chance to participate in the energy revolution. This is a revolution every bit as big as the telecommunications revolution that is going on around the planet. The wonderful thing is that we are seeing an explosion in new forms of energy that are taking over from past forms. I think it is shocking that there are people in the Senate who want to stop the revolution—they want to stop this massive change that is taking place around the world.

When this legislation came in—and this is part of what we are now trying to fix—the government proposed a regime whereby you had 1.5 kilowatt system with a five multiplier. In less than 12 months solar panels came down in price by 40 per cent—and that is an extraordinary figure. That is how fast this revolution is progressing around the world. Because of the critical mass volume that is occurring around the world, systems are getting cheaper and so they are more within the reach of ordinary people. But the point I made last year was that we should go for a much greater ambition than 20 per cent renewable energy by 2020.

Senator Boswell—Come on!

Senator MILNE—We should go much higher, Senator Boswell. I want to see this nation powered by renewable energy. I know Senator Boswell is from the mining party, which used to be known as the National Party but is now the coalmining party, which want to take over Australia’s farmlands and—

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Boswell, do you have a point of order?

Senator Boswell—Madam Acting Deputy President, that is untrue and Senator Milne knows it.

The ACTING DEPUTY PRESIDENT—Senator Boswell, do you have a point of order?

Senator Boswell—Madam Acting Deputy President, my point of order is that Senator Milne named the National Party mischievously, and I would ask her to apologise to the chair and to the Senate and withdraw.

The ACTING DEPUTY PRESIDENT—I believe that Senator Milne is using debating points and that there is no point of order.

Senator MILNE—Thank you, Madam Acting Deputy President; that is certainly correct. From my observation of what is going on on the Darling Downs and in several places in the Hunter Valley, we are seeing farmland being taken over by the coalminers, and I do not hear too much dissent on that from the National Party.

However, I do not want to be distracted by that, because this is a very good news story we are telling about the growth of renewable energy all around the world and no more so than in Australia, where we have fantastic new technologies in the labs, being commercialised and getting rolled out. We should, as I was saying, go much higher than 20 per cent renewables. We should be aiming to have 100 per cent renewable energy as fast as we can, because it is in that conversion to 100 per cent renewable energy that we will not only see a massive reduction in greenhouse gas emissions but see technologies rolled out in Australia, rebuild the manufacturing industry in this country in these new technologies and be able to sell the IP overseas as well. So it is a win-win-win for this nation to move on.
In rural and regional Australia, this is a huge opportunity to build resilience in rural and regional communities. Large-scale renewables out there can provide new sources of income and jobs in rural and regional towns and cities. I have been arguing for some time that we need a national gross feed-in tariff across the country. We will then see people who are on properties now and are struggling to adapt to climate change being able to make money—add another crop to their rotation, if you like—by building large-scale renewables on their properties as a result of joint ventures, lease arrangements or whatever they decide to do. There is a property in Northern Tasmania whose owner already would like to put up six turbines on the property because, as the owner recognises, it is a long-term strategy for income, it would strengthen the grid and it is a much more certain form of income for someone in rural and regional Tasmania than a lot of the other propositions that are being put up there.

The reason we do not have a national gross feed-in tariff is that this parliament did not support the legislation that I brought in here to do that and instead sent it to COAG, which is a black hole from which hardly anything ever emerges that is useful. The national gross feed-in tariff is buried in COAG. While it has been buried there, every state in Australia has adopted a different system. That is why we have a major policy conundrum that we are trying to address now in terms of the renewable energy target. We have a situation where New South Wales has a very generous feed-in tariff. In New South Wales, with a 1.5-kilowatt system with a five multiplier, that means that the system is virtually free of cost to the consumer. Victoria is pretty similar to Tasmania in terms of the price differentials. In the absence of the government supporting a national gross feed-in tariff, the Greens have been saying that at the very least we need to take the size of the system and the multiplier out of the legislation and put them in the regulations so that the minister can move quickly in the event that the market is
flooded or some of these problems occur, as we expect them to occur, and there needs to be something in the interim to slow this down. Isn’t it amazing that we are standing here in this parliament talking about slowing down or trying to even out the demand because there is so much excitement in the community and so much willingness to take up renewable energy? It is very, very promising in terms of where we need to be going in this country in the future.

The first point is that it is fabulous that we are back here to fix it, but it is very sad that we needed to do it, because this problem was on the table when this legislation was introduced, but for some reason or other the department got it completely wrong. The Greens have been campaigning ever since to have this fixed, so I take a particular pleasure in its coming back here to be fixed. I do want to see a national gross feed-in tariff and I will continue to campaign for that until ultimately we achieve it, because that is what has driven the renewable energy revolution in Europe, in Spain and in Germany, and it should be driving the very same renewable energy revolution, basically, here in Australia.

In terms of energy efficiency, one way that this should be fixed is to have a national energy efficiency target and an energy efficiency program so that we take out the solar hot water and the heat pumps from this system. They are energy efficiency measures and they should be in an energy efficiency program, but in the absence of an energy efficiency program we have to give them support. Last year, I said, ‘Let’s put them on top of the target until we have a national energy efficiency program,’ and that is effectively what is going on here.

I note the minister is in the chamber now. I do want to ask her a question and perhaps she can give me a response at some point: what is the government’s view on geothermal heat? There have been a lot of suggestions and submissions to me from people working in the area of geothermal heat that they should be earning renewable energy certificates as well. It has also been suggested that evacuated tube solar systems should also earn renewable energy certificates. Ideally, they should be in an energy efficiency program but, since they are not, if solar hot water is to get RETs why would evacuated tubes not get RETS?

Would the minister also let me know what is happening with heat pumps. I understood that COAG was going to review the number of RETs that heat pumps get, and I do not think there has ever been any response publicly to the COAG response on that. I am not surprised. As I said, if you want to get something off the public agenda, if you want to kill it and throw it into a black hole, the best way of doing that is to send it off to COAG because it never comes out the other end, or if it does it is so many years later that people have forgotten what the issue was at the time that it was actually referred to COAG.

Waste coalmine gas is not a renewable energy source. It never was and it never has been. It is a fossil fuel and it should not be in the renewable energy target scheme. The only reason it was put in there in the first place was that there was an assumption that the Carbon Pollution Reduction Scheme would go through and that that would substitute for the GGAS program in New South Wales. When the CPRS did not proceed and the assumption was that the GGAS program would end, it was added to the top of the target. Now that the GGAS program in New South Wales is not ending, I do not see why there is any longer any justification at all for the inclusion of waste coalmine gas, and I urge the government to take that out.
I want also to speak about native forest furnaces. There is a complete and total collapse around the country in the forest industry. The world does not want to buy any more native forest woodchips because there is a growing recognition that our forests not only are marvellous for the stores of biodiversity they have but also, equally, are carbon stores to which virtually nothing can compare. They are fantastic carbon stores and we should not have the government subsidising the logging of native forests. The rest of the world has recognised that and the market has totally collapsed. At the same time, there is a wall of wood coming on stream from plantations around the world and so the Australian forest industry is in collapse. The obvious solution is to stop the logging of native forests, protect those forests for their biodiversity, water and carbon stores and shift the industry into downstreaming the plantation resource.

However, the forest industry does not see it that way. They want to continue logging native forests. They cannot at the moment because they cannot sell it, so what they have come up with is: ‘Let’s have a fabulous idea. Let’s cut down our native forests and put them in forest-burning furnaces and generate energy for that. Let’s get renewable energy certificates for it.’ Wouldn’t that be a fabulous idea? Keep truck wheels rolling and keep people working, destroying the best carbon stores in the world—our native forests!

So this legislation has in the renewable energy target the capacity to generate renewable energy certificates from waste wood biomass, provided that that waste wood biomass comes from a higher value source. Whilst currently the government would argue, ‘It’s not generating many renewable energy certificates at the moment; therefore it’s not a problem,’ it is a problem because the native forest industry around the country is depending on getting renewable energy certificates. We have Eden, in New South Wales, Orbost, in Victoria and the southern forests in Tasmania and in the north-west, not to mention the proposed furnace at the Gunns pulp mill. All over the country the forest industry has said—and in its pulp and paper strategy—that a key component for the future of that industry is being able to burn native forests for renewable energy certificates.

I urge the Senate to support this amendment when I bring it forward in the committee stage and take out any reference to being able to use native forests. In fact, I urge the Senate to rule it out completely as a source of renewable energy certificates. It would be an utter and absolute disgrace if, instead of protecting our native forests, the government took the line, ‘We need to keep the jobs of people cutting down native forests so we’ll give them to them in feeding the furnaces.’ That would be appalling. Already that is occurring with the export of some of our woodchips to Japan. They are not going, as people thought, for the making of pulp and paper; they are going straight into the furnaces in Japan as we speak. I think people would be horrified to learn that our magnificent forests, with all the wildlife in them, the water sources that they are and the carbon stores that they are, are being knocked down to burn. So I would urge the Senate to support the Greens amendment on ending this practice of native forest logging, but also this amendment to stop the knocking down of our native forests for putting into furnaces.

One other matter that I will raise in the amendments is the banking of renewable energy certificates. Between now and 1 January many renewable energy certificates will be created. The problem is that all of those certificates will be in the large-scale renewable energy target. The concern here is that, if they are more than $16 million, they
will drop the price of the renewable energy certificates in the big RET and the result will still be no incentive to bring on wind. So the Greens are going to move a motion to say that anything in excess of $16 million banked at the end of the year should be taken out and put on the target in future years so that we do not see a further disincentive for the bringing on of large-scale renewables. That is a critical issue, because—at one point, if you have had the flooding, and we are back here to fix up that issue—to not deal with the banking issue just means we are going to contribute further to problems for large-scale renewables, and it is absolutely essential that that takes place.

We have other amendments as well: in terms of a biennial review of the act, and also to make sure that we take into account off-grid systems, because we have seen, with the changes, the loss of support for the large-scale systems, particularly in Indigenous communities. I want to see some support for that restored, and I will be moving for that in the committee stage.

The Greens will be supporting this bill, and I look forward to the Senate’s support this time for amendments that genuinely deal with the policy issues. I plead with the Senate to get behind the Greens in addressing this. It is something we have argued for, and I am pleased to see we are back here dealing with it.

Senator XENOPHON (South Australia) (1.53 pm)—I note that time is particularly precious this week, given that this is the last sitting week before the winter break, and I intend to keep my contribution short, on these and other bills. I indicate at the outset that I broadly support the intent of the Renewable Energy (Electricity) Amendment Bill 2010 and related bills. The government does seek to improve Australia’s support for renewable energy technologies.

However, I still have concerns—as I did last year when we first debated this legislation—with regard to the renewable energy certificate scheme. One of my key concerns relates to the inclusion of electric heat pumps or air source heat pumps, as they are sometimes called, in the REC scheme. To put it simply, a product that uses electricity cannot be properly categorised as renewable, and that is a real concern. If this scheme is about encouraging consumers to take up renewable technologies and about developing renewable technologies in this country, then including electric heat pumps under the REC scheme is a contradiction.

I understand that electric heat pumps are better for the environment than the standard electric water heaters that many households still have, but the fact remains that they still use electricity. They therefore are not renewable and should not be subsidised under the renewable energy target legislation. It is an anomaly, and that anomaly is compounded by the relative lack of efficiency compared to other technologies.

There are four types of heat pump technology available. There are electric storage heat pumps, which produce the highest emissions and are usually powered by off-peak electricity. These are the systems many households currently have in place which are being phased out. There is natural gas, which can be either continuous or storage, and either mains-supplied or supplied from bottled LPG. There are electric heat pumps, which I referred to, which essentially have similar greenhouse intensity to electric-boosted solar and storage and continuous gas systems. And, finally, there are solar with natural gas or LPG systems. The emissions intensity of gas-boosted solar is in the order of 25 per cent lower than electric solar and electric heat pump systems, and this is the renewable technology that I believe we should be encouraging households to install.
It does concern me that, in my home state of South Australia, you have a situation where Rinnai has had to lay off workers in their plant producing solar hot water heaters and to stand down workers as well. They did that recently for a one-week period because they cannot compete fairly with something that is not as green as a solar hot water system. Under the RECS system, electric heat pumps become so affordable for consumers that the best renewable option, solar, is often being bypassed, and hence we have seen that level of unfair competition.

Australians want to do the right thing by the environment with electric hot water systems, with heat pumps. But I wonder what the reaction will be when families who install an electric heat pump find that it is nowhere near as environmentally friendly as it is meant to be and their power bills continue to be quite significant. I have been advised by the Gas Industry Alliance that—as a result of electric heat pumps being listed under the REC scheme—of the hot water systems claiming RECS, 90 per cent are either electric heat pumps or electric boosted solar. I do not think that that is good for the environment or a good use of the taxpayer subsidies that we use in relation to this. I think that we need to encourage consumers to take up truly renewable energy technology.

Another issue that needs to be addressed is how to better support emerging renewable energy technologies. I believe that further support should be provided for emerging technologies such as wave, solar thermal and geothermal—hot rocks—amongst others, but these are long-term projects and require certainty to secure investment. I foreshadow that I will be moving an amendment to this purpose in the committee stage.

Further, I think that the work done by companies which collect and convert landfill gas to energy should be recognised and supported. It is with the RECS. But we also should be looking at energy efficiency technologies that would use this cogeneration gas from landfill.

I believe there is an opportunity here to improve this legislation. I believe that it is an anomaly that electric heat pumps get the support that they continue to get under this, and my concern is that there is a real risk that rorting can still take place. I will be asking questions during the committee stage about the level of checking, the level of auditing, of electric heat pumps. I note that the government did move forward with this last year, in terms of the commercial installation of electric heat pumps. They were welcome developments. But I would like to ask in the committee stage: to what extent are electric heat pumps being audited to ensure that rorting is not taking place? So I look forward to the committee stages of this bill.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (1.57 pm)—I rise to speak on the Renewable Energy (Electricity) Amendment Bill 2010 and related bills. Family First supports renewable energy because we believe renewable energy will be an important component of the future energy mix. However, Family First makes a clear distinction between our support for renewable energy and our views on an emissions trading scheme. From Family First’s perspective, the driving reasons for renewable energy targets and an emissions trading scheme are totally different and it is a fact which the Rudd government continually overlooks.

The renewable energy targets, which were voted on last year and which Family First opposed, were based on the government’s emissions trading scheme—the same emissions trading scheme which the government has now shelved because it was a ridiculous and reckless policy. The Rudd government’s
emissions trading scheme was based on a policy that assumed that increasing carbon dioxide emissions are the leading cause of global warming. But the Rudd government failed to provide credible evidence that Australia needed to reduce its carbon dioxide emissions. Therefore, the renewable energy targets should have been driven by a completely different rationale and not solely by the need to reduce carbon dioxide emissions.

The only credible reason to support investment in renewable energy was that renewable energy will be an important component of the future energy mix. But by mandating renewable energy targets we are artificially creating a viable renewable energy market. I stress: it is artificial, because the renewable energy sources for generating electricity are not financially viable on their own. That is, energy sources that generate electricity from renewable energy sources are not financially viable on their own. And the bill we are debating today would just help prop up the artificial market even more.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator ABETZ (2.00 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Can the minister confirm reports that a vessel containing up to 200 suspected asylum seekers is heading for Australia from Sri Lanka? Can the minister further confirm that an additional two suspected asylum seeker vessels arrived on Friday, making 139 boat arrivals under the Rudd government, 71 just this year?

Senator CHRIS EVANS—Clearly, the Leader of the Opposition in the Senate, Senator Abetz, understands that I will not be confirming alleged reports of ships on the sea that may or may not be heading to Australia. Clearly, that is a question of intelligence and not something that he would expect me to discuss in the Senate, so I will not be confirming press reports—

Senator Abetz interjecting—

Senator CHRIS EVANS—Senator, I would have thought you would have understood, having been a minister of the Crown, that you would not expect—

Senator Abetz—Very confidential? It is all over the media.

Senator CHRIS EVANS—Whether you would respond or not, I am telling you that this government will not be discussing the question of intelligence briefings to the government on sensitive national security issues and issues that may involve deployment of Navy and Customs vessels. Clearly, we will not be discussing those and I cannot think that you are serious in your question.

In terms of the second part of the question, the government is facing increased activity in unauthorised boat arrivals at this time. It is similar to three previous peaks in activity that this country has experienced over the last 35 years. The last one was between 1999 and 2001 when the Howard government had to deal with larger numbers of arrivals.

Senator Brandis—Mr President, on a point of order: the minister declined to answer the first part of the question. The second part of the question was directed only to the confirmation of two numbers. The minister has not addressed the second part of the question at all. He is merely being asked to confirm two figures.

The PRESIDENT—I believe the minister is answering the question. The minister has 31 seconds remaining.

Senator CHRIS EVANS—As I was saying, we have been in a period of time when we have seen an increased number of arrivals, similar to peaks in activity that we have had in previous years. As I said, the last peak
was in the period 1999 to 2001—figures that the Liberal Party now deny and refuse to put in the graphs that they produce publicly. Amazingly, when they produce their material now everything starts at 2005. They have no pride in the first half of the Howard government’s era—no pride at all. (Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. Clearly, we will not get the answers. Let us try this: given the minister’s failure to tell us last week, will the minister confirm the Attorney-General’s advice to the House that on 11 June this year there were 508 children being held in detention? Was the Attorney right? Now, just 10 days later, how many more children are in detention?

Senator CHRIS EVANS—I find the opposition’s concern for children in detention breathtaking, because this is a newly found concern. Where were the opposition when they had 1,923 children behind razor wire in detention camps—not in community detention, not in alternative places of detention like with this government but locked up behind razor wire in camps. This is the Liberal opposition whose current policy is to bundle them all up, try to find a third-country island and lock those kids up again. This government proudly states, ‘We do not lock kids up in detention centres.’ As I indicated the other day, this attack is morally bankrupt. (Time expired)

Senator ABETZ—I ask a further supplementary question, Mr President. I note the minister’s refusal once again to answer the questions. Does the minister now deny that Labor’s policy is encouraging the criminal behaviour of people smugglers, who are luring these families onto rickety boats, putting children’s lives at risk and, to quote one of the minister’s most senior departmental officials, ‘exposing more people to danger’?

Senator CHRIS EVANS—I do not concede that at all and I do not think that the opposition have any credibility in this regard—no credibility at all. Since announcing the harshest policy announced by any political party in Australia a few months ago, they have sought to regather some ground in arguing about compassion—that their policy is really about trying to help children. This is really about trying to be compassionate but, yes, we will put them on TPVs; yes, we will restore the Pacific solution; and, yes, we will lock children up on remote islands that are not even in Australian territory. That now is your policy. It is funny—I turned up the other day to do an Insight program on SBS to debate the Liberal Party spokesman. He did not turn up. Guess who they sent? That is right: Phillip Ruddock. Not only have they got his old policy, but he is now the spokesman. That is how low the Liberal Party have again sunk. (Time expired)

Broadband

Senator LUNDY (2.06 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Given the announcement yesterday regarding a heads of agreement being reached between Telstra and NBN Co. on the rollout of the National Broadband Network, can the minister inform the Senate on this announcement and explain the benefits of this agreement?

Senator CONROY—I thank Senator Lundy for her question and for her ongoing interest in this area. Yesterday’s announcement that Telstra and NBN Co. have reached a financial heads of agreement is a historic moment for the Australian telecommunications sector. It will be remembered as the moment the Australian government and the
industry joined together to revolutionise the telecommunications sector in this country.

The discussions between Telstra, NBN Co. and the government have been complex and at times very tough. This agreement provides us with a clear pathway to take Australia from the copper age to the fibre future. It also provides us with a clear pathway towards reforming the telecommunications sector to achieve structural separation—a significant and long overdue microeconomic policy reform that will unleash a new wave of competition and innovation in Australia. This agreement paves the way for a faster, cheaper, more efficient rollout of the National Broadband Network with faster take-up. It means that taxpayers will benefit because the overall cost of building the network will be reduced and there will be higher take-up rates and revenue for NBN Co. A greater proportion of the NBN rollout will be underground, with less overhead cabling, and Australia’s largest telecommunications company, Telstra, will become a participant in the rollout of the NBN—(Time expired)

Senator LUNDY—Mr President, I ask a supplementary question. Minister, what does the agreement mean for competition in the telecommunications sector and, in turn, for consumers of these services?

Senator CONROY—The NBN will transform the structure of the telecommunications sector to once and for all unleash genuine competition and innovation for the benefit of all Australian consumers and businesses. It will lead to cheaper and faster broadband for all Australians. Yesterday’s agreement involves a progressive migration of customers from Telstra’s copper and cable networks to NBN Co.’s new, wholesale-only fibre network, plus the reuse of suitable Telstra infrastructure, including pits, ducts and backhaul fibre. In effect, once the NBN rollout is complete and Telstra has completed the migration of its customers to the NBN, Australia will be served—(Time expired)

Senator LUNDY—Mr President, I ask a further supplementary question. What has been the reaction to yesterday’s agreement?

Senator CONROY—The reaction to yesterday’s announcement has been overwhelmingly positive. For example, Steve Dalby, the General Manager of Regulatory Affairs for iiNet, one of Telstra’s competitors, said: ‘For the community to get access to higher speeds, it needed the entire industry to be part of it. It is great news.’ Matt Healy, head of regulatory and government affairs at Macquarie Telecom, said:

The removal of uncertainty in the sector is going to benefit all parties and Macquarie welcomes the day when we compete with Telstra on the NBN where their only advantage is their size and not their monopoly power; the field of battle is purely on servicing customers.

This support contrasts with the continued negative opposition from Tony Abbott and the Liberals—(Time expired)

Broadband

Senator CORMANN (2.11 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer to the announcement yesterday about a so-called deal between NBN Co. and Telstra, which was followed today—

Government senators interjecting—

The PRESIDENT—Order! Senator Cormann is entitled to be heard in silence.

Senator CORMANN—I refer to the announcement yesterday about a so-called deal between NBN Co. and Telstra, which was followed today by Telstra’s advice to shareholders that, ‘A very significant amount of work must still be done on many complex issues’ before any binding commitment is
made and that, ‘There is no guarantee it will progress to completion.’ Isn’t this just another example of the government being all talk and no action, or can the minister guarantee here today that a deal will be done before the election?

Senator CONROY—I thank Senator Cormann for his ongoing interest in this portfolio area. The heads of agreement signed yesterday between NBN Co. and Telstra provides for the progressive migration of customers from Telstra’s copper and HFC networks to the new, wholesale-only fibre network to be built and operated by NBN Co. The reuse of suitable Telstra infrastructure by NBN Co., including pits, ducts and backhaul fibre, as it starts to roll out its new network, will avoid inefficient infrastructure duplication—

Senator Cormann—Mr President, on a point of order: I asked the minister a very specific question—that is, whether he could guarantee that a deal with Telstra would be finalised before the election. I did not ask him to go through the wish list that he is trying to roll out, which is all no talk and no action.

Senator Ludwig—I have two matters to raise regarding the point of order. Firstly, the last matter raised—which was simply a reiteration of his question—is impermissible, and the senator should be pulled up for that because it is not a point of order. The first matter raised by Senator Cormann was relevance. The minister has been relevant to the question. The question was about NBN Co. and Telstra’s heads of agreement that was announced yesterday. That was the answer that the minister had been dealing with. Of course, the minister has been comprehensively dealing with that and has not fallen outside that. So I humbly submit that the minister has been directly relevant to the question asked.

The PRESIDENT—I believe the minister is answering the question. I cannot instruct the minister or tell the minister how to answer the question. The minister has one minute and 90 seconds remaining to address the question.

Senator CONROY—This is a significant step in ensuring the participation of Telstra in the NBN rollout. But there is more work to be done. The heads of agreement provides a framework for the development of more detailed contracts towards a definitive agreement, which will involve greater specification of the arrangement. This step is typical and common for most commercial transactions. It would not be possible to reach a final agreement without this step—

Senator Brandis—You wouldn’t even understand a complex commercial transaction, Stephen.

The PRESIDENT—Order!

Senator CONROY—There are a range of conditions that will need to be satisfied before the detailed agreements come into effect—

Senator Brandis—in other words: there is no deal at all.

Senator Cormann—There is no deal.

Senator Brandis—You wouldn’t begin to understand a complex commercial deal.

The PRESIDENT—Senator Brandis and Senator Cormann! Order! Senator Cormann, you asked the question; you are getting the answer. It might not be the answer you would like, but I cannot tell the minister—as I have said previously—how to answer the question. You will have the opportunity to ask supplementary questions.

Senator CONROY—These include shareholder agreement. As everyone has made clear from the day the negotiations commenced, this will ultimately become binding when the shareholders vote yes or
no. That is required. Conduct of due diligence inquiries and obtaining appropriate regulatory clearances—

**Senator Brandis**—You are completely out of your depth.

**Senator Lundy**—Says George!

**The PRESIDENT**—Order! Resume your seats on both sides. Constant interjections are disorderly and shouting across the chamber is disorderly. Senator Conroy, continue.

**Senator CONROY**—Thank you. The approval of final definitive agreements will see Australia’s largest telecommunications company, Telstra, become a participant— *(Time expired)*

**Senator CORMANN**—Mr President, I ask a supplementary question. Given that the minister is not prepared to guarantee a deal will be finalised before the election, and given that the government is not even a party to the financial heads of agreement announced yesterday, how can the government claim that yesterday’s so-called deal with Telstra will deliver even a single new NBN service to Australian households?

**Senator CONROY**—As I was saying, the final approval, after the definitive agreement, will see Australia’s largest telco, Telstra, become a participant in the rollout and, most likely, NBN’s largest customer. Millions of Telstra customers will come across onto the National Broadband Network. Through the migration of Telstra’s customers to the NBN, Australia will benefit significantly from a national wholesale-only broadband network delivering structural separation of Telstra.

**Senator Brandis**—But it is not going to happen, Stephen. Telstra told its shareholders that this morning.

**Senator CONROY**—Senator Brandis, you have got no idea at all.

**Honourable senators interjecting**—

**The PRESIDENT**—Order! This is not the time to debate the issue across the chamber. The time for doing that is at the end of question time.

**Senator CONROY**—This is a significant microeconomic reform which will benefit the whole— *(Time expired)*

**Senator CORMANN**—Mr President, I ask a further supplementary question. Isn’t it true that there is in fact no deal with Telstra and that, contrary to the spin from the Rudd Labor government yet again, Telstra was correct when it advised its shareholders today, ‘There is no guarantee it will progress to completion’?

**Senator CONROY**—It is a little hard to answer a question which is a statement of the obvious. It is very obvious that when we sign the heads of agreement—

**Honourable senators interjecting**—

**The PRESIDENT**—Senator Conroy, resume your seat. This is not the time for senators to be shouting across the chamber. Senator Conroy.

**Senator CONROY**—When we signed the agreement, it was made clear that final approval requires regulatory shareholder votes and a range of other legal matters to be finalised in the long-form agreement.

**Senator Ian Macdonald**—It is very obvious.

**Senator CONROY**—Yes, it is.

**Senator Brandis**—You do not understand, Stephen, because you are out of your depth.

**The PRESIDENT**—Senator Conroy, resume your seat. If senators want to take up question time shouting across the chamber, that is their prerogative.

**Senator CONROY**—I guess what really irks those opposite is that they were incapable of reaching an agreement with Telstra
when they were in government. They had 18 failed broadband plans—I know 18 sounds like a lot but it was indeed 18—including that dog that Senator Macdonald continues to hanker after, called OPEL. OPEL defied the laws of physics. They had 18 failed broadband plans and they want to turn back the clock. *(Time expired)*

**Paid Parental Leave**

**Senator JACINTA COLLINS** (2.21 pm)—My question is to Senator Evans, the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs. Can the minister outline to the Senate how the government supports families to make their own working-family choices?

**Senator CHRIS EVANS**—I thank Senator Collins for her longstanding interest in these matters. Last week the parliament took another important step to support Australian families with the Rudd government delivering Australia’s first paid parental leave scheme. For the first time in Australia’s history, working women will have access to paid parental leave, giving them greater financial security when planning to have a child. The Rudd government’s Paid Parental Leave scheme provides equal access to parental leave for all eligible women.

I think it is worth noting that around 30,000 working families with incomes less than $50,000 a year are expected to benefit from the government’s scheme. Women on low incomes now have the security of 18 weeks parental leave paid at the federal minimum wage. In 2009, only 15 per cent of women earning $300 a week had access to paid parental leave, compared to almost 70 per cent of women on high wages, according to the Australian Bureau of Statistics.

The Rudd government’s scheme helps women to remain connected to the workforce while easing the financial burdens so that they can spend more time with their new baby in those important early months. The government’s plan supports families to make their own work and family choices. Parents can transfer or share the leave so that they have more options for balancing work and family. We know that more and more fathers are hands-on at home sharing that load.

It is in the best interests of the children too when parents are supported to stay home from work in those critical early months after the birth of their child. We know that those children get the best start in life. All the research proves this and it obviously helps families feel more secure and more in control. Paid parental leave will be available to Australian parents for births and adoptions on or after 1 January next year. It is a tremendous breakthrough for working families.

**Senator JACINTA COLLINS**—Mr President, I ask a supplementary question. Can the minister explain the views of the Productivity Commission and their relevance to the government’s Paid Parental Leave scheme?

**Senator CHRIS EVANS**—The work of the Productivity Commission was very important to the development of this initiative. It found that women on low incomes, particularly women in casual jobs such as retail and hospitality, had the lowest levels of access to paid parental leave. As part of its work, the Productivity Commission considered the economic productivity and social costs and benefits of providing paid maternity, paternity and parental leave. It also assessed the current extent of employer-provided paid leave.

The government recognised the need to balance the interests of business and working parents, particularly those on low incomes. We knew that this reform had been held off because of concerns about that balance, but our scheme strikes the right balance. It is
fully costed and funded into the forward estimates, unlike some alternative thought-bubbles on the issue. The government’s scheme is fair to business, is fair for families and is closely modelled on the Productivity Commission’s final report.  

*Time expired*

Senator JACINTA COLLINS—Mr President, I ask a further supplementary question. Can the minister explain how casual, self-employed and part-time workers will particularly benefit from the Paid Parental Leave scheme, and also outline how the scheme will help employers?

Senator CHRIS EVANS—I know Senator Collins herself has been a long-term campaigner to make sure that these sorts of benefits are extended to casual and part-time workers, to contractors and to those who are self-employed. Our scheme does that: it gives parents more options to balance work and family, and it also helps employers to retain skilled staff and boost workforce participation.

The reality of the modern workforce is that people increasingly have casual, part-time and other arrangements that have traditionally not seen them benefit from this sort of reform. But under this government’s new scheme, those people will benefit from this reform and they will be able to access parental leave. To help employers prepare for the scheme, the role of employers in providing government funded paid parental leave will be phased in over the next six months of the new scheme to align with the new financial year, making sure this works for businesses as well as for families.

Broadband

Senator JOYCE (2.26 pm)—My question is to the Minister representing the Treasurer, Senator Sherry, on the asset ownership and funding of the NBN—that is, the federal budgetary consequences. Given that the government has announced that it would spend $9 billion on a lease with Telstra, will the minister please tell the Australian people who would actually own the pipes and ducts noted by Senator Conroy? Will Telstra own them or will the Australian government own them?

Senator SHERRY—Whilst I appreciate the question, Senator Joyce, the best advice I have is that it falls within the responsibility of Senator Conroy, either in his capacity as minister for communications or in his capacity in representing the finance minister. I am sorry I cannot provide you with an answer.

Honourable senators interjecting—

The PRESIDENT—Order on both sides! I need silence so that I can hear Senator Joyce.

Senator Joyce—Mr President, on a point of order: that question is directly relevant to the minister’s portfolio. He should understand the budgetary consequences of a major government decision, surely, and I ask you to get him to answer the question. If he cannot answer it, get him to take it on notice.

Senator Chris Evans—Mr President, on the point of order, Senator Sherry did his best to assist Senator Joyce by pointing out that he had asked the question of the wrong person. It may come as a surprise to Senator Joyce but the minister responsible, Senator Conroy, has already answered two questions on this announcement today in this parliament and Senator Sherry quite rightly pointed out that the question should have gone to him. Senator Sherry did answer the question: he advised Senator Joyce that he had made another mistake and that if he wants to ask it of Senator Conroy then he ought to do so.

The PRESIDENT—Senator Joyce, there is no point of order. The minister was given time to answer the question. The minister, in my view, answered the question. It might not have been the answer that you wanted, but,
as you know, I have continually ruled that I cannot instruct the minister how to answer the question.

Senator JOYCE—It was not that I didn’t get the answer I wanted; I did not get an answer at all. That is the issue. Mr President, I ask a supplementary question.

Senator Conroy—You asked the wrong person.

The PRESIDENT—Order, Senator Conroy!

Senator JOYCE—The minister is in this chamber and he should at least have some semblance of an idea about the major infrastructure project for this nation and how it will affect the budget. Seeing that Telstra will retain ownership of its ducts and pipes, can the minister please clear up Senator Conroy’s statement on radio this morning, where he said, ‘We don’t have an owner of the asset being a retail competitor’? (Time expired)

Senator SHERRY—I think that Senator Joyce, through his supplementary, again reinforces my earlier comments that he does not know what minister to pose the question to. He has referred to Senator Conroy’s comments this morning, and it is appropriate that the question should have gone to Senator Conroy, in his capacity as Minister for Broadband, Communications and the Digital Economy and/or in his capacity as Minister representing the Minister for Finance and Deregulation. I do not represent the minister for finance in this place; I represent the Treasurer.

Opposition senators interjecting—

The PRESIDENT—Order!

Senator JOYCE—Mr President, I ask a further supplementary question. How is the government funding the potential $11 billion cost of this deal which is to be paid to Telstra? Isn’t this just a deal to solve a political problem by yet again extending our nation’s debt?

Senator SHERRY—I draw Senator Joyce’s attention to the fact that some of his own colleagues have posed questions to my colleague, who I might say is doing a fantastic job after the weekend’s announcement. Senator Joyce’s own colleagues on the opposition frontbench—and backbench, for that matter—have posed questions to Senator Conroy about the financing and funding of the NBN, not to me in my capacity as Minister representing the Treasurer. I do not have those responsibilities or those representational responsibilities. They rest with Senator Conroy in his capacity as minister for communications.

Senator Joyce—Mr President, I rise on a point of order. Surely, the Minister representing the Treasurer would have some idea about how the funding of the NBN is going to go. Surely, that has got something to do with the nation’s finances. Why can’t we get even a semblance of an answer out of the minister?

The PRESIDENT—Senator Joyce, there is no point of order. I cannot tell the minister or instruct the minister how to answer the question.

Senator SHERRY—I will be generous to Senator Joyce and not accuse him of doing a ‘Barnaby’, as his own colleague Mr Robb described him as doing a few weeks ago. Senator Joyce, rather than blame me—(Time expired)

Internet Content

Senator LUDLAM (2.33 pm)—My question is to the Minister representing the Attorney-General, Senator Wong. Is the government considering a scheme to force internet service providers to record the web browsing histories of every internet user in Australia? With whom has the government consulted on this issue and does the government intend to
inform the public about its intentions at some stage?

Senator WONG—I thank Senator Ludlam for his question. I will endeavour to provide some information but I do not have the substantial amount before me. I understand that the Attorney-General’s Department has been consulting with industry in relation to the continuing availability of telecommunications data for law enforcement and national security purposes. Obviously, this data collection is a valuable tool which has occasionally, under both sides of politics, been used by law enforcement agencies to identify participants in criminal networks and terrorist organisations. Data might include information which could identify parties to a communication, where and when that communication is made and the communication’s duration, but I understand it would not extend to the content of the communication. Obviously there have been very substantial changes in terms of communications technology and the way in which telecommunications companies do business. The government is keen to ensure access to this data is retained in this new communications environment.

Senator LUDLAM—Mr President, I ask a supplementary question. I thank the minister for her answer to my first question. Has the government costed this policy or is it intended that the industry will carry the cost of the proposal? What has the industry told the government thus far about the costs and technical implications of recording everybody’s web browsing histories?

Senator WONG—As I said in my first answer, the Attorney-General’s Department has been consulting broadly with industry in relation to availability of this data for both law enforcement purposes and national security purposes. Obviously consultation indicates precisely that, and I think the senator’s question really goes to what the final detail of any proposal would indicate. It is vital that any data retention regime strikes the correct balance between individual privacy, commercial imperatives and community expectation that unlawful behaviour is investigated and prosecuted.

Senator LUDLAM—Mr President, I ask a further supplementary question. Thank you, Minister. You might take this one on notice for the Attorney. Does the government recognise the need to consult with the Australian public on the privacy implications of this proposal or is the Attorney-General seeking to repeat the government’s experience of the mandatory net filter?

Senator WONG—Thank you. I understand the Attorney-General’s Department has ongoing consultation with the Office of the Privacy Commissioner. Obviously, my advice is the government would ensure that any proposal would be consistent with the Privacy Act and the government’s privacy reforms.

In answer to the second supplementary: I have made clear that it is the government’s view that any data retention regime would need to strike the correct balance between individual privacy, commercial imperatives and community expectations that unlawful behaviour is both investigated and prosecuted.

Budget

Senator TROETH (2.37 pm)—My question is to the Minister representing the Minister for Energy and Resources, Senator Carr. I refer the minister to the verification by PriceWaterhouseCoopers that Rio Tinto has invested $38.4 billion in Australia through capital expenditure and acquisitions over the last decade. This stands beyond the company’s after-tax profits of $37.4 billion over the same period, not to mention the thousands of people employed on over 30 sites
and in communities across Australia. How can the government proceed with its resource super profits tax when companies such as Rio Tinto put so much back into the community?

Senator Carr—I thank Senator Troeth for her sterling defence of Rio Tinto. They are the defenders of Indigenous people, the defenders of workers and the defenders of Australia’s sovereign rights and, of course, we have seen it for 20 years from Rio. We have seen it from Rio, but what we do not see is any assessment of the facts. We do not see any recognition from the opposition that the mining industry is very important to Australia and that it has to pay its fair share to ensure that the benefits of the people’s assets are shared amongst the people of this country. You would have thought Senator Troeth, coming from what used to be the moderate section of the Liberal Party—she is very lonely these days—would have rejected a question like this because she knows how dishonest it is for the Liberal Party to claim—

Senator Brandis—Mr President, on a point of order: with due respect, nothing that Senator Carr has said in his answer so far has been remotely relevant, let alone directly relevant to the question that he was asked.

The President—There is no point of order. Order! Senator Carr, there are 56 seconds remaining to answer the question; I draw your attention to the question.

Senator Carr—I was indicating that Senator Troeth should have sent this question back, because she knows better. She knows the commitment to a society that actually ensures that the benefits of non-renewable resources, the people’s resources, should be spread throughout the community. It should be done in an efficient way so that we ensure that we can make real progress in terms of the future economic development of this country. That is why the government undertook detailed modelling to ensure that in replacing the inefficient royalty scheme we are making sure that we are able to cut company taxation, making sure that we can provide support for superannuation and making sure we can provide support—(Time expired)

Senator Troeth—Mr President, I ask a supplementary question. I have much pride in telling Senator Carr: I actually wrote this question myself. I would like to ask him, as a believer in private enterprise and employment, what measures will the government commit to to protect Australian households from the energy price rises that will occur as a direct result of Mr Rudd’s great big new tax on mining?

Senator Carr—I think Senator Troeth knows that these more efficient changes will actually lead to economic growth, will provide for more security of jobs, will provide for better superannuation and will provide for older Australians in terms of the benefits so that we are able to see a fairer return on the people’s resources. Senator Troeth knows that this measure has nothing to do with any claims about increasing electricity prices. We will see that 770,000 companies will benefit from a cut in company tax as a result of these measures. We will see 720,000 small businesses get a head start as a result of the changes in company tax. We will see that 2.4 million small businesses will benefit from the—(Time expired)

Senator Troeth—Mr President, I ask a further supplementary question: how can Australia maintain its international reputation as a strong and secure place to invest if this tax goes ahead?

Senator Carr—What the government is seeking to do is to replace an outdated royalty system with a resource super profits tax which recognises both investment and operating costs and only taxes superprofits. This
is a better way to charge for non-renewable resources. This is best international practice, and we are now seeing a number of companies seeking to argue the toss about who should benefit from the resources boom and who should take the profits from the resources boom in such a manner as to deprive the Australian people of what is their proper entitlement.

**Murray-Darling River System**

**Senator McEWEN** (2.44 pm)—My question is to the Minister for Climate Change, Energy Efficiency and Water, Senator Wong. Can the minister advise the Senate on the Rudd government’s progress in restoring the Murray-Darling Basin to health? Is the minister aware of any proposals that may get in the way of this progress?

**Senator WONG**—I thank Senator McEwen for her question and for her ongoing support for the efforts of this government to restore the River Murray to health. This government is getting on with the job of restoring the River Murray to health. This government is getting on with the job of preparing Australia for a future where there is less water. We are purchasing water—we purchased some 320,000 Olympic swimming pools of water for the Murray-Darling Basin. We are investing in infrastructure in irrigation so we can continue to grow food with less water. And soon the independent Murray-Darling Basin Authority will release its draft Basin Plan.

There was a time when this policy had the support of all parties in this chamber. The Water Act was in fact passed with the support of the Liberal opposition and the National Party. So there was once a time when the parties in this chamber did agree we should restore the River Murray to health. So it was with some surprise on Saturday morning that I woke up to headlines in the Adelaide *Advertiser* in which Senator Joyce’s message to Murray irrigators was: ‘Move north. Move north to the water.’ Instead of fixing up the Murray, Senator Joyce is saying to South Australians, ‘Pack your bags!’ That is his policy on water, because he would rather tell people to move than actually do what is required to restore the River Murray to health. It is no wonder, Senator Joyce, you never get a question on water. They are embarrassed by you. Frankly, I almost felt sorry for Senator Birmingham and for the members for Sturt and Mayo.

**The PRESIDENT**—Senator Wong, I remind you to address your comments to the chair.

**Senator WONG**—Through you, Mr President, I almost felt sorry for Senator Birmingham, because he has trumpeted in South Australia that they too on the other side—were they elected under Tony Abbott—would fix up the River Murray, and now their spokesperson has indicated what their real policy is. *(Time expired)*

**Senator McEWEN**—Mr President, I ask a supplementary question. Minister, what does this new alternative plan mean in the light of other recent proposals?

**Senator WONG**—Mr President, I ask a supplementary question. Minister, what does this new alternative plan mean in the light of other recent proposals?

**Senator WONG**—Thank you, Senator McEwen, for your supplementary question. We all remember one other proposal that Mr Abbott came down to South Australia to sell: that was his referendum. Does everyone remember that? Senator Birmingham could not help himself: he was out there talking up the referendum. The member for Sturt held community meetings on the referendum and the member for Mayo trumpeted it: ‘We’re going to hold a referendum!’ But, of course, someone forgot to tell Barnaby. Someone forgot to tell Senator Joyce, because it appears that over the weekend the National Party have rolled Tony Abbott—

*Opposition senators interjecting—*
The PRESIDENT—Senator Wong, resume your seat. If you choose to use up question time shouting across the chamber, that is your choice, Senator Bernardi—and yours, Senator Joyce.

Senator WONG—What happened, of course, over the weekend is that Mr Abbott’s referendum was overruled by the National Party. The National Party at their conference voted against the coalition’s policy. This is the policy that was supposed to get them through to the election and they cannot even get the National Party on board. Mr Abbott and the South Australian Liberal Party cannot even get—(Time expired)

Senator McEWEN—Mr President, I ask a further supplementary question. Minister, in light of these challenges, what plan does the government have to ensure that we can restore our rivers to health?

Senator WONG—One thing we are not going to do is simply tell Adelaide and Murray irrigators to move north, as is Senator Joyce’s new water policy for the coalition. I look forward to the Liberals in South Australia advertising that policy. This government will continue with its reform. We look forward to the independent authority delivering its plan—the plan that Senator Joyce wants to kill before it has even been announced. The question is, of course: what will the Liberal Party do? We know that Senator Joyce opposes bringing the River Murray back to health, he opposes water purchase and he opposes water reform, but the real question is: what will Senator Birmingham and the members for Sturt and Mayo do? Will they stand up for their constituents against the National Party, which is opposed to reform on water?

Mental Health

Senator BOYCE (2.50 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Is the minister aware that Professor John Mendoza, in his letter of resignation as the Rudd government’s chief adviser on mental health, stated:

It is now abundantly clear that there is no vision or commitment from the Rudd Government to mental health … The Rudd Government is publicly claiming credit for the increased investment in mental health when almost all of this is a consequence of the work of the Howard Government.

In view of the condemnation of the Rudd government’s inaction on mental health by its own hand-picked principal adviser—

Government senators interjecting—

The PRESIDENT—Just wait a minute, Senator Boyce. You are entitled to be heard in silence.

Senator BOYCE—Thank you. In view of the condemnation by the Rudd government’s own hand-picked principal adviser, how can the minister deny that the Rudd government is more focused on spin than substance when it comes to mental health?

Senator LUDWIG—I thank Senator Boyce for her question. I know she has an ongoing interest in this area, and it was disappointing to see the spin in the last part of the question. The government thanks Professor Mendoza for his services as chair of the National Advisory Council on Mental Health over the last few years. The government appreciates the advice he has provided us during his time and his strong commitment to improving mental health services in our community. We agree with Professor Mendoza that there is much more work to be done in improving mental health services in Australia. The Prime Minister, Minister Roxon and I have made that clear on a number of occasions.

However, the minister and I do reject Professor Mendoza’s assertion that the government has no commitment to mental health. The structural reforms agreed to as part of
the historic COAG agreement in April this year, particularly in primary care, lay a strong foundation for further reform in mental health. The 2010 budget includes $175 million for mental health services, focusing on improving services for young people through new investments and programs such as headspace. This is entirely consistent with the national advisory council’s recommendations. Of course, we do wish Professor Mendoza well in his future endeavours, but the government is doing proactive work in mental health. The government is committed to ensuring Australia has a sustainable and effective mental health system. As I indicated, $175.8 million was announced in the budget to improve our mental health system— *(Time expired)*

**Senator BOYCE**—Mr President, I ask a supplementary question. Is the minister also aware of comments about the mental health system made by the Australian of the Year, Professor Patrick McGorry, who stated:

The system is absolutely on its knees … We have a famine-like situation and the mental health system is getting the scraps from the table.

If the minister can reject the comments of this outstanding mental health expert, what steps are the government taking to fix this appalling situation?

**Senator Cameron interjecting**—

**Senator Mason interjecting**—

**The PRESIDENT**—Order! I remind senators on both sides that shouting across the chamber is disorderly and does not allow us to proceed.

**Senator LUDWIG**—This government—and I mentioned this in my answer to the first question—is committed to ensuring Australia has a sustainable and effective mental health system. Quite frankly, we call on the opposition to in fact look at our record and agree that we have made significant commitments in this area. The $175.8 million announced in the budget to improve our mental health system now includes $78.4 million over four years to deliver up to 30 new headspace sites around Australia. It provides—

*Opposition senators interjecting—*

**Senator LUDWIG**—The opposition do not want to listen to our record. All they want to do is harp, when they took $1 billion of the health system—

**The PRESIDENT**—Senator Ludwig, resume your seat. If senators want to argue about this, after question time is the appropriate time.

**Senator LUDWIG**—We also expanded the telephone and web based support for services to young people. This will provide support for an additional 20,000 young Australians each year. It is an important initiative. It is disappointing that the opposition (a) do not want to hear it and— *(Time expired)*

**Senator BOYCE**—Mr President, I ask a further supplementary question. Is the minister aware that the present Minister for Health and Ageing told the national mental health conference before the 2007 federal election that the Prime Minister, Kevin Rudd, had put mental health ‘high on his personal agenda of issues’? Don’t the statements of Professor Mendoza and Professor McGorry show that mental health has now, like the CPRS and restrictions on government advertising, joined the long line of government empty rhetoric— *(Time expired)*

**Senator LUDWIG**—Quite frankly, the opposition have not been listening to our excellent record on providing assistance to this area of need. The government are committed to providing health. We have $58.4 million over four years which we directed to deliver care packages to better support up to 25,000 people with severe mental illness. That is 25,000 more than the opposition contemplated. It will be delivered through access
to allied psychological services arrangements. In addition, there is $25.4 million over four years to expand the early psychosis prevention and intervention centre model, building on its successful implementation in Victoria. It is a shame those opposite want to criticise rather than support the work that is being dealt with in this area. All they want to do is— (Time expired)

Broadband

Senator STERLE (2.58 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. In light of yesterday’s announcement of a head of agreement being reached between Telstra and the NBN Co.—

Senator Brandis interjecting—

Senator Chris Evans interjecting—

The PRESIDENT—Order! Senator Brandis and Senator Evans, I need to hear the question.

Senator STERLE—In light of yesterday’s announcement of a head of agreement being reached by Telstra and NBN Co. on the rollout of the National Broadband Network, can the minister inform the Senate of the significant public policy reforms that will support the agreement?

Senator CONROY—I thank Senator Sterle for his question. The government announced yesterday that it would progress significant public policy reforms. As the NBN is rolled out, Telstra will no longer be a vertically integrated owner of a fixed line network. In light of this transition to a new industry structure, we need a new universal service framework to improve protections of essential communication services. Therefore, a new entity, USO Co., will take responsibility for the delivery of the universal service obligation. From July 2012 USO Co. will assume responsibility for most of Telstra’s universal service obligations: for the delivery of the standard telephone services, payphones and emergency call handling. For the first time, the Commonwealth will provide funding to support the delivery of the USO. This funding will build to $100 million per year by 2014.

This approach has been endorsed by industry. Rosemary Sinclair of the Australian Telecommunications Users Group said establishing USO Co. with explicit funding as an independent organisation is ‘a better approach’. The general manager of iiNet’s regulatory affairs, Steve Dalby, described it as ‘very positive for the industry’. The government will also provide $100 million to assist with retraining and redeployment of Telstra staff that will be affected by this historic transition from the copper age to the fibre future. As ACTU secretary Jeff Lawrence said: ‘This deal is a major step forward.’ (Time expired)

Senator STERLE—Mr President, I have a supplementary question for the minister. Minister, how will changes to the existing universal service framework protect consumer safeguards into the future?

Senator CONROY—Under an arrangement announced yesterday, Australians will have the security of knowing that they will continue to have dependable access to a standard telephone service and that control over the removal of payphones and management of emergency call services and the National Relay Service will be the responsibility of an entity formed entirely to deliver these public services. Of course, the government is also committed to strengthening universal service obligations and has introduced legislation to that effect. Once again, by opposing this legislation for the sake of opposing, the opposition are putting politics ahead of consumers in this country—those same consumers they sold down the river through their ill-designed privatisation of a
virtual monopolist in rural and regional areas. (Time expired)

Senator STERLE—Mr President, I ask a further supplementary question. Minister, how will the arrangement alter the obligations that currently exist for servicing newly built developments?

Senator CONROY—The government also announced that from 1 January next year NBN Co. will be responsible for delivering fibre connections in new developments in the fibre footprints of the NBN, as provider of last resort. Developers will still be able to use other providers if they choose. Developers will only have to meet the cost of trenching and installation of ducts and conduits, as they do now. Caryn Kakas, as Executive Director of the Residential Development Council of Australia, said these reforms:

… recognise that developers are not telecommunications providers and that homeowners in new estates should not be subject to additional costs. The move to ensure developers are not responsible for backhaul is the right one.

Those opposite have had the opportunity to look at this policy. They have had the opportunity to look at this historic reform that has been put in place—a reform that was beyond those opposite, a reform that they were not able to deliver in 11½ years. There were 18 failed broadband plans. Australia’s broadband system was a joke internationally and those opposite seek to take us— (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
Broadband

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.04 pm)—I move:

That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Assistant Treasurer (Senator Sherry) to questions without notice asked by Senators Cormann and Joyce today relating to the National Broadband Network.

It is interesting that we found today that the government’s depth of understanding of their own deal does not even go to the person representing the Treasurer here. Their understanding of the financial implications of what they have been lauding is completely without any sort of diligence whatsoever. A person sitting merely feet away from the Minister for Broadband, Communications and the Digital Economy has no idea of what the implications of a lease are, as opposed to what ownership of an asset is.

Senator Marshall—You couldn’t even ask the right minister!

Senator JOYCE—This is the same sort of diligence we got when the Labor Party went forward with its plan without doing a cost-benefit analysis. No wonder Telstra is happy. Telstra should be doing cartwheels.

Senator Marshall—That’s no wonder— you didn’t even ask the right minister!

The DEPUTY PRESIDENT—Order! Senator Marshall!

Senator JOYCE—Grumpy Gavin. Telstra should be doing cartwheels about this deal because they retain ownership. What we are doing is just handing money to Telstra. They get $5 billion rent on their ducts. We do not own them. NBN does not own them. Telstra remains with ownership of them. It is a brilliant deal for Telstra—and they get to lose the USO, the universal service obligation. They can flick that one out the door. They can flick the protections that we put in place out the door. The protection is gone, money is in and debt has gone up—it is a typical Labor deal. This is a perfect Labor
They will just wander overseas and borrow a bit more money from China, a bit more money from Japan and a bit more money from the Middle East to cover up their black hole in funding. But they do not care about this. There is no acumen to this. It is terrifying to see that the person representing the Treasurer, sitting merely feet away from the minister, has no idea about the fundamental financial aspects of this deal. That is something the Australian people should understand about the acumen that sits behind this.

Senator Marshall interjecting—

The DEPUTY PRESIDENT—Order! Senator Marshall, I have asked you continually not to interject. You will have a chance to respond directly if you want to take note.

Senator JOYCE—We have signed ourselves up for an $11 billion gratuity to Telstra. We have ‘come in spinner’ to Telstra. The reason we have done that, the reason our nation is going to go further into hock beyond the $147 billion gross that we currently have outstanding, is that the Labor Party are desperately trying to find a raison d’etre. They are trying to find some semblance of an issue, a fig leaf, to go to the election on and so they are prepared to pay any price, and they paid any price when they paid this. This is the deal made in heaven for Telstra and it is the deal made in hell for the Australian taxpayer, who now has to kick the tin basically for picking up a lease. They have picked up a lease and we are going to pay for it. When they picked up the lease they lost their protection. When we drill down through ‘Universal Service Obligation Co.’ we can see that they have gone out and privatised the guarantee of this chamber to look after Australians. They know when to privatise something. They have privatised responsibility. That is what they privatised. They have privatised public responsibility.

What is the grand amount the government is putting towards this? We see it is $50 million in the forward estimates. What a wonderful day for Australia. We have just been held over a barrel and flogged. This is what has happened to us in this deal and Telstra are grinning all the way to the bank. This is not a purchase. We are not buying a new company here. The government is leasing a hole in the ground and the rent is going to cost it $5 billion. It is handing over the obligations whereby this party sought to protect customers in the universal service obligation. The government is doing that—and then giving what? Fifty million in 2012-13 and 2013-14.

What is in this for Australia? What is in this for Australia is a grinning Prime Minister who can go to the door and say, ‘Because you do not quite understand the complexities of this deal, you’re going to believe me that it’s a good deal,’ just like you believed him when he said that the ETS was the greatest moral challenge of our time, just like you believed him when he said he was going to have a war on obesity, just like you believed him when he said he would keep the price of groceries down and just like when you believed him in so many of his other false statements.

Senator Wong interjecting—

Senator JOYCE—I am sure the ‘Minister with no responsibility whatsoever’, Senator Wong, will be able to tell us exactly when to believe the Prime Minister. I tell you what you can believe. You can believe those big, cheesy grins from Telstra, you can believe Telstra’s bank managers and you can believe that Telstra has done the deal of the lifetime with the worst Prime Minister in our nation’s history.

Senator CROSSIN (Northern Territory) (3.10 pm)—It gives me great joy to stand up in this debate on taking note of answers and
support yesterday’s fantastic announcement by the Minister for Broadband, Communications and the Digital Economy, Senator Conroy; the Prime Minister; the Minister for Finance and Deregulation, Lindsay Tanner; Telstra and NBN Co. on the next step in our rollout of fast broadband in this country comparable to that which the rest of the world is experiencing. I thought Senator Joyce was the person who represented people in the bush, the king of regional Australia in this federal parliament—

Senator Sterle—And Clive Palmer.

Senator CROSSIN—along with his best mate Clive Palmer, but we will not go there. Is this the man I have heard for the last five minutes suggesting that even people in rural, remote and regional Australia should not have better communications, should not have better and faster broadband and should not be able to dial up and expect to access the world wide web as fast as people can in Melbourne or Sydney? Is this the man I heard criticising this deal that is going to make communications better and faster for the people that he purports to represent? No, this is a man who wants to come into the chamber and ask questions about communications, the best communications deal this country has ever had. The real reason here is that he wants to mask what happened over the weekend at the National Party conference. There was a great double-page spread in Saturday’s paper featuring Senator Joyce—the man of the water, a man of the time—beside the river. He is going to save the Murray-Darling Basin agreement. He is going to be the person who can bucket that water to the farmers who need it in that region. But lo and behold! He spent the whole weekend encouraging the National Party and ensuring that the National Party rolls Tony Abbott’s policy on water. He does not want to talk about that today. He does not want to talk about the failed policies of the National and Liberal parties over the weekend when it comes to the fact that they cannot get their act together and come up with a program for delivering water and saving the Murray-Darling Basin, as Senator Joyce purported to do before the weekend—’Let’s disguise that mistake; let’s ensure that we run away, run backwards, from Tony Abbott’s failed plan over the weekend.’ The National Party rules again—the tail is wagging the dog again—when it comes to most of the policies. Instead, he says, ‘Let’s ask questions today about the NBN.’ We are happy to answer questions about the NBN today, but we would actually like questions to go to the right minister. We are more than happy to answer any questions about the NBN. In fact, we would like to spend the rest of the day debating the NBN solution announced yesterday because it is going to be so good for this country. But it really would help if the coalition’s tactics committee could actually sort out who the right person is to answer the question. Is it Senator Sherry? No, Minister Sherry is not exactly the person who had the answers to this question. It is Senator Conroy. So, Senator Joyce, we would be more than happy to answer your questions, but you really have to ensure that you ask the right person.

Let me tell you about the good news for this country from NBN Co. and the Telstra agreement announced yesterday. The heads of agreement announced yesterday included policy reforms that will deliver clear benefits for Australia in both the short and the long term. In the short term, the payment starts the first step and paves the way for our National Broadband Network to be built faster, cheaper, more efficiently and with faster uptake, higher revenues and less use of overhead cabling. Senator Conroy was right when he said today this is not about the cop-
per network of the past, which is where people like Senator Joyce would want to leave regional and rural Australians, but about a fibre optic future.

Under our vision, policies and plan for this nation, the Rudd Labor government is going to deliver a fast broadband network to this country. We are going to deliver the outcomes that people in the rest of the world are currently experiencing. We are not languishing in the past, back in the bush that Senator Joyce would want the people he purports to represent to still stay in. What do you get under us? Under a Rudd government, Australians will more quickly gain access to all the benefits of superfast broadband. But, if I am hearing Senator Joyce right today, it would seem as if they are not going to back this plan either. They do not want Australians to get on board and get superfast broadband. They just want to let them languish in—

(Time expired)

Senator CORMANN (Western Australia) (3.15 pm)—The one thing that became very clear from Senator Conroy’s answers today is that there is in fact no deal between Telstra and NBN Co. to deliver a national broadband network. In fact, Minister Conroy refused to guarantee that there would be a deal this side of the election. This is yet another example of the Rudd Labor government’s ‘all talk and no action’—the ‘spin over substance’ approach to government. We have a Prime Minister under pressure. We have a Prime Minister who is worried about every single Newspoll. We have a Prime Minister who is worried about tomorrow’s caucus meeting. So he was desperate to bring out some positive news. Then what do they do? They come out and present this deal to try and do a deal as if it is this historic achievement. We had Senator Conroy here in the chamber today describing this thing as historic and saying that it is going to take Australia into a new era with delivering fast broadband. It will deliver nothing of the sort. This is all talk and no action.

I need to point no further than to the letter which was issued to Telstra shareholders by Telstra today. It had two very significant parts to it. Firstly:

… a very significant amount of work must still be done on many complex issues …

Further:

… there can be no guarantee—that the deal—will progress to completion.

Only later does it say that should a final agreement be reached then it would have to be put to a shareholder vote in the first half of the calendar year 2011.

Senator Conroy was trying to suggest today that of course there was no final deal because it is not going to be put to a vote of shareholders until early next year. Well, Telstra is not going to even put it to a meeting of shareholders unless it has a deal with the government, and so far there is no deal. The only thing we have is a deal to try and do a deal. The second thing we have is a government committing $9 billion of taxpayers’ money to get Telstra essentially to shut down part of its existing business, and another $2 billion in value for Telstra, courtesy of the taxpayer, by the government committing a hundred million taxpayer dollars every year to fund the universal service obligation. This has never been funded by the taxpayer. It has always been funded by the telecommunications companies themselves.

So here we have the Rudd Labor government true to form. What do they do whenever they are faced with a problem? They just throw taxpayers’ money at it. It is a case of reckless spending left, right and centre—which is of course why they have to come up with yet another tax grab in every single budget. This is a high-spending, high-taxing,
high-levels-of-debt, bad, old-fashioned Labor government. The Prime Minister knows now that the election is getting closer and closer, even though he was trying to suggest on The 7.30 Report last week that it could be as late as March or April next year. This is a Prime Minister who knows that people across Australia are angry with him. He knows that people are very disappointed by his lack of performance. They are very disappointed in the failure and incompetence that has been delivered by this Rudd Labor government. He is a Prime Minister who is running scared of going to the next election.

The only reason that this non-deal was rolled out was that it would be in time for Newspoll. He is a desperate Prime Minister who wanted to be able to point to something positive. He wanted to have a win. He wanted to put something out there that looked as if he was actually achieving something. But, if you go past the detail, all you can see is that there is no deal at all. The only thing that people have agreed to is something they have agreed to for some time—that they will try and do a deal. But still nothing that Senator Conroy has said in Senate question time today can give the Australian people any confidence that there will be a deal between Telstra and NBN to deliver a national broadband network this side of the election. All we have had is the reconfirmation of the absolute obvious. And Senator Conroy even said, ‘Well, that is stating the absolute obvious.’ He did not use the words ‘there is no deal’ but that is what he meant, because there is no deal. All he repeated was what everybody knew—that, yes, NBN and Telstra will continue to have discussions to sort out a whole range of complex issues. But there is no guarantee it will progress to completion.

The minister says ‘if this’ and ‘if that’. Well, I hope the Socceroos win every single match between now and the World Cup final. If they do, they will be world champions, but if they do not they will not. (Time expired)

Senator STERLE (Western Australia) (3.20 pm)—It may come as a shock, but there is one thing on which Senator Cormann and I agree: I hope the Socceroos do well too. There you go, Senator Cormann. You and I have agreed on something for the first time in quite a few years.

I relish the opportunity to stand up and make my contribution to this debate. Thankfully it is not broadcast because, as much as we cherish the opportunity to speak on behalf of our state and our country, some of the contributions have been very, very misleading. Before I go on to talk about the great announcement yesterday by Minister Conroy, I must say to you, Mr Deputy President, that I have known you well and that I am aware of your commitment to rural and regional Australia over the years—and I have had the pleasure of working with you closely on a number of occasions—and I have to remark that I think we are losing track of a couple of things. One is that this national high-speed broadband network was a clear Rudd Labor government commitment prior to the last election. This is not something that we have just pulled out of our hats.

When we went to the 2007 election we made it very clear to the people of Australia that they had choices. We made it clear to not only city dwellers but rural and regional Australians that they definitely had some very clear choices between, at the time, the Rudd Labor opposition and the Howard government. We said very clearly that we would roll out a high-speed national broadband network to 98 per cent of Australians. Australians had a lot of choices and one of the choices was to go with us and see that happen or stick with the Howard government after 12 years where nothing had happened. This is what is so annoying.
We also hear other statements about spending and comments that this is not going to deliver anything. This is truly going to deliver a fantastic opportunity for all Australians in rural and regional Australia and in the cities. It gets a little bit annoying when we hear some of those statements. I am in touch with many Western Australians, Mr Deputy President, as you are with South Australians, in the weeks when we are not here. We have to continually remember that this country, this world, has just come through the greatest financial challenge since the 1930s. With all due respect, it is easy for those opposite to push that aside. They do not like to admit it, but if we had not taken those quick and decisive actions, as we did with the national infrastructure stimulus packages, this country would have gone into a technical recession.

We still see daily on our TVs what is happening in Greece and other parts of Europe. We have not come out the other end flying at this stage. We are still not out of the woods. I know that is a corny cliche, but we really are not out of the woods yet. So I applaud Senator Conroy’s announcement yesterday of the $11 billion deal with Telstra to assist in rolling out the National Broadband Network. I want to quote a paragraph from an article in today’s Age by Mr Mark Davis and Mr Ari Sharp. I think the first paragraph really does say it in a nutshell. It says:

Telstra will hand over millions of customers to the federal government’s new national broadband network and close its ageing copper and cable networks in an $11 billion deal that will fundamentally reshape the communications industry.

It goes on to say:

… the deal will allow the new services to be rolled out faster and more cheaply while delivering up to 10 million customers to the new government-owned business.

Ten million! There are 10 million Australians out there who will have access to faster broadband. For small businesses, for students, for pensioners or for whoever, what a fantastic initiative! It really is sad that those opposite take every opportunity to slag off, bag, carpet—whatever you may call it—any initiative that we come up with.

**Senator Cash**—Because they fail: pink batts, CPRS!

**Senator STERLE**—Thank you very much, Senator Cash, from Western Australia. I will be telling every Western Australian that you do not want rural and regional Western Australians to get access to fast broadband networks. Thank you very much. *(Time expired)*

**Senator FISHER** (South Australia) *(3.25 pm)*—Deal or no deal? There is no deal yet. This deal with Telstra could take years to be signed and sealed. As to the delivery, that could be many, many years beyond that. What this announcement is clearly designed to do is mask the fact that there has not been one new megabit delivered under the Labor government’s National Broadband Network thus far. It is designed to obscure the fact that any new service is years and years away and it is designed to obscure the fact that the government cannot substantiate how much it would cost consumers to access the National Broadband Network if it were ever to come to be.

Where is the value for money for taxpayers when what we have and all we have—and the government’s announcement tries to stop us talking about this—is an implementation study based on certain assumptions? If those assumptions are proven true then the implementation study says that, in theory, the National Broadband Network can be built. But the implementation study is splendidly silent as to which of its assumptions in forecasting a profit for NBN Co. of between three per cent and nine per cent will actually come about. The implementation study does
not predict whether it will be the profit assumption based on lower demand than predicted and cost blow-outs or the rosy prediction that results in a nine per cent profit.

The implementation study says that if the best of possible worlds unfolds then the NBN can be built. What the implementation study does not do is say when the government will respond to it. They have been silent on that as well thus far. I guess yesterday’s announcement was also designed to obscure that. What the implementation study does not, under any circumstances, do is a cost-benefit analysis. It does not show, even if this thing can be built, whether it should be built and whether it is for the public good. The government have steadfastly refused to do a cost-benefit analysis. What does the Department of Broadband, Communications and the Digital Economy tell us? Mr Daryl Quinlivan has said, ‘What is the point of doing a cost-benefit analysis of a policy that the government has already decided to implement?’

NBN Co. is in the process of providing the government with its business case. Senator Conroy told us at committee hearings that, even once it is done, the Australian taxpayer cannot have a look at NBN Co.’s business case. He said:

You are not going to be privy to them today, tomorrow, or next week or after we receive the business plan.

That is pretty good for taxpayers looking to see what is proposed as the business plan underpinning a company essentially funded by them to deliver the government’s National Broadband Network!

Yesterday, we heard Minister Conroy try to say that this deal, which is not a deal, is value for money to the taxpayers. Minister Conroy tries to say it will save the taxpayers money, but when we ask ‘how much?’ he suggests that this information is commercial and in-confidence. What confidence can the taxpayer have that there would be any value for money for the Australian taxpayer in this deal were it ever to come to pass? Thus far, this is a government that demonstrates spectacular lack of value for money. Look no further than Building the Education Revolution. Why should Australian taxpayers be reassured by this minister suggesting that the information as to value for money is essentially commercial and in-confidence? It is: ‘We know; trust us; she’ll be right; you can’t see the figures.’ It is deal or no deal. Even if there be a deal, this does not bode well for the Australian taxpayer and does not bode well for the country.

Question agreed to.

PETITIONS

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

Broadband

To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That the citizens of Australia:
• Draw to the attention of the Senate that mandatory Internet filtering is censorship.
• Assert that it is the role of the individual to determine how their Internet service is filtered and what content is filtered, rather than the government.

Your petitioners ask/request that the Senate:
• Vote against any legislation or disallow any legislative instrument that requires, forces, or otherwise compels an Internet Service Provider, Carriage Services Provider or other enterprise or organisation concerned with provision of access to the Internet to offer, or to filter any Australian user’s Internet connection unless expressly requested to do so by the said user. Reject any plan to filter the Internet and redirect funding to law enforcement agencies or education programs.

by Senator Ludlam (from 19,230 citizens)

Petition received.

CHAMBER
COMMITTEES
Finance and Public Administration
References Committee
Extension of Time
Senator RYAN (Victoria) (3.32 pm)—by leave—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 23 June 2010.

Question agreed to.

LEAVE OF ABSENCE
Senator WILLIAMS (New South Wales) (3.32 pm)—by leave—I move:

That leave of absence be granted to Senator Payne for Monday, 21 June 2010, on account of personal reasons.

Question agreed to.

Senator WILLIAMS—by leave—I move:

That leave of absence be granted to Senator Johnston for the period from Monday, 21 June 2010 to Thursday, 24 June 2010, on account of personal reasons.

Question agreed to.

COMMITTEES
Environment, Communications and the Arts References Committee
Extension of Time
Senator FISHER (South Australia) (3.33 pm)—by leave—I move:

That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the administration and effectiveness of the Green Loans Program be extended to 6 August 2010.

Question agreed to.

LEAVE OF ABSENCE
Senator MCEWEN (South Australia) (3.33 pm)—by leave—I move:

That leave of absence be granted to Senator Polley for today, on account of personal reasons.

Question agreed to.

NOTICES
Presentation
Senator Birmingham to move on the next day of sitting:

That there be laid on the table by the Minister representing the Prime Minister, no later than noon on 23 June 2010, a copy of the report prepared by the Energy Efficiency task force and provided to the Prime Minister in September 2008, as confirmed by the Department of the Prime Minister and Cabinet in response to a question taken on notice on 25 March 2010 and received on 19 April 2010 by the Environment, Communications and the Arts References Committee's as the answer to Question 3 in its inquiry into the Energy Efficient Homes Package.

Senator Ronaldson to move on the next day of sitting:

That the Senate is of the view that, in the event of a simultaneous dissolution of both Houses under section 57 of the Constitution, the division of senators into two classes for the purposes of rotation should be in accordance with the results of a recount of the Senate vote under section 282 of the Commonwealth Electoral Act 1918 to determine the order of election of senators in each state.

Senator Barnett to move on the next day of sitting:

(a) welcomes the presence in Parliament House of more than 300 participants in the Micah Challenge Voices for Justice event, representing churches, schools and community groups in more than 80 electorates and from every state and territory;

(b) notes:

(i) the vital progress being made towards the Millennium Development Goals (MDGs), which aim to halve world poverty by 2015, seen through the reduction in child deaths from 12.5 million annually in 1990 to 8.8 million in 2008,
(ii) that while progress is being made, a number of the MDGs are still off track, particularly Goals 4 and 5, which relate to child and maternal health, and

(iii) the growing public support in the Australian community for the MDGs, demonstrated by more than 111,000 people who have signed the Micah call in support of the MDGs as part of the Micah Challenge campaign and an additional 40,000 people who recently signed the ‘Act to End Poverty’ with the Make Poverty History campaign;

(c) reaffirms:

(i) the commitment to the MDGs as important benchmarks for the global community to fight poverty, and

(ii) that all eight MDGs are achievable with the political will of the global community;

(d) recognises the United Nations Secretary-General Ban Ki-moon’s call to world leaders to attend the MDGs Review Summit in New York in September 2010, and the importance of this global meeting to measure progress and develop a clear action plan to achieve these MDGs within the remaining 5 years; and

(e) calls on the Government to make clear at the UN Summit, Australia’s ongoing commitment to the achievement of the MDGs by 2015.

Senator Heffernan to move on the next day of sitting:

That the time for the presentation of the report of the Select Committee on Agricultural and Related Industries on the incidence and severity of bushfires across Australia be extended to 13 August 2010.

Senator Ronaldson to move on the next day of sitting:

That there be laid on the table by the Special Minister of State and Cabinet Secretary, no later than 2 pm on 23 June 2010, a copy of the draft:

(a) letter to the Treasurer; and

(b) statement to Parliament, both of which were prepared by the Department of Finance and Deregulation, and provided to the Minister on 14 May 2010, and which relate to the request from the Treasurer, of 10 May 2010, for an exemption from the Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies for the proposed advertising campaign relating to the Government’s tax reforms.

Senator Ludlam to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Environment Protection, Heritage and the Arts, no later than 9.30 pm on Thursday, 24 June 2010:

(a) the study by PricewaterhouseCoopers into estimating consumers’ willingness to pay for improvements in packaging and beverage container waste management; and

(b) the Australian Bureau of Agricultural and Resource Economics peer review of the study.

Senator Barnett to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) motor neurone disease (MND) Global Day on 21 June 2010 represents an important opportunity to acknowledge those around the world affected by MND,

(ii) in Australia alone, more than 1400 people have MND and the disease takes the life of more than 10 Australians every week,

(iii) there is no known cause in 90 per cent of cases, no cure and no effective treatment for MND, and

(iv) the most pressing need for those affected by MND and their families includes easy and timely access to appropriate care and support, including access to aids, equipment and assistance with basic daily living such as mobility, communication, feeding and breathing to maintain independence and quality of life; and
(b) calls on the Government to continue its funding for MND research and improving health and disability services for all those affected.

Senator Hanson-Young to move on the next day of sitting:
That the Senate—
(a) notes:
   (i) the recent survey conducted by the Australian Red Cross on community attitudes towards asylum seekers and refugees,
   (ii) that this survey found that 67 per cent agreed that refugees have made a positive contribution to Australian society, while 83 per cent agreed that people fleeing persecution should be able to seek protection in another country;
(b) recognises that 96 per cent of asylum seekers who arrive by boat are assessed as genuine refugees; and
(c) calls on all sides of politics to recognise the positive contribution that refugees have made and continue to make to the diversity of our nation.

Senator Hanson-Young to move on the next day of sitting:
That the Senate—
(a) notes that:
   (i) there is significant opportunity for investment in stormwater harvesting and water efficiency, yet Adelaide remains reliant on the Murray River for its water supply, and
   (ii) the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) has demanded an environmental dividend to reduce Adelaide’s reliance on the Murray River, in exchange for Federal Government funding for a range of urban water projects; and
(b) calls on the Federal Government to work with the South Australian Government to wean Adelaide off the Murray River for the long-term sustainability of the river system.

Senator Ludlam to move on the next day of sitting:
That the Senate—
(a) welcomes Xi Jinping, Vice President of the Peoples’ Republic of China;
(b) acknowledges the continuing concerns of the Australian people over human rights in China and Tibet; and
(c) expresses its hopes for a productive visit, including a frank and wide-ranging dialogue on matters of concern to both China and Australia.

Senator Ludlam to move on the next day of sitting:
That the Senate—
(a) congratulates His Holiness the Dalai Lama on celebrating his 75th birthday on 6 July 2010;
(b) notes the Dalai Lama’s unstinting commitment to non-violence, his pragmatism in seeking a ‘Middle Way’ approach in order to reach a peaceful and practical solution for the future of Tibet and its people and his work in promoting inter-religious understanding;
(c) acknowledges the Dalai Lama’s Nobel Peace Prize awarded in 1989, his US Congressional Gold Medal in 2007 and the many other awards and honours presented for his wide-ranging work in advocating peace, non-violence, inter-religious understanding, universal responsibility and compassion; and
(d) expresses its hopes for a peacefully negotiated settlement between the Tibetan people and the People’s Republic of China.

Senator Fisher to move on the next day of sitting:
That the time for the presentation of the final report of the Environment, Communications and the Arts References Committee on the Energy Efficient Homes Package be extended to 24 June 2010.
Senator Siewert to move on the next day of sitting:

That the time for the presentation of the report of the Community Affairs References Committee on new therapeutic groups under the Pharmaceutical Benefits Scheme be extended to 26 August 2010.

Senator Xenophon to move on the next day of sitting:

That the Aviation Transport Security Amendment Regulations 2010 (No. 1), as contained in Select Legislative Instrument 2010 No. 80 and made under the Aviation Transport Security Act 2004, be disallowed.

Senator Moore to move on the next day of sitting:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the Poker Machine (Reduced Losses—Interim Measures) Bill 2009 and the Protecting Problem Gamblers Bill 2009 be extended to 28 October 2010.

Senator Ludwig to move on the next day of sitting:

That the hours of meeting shall be 12.30 pm to adjournment;

(b) the routine of business from 6.50 pm shall be consideration of a motion relating to Australian troops in Afghanistan; and

(c) the question for the adjournment of the Senate shall be proposed at 8.50 pm.

Senator Cormann to move on the next day of sitting:

(1) That the Senate notes that:

(a) the Industry Skills Councils (ISCs) are independent, not for profit companies funded by the Federal Government to fulfil various skills and training-related policy and program responsibilities;

(b) the Rudd Government has boosted public funding and scope for those ISCs significantly, including a:

(i) $83.2 million funding boost in 2008-09 increasing operational funding for ISCs under the 2008-2011 funding agreement to $118.9 million,

(ii) allocation of several hundred thousands of dollars in 2009 to the Construction and Property Services Industry Skills Council to develop the home insulation training package,

(iii) $40 million funding allocation in 2010-11 for the Enterprise Based Productivity Places Program,

(iv) $19.9 million funding allocation in 2010-11 for the Smarter Apprenticeships Program, and

(v) $2.3 million funding allocation in 2010-11 to revise and rewrite training packages as part of the National Green Skills Agreement;

(c) none of the funding is allocated by open competitive tender, with any competition limited to ISCs between each other for some of the government funding;

(d) it is unclear whether those ISCs are sufficiently representative of respective sectors of Australian industry; and

(e) nearly all the funding for ISCs is provided by the Federal Government, yet as ‘private companies’ they are not subject to the scrutiny of Senate estimates committees.

(2) That the following matters be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 30 September 2010:

(a) the role and effectiveness of Industry Skills Councils (ISCs) in the operation of the national training system particu-
larly as it relates to states and territories and rural and regional Australia;

(b) accountability mechanisms in relation to Commonwealth funding for the general operation and specific projects and programs of each ISC;

(c) corporate governance arrangements of ISCs;

(d) Commonwealth Government processes to prioritise funding allocations across all ISCs;

(e) ISC network arrangements and cooperative mechanisms implemented between relevant boards;

(f) the accrual of accumulated surpluses from public funding over the life of each ISC’s operation and its use and purpose;

(g) the effectiveness of each ISC in implementing specific training initiatives, for example the Skills for Sustainability initiative under the National Green Skills Agreement; and

(h) any related matters.

Senator Trood to move on the next day of sitting:

That the time for the presentation of the report of the Select Committee on the Reform of the Australian Federation be extended to 17 November 2010.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) road transport amounts to 12 per cent of Australia’s total carbon dioxide emissions, and the largest source of these emissions was passenger cars,

(ii) more efficient cars would improve Australia’s energy security,

(iii) internationally, a number of states have adopted mandatory standards for vehicle fuel efficiency, for example Europe is in the process of legislating for a target of 130g CO\textsubscript{2} per km by 2015,

(iv) the automotive industry accepted a voluntary target of 222g CO\textsubscript{2} per kilometre by 2010 and that this target was met ahead of schedule, arguably with ‘business as usual’ improvements,

(v) the 2010-11 Budget cut $200 million from the Green Car Innovation Fund, which provides grants to automobile industries to encourage investment in efficient technology, a cut that was justified on the basis that demand for grants was lower than anticipated, and

(iv) in July 2009, the Council of Australian Governments requested that the Department of Infrastructure, Transport, Regional Development and Local Government produce a regulatory impact statement into a mandatory scheme for vehicle fuel efficiency and that this report was originally to be made public for consultation before the end of March 2010, but has still not been released; and

 Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) road transport amounts to 12 per cent of Australia’s total carbon dioxide emissions, and the largest source of these emissions was passenger cars,

(ii) more efficient cars would improve Australia’s energy security,

(iii) internationally, a number of states have adopted mandatory standards for vehicle fuel efficiency, for example Europe is in the process of legislating for a target of 130g CO\textsubscript{2} per km by 2015,

(iv) the automotive industry accepted a voluntary target of 222g CO\textsubscript{2} per kilometre by 2010 and that this target was met ahead of schedule, arguably with ‘business as usual’ improvements,

(v) the 2010-11 Budget cut $200 million from the Green Car Innovation Fund, which provides grants to automobile industries to encourage investment in efficient technology, a cut that was justified on the basis that demand for grants was lower than anticipated, and

(iv) in July 2009, the Council of Australian Governments requested that the Department of Infrastructure, Transport, Regional Development and Local Government produce a regulatory impact statement into a mandatory scheme for vehicle fuel efficiency and that this report was originally to be made public for consultation before the end of March 2010, but has still not been released; and
(b) calls on the Government to release the regulatory impact statement into a mandatory scheme for vehicle fuel efficiency and move to introduce mandatory fuel efficiency standards without further delay.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 24 June 2010.

Government business notice of motion no. 1 standing in the name of the Special Minister of State (Senator Ludwig) for today, relating to the ordinary annual services of the Government, postponed till 22 June 2010.

General business notice of motion no. 818 standing in the name of Senator Hanson-Young for today, relating to alleged war crimes in Sri Lanka, postponed till 24 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 22 June 2010.

WORLD WAR II: PAPUA NEW GUINEA CAMPAIGN

Senator McEWEN (South Australia) (3.34 pm)—I, and also on behalf of Senator Trood, move:

That the Senate:

(a) expresses:

(i) the gratitude of the Australian nation to the military personnel and civilians in Rabaul and the New Guinea islands for their services in the defence of Australia during World War II, and

(ii) its regret and sorrow for the sacrifices that were made in the defence of Rabaul and the New Guinea islands after the invasion of 23 January 1942 and in the subsequent sinking of the Montevideo Maru on 1 July 1942; and

(b) conveys:

(i) its condolences to the relatives of the people who died in this conflict, and

(ii) its thanks to the relatives for their forbearance and efforts in ensuring that the nation remembers the sacrifices made.

Question agreed to.

ENERGY USE

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.35 pm)—At the request of Senator Milne, I move:

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 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.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Asylum Seekers

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

The Rudd Government’s failure to control our borders.

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

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

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

Senator HUMPHRIES (Australian Capital Territory) (3.36 pm)—I am very pleased today to support the matter of public importance that Senator Parry has proposed. The opposition knows, the government knows and the Australian people know that the federal government’s border protection policy has comprehensively and utterly failed. The never-ending procession of small boats limping across the sea between the north shores of Australia and Indonesia and elsewhere has spoken eloquently to Australians about this government’s powerlessness in dealing with this major challenge to its capacity to determine who comes to Australia and under what circumstances. The embarrassing failure of this government is going to resonate more and more profoundly in the days and weeks leading up to the next federal election. It is plainly clear that we as a society no longer exercise any control over that flow of people, and we jeopardise our capacity to contribute to a sensible, balanced approach to the care and treatment of refugees when we leave in place a policy of this kind.

The problem is that back in August 2008 the government swallowed its own propaganda. It decided then that it would relax the strong border protection policies of the former government. It decided that the policies which had deterred people smuggling and people smugglers for so long—policies like offshore processing and temporary protection visas—were no longer necessary and that it could relax the ‘hard line’, as the government put it, taken by the former government and still achieve a relatively small number of arrivals by boat, allowing Australia to focus its humanitarian resettlement program on other areas. However, as we now know, the result of that change of policy was almost immediately catastrophic. The boats, which had virtually ceased to arrive between 2001 and 2008, began to arrive in huge numbers. Within days of the announcement by the Minister for Immigration and Citizenship, Senator Evans, that a new, more compassionate policy was in place, the boats began to return. And a torrent it certainly was.

The first boat came on 30 September 2008, the next on 6 October, then 20 November, then 28 November, then 3 December, then 7 December, then 16 December and so forth. The year 2009 began no more auspiciously. Boats arrived on 18 January, 14 March, 1 April, 7 April, 8 April, 16 April, 22 April, 25 April and 29 April—and another boat arrived on the same day, 29 April. The
The policy of strong border protection was falling apart before the very eyes of the Australian people, and the Australian government appeared to be absolutely powerless to do anything about it. The torrent of boats had resumed and, sadly, that torrent continues to this day.

Since the government announced the relaxation of its policy in August 2008, there have been 139 boats and 6,496 unauthorised arrivals—and counting. If those opposite continue to maintain that it is just a coincidence that those numbers have been so large, look at the results of the policy that was put in place by the former government in 2001. In 2002-03, there were no boats. In 2003-04, there were three boats. In 2004-05, there were no boats. There was an average of only three boats each year between 2001 and 2008 when the policy was changed. Today we see an average of three boats arriving every week. That is not a coincidence. It is not a consequence of international turmoil and conflict; it is a consequence of this government’s decision to relax a policy which had deterred people smugglers and which today continues to be flouted and ignored by those who trade in human misery by conveying people across the sea in small, unseaworthy boats. Yet that policy change has also been a failure. It has failed to deter those people smugglers and those who use their product. Since that announcement on 9 April, there have been 33 boats carrying almost 1,500 people. The evidence that a change in circumstances in both Afghanistan and Sri Lanka is sufficient to warrant the kind of freeze the government has put in place simply does not exist. It is simply not available.

At least in the past the government was able to point to the fact that a majority of the people who were arriving by boat were genuine refugees. They were people who deserved to be treated compassionately by the Australian community because, even though they came here in circumstances which perhaps were less than desirable, they were still genuine refugees. Unfortunately, what the Senate estimates committee examining the Department of Immigration and Citizenship heard in the last few weeks undermines even that argument quite comprehensively. As members who peruse the budget papers will see, the cost of offshore asylum seeker management is to rise from $149 million this year to more than twice that amount—$327 million—next year, even though, according to the government’s calculations, the number of unlawful arrivals is expected to fall from 5,000 or so to just 2,000 arrivals next financial year. Why the increase in cost despite the fall in the number of people arriving?
The answer the committee was given was that the government expected a significant increase in refusal rates— which of course pushes up the cost for those people who have to be processed even though they have been refused refugee status.

In fact, looking at the figures, it is clear that more than half of the people the government expects to arrive in 2010-11 will not be considered genuine refugees. So the question has to be asked: what is the point of keeping in place an increasingly expensive policy—a policy whose cost is rising precipitously every year—when fewer than half of the people who arrive by boat to be treated through the processing system in Australia actually turn out to be real refugees? What a comprehensive failure of policy on both counts: it is not tough and it is not compassionate, despite what the Prime Minister said just a few weeks ago when announcing his change in policy.

Perhaps, however, the most powerful reason for rejecting this failure of a policy is that it lacks compassion. It has a deadly consequence. The policy which builds into Australia’s immigration policy a role for people smugglers actually encourages people to use their product. What is their product? It is passage on small, unseaworthy boats across the seas to Australia’s north. We know that those journeys sometimes end in tragedy. Reportedly, 18 months ago some 100 Afghans perished at sea. More recently, five people drowned and probably another boat-load of people died—170 or more who have perished in this way. That is the consequence of this government’s policy, because this government’s policy says, ‘We want people to use the service of people smugglers.’ That is the reason this policy should be rejected. It is not tough, it is not compassionate and it does not lead to an orderly and fair system for treating refugees. It is a failed policy.
resulted in a significant increase in the number of people seeking asylum in Australia.

As Minister Evans pointed out when Mr Abbott announced a return to the Pacific solution:

Temporary protection visas are a cruel hoax. They do not work and they do stop the boats.

After the Howard Government introduced TPVs in 1999, nearly 8500 people arrived by boat and more than 90 per cent of these people are now living in Australia.

The Pacific Solution also failed, with more than 70 per cent of those detained on Nauru and Manus Island ultimately being settled in Australia or elsewhere.

Mr Abbott claims that he will ‘turn the boats back’, but the fact remains that under the Howard government only seven boats were turned back and no boats were sent back after 2003. It has been reiterated time and time again by those of us on this side of the chamber that the Rudd Labor government remains committed to maintaining tough border protection policies.

As was announced earlier this year, the government have made changes to the way asylum seekers will be processed in Australia. We have announced the suspension of the processing of new asylum applications from Sri Lanka and Afghanistan. This allows more time for further improvements and stabilising of conditions in Sri Lanka and Afghanistan. These changes will ensure that Australia only accepts those asylum seekers who have genuine claims for protection, because not everyone who flees conflict is a genuine refugee.

As Minister Evans, Minister Smith and Minister O’Connor highlighted at the announcement of these changes, ‘the UNHCR is reviewing country conditions in both these countries and related guidelines for refugee status determination’. In light of the change in circumstances of these countries, the government has suspended processing new asylum seeker claims from Sri Lankan nationals for three months and for a period of six months for claims from Afghan nationals. These processing changes will be reviewed at the end of their respective periods.

The Rudd Labor government has also recently passed through this place the Anti-People Smuggling and Other Measures Bill. The new legislation will strengthen Australia’s people-smuggling laws. It will allow the Australian Security Intelligence Organisation to specifically investigate people smuggling and other border security threats. The bill will deliver additional offences to target those who finance people-smuggling activities. The bill will also deliver stronger penalties to those involved in people smuggling.

Those opposite are determined to revive their disgraced Pacific solution to detain asylum seekers. The Pacific solution exercise was costly, ineffective and nothing more than a political stunt introduced by those opposite on the eve of an election. And now, even after it failed so miserably, those opposite want to bring it back. That’s right: the Leader of the Opposition remains committed to the inhumane, failed Pacific solution.

The Rudd Labor government pledged to put an end to the Pacific solution and that is exactly what we have done. I hope we never see a return to the Pacific solution. As we know, it did not solve the people-smuggling problem. A number of push factors were the cause of the increase of boat arrivals then and, as those opposite are aware, there have also been a number of push factors increasing the number of asylum seekers in recent times.

Between 1999 and 2001, under the watch of those opposite, we saw 12,000 asylum seekers arrive. In 1999 we saw the arrival of 86 boats with 3,721 asylum seekers onboard, in 2000 we saw the arrival of 51 boats with
2,939 asylum seekers onboard and in 2001 we saw the arrival of 43 boats with 5,516 asylum seekers onboard—and that was after the introduction of TPVs. This influx of asylum seekers was because of the brutal regimes in Afghanistan under the Taliban and in Iraq under Saddam Hussein, which meant that large numbers of people were fleeing these countries to seek asylum. So push factors, like they were between 1999 and 2001, are the major reason for increased numbers of people seeking asylum in Australia.

The UNHCR’s latest complete publications are its 2009 Global report and Global trends documents. These publications make clear that forced displacement remains a massive global challenge. There were 43.3 million forcibly displaced people worldwide at the end of 2009, the highest number since the mid-1990s. The number of refugees returning home with UNHCR support in 2009 was the lowest in the last 20 years. The number of asylum seekers worldwide in 2009 increased by nearly 150,000 compared with 2008. One of the reasons for this increase was the high number of asylum claims from places such as Afghanistan.

The Rudd Labor government has not, as those opposite claim, gone soft on people smugglers. Today’s MPI is nothing more than an attempt to score cheap political points and to create a fear campaign. Since coming to office the government have maintained a tough and stringent border security regime. In this year’s budget we announced $1.2 billion to bolster and strengthen Australia’s border security. This will include investment in eight new border patrol vessels and the strengthening of aviation security. On the weekend the Minister for Home Affairs, Brendan O’Connor, announced that the procurement process for the eight new border protection vessels has now begun. The minister has highlighted that these vessels will be:... larger, more robust and have a greater patrolling range than the Bay class vessels that they will replace. They could also accommodate more crew members.

We will provide $42.6 million over four years to meet project implementation and enhanced operating costs for these new border protection vessels, $32.9 million over four years for investment to work with Indonesia to better manage the issue of people smuggling in the region and $15.7 million over two years to ensure the continued presence of a dedicated vessel at Ashmore Reef.

These measures, plus many others, build upon the $654 million investment in last year’s budget to combat people smuggling. We have also maintained the procedure of sending asylum seekers to our offshore detention centre at Christmas Island for processing. We ensure that all asylum seekers who arrive on unauthorised boats are sent to Christmas Island for the appropriate security, health and identity checks. These are all measures that were in place under the previous government, and in fact the Rudd Labor government has enhanced the border security protection processes for Australia. (Time expired)

Senator McGauran (Victoria) (3.56 pm)—The problem with following Senator Brown in this matter of public importance debate is that you do not know where to start. Her speech was full of intellectual errors and a lot of it lacked honesty. Let me just sum up the other side’s case in this. They have utterly failed in the most basic responsibility of a government to provide security—in this case, border security. That is what we are debating today: the Rudd government’s failure to control our borders. Whatever side of the fence you are on or whatever your political colour, a government has a basic responsibility to ensure security for its people and for its borders. This gov-
ernment have failed in this fundamental responsibility.

The minister in charge, Senator Evans, can run from his responsibility, as he does daily in this place, but he cannot hide. This minister, who represents the government, is probably the most incompetent and dangerous minister in the government. That is saying something when you consider Julia Gillard and Peter Garrett.

The DEPUTY PRESIDENT—Order! Senator McGauran, you must refer to people by their proper titles.

Senator McGauran—Ms Gillard and Mr Garrett. Senator Evans’ ministry deals with people’s lives. When you take up the responsibility of the office of the Minister for Immigration and Citizenship it is not going to be easy and you always know that you have to make tough decisions—it is the role of any minister. Certainly when we were in government we had several immigration ministers whose daily chores were probably harder than those of a lot of other ministers, but there is a responsibility to process, which creates fairness in that ministry.

But Senator Evans has run from that responsibility. He has dispersed the responsibility. The Department of the Prime Minister and Cabinet has in fact stripped this minister of much of his responsibility. What the Prime Minister has not stripped from him he has confessed to handing over to his own department. His own department will make the crucial decisions that the minister was voted in and appointed to make. He swore his oath of office at the Governor-General’s residence that he would make—

Senator Ludwig interjecting—

Senator McGauran—I thought ‘Mr Point of Order’ was about to say something.

Senator Ludwig—I was just standing.

Senator McGauran—It was enough to throw me off, anyway! The minister swore his oath of office in regard to making decisions about permanent residencies, appeals and visa appeals. This is the job of the minister and he has delegated it back to his department. This is a weak minister and he epitomises the government’s weak approach to border security. On the minister’s weak decision making epitomising the government’s approach, remember the SIEV 36 asylum seeker boat that sank in international waters. No action was taken against those held responsible, despite the Northern Territory coroner’s assurance that the weight of evidence indicated who had created the fire on board the SIEV 36 that cost five lives. Those bad characters are still in this country and they have not even been charged. This minister has the authority to expel them from this country. This minister in the same matter allowed the Navy personnel who attended this incident to be pilloried in public by his political backers, who said that the Navy were much to blame for the incident. Nothing could be further from the truth and the Northern Territory coroner found as such. Yet the minister has remained mute. He has remained mute during the pillorying and remains mute in defence of the Navy.

His weakness in decision making is notorious in relation to the Oceanic Viking, where 76 Sri Lankans held hostage and blackmailed a nation. It was much to the astonishment of the Indonesians that we caved in; moreover, it was much to the astonishment of the United Nations High Commissioner for Refugees, who declared the double-dealing as queue jumping. Even though ASIO advised that five of the Sri Lankans on board the Oceanic Viking were a security threat, they were still allowed into this country—and they are still here. This minister has given up on his portfolio. He never wanted to
take on the difficulty of the portfolio in the first place.

It was reported in today’s papers that some Labor members are now getting a bit nervous about this issue, that their seats may be in doubt over this issue, particularly in the western suburbs of Sydney given Saturday’s by-election results. But they are just looking at the political effects of this. They have finally woken up to the political effects of this—not the moral effects, not the security effects. They have looked at this issue from day one through the prism of politics.

We read today that 200 more are on their way to Australia and that bureaucrats are looking at whether to reopen Woomera detention centre—that will be the advice to the government. They are suddenly getting politically nervous about this, but their concern about this is only political. They have made their decisions on political grounds and that is why they are in the mess they are in now.

The government’s first decision was to soften the laws in 2008 and since then we have seen a surge of boats. They only made that decision on grounds to appease a certain element who supported the Labor Party—a minority, I should add; not their base but some left-wing, naive noise-makers. They changed all the laws that worked that brought the boats to zero. They changed them on the grounds of politics. When reality hits and when we have had over 174 boats come to our shores with thousands upon thousands of asylum seekers, they decide to make some changes. But they are only political gestures. They keep their soft laws and they do not go to the source of the problem, and then they make the bizarre decision to suspend for six months the processing of Afghani and Sri Lankan asylum seekers. What a contradiction to it all. That decision has not stopped the boats from coming; it has made Christmas Island jam-packed full of unprocessed asylum seekers. Where is the humanity in that? It has now forced an on-shore detention centre policy. That is what it has done. It is a contradiction to their policies and it is a political solution that simply has not worked. They talk about locking up children. They try that card, yet there are 450 children in the lockup as we speak. There are bureaucrats running around looking for on-shore placements for thousands. There are extreme tensions and even violence inside detention centres. They have had to send extra Federal Police to Christmas Island to cover those tensions and possible riots. It is a volatile situation on Christmas Island. The minister is in the chamber. I wish he would get up and speak on this issue. He declared Christmas Island a white elephant. It probably was under the coalition policies, but it is not anymore. Bureaucrats are looking to open up Woomera.

The opposition claim that the government’s moral failure is threefold. Firstly, the government’s policies are giving succour to the people smugglers. The Prime Minister can rail all he likes against people smugglers and call them ‘vile’, but it is just water off a duck’s back unless he acts with firmness and undertakes policies that he knows will stop these boats and take these poor, desperate people out of the grip of people smugglers. That is the moral situation: choke off the trade. Secondly, there is the moral issue of the safety of asylum seekers. By introducing these soft policies, the government have simply seduced them to come across perilous waters, where we know many hundreds have been lost. They give them hope with their policies and they put them in the grip of people smugglers. Of course these people are going to take that perilous journey across the Indian Ocean, and many do not make it here. You ought to look at the morality of that. Thirdly, there is the moral issue about the queue jumpers. What about the thousands in
refugee camps? What about the people waiting to come out here with their families? Even the United Nations High Commissioner for Refugees called it ‘queue jumping’—they were his words. These are not terms we use; these are terms that the United Nations used. (Time expired)

Senator CROSSIN (Northern Territory) (4.07 pm)—I rise this afternoon to provide a contribution to this debate. I chair the Senate’s legal and constitutional affairs committee and I have done that for quite a number of years. We have gone through these arguments time and time again, but what is really disappointing—

Senator McGauran interjecting—

Senator CROSSIN—Senator McGauran—and I will take that interjection. The Australian people are getting tired of the low road that your party continually wants to take when it comes to asylum seekers, the low road in terms of trying to somehow demonise these people, suggesting that in some way they have no right and no entitlement to claim asylum and refugee status. You think that out there in the electorate this will get some political traction as you create division and racism in the community by trying to alienate people when in fact this country proudly accepts refugees under the international conventions that we have signed.

For some reason you want the public to believe that our policies are responsible for the number of people that are now coming here, without looking at all at the trends that are happening in countries overseas, the movement of refugees internationally and the part that Australia plays in this when we ought to in fact play a more significant role in this. This is of course on the back of celebrating International World Refugee Day over the weekend. I went to the Jingili Water Gardens in Darwin and I want to commend the multicultural council and in particular the Melaleuca Refugee Centre for the wonderful celebration of refugees in our Darwin community where people from mainly African nations and Burma were there with all of the community—probably a couple of hundred people there—endorsing and supporting these people who have made the journey to this country and have successfully claimed refugee status.

This opposition would have you believe that in fact we have abandoned policies that they put in place when they were elected. Apart from abolishing temporary protection visas, which I will go into in a minute, we have made some changes that treat asylum seekers and refugees in this country more humanely than this opposition ever did. It is with some audacity that we get question after question in this place, particularly about children in detention and the way in which refugees are treated under this government, after the way in which refugees were treated so inhumanely for 10 long years under the policies of the people opposite.

Since we have come to office we have dismantled the failed Pacific solution—and I notice the people opposite have resurrected the Pacific solution. I noticed that during estimates they launched their policy: nothing has changed in the policy except the date at the top; there is no substantial change to the way in which the opposition would treat international refugees seeking asylum in this country. Nothing has changed at all; it is a return to the past. They have simply changed the date at the top and want to rehash that as their policy as they go into an election. They want to dump asylum seekers onto some island in the Pacific or Indian oceans once they try and get assessment here.

They are going to resurrect the Pacific solution; we have dismantled it. We have abolished the temporary protection visa regime. We have introduced fairer work rights ar-
rangements for asylum seekers in the community. We have twice increased the size of Australia’s humanitarian program. We have introduced fairer arrangements for asylum seekers on Christmas Island, including an independent review of decisions, access to migration advice and oversight by the Immigration Ombudsman. None of that was done under the coalition. People seeking asylum were treated appallingly by the people opposite. We have abolished the ineffective system of charges for immigration detainees and we have adopted a new values based approach to immigration detention.

Let me go to that approach for a minute. On coming to government we initiated immigration detention values. We set a high watermark for the way in which we believe people who are seeking asylum in this country ought to be treated. Seven key values were established to guide future policy and practice in immigration detention. Among other things, these values are about the length and conditions of detention, so we will not hold people in detention languishing for years and years at a time waiting to know the outcome of their application. We hold people in detention to look at their papers to assess security and health risks but we have values on that. Immigration staff are now guided by these values. We also look at the appropriateness of the accommodation and the services provided, and they are subject to regular review. People in detention will be treated fairly and reasonably within the law, and the conditions of detention will ensure the inherent dignity of the human being—something that of course was totally lost and forgotten under the policies of the people who sit opposite me.

Our view is very simple. We have signed international conventions. We have said that if people want to seek asylum in this country they have the right to do that. We have said that if someone’s claim for asylum is not legitimate then they will be sent home, and they are being sent home and we will continue to do that. We have a strong and fair, not unfair, policy on border protection and we believe it is the right policy for now and the right policy for the future.

The opposition believe that it is time for a fear campaign, which is being mounted almost daily by the people opposite. It is mostly based on a series of untruths. The whole picture is never told. The facts are never revealed. They want to fabricate stories in the community that somehow our border protection policy has been weakened—it has not—and that we are somehow responsible for people who are trying to seek asylum in this country. They do not look at what is happening with international movements and trends, and the situations in the countries from which these people are actually fleeing.

Those opposite would purport that the figures suggest that we have had an increase in the number of people arriving by boat. We have not. The Howard government still holds the record for the highest number of boats and arrivals. The largest number of asylum seekers for three years over the last 15 years were in 1999, 2000 and 2001—under the Howard government. The highest number of boats arriving in Australia in any one year was in 1999—under the previous government—when 3,721 asylum seekers arrived in 86 boats. Under the Rudd government, to this point the highest number of boats to have arrived is this year, which now numbers only 65. The largest number of asylum seekers arriving in Australia in any one year was highest in 2001—under the previous government—when 5,516 asylum seekers arrived in 43 boats. The largest vessel to arrive in Australia under the Howard government had 359 people in it. The _Tampa_ of course had 433 people on it.
Senator Hurley—What about SIEVX?

Senator CROSSIN—We might get to SIEVX in a moment. I want to point out on the record that 90 per cent of those people have stayed in this country. We can show that, despite the filibuster from the other side talking about the lack of rights for asylum seekers who come here, those opposite would have a much tougher, much more inhumane policy than we have. What they do not tell the Australian public and what they do not want to reveal to the people in the community is that 90 per cent of these people were found to be genuine refugees and have stayed here. For example, 86 per cent of the people who were on Nauru have been found to be genuine refugees and are now living in and are part of this community. You never tell the community the full story and the full picture.

However, I want to talk today about the fact that this government has ensured that families and children are out of detention. I notice that today in the Northern Territory News the Country Liberal Party candidate for the seat of Solomon is whipping up the accusation that we are putting asylum seekers in public housing in the Northern Territory—a claim she has taken from an ABC website. It is a shame she did not pick up the phone and get the facts. Just like every coalition member in this place, that candidate was short on the facts and short on providing the right advice to the community. (Time expired)

Senator WORTLEY (South Australia) (4.17 pm)—I welcome the opportunity to speak on the Rudd government’s commitment to Australia’s border security. As the Minister for Immigration and Citizenship has said in this place, the government is devoting unprecedented resources to protecting Australia’s borders and developing intelligence on people-smuggling syndicates. We are working cooperatively with Australia’s regional partners to disrupt people-smuggling ventures overseas and we are subjecting people smugglers to the full force of Australian law. People-smuggling is exploitative and dangerous. People smugglers are motivated by greed and they work in sophisticated cross-border crime networks. They have little regard for the safety and security of those being smuggled, endangering their lives in unseaworthy and overcrowded boats.

Australia, under the Rudd government, has one of the toughest border security regimes in the world, with a system of extensive air and sea patrols, excision and offshore processing and mandatory detention of unauthorised boat arrivals and unlawful noncitizens who pose a risk to the Australian community. Those opposite know the government has acted and is acting to protect Australia’s borders. What we see again here today is an opposition reverting to its fallback position of scaremongering on matters of national security. When all else fails what do those opposite do? They play the border protection, illegal immigration and asylum seeker card. Unlike most of those opposite, this government recognises that tough border security needs to be balanced by fair and humane treatment of asylum seekers and others in immigration detention. That is what those opposite really appear to be objecting to.

There have been many accounts of the dreadful predicament in which detainees found themselves on arrival in Australia and of the struggle of refugee advocates to assist those in detention under the former coalition government. Many of these describe the conditions under which detainees existed during the years leading up to and including the coalition’s so-called Pacific solution. Those accounts are invariably relentlessly heartbreaking reading and inevitably refer to the political environment in which people were incarcerated indefinitely. They were
numbed, isolated and dehumanised by word and deed. Worse even than this, children were born in detention, incarcerated behind razor wire and subjected to terrible sights and sounds, the like of which our own children have never experienced and I trust never will. Among the detainees were people suffering psychiatric problems as a result of war, trauma and deprivation, suffering significant mental health problems which could only have been exacerbated while they were in what often was long-term detention. It was indeed an embarrassment not only to those opposite—to the coalition—but to us individually and collectively as a nation. Consider over the years that those opposite were in government the sinking of SIEVX, children overboard, the Tampa, children behind bars, TPVs, desperate self-mutilation and hunger strikes—a national and international embarrassment. In 2000-01, 1,923 children were held in detention centres. The Australian Human Rights Commission found that in December 2003 children had spent an average of one year, eight months and 11 days in detention. It found that in October of that year more than 50 per cent of all children detained had been held for more than two years.

Consider the mistreatment of detainees under the Liberal watch, highlighted by a series of protests, riots and hunger strikes at Woomera from June to November 2000. Under the then Liberal government there were episodes of mistreatment, illegal detention and deportation, self-harm, psychiatric illness, breaching of our international obligations and demonising of people who had simply sought our help. As we know, to add insult to injury, many of those who were eventually released and allowed to join the greater community were actually billed for each day of their detention.

The values that underpinned this regime are not shared by the Australian people and they are not shared by this government. Labor’s platform on coming to office included a pledge to implement more humane detention policies and, with this, implementing strict and sophisticated border security protocols. Protecting Australia’s borders and airports from threats of terrorism, people smuggling, organised crime, illegal foreign fishing and the trafficking of illicit goods is a top priority.

The government has introduced legislation that reflects this, including the Anti-People Smuggling and Other Measures Bill 2010. This bill bolstered the government’s hard line and comprehensive approach to combating people smuggling by enhancing the Commonwealth’s anti-people-smuggling legislative framework. The bill ensures that people-smuggling activities are consistently and comprehensively criminalised, with a new offence for providing material support for people smuggling. The bill equips our law enforcement and national security agencies with effective investigative capabilities to detect and disrupt people smuggling. It demonstrates the government’s commitment to addressing the serious nature of people-smuggling activities and targeting those criminal groups who seek to organise, participate in and benefit from people-smuggling activities. Unlike the opposition, which for years incompetently ran border security as a politically motivated scare campaign, this government has always recognised the need to remember it is dealing with human beings here. Strong border security is vital and it can be managed humanely.

In July 2008 we honoured the commitment that we made prior to the election by announcing seven key immigration detention values designed to improve detention policy and practice into the future. The seven detention values include that mandatory detention is an essential component of strong border patrol. To support the integrity of Australia’s
immigration program three groups will be subject to mandatory detention. They are: firstly, all unauthorised arrivals for the management of health, identity and security risks to the community; secondly, unlawful non-citizens who present unacceptable risks to the community; and, thirdly, unlawful non-citizens who repeatedly refuse to comply with their visa conditions.

The government does take border security seriously and it has made a $1.2 billion investment in border and aviation security. This includes a major investment in the purchase of eight new patrol vessels with improved surveillance and response capabilities and greater range to replace the current ageing Bay class vessels. The government will also provide additional funding of around $42.6 million over four years to meet project implementation and enhanced operating costs, $163.2 million over four years to continue initiatives to combat illegal foreign fishing, $32.9 million over four years for investment in work with Indonesia to better manage the issue of people smuggling within Indonesia and the region, and $15.7 million over two years to ensure the continued presence of a dedicated vessel at Ashmore Reef. I could continue with the investments that the government has made to ensure the protection of our borders, but my time is running out. We as a nation have a duty and a need to protect our borders from threats while protecting the rights of genuine refugees. (Time expired)

Senator RYAN (Victoria) (4.27 pm)—It is during debates like this that I am tempted to put in a request for one of those ticker screens to go up on the wall of the Senate chamber next to the clock so that when we hear phrases like ‘playing politics’ and ‘fear campaign’ they can be translated from Labor spin for the benefit of the rest of the Senate into what they really mean. It is Labor code that means: ‘We have failed and we want to try to declare this debate off-limits. We don’t want to discuss this issue, so we will play the man. We will make ad hominem attacks on the opposition in order to somehow try to make discussion of this issue off-limits.’

This is because Labor knows that its policies have been a failure. There is a very easy way to tell this. Labor retains its commitment to tough language, as it always has, but its actions do not measure up and neither do the results. Senators Crossin and Wortley spoke of race and fear campaigns. It is the government that has targeted people of a particular nation. It is the government that has effectively targeted people of particular races by specifically suspending claims by Sri Lankans and Afghans. The only party to have spoken about something like that is indeed the Labor Party, so its hypocrisy knows no bounds.

Consistent with its past, as we have heard all afternoon today, the Labor Party spends more time talking about the opposition than government. It is as if it never left this side of the chamber. It cannot get past the discussion here today, just as there is in the community, of the Labor Party’s record in government—what it has done, the results of its policies and how it will be held accountable.

I say to you, Mr Acting Deputy President, that with its constant attempts to water down the mandatory detention policies—introduced as we all know by Gerry Hand, who I think was the leader of the left faction from my home state of Victoria—I can see that the Labor Party in five or 10 years will want to mount the case that mandatory detention is not working and therefore we can get rid of it. This is merely the first stage in a longer campaign. The government wants to appear to be tough, but tough language aimed at a domestic audience will not deliver the desired policy outcomes. It will not send a signal to the people overseas who market
the product of people smuggling, who say to people, ‘Give me thousands of dollars and we will get you on an unsafe boat to Australia.’

The Labor Party has its policy the wrong way around. It is talking tough domestically and sending all the wrong signals overseas, whereas the appropriate measure would be to say to the people approved by the UNHCR waiting in various facilities and countries around the world, ‘We are a humanitarian nation and we have a generous resettlement program,’ but also to make it clear to people who wish to bypass that system that we are not going to tolerate our immigration policies being determined by the actions of people smugglers. But the Labor Party wants to talk tough domestically for political purposes. It throws around big numbers, as we have heard today. The cost next year has blown out to $327 million. It brags about $1.2 billion, but this is nothing but an illusion of activity. The money being spent next year is a reflection of its failure this year. On a test of this policy, it is more expensive, there are more boats arriving and there are more people arriving in unsafe circumstances. That is the result of the Labor Party’s policy and a sign of its failure.

We have only to recite the facts to show that Labor’s policy in this regard is a complete failure. The management of Australia’s borders has slipped markedly since Labor came to office. When the coalition left office in November 2007, the flow of unlawful arrivals was at a trickle, but we still had an active resettlement program for refugees from around the world. Fewer than 50 people were arriving at an average of only a handful of boats per year. Now, rather than an average of three a year, we are having three a week. Since Labor abolished temporary protection visas, the green light has effectively been given to people smugglers because, in the end, the people smugglers market a product. The promise of permanent residency in Australia is a product they have sold and it is a product they are continuing to sell overseas.

As well as the increase in the number of boats, we have a substantial increase in the number of people in detention, and this is continuing to skyrocket. When we left office, there were under 500 people in detention. There are now more than 3,500—seven times as many. On Christmas Island when the coalition left office, there were two detainees left, I understand. Now the detention centre is overflowing. The detention centre is being expanded by a tent city and it is overflowing. Two hundred and fifty detainees are living in tents, with over 2,500 people on the island. The Curtin detention centre is mooted for reopening to accommodate the surge in unlawful arrivals that have occurred on this government’s watch.

The Prime Minister is a man who likes to think he is supremely moral—more so than the average Australian. Climate change was once the greatest moral challenge of our time, but that was postponed because of political inconvenience. It is the same again with border security. Labor’s attempt to discriminate between asylum seekers based on whether they come from Afghanistan and Sri Lanka is unprecedented. They are subject to a processing freeze that effectively detains them, if not indefinitely, for a substantially longer period. Labor promised the contrary to this. They promised an end to indefinite detention and they abolished the temporary protection visas in 2008. But it is just another broken promise from Labor, just as their promise to stem the flow of boats has been. Despite the rhetoric and commitment to honouring our international human rights obligations, it is very hard to conceive of a way where suspending the processing of applicants from two nations is in any way compliant with these.
Time is short. The coalition does not have a debate with those seeking freedom; it has a debate with the government because there are always others who could come to Australia as well. The government constantly relies on push factors, but the truth is that in our world today push factors will never disappear. The coalition government faced push factors. What domestic Australian politics can address and what we can address in this place is pull factors. The government seeks to disregard pull factors and the results of its own policies in order to avoid responsibility.

We now know the abolition of temporary protection visas has been a failure; the numbers tell us so. On top of that, we had the Prime Minister’s special deal on the Oceanic Viking, a deal which he made sure he was not present for and has done everything he can to avoid answering for. As Labor seeks to define the coalition record in a statistically convenient way, the numbers cannot be fudged this much. Yes, the coalition faced a surge, but it introduced measures that ensured that surge did not continue. By the time we had left office, they were at a record low.

I am a strong supporter of our refugee and humanitarian resettlement program. Public support for it is critical to maintaining its continuance. I do not think it is an unreasonable expectation on behalf of the people of Australia that the Australian government will control who comes to our country and the circumstances in which they do. This public acceptance and this commitment by the Australian government underpin a very generous program of which Australia can quite rightly be proud.

I recently went to an anniversary celebration for the first arrivals of the Vietnamese refugees in Australia following the Vietnam War. This program in particular, a Liberal program, is something of which this country can be proud. It has benefited our own nation immensely, at least as much as it has benefited those who have resettled. One important thing: this most successful of resettlement programs happened with offshore processing. To say that offshore processing somehow has no place in Australian policy is to deny the success of that program only 30 years ago. The Labor Party stands condemned for trying to avoid accountability, for trying to prevent debate on this very important issue, and indeed for the failure of its policies combined with that attempt to stifle debate effectively leading to a long-term undermining of public faith in this very important component of our immigration program.

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

NOTICES
Presentation

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (4.36 pm)—by leave—I give notice that, on the next day of sitting, I shall move:

That—

(1) The Wild Rivers (Environmental Management) Bill 2010 [No. 2] be considered under a limitation of debate.
(2) On Wednesday, 23 June 2010, the bill have precedence over all other business from 9.30 am.
(3) The time allotted for the remaining stages of the bill be until 11 am on Wednesday, 23 June 2010.
(4) This order operate as an allocation of time under standing order 142.
(5) On Thursday, 24 June 2010, the routine of business be as follows:
   (a) not later than 4.30 pm, government business;
   (b) not later than 6 pm, consideration of government documents under general business;
(c) not later than 7 pm, consideration of committee reports and government responses under standing order 62(1);
(d) at 8 pm, adjournment proposed; and
(e) at 8.40 pm, adjournment.

Senator Bob Brown—On a point of order, Mr Acting Deputy President, I have not yet seen the motion. I would value it if those terms of reference were given to me as soon as possible. I cannot deal with something I have not seen.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I understand that, Senator Brown. I am sure that will be expedited. It is for tomorrow, as I think you would be aware.

COMMITTEES

Economics Legislation Committee
Additional Information

Senator JACINTA COLLINS (Victoria) (4.37 pm)—At the request of the Chair of the Economics Legislation Committee, Senator Hurley, I present additional information received by the committee on its inquiry into provisions of the Tax Laws Amendment (Research and Development) Bill 2010 and a related bill.

National Capital and External Territories Committee
Report

Senator JACINTA COLLINS (Victoria) (4.38 pm)—I present a report of the Joint Standing Committee on the National Capital and External Territories on the 2009 New Zealand Parliamentary Committee Exchange which took place from 24 to 27 August 2009 and I seek leave to move a motion in relation to the report.

Leave granted.

Senator JACINTA COLLINS—I move:
That the Senate take note of the report.

Question agreed to.

Public Works Committee
Report

Senator JACINTA COLLINS (Victoria) (4.38 pm)—I present report No. 2 of 2010 of the Parliamentary Standing Committee on Public Works, Referrals made February to March 2010, and seek leave to move a motion in relation to the report.

Leave granted.

Senator JACINTA COLLINS—I move:
That the Senate take note of the report.

Question agreed to.

DOCUMENTS
Tabling

The Clerk—Documents are tabled in accordance with the list circulated to senators.

Details of the documents appear at the end of today’s Hansard.

COMMITTEES
Public Works Committee
Report

Senator McLucas (Queensland) (4.39 pm)—I seek the indulgence of the chamber. Unfortunately I was not in the chamber when my report was tabled, but I seek leave to make some comments rather than incorporate my speech if that is possible.

Leave granted.

Senator McLucas—This report addresses five major works, spread across four states and territories, with a total estimated cost of over $240 million. In every case the committee has recommended that the House of Representatives agree to the works proceeding.
The works in this report are: the construction of a Centre for Accelerator Science, and extensions to the Bragg Institute and OPAL reactor buildings, for the Australian Nuclear Science and Technology Organisation at an estimated cost of $62.5 million; a fit-out of new leased premises for the Department of Climate Change and Energy Efficiency at the NewActon Nishi building in Canberra City at an estimated cost of $20.5 million; a Defence Housing project at Voyager Point in Liverpool, New South Wales, by Defence Housing Australia at an estimated cost of $45.1 million; defence housing at Muirhead in Darwin, Northern Territory, by Defence Housing Australia at an estimated cost of $43.5 million; and construction of the Pawsey High Performance Computing Centre for Square Kilometre Array Science in Kensington, Western Australia by the CSIRO at an estimated cost of $66 million.

Turning first to Defence Housing Australia, the committee inquired into two projects that will provide new houses for members of the ADF. They will also provide new vacant building lots for private homes, and the committee commends DHA for helping to address the shortage of residential land in Australian cities. I commend DHA for the work that they have done in developing far more appropriate tropical housing for defence families coming into Northern Australia. They have developed what they call their ‘troppo house’, which is designed for tropical Australia and will actively promote sustainable building skills in the Darwin trades. The committee commends this approach.

The committee is still concerned, though, by DHA’s approach to housing for people with disabilities. The report discusses how DHA can reverse the unfounded perception that such housing is inferior or substandard. Indeed, such housing is very valuable and is highly desirable because it breaks down physical barriers within homes and can be very aesthetically pleasing. While only a small percentage of defence personnel directly require accessible housing, DHA should be considering building housing that is appropriate for the entire life cycle, including allowing elderly family members to visit, for example. I do acknowledge the challenge placed in front of DHA in that when constructing appropriate housing for tropical climates it can be very difficult to make this housing accessible simply because of the need to build those houses on high blocks.

The committee also considered an office fit-out for the Department of Climate Change and Energy Efficiency in Canberra. While the committee was not inquiring into the building in which the department will be housed, many submissions to the inquiry did concern the heritage and visual impacts that the building may have. The committee thanks those submitters for their contribution to the inquiry and encourages the department to continue liaising with a number of eminent people from the Canberra region who took the time to make their thoughts known. Regarding the fit-out itself, the committee is very pleased by the considerable energy-saving and environmentally sustainable features. The committee commends the department for securing a fit-out that will be at the leading edge of office accommodation in Australia.

The committee also considered two science projects—and it is terrific that the Minister for Innovation, Industry, Science and Research, Senator Carr, is actually with us at the moment. Each will make a significant contribution to Australia’s research activities across an impressive range of fields. In the case of the Pawsey centre, CSIRO is proposing to create a supercomputer facility in Perth. It would be available for the Square Kilometre Array radio telescope if Australia is chosen, and in any case will be available...
to scientists for research across Australia on a merit basis. As for ANSTO, the new Centre for Accelerator Science will significantly boost Australia’s research capacity and build on ANSTO’s specialised expertise in particle accelerators. The committee was again impressed by the diverse array of research that uses, particularly, the particle accelerator science, and the committee commends ANSTO for its recent implementation of a 45-year plan to ensure sound strategic planning.

The report traverses varied ground and the committee thoroughly enjoyed the opportunity to inspect the varied projects being undertaken by various Commonwealth agencies. I would note that the committee has discussed some areas needing improvement from submitting agencies, particularly risk management and costings. On this subject, I remind agencies that the committee has recently updated its manual of procedures and I strongly encourage all agencies to consult it as soon as possible so as to be up to speed with the details that the committee now expects in its submissions. Finally, I would like to thank members and senators for their work in relation to these inquiries and I commend the report to the Senate.

Reform of the Australian Federation Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Hutchins) (4.46 pm)—The President has received a letter from a party leader relating to the membership of a committee.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.46 pm)—by leave—I move:

That Senator Ludlam be appointed to the Select Committee on the Reform of the Australian Federation.

Question agreed to.

TAX LAWS AMENDMENT (2010 MEASURES No. 2) BILL 2010

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

INCOME TAX RATES AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2010

First Reading

Bills received from the House of Representatives.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.47 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.48 pm)—I table a replacement explanatory memorandum relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Tax Laws Amendment (Research and Development) Bill 2010

This Bill, together with the supporting Bill, the Income Tax Rates Amendment (Research and Development) Bill 2010, introduces a new research and development tax incentive to replace the outdated and complex R&D Tax Concession.
The new incentive is the biggest reform to the business R&D landscape in the last decade. It is all about boosting investment in R&D, strengthening Australian companies and supporting jobs. It provides for increased assistance for genuine R&D and redistributes support in favour of small and medium sized enterprises – the engine room of our economy.

Our intention is to lift Australia’s R&D performance by encouraging many more businesses to benefit from the scheme, ensuring Australia’s place as a clever country. R&D activities contribute to innovation by creating new knowledge and technologies – increasing productivity, jobs and economic growth, and allowing Australia to respond to present and future challenges.

The two core components of the new incentive are:

- a 45 per cent refundable tax offset for companies with a turnover of less than $20 million; and
- a 40 per cent non-refundable tax offset for all other companies.

The 45 per cent refundable tax offset doubles the current base rate available to SMEs, and the 40 per cent non-refundable tax offset raises the base rate for larger companies by a third.

The tax offsets are calculated on the basis of expenditure on eligible R&D activities and the decline in value of depreciating assets used for eligible R&D activities.

Small innovative firms are big winners from the new R&D tax incentive, with greater access to cash refunds for their R&D expenditure and more generous rates of assistance.

For example, suppose a company with a turnover of $10 million spends $1 million on eligible R&D activities in an income year and is in a tax loss position. Under the new R&D tax incentive, that company will be entitled to a cash refund of $450,000.

Under the existing R&D Tax Concession, the company will only receive a tax deduction worth $375,000, and there is zero benefit until the company starts to turn a profit. In this way, the incentive will help small innovative companies when they need it the most.

The new R&D tax incentive better focuses public support towards genuine R&D activities. The key elements of this approach are:

- a clearer definition of core R&D activities;
- a robust test for supporting R&D activities; and
- stronger administration of the tax incentive.

These changes will ensure that the new R&D tax incentive rewards a company’s genuine R&D, not business-as-usual, activities.

Recognising the pervasive nature of information technology in a modern economy, the new R&D tax incentive will ensure most software R&D is treated consistently with R&D occurring in other sectors. Other activities that were specifically excluded from being considered core R&D activities have been substantially rationalised to further improve the incentive.

Importantly, this Bill:

- further opens up the new R&D tax incentive to foreign corporations that are resident in Australia and those that carry on R&D activities through a permanent establishment in Australia; and
- ensures the new incentive will be available for expenditure on eligible R&D activities conducted in Australia, regardless of where the resulting intellectual property is held.

This will strengthen the case for companies to conduct R&D activities locally.

On an underlying cash basis, the new R&D tax incentive is expected to be budget neutral over its first four years of operation.

To ensure a smooth transition to the new R&D tax incentive, the 2009-10 Budget provided an additional $38 million over four years for administrative agencies to support companies through the transition.

To improve certainty for taxpayers, AusIndustry will provide improved public guidance material and will introduce a new system of private binding rulings, called “advance findings”.

This Bill also represents a significant step in simplifying the income tax law. In addition to being drafted in plain English, the new provisions to be inserted in the Income Tax Assessment Act 1997 are less than one-third of the length of the provi-
sions they replace in the Income Tax Assessment Act 1936.

The Tax Laws Amendment (Research and Development) Bill 2010 will deliver much-needed reform to public support for business innovation. It will deliver a substantial incentive for companies to conduct R&D in Australia. It recognises that the innovation dividend for the economy will come from refocusing public support on genuine R&D, not routine business activities.

Full details of the amendments in this Bill are contained in the combined explanatory memorandum to this Bill and the Income Tax Rates Amendment (Research and Development) Bill 2010.

Income Tax Rates Amendment (Research and Development) Bill 2010

This Bill supports the Tax Laws Amendment (Research and Development) Bill 2010, which introduces a new research and development tax incentive to replace the outdated and complex R&D Tax Concession.

Together the Bills clarify the treatment of government grants under the new R&D tax incentive.

Where an entity’s research and development expenditure eligible for an R&D tax offset is funded from a government grant or recouped from government, the potential double benefit is clawed back.

This is effected by the entity paying an additional amount of income tax equal to 10 per cent of the relevant grant or recoupment amount. This form of adjustment is much easier for taxpayers and administrators than current arrangements because it avoids the need to re-calculate tax offset entitlements for previous years.

This Bill contains the necessary amendments to the Income Tax Rates Act 1986, which in accordance with normal Government practice are contained in a Bill separate from the other amendments.

Full details of the amendments in this Bill are contained in the combined explanatory memorandum to this Bill and the Tax Laws Amendment (Research and Development) Bill.

Debate (on motion by Senator Carr) adjourned.

COMMITTEES
Finance and Public Administration Legislation Committee Report

Senator RYAN (Victoria) (4.48 pm)—As Deputy Chair and on behalf of the Finance and Public Administration Legislation Committee, I present the report of the committee on the Preventing the Misuse of Government Advertising Bill 2010, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator RYAN—by leave—I move:

That the Senate take note of the report.

I would like to commence my comments on this by thanking the secretariat of the Finance and Public Administration Legislation Committee, who laboured under a particularly heavy workload over the last week. This bill, as the Senate knows, was referred to us late last week and required work at odd hours and over the weekend in conjunction with other references. So I would like, on behalf of the entire committee, to recognise and thank them for that work.

The tight time frame for this bill under consideration meant that we did not have the time to receive the normal number of submissions—it was less than a handful—and I will not take too much of the Senate’s time today in outlining the details of coalition senators’ views other than to highlight the concern that we have with the potential for this bill to compromise the independence of the Auditor-General. The Auditor-General has a time-honoured and very important role in overseeing the management and financial performance of Commonwealth entities, and the potential for this bill to interfere with that
is a particular risk that has not convinced coalition senators of its merits.

This bill has arisen in the last few days partly because of the outrageous and unprecedented hypocrisy of the ALP with respect to government advertising—particularly with regard to the Senate itself when the government specifically held over release of documentation regarding the latest government advertising campaign on mining until the morning after Senate estimates had concluded. Specifically, the day after the committee had rescheduled its hearings to allow consideration of government advertising to accommodate the minister on the Thursday morning, it was still then held over to be released on Friday morning.

I would like to highlight and express my own personal concerns with some of the comments made in the part of the report submitted by the Greens and Senator Bob Brown. Senator Brown highlights a concern not directly related to this bill, but that is an issue that has been raised before in this chamber, which is the tax deductibility of spending by corporates if they undertake an advertising campaign.

This concern would have a lot more sincerity if it were also expressed in relation to non-government organisations and trade unions that are basically tax exempt. They do not need to claim tax deductions because they do not pay tax. It is in my view unprecedented to even contemplate the idea and it would be outrageous to suggest that there should be—as suggested in one of the submissions to this report and highlighted in Senator Brown’s comments—a role for the government in, in any way, vetting bodies corporate undertaking advertising.

The idea that simply because something is tax deductible means that it is therefore public money fundamentally blurs the distinction between tax paid and the fact that you have legitimate costs in earning an income. It would be akin to us determining certain behaviours of small business people would be vetted by the government, in this sense of advertising, in order to deem whether we approved it or not before they were allowed to claim tax deductions for it.

There seems to be from some in this chamber an unnecessary focus upon the activities of corporate Australia yet a seeming blindness to the activities of tax-exempt bodies that are not subject to the corporate governance guidelines and to the legal liabilities that company directors in Australia are. Not directly related to this bill, I find those suggestions quite outrageous—that in any way we would have the government taking the processes that we use to deem whether government advertising is legitimate or not and applying them to corporate Australia, when all corporate Australia can do is face itself up against the might that is the Commonwealth with its power to change laws and to levy taxes, yet at the same time to not in any way think, ‘Maybe there are some big NGOs out there, some multinational non-government organisations, that do not pay tax in this country, that have tens of millions of dollars of revenue, that are not subject to scrutiny, that do not have disclosure requirements, that are not subject to the ASX or to ASIC and the requirements we legitimately place on companies.’ I think that to even suggest that betrays the anticorporate agenda and the double standards of some in this chamber.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.54 pm)—Firstly, I too would like to thank the staff of the Finance and Administration Legislation Committee who have worked over the weekend to help produce the report we now have before us because of the presumption that we as a parliament may not be meeting before the election; therefore, legislation about this matter needed to be passed
this week. I will be moving a contingent motion to allow this bill to be debated in the morning, as senators will know.

However, we are talking here about the report and I would like to respond to the honourable Senator Ryan, who has just spoken for the coalition. Here we have the time-honoured coalition position of opposing but not offering an alternative. It behoves the opposition to do better than that. It leaves the Greens as the constructive opposition in this place, as we have seen repeatedly in the last three years, and here we are again. The opposition’s contribution to the committee report takes out-of-date matters and offers nothing new whatsoever.

What the honourable member is saying is that there should be no rolling in either of the government’s ability to spend money—as we have seen with the $38 million allocation of money for its advocacy of the mining boom tax—or of the corporates on the other side, who are alleged to be spending up to as much as $100 million. One report on Four Corners indicated that BHP may spend as much as the government—that is, $38 million—of which we know they will get a 30 per cent tax break.

The simple figure there is that some $10 million plus is taken out of the public purse to pursue their advertising campaign. The opposition is always very good at saying, ‘What about some other entity that is an NGO, that does not have profitability or that would not be covered?’ I challenge the opposition to support the Greens in adopting the Canadian model of ending donations from all entities to political parties for advertising purposes for a starter and to cover such matters as this advertising so that the practice is stopped, but the opposition will not do that because it has a double standard when it comes to this matter.

The committee in its concluding comments and recommendations on this bill fails to acknowledge the widespread community concern about it as a critical issue that has been of high contention in the last three or four weeks. As the report notes, there is a long history of concerns and various attempts to address the issue of transparency and accountability in the expenditure of public funds through government information and advertising campaigns. This recent public outcry over the government’s $38 million mining tax advertising campaign is testament to the depth of concern on the issue.

This bill is a necessary step in enshrining accountability and integrity mechanisms in law to provide certainty and clarity to governments and to provide assurance and confidence to the community that these practices will be properly implemented and scrutinised. The recommendations by the committee that the bill not proceed contradict the evidence of the four expert submissions which all welcomed the bill for establishing clear legislative provisions around the use of public funds for government advertising. Maybe the government, because the opposition failed in this, will be able to explain why those four expert submissions have been ignored in the findings of the committee.

Each submission from the experts noted that the bill incorporated important changes to strengthen the original 2008 guidelines based on experience of the past two years in which the process has been operational. While the submissions varied in their view of the role of the Auditor-General in the bill there is agreement that the Auditor-General had a key role to play in the review of government advertising campaigns and their assessment against the guidelines.

As you know, Acting Deputy President, my bill gives the Auditor-General a vetting role but not a decision-making role as the
opposition would have it. The Auditor-General’s submission in particular made a number of relatively minor technical amendments to the bill for greater clarity and transparency in the process, and these are recommendations which the Greens will take up. I will move suitable amendments when the bill is debated in the Senate, if the Senate so chooses, tomorrow. Other submissions have identified minor elements of the bill that require rewording for clarity, and those will also be addressed.

I draw attention to the important issue of corporate political advertising and the use of tax-deductibility claims by corporate advertisers. I began by talking about this but the opposition has problems. I have raised concerns elsewhere that under current arrangements taxpayers are effectively funding corporate advertising campaigns on the mining tax to the tune of millions of dollars. The corporate advertisers should be subject to the same regime of accountability and scrutiny that is required of government advertising expenditure and deprived of the ability, through tax-deductibility, to have taxpayers’ millions support their campaigns. That is a matter for another piece of legislation; however, I make the commitment, as I have done publicly, that when the next suitable tax bill comes before this place I will move to amend it so that corporate taxpayers cannot deduct political advertising campaigns and so gain a windfall 30 per cent subsidy of their campaigns at the expense of taxpayers. That is money that other—

Senator Birmingham—Is that for not-for-profits too?

Senator BOB BROWN—If you find a way of doing that we would be happy to look at it. What I can tell you, Senator Birmingham, through the Chair, is that your report on this committee’s inquiry has come up with no alternatives, no suggestions, nothing constructive whatsoever. I would have thought you could have done better than that, as you have been out publicly condemning the government’s use of $38 million in campaign funds on the mining boom tax. I would have thought you could have come up with just something constructive. But the opposition has failed in that test, and that is why the Greens have a bill before the parliament—because we intend to remain constructive opponents when we oppose government or, for that matter, government legislation. The rule is: if you oppose something, come up with something better. We are past that. The opposition has failed miserably in its contribution to this committee’s report.

Senator JACINTA COLLINS (Victoria) (5.02 pm)—On taking note of this report there are two quick points that I would like to make. As a government senator on the committee, I commend the work of the secretariat in relation to the overall activity that has been occurring in political advertising, because the secretariat has been working not only on this bill, which the Greens have introduced, but also on a referral to the references committee, moved by Family First, and, indeed, on a reopening of the estimates argued for by the opposition. So there are three other areas of activity on political advertising that the Senate committee has been caught up with just in this week.

In the much broader context, following on from some of the comments from Senator Brown, I think we need to take stock here of the Auditor-General’s position. Despite his concerns with the revised guidelines, he said very clearly in estimates that the current guidelines remain:

... a significant improvement on what occurred in this area in the past.

Thank you, Senator Brown, for reminding me that that is a point that the opposition, in their campaigning on this issue, are very,
very quick to forget. The other reason I stand now to take note is simply to seek leave to continue my remarks.

Leave granted; debate adjourned.

RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE TECHNOLOGY SHORTFALL CHARGE) BILL 2010

Second Reading

Debate resumed.

Senator FIELDING (Victoria—Leader of the Family First Party) (5.04 pm)—As I was saying before the break, Family First support renewable energy because we believe renewable energy will be an important component of the future energy mix. Family First do make a clear distinction between our support for renewable energy and our views on an emissions trading scheme. Obviously, there should be a different driver between the two of them because the emissions trading scheme was a policy that was based on the assumption that increasing carbon dioxide emissions are the leading cause of global warming.

The bill that we have in front of us, the Renewable Energy (Electricity) Amendment Bill 2010, will help to prop up the artificially created renewable energy market even further. In Australia, we generate electricity at a very low cost using coal as the main energy source. For example, coal-fired electricity is manufactured today at about $30 per megawatt hour but solar and wind renewable energy costs upwards of $60 to $70 a megawatt hour. As you can see, the cost of electricity will go up by 100 per cent to 200 per cent if only renewable energy sources are used to generate electricity to keep our lights on and to keep us warm in winter. That is double the cost.

If you asked Australian families, ‘Do you want renewable energy?’ most families would of course say yes. But if you asked Australian families, ‘Would you pay 100 per cent more—in some cases 200 per cent more—for your power bill to have 100 per cent renewable energy?’ most families would say, ‘No, we can’t afford it.’ Can you imagine how much the cost of food and goods and services would go up if electricity prices went up by 100 to 200 per cent? What about businesses that will need to pass on the impact of higher electricity prices? This will flow on again to food and other goods and services. Guess who pays again? That is right: Australian families, not the Rudd government. Australian families are already footing the bill for subsidising new renewable energy markets and now the Rudd government wants to introduce more changes to the renewable energy market that most likely will hurt families even more. Why should mums and dads foot this very expensive bill and effectively pay a subsidy to private companies as they embark on risky renewable energy schemes?

Mums and dads, not the Rudd government, are basically footing the bill by bearing all the investment risk of risky renewable energy schemes; yet, if there are any profits down the track, mums and dads get no benefit. It is the private investors who make the killing, not the mums and dads—who have to foot the bill. Why should mums and dads bear the risk? There is no accountability and it is a huge gamble. Why should the government put all the risk onto mums and dads, especially given that mums and dads will foot the expensive bills to prop up these private companies for years but will not stand a chance of reaping any of the benefits or prof-
its? This is an important issue which the Rudd government has simply failed to address, and it is probably why the Rudd government has decided not to bear the risk itself but to pass it on to mums and dads.

Last year I stood up here and said that I was really concerned that the winners from these big renewable energy targets would be the bankers and brokers and the losers would be mums and dads who would be left to foot the bill. What is more, because of the renewable energy policies of this government we are seeing wind farms popping up all around Victoria—in many cases right in people’s backyards. How would you like to wake up every morning to the sight of a great, big wind turbine on your front lawn? I was told a week or so ago that we need to install two great, big wind turbines every day between now and 2020 just to reach the target. That is a heck of a lot of wind turbines, and they are coming to someone’s backyard soon.

Only last week I received an email about a lady who lives next to the Cape Bridgewater wind farm near Portland. She said that she and her family experience incredible headaches, nausea and dizziness from low-frequency noise, 24 hours a day, seven days a week, as a result of having this wind farm so close to her property. Her entire family has to move away from home three nights a week in order to get some sleep at night. It is having a huge effect on their health, and this is from 29 turbines. Some people are surrounded by hundreds. What do the opposition have to say about this? Last year they stood up here in the chamber and beat their chests and said that the renewable energy bill was bad policy and that it was flawed, and then guess what? They voted for it anyway. That is right: they said one thing and did something else. What a cop-out. The National Party were the biggest disgrace of all. The National Party sold out the Australian public and sold out the bush when they supported the renewable energy targets. Today I listened with interest to one of the National Party senators giving the hint that they did not support the renewable energy targets last year. I might remind them that on Thursday, 20 August 2009, Senator Boswell stood up and said:

It was a difficult decision to support this legislation, because it does increase the cost of electricity.

That is what the National Party senator said in 2009. That is why they sold out the families in the bush when they supported the renewable energy targets last time: they knew that electricity prices would be going up. They sold out industries such as the food-processing industry, which now has to bear higher costs because electricity is more expensive. It is unreal that the Liberal and National parties have the gall to say they are worried about renewable energy targets when they are the only reason we have a 20 per cent renewable energy target in the first place. Family First is the party that had a commonsense approach to renewable energy. Unlike the coalition, we did not leave our principles, morals and values at the door. Family First voted against the renewable energy targets because the targets were wrong. The targets punished mums and dads and put all the risk on them. Now we have a bill which is going to help the big companies even more and will most likely hurt mums and dads as a result. I will not be selling out Australian families and the bush like the Liberal and National parties did.

I call on the coalition to show some backbone and ticker and stand up for what is right. These renewable energy targets will hurt ordinary Australian families and the bush. As I was saying before, to reach the targets of 20 per cent by 2020, you would need to build two wind turbines every day between now and 2020. Whose backyard do you want these in? Whose backyard does the
National Party want these in? Whose backyard does the Liberal Party want these in? You cannot continue to stand up here and say that you are for families and for the bush and then sell them out in the chamber, like you did last year and like you are going to do again today. It is wrong.

Senator MILNE (Tasmania) (5.12 pm)—I seek leave to move the second reading amendment, which I discussed in my speech on the second reading but neglected to move.

Leave granted.

Senator MILNE—I move:

At the end of the motion, add “, provided that the Government undertakes to implement a national gross renewable energy feed-in tariff scheme which standardises the existing state and territory schemes”.

Senator WONG (South Australia—Minister for Climate Change, Energy Efficiency and Water) (5.13 pm)—I rise to sum up the second reading debate on the Renewable Energy (Electricity) Amendment Bill 2010, the Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010. I thank all senators for their contributions to the debate. These bills will implement the enhanced renewable energy target. They deal with the dual policy objective of the renewable energy targets legislation, which is to support both small-scale household renewable energy technologies and large-scale renewable energy investment to deliver a greater amount of renewable energy to be utilised by Australia. The bills implement an enhanced renewable energy target, separating the existing scheme into two parts: the Small-scale Renewable Energy Scheme and the large-scale renewable energy target to take effect from 1 January 2011.

The renewable energy target is a key measure in this government’s climate change policy. It will deliver our commitment to ensuring that the equivalent of at least 20 per cent of Australia’s electricity will come from renewable sources by 2020. The enhancements provide greater certainty for large-scale renewable energy projects as well as for installers of small-scale renewable energy systems, such as solar panels and solar water heaters. We are keen to, and have been, working with different senators and different parties represented in this chamber in order to facilitate passage of this legislation this week. I want to briefly address some of the key comments that have been made, which I anticipate will be dealt with in more detail in the committee stage of the debate on this bill.

First, there have been some who have made contributions noting risks for the uncapped Small-scale Renewable Energy Scheme. It is important to understand that the rationale behind the design of the SRES is to ensure that households, businesses and community groups that install small-scale systems can access support from the RET. The difficulty with putting a limit on the number of renewable energy certificates from small-scale systems is that installations beyond this limit would miss out on the support from the renewable energy target, including the solar credit scheme.

In relation to the impact on electricity prices, it is important to recognise that this is a modest impact. The current renewable energy target is expected to increase retail electricity prices by around 4.2 per cent in the period to 2015. The enhanced RET is expected to increase prices by a further 0.2 per cent in the same period, bringing the expected electricity price impact of the enhanced RET to around 4.4 per cent.
In implementing this regime, the government’s intention is to preserve the effective rate of assistance in respect of emissions-intensive trade-exposed activities provided for under the current RET rather than to expand assistance to industry. It is important to recognise that assistance was not provided for the previous mandatory renewable energy target, implemented under the Howard government, of 9,500 gigawatt hours. Assistance under the renewable energy target is provided in respect of 90 per cent of the expanded RET liability above the former MRET of 9,500 gigawatt hours in relation to activities defined as ‘highly emissions intensive’ and 60 per cent of the expanded renewable energy target above the same threshold that applies to electricity used in activities defined as ‘moderately emissions intensive’. Consistent with the existing policy, assistance for a renewable energy certificate price above $40 on the liability of 9,500 gigawatt hours is dependent on there being a carbon pollution reduction scheme. This recognises that with a CPRS there would be a cumulative cost impact of both the CPRS and the renewable energy target on these activities.

I want to address briefly waste coalmine gas, because there was a contribution previously in which Senator Milne, I think, may have misunderstood the government’s amendments. The existing waste coalmine gas generation was included in the renewable energy target as a transitional assistance measure in the context of the cessation of the New South Wales Greenhouse Gas Reduction Scheme—known as GGAS. We know waste coalmine gas is not a renewable energy source, so the government increased the RET’s annual targets to ensure it could not crowd out renewables nor impact on achievement of the 20 per cent renewable energy target by 2020. It was not the government’s intention to allow waste coalmine gas projects to receive assistance from the renewable energy target whilst GGAS was still operating. The GGAS legislation indicates that the scheme is to continue until 2020 or terminate sooner in the event of the introduction of the CPRS or another national emissions trading scheme. The renewable energy bill before the chamber therefore allows the eligibility of the waste coalmine gas to be postponed until such time as GGAS ceases.

There have also been some concerns raised about possible delays in receiving funds through the clearing house. The bill requires liable parties to regularly surrender small-scale renewable energy certificates four times a year. However, in most cases householders will choose to get the value of their renewable energy certificates immediately as an agreed upfront discount on the cost of installing their solar water heater or solar PV system as they do under current arrangements. There are four surrender periods throughout the year: 28 days after the end of each quarter for the first three quarters and then up to 14 February of the following year. So there will typically be a period of around six weeks from system sale to the need for a liable entity to surrender the renewable energy certificate.

There have been some comments in relation to the growth in demand for solar panels. This reflects a number of factors, including the very high levels of support offered by some of the states as well as a reduction in the price of solar panels. At the time that the solar credits multiplier was put in place, some—including some in this chamber—criticised the government for reducing levels then in place through the Solar Homes and Communities Plan. There is evidence that some panels are being offered at a very low cost, although evidence of free panels remains less clear. Obviously, low-cost panels mean that households are able to take up the opportunity to make a contribution to reduc-
ing greenhouse gas emissions, and a number of firms made submissions to the inquiry of the Senate Environment, Communications and the Arts Legislation Committee in support of the current solar credits multiplier.

In relation to safety issues, I want to make it clear that this government takes safety issues very seriously. We are introducing a range of measures to further strengthen safety and compliance in relation to solar panels supported by the renewable energy target. I have today released regulations made on 15 June which require installers to comply with state and territory regulations in relation to siting panels and building codes, including for panel mountings and connections.

In addition, the Office of the Renewable Energy Regulator is working with the Clean Energy Council to deliver an enhanced program of compliance and performance inspections. These inspections represent the first element of a broader and longer term enhanced compliance and performance strategy for the renewable energy target. My department will be consulting with industry and other stakeholders on this strategy, including on postinstallation checks.

In addition, the amendments to the Renewable Energy (Electricity) Act introduced on 12 May 2010 include new and enhanced compliance measures, such as civil penalties, tougher financial penalties and more stringent compliance documentation requirements. So the bills before the chamber implement enhancements to the renewable energy target and have provided a timely opportunity to strengthen the compliance and performance framework.

In relation to Senator Milne’s call for a national feed-in tariff, I have said previously in this chamber that the position of the government is that we see, consistent with international practice, a renewable energy target scheme and a feed-in tariff as alternative policy mechanisms for promoting renewable energy uptake. A renewable energy target sets the quantity of renewable energy and allows for a range of cost-effective technologies to be deployed. In contrast, a feed-in tariff provides a certain amount of support for specified technologies set in advance for a future period of time. The government went to the election with a commitment to increase the renewable energy target and that is the policy mechanism that we remain committed to. I also note that Senator Milne has made some comments about biomass and I intend to deal with those in the committee debate when she moves her amendments.

In conclusion, the amendment bills before the chamber today will encourage the deployment of both major renewable energy projects and household-scale renewable energy systems. The renewable energy target is a key measure in Australia’s climate change policy. These changes will deliver significant and timely enhancements that will help reduce Australia’s emissions. The enhanced renewable energy target will drive significant investment, accelerating the deployment of a broad range of renewable energy technologies like wind, solar and thermal. These are changes which will ensure that 20 per cent of our electricity supply comes from renewable sources by 2020. These bills represent a major step towards the transformation of our economy and the building of Australia’s low-pollution future. I commend the bills to the chamber.

Question put:

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

The Senate divided. [5.27 pm]

(The Acting Deputy President—Senator JM Troeth)
Ayes............ 4
Noes............. 35
Majority........ 31

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

NOES
Adams, J.  Arbib, M.V.
Back, C.J.  Bilyk, C.L.
Birmingham, S.  Bishop, T.M.
Boswell, R.L.D.  Boyce, S.
Brown, C.L.  Cameron, D.N.
Colbeck, R.  Collins, J.
Crossin, P.M.  Farrell, D.E.
Feeney, D.  Ferguson, A.B.
Fielding, S.  Forshaw, M.G.
Furner, M.L.  Hurley, A.
Hutchins, S.P.  Kroger, H.
Lundy, K.A.  Marshall, G.
McLucas, J.E.  Moore, C.
O’Brien, K.W.K.  Parry, S.
Pratt, L.C.  Scullion, N.G.
Stephens, U.  Sterle, G.
Troeth, J.M.  Wong, P.
Wortley, D.
* denotes teller

Question negatived.
Original question agreed to.

Bills read a second time.

 Ordered that consideration of the bills in Committee of the Whole be made an order of the day for a later hour.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (RECREATIONAL FISHING FOR MAKO AND PORBEAGLE SHARKS) BILL 2010

Second Reading

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

That this bill be now read a second time.

Senator COLBECK (Tasmania) (5.32 pm)—It is pleasing to at last be able to debate the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 because the government indicated to the recreational fishing sector back in January that this was going to be a priority for them. I can assure the government that there are a lot of recreational fishers around the coastline and in the cities of Australia who are very keen to see this matter finally resolved. I note that the government have, through some of their representatives, been trying to blame the opposition for the delay in this legislation coming forward. I would like to put that completely to rest at the outset. The opposition have been only too happy to debate the legislation as soon as possible. We have been aware of concerns relating to the decision that the government took to ban the taking of mako and porbeagle sharks, which was based on a decision made in Rome in 2008 under an international convention to list these migratory species as endangered. On that decision making process and what has occurred since then, I think it is important to put on the record that this decision was made at that international forum with the agreement of the Australian government and that it was based on information and data from the Northern Hemisphere and the Mediterranean.

It is of significant concern that the Australian government would support such a decision. I might add that that decision did have the support of some of the states, including unfortunately my home state of Tasmania—though some of the states were much more reticent about the decision when the consultation occurred in the lead-up to that meeting in Rome in 2008. The really disturbing thing is that, although the states were consulted and were part of the decision-making process that the government undertook, those who were impacted by this decision unfortunately were not consulted. When you look at the delegation that went to Rome to make the
decision, you will find that the delegation had at their side representatives from the Humane Society International. I recognise that they have an interest in this issue and they obviously had made representations to the government on this issue.

What really disturbs me is that, particularly on the part of Minister Garrett, decisions are made following consultation with environmental groups but not with other stakeholders who are part of the overall process. We have seen Minister Garrett do this on a number of occasions. He put an emergency listing over the Coral Sea after consultation with the Pew foundation but with nobody else. He put an emergency listing over a region of north-west Tasmania after consultation with a small group in that region but with nobody else. And, of course, consultation over this decision concerning the fishing of mako and porbeagle sharks was made with the Humane Society International at the government’s side and nobody else.

The really concerning element is that there is no evidence to suggest that these species are actually endangered in Australian waters. I recognise that some will say that that is because there is a lack of data in relation to these species. I think those who make these claims also demonstrate that they are very remote from people who interact with sharks, particularly makos and porbeagles, on a regular basis. I have had the opportunity to talk to a lot of people involved particularly in recreational fishing for mako sharks and they tell me there is no shortage of those sharks in Australian waters, and in fact it is not difficult to find them. The numbers recorded from the various recreational fishing competitions and from information held by the New South Wales fisheries department clearly demonstrate that there is a large number of these fish in Australian waters, and that needs to be considered as part of this process. I am not saying that there should not be some more research. I note the Greens have a motion seeking further research in relation to makos and porbeagles. I indicate at this stage in proceedings that the opposition will be supporting that motion in relation to further funding for research.

There seems to be a lack of recognition of the fact that there is already a lot of work being done in relation to these particular species. I think that again demonstrates that those who are opposing this are not necessarily close enough to those who are interacting with the sharks. In fact it is quite clear that the recreational fishing sector—and the commercial fishing sector for that matter—plays a very significant role in data collection and research into these particular species. A very strong tag and release program is conducted particularly by game fishing clubs around the country and, as I said before, that data is held in New South Wales through the fisheries department.

The commercial fishers and also some of the recreational fishers have been involved in a program of catching and releasing mako sharks that are tagged for satellite tracking. There are four sharks currently swimming around the Australian coastline—quite happily, I presume—that have been tagged for a period of between 200 and 450 days. There were six sharks, but the tags have dropped off some of those, although they are designed to stay there for about 12 months. Scrappy, who is a juvenile shortfin mako that was tagged and released on 30 March 2009, is currently off the mid-Western Australian coast. He has been mooching around the Great Australian Bight for some period of time and he is currently heading up the Western Australian coast.

Senator Siewert—He knows where the good state is!
Senator COLBECK—Perhaps you are right, Senator. There is Lucky, who is down in the Southern Ocean at this point in time and has spent a lot of time in the Great Australian Bight—bearing in mind, all these sharks were tagged around Port Lincoln.

If anyone is really interested in following this, I would recommend the site www.seaturtle.org/tracking. You can see where these guys have been working their way around the Australian coastline. Scrappy has been tagged and transmitting for 441 days so far; Lucky, who I indicated is down off the Bight at the moment, has been tagged for 240 days; Zura, who seems to be perhaps a little bit more adventurous than most, is about 3,000 kilometres off the south-west of Western Australian and has spent a lot of time way out in the Indian Ocean—and obviously there is something going on out there keeping Zura busy; and Sanji, who is currently just off the south-east of Tasmania, having travelled right up the Australian east coast into the Coral Sea almost as far as Papua New Guinea, has made his way back down to Tasmania.

It was interesting to note that a week after a major shark fishing competition in Bass Strait off Devonport earlier in the year, Lucky, I think it was, turned up to check that location out a week later, which gives a demonstration of the range of these fish and what sorts of things attract them. Obviously, a lot of berley was placed in the water at that time, and I suspect that that may have been a bit of an attraction. Anyway, he has headed up the Western Australian coast, as I have previously indicated. So there is already a lot of research going on in relation to these fish, but I think it is commonly agreed that there would well be more done, and so we are more than happy to welcome the Greens amendment to provide more R&D.

One thing that needs to be recognised is that the culture of recreational fishing has changed significantly over the last 25 years. It used to be the case that you would go and catch whatever fish you would bring into the boat or take ashore and that would be the catch. The culture of catch and release has seen a significant change in the recreational fishing sector over the last 25 years or so. You only have to watch any of the fishing shows on television to see that that is part of the culture that has progressed. There seem to be those in the community who think that it is all about taking and taking. Certainly, all of the recreational fishers that I have spoken to recognise that, if they want to continue to fish and go fishing with their children as they went fishing with their parents, there needs to be a culture that protects and looks after the species over a period of time. There is no question but that they want that to occur. There is no question but that they passionately enjoy their fishing and want there to be a recreational fishing sector available to them and their families for a long time. When you consider that one in four Australians participates in recreational fishing you see how deeply into the community this particular recreation extends.

I think it is also demonstrated by the reaction to the government’s decision to ban the taking of mako and porbeagle sharks. It was quite a revelation to see the reaction of the fishers over the summer. The first meeting that I was aware of occurred at Shellharbour in New South Wales, and there were about 200 fishermen there—or fishers there; I should not place a gender on it because I know there are a lot of families who enjoy fishing together. At Hastings there were about 350 and at Torquay, which was a meeting that I attended towards the end of January, there were 400 or 500 people. I make particular note of the meeting at Torquay.
The local candidate, Sarah Henderson, did a sensational job of advising the community that the meeting would be on. The intention was to conduct the meeting in the fishing club at Torquay, but it became very evident quite quickly that we were not going to fit. The response and the concern about the ban were such that we had to move the meeting out into the car park, set up on the back of a ute and address the assembled crowd from there. The attitude of the local member, the member for Corangamite, was most disappointing. His staff tried to convince the media that there were only about 100 people at the meeting and that they were all there for political purposes. I can assure any of those people listening and, of course, the member for Corangamite that they were there for a purpose. I think the stark realisation that set in following the meeting that, given that he is sitting on a margin of about 1,500 votes, about 30 per cent of his margin was standing in the car park at the Torquay fishing club and was very angry and unhappy with the decision being made might have been a moment of revelation.

I am aware that, along with a junior minister in the Victorian government, who within a couple of days said the decision would not be supported by the Victorian government, the member for Corangamite also said that he did not think it was a good idea, despite the fact that he had earlier been blaming everybody else for the decision, including the opposition—it was all their fault. The default position is to blame the opposition, I suppose, but it was the then Minister for the Environment, Heritage and the Arts, Mr Garrett, who made the decision. Regardless of anything else, it was Peter Garrett who decided, with the support of Humane Society International, to put this ban in place without consultation with anyone else. So there is only one place where the blame can lie.

The other thing that was quite clear was the reaction of the recreational fishing sector. Within four weeks they had signed petitions with nearly 9,000 names—8,800 signatures were gathered in about four weeks. They were also quite active in making contact with the offices of Minister Garrett, of the Minister for Agriculture, Fisheries and Forestry, Mr Burke, and of the Prime Minister to the extent that they were in no doubt about the anger that was being felt in the community.

The impact on some small businesses, particularly in the charter sector, has been most disappointing. I have spoken to some charter operators out of St Helens in Tasmania whose businesses have been absolutely devastated by this decision—as I say, without consultation—including one young family who had only recently bought their business. They bought it in August last year and were confronted with this decision over the summer and they basically lost a summer’s business. It has had a really devastating impact on their business and it is very difficult to garner back support for a business when a decision is made like this. I really do welcome the fact that we are at last getting to the point where we can support this legislation, which will at least put in a temporary fix. We recognise that the government is considering a review of the EPBC Act—the Hawke review. That will also help to resolve some of the issues on this matter, particularly the categorisation of listings. This is a temporary fix, but at least it starts to move things forward.

I acknowledge a few people who played a fairly significant part in the campaign to reverse this decision. They are Ben Scullin, Christopher Collins, Greg Barea, Mark Nikolai, Trevor Buck, John Willis, Dale McLelland, John McGiveron, Grahame Williams, Dean Logan, Frank Prokop, Peter Simpson, Tim Anderson, Bob Danckert, Ashley Dance, Garry Kerr, Ted O’Rourke and
Len Oylott. I have already mentioned the fact that Sarah Henderson, whom I hope will soon be the member for Corangamite, was very well organised in this process, but strong representations were also made to me by the member for Gilmore, Jo Gash; the member for Patterson, Bob Baldwin, and also the shadow minister and member for Flinders, Greg Hunt.

The second amendment proposed by the Greens will effectively call for a management plan to be put in place to be managed by AFMA. The opposition will not be supporting that amendment. AFMA is not the body that should be managing recreational fishers. Recreational fishermen do not have a problem with having a management plan in place to oversee this fishery. If you actually talk to them, you will find that where there are state protocols in place they exceed them in many ways. I have had some very encouraging conversations, particularly with charter boat operators. They say they might have a boat limit of two fish per person on a boat, but once the boat has caught one fish they go off to catch a different species. I think that we can be very much comforted by the fact that recreational fishers, as I indicated earlier, want to see a sustainable fishery going on. They are more than happy to have a strong management plan in place to oversee this fishery.

So, from that perspective, this legislation—this particular fix—warrants support and I indicate that the opposition will be supporting the bill. I commend what was a real victory for common sense and grassroots campaigning by those involved in the recreational fishing sector when they were making their representations to both the government and the opposition to get this overturned. Although it has been a long wait to get to the stage of debating the legislation in parliament, I am pleased that we are at that point and I am pleased to indicate that the opposition will support the legislation.

Debate (on motion by Senator Faulkner) adjourned.

**MINISTERIAL STATEMENTS**

**Afghanistan**

Senator FAULKNER (New South Wales—Minister for Defence) (5.52 pm)—by leave—It is with great sadness that I rise to inform the Senate that an ISAF helicopter carrying 15 ISAF members, 10 of them Australian, went down in northern Kandahar earlier today. Three Australian commandos from the Special Operations Task Group were killed and seven were wounded—two of them very seriously. One other ISAF soldier has been killed and another is in a very serious condition. Two other ISAF helicopters also carrying members of the Special Operations Task Group were in close proximity to the helicopter at the time it went down. These two helicopters were able to land immediately, secure the area, evaluate the wounded and evacuate them to an ISAF medical facility for treatment. I am advised that the incident was not the result of enemy action. Investigations into the crash are ongoing and I will inform the parliament of the outcomes when I am able to do so.

This is a tragic day for Australia and the Australian Defence Force and an absolutely devastating day for the families and friends of these brave young men. The 15 on board the helicopter, including 10 Australians, were en route to an operation, going out as they do day after day, putting their lives on the line for their country. This most dangerous theatre of operations has claimed five Australian lives in the past two weeks. It is with very great sadness that I inform the Senate this evening of these latest casualties.

On behalf of the Australian government—but I know I speak for everyone in this chamber—I express our deepest condolences...
to the families who have lost their loved ones today. At this moment of grief and gratitude for the sacrifice made by these brave young men, our thoughts and our profound sympathies are with their families, their friends and their comrades. This is a time of absolutely unthinkable loss for them. These fine young Australian soldiers were also sons, brothers, fathers and friends. Our thoughts are also with the wounded soldiers and their families at this time of great anxiety and great apprehension for them. As Minister for Defence, I want those families to know that their loved ones are receiving the best possible medical care.

I take this opportunity to ask all Australians today to take some time to think of these soldiers and their families and all the members of our defence forces who are serving their nation overseas. Three brave young men died today serving our nation. Sixteen Australian soldiers have now been killed in Afghanistan fighting alongside our coalition partners to improve conditions in that country. While our mission to Afghanistan is difficult, it is vital for international stability and the security of Australia. Our men and women in uniform continue to do absolutely outstanding work in this difficult and dangerous environment. They deserve our highest praise and all our gratitude.

I should say that the families involved need time to come to terms with their loss. Operations also remain ongoing in Afghanistan. I will, of course, share more information with the Senate when I can. I wanted to conclude my remarks by assuring the Senate and the Australian people, particularly the families of these three soldiers, that the commitment, dedication and sacrifice of these soldiers will not be forgotten.

Senator ABETZ (Tasmania) (5.58 pm)—by leave—The coalition joins with the government in extending its sympathies to the families, friends and colleagues who have lost loved ones, friends and mates today in Kandahar province in what appears to be the result of an accident rather than enemy action. Our condolences go especially to the Australians but also the families, friends and colleagues of our coalition partners who have also lost a loved one. This tragic incident regrettably comes close on the deaths of Sappers Darren Smith and Jacob Moerland, whom we have only just recently laid to rest. We as a nation are greatly indebted to the willingness of our servicemen and service-women to serve in the cause of freedom. In serving they know the risks and they self-sacrificially are prepared to take the risks for our wellbeing as a nation and those of us who support freedom more generally in other parts of the world.

On behalf of the coalition, can I say that we join with the government in expressing our condolences to the families, friends and mates who have lost loved ones. Can I also on behalf of the coalition indicate our very best wishes for the medical teams that have to deal with this tragedy, and especially express our best wishes to those who are injured, both Australian and non-Australian personnel. Our thoughts and prayers are especially with those two who are very seriously injured.

We as a nation can be very thankful that there are young men and women willing to sacrifice their lives in the cause of freedom, and especially for our freedom. Often it comes with a price and today we are reminded of that price, and that is a price that we as a nation ought to bear together, along with the families in particular and the friends who have lost loved ones. I join with the government in its comments on this matter.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.00 pm)—by leave—Family First joins with the govern-
ment on this. Our heartfelt condolences and prayers go to loved ones and family after this tragic incident. We are all in debt to our servicemen, who risk their own lives that we may be free and safe. I join with the government in this matter. Our heartfelt prayers and thoughts go to the families and friends.

Senator LUDLAM (Western Australia) (6.01 pm)—by leave—On behalf of Senator Brown and the Australian Greens, I would like to add my comments to those of Minister Faulkner and others who have spoken briefly. As this comes so soon after the tragedies of last week, the Australian Greens would just like to place on the record that we are indeed in the debt of these men who have died in Afghanistan. I would like to put the support of the Australian Greens on the record.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (RECREATIONAL FISHING FOR MAKO AND PORBEAGLE SHARKS) BILL 2010
Second Reading

Debate resumed.

Senator SIEWERT (Western Australia) (6.02 pm)—We are talking about the government’s amendments to the EPBC Act contained in the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010, which allow recreational fishers to continue hunting shortfin and longfin mako sharks and the porbeagle shark, despite these being listed as migratory species. The government is saying that the situation in Australian waters is different to that in the Northern Hemisphere and is making what we believe are very significant changes to the EPBC Act to allow the taking of these sharks to continue. The government is saying that the situation in Australia is different and that the situation for the sharks in our waters is not as dire as the situation in other waters or in the Northern Hemisphere. The Greens are extremely concerned about the precedent that the government is setting by amending the EPBC Act prior to the comprehensive amendments that we believe are coming through the Hawke report. We think there has been inadequate information on which to base those decisions, and I will go into some of those issues shortly.

The shortfin and longfin mako sharks and the porbeagle shark have been listed as protected under the convention on migratory species, or the CMS, to which Australia is a signatory. In fact, as we know, Australia has legislation in place to also list and afford protection to these species. Of course, this is where part of the crux of this argument is. The convention on migratory species listing was not based on the conservation status of the three species in the Northern Hemisphere alone, as is argued by many people supporting these amendments. The convention listing is in fact global. There is an opportunity under the convention to do a regional listing, but this was not taken up. This is very important. This aspect of the listing was not taken up. It was decided to do a global listing.

The shortfin and longfin mako sharks are listed by IUCN, which is the International Union for the Conservation of Nature, as vulnerable to extinction globally—not just in the region but globally. The porbeagle is considered near threatened in the Southern Hemisphere. So the conservation status of all three of these species is far from secure in the Southern Hemisphere, as has been argued and as was just argued by the previous speaker, and they are, as we know, subject to commercial and recreational fishing in Australia. We do not know if this is ecologically sustainable.

Prior to this controversy, Minister Garrett had already placed the shortfin mako shark
on his priority list for assessment as a potentially threatened species under the EPBC Act, so clearly he and his Threatened Species Scientific Committee do think there is a conservation concern for this species. I am deeply concerned, as are the Greens, that this is a bad precedent. For the first time, something is listed under the EPBC Act and then specific amendments are made to unprotect it. We believe this sends poor messages to those people who seek to use wildlife: that if you lobby hard enough you can get special amendments to unprotect the particular species that you are interested in. I am unaware of this precedent happening under any state threatened species laws.

The Minister for the Environment, Water, Heritage and the Arts claims that the listing for the mako shark was based around concerns for the Mediterranean stocks and that there is no concern for Australian stocks. This is not the case. We believe there is sufficient concern around the stocks in our waters to raise concerns. As I have previously said, the convention listing was done because there was a global concern for the species, which are listed as vulnerable on the IUCN red list.

There is currently no conclusive evidence to support the view that there is a separation of Northern from Southern Hemisphere stocks or others in other geographic areas. In fact, we heard from Senator Colbeck the large distances that these species can travel. There are many other species that have been split by regional decisions. As I said, this was open for the convention to do, but the decision was made not to split the status of any of these three species on a regional basis. This option was there and it was not taken.

The federal minister for the environment, Peter Garrett, is required under the legislation as it currently stands, the EPBC Act, to list the species as migratory once a CMS listing occurs. He has decided not to do this or to change legislation in this instance, and we do not believe this is based on any scientific integrity. We believe it is unfortunate that he has decided to take this approach, because we are deeply concerned about the future of these sharks. We are concerned about the precedent if enough attention is given to a particular species because people want to catch it and the government not only do not list the species but also change the act so that they do not have to list the species. The argument made by DEWHA is that the lack of population decline data in the Southern Hemisphere warrants a business-as-usual approach to their management until data is available. However, under the government’s obligations to manage fisheries, we would have thought that the precautionary principle would require the cessation of fishing impacts on listed species while that review is conducted. As I said, bear in mind that we heard a couple of moments ago that the mako shark travels great distances. In fact, one of the species currently being tagged has travelled 4,541 kilometres in a straight line. In other words, we do not think it is possible to separate out distinct populations.

There is a general lack of data as to the conservation status of these three species within Australian waters. Data on the levels of mortality caused by fishers including the landings of and trade in their products is also missing. There is a lack of information to ascertain current levels of catch and we do not know whether these are in any way sustainable. Yes, the culture for recreational fishing has changed and far more fishers are now doing catch and release, but I suggest that there is a lack of evidence on the impact of catch and release on such large species and the survival rates of the sharks that are taken, particularly where game fishing competitions are involved. There is evidence to suggest that significant fatigue and the build-
up of toxic acids within the body and the muscles of the shark can prove potentially fatal. This occurs particularly during competition fishing, where quite often fishers will use a lighter line for targeting particular species. We understand this includes the shortfin mako. I understand the intention is to release sharks, but there is a lack of information about the survival data of these species when they have fought for a long time during these game fishing competitions and have been landed and then released.

All commercial fisheries that interact with the three species within the Commonwealth waters currently hold WTO approval that may or may not have conditions relating to the landing of these three species. However, commercial fishers will continue to take the species at the same levels as prior to the convention listing. We do not believe that there is enough data at the moment to show that the current level of catch is sustainable—in other words, you are going to have commercial fishers and recreational fishers continuing to take these species that have been listed under the convention for migratory species. There is no evidence to show that current catches are sustainable and we believe that the approach taken by the department in putting up these amendments affords no additional protection or conservation measure as required by the convention for migratory species listing. We are deeply concerned about the future of these species anyway, we are concerned about the future of these species now that these amendments have been made and we are concerned about the future of these species with these amendments and the fact that precautions have not been put around the changes under the act. In a minute I will get to those changes, how they interact with the recommendations of the Hawke report and why this amendment is pre-empting the broader response to the Hawke report.

According to information from the most recent Indian Ocean Tuna Commission scientific committee report dated December 2009, in its management advice:

There is a paucity of information available on this species and this situation is not expected to improve in the short to medium term. There is no quantitative stock assessment or basic fishery indicators currently available for shortfin mako shark in the Indian Ocean therefore the stock status is highly uncertain.

Shortfin mako sharks are commonly taken by a range of fisheries in the Indian Ocean. Because of their life history characteristics—they are relatively long lived (over 24 years), mature at 7-8 years, and have relatively few offspring (<30 pups every three years), the shortfin mako sharks is vulnerable to overfishing.

The recently released Pacific Islands regional plan of action for sharks states that it has been recognised that the catch rates of mako sharks in the commercial fisheries of the South Pacific Ocean have been in decline, that there are concerns that this represents overfishing, and that hence the WCPFC is looking into the issue to attempt stock assessments. Makos are kept for their meat throughout the fisheries. There is no indication mako sharks caught in Australian waters are isolated from those in the wider Pacific and hence we believe it should be assumed that Australia’s makos are also probably suffering from overfishing.

On page 71 of the regional action plan for the western central Pacific, it says that there is limited information on the status of shortfin mako stocks available. Catches and catch rates have steadily increased in the tropical deep longline fishery since 1998 and, while catches and catch rates have shown large interannual fluctuations in the tropical shallow fishery, increasing catches of species have also been recorded in other fisheries in the area.
Estimates from the combined longline fisheries of the WCPFC show a steady decline in catches and catch rates of combined mako sharks—shortfin, longfin and unidentified mako sharks—since the late 1990s. This suggests that the recent levels of fishing effort on mako sharks may be higher than the stocks can sustain. However, thorough assessments have not been undertaken on shortfin makos in the Pacific Ocean. In other words, the stock assessments are unclear. There is a great degree of uncertainty about the sustainability of current practices. Therefore, if we use the precautionary principle, we should be very careful about how we make amendments to facilitate takes when we know that these species are vulnerable and threatened.

The government claims that the amendments we are currently discussing are consistent with the Hawke report, but we do not believe that that is entirely the case. The Hawke report into the EPBC Act recommended that the EPBC Act be amended to allow the take of appendix 2 migratory species that were—and this is the key part—‘subject to management arrangements demonstrating that the take would not be detrimental to survival of the species’. In other words, in not requiring a management plan this amendment is not consistent with the Hawke review.

As has been stated in estimates, the government at the moment are currently undertaking a whole-of-government response to the Hawke report. When they announced that, they also said that there were three things that they would not be doing—related to climate triggers for one and regional forest agreements for another—but we understood that they would then be bringing a comprehensive approach back to how the EPBC Act would be amended. However, this amendment has been taken outside that review process and, as I said, does not implement one of the key essential areas of that recommendation—being subject to management arrangements demonstrating that the take would not be detrimental to the survival of the species. We are unsure not only about what the species populations are but also about the numbers that are being taken and whether they are vulnerable or threatened. We do not know if the current fishing activity is sustainable.

It is extremely disappointing that the exemption does not require recreational fishers to at least have a management plan in place to ensure that the numbers of mako or porbeagle sharks being taken are ecologically sustainable. That is already the case for commercial fishers. Under the EPBC Act, commercial fishers are exempt from offence provisions when they catch listed migratory species if they are cooperating with a fisheries management plan that ostensibly—because, as I have just said, we are not sure about what the population numbers of these species are—has measures in the plan to mitigate their impact on the protected species.

While we oppose the way these amendments have occurred, and these amendments to the act specifically, one of the ways that this can be improved is, we believe, by putting management plans in place. Contrary to the comments made about AFMA overseeing the overall management of the fishery, we have crafted some amendments that we think actually put in place management plans requiring the involvement, obviously, of the fisheries department but that would then be accredited by the Minister for the Environment. We have, in fact, two amendments to propose. First, I am moving a second reading amendment that relates to the issues around the collection of data and calls on the government to fund a dedicated mako and porbeagle shark research and data collection program.
I move:

At the end of the motion, add “but the Senate calls on the Government to fund a dedicated mako and porbeagle shark research and data collection program, working with recreational fishers to conclusively document the status and trajectory of mako and porbeagle sharks in Australian waters”.

We are, as I have said, deeply concerned about the impact these amendments may have on these species. It is not clear that the fishing levels are sustainable and what population numbers are. We believe that, if these amendments go ahead, it is essential that additional resources be made available to ensure that we do have a research and data collection program in place that allows us to get a better handle on the numbers of these three shark species because, as I have articulated, it was clear that the convention considered that these species should be listed globally. There was a key decision made not to list these species regionally. We therefore believe it is essential that the government put more money into the issues around data collection. Secondly, we believe that the issue around the establishment of a management plan is critical. I will be moving amendments in the Committee of the Whole relating to that issue as well.

Senator RONALDSON (Victoria) (6.21 pm)—I would like to congratulate Senator Colbeck, the shadow parliamentary secretary for agriculture, fisheries and forestry, who has done a fantastic job in relation to this issue. I know that, in his speech on the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010, Richard mentioned a number of people that he also thanked for their involvement and I would like to associate myself with those remarks.

I understand from Senator Colbeck that the issue here is that this listing was category 2 under the IUCN, which actually allows for continued fishing under a management plan, but that the Australian legislation does not cater for this in that it does not have any differential in categories. Is that correct, Senator Colbeck?

Senator Colbeck—that’s correct, Senator.

Senator RONALDSON—And indeed that recommendation 17 of the Hawke review would resolve this issue. So in fact this legislation is only putting a temporary fix in place.

Senator Colbeck very kindly talked about Corangamite and the hard work of Sarah Henderson, the Liberal Party candidate for Corangamite. I will talk more about her hard work and what little work was done by the current member for Corangamite.

Senator O’Brien—you’re wasting time.

Senator RONALDSON—I am disappointed that Senator O’Brien made that interjection. I was going to keep my comments short but, with this sort of interjection when we are trying to get through things quickly, for Senator O’Brien to be doing this I think is bitterly, bitterly disappointing. I hope that he admonishes himself because he is after all a whip. That was a very disappointing interjection.

I will talk about the public meeting that Senator Colbeck talked about in Torquay on 19 January this year. There were, on my estimate, about 600 people at this public meeting. As Senator Colbeck said, it started in a very small hall and finished with a fantastic, old-fashioned public meeting with a ute, the loudspeaker on the back and 600 people expressing their anger at what had occurred—an old-fashioned town hall meeting which was very exciting for those who were there.

Where was Mr Cheeseman? Was Mr Cheeseman, the current member for Coran-
gamite, there? Was he there to stand up and say: ‘I’m going to do something for the fishers in Corangamite. Am I going to fight; am I taking the government on.’ No, of course he was not. Typical behaviour—there, slinking around at the back of the meeting, was one of his staff members. Slinking at the back of the meeting while the member did not have the intestinal fortitude to front up to those 600 fishers and make it work. That staff member, who is known to me but will remain nameless, then rang the local newspaper, the *Geelong Advertiser*, and said, ‘There are 100 people there, all there for political reasons’—100 hundred people when 600 were there.

Senator Colbeck and others, including Sarah Henderson, the Liberal Party candidate for Corangamite, put together petitions. There were some 8½ thousand signatures on petitions from all over the country and Sarah Henderson did a marvellous job in getting those signatures. I have read some remarkable things in my 16-some years in the Senate and the other place, but nothing compares with the speech from the member for Corangamite in the other place on Monday, 15 March. In this speech there was some remarkable gilding of the lily in relation to the work that he had done in engaging with the local community. He did not engage with anyone. The only time he engaged was when Sarah Henderson, the Liberal Party candidate for Corangamite, started meeting with the fishers and the charter boat operators and talking about this. He then became remotely interested.

It was fascinating. I have never at a public meeting or working with community groups bowled up to someone and said, ‘How do you vote?’ As an elected representative you are not there to ascertain how someone votes; you are there to ascertain whether you can assist in matters of concern to them. In this remarkable speech—and I do suggest that honourable senators get hold of a copy of it because it is quite remarkable—we have Mr Cheeseman talking about his work with Steve Burton, who is the commodore of the Torquay Angling club, and Shane Korth, the secretary of the club. I met both of those gentlemen. I can assure you that I did not ask them how they voted. I said, ‘What can we do to address the issues that you have?’ I did not say ‘How do you vote?’ During this speech Mr Cheeseman was waxing lyrical about the amount of consultation that he had had. Just listen to this:

Today I would particularly like to thank and acknowledge Steve and Shane for their efforts. Steve and Shane worked, I can tell you, but Mr Cheeseman did absolutely nothing.

*Senator Arbib interjecting—*

*Senator RONALDSON—Minister, even you will cringe when you hear this. Hot off the back of Penrith, even you will cringe when you hear this. It was important that government took these decisions as quickly as we could to ensure—*

It was important that government took these decisions as quickly as we could to ensure that Labor voters in those fishing communities could get back to recreational fishing.

What turns this man on? What a remarkable contribution! What about the people who actually do not vote Labor—what about their rights? Where is the absent member for Corangamite when it comes to people who do not vote Labor or people who are not sure how they are going to vote? What is he going to do for them? Nothing at all. He is only there for those people who apparently commit themselves to the cause. Is it any wonder that this man has probably two to five
months left in this parliament? He is a blow-in to Corangamite. He is actually from my home town. He has no association with Corangamite. He is a man who in 2½ years has constantly proved that he has no association with Corangamite at all.

Again there is all the flapping around, but guess who delivered on the Winchelsea to Colac section of the Princes Highway on Friday? It was Tony Abbott and Sarah Henderson, the Liberal Party candidate for Corangamite. Sarah Henderson, the Liberal Party candidate for Corangamite, has put on the map the Princes Highway from Waurn Ponds to Colac and that will be duplicated after the current section is completed. There is $20 million of real money there to make sure that the planning and the acquisition is dealt with. I have a bit more to say on this after 6.30 because this story is yet to unfold and it is still to be told.

Sitting suspended from 6.30 pm to 7.30 pm

Senator RONALDSON—I am not too sure whether I mentioned before the dinner break that Sarah Henderson is the Liberal Party candidate for Corangamite. If I did not, it was most remiss of me. She most certainly is. I am not too sure whether I mentioned that the current member for Corangamite, Mr Cheeseman, only makes decisions for Labor voters. If I did not mention those things it was most remiss of me and I am sure that Sarah Henderson would not be happy if I did not mention her name. I was a bit distracted by the intervention of Senator O’Brien before the break. I did get off script a little bit in relation to this matter, but I had to thank Senator Colbeck for his fantastic work on behalf of the recreational and commercial fishers.

This bill is the perfect microcosm of this government’s ineptitude and inconsistency. This is a piece of legislation for which there should never have been any need. We are now debating an unnecessary fix to an unnecessary problem created by an unnecessary regulation imposed by an unnecessary minister of a useless government. It is the product of a government that runs on theory over reality, a government that values the hypothetical over the practical, a government so detached from the everyday concerns of everyday people that it just keeps mucking things up. Again, when you look at someone like Sarah Henderson, the Liberal Party candidate for Corangamite, versus Mr Darren Cheeseman, the incumbent, again you see that very much in play.

Let’s look at how this whole sorry business began. Late last year, the unnecessary Minister for Environment Protection, Heritage and the Arts announced an unnecessary ban on the fishing of mako and porbeagle sharks. Why did the minister take such action? It seems these sharks were placed on a list of endangered species by the United Nations. There was very good reason to protect the mako and the porbeagle in the Northern Hemisphere. According to my friend and colleague Senator Colbeck, in the Mediterranean and the North Atlantic these species of shark are indeed under threat. But in Australia these mako and porbeagle sharks are not in short supply. As a matter of fact, in Australian waters they are found in abundance.

There was no consultation with the recreational fishing industry, which generates over $100 million and hundreds of jobs in coastal Victorian communities; there was no consultation with the charter operators whose livelihoods depend on shark fishing; and there was no consultation with the anglers for whom fishing is an important part of life. The shark ban was behaviour in the classic Rudd government mould—arbitrary action taken at the behest of radical interest groups by a minister showing little understanding of...
and even less concern about how this decision will impact on local communities.

Even worse was the initial response to the first signs of disquiet and discontent from Australia’s recreational fishing community—a dismissive response reeking of all the arrogance that we have come to expect from this out-of-touch government. My contacts in the fishing community inform me that the fisheries minister refused to answer shark related inquiries one would think were within his portfolio responsibilities. He is the fishing minister. One would have thought the mako and the porbeagle were probably—at a pinch, I would suspect—within his portfolio. But no, instead of that the office of Mr Burke fobbed off callers to Mr Garrett. That reminds me: I do not know whether honourable senators are aware of it, but Mr Burke actually wrote to Sarah Henderson, the Liberal Party candidate for Corangamite, and said to her: ‘Ms Sarah Henderson, the member for Corangamite.’ This fellow might not know much about fish but, I tell you what, he has channelled the election result. He has picked this four months out. ‘Dear Ms Henderson’—this was to Sarah Henderson, the member for Corangamite.

I know it was deeply embarrassing for Mr Burke but not as embarrassing as this performance was. His office fobbed off callers to Mr Garrett where, not surprisingly, the response was only slightly less obnoxious. Mr Garrett’s office said the minister was ‘too busy’ to take calls from people whose livelihoods were at stake because of his decision. The minister’s staff demanded that all inquiries be submitted in writing, but Victoria’s recreational fishing industry was not put off that easily by the minister’s circle-the-wagons tactics. With the aid of the actual Liberal Party candidate for Corangamite, Sarah Henderson, we organised a public forum to ensure the voices of those concerned by the mako shark ban would be too loud to be ignored.

For those honourable senators who were otherwise detained before dinner, we talked about the fact that there was a massive public meeting of 600 people. Just like in the old days, as I said, a ute pulled up with a loudspeaker on the back and there were 600 very excited people, not one of whom—Sarah Henderson will know—was asked what their voting preferences were. Of course we know that is the modus operandi of Mr Cheeseman and he only supports those who vote Labor. Those voices were heard thankfully as far away as Canberra and the rising backlash over the mako shark ban finally registered with the mindless ministers and the faceless bureaucrats in this capital city of ours.

Was it a new-found desire to protect the recreational fishing industry from being ravaged by this ban, was it highbrow concern for the public interest, or was it lowbrow concern for partisan political interests? I strongly suspect the latter. I strongly suspect this reversal of course on the mako shark ban was undertaken to try to minimise the political damage it was causing to one of Labor’s most marginal electorates. That brings me again to Mr Cheeseman, the member for Corangamite, who has aided and abetted the unnecessary environment minister in his unnecessary folly.

Honourable senators may not be aware that Mr Cheeseman has a long track record of complete and utter subservience to the Labor Party apparatus at the expense of people of the electorate he is supposed to represent. When push comes to shove, Mr Cheeseman has always placed selfishness above selflessness, placing his own personal political interests above the public interests of Corangamite, and the misguided mako shark ban is no exception. When the unnec-
necessary minister for environment protection issued his unnecessary ban on shark fishing, the member for Corangamite was silent. This is of course Canberra’s representative in Corangamite as opposed to Corangamite’s representative in Canberra and as always, as we have come to expect time after time, he said nothing. He was silent at the rising tide of discontent that arose from angling clubs, from the charter boat operators and from the recreational fishing industry. It was only later, when the voices of protest became loud enough to penetrate even Mr Cheeseman’s insular bubble, when they became too loud for even the politically tone-deaf member for Corangamite to ignore, that he decided to react. Again: too little, too late. At that stage he tried to hedge his bets.

I know that there are a number of my colleagues who want to speak, so I will just finish on this note. If ever there were an issue that showed how completely incompetent the current member for Corangamite is, it is this mako shark ban. Rather than getting out and doing something about that, he sat on his haunches until it became too much for him, and at that stage he did something about it.

Senator Conroy—Seriously! If you want to talk about incompetence: two days you sat in front of him and you forgot to ask the real question!

Senator RONALDSON—Hark! I hear an intervention from the minister for freebies who has just come in to make some comments.

Senator Conroy interjecting—

Senator RONALDSON—The minister for freebies can interrupt as much as he likes. If he wants to go out and protect the member for Corangamite, I am afraid that is a reflection on the minister and not on anyone on this side of the House. What we need to see in Corangamite is the election of Ms Sarah Henderson, who has the wherewithal, the background and the interest in the electorate to properly represent the people of Corangamite.

Senator BOSWELL (Queensland) (7.39 pm)—I am sure Sarah Henderson will be a worthy member of parliament, and I wish her all the best.

The government’s respect for the EPBC Act, which we are amending tonight, is nil. The government’s respect for the fishing industry and fishing communities is nil—notwithstanding the intent of this bill, the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010, which I acknowledge is a very small mercy. The proof of both points is in the minister’s outright abuse of the EPBC Act to curry political favour with the Greens at the expense of the wider community and especially at the expense of fishermen, their families and their communities.

In May 2009, the Minister for Environment Protection, Heritage and the Arts declared the Coral Sea Conservation Zone. The zone is one million square kilometres of ocean abutting the Great Barrier Reef Marine Park right out to the 200-mile limit. The minister used section 390D of the act, which provides for interim protection of an area pending longer term protection. Its use implies a threat to the region so great and so imminent as to warrant use of the emergency protection provisions of the act. But, since all existing uses were allowed to continue, a threat that would justify proper ministerial use of the act was not something that was then happening in the Coral Sea. That leaves only a suddenly emerging threat as justification. None was cited, none was mentioned, because none exists. No massive fishing fleet was about to be unleashed into the Coral Sea. No oil exploration program was afoot, planned or even hinted at. So why would the
minister do it, especially when you consider the wider context of the marine bioregional planning process that was in train?

The basis of the process was an assessment of biodiversity in Australia’s territorial waters. An assessment of the values of the Coral Sea was therefore already happening. So why would the minister do it? Why would he also abuse the EPBC Act? It was yet another stunt to get the Greens’ preferences.

The minister wanted to curry political favour in exchange for green votes.

The Pew foundation—an organisation with American roots and American money—and the Australian Conservation Foundation had called for the establishment of what they named the Coral Sea Heritage Park, with a 100 per cent no-take zone. We should look at the Pew organisation. It is an American organisation and it is coming out here and putting its snout right into the affairs of Australia. I would have thought that Americans would have had enough environmental problems of their own to look after, but no. We have got Pew out here interfering with a lot of our marine parks. The park they wanted matched perfectly the boundaries of the minister’s Coral Sea Conservation Zone. Very few people knew about the impending declaration. Fishermen did not. Their communities did not. The wider public did not. But the Greens did. They were in the loop. The ACF met the minister’s officials on 19 March last year. Pew met with them on 14 April last year. No other interest group was given the same consideration. And they got the Coral Sea Conservation Zone, mirroring their Coral Sea Heritage Park. In March this year, they were given further encouragement. The minister declared areas for further assessment in the marine bioregional planning process right up and down the coast. The areas represent the government’s distillation of specific parts of our territorial waters that they want to examine more closely. They are the areas where future marine protected areas will be established. In the process, the minister declared the entire Coral Sea Conservation Zone an area for further assessment.

These two big concessions to the Greens were far from the only big concessions from Labor in the region. I have a map of what I call ‘Greensland’, not Queensland. It shows that the Coral Sea Conservation Zone is just the beginning of the way the Labor Party is courting the green movement and the green vote in Queensland. Starting from the east, on this map of Queensland—or Greensland—you have the Coral Sea Conservation Zone. That meets the Great Barrier Reef Marine Park, which in turn meets the Queensland coast. Then you virtually have the entirety of the Cape York landmass—east to west, north to south—under the wild rivers declaration, which, as the Wilderness Society has noted, will preserve the World Heritage values of the cape. Just as well the Aboriginals are very strong on this issue. The government is committed to putting forward Cape York for World Heritage listing. On the western side of the cape you are back in the water the Gulf of Carpentaria. There you hit the vast areas of the gulf, rich in prawns and mackerel. That is another area up for special examination and inclusion in the marine protected areas. Add the vast area of south-western Queensland that is now slated for wild rivers declarations, and the MPA becomes a map of Queensland.

Labor—state and federal—is providing a never-ending flow of concessions to the Greens. The legislation as a concession to a very small band of recreational fishers is meaningless in the wider context of this government’s approach to non-Green interests. The minister is setting up to dud all the fishermen and all the communities who are going to be impacted by the marine protected areas, which will now emerge sometime after the election. Those MPAs for the eastern and
northern bioregions were to have been public in the middle of this year—around about now—but they have been delayed until next year. The minister was obviously hedging his bets about when the election would be so that he could keep his intentions secret, at least from the non-Greens. That is because the government is set to dud fishermen and their communities—based on a report from a consultancy called Maximus Solutions. I will table that report.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Are you seeking leave to table that, Senator Boswell?

Senator BOSWELL—I will, Madam Acting Deputy President, but I will have to show it to the minister first. The government has had it since last August. It has not been publicly released and it has only recently been provided to a stakeholders advisory group which has very limited access to the government. The guts of the report is that it recommends against compensation or structural adjustment for the vast majority of fishermen and associated businesses that will be affected by the establishment of marine protected areas—right around the Australian coastline. The report suggests there may be a constitutional requirement, under the ‘just terms’ provisions, to provide compensation to native title holders and mining interests. But the only category of fishermen likely to get any support—if the government accepts the consultants’ conclusions—are those who hold statutory fishing rights. That basically means compensation will be restricted to holders of quotas in Commonwealth fisheries. No other fishers or associated industries will get anything if the government accepts the advice.

If you compare that with the way that the former government supported fishers, associated businesses and communities in the wake of the extension of the Great Barrier Reef Marine Park, the meanness of the government is exposed. The bill for the Great Barrier Reef Marine Park extension is in excess of $220 million. I know, because I worked very hard to get it. This mean-spirited and sneaky government looks set to provide very little, and to keep its meanness secret until after the election. And that is unconscionable. The government needs to come clean before the election. It needs to give the fishing industry—commercial and recreational—several key undertakings. It needs to tell fishers clearly that it will engage them in risk assessments to determine what the impact of fishing is in the areas the government is most interested in. It needs to guarantee fishers that once the risk assessments have been done it will then engage in consultation and negotiation about the form of compensation or structural adjustment that will be needed. Above all, it needs to be open and accountable before the election.

In Cairns recently I met a number of fishermen and people associated with the industry from the Queensland sector of the northern marine region, the gulf. The people I met highlighted that what the government is contemplating on this issue is going to have the same sort of flow-on impacts that its mining tax is having. Just as it is not only miners who are being hit by the government’s proposed profits tax, it is not only fishers who will be hit by no-take zones in marine protected areas. In Cairns I met a young mechanic. He employs 12 tradesmen and three apprentices. Eighty per cent of his work is in maintaining the fishing fleet. He does it locally; he flies to Karumba. Closures, no-take zones—even a reduction in effort—could cost his business jobs. I met another fisherman who distributes the mackerel that comes out of the gulf. He is supplying 150 outlets. You are very lucky in Cairns when you go to a fish and chip shop, because you are likely to get fresh Spanish mackerel with your
chips. If the mackerel fishing in the gulf is curtailed or reduced significantly, there goes that fisherman, there goes the distributor and there goes the fish and chips. Then there is the fuel, the chandlers, the truck drivers. The multiplier effect is huge. In a city with a huge unemployment rate of 12 per cent—and I think that is conservative—Queensland and Cairns need that like a hole in the head.

There will be similar impacts in other areas that have been tagged for further assessment. In the eastern zone there is a 13,000 square kilometre area off Fraser Island in Queensland that is not only an important recreational fishery but also an important area for spanner crabs, trawling and line fishing. Going down the coast, there are large areas off the Clarence and Tweed rivers in New South Wales that will also impact on both recreational and commercial fishers. There are areas for further assessment in the northern region covering both Northern Territory and Western Australian fishing interests. The government has indicated that in marine protected areas there will be no-take zones.

A very minor set of amendments that provide an opportunity for continued recreational fishing of mako and porbeagle sharks is welcome, but it does not help the overall situation of the wider restrictions on both recreational and commercial fishing that would emerge after the rapidly approaching election if Labor were to win it. For many reasons, but particularly for the fate of fishers, their families and their communities, I sincerely hope that they do not. I support the very minor concession to recreational fishing in this bill, but I bell the cat on where this government really stands.

Senator MASON (Queensland) (7.53 pm)—I begin by saluting Senator Boswell for all he has done for both recreational and commercial fishers for many years throughout our country. Madam Acting Deputy President, as you know, the opposition supports the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010. It does so after having worked with fishers throughout Australia to ensure that it is no longer a criminal offence under the Environment Protection and Biodiversity Conservation Act for recreational fishers to catch mako and porbeagle sharks.

You might very sensibly ask why any government would wish to make criminal the taking of highly prized sportfish where, as the Minister for Environment Protection, Heritage and the Arts, Mr Garrett conceded, ‘there is no evidence to suggest that mako or porbeagle populations in Australian waters are threatened’. Why would you make it a criminal offence for recreational fishermen to take sportfish that are not threatened in Australian waters? Why would you do that? The reason is pretty simple. The minister, whose passion for the environment I do respect, simply endorsed the Convention on the Conservation of Migratory Species of Wild Animals. His uncritical endorsement of that convention’s priorities, primarily worked out in the Northern Hemisphere, paid no regard to the very different conditions in Australia. Why did this happen? Why were recreational fishers made criminals for catching popular sportfish which are not threatened? I will tell you why: because the minister did not listen, did not consult and, fundamentally, did not understand. ‘Okay,’ you might say, ‘we all make mistakes.’ But mistakes made without consultation are careless, if not callous. Remember that this mistake to criminalise recreational fishers for taking sportfish which are not threatened was made without consultation. That is the fundamental point here and it is a fundamental
point that I suspect fishermen throughout Australia will not forget.

As my friend Senator Boswell mentioned, what we have here is the same pattern of behaviour again from the Rudd government as with the recent Coral Sea Conservation Zone declaration fiasco. Again, there was no proper consultation with stakeholders and local communities, including fishermen, local businesses and Indigenous people, and no thought given to the potential economic impact. Again, all of these problems could have dissipated and been resolved if there had been consultation, but there was not. In the case of the Coral Sea Conservation Zone declaration, the government did not even follow the established processes in arriving at their decision. Instead of simply declaring another conservation zone, the government should have followed the process of the Eastern Marine Bioregional Plan, which includes consultation with stakeholders on specific issues and activities, workshops and public meetings to provide updates on progress and to discuss and seek feedback on planning approaches. In addition to these workshops, targeted consultation should be undertaken on specific aspects of the planning process. That is the process under the Eastern Marine Bioregional Plan that the government should have followed. If they had done that, the problems outlined by Senator Boswell before would not have emerged. You would not have the community outcries in Northern Queensland that Senator Boswell has outlined if the government had consulted. Did they consult? No, they did not. Why didn’t they?

It is a good question. The reason the government did not consult had nothing to do with the fishermen, the Indigenous communities or the stakeholders in North Queensland because we now know that the impact on the Coral Sea Conservation Zone was virtually nil. The fish taken was minute. There was no impact on the environmental zone at all. That is all the evidence. So why did the government do it? You might scratch your head, Madam Acting Deputy President. They were not concerned about the voters in Far North Queensland. They were prepared to sacrifice the voters of Far North Queensland to secure Green preferences in Brisbane, in Melbourne and in Sydney. That is why the Coral Sea Conservation Zone was declared—to tie up Green preferences. No one gave a damn about the voters in Leichhardt, Dawson or Herbert. That was not in contention. It was about sewing up Green preferences in Sydney, Melbourne and Brisbane. What happened? The concerns of the fishermen and others were sacrificed in the unseemly scramble for Green preferences. It is, as my friend Senator Boswell said, a disgrace. All of their interests were ditched in the scramble for Green preferences. The interests of the charter industry, fishermen, marine enterprises and Indigenous Australians were all ditched in the mad scramble for Green preferences.

The current issue before the Senate this evening, exempting recreational fishermen from criminal sanctions, has had a happy outcome tonight, but only because the coalition has consistently applied pressure on the government—and this does not happen too often—and the government has seen common sense; hence, the exemption in the legislation before us that finally gives recreational fishermen a fair go. As my friend Senator Colbeck said, recreational fishermen are an important part of the Australian economy and indeed the Queensland economy, especially in the north. Whether it is the demand for boats, fishing tackle or accommodation, recreational fishers add billions to the Australian economy each year.

Recreational fishermen and their representatives are to be applauded for bringing the government to its senses. In particular, I
would like to applaud my friend Senator Colbeck for his consistent advocacy, for his organisation and for his redemption of recreational fishermen from potential criminal sanctions in this parliament. He has done a wonderful job in pursuing this issue and I think the coalition and all recreational fishermen throughout Australia are very grateful. I commend the bill to the Senate.

Senator FIELDING (Victoria—Leader of the Family First Party) (8.01 pm)—The Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 is a win for common sense. It is an overdue win because this problem should never have arisen in the first place, and when it did arise it should never have taken so long to fix. The government’s reckless and hasty decision to ban recreational angling of mako and porbeagle sharks demonstrates the importance of having a check and balance on the government’s decisions. The government decided to go out and ban fishing of these sharks without doing any of their homework. If they had done their homework and worked with the recreational fishing sector, they would have realised there was absolutely no scientific evidence that this action was needed.

The government did not bother to actually check to see whether these sharks were facing extinction in Australia. If they had, they would have seen that, while under threat in the Northern Hemisphere, the mako and porbeagle sharks are under no such threat here in the Southern Hemisphere. Perhaps it is time to buy the government a globe and teach them the difference between the Northern Hemisphere and the Southern Hemisphere, because they seem to have muddled that up good and proper on this issue. The government did not bother to consult anyone. They did not bother to ask the experts any questions. They just went out and banned the fishing of these sharks and then said, ‘We’ll deal with these consequences later.’

The recreational fishing sector have a good reputation for acting responsibly and ensuring sustainability is at the forefront. It is unacceptable that they were not consulted on this issue prior to the government imposing a sweeping ban on these sharks. Thank god for people like Daron Proudlock and other members of the Game Fishing Association, as well as organisations such as VRFish, Recfish, TARFish and the Fishing and Boating Council. Without these people and their commitment to getting this ban overturned, this legislation would never have come about.

The Rudd government has taken the sword to the fishing sector on a number of issues since taking office, including over the Coral Sea issue last year. Family First did not support the government on that decision and we did not support the government on its original ban on the taking of mako and porbeagle sharks. Family First have always been a party willing to stand up for fishing folk and will continue to do so when they are getting the rough end of the stick from this government. Family First support this bill and hope we can now let ordinary fishing folk get back to what they enjoy without the threat of government sanctions.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (8.04 pm)—On 29 January this year, the Minister for Environment Protection, Heritage and the Arts, the Hon. Peter Garrett, announced the government would be acting to address the disproportionate impacts on recreational fishers that have resulted from the inflexible relationship between a national environmental law, the Environment Protection and Biodiversity Conservation Act, and the Convention on the Conservation of Migratory Species of Wild
Animals, the CMS. The Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 specifically addresses those impacts. As required by legislation, Minister Garrett listed shortfin mako, longfin mako and porbeagle sharks as migratory species under the EPBC Act. The listing became effective on 29 January 2010. This is a legal requirement following inclusion of these sharks on appendix II of the CMS, a decision driven primarily by concern for Northern Hemisphere populations of these species.

The government is aware that the domestic listing of mako and porbeagle sharks has implications for recreational fishers in Australia. The government recognises the social and cultural importance of recreational fishing to many Australians. We also appreciate that much recreational fishing activity is carried out in a sustainable manner—for example, using catch-and-release methods. This bill will address those disproportionate impacts on recreational fishers by providing a narrow exception for recreational fishing of longfin mako, shortfin mako and porbeagle sharks to the offence provisions of division 2, part 13 of the EPBC Act. This means that it will not be an offence to kill, injure, take, trade, keep or move mako or porbeagle sharks in or from Commonwealth waters where that action is taken in the course of recreational fishing.

This bill will not affect state regulation of recreational fishing of these species. The bill does not apply to commercial fisheries, which will continue to be the subject of the ongoing accreditation processes under part 13 of the EPBC Act. The bill does not affect the offences under part 3 of the EPBC Act nor will it affect prohibitions under division 1, part 13 of the EPBC Act relating to listed threatened species should mako or porbeagle sharks be listed as threatened species at any time in the future.

The recently completed independent review of the EPBC Act identified the inflexibility of the legislation when it comes to the listing of species included in appendix II of the CMS, and the limited exceptions to offences is a problem that needed to be fixed. While the government will be responding in full to the recommendations of that review, we think it is important to act separately on this matter because the listing of makos impacts disproportionately on recreational fishers in a way that exceeds our obligations under the convention on migratory species.

The Australian government is committed to and is actively implementing its international obligations under the convention. We recognise that by virtue of their inclusion in appendix II these species require collaborative international efforts to aid their conservation. The changes to the EPBC Act proposed by this bill will ensure that, consistent with our international obligations, international changes to the status of mako and porbeagle sharks will not affect recreational fishing activities in Australia.

The government remains committed to shark conservation measures both domestically and internationally and will continue its active engagement in efforts under the convention on migratory species and in other fora. I thank all of those who have contributed to the debate.

Question agreed to.
Original question, as amended, agreed to.
Bill read a second time.

In Committee
Bill—by leave—taken as a whole.

Senator SIEWERT (Western Australia) (8.09 pm)—by leave—I move Australian Greens amendment (1) on sheet 6110:
(1) Schedule 1, page 3 (after line 15), after item 2, insert:

**2A At the end of section 212**

Add:

(1A) Paragraph (1)(r) has effect subject to the following conditions:

(a) that a plan of management (the *plan*) has been determined under section 17 of the *Fisheries Management Act 1999* for the recreational fishing of the shortfin mako, longfin mako and porbeagle shark fisheries; and

(b) that the plan has been accredited, in writing, by the Minister; and

(c) that the recreational fishing referred to in the paragraph is undertaken in accordance with the plan.

(1B) Despite anything in the *Fisheries Management Act 1999* or any other law, the Minister must not accredit a plan for the purposes of paragraph (1A)(b) unless the Minister is satisfied that the recreational fishing permitted by the plan will not lead to any significant detrimental impact on the overall numbers of shortfin mako sharks, longfin mako sharks and porbeagle sharks.

The Australian Greens also oppose schedule 1, item 8, in the following terms:

(2) Schedule 1, item 4 (lines 31 and 32), item TO BE OPPOSED.

I will speak to both amendments, as they go together. As I was articulating in my speech in the second reading debate, the Greens are very concerned about the impacts of this bill, particularly as the amendments seek to deal only with part of the Hawke review recommendation on how to deal with these sorts of species listed under appendix II of the convention on migratory species.

As I said in my speech, that recommendation had two parts to it. The government are implementing the first part but not the second part, which is a requirement for management plans in the case of a detrimental impact. So the intent behind the amendment is to fully implement the Hawke review’s recommendation in relation to allowing the taking of migratory species listed under the Bonn Convention. The recommendation is that they be allowed to be taken with an appropriate management plan in place, and that is the key here. We are seeking, as I said, to fully implement the aspect of the recommendation which the government claim they are implementing. They conveniently forgot to tell people that they are only implementing the first half of the recommendation, not the second half.

Amendment (1) provides that the new paragraph as referred to in the amendment, which exempts the taking of the mako and porbeagle sharks for recreational fishing from being an offence, is subject to the condition that a plan of management is in place and the recreational fishing is undertaken in accordance with the plan. The plan of management is to be determined under section 17 of the Fisheries Management Act, and this act already has an appropriate framework for developing plans of management for fisheries.

The intent is that the plan would be developed with full consultation with all relevant stakeholders, as happens already. The plan would then need to be accredited by the minister for the environment, and there are similar provisions in the EPBC Act allowing for the minister to accredit fisheries management plans. In other words it would not be up to AFMA; it would be up to the environment minister to accredit the plans. The minister of course could only accredit the plan if the minister is satisfied that recreational fishing permitted by the plan will not lead to any serious detrimental impact on the overall numbers of mako and porbeagle sharks, which is of course fulfilling the second section of the Hawke review recommendation.
on the requirements for management plans to show that there is no detrimental effect. The consequence of the amendment is that for the recreational fishing of the shark to be legal the fishing must occur in accordance with a management plan which has been accredited by the minister for the environment.

I think there has been some slight misinformation about the fact that we were trying to get AFMA controlling all this fishing. The idea is not to do that. The idea is to use the Fisheries Management Act in order to develop the plan but to hand that over to the minister for the environment. So we are trying not to put too onerous a control over the fisheries and not to have AFMA manage it but to put in place a recognised process for preparing fishery management plans for a fishery. As I also articulated in my second reading debate speech, contrary to what the government is saying there is no sufficiently reliable data about the population status of these three species—remembering that we are talking about the shortfin and longfin makos and the porbeagle shark and that there was a clear decision under the convention to list the three species globally, not regionally, not because of Mediterranean numbers but because we do not know the population of species globally. As I also articulated, the Indian Ocean Tuna Commission and the west Pacific commission’s recent plans have indicated some concerns about the status of these three species.

We believe this is an important amendment that further enhances fisheries’ management measures for these species. I was pleased with and I thank the coalition for their support for our amendment on research and data collection programs and the resourcing of those, which I think shows some support for the fact that we need better data collection programs. I thank the coalition for that.

Amendment (2) opposes the provision of the bill exempting recreational fishers who take mako and porbeagle sharks from the requirement to notify the secretary of the take. Notification provisions are important to determine the effect of the amendment. I have already discussed the lack of data and the notification allows for the collection of data about the numbers of sharks being taken. We believe the management plan should, as a process, require the collection of that data. This supports that management plan.

These are two separate amendments. I thought it was preferable to address them at the same time because they work together around the fact that we believe there needs to be better management planning. These amendments could have a significant impact on these shark species. We know they are threatened and vulnerable, depending on which of the three sharks you are talking about. These amendments put a level of management over the take, which is an insurance mechanism to ensure that these species are not pushed to the point where they are severely threatened. The amendments are implementing the recommendations of the Hawke review. In fact, it was one recommendation. It was not even a two-part recommendation. The government has taken the first sentence but not the second sentence and has implemented that. I know that Senator Colbeck said that it is a short-term measure, but my dealings with short-term measures are that they usually end up being long-term measures. I have very severe concerns about (a) the precedent and (b) its not implementing the Hawke report. The government cannot say it is implementing that Hawke report. I ask the chamber to support these amendments. We think they provide a level of necessary management protection that can be afforded to these three species.
that are vulnerable and threatened globally and regionally.

Senator COLBECK (Tasmania) (8.16 pm)—I make a couple of very quick points in response to some comments that Senator Siewert has just made but also that were made in speeches in the second-reading debate. It is true to say that the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 is a result of the listing of sharks under category 2 of IUCN and it is important to note this listing category does allow for continued recreational fishing of these species, as Senator Siewert has said, under a management plan. One thing that is worth stressing at this point is that there are management processes already in place in state fisheries in relation to these sharks. It is not as if we are going to a situation where it is carte blanche, it is open, and there are no management processes in place. There are. In my view, my conversations with recreational fishermen who exceed the requirements of those current management plans—in other words, they are prepared to do more than the management plans demand—demonstrate their responsible approach to this.

I note the comments of the Minister for Broadband, Communications and the Digital Economy in his summing up on the second reading that there is a significant impact on the recreational fisher, yet the report that was given to the minister anticipated that the cost on most sectors would be minor. So the government did not even know what it was doing when it put these measures in place in the first place. Through the representations it has received, the government has at last understood what is going on. Like Senator Siewert, I would have preferred to have seen this resolved properly, particularly in accordance with the recommendations of the Hawke review, which would have recognised the difference in Australia’s legislation between category 1 and category 2 listings and the processes that go with that. Unfortunately, the government has made its decision, and we have to recognise that it is within its purview to deal and respond to the Hawke review as a whole. It would be nice to see the response to that. There are a lot of people who are waiting to see that. But in this circumstance there are management processes in place that adequately protect the species, along with the measures that the fishermen themselves take.

Another comment that Senator Siewert made in her speech in the second reading debate was about the distances and interactions of species. There is no evidence to demonstrate that these species migrate even between continents in our region, let alone more broadly. All of the fish on which I have seen the results of tagging and monitoring over a long period of time—441 days in the case of a couple of the fish—effectively confined themselves to the Australian coastline. I support further research, as indicated by our support for the second reading amendment, and I am sure it will be explored further. I know that research has already commenced. There are proposals on the table right now that are already being discussed between the government and recreational fishers to resolve this. I commend the government for taking that action and wholeheartedly support it. I hope that they are encouraged by the motion that we have just passed to provide some reasonable resource to do that.

To finalise my comments, for those reasons and for those that I outlined in my speech in the second reading debate we will not be supporting the amendments from the Greens. We sincerely believe that there are enough procedures in place to manage the process as it is, but that is not to say that we do not support, with the benefit of better sci-
Scientific information, the development of those management plans in due course under the processes that will prevail through the legislation.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (8.21 pm)—We are opposing the amendments. The recently completed independent review of the EPBC Act identified the inflexibility of the legislation when it comes to the listing of species introduced, included in appendix 2 of the convention, and the limited exceptions to offences is a problem that needed to be fixed. While the government will be responding in full to the recommendations of the review, we think it is important to act separately on this matter, because the listing of makos impacts disproportionately on recreational fishers. The government will be working with fishery managers to improve data on mako and porbeagle sharks in Australian waters in order to ensure that we make future decisions about these species based on the best available science. The department will be working with other jurisdictions to collect, collate and analyse mako and porbeagle shark catch data from both the recreational and commercial sectors.

The TEMPORARY CHAIRMAN (Senator Moore)—The question is that Greens amendment (1) moved by Senator Siewert be agreed to.

Question negatived.

The TEMPORARY CHAIRMAN—The question now is that schedule 1, item 4 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (8.23 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE REFORM AND REINSTATEMENT OF RACIAL DISCRIMINATION ACT) BILL 2009

Second Reading

Debate resumed from 25 February, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator FIFIELD (Victoria) (8.24 pm)—I rise today to speak on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. This bill will see income management extended across the whole of the Northern Territory. I want to be clear at the outset: the coalition support income management. Indeed, the coalition introduced the income management arrangements currently in operation, which have been highly successful and highly effective. The welfare-quarantining system introduced by the coalition as part of the range of measures that formed the Northern Territory Emergency Response immediately restored economic certainty and security to families and formed part of our direct response to violence against women and children, child poverty and child abuse. Our measures delivered substantial benefit.

Whilst this bill seeks to extend income management across the Territory, it limits the circumstances of its application. The bill in its current form does not broaden income management, as the government is saying, but is in fact a watering down of the meas-
ures currently in place. Whilst expanding the geographical area, the specific categories of welfare recipients that can be included, even with the opt-in option, will see income management in practice be applied in more limited circumstances than at present. It will limit income management for those aged 15 to 24 in receipt of youth allowance, Newstart allowance, special benefits or parenting payments if they have been in receipt of a payment for more than 13 weeks in the last 26 weeks; for those aged 25 and above but below pension age who have been in receipt of welfare payments as previously mentioned for more than 52 weeks in the last 104 weeks; and for those people assessed by social workers or Northern Territory child protection workers for reasons including a vulnerability to financial crisis, domestic violence or economic abuse.

The bill does provide some exemptions for the identified welfare recipients, namely where they can demonstrate a record of responsible parenting or participation in employment. But the ability for social workers to adequately service the whole of the Northern Territory and for each individual to be assessed on a case-by-case basis raises a number of questions. This is aside from this approach being more costly and less efficient than the universal approach. Neighbours in receipt of the same payments could now find themselves categorised differently. One neighbour could be found at risk and another exempt. This could lead to a number of unintended consequences. Such distinct differences within a community are likely to see an increase in humbugging occurrences.

Vulnerability in many instances will be determined by social workers and child protection workers. While child protection is generally a state and territory matter, the experience of the states and territories suggests that this is an inadequate system, with such workers being overly cautious because of legal ramifications. Moreover, the bill retreats from the clear evidence of widespread vulnerability of women and children.

The coalition deplores the government’s watering down of protections for Indigenous communities. The watering down of current arrangements will jeopardise the economic security of women and children who are currently benefiting from financial stability. Humbugging will return. The impact on the people of those communities will be real.

When the Senate Standing Committee on Community Affairs inquired into this bill, many of the witnesses that gave evidence to the Senate committee opposed any form of income management. But there was one issue that they broadly agreed on—that a legal challenge to the entire framework was indeed a real possibility. Suzan Cox QC, Director of the Northern Territory Legal Aid Commission, also thought a legal challenge was possible. She said:

If the RDA is reinstated, a lot of the laws remaining are discriminatory—for example, prohibitions on alcohol and other materials in particular areas. So we have those sorts of issues.

The Law Society of the Northern Territory also suggested a challenge was likely, noting in their submission that:

We are not sure that the measures will in fact comply with the Racial Discrimination Act if they continue, as they are likely to constitute indirect discrimination at the very least if they have a disproportionate impact on Indigenous people.

Indeed, I could go on, drawing upon evidence from expert after expert. But the message is the same: this bill may be challenged.

We are not sure that the measures will in fact comply with the Racial Discrimination Act if they continue, as they are likely to constitute indirect discrimination at the very least if they have a disproportionate impact on Indigenous people.

The government have finally woken up to the fact that income management is sensible and prudent and that it is good policy. But
this bill is dominated by a style of thinking which is always more prevalent the closer you are to capital city GPOs. On one hand, the government want to water down the current arrangements but, on the other, they want to be able to roll out a national welfare quarantining system. The bill will provide a future framework for income management to be applied in other parts of Australia. Schemes and programs of this nature should be constantly monitored and evaluated so that, where necessary, improvements can be made and where there are successes we can build upon them. Given the proven effectiveness and success of the income management system we introduced when in government, the coalition recognises the importance of introducing welfare quarantining beyond the Northern Territory.

I will turn for a moment to the government’s disappointing delay in having this legislation debated in seeking to have it pass through the Senate. On 15 March this year the coalition announced that it would support the bill and since then, despite being listed on several occasions, this bill has not been brought on by the government for debate. The government has been sitting on its hands on a very important piece of legislation. But that did not stop the Prime Minister last week. He decided to hold a press conference and to tell the Senate, in effect, to get out of the way. I quote the Prime Minister from his press conference with Jenny Macklin on the 16th:

But from 1 July this year, depending on the deliberations of the Senate, these welfare reforms will commence in the Northern Territory and across the entire community within the Northern Territory.

He continued:

Therefore the challenge is pretty simple. We’re either going to be fair dinkum about welfare reform in this country, which means the Senate passing this legislation this fortnight so it can come into effect as of the first of July. No delays, no stuffing around, get on with it.

Them’s fighting words—if the Senate were actually the obstacle, but the obstacle to getting this legislation passed was not the coalition, it was not the opposition and it was not the Senate. It was the government, for not listing this legislation in a position where it could be debated. We had a spate of press conferences last week where every problem under the sun, every problem in the universe, was the fault of the Senate, such as the paid parental leave legislation. The only problem is that the Senate was not opposing it. Indeed, the Senate passed it, and the same is true of the welfare quarantining legislation. The Senate has been sitting here ready, willing and able to address it. It is another case of Mr Rudd saying, ‘Don’t look at me—look over there,’ but in fact there was nothing to be seen over there. But we know why the Prime Minister does this: because he does not want the public focusing on his government. I will not go through the many backflips, the many failures or the many bungles, because I think that at this time of night it would be a little too tedious for you, Madam Acting Deputy President, so I will spare you from that.

But the Prime Minister was not on his own. The member for Jagajaga could not help herself, and even today in an opinion piece in the Australian she tries to draw an inference that Labor have in some way fought long and hard for this reform. Ms Macklin has little credibility in this area and, rather than attempting to mislead those who read the opinion piece in the Australian, she should work harder to fix the problems associated with Indigenous housing, which is in her portfolio. But I digress.

The coalition opposed this bill in the House, but it did so because of some real concerns that it held at that time. Since then the coalition has also seen concerns aired in
the Senate inquiry. This bill is far from perfect. It gives rise to some cause for concern and may indeed lead to a successful legal challenge, but the coalition will not oppose a bill that will enshrine a framework for a national system of income management. Therefore, as the government has known since 15 March—and indeed as the government had confirmed through the Leader of the Opposition’s chief of staff in the days prior to the PM’s press conference last week—the coalition has decided on balance to support this bill in the Senate.

Senator SIEWERT (Western Australia) (8.34 pm)—The Greens oppose the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. We opposed the Northern Territory Emergency Response. We opposed that process and we oppose this flawed bill. There is no proof that income management works. There is no hard evidence at all. To claim that this is implementing successful policy is absolute nonsense. The only hard evidence that is there is that income management does not work. There is evidence from the Australian Indigenous Doctors Association that shows the negative emotional and social impacts that it has on communities. There is statement after statement from local people in the Northern Territory about the negative impact of income quarantining.

There is the report from the Menzies School of Health Research—and, by the way, if the government had paid as much attention when going through the details of their own evaluation process as they did when nitpicking the Menzies School of Health Research report, or had put in place a proper evaluation process in the Northern Territory intervention, we would not be standing here debating this bill right now because they would know their legislation is flawed. They would know there is no evidence to show that income management works. The government’s own six-month progress report shows that. The intervention has been in place three years today, and yet the government’s own report, released last Saturday, the 19th, shows this. For the second report in a row—that is 12 months, folks—child malnutrition is up, despite 88 licensed stores and 16,695 income management customers. This was supposed to be about the children. How come malnutrition is up?

On crime, we have increases in sexual assault reportage, convictions and reports of child abuse.

All personal harm incidents, besides armed person and sexual assault, are up with some, such as attempted suicide/self harm and mentally ill person, increasing quite markedly …

I am quoting from a report on the progress report released today by Jon Altman on crikey.com.au. It goes on:

It is emphasised (page 52) that increases in reported crime are likely to be associated with increases in police numbers and may be associated with improvements in community safety. This may be the case, but for attempted suicide and mental illness?

Why are those up when we are supposed to be addressing underlying causes of disadvantage in these communities? It is not working and I can give you quote after quote from people who talk about the way it has disempowered them. In the words of an Aboriginal community member:

It is taking away our self-management and autonomy, disempowering us. People are feeling pain in their hearts. There seems to be nowhere to go and all the road seem to be blocked no matter which way we turn.

I have quote after quote after quote. These bills do not fully restore the application of the RDA to the Northern Territory Emergency Response, which took away the coalition’s only real reservation about this legisla-
tion—they did not want the RDA fully restored, but do not worry: the legislation does not do that.

The bills present a fundamental and unacceptable shift in social security policy in this country. There is no hard evidence to support extending income management to vulnerable communities across Australia. The government have not consulted properly in the Northern Territory despite their claims that they have. It was a flawed process and you have only to read the reports from there to see it was a flawed process. There was no fully informed prior consent to any of this from those communities in the Northern Territory.

The Rudd government do not have a mandate for these sweeping social security reforms, which are in direct contradiction to the policies that they took to the last federal election. They took to the Australian community a policy about social inclusion. This is the very opposite—it excludes people. As for the farcical claim that this increases people’s dignity, please! Have you spoken to any members of the Aboriginal community in the Northern Territory? Have you spoken to them about how having control of their finances taken away, queuing in a separate queue and having to turn up at Centrelink to get permission to spend their money on, say, a washing machine or a fridge infringes their dignity? Have you heard them talk about the shame they feel about income management? Have you heard them talk about going back to the ration days? No, probably not. The minister trots out claims that, ‘It reduces humbug—I’ve spoken to women that say they like it.’ Good—they can use voluntary income management. I have no problem with that. I do have a problem with their taking a failed experiment in 73 communities in the Northern Territory that is discriminatory by its very nature—and we know that because the previous government had to exclude it from the operation of the Racial Discrimination Act—and then all of a sudden making it acceptable because they are going to roll it out across the rest of the Northern Territory and then across the rest of Australia. That is simply increasing discrimination. We have had advice from human rights lawyers that laws based on a law that is initially discriminatory make that law discriminatory.

That takes me to the farce that we are restoring the Racial Discrimination Act. For a start, the government is claiming that the intervention measures that will still be in place are suddenly special measures. For them to be special measures, for a start you need fully informed prior consent. They do not have that—strike one. There is supposed to be positive discrimination—these are not positive measures, they are discriminatory measures. They still take people’s land from them, they still put alcohol restrictions in place and they still carry out all the other functions that are listed under the Northern Territory intervention. So, for a start, they do not meet the requirements of ‘special measures’.

Then, of course, the NTER is newer legislation and if it comes to a conflict with the older legislation, the RDA, then the new legislation overrides the old legislation because there is no ‘notwithstanding clause’. Again, the RDA is not fully restored. So what had the opposition temporarily quaking in their boots because the RDA was going to be restored is nonsense, because it is not going to be restored. The committee had advice after advice after advice to say that. So that is that argument out of the way.

On the claim of its having a positive social agenda and being aimed at inclusion, it is the most socially exclusionist policy and legislation that this government could have come up with. Again, that is absolute nonsense. The minister claims that it has community
support and she can name about three organisations. When I looked the representatives of the Brotherhood of St Laurence in the eye at the community affairs committee inquiry into this and asked: ‘Do you support compulsory income quarantining?’ they said: ‘No, we couldn’t go that far, Senator.’ No community based social justice organisations support this legislation—for instance, the Australian Council of Social Services do not. By the way, apparently I have scared them all into thinking that this is bad legislation. They all think this because the Greens say so. Give every single peak organisation in this country some credit for the years of work they have spent in these communities and other communities around Australia.

The minister conveniently nearly always talks about the Northern Territory when talking about this legislation and says I was scaremongering when I talked to West Australians about this legislation, as if this legislation will never affect them. For a start, we already have a form of income management in WA, so why would the community not think the government may bring in other forms of income management to WA? Secondly, this legislation is Australia-wide legislation, a punitive, discriminatory approach to broad classes of people because they happen to live in disadvantaged areas.

Most Australians do not know this yet, because the government have framed this debate around removing the discrimination in the Northern Territory. It does not just do that. It expands the discriminatory approach, first off to the Northern Territory, where it may be in place for two years and where the government will put in an evaluation process—which, by the way, they have not quite done yet and which they have not managed to do for three years. Their evaluation process is this: ‘Let’s ask the people who are already subject to income quarantining whether they think their kids have put on weight or are eating more.’ When half of the 76 people they have asked—of the over 15½ thousand people who are quarantined—say yes, they say that that means that income management is working. And when you ask the people whether they have reduced their gambling and whether this was because of the intervention, and they think, ‘They are saying we gambled too much, so of course I’m going to say I have reduced my gambling,’ then that is another tick for income management. There is no quantitative data whatsoever.

Then the government comes out and runs the line that the Australian Institute of Health and Welfare approves this and says income management works. Oh no, they do not. In fact, when I asked in estimates, the institute said that it refused to be involved in the first part of the evaluation because its ethics committee said not to. Yet that is suddenly a claim that income management works. But, to get back to the story about rolling this out across Australia, we supposedly have this evaluation process in two years time—which is not in the legislation, by the way—and then we will think about where else we are going to roll it out across Australia. This legislation applies to everybody, potentially—to all regions across Australia. If there is a change of heart by the government, or if there is a change of government, they can apply this any time. It could be coming to your neighbourhood any time following the passing of this legislation.

Australians will then know what their parliament has done. They will know that the parliament has agreed that, if you are a single parent under 25 who has been on income support for a period of time and you live in an area that has been designated as a declared area, you will be subject to income management whether you are a good parent or not. If you are over 25, it is a slightly longer period, but you will still be subject to
income management whether you are a good parent or not. If you have been on Newstart, you will be subject to income management regardless of whether you meet all your participation requirements or activities. And why is that? Because your sole crime is that you are unemployed or you are on income support—and if you are on youth allowance it is the same thing—and you live in that area.

The government knew that they could not extend it to age pensioners as well, so they invented another class called ‘vulnerable’. So, if you are vulnerable, Centrelink can put you on income management. This is a nice little catch-all, by the way, to go back to the Northern Territory. If you are on the age pension in the Northern Territory and you are in the 73 prescribed communities, the government do not really want you to come off, so you will be described as vulnerable because you might be subject to humbugging or you cannot manage your financial affairs. To find out who will be vulnerable, you just have to look at the list that the government has put out in the exposure draft of the guidelines. It is a catch-all for anybody that they want to class as vulnerable and can put on income management. It includes things for which you would normally go to Centrelink for advice. If you are having trouble paying a bill or having a bit of trouble with financial management, you put up your hand to Centrelink to get some advice and ping! You are income quarantined because you have sought advice from Centrelink. You are classed as vulnerable.

A declared community can be a postcode, a suburb, a town, a region, a territory like the Northern Territory, a state or, in theory, anywhere. All it has to do is go through a regulation through this chamber. And, with the coalition and the government supporting it, do you think anyone is ever going to say, ‘No, that poor area’? That is what they will pick on: ‘That poor area can be income managed.’ So, as I said, just because you live there and you are on income support, you will be subject to income management. Income management has not been proved to work at all. It has been proved that it has negative impacts. It has been proved that it has poor social and emotional outcomes. It has not been proved to increase the purchase of fresh fruit and vegetables, because they did not have any baseline data in the NT. I will acknowledge that there is now more fresh fruit and vegetables in stores in communities—but that could have been brought about in a far better way than bringing in a Northern Territory Emergency Response that takes away people’s rights and is a discriminatory, top-down, punitive approach. And did I mention it is paternalistic? But the government does not have any baseline data to show whether it is income management or whether actually stocking fresh fruit and vegetables means that people can purchase them. My experience in community is that, if they have fresh fruit and vegetables in the stores, people will buy them.

You have only to go to the website to look at the submissions to the Senate Standing Committee on Community Affairs’ inquiry into this bill to see the number of organisations who oppose this legislation. They oppose it because it is top down and it is not proved to work. It takes away people’s decision making by not including community in the decision making. The Australian Council of Social Services says:

The primary and proper role of the social security system is to reduce poverty by providing adequate payments and supporting people into work. Appropriate activity requirements to assist people into employment are consistent with this objective. Compulsory income management which does not increase payment levels and removes individual autonomy does not further this objective. Rather, it locks people into long-term dependence on others to make financial decisions
for them without enabling them to manage their finances independently.

Catholic Social Services also agree. They believe that:

Adequate income support is an entitlement. It should not be a tool for governments or public sector managers to grant, withhold or modify in an effort to achieve 'outcomes'. Increasingly, it seems policy makers regard the right to income support as itself a cause of disadvantage and as an impediment to the efficient and effective pursuit of policy goals.

Anglicare make the same sort of statements. The National Welfare Rights Network has similar concerns. The Australian Council of Trade Unions Indigenous Committee has similar concerns.

The list of organisations opposing this legislation is extremely long and the list of those supporting it extremely short. This is not good social policy. The NTER is a failed top-down punitive, discriminatory approach which the government is making worse by keeping the intervention in place. This legislation is solely about keeping the intervention in place. It is taking the opportunity—as most Australians do not know this is coming to a neighbourhood near them—to keep the NTER in place. It is about slipping in place the most fundamental reform to our social security system in decades—basically since the Second World War. It is taking away the inalienable right to income support in this country.

The government should be ashamed of itself. The coalition has been dreaming of getting this policy in place for years, and you are now facilitating it. We will never get it changed. You wait until the people in the communities out there realise what you have done and how you have fundamentally changed our social security system, how you are demonising people and saying this is because single parents and those on income support gamble all their money away, they take drugs and they drink. That is just terrible. The Leader of the Government in the Senate said those things in this place when I asked him a question. He implied that people on income support cannot manage their income and do not look after their children.

You should be ashamed of yourselves. This is poor legislation. It is lazy legislation instead of addressing the underlying causes of disadvantage, instead of actually helping Aboriginal people into meaningful jobs. We just saw the latest employment figures for Aboriginal people and they have got worse. The CDEP has changed and so these are multiple hits to the Aboriginal community in the NT.

This legislation is not just about the NT. It is not just about the Racial Discrimination Act much as this government likes to say it is. It is about fundamental change to our social security system in this country and it should be opposed. The Greens are the only party in this place that is opposing this draconian legislation and we are proud to oppose it. I am ashamed that an Australian parliament could think that this is the right way to go, that the people in this place think it is okay to demonise those on income support and that this is the way you get them off income support. It will not work because it has not worked in the NT—the indicators have got worse not better and we spent billions—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order, Senator Siewert! Your time has expired. Do you wish to move your second reading amendment now?

Senator SIEWERT—by leave—My second reading amendment seeks to put off any further debate on this subject until the Greens’ bill has been dealt with. I move:

At the end of the motion, add “and further consideration of the bill be made an order of the day for consideration after the Senate concludes its consideration of the Families, Housing, Com-
munity Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009”.

Senator BOYCE (Queensland) (8.55 pm)—I would like to briefly speak on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009. I genuinely acknowledge the deep knowledge of Indigenous issues and the untiring advocacy of Senator Siewert in this area. I would also have liked to have had the opportunity to acknowledge the abilities and experience in this area of the government senators involved in the Senate Standing Committee on Community Affairs that inquired into this piece of legislation. Unfortunately, I cannot because the government has chosen to have no speakers on this bill.

One could get the impression, as Senator Fifield mentioned earlier, that this was because there was so little time to debate this matter. However, once again we have empty rhetoric from the government. I was looking through the notes of the dissenting report that the coalition senators did on this legislation. The date of that report, the date it was tabled, the date it was ready for anyone who chose to proceed with the legislation was 10 March 2010—more than a month or two ago. I would have thought—more than enough time to the government to have put it on an agenda and debated it in a serious and real way if they chose to. Instead, once again, we see their inability to schedule or to implement a legislative program. They have come up with this rushed effort at the end with no serious debate on what is a very serious issue.

I want to speak briefly about the hearings that were held by the community affairs committee into this legislation and related legislation. As Senator Fifield noted earlier the coalition does support income management. The coalition introduced income management. I would remind people of the name of the program under which income management started. It was called the Northern Territory Emergency Response. There was no joy in introducing that program. There was no joy in the reasons for introducing that program but certainly in the genuine view of the coalition members dozens and dozens of different programs had been tried over the years and had failed.

I remember speaking in this chamber probably two years ago now on the Little children are sacred report where there were hundreds and hundreds of examples of dysfunction within families that were beyond belief for most Australians. One story that stood out for me as emblematic of the situation faced by many people in Indigenous communities was the story of a two-year-old girl trying to encourage a four-year-old boy to come and play with her in the way that children do all over the world by sort of gesticulating to them to come and play. Except her way of doing this was to lie on her back, spread her legs and gesticulate at her crotch. What life has a two-year-old child lived if they think that is a normal way to encourage social interaction?

If this were a one-off story out of that report, you would address that particular issue but it was not one off. It was part of a total story of, in many cases, great social dysfunction. There is great leadership in many of our Indigenous communities but it is tired leadership, it is harangued leadership by many other members of their own communities who are dysfunctional.

Many of you will have seen the reports coming out of the Australian Crime Commission last week on organised paedophilia in some Indigenous communities—not in the Northern Territory—where power and paedophilia over local residents went hand in hand. The Northern Territory Emergency Response was just that—it was an attempt to change, to fix, the many, many efforts that
we as coalition and Labor governments have made at state and federal levels over many, many years and have failed to do.

Certainly, the coalition supports income management and hopes desperately that it is going to lead to a better outcome. Yes, the coalition thinks some of the evidence that has already been produced suggests that there are good news stories coming out of that. If you look at the report of the Northern Territory Emergency Response, which refers to the increased incidence of sexual abuse, non-school attendance et cetera, you are looking not at increased incidents but at increased reporting of incidents. Finally, someone is paying attention. Finally, someone is collecting some of the data so that we can, as time goes on, actually improve and develop the policies that will mean the people do not need income management, that the leaderships in the communities are strong enough and supported enough by healthy, educated individuals which will mean that the scumbags, for want of a better word, who control some communities are driven out or ostracised by the others in those communities.

As I said, the government has said much about income management. We listen to the Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin, attempting to suggest, along with the Prime Minister, that somehow this legislation has been held up by the coalition, but let us look at the government’s rhetoric surrounding the potential expansion of income management arrangements and see it for the hollow commitment that in many ways it is. The government has proposed extending income management only in the Northern Territory for now. There will be an evaluation and, as Senator Siewert says, we do not know where, how or by what process, but the idea is to have an evaluation in two years or so time so that the minister can decide where and whether to apply the system elsewhere in Australia. If the government were genuinely interested, as they say, in seeing racial discrimination taken out of this legislation, then they would apply it immediately to all areas of Australia where they thought it would be helpful and useful. Instead, they have not done that. They have had this little Clayton’s effort and decided they will give it a go in the Northern Territory and then decide what to do by a process that no-one knows anything about as yet.

The other very disturbing aspect of this bill is that the government have, by reinstating the Racial Discrimination Act, brought into question the whole basis for the process that was carefully introduced, after legal advice, by the previous government. The whole point of exempting the Northern Territory Emergency Response from the Racial Discrimination Act was that the Northern Territory Emergency Response was seen as a special measure. Under international law, for this to be seen as a special measure it had to have the purpose of advancing the welfare of the people that it was directed at. That was certainly the intention and I think to date has been the outcome in certain areas of the application of income management.

When you look at the evidence that was given to our Senate inquiry into this matter way back in February and March this year, there was a great deal of comment on the point that this legislation would now become more likely to be challenged in the courts and more likely to lead to a successful challenge in the courts. We should note that there has not been a successful challenge in the courts under the legislation that was introduced by the coalition. I hesitate to say that the people who gave this evidence were supporters of the Northern Territory Emergency Response legislation as it stood. They were not. They wanted income management gone completely. Nevertheless, they agreed when
asked whether this change of exempting it from the RDA would open up a legal minefield. Dr Robyn Seth-Purdie from Amnesty International Australia said:

As for challenging, let the RDA reinstatement come in so that it can be challenged and then we can sort it out in the courts. That is a risk because it is not beyond doubt that if the RDA exclusions are removed from the Northern Territory intervention legislation the RDA would prevail over a statute passed subsequent to it. Conflict of law doctrine: the later statute prevails.

Another witness, Mr Jared Sharp, from the North Australian Aboriginal Justice Agency, who certainly was keen to see all the measures of the Northern Territory Emergency Response removed, commented:

What we would be challenging is the designation of the measure as a special measure based on, for example, the fact that for a special measure to be a special measure there needs to be this demonstrated necessity. In our submission that does not appear to be the case. Similarly, it needs to be the case that the government can demonstrate that the measure is for the sole purpose and advancement of the targeted group. Again ... we say that we do not feel that that has been the case.

Dr Pritchard of the Law Council of Australia, speaking on the potential for recourse to the UN Racial Discrimination Committee, said:

It would depend on the full reinstatement of the Racial Discrimination Act in the first instance. It would also depend on the interpretation by the court of interaction between the NTNER legislation and the Racial Discrimination Act. It would also have regard to whether or not an amendment ... were enacted. And then it would ultimately depend on whether the question were justiciable or not, and that would be a matter that would need to be determined by a court. In the event that no remedy were available domestically, then there would be recourse to the UN racial discrimination committee.

I would like to conclude my remarks there, but I will summarise by making the point that if there has been any delay whatsoever in bringing this legislation to a vote it has been on the part of the government. The report on what the legislation said, the report suggesting what amendments the coalition believed could be made to improve it, has been available for the government since March this year. There has been no dillydallying on the coalition’s part, because we believe that the Northern Territory Emergency Response and the income management that is part of it are crucial factors in trying to do what this parliament, this house, the government can do to assist Indigenous Australians whether they live in the Northern Territory or anywhere else in Australia.

**Senator XENOPHON** (South Australia) (9.08 pm)—As I said earlier today, time is more precious than usual in this last sitting week before the winter break and possibly an election, so I will keep my remarks brief. The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 is a very important piece of legislation and, I acknowledge, a quite controversial one. I agree that there is a fine line between respecting people’s rights and acknowledging people’s responsibilities, and I agree that when it comes to issues raised in this bill we need to be aware of all the circumstances and possible consequences that may occur. There is no question that adults can, do and should make decisions for themselves: where they go, what they eat and how they spend their money. However, when a person’s ability to make good decisions is obscured by drug, alcohol or gambling addictions, and when children, vulnerable people and the safety of the community are at stake, that is when we as a parliament need to step in. As a society, it is our responsibility to make sure that people who need our support receive it. Sadly, a reality that we cannot ignore is that people who receive this support are not always able to make the best decisions about how they use it, and the ramifications for others af-
ected by that, particularly children, can be quite severe.

This is not to say that all people who receive support are helpless and at the mercy of alcohol, drugs and gambling; far from it. But I think we need to look at the issues involved. This is not about finding a quick fix to complicated problems by taking away people’s power and responsibility. This is about acknowledging that there are real problems in our society and trying to find ways to address them. Quite simply, there are some circumstances where the government has to act in the public interest, especially when children are disadvantaged or put at risk as a consequence of their parents’ behaviour.

Income management was introduced to try to combat passive welfare and to encourage welfare recipients to be more engaged with their social responsibilities. It was also designed to help protect children and other vulnerable people who may be victims of misspent payments. It is a sad fact that children who grow up in households or environments where welfare payments are abused may become adults with similar views and may perpetuate the cycle. Noel Pearson, the noted Aboriginal land rights activist, lawyer and founder of the Cape York Institute for Policy and Leadership, discussed the sense of victimhood in his 2007 essay, ‘White guilt, victimhood and the quest for a radical centre’. He writes:

I want to talk about two problems with victimhood. The first is that we pay a high price for casting ourselves as victims in the morality field. The tactic of victimhood moves from an outlook and a mentality to become an identity. The long grassers and under-the-bridge dwellers are the most visible, end-stage subscribers to this tragic and self-harming tactic. It damages our people wherever they are—from the young student who believes that academic achievement at school is ‘acting white’ and defeats him or herself with such a pernicious outlook, to those who tolerate domestic violence because it is ‘understandable’ given the history of the people concerned.

I believe the sense of victimhood can be extended to other groups who become dependent on welfare payments. I acknowledge the concern surrounding the legislation. In the past few months, my office—and, I am sure, those of many of my colleagues—has received a number of submissions as to why I should oppose this bill. But we have to remember that the intent of income management is not malicious. The scheme is in place because we need to ensure that those who are most vulnerable are being protected and that there is money to pay the rent and the bills and to put food on the table and that children are sent to school. There have been suggestions that the scheme should operate on an opt in, opt out basis. While I appreciate that this may be suitable in some cases, unfortunately it is those who are most likely to choose to opt out of the system who are most in need of it. A key example of this is people who are trapped by gambling, drug or alcohol addictions, and people who may not feel comfortable admitting to financial troubles because of those addictions or who simply do not want to change their lifestyle.

I also note that during the consultations the government undertook on income management, some communities mentioned that gambling activity had reduced. Comments were made that kids were staying away from card games and that chronic gamblers and their families now had food to eat. I see this as a positive step and I encourage the government to specifically ensure that the issue of gambling activity is part of future reviews. I look forward to an undertaking from the government in relation to that.

Welfare payments enable those who receive benefits to fulfil basic responsibilities such as paying rent, purchasing food and ensuring that children attend school. This makes all the difference to the recipients’
families and to the wider community. There is a lot more that needs to be done to address these problems and broader social issues, and we cannot rely on this legislation to be an instant, easy solution, but it is a first step and it is one we need to take if we are serious about ending the cycle of victimhood. Finally, I commend the second reading amendment moved by Senator Siewert. I will be supporting it. Data collection is something that is important, and I look forward to the government providing details at the end of the second reading stage as to what steps there will be to ensure that the data collection from this program of income management is being disseminated, so that we can be guided in terms of our policy decisions in relation to that. With those remarks, I indicate my support for this bill and I look forward to its passage and to the undertakings that I have requested from the government in relation to this.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.15 pm)—I begin by indicating that the government will not be supporting the Greens second reading amendment.

The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 amends the social security law, the Northern Territory National Emergency Response Act 2007, the NTER Act, and other laws that give effect to the Northern Territory emergency response. It reinstates the Racial Discrimination Act 1975, the RDA, and other laws that give effect to the Northern Territory emergency response. It reinstates the Racial Discrimination Act 1975, the RDA, and state and territory antidiscrimination legislation so that it applies to the NTER and makes changes so that the core NTER measures are more clearly special measures under the RDA. It also introduces a new scheme of income management that from 1 July 2010 will commence in the Northern Territory in urban, regional and remote areas as a first step in a national rollout of income management in disadvantaged regions across Australia. Existing provisions for income management in prescribed Northern Territory Indigenous communities will be repealed.

These reforms to the welfare system are designed to tackle the destructive intergenerational cycle of passive welfare and to provide a platform for people to move up and out of welfare. The government has chosen the target group due to their high risk of social isolation and disengagement, poor financial literacy, participation in risky behaviours and the likelihood of poor outcomes for children growing up in these circumstances. The government believes that the target groups identified in the bill, including disengaged youth and long-term welfare payment recipients, will particularly benefit from the help that income management provides. The new scheme provides for financial incentives to encourage welfare recipients outside the targeted categories to volunteer for income management. There will also be a matched savings incentive to encourage those who fall within the targeted categories to build their own financial management skills and capabilities. The RDA will apply to the new scheme from 1 July 2010 when it is introduced. The RDA suspension in relation to existing measures will be lifted on 31 December 2010, which allows necessary time for an effective transition from existing to new arrangements.

These reforms represent a comprehensive policy that is fair, protects the most vulnerable in urban, regional and remote areas and is non-discriminatory. The NTER alcohol and pornography restrictions, five-year leases, community stores licensing and law enforcement hours have been redesigned to more clearly be special measures that help Indigenous people achieve equal human rights. These changes follow an extensive consultation process with Indigenous people in the Northern Territory in 2009. The con-
Consultations involved people across the communities affected by the NTER as well as several other Northern Territory Indigenous communities and town camps. The consultations were conducted in a spirit of genuine engagement, and the government has listened to the feedback provided through that consultation process.

Changes made by this bill to the NTER measures recognise that these measures have delivered substantial benefits to Indigenous Australians in the Northern Territory and that there is more to be done. The consultations reveal that family and community violence, the wellbeing of children, the elderly and the vulnerable and the misuse of alcohol and drugs remain prominent in local people’s everyday concerns. The removal of the RDA suspension along with a redesign of relevant NTER measures will strengthen the NTER and provide the foundations for real and lasting change in Northern Territory Indigenous communities. To achieve this the government will continue to work in partnership with Indigenous Australians, recognising that they are essential to developing effective solutions and driving change on the ground.

Question put:
That the amendment (Senator Siewert’s) be agreed to.

The Senate divided. [9.24 pm]
(The Acting Deputy President—Senator JM Troeth)

Ayes........... 4
Noes........... 42
Majority........ 38

AYES
Brown, C.L.        Cash, M.C.
Carr, K.J.         Cormann, M.H.P.
Colbeck, R.        Farrell, D.E.
Crossin, P.M.      Ferguson, A.B.
Feeney, D.         Fifield, M.P.
Fielding, S.       Fisher, M.J.
Foster, M.L.       Hurley, A.
Hutchins, S.P.     Joyce, B.
Kroger, H.         Ludwig, J.W.
Lundy, K.A.        Marshall, G.
McEwen, A.         McLucas, J.E.
Moore, C.          Nash, F.
Parry, S.          Pratt, L.C.
Scullion, N.G.     Stephens, U.
Sterle, G.         Troeth, J.M.
Trood, R.B.        Williams, J.R.
Wortley, D.        Xenophon, N.

* denotes teller

Question negatived.

Question put:
That this bill be now read a second time.

The Senate divided. [9.32 pm]
(The Acting Deputy President—Senator JM Troeth)

Ayes........... 44
Noes........... 4
Majority........ 40

AYES
Adams, J.            Back, C.J.
Bilyk, C.L.         Bishop, T.M.
Boyce, S.           Brandis, G.H.
Brown, C.L.         Cameron, D.N.
Carr, K.J.          Cash, M.C.
Colbeck, R.         Cormann, M.H.P.
Crossin, P.M.       Farrell, D.E.
Feeney, D.          Fifield, M.P.
Fielding, S.        Fisher, M.J.
Foster, M.L.       Hurley, A.
Hutchins, S.P.     Joyce, B.
Kroger, H.         Ludwig, J.W.
Lundy, K.A.        Marshall, G.
McEwen, A.         McLucas, J.E.
McLachlan, S.       Nash, F.
Parry, S.           Pratt, L.C.
Scullion, N.G.     Stephens, U.
Sterle, G.         Troeth, J.M.
Trood, R.B.        Williams, J.R.
Wortley, D.        Xenophon, N.

* denotes teller

AYE
Scullion, N.G.
Stephens, U.
Steine, G.
Troeth, J.M.
Trood, R.B.
Williams, J.R.
Wortley, D.
Xenophon, N.

NOES
Brown, B.J.
Ludlam, S.
Milne, C.
Siewert, R. *
* denotes teller

Question agreed to.
Bill read a second time.

Third Reading
Bill passed through its remaining stages without amendment or debate.

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

Second Reading
Debate resumed from 15 June, on motion by Senator Stephens:
That this bill be now read a second time.

Senator XENOPHON (South Australia) (9.37 pm)—I indicate that I do not support the Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010 in that it will reduce the annual child-care rebate limit from $7,778 to $7,500 for four income years starting from 1 July 2010 and it also crucially caps indexation. The government says it is doing this to save $86.3 million over four years, but who actually pays for this? It is the mums and dads of Australia.

Under these changes the cost of care could increase by as much as $22 a day, and I oppose this additional impost on Australian families. It makes no sense at all to be adding to the burden on families and it is extraordinarily difficult for many parents to access affordable child care. It is even harder to access affordable quality child care and it is even harder again to access affordable quality council-run or not-for-profit child care. I think the point needs to be made: what was the point of passing the Paid Parental Leave scheme last week, which I strongly supported, and then ramping up the costs of child care this week?

I note that Senator Hanson-Young shares similar views to mine in relation to this and in fact has been championing the cause of affordable child care in this country. She is on Q&A at the ABC, and I have not had a chance to see her this evening. It is unfortunate that she is not here for this debate because I know she has some very strong and passionately held views in relation to this.

I think it is also important to reflect on what the Childcare Alliance is saying. The case for opposing the cuts to the childcare rebate cap has been put very well by the Australian Childcare Alliance and Childcare Associations Australia. It gives a reminder of what quality long day child care means for families in the economy. The alliance makes the point that women’s participation rates in this country are extremely low by OECD standards and are at their lowest among women aged between 25 and 44, the prime child-bearing years.

Secondly, the Henry tax review was asked by the government to make coherent recommendations to ensure appropriate incentives for, among other things, increased workforce participation. The key finding of an April 2010 Treasury department working paper was that ‘in contrast with previous Australian estimates, the cost of child care does have a statistically significant and negative effect on the labour supply of married mothers. This finding supports policy that reduces the costs of child care to encourage maternal labour supply.’

The alliance makes the point that on average a gross price increase of one per cent would be expected to decrease the hours worked by married mothers with young children by 0.7 per cent. This is entirely contra-
dictory of the government’s policy intent in the Paid Parental Leave scheme—something that I think was welcomed overwhelmingly in this nation. The government is pulling the policy levers in the opposite direction to discourage working families, to discourage families from having kids and making it more difficult for them to cope with having kids by increasing the cost of child care.

This is a bad piece of legislation. It is a case of penny-pinching. If the government wants to penny pinch, it should not be pinching the pennies from families who are already struggling to balance their obligations to their jobs and their families. This is a miserly measure on the part of the government. This is something entirely inconsistent with the rhetoric of the government and indeed with the government’s very good actions last week on the Paid Parental Leave scheme. When you consider it in the context of the budget, $86.3 million, it is something that will be disproportionately felt by working families and mums and dads across the country. It will unfairly increase the costs of child care and therefore it ought to be opposed.

I would like to hear from the opposition in relation to this. Initially they were going to oppose this, and I would like to hear from the coalition why they have had a change of heart in relation to this. They had an opportunity to stand up for the whole issue of affordable child care. They had an opportunity to block it, to give an explanation to all those parents who will be paying more for child care. I think the coalition had an opportunity which they squibbed because they know that, given the position of the Greens and my position, this is something that could easily have been defeated. I think it would have been a defeat that would have been welcomed by families across the country and by the childcare sector, particularly those not-for-profit childcare operators that provide such a valuable service in this country. With those words, the government stands condemned for this penny-pinching measure.

Senator SIEWERT (Western Australia) (9.43 pm)—I rise to speak on the Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010 and the government’s decision on budget night to freeze the indexation of the childcare rebate for four years at the 2008-09 level of $7,500, affecting tens of thousands of Australian families. Following the collapse of the corporate giant ABC learning, we were faced with the opportunity to dramatically reform the way in which child care is delivered in Australia to ensure that no profit-driven company will ever have the opportunity again to control 25 per cent of the market share in Australia.

Early childhood education and care must be seen as part of the lifelong learning that starts at birth. As parents, we want to give our kids the best quality of care so that we can go out to work and pay our mortgages. It should not be viewed or treated as a profit-driven industry open to manipulation by corporations and the stock market. Rather, it should be seen and supported as the essential service it is.

The three core principles of quality, affordability and accessibility must underpin the basis of early childhood education and care in this country, where the education of Australia’s youngest children is at the forefront of any reform. So when the government committed to the implementation of the National Quality Framework for Early Childhood Education and Care, which the Greens support, we needed to see a dramatic increase in the funding injected into what is an essential service. We know that increasing the standard of care and reducing the child-
to-staff ratio is going to cost money. Of course we want fully qualified childcare workers looking after our children and we want this to occur in an environment that promotes and encourages the development of our youngest Australians. At the moment, we, both parents and the government, spend a considerable amount on child care around the country, yet there is no link to the quality of care. You may pay $100 for long day care for your child, you may pay $80 or you may pay $50—that is before the childcare tax rebate—but there is no link between the money that is going to the carer and the quality of the care that you are getting, because the quality standards and the benchmarking are different across different states. There is no real link between the money that goes in and the type of service you get. I think it is something the government seriously needs to consider. The Greens want to see nationally consistent early childhood education and care standards that are actually linked to the quality care cost drivers of highly qualified staff, low carer-to-child ratios of at least one to three for children up to two years old and one to four for children older than two years and smaller groups. The current funding mechanisms do not facilitate a link between quality standards and the funding received.

While the government has outlined some positive steps in achieving a nationally consistent quality framework, we know that this is going to cost money and we do not want to see parents around the country footing the bill for the government’s reform agenda. Of course we want to see greater investment in early childhood education in this country; it is an area of government policy that has been undervalued for far too long. My son is about to turn 21 and I remember saying the same things when he was in child care all those years ago. Things do not seem to have changed very much. We do not believe that the best way to achieve this outcome is through rolling back the support that is provided and by requiring parents who are already struggling to pay more. While the government supports parents through the childcare rebate and benefit, it has little to do with the planning and oversight of responsibilities for child care.

The current funding mechanisms do not facilitate a link between quality standards and the funding received. The government should be taking charge and delivering the necessary policy outcomes for good quality, accessible and affordable child care that puts the care of children and the needs of parents and workers above lining the pockets of shareholders. Evidence suggests that the daily fees of long day care have increased with the introduction and expansion of the rebate. This has not proved to be a cost-effective model for parents, nor has it improved the quality of care. A change from the current funding mechanism to one that could fund the service directly would give the federal government more bang for its buck. As we commit funding to schools and universities in this way, child care deserves the same level of attention and commitment, given the role it plays in the education of our youngest children.

Following the collapse of the corporate giant ABC Learning at the end of 2008, the Greens successfully established a Senate committee inquiry into the provision of child care in Australia. This inquiry presented us with an opportunity to have a good look at how child care is delivered in this country, particularly as we have seen it transformed from a service that some people use to a service that almost all working parents use in some form these days. In the course of the inquiry, the committee heard evidence from various organisations calling for the matter of childcare funding to be referred to the Productivity Commission to determine the most effective way of funding the essential
service of early childhood education and care. The National Foundation of Australian Women reinforced this view. It argued:

... there is a paucity of information around to really calculate what some of the other alternatives should be, and this is one of the reasons why we are very strongly supporting the proposition that a reference to the Productivity Commission to do a great deal of the economic number crunching could be a very useful input to the debate about what future policy should be.

It is clear that referring the matter of early childhood education funding to the Productivity Commission would help us determine the most effective way of funding this essential service. Quality benchmarks and affordability for parents must be linked to the government funding received. In order to implement these quality benchmarks and affordability, there needs to be a significant increase in and long-term investment of funding into early childhood education and care. So when the government announced on budget night their intention to freeze indexation of the childcare rebate for four years at the 2008-09 level of $75,500 you can imagine our concern of the undeniable effect this would have on tens of thousands of Australian families.

Debate interrupted.

ADJOURNMENT

The PRESIDENT—Order! It being 9.50 pm, I propose the question:
That the Senate do now adjourn.

World War II: Papua New Guinea Campaign

Senator McEwen (South Australia)
(9.50 pm)—I begin by acknowledging today’s tragedy in Afghanistan where three Australian defence personnel have died and a further seven have been wounded. I offer my sympathy to their families and friends and to the loved ones of others on board the helicopter that crashed. We can never forget how dangerous war is and how brave are those who serve on our behalf.

Tonight I would like to speak about another wartime tragedy, the 1942 tragedy of the Montevideo Maru, and the efforts of a group of supporters, families and friends to make sure Australians know the story of the Montevideo Maru and of those personnel and civilians who served in defence of Australia in Rabaul and the New Guinea islands during World War II. The sinking of the Montevideo Maru was the worst maritime tragedy in Australia’s history and the campaign to remember it was acknowledged today by motions in both the Senate and the House of Representatives. Earlier today, the Minister for Veterans’ Affairs, Mr Alan Griffin, made a ministerial statement in the House expressing Australia’s gratitude to members of Lark Force. He also expressed regret and sorrow for their sacrifices and extended condolences to the relatives and loved ones of all those who died in the conflict.

It is the first time the story of the sinking of the Montevideo Maru, which occurred on 1 July 1942, has been officially recognised by the federal parliament. Today, more than 300 people came to Canberra to be part of the recognition activities in this place, and it was my pleasure to meet many of them this afternoon. Although it has taken close to 70 years to get here, today is a very important day in Australia’s history and I hope the formal acknowledgements in this parliament will give some solace to the families and friends of those who never returned from the islands of New Guinea after the conflict in Rabaul.

In 1941 a small Australian Army garrison of approximately 1,400 personnel was deployed to Rabaul, New Britain, on the tip of the eastern province in then New Guinea, to garrison the outpost, protect its airfields and seaplane anchorages and act as a link in a
chain of observation posts across the northern frontiers. Lark Force consisted of a number of Australian battalions, representing Australia’s first line of defence in what is now Papua New Guinea. As is the case now whenever we recall the Australian battalions that fought in World War II, we know there are so few of the members that are still alive. It is important we acknowledge their stories—and their hopes—while we can. That applies to the members of the battalions that comprised Lark Force.

Unfortunately, when Lark Force was deployed it was not suitably manned or equipped to defend Australia’s territory from the Japanese assault. Mr Norm Furness, a Lark Force veteran who made the trip to Canberra today for this historic event and who has devoted over 50 years to trying to gain recognition for his battalion and his comrades, has spoken about what it was like to be out there as a 19-year-old during the conflict. He said:

We were poorly equipped, mainly with stuff from WWI that had been packed in grease for 20 years … we were supposed to be a garrison force and build up the fortress to protect the base and the airfields, but the extra equipment and reinforcements never came. We had two field guns and one was cracked … and our airforce consisted of 10 Wirraways and two Lockheed bombers—trainer planes really.

In late January 1942, it is estimated that a contingent of between 15,000 and 20,000 Japanese soldiers overwhelmed our defences in Rabaul. The Australian garrison was not reinforced, nor was it ordered to withdraw, leaving the commanding officer to declare ‘every man for himself’ just hours into the invasion. That situation had been foreseen by the Australian chiefs of staff months prior to the attack. Five days after the Japanese entered the war in the Pacific, the Australian chiefs of staff had to advise the war cabinet whether to reinforce, withdraw or leave the troops in Rabaul. Despite Australia’s awareness that our defences would not be able to hold out against a strong Japanese force, the troops were left in place and only European women and children were removed from the territories. The Australians left behind had to fend for themselves. Approximately 400 of them fled into the jungle. Many were recaptured and an estimated 130 were tortured and massacred at Tol Plantation. About 300 members of Lark Force, Norm Furness included, spent nine long weeks battling the jungle, enduring starvation and avoiding Japanese patrols to reach safety 450 kilometres away on the southern end of the island. They were the fortunate ones and were returned to Australia. Most Australian soldiers, though, became POWs, held by the Japanese at their compound for a number of months along with civilian POWs.

On 22 June 1942, months after their imprisonment, the surviving POWs were marched to the unmarked Japanese freighter ship Montevideo Maru for transport to the Chinese island of Hainan. Approximately 1,050 Australian soldiers and civilians boarded the doomed ship. On the morning of 1 July 1942, the Montevideo Maru was torpedoed by the US submarine the USS Sturgeon in the South China Sea approximately 100 kilometres west of Cape Luzon in the Philippines. The Montevideo Maru sank with its hold full of Australians. For reasons still unknown, the Japanese had failed to announce that their steamer was carrying POWs, even though it was an established practice under the Geneva convention. The American submarine had no way of knowing that the Montevideo Maru had POWs onboard. A few crew survived the sinking and some eventually made it to Manila to report the sinking but, despite a search, no survivors were found.

The sinking of the Montevideo Maru was the worst maritime disaster in Australia’s
history. But what happened afterwards was perhaps almost worse. The sinking was not immediately reported back to Australia. When the sinking was finally confirmed, there was doubt as to who was on the ship, who had died at sea, who had died on land beforehand in camps or when captured and who had survived. Families spent more than three years wondering about the fate of those they loved. Some received misinformation and were told their family members had survived when they had died on the ship. Some were told their family members had died on the Montevideo Maru when in fact they had not been on the vessel and had probably been killed when still on land. And now, 68 years later, some families still do not necessarily know the truth about how their grandfathers or fathers died. That is partly because of incomplete information and the loss of the original Japanese nominal roll that listed those who had been POWs. But it was also because of a lack of determination by the Australian and Japanese authorities to acknowledge the atrocities that occurred at Rabaul and the terrible mistake that led to the sinking of the Montevideo Maru.

For the families and friends of those who were in Lark Force and of those civilians who were in Australia’s service in the New Guinea islands during the war, the grief and misunderstanding of not knowing exactly what happened to their loved ones or having any official recognition of their service has been a lifelong burden. Today’s events in the parliament go some way to redressing those wrongs. I would like to thank all those who worked tirelessly to get the federal parliament to the stage we were at today to make acknowledgments through our motions and through the afternoon tea that was hosted by the Minister for Veterans’ Affairs. It was well attended, I have to say, by members of all parties in the parliament. All of those involved in the Montevideo Maru campaign deserve our support. Unfortunately, there are far too many of them for me to mention tonight. I was pleased therefore to hear Minister Griffin announce today a government commitment of $100,000 to assist the Montevideo Maru Memorial Committee to build a national memorial in the grounds of the Australian War Memorial. Let us hope we do not have to wait too much longer for that memorial to be opened. As we say on Anzac Day every year, ‘Lest we forget.’ We should not forget what happened with the Montevideo Maru.

Hospitals

Senator FERRAVANTI-WELLS (New South Wales) (9.59 pm)—I rise this evening to speak about the latest crisis that has hit health and this government, and it was very much reflected in an article in today’s Australian by Adam Cresswell, its health editor, the heading of which is ‘Resignation creates health credibility crisis for Labor’. The article reports on the rather scathing resignation of Professor John Mendoza, the Chair of the National Advisory Council on Mental Health. Not only has Professor Mendoza decided to walk out in what the article describes as ‘a sign that simmering dissatisfaction among mental health experts with the government’s performance has reached boiling point’, but the article says that the turmoil is likely to widen to other health sectors amid claims that the trigger for Professor Mendoza’s departure was a report through a Labor source within the past week that the Minister for Finance and Deregulation, Lindsay Tanner, had revealed privately that there was ‘no money’ left for further spending on mental, dental or aged-care services.

It is little wonder that we are seeing this from eminent persons like Professor Mendoza. Of course, Professor McGorry gave rather scathing testimony to the COAG health reform inquiry last week. What makes
it worse is that Professor Mendoza’s resignation letter is scathing about the way that the Prime Minister not only has made this grand rhetoric in relation to mental health but also is claiming moneys that were spent by the Howard government and much-needed reforms that were made by the Howard government in this area as his own. What does that say? It says a lot more about this Prime Minister. What a low act!

It is little wonder that these comments have allegedly been made by finance minister Lindsay Tanner, given the levels of government debt into the future and given that this government is not prepared to make hard decisions or bring about serious reform. The deficit in the coming year is a massive $40.8 billion—the second biggest since World War II. The budget spending will put further pressure on interest rates. We are borrowing $700 million a week, and that, of course, is $100 million per day. Why are we doing this? Because of the reckless spending of this government—the blow-outs that are occurring as a consequence of the weakening of our border security, the blow-outs to remedy the disastrous pink batts program and the millions and millions of dollars that this government is now spending on advertising, whether it be trying to convince the public about its borrowing or trying to run a deceptive and misleading campaign to flog its changes in health reform. It is little wonder that the cupboard is bare. We are now seeing this government trying to raid coffers wherever it can to find money not only to meet promises that it has made but to pay for its reckless spending.

Here we have Minister Roxon. Despite the protestations and the hand-on-heart promises made before the last federal election in relation to private health insurance and what she told us earlier this year, on 12 March, of the proposed changes to the private health insurance rebate, she is now trying to say that the health system needs this money to pay for more doctors, nurses and hospital beds, not to mention new medicines. Despite the promise written by the Prime Minister to Dr Armitage, the head of the Australian Health Insurance Association, saying, ‘No, no—we’re not going to change private health insurance,’ they have tried on various occasions since then to do so. What does that tell you? It tells you that anything that Mr Rudd puts in writing is not worth the paper it is written on, because that was exactly the case with private health insurance. They have tried, they have tried, they have tried and this Senate has blocked that situation. He is now trying to blame the Liberal Party in relation to this money.

They decided: ‘Okay, we can’t raid private health insurance, so what will we do? We’ll go out and we’ll put a tax on tobacco.’ The tax revenue from the tobacco excise increase will be about $5.5 billion over the forward estimates, and the government are supposedly going to use this money to improve health and hospitals through the new hospital grand plan. Minister Roxon is trying to laud this as a world first on preventative health, when really it is all about the money and because they desperately need the money for so many other things. Minister Roxon promised on 15 June that every cent of money raised by the tobacco excise would be directly invested in building a better health system—the usual ‘blah, blah, blah’ about delivering major reforms which, by the by, appear to have been dealt a severe blow as a consequence of the COAG health inquiry.

That inquiry has basically shown that these so-called reforms were cooked up in a very short space of time, despite the fact that Labor have had 2½ years to fix our hospitals. Remember the Prime Minister before the last federal election? ‘We’re going to end the blame game. The buck stops with me.’ Goodness me! We heard rhetoric after rhetoric...
ric in relation to the Prime Minister’s hollow promises, and here we are. The hospitals are still not fixed. It is very clear from the plan that the Prime Minister finally put forward that it is going to entrench the powers of the states even more. Despite all the rhetoric and despite all the hype, it is still going to be the states that are in control of the hospital system, and the blame game which this Prime Minister promised to end is going to be more and more entrenched under what this government is trying to set up.

They said they are going to get more money through the excise—although this in itself is going to be an issue given that Australia has one of the lowest levels of tobacco use in the OECD. In the end, it is really hitting those who are seasoned smokers and unlikely to stop. Then the government have decided that they are also going to raid the Pharmaceutical Benefits Scheme. In answers to questions on notice we have been told that, even though the memorandum of understanding that was reached with the pharmaceutical industry has yet to be approved, the view within the pharmaceutical industry is that this government approached the pharmaceutical industry desperate to find money in the PBS and to milk the PBS in the future. That will net another $1.3 billion of much-needed money.

Let us look at other places where the government have been raiding money. I think one of the lowest acts was raiding the $276.4 million in the budget which had been set aside for much-needed residential high-care beds. That has been shunted off to failed state hospitals for longer stay patients, to do the opposite of what the government promised before the last federal election. They promised they would make the transition from hospital to aged care much easier. Instead they are pumping more and more money into the hospital systems to keep people who really should be in residential aged-care facilities in hospitals. Answers to questions on notice show us that they were trying to give the impression that all this money for health was new money. No, it is not new money—a lot of it is recycled money from rebadged, refashioned programs that have been failures, like bringing nurses back into the workforce and redirecting measures for nurses and workforce. Instead of new money, it is all refashioned. It is little wonder that the aged-care sector and other sectors are concerned that the cupboard is bare and therefore Minister Tanner’s—(Time expired)

Paid Parental Leave

Senator CAROL BROWN (Tasmania) (10.09 pm)—I rise tonight to touch on what was a historic week in public policy. As an advocate for paid parental leave I have spoken a number of times in the Senate, at rallies and at public consultations on the enormous benefits a paid parental leave scheme provides to Australian working families. So it is indeed very pleasing to be present in this place as a legislated paid parental leave scheme has come to realisation.

It is with great pride that I stand here as part of the Rudd Labor government, the first Australian government to introduce a paid parental leave scheme. I am proud to be part of a government that for the first time has finally been prepared to make the investment in Australian families and introduce a paid parental leave scheme. Indeed this scheme has been a long time coming. Before its introduction Australia and the United States were the only two OECD countries that did not have a paid parental leave scheme. I am delighted that we can now scratch Australia’s name off that list, and it is no coincidence that we have arrived here with the introduction of a paid parental leave scheme.

Many women for many years have been campaigning and fighting long and hard for the introduction of a paid parental leave
scheme, and I want to acknowledge a few people now, including my friend and colleague Senator Claire Moore, whose fight and determination to see the implementation of a paid parental leave scheme stretches back over 25 years. In fact Senator Moore made mention of this in her contribution to the debate last week. She made mention of a meeting she attended 25 years ago with a group of women to discuss the lack of support for women in the workplace if they choose to have children. Marie Coleman from the National Foundation for Australian Women has been a tireless advocate for Australian women for a number of years and I commend her hard work and dedication in the fight for paid parental leave. I acknowledge Sharan Burrow from the Australian Council of Trade Unions. The trade union movement has long campaigned for the introduction of a paid parental leave scheme, and I am sure there are many within the union movement who are extremely pleased to finally see its introduction.

As many in the chamber would be aware, last week Ms Burrow presented a petition entitled ‘Time to deliver’, with over 25,000 signatures, to the Prime Minister; the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon. Jenny Macklin MP; and the Minister for the Status of Women, the Hon. Tanya Plibersek MP. And I am pleased to say that the Rudd Labor government has delivered, because we know that the introduction of a paid parental leave scheme is something that Australian families have longed for. This scheme is wonderful news for Australian working families, because it will provide to working mothers and other primary carers paid leave for 18 weeks at the rate of the federal minimum wage. It will give families the opportunity to gain much needed financial support, enabling them to spend more time with their newborn children.

We know that women who are on lower incomes have far less access to paid parental leave. The Australian Bureau of Statistics informs us that in 2009 only 15 per cent of women earning $300 a week had access to paid parental leave, compared to almost 70 per cent of women on high wages. In fact, increasingly as the labour market evolves and shifts towards more casual, part-time and other workplace arrangements, we needed to implement a scheme which would benefit these workers. Quite often reforms such as the government’s Paid Parental Leave scheme exclude these workers, but I am pleased to say that they will have access to the Paid Parental Leave scheme. So the government’s Paid Parental Leave scheme is extremely important to providing Australian families with financial support on the birth of their children.

The Rudd Labor government’s Paid Parental Leave scheme will ease the financial burden on Australian families, allowing them more time with their babies in the early months. As a mother of two children, I know how crucial spending time with your newborn child is, especially to help form the critical bonds which in turn help give children the best start in life. I was lucky enough to have access to a paid parental leave scheme, so I speak firsthand of the value of such a scheme. I had the opportunity to enjoy paid parental leave and I could not speak highly enough of the value of such a scheme for working parents. And based on my positive experiences from enjoying a paid parental leave scheme I have no doubt that the introduction of Australia’s first Paid Parental Leave scheme is being celebrated right around Australia by the estimated 148,000 people who will take advantage of the government’s scheme each year.

The Rudd Labor government’s scheme has some flexibility, which allows Australian families to best choose how to use parental
leave. The parental leave can be transferred or shared between parents so that families are in charge of the best way to manage work and family life. The government’s scheme may be taken before, after or in conjunction with employer provided paid parental leave, annual leave or recreational leave. The Rudd Labor government’s Paid Parental Leave scheme is a fully costed, fully funded, fully consulted policy which has been in development for a while. Our scheme, as announced in the 2009-10 budget, is a five-year, $731 million commitment. As I have said, the scheme will deliver 18 weeks parental leave to be paid at the federal minimum wage, which is currently $570 per week. This will allow around 148,000 mothers and primary carers each year to access the scheme.

The announcement of the nation’s first Paid Parental Leave scheme was fittingly made on Mothers Day last year and recognised the invaluable role parents played in nurturing their young. But the implementation of the Rudd Labor government’s historic Paid Parental Leave scheme began some time ago. In February 2008, the government asked the Productivity Commission to look at the economic, productivity and social costs and benefits of paid maternity, paternity and parental leave. The commission also looked into the health and developmental benefits of any paid parental leave scheme for babies and their parents. The Productivity Commission took on extensive public consultation for the possible introduction of a scheme. The commission collected public submissions and also conducted public hearings.

I had the opportunity, as part of the consultations, to make a contribution towards the inquiry at the Hobart public hearing. I am pleased to say that the Productivity Commission recommended the introduction of the government funded Paid Parental Leave scheme. The commission recommended that the scheme should be paid over 18 weeks at the minimum wage. And, I am happy to say, that is what we now have implemented.

We consulted widely on this scheme. It was agreed to by businesses, unions, government and, of course, by women and families. The scheme will provide increased financial security for working families, promote workforce participation and enhance early childhood development. It will also assist working women with the process of adjusting from working life to parenthood and give them an opportunity to bond with their newborn child.

I am also pleased that the government has decided not to rest on its laurels, because we need to ensure that we have the best possible scheme for Australian families. We have committed to evaluating the scheme and conducting a review of the scheme commencing two years after it begins. The review and the evaluation are to be completed by the end of 2014. Minister Macklin has already highlighted that the government’s review will look into paid paternity leave and superannuation contributions for the period of paid parental leave.

It has taken a long time; in fact, it has taken too long. As I mentioned earlier, we were one of only two OECD countries not to have a paid parental leave scheme. This scheme is therefore certainly long overdue. Many people have campaigned for this scheme and finally we have made it. When I first came to this place, paid parental leave used to be talked about in terms of ‘if’. Gradually, through tireless campaigning, it became a matter of ‘when’, and now, through the hard work of so many and a commitment from the Rudd Labor government, we have a scheme that has passed into law and will begin next year. I feel very proud to have played a small role in the implementation of
the country’s historic first Paid Parental Leave scheme. It will, I know, be welcomed by Australian families.

Prime Minister: Statements Relating to the Senate

Senator CASH (Western Australia) (10.18 pm)—In my speech in the adjournment debate this evening I wish to raise the issue of the role of the Senate and the recent derogatory comments of the Prime Minister in which he attempted to direct the Senate to forego its important role as a house of review and agree to pass legislation without proper consideration or scrutiny.

I refer in particular to Mr Rudd’s comments at a media conference held last Tuesday, 15 June 2010 in which Mr Rudd attempted to direct the deliberations of the Senate in regard to certain Labor legislation and encourage the Senate to forego its constitutional role to scrutinise legislation by saying to the Senate: ‘Get out of the road, guys. Just get on with it.’ Unlike Mr Rudd, I believe the proper discharge of the role of the Senate, by both government and non-government senators, to be an important part of the Australian democratic process. One only has to refer to the debates of the Australasian Federation Conference, held in Melbourne in February 1890, the debates of the National Australasian Convention, held in Melbourne in March and April, 1891, and the debates of the Australasian Federal Convention of 1897 and 1898 to learn and appreciate the intentions of our founding fathers when they recommended the creation of the Federation and the establishment of a federal parliament in Australia which was to consist of the Queen, a House of Representatives and the Senate.

It seems that Mr Rudd has overlooked the fact that the passage of legislation requires debate in both the House of Representatives and the Senate on the substance or principles underpinning a bill and, additionally, an examination or scrutiny, often in committee, of the actual clauses of a bill to ensure its intentions are sound and its impact is properly considered in the interests of the Australian people. It seems that Mr Rudd’s ego has now expanded to the point that he wants to assume the role of a despot and impose his views on the Australian people without scrutiny or debate. There is no doubt that Mr Rudd is unable to accept constructive criticism. He has demonstrated to the Australian voter that he will listen to no-one and, because of his arrogance, will consult with no-one except himself. Clearly, by his actions, Mr Rudd sees the Senate as an inconvenience that has the impertinence to question his judgment on what is best for the Australian people. It is clear from the polls that the Australian voter is of the view that it is Mr Rudd who demonstrates his impertinence by attacking the Senate for discharging its lawful role of scrutinising government legislation and holding ministers to account for their actions as members of the executive.

Prior to being elected to government in November 2007, Mr Rudd promised that a Rudd Labor government would be both transparent and accountable. Clearly, that was just another promise that was to be broken by Mr Rudd because, since the election of the Rudd government, we have all witnessed the culture of secrecy and deception that has pervaded this government.

It is clear from what we read in the newspapers that the public is sick and tired of this culture of secrecy and deception that has pervaded the Rudd Labor government. The public is sending a message to Mr Rudd, via comments in the media—in particular, letters to the editor—and communications with members of parliament, that it wants a government that is accountable and transparent.
Clearly, the voters in the New South Wales seat of Penrith were keen to send Mr Rudd a message on the weekend, that they do not trust him and that, by his actions, he is clearly an object of ridicule within the wider Australian electorate. The Australian electorate now recognises, more than ever before, that by his ever-changing position on matters of policy, Mr Rudd is consistently inconsistent and not to be believed.

I have to say that I have been both appalled and dismayed by the failure of the Rudd Labor government to answer legitimate questions in the Senate or to table documents that the Senate has ordered to be tabled. As an elected member of the parliament of Australia, every senator has fundamental rights conferred upon them that they are entitled to exercise in this chamber. There is no doubt that it is a fundamental right of a senator, as an elected person, to ask questions of the executive and to receive considered answers to those questions.

To enable the discharge of a senator’s constitutional duty it is critical that the government answer the substance of the question and the various issues that are raised. It is not good enough for a senator to be given an answer that seeks to avoid the very question that has been asked. It is not good enough for a government to refuse to answer questions or table documents in this parliament and in so doing reinforce the culture of secrecy and deception that the community believes exists within this Rudd Labor government.

As I said earlier, prior to the 2007 election Mr Rudd promised the people that a future Rudd government would be transparent and accountable in all of its dealings. Regrettably, in reality, now that it is in government, the Rudd government shows no pretense of transparency and accountability and operates in a secretive and clandestine way to avoid legitimate parliamentary and public scrutiny of its actions and in particular its management and stewardship of public funds.

Every day the Rudd government demonstrates to the Australian people that it is prepared to put secrecy before accountability. The Rudd government consistently fails to recognise that accountability and openness in government require that those who exercise power while performing the functions of government must be able to demonstrate in an open and practical sense that they are doing so with honesty, integrity and candour.

Ministers must also be able to show that they have discharged their constitutional or ministerial duty using appropriate skill and judgment and in a proper manner, for the common good and in the public interest. Mr Rudd and his ministers have got to recognise that those who are entrusted with public power are required, when called upon, to justify the use of that power to their master. In the case of the public servant, the minister is the master; in the case of the minister, the parliament is the master; and, in the case of the parliament, the people are the master.

In a democratic system the acceptance of government decisions relies on the government being sufficiently accountable and transparent so as to maintain the trust and confidence of the people. On almost a daily basis the Rudd government makes out that it is transparent and accountable, and yet senators ask questions of the government on a daily basis and are given non-answers.

Any claim about the Rudd Labor government being transparent and accountable is nothing more than hollow and cynical media spin that is intent on undermining and emasculating the procedures of the Senate. Parliament is entitled to be properly informed, and information about issues that concern the parliament should be made readily available to it. If Mr Rudd is truly committed to ensuring that his government is transparent and
accountable then he has a long way to go to prove this to the public of Australia.

**Senate adjourned at 10.27 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*

A New Tax System (Goods and Services Tax) Act—

A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2010 (No. 2) [F2010L01559]*.

A New Tax System (Goods and Services Tax) Third Party Adjustment Note Information Requirements Determination (No. 1) 2010 [F2010L01588]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority Instrument Fixing Charges No. 2 of 2010—Provision of statistical information about financial sector entities to the Reserve Bank of Australia and the Australian Bureau of Statistics during the 2009-2010 financial year [F2010L01576]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 210/10—Instructions – RNAV (RNP-AR) approaches and departures [F2010L01582]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/B727/74 Amdt 1—Elevator Balance Panel Aft Hinge – Inspection [F2010L01607]*.

AD/F100/97—State of Design Airworthiness Directives [F2010L01594]*.

Revocation of Airworthiness Directives—Instrument No. CASA ADCX 014/10 [F2010L01670]*.

Commonwealth Authorities and Companies Act—Notices under section 45—

Australian Technology Group Limited.

Cerylid Biosciences Ltd.

NBN Co Limited [2].

Customs Act—Tariff Concession Orders—

0942055 [F2010L01454]*.

0943498 [F2010L01453]*.

0944782 [F2010L01443]*.

0944792 [F2010L01444]*.

0944795 [F2010L01445]*.

0946743 [F2010L01464]*.

0946753 [F2010L01461]*.

0947041 [F2010L01465]*.

0947042 [F2010L01457]*.

0947674 [F2010L01449]*.

0947676 [F2010L01463]*.

0947932 [F2010L01456]*.

1009472 [F2010L01422]*.

1009473 [F2010L01420]*.

1009474 [F2010L01421]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2010/23—Club membership and summer schools – amendment.

2010/24—Education assistance – amendment.

2010/25—Post indexes – price review. 

2010/26—Review of housing and accommodation contributions and allowances.

Environment Protection and Biodiversity Conservation Act—Amendments of lists of specimens taken to be suitable for live import—

EPBC/s.303EC/SSLI/Amend/034 [F2010L01574]*.

EPBC/s.303EC/SSLI/Amend/036 [F2010L01572]*.

Health Insurance Act—Select Legislative Instrument 2010 No. 127—Health Insurance (General Medical Services Table)
Amendment Regulations 2010 (No. 4) [F2010L01284]*.

Income Tax Assessment Act 1936—Select Legislative Instrument 2010 No. 136—Income Tax Amendment Regulations 2010 (No. 2) [F2010L01575]*.

Income Tax Assessment Act 1936 and Taxation Administration Act—Lodgment of income tax returns for the year of income ended 30 June 2010 in accordance with the Income Tax Assessment Act 1936 and the Taxation Administration Act 1953—Child Support Agency—parents with a child support assessment [F2010L01595]*.


Migration Act—

Migration Regulations—Instruments IMMI—

10/020—Payment of visa application charges and fees in foreign currencies [F2010L01416]*.

10/020—Payment of visa application charges and fees in foreign currencies amendment instrument [F2010L01598]*.

Select Legislative Instrument 2010 No. 133—Migration Amendment Regulations 2010 (No. 6) [F2010L01587]*.

National Consumer Credit Protection (Fees) Amendment Regulations 2010 (No. 2) [F2010L01581]*.

Renewable Energy (Electricity) Act—Select Legislative Instrument 2010 No. 142—Renewable Energy (Electricity) Amendment Regulations 2010 (No. 3) [F2010L01597]*.

Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas—Various) Determination 2010 (No. 7) [F2010L01589]*.

Superannuation Guarantee (Administration) Act—Select Legislative Instrument 2010 No. 140—Superannuation Guarantee (Administration) Amendment Regulations 2010 (No. 1) [F2010L01577]*.

Taxation Administration Act—Lodgment of statements by first home saver account providers for the year ended 30 June 2010 in accordance with the Taxation Administration Act 1953 [F2010L01596]*.

Television Licence Fees Act—Select Legislative Instrument 2010 No. 141—Television Licence Fees Amendment Regulations 2010 (No. 1) [F2010L01591]*.

Therapeutic Goods Act—Select Legislative Instrument 2010 No. 132—Therapeutic Goods (Medical Devices) Amendment Regulations 2010 (No. 2) [F2010L01281]*.

Therapeutic Goods (Charges) Act—Select Legislative Instrument 2010 No. 131—Therapeutic Goods (Charges) Amendment Regulations 2010 (No. 1) [F2010L01283]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Climate Change**

*(Question No. 2501 amended)*

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 21 December 2009:

With reference to the 15th United Nations Climate Change Conference in Copenhagen (COP15):

1. For each delegate attending COP15, can the following details be provided:
   - their name;
   - their title;
   - their employment classification and salary, including a full and detailed job description (and specifically where the term adviser is used, in what area of government do they specialise);
   - their designated role;
   - what days they worked;
   - the cost for travel;
   - the cost of commercial travel;
   - the class of travel taken;
   - the name of the agency or office that employed them; and
   - what papers, speeches or advice they gave.

2. Can the following details be provided:
   - the number of first class bookings made;
   - the total cost of first class travel;
   - the number of business class bookings made;
   - the total cost of business class travel;
   - the number of economy class bookings made; and
   - the total cost of economy class travel.

3. What was the total cost of travel for the delegation.

4. Were state and territory delegates paid for by their respective state and territory governments or by the Federal Government.

5. What was the total cost of all relevant participants to:
   - the Federal Government; and
   - each state and territory.

6. Can a list be provided of all participants grouped under each:
   - state and territory; and
   - agency and department.

7. What was the role of the Australian Federal Police (AFP) at COP15.

8. How many AFP officers were present at COP15.

9. Can an outline be provided of:
(a) the roles of:
   (i) Mr Howard Bamsey, Special Envoy on Climate Change, and
   (ii) Ms Louise Hand, Ambassador for Climate Change at COP15; and
(b) the differences between the roles.

(10) Was there an official doctor travelling with the Australian group participating at COP15; if so, what
was the name of the doctor and can a description of employment be provided.

(11) Can an outline be provided of the differences between the role of an adviser employed by the De-
partment of Climate Change and that of a political adviser also employed by the same department.

(12) Why was a student from the University of Oxford travelling with the group from Australia.

(13) Was the student currently on exchange to another university within Australia.

(14) What did the student contribute to COP15.

(15) Who paid for the cost of the student to participate at Copenhagen.

(16) Can a full job description be provided for the following:
   (a) desk officer; and
   (b) baggage liaison officer.

(17) Why was an official photographer required as part of the Australian delegation to COP15.

(18) Was an official photographer or photographers paid for by the organisers of COP15.

(19) What were the differences between the roles of the photographers in (17) and (18) above.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) to(d) and (i) I understand that the Minister for Climate Change, Energy Efficiency and Water,
    Senator the Hon Penny Wong will provide details about the Official Australian Delegation to
    COP15 in her response to House of Representatives Question on Notice 1308 asked by Mr Fletcher
    on 15 March 2010.

    The Australian Government does not hold records about the role expected of members of state or
territory governments or of non-Government Organisations in the Official Australian Delegation.
Questions about those members of the Official Australian Delegation should be directed to the
relevant organisations.

Three staff members from the Department of the Prime Minister and Cabinet attended COP15.
They were:
- Mr Patrick Suckling, First Assistant Secretary (SES B2), International Division
- Ms Chelsey Martin, Senior Advisor (EL2), International Division, and
- Ms Rebecca Christie, Visit Coordinator (EL1), Ministerial Support Unit

Mr Suckling’s role was to provide advice to the Prime Minister on his international agenda and for-
ign policy, including in support of his meetings with other world leaders.

Ms Martin heads up the Global and Regional Architecture section. The section’s responsibilities in-
clude coordinating the Prime Minister’s international advocacy on the Government’s key foreign
policy priorities. Ms Martin travelled to Copenhagen to provide support for the Prime Minister’s
international advocacy relating to the COP15.

Consistent with usual practice, Ms Christie travelled to Denmark in advance of the Prime Minister
to work with the relevant agencies and Embassy/High Commission to coordinate logistical ar-
nangements necessary to deliver an effective and efficient Prime Ministerial visit.

QUESTIONS ON NOTICE
(e) Formal meetings commenced in Copenhagen on Monday 7 December 2009 and concluded on the afternoon of Saturday 19 December 2009. No formal UNFCCC meetings were scheduled on Sunday 13 December 2009. However, informal negotiations commenced before 7 December, were ongoing through Sunday 13 December and through to the conclusion of the conference.

In addition to the days attended at COP15, some officials participated in additional meetings and negotiations immediately prior to the formal UNFCCC meetings. In addition, some officials also attended the Commonwealth Heads of Government Meeting in Trinidad and Tobago (27-29 November 2009).

(f) to (h) The total costs of relevant participants from the Official Australian Delegation are not available for the following reasons:

- Excluding travel by Special Purpose Aircraft, costs of official overseas travel by Ministers, Parliamentary Secretaries, accompanying spouses (where relevant) and accompanying staff employed under the Members of Parliament (Staff) Act 1984 are paid for by the Department of Finance and Deregulation (Finance).

Finance has advised that expenditure for this overseas visit has not yet been reconciled. Dates, destinations, the purpose and costs of all official overseas travel are tabled in the Parliament every six months in a report titled Parliamentarians’ Travel paid by the Department of Finance and Deregulation. These reports are also published on the Finance web site.

- The Australian Government has no records of the costs incurred by members of state or territory governments or of non-Government Organisations in the Official Australian Delegation. All costs associated with state and territory members of the Official Australian Delegation were paid by the state and territory governments. The Australian Government did not pay for observers from non-government organisations.

- The AFP does not comment on security or issues that may disclose methodology associated with security matters. Any disclosure of costs associated with the security of the Prime Minister has a potential to identify methodology.

However, the costs for staff from the Department of the Prime Minister and Cabinet totalled $47,637. Questions about the expenditure for other members of the Official Australian Delegation should be directed to the relevant agencies. Ms Martin and Ms Christie travelled business class to and from Copenhagen. Mr Suckling made his own way to London and flew business class to Copenhagen. He returned to Australia with the PM on the VIP jet.

(j) It is not possible to provide a complete set of the papers, speeches or advice given by each member of the Official Australian Delegation to COP15. The Australian Government did not provide administrative support of this sort to members of the Australian Official Delegation who represented State and Territory Governments and the non-government organisations. Further, discussions by any member of the Australian Official Delegation would not necessarily have been recorded.

(a) to (f). The total bookings or costs incurred by the Official Australian Delegation to COP15 are not available for the reasons outlined in response to part 1 of this question.

As at 3 March 2010, the Department of the Prime Minister and Cabinet had incurred:

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<th>Category</th>
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<td>Accommodation</td>
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<td>Meals</td>
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<td>Transport</td>
<td>$161.26</td>
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<tr>
<td>Miscellaneous</td>
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Refer to the answer for part 1 of this question.
(4) Refer to the answer for part 1 of this question.
(5) Refer to the answer for part 1 of this question.
(6) Refer to part 1 of this question.
(7) The role of the AFP was the protection and security of the Prime Minister.
(8) Five (5) AFP protection officers attended COP15.
(9) (a) (i) The role of Mr Howard Bamsey, Special Envoy on Climate Change, at COP15 was to undertake high level representation and strategic engagement with key parties and to participate in meetings in support of Minister Wong. (ii) The role of Ms Louise Hand, Ambassador for Climate Change, at COP15 was as Lead Negotiator.
(b) The differences between the roles was that Mr Bamsey had a broader strategic role and represented Minister Wong at times, whereas Ms Hand engaged in the more detailed negotiations and led the DCC negotiating team.
(10) As has been practice with the current government and previous governments, a doctor usually travels with the Prime Minister on overseas visits. The medical officer on this occasion was Mr Stephan Rudzki.
(11) There was no political adviser employed by the Department of Climate Change. The provisional (draft) list of COP15 participants circulated by the UNFCCC Secretariat contained some error, including a reference to a student from Oxford University being part of the Official Australian Delegation.
(12) There was no student from the University of Oxford on the Official Australian delegation.
The provisional (draft) list of COP15 participants was compiled by and circulated by the UNFCCC Secretariat and it reflected information submitted in advance of the COP15 meeting.
(13) Refer to answer for part 12 of this question.
(14) Refer to answer for part 12 of this question.
(15) Refer to answer for part 12 of this question.
(16) There are no job descriptions for a desk officer and a baggage liaison officer. The titles reflect roles taken on by staff members among other duties performed and are not formal position titles. The Desk Officer provided policy advice in Copenhagen. The Baggage Liaison Officer role was performed, amongst other roles, by a member of the Royal Australian Airforce and a Locally Engaged Staff member.
(17) As has been the practice of successive Governments, an official photographer routinely accompanies the Prime Minister and delegations on overseas visits.
(18) I understand that an official photographer was retained by COP15.
(19) The role of the Australian official photographer is to record the activities of the Australian Prime Minister and Delegation. I am unaware of the particulars of the roles of the official photographer to COP15.

Resources, Energy and Tourism: Staffing

(Question No. 2717 and 2718)

Senator Humphries asked the Minister representing the Minister for Resources and Energy and the Minister representing the Minister for Tourism, on notice, on 10 March 2010:
With Reference to the departments and all agencies in the Minister’s portfolio, how many involuntary redundancies were there for each of the following financial years: (a) 2007-08; (b) 2008-09; and (c) 2009-10 to date
**Senator Carr**—The Minister for Resources and Energy and the Minister for Tourism has provided the following response to the honorable senator’s question:

The number of involuntary redundancies for financial years 07-08, 08-09 and 09-10 for Dept of Resources, Energy and Tourism, Geoscience Australia and Tourism Australia are as follows:

**Dept of Resources, Energy and Tourism**

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<tr>
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**Geoscience Australia**

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**Tourism Australia**

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