INTERNET

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FORTY-THIRDD PARLIAMENT
FIRST SESSION—FIRST 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 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 Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Stephen Shane Parry
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
Members of the Senate

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

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

**Heads of Parliamentary Departments**

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

Prime Minister
Hon. Julia Gillard MP

Deputy Prime Minister and Treasurer
Hon. Wayne Swan MP

Minister for Regional Australia, Regional Development and Local Government
Hon. Simon Crean MP

Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Senator Hon. Chris Evans

Minister for School Education, Early Childhood and Youth
Hon. Peter Garrett AM MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Foreign Affairs
Hon. Kevin Rudd MP

Minister for Trade
Hon. Dr Craig Emerson MP

Minister for Defence and Deputy Leader of the House
Hon. Stephen Smith MP

Minister for Immigration and Citizenship
Hon. Chris Bowen MP

Minister for Infrastructure and Transport and Leader of the House
Hon. Anthony Albanese MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Sustainability, Environment, Water, Population and Communities
Hon. Tony Burke MP

Minister for Finance and Deregulation
Senator Hon. Penny Wong

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Attorney-General and Vice President of the Executive Council
Hon. Robert McClelland MP

Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

Minister for Climate Change and Energy Efficiency
Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts                                      Hon. Simon Crean MP
Minister for Social Inclusion                            Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information          Hon. Brendan O'Connor MP
Minister for Sport                                       Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity Hon. Gary Gray AO, MP
Assistant Treasurer and Minister for Financial Services and Superannuation Hon. Bill Shorten MP
Minister for Employment Participation and Childcare      Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic Development Senator Hon. Mark Arbib
Minister for Veterans’ Affairs and Minister for Defence Science and Personnel Hon. Warren Snowdon MP
Minister for Defence Materiel                             Hon. Jason Clare MP
Minister for Indigenous Health                            Hon. Warren Snowdon MP
Minister for Mental Health and Ageing                     Hon. Mark Butler MP
Minister for the Status of Women                          Hon. Kate Ellis MP
Minister for Social Housing and Homelessness              Senator Hon. Mark Arbib
Special Minister of State                                 Hon. Gary Gray AO, MP
Minister for Small Business                               Senator Hon. Nick Sherry
Minister for Home Affairs and Minister for Justice        Hon. Brendan O’Connor MP
Minister for Human Services                                Hon. Tanya Plibersek MP
Cabinet Secretary                                         Hon. Mark Dreyfus QC, MP
Parliamentary Secretary to the Prime Minister             Senator Hon. Kate Lundy
Parliamentary Secretary to the Treasurer                  Hon. David Bradbury MP
Parliamentary Secretary for School Education and Workplace Relations Senator Hon. Jacinta Collins
Minister Assisting the Prime Minister on Digital Productivity Senator Hon. Stephen Conroy
Parliamentary Secretary for Trade                          Hon. Justine Elliot MP
Parliamentary Secretary for Pacific Island Affairs         Hon. Richard Marles MP
Parliamentary Secretary for Defence                        Senator Hon. David Feeney
Parliamentary Secretary for Immigration and Citizenship   Senator Hon. Kate Lundy
Parliamentary Secretary for Infrastructure and Transport and Health and Ageing Hon. Catherine King MP
Parliamentary Secretary for Disabilities and Carers        Senator Hon. Jan McLucas
Parliamentary Secretary for Community Services             Hon. Julie Collins MP
Parliamentary Secretary for Sustainability and Urban Water Senator Hon. Don Farrell
Minister Assisting on Deregulation                         Senator Hon. Nick Sherry
Parliamentary Secretary for Agriculture, Fisheries and Forestry Hon. Dr Mike Kelly AM, MP
Minister Assisting the Minister for Tourism                Senator Hon. Nick Sherry
Parliamentary Secretary for Climate Change and Energy Efficiency Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition          Hon. Tony Abbott MP
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade Hon. Julie Bishop MP
Leader of the Nationals and Shadow Minister for Infrastructure and Transport Hon. Warren Truss MP
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts Senator Hon. George Brandis SC
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 Minister for Indigenous Affairs and Deputy Leader of the Nationals Senator Hon. Nigel Scullion
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate Senator Barnaby Joyce
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee Hon. Andrew Robb AO, MP
Shadow Minister for Energy and Resources Hon. Ian Macfarlane MP
Shadow Minister for Defence Senator Hon. David Johnston
Shadow Minister for Communications and Broadband Hon. Malcolm Turnbull MP
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 Productivity and Population and Shadow Minister for Immigration and Citizenship Mr Scott Morrison MP
Shadow Minister for Innovation, Industry and Science Mrs Sophie Mirabella MP
Shadow Minister for Agriculture and Food Security Hon. John Cobb MP
Shadow Minister for Small Business, Competition Policy and Consumer Affairs Hon. Bruce Billson MP

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

Shadow Minister for Employment Participation

Hon. Sussan Ley MP

Shadow Minister for Justice, Customs and Border Protection

Mr Michael Keenan MP

Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation

Senator Mathias Cormann

Shadow Minister for Childcare and Early Childhood Learning

Hon. Sussan Ley MP

Shadow Minister for Universities and Research

Senator Hon. Brett Mason

Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House

Mr Luke Hartsuyker MP

Shadow Minister for Indigenous Development and Employment

Senator Marise Payne

Shadow Minister for Regional Development

Hon. Bob Baldwin MP

Shadow Special Minister of State

Hon. Bronwyn Bishop MP

Shadow Minister for COAG

Senator Marise Payne

Shadow Minister for Tourism

Hon. Bob Baldwin MP

Shadow Minister for Defence Science, Technology and Personnel

Mr Stuart Robert MP

Shadow Minister for Veterans’ Affairs

Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications

Mr Luke Hartsuyker MP

Shadow Minister for Ageing and Shadow Minister for Mental Health

Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors

Hon. Bronwyn Bishop MP

Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate

Senator Mitch Fifield

Shadow Minister for Housing

Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee

Mr Jamie Briggs MP

Shadow Cabinet Secretary

Hon. Philip Ruddock MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition

Senator Cory Bernardi

Shadow Parliamentary Secretary for International Development Assistance

Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Roads and Regional Transport

Mr Darren Chester MP

Shadow Parliamentary Secretary to the Shadow Attorney-General

Senator Gary Humphries

Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee

Hon. Tony Smith MP

Shadow Parliamentary Secretary for Regional Education

Senator Fiona Nash

Shadow Parliamentary Secretary for Northern and Remote Australia

Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Local Government

Mr Don Randall MP

Shadow Parliamentary Secretary for the Murray-Darling Basin

Senator Simon Birmingham

Shadow Parliamentary Secretary for Defence Materiel

Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support

Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Primary Healthcare

Dr Andrew Southcott MP
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<td>Mr Andrew Laming MP</td>
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<td>Senator Cory Bernardi</td>
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<td>Senator Michaelia Cash</td>
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<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
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<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td>Senator Scott Ryan</td>
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Tuesday, 28 September 2010

SENATE

Hansard

2010

FIRST SESSION OF THE FORTY-THIRD PARLIAMENT

(FIRST PERIOD)

The Senate, on 24 June 2010, adjourned until Tuesday, 28 September 2010 at 10.30 am. The Forty-third Parliament was convened for the dispatch of business on 28 September 2010 at 10.30 am, and the First Session commenced that day.

Tuesday, 28 September 2010

OPENING OF THE PARLIAMENT

The Senate met at 10.30 am, pursuant to the proclamation of Her Excellency the Governor-General.

The PRESIDENT (Senator the Hon. John HOGG) took the chair.

The Clerk read the proclamation.

The Deputy appointed by Her Excellency the Governor-General for the opening of the Parliament, the Hon. Robert Shenton French AC, Chief Justice of the High Court of Australia, having been announced by the Usher of the Black Rod, entered the chamber and took the chair.

The Deputy directed the Usher to desire the attendance of the members of the House of Representatives:

Members of the House of Representatives having attended accordingly—

The Deputy said:

Members of the Senate and members of the House of Representatives: Her Excellency the Governor-General has appointed me as her Deputy to declare open the Parliament of the Commonwealth. The Clerk of the Senate will now read the instrument of appointment.

The instrument having been read by the Clerk—

The Deputy said:

Members of the Senate and members of the House of Representatives, pursuant to the instrument which the Clerk has now read, I declare open the 43rd Parliament of the Commonwealth.
Her Excellency the Governor-General has commanded me to let you know that, after certain members of the Senate and members of the House of Representatives have been sworn, the Governor-General will declare in person at this place the causes of her calling the parliament together.

First it is necessary that a Speaker of the House of Representatives be chosen and, therefore, you, members of the House of Representatives, will now return to the House of Representatives and choose a person to be your Speaker. Later today, you will present the person you have chosen to the Governor-General at a time and place appointed by her.

I will now attend in the House of Representatives for the purpose of administering the oath or affirmation of allegiance to honourable members of that House.

The Deputy and members of the House of Representatives having retired, the President again took the chair—

**REPRESENTATION OF AUSTRALIAN CAPITAL TERRITORY AND NORTHERN TERRITORY**

The President—The certificates of election of senators elected to represent the Australian Capital Territory and the Northern Territory are tabled:

Australian Capital Territory—
Kate Alexandra Lundy
Gary John Joseph Humphries

Northern Territory—
Patricia Margaret Crossin
Nigel Gregory Scullion

**SENATORS SWORN**

The following senators made and subscribed the oath or affirmation of allegiance:

Patricia Margaret Crossin
Gary John Joseph Humphries

Kate Alexandra Lundy
Nigel Gregory Scullion

**Sitting suspended from 10.46 am to 3.00 pm**

**GOVERNOR-GENERAL’S SPEECH**

Her Excellency the Governor-General entered the chamber and, being seated, with the President on her right hand, commanded that a message be sent to the House of Representatives intimating that Her Excellency desired the attendance of honourable members in the Senate chamber.

Honourable members having come with their Speaker, Her Excellency was pleased to deliver the following speech:

**Introduction**

Honourable senators and members of the Parliament of Australia, I honour the traditional owners of the country upon which we gather and celebrate our Indigenous peoples as the first lawgivers of our land.

I also acknowledge the remarkable circumstance of our nation having its first female Governor-General and first female Prime Minister.

This historic conjunction should be an inspiration not only to the women and girls of our nation but to all Australians.

It demonstrates this is a land of freedom and of opportunity. It should reinforce to every girl and every boy that in this wonderful country they can aim high and see their hopes fulfilled.

It is also evidence that our democratic system is strong, with our established principles of government ever adapting to meet new challenges and new demands.

Nowhere has the robust nature of our democracy been more evident than in the election held on 21 August 2010.

Through this result, the Australian people have placed upon their elected leaders the
responsibility of forming a minority government, something not seen in our Commonwealth for seven decades.

**Parliamentary reform**

It is a tribute to every senator and member gathered here today that this process unfolded with patience and civility and has yielded a parliament committed to greater transparency and accord.

In that spirit, the government will quickly implement new measures to enhance the dignity and effectiveness of this legislature, including a more effective question time, a stronger committee system and greater scope for private members’ bills.

The government will also facilitate the creation of a Parliamentary Budget Office and the new role of Parliamentary Integrity Commissioner.

It is the government’s intention that these reforms will not only serve for this current term but become an enduring legacy to our parliamentary system.

The government will also bring forward for early consideration legislation to ensure that political donations are made more transparent and risks to the integrity of our political system are minimised.

Of great significance in this term will be proposals to amend the Constitution to recognise the first Australians and to acknowledge the role of local government in our democratic system.

The recognition of Indigenous Australians in our founding charter will be a high point on our nation’s long journey towards reconciliation, which began with the historic referendum of 1967.

More broadly, the government recognises that the parliament will play a much enhanced role in the governance of our nation during this term and welcomes the opportunity thus presented to strengthen our democracy.

Within this more cooperative framework, the government looks forward to implementing policies that will equip our nation to meet the demands and challenges of the twenty-first century.

**A stronger economy**

Foremost among those challenges is the need to build a high-productivity, high-participation, high-skill economy that delivers sustainable growth for all Australians.

Having emerged from the global financial crisis with some of the best economic outcomes of any advanced nation, the government will implement measures to ensure Australia’s economy remains flexible and strong.

At the heart of these plans is the government’s commitment to return the budget to surplus in 2012-13, placing Australia at the forefront of global fiscal consolidation efforts.

The government will advance its economic reform agenda to lift productivity and competitiveness and prepare for the future, through reforms to taxation, superannuation and business regulation, and through investments in education and infrastructure to drive future growth.

During this term, the government will pursue plans to reduce the tax burden on the business sector, simplify tax returns for ordinary taxpayers and obtain a more equitable distribution of the nation’s natural wealth through the minerals resource rent tax agreed with our nation’s biggest miners and now the subject of wider consultation.

Further deliberations on the nation’s taxation system will be considered at a public forum to be held by mid 2011, which will re-examine the Henry tax review and consider...
the economic and social effects of taxation reform.

Following that forum, the government will hold a debate on tax reform in the Australian parliament, enabling all senators and members to express their views.

In the coming term of office, the government will also commence implementation of its promised increase in the superannuation guarantee levy from nine to 12 per cent, ensuring working Australians enjoy greater security in retirement and considerably boosting the nation’s pool of savings.

In parallel, the government will seek to implement key findings of the Cooper review to make the nation’s superannuation system more efficient, cost-effective and transparent.

During this term, the government will also pursue its reform agenda to break down barriers for businesses operating across state and territory borders, in particular, a national regime for occupational health and safety regulation.

Another central aspect of the government’s economic strategy is continued high levels of infrastructure investment, which will help drive productivity and make our cities more liveable.

To this end, the government is investing $37 billion in transport infrastructure through the Nation Building Program over the six-year period to 2013–14.

The government’s commitments include major urban rail projects in Sydney, Melbourne and Brisbane, the most significant investment in public transport yet made by the Commonwealth.

In this term of parliament, the government will also continue the rollout of Australia’s largest ever infrastructure enterprise, the National Broadband Network.

By making high-speed affordable broadband available to the whole community, the NBN will help lift the productivity of our regional economies, expand economic opportunities and improve service delivery in key areas such as education and health care.

The NBN will also underpin the government’s commitment to provide, from 1 July 2011, a new Medicare rebate for internet based consultations for those living in regional and outer suburban areas where access to medical specialists is limited.

Accordingly, the government will present for consideration by this parliament legislation to enable the effective rollout of the NBN, support the heads of agreement with Telstra and improve the existing regulatory regime.

The Australian government is deeply committed to ensuring that the dignity and benefits of work are more widely shared among the members of our community.

Therefore, the government will pursue measures to increase workplace participation by disadvantaged or disengaged groups, including Indigenous Australians, people with disability, youth and mature age workers.

This will include the introduction of a work bonus for age pensioners who choose to undertake part-time work, and training and assessment support for mature age workers.

The government will also bring forward a range of new measures to drive positive employment outcomes, including relocation assistance to support the long-term unemployed move to areas with greater job opportunities.

With the economy returning to above-trend growth, the government acknowledges the cost of living pressures faced by many families.

In response, the government has already introduced three tranches of income tax re-
ductions and has increased the Child Care Rebate from 30 to 50 per cent.

In addition, the government’s historic Paid Parental Leave scheme will commence on 1 January 2011, assisting families with the cost of raising children and encouraging greater workforce participation.

To provide further assistance to families, the government will extend the scope of the education tax refund to cover the cost of school uniforms.

In addition, the government will increase family support by up to $4,000 a year for teenagers who are enrolled in school or vocational training, encouraging young people to remain in the education system and acquire the skills necessary for work and for life.

The government will better protect employee entitlements as part of its commitment to fair and balanced workplace relations, and measures will be introduced to enhance the protections available to banking customers.

### Education

Honourable senators and members, education lies at the heart of the government’s agenda to strengthen workforce participation and enhance our nation’s fairness and prosperity.

The government will continue to build on its landmark reforms in early childhood education, schools, vocational education, universities and research.

In each area the government will continue to improve standards and quality, increase transparency and modernise infrastructure.

During this term, in the area of school education, the government will empower local principals and communities to make decisions on the ground to improve the quality and effectiveness of their schools.

At the same time, the government will deliver the national curriculum and build on its My School transparency measures.

In addition, parents, students and teachers will be provided with a national online assessment and learning bank to help support learning and diagnose individual student strengths and learning needs.

There will also be new recognition and rewards for schools that improve attendance and student performance, and the very best classroom teachers will be identified and rewarded through a new national system of performance assessment and bonus payments.

The government will also move to ensure Australian students have access to a national educational credential of international standing—the Australian Baccalaureate.

To help ensure children are ready to learn when they start school, the government will continue to deliver its early education reform agenda and enable universal access to preschool by 2013.

The government will link payment of the family tax benefit part A end-of-year supplement so that four-year-old children receive a health assessment before starting school.

In the area of skills development, which is so critical to our nation’s future, the government will continue its reform efforts to create a truly national, high-quality, transparent training system and to lift the skills of the workforce.

The government will build on the trade training centres program with a new national trade cadetship initiative to help young people develop trade skills while they are enrolled at school.

Additional incentives and mentoring will also be provided to ensure that apprentices
gain the skills and experience relevant to the industries of today and the future.

The government will introduce a guaranteed entitlement to high-quality training places for all Australians under the age of 25, and in the future will develop a broad entitlement for foundation skills training and skills development for older Australians.

During this term of parliament, legislation will be introduced to establish new quality and standards regulators in higher education and vocational education.

Given the vital role of universities in driving productivity, research, innovation, regional development and the social and cultural life of the nation, the government will continue to deliver its transformative reform agenda stemming from the Bradley and Cutler reviews and the considerable new funding associated with these reforms.

The government will also seek to reintroduce university student amenities and services legislation to enrich the learning experience and wellbeing of students across Australia.

**A fair and resilient society**

Honourable senators and members, over the next term, the government will strive not only to build a stronger economy but a more inclusive society.

Despite Australia’s strong economic growth, around five per cent of working age citizens experience multiple forms of disadvantage that can result in lower levels of social and economic participation and reduced wellbeing.

The government’s second term social inclusion agenda will thus focus on overcoming entrenched disadvantage so that as the economy grows, fewer people are left behind.

To achieve these objectives, the government will continue to invest in our health system and schools, our communities and regions to support social inclusion and close the gap on Indigenous disadvantage.

The government will implement its landmark structural reforms to improve access to health and hospital services for all Australians and sustain the financial viability of the health system.

The government will also expand the roll-out of GP superclinics in suburban and regional communities, and create a GP after-hours hotline so families can receive support on weekends or late at night.

On mental health, the government will fund a package to help reduce the incidence of suicide and will work towards new measures to further improve the health of Australians living with mental illness.

The government will also fund additional aged-care places and invest in multipurpose services that provide integrated aged health and aged-care services.

Over the next four years, the government will invest in increasing participation in community sport and supporting our elite athletes, thus contributing to a more active and healthy society.

Indigenous communities will benefit from the government’s continued investment in housing, health, early childhood, economic participation and remote service delivery, with outcomes closely tracked against ‘Closing the Gap’ targets.

The government’s agenda for Indigenous advancement will also be strongly supported by the establishment of the National Congress of Australia’s First Peoples to be convened from January 2011.

The government is committed to ensuring that this term of office delivers tangible improvements in the level of support for those who live with disability.
The government will increase the number of supported accommodation places, and will finalise the National Disability Strategy through the Council of Australian Governments.

It will also provide individual funding for early intervention services to assist children diagnosed with sight and hearing impairments, cerebral palsy, Down syndrome or fragile X syndrome.

The long-term care and support needs of people with disability is a national priority that demands a national response.

The government therefore looks forward to giving careful consideration to the Productivity Commission’s forthcoming report on a national disability insurance scheme.

Prevention of violence against women and children will also be a priority in this term of the parliament.

The forthcoming National Plan to Reduce Violence against Women and their Children will focus the efforts of all governments on preventing violence, delivering justice for victims and improving support services.

Problem gambling is another important social issue that the government seeks to address during this new term.

The social cost of problem gambling is estimated to be $4.7 billion a year, along with an incalculable human toll on gambling addicts and their families.

The government will therefore work to implement, by 2014, a best practice full pre-commitment scheme that is uniform across all states and territories and machines, consistent with the recommendations of the Productivity Commission.

The extent and intractability of homelessness remains one of the greatest stains on Australia’s deserved reputation for social fairness and decency.

The government is committed to reducing the number of Australians who are homeless and will work closely with state and territory governments and the non-profit sector to halve the rate of homelessness and offer accommodation to all people who sleep rough by 2020.

Enhancement of the non-profit sector is also a key priority for this term, and the government will therefore create a new office for the non-profit sector, harmonise and simplify laws on non-profit issues and examine the merits of a single national regulator.

The government will strengthen its support for the arts with the release of Australia’s first national cultural policy in almost two decades.

Building Regional Australia

Honourable senators and members, the recent election has brought renewed attention to the needs of the one-third of Australians who live outside our major cities and who exemplify in a special way our nation’s heritage and character.

Those citizens rightly aspire to high-quality, accessible services befitting their status as equal members of the Australian community.

Accordingly the government has appointed a new cabinet level minister for regional Australia, supported by a new department of regional Australia.

In addition, the government will establish a new House of Representatives committee on regional Australia, allowing members to inquire into the needs and resourcing of our regions and the impact of legislation on regional communities.
The government will also fund the creation of a regional development policy centre to provide an additional source of independent advice for honourable members and the wider community.

In terms of resources, 60 per cent of the government’s nation-building infrastructure funding has already been allocated to regional Australia, as has the $6 billion Regional Infrastructure Fund.

Building on these developments, the government will significantly increase the level of resources available to regional Australia.

The government will invest $800 million in a new priority regional infrastructure program that will fund projects such as transport, economic and community infrastructure as identified by local communities.

Regional universities and TAFEs will have access to a dedicated regional priorities round of up to $500 million from the Education Investment Fund.

There will also be a regional priority round from the Health and Hospitals Fund to build and upgrade regional health infrastructure and support clinical training capacity in our regional hospitals.

In addition, the government will ensure that regional Australia receives a minimum population based funding entitlement of all educational resources, and will develop a regional education and skills plan during the course of 2011.

Importantly, the government will also carry forward its commitment to build the inland rail link, which has been so long awaited by many country communities.

And under the government’s Building Better Regional Cities program, funding will be provided to help facilitate the construction of up to 15,000 affordable homes in regional cities that wish to expand.

Climate change and sustainability

Honourable senators and members, Australia’s natural heritage is a precious gift held in trust for future generations and for the entire world.

It is the government’s strong view that Australia’s unique way of life must be preserved through measures to ensure a more sustainable future, by both protecting the environment and enhancing the amenity of our urban communities.

During this term of office, the government will develop the nation’s first ever sustainable population strategy to examine future population needs and how population growth can be better underpinned by appropriate infrastructure and services.

Of vital importance to the government’s agenda is the need to reduce the level of damaging greenhouse gas emissions, which endanger the sustainability of our planet.

Accordingly, the government will shortly convene a new multiparty climate change committee to provide advice on mechanisms for implementing a carbon price and how best to build community consensus.

The committee’s work will be vital in enabling the parliament to conduct a wide-ranging and informed debate on this important issue.

At the same time, the government will work to harness the power of natural resources, including wind, solar, geothermal energy and biofuels, as well as funding transmission infrastructure to bring renewable energy from our regions to our cities.

The government will also bring forward legislation to strengthen emission standards for new power stations and motor vehicles as well as providing tax concessions for sustainable buildings and rebates for the replacement of older, inefficient vehicles.
In addition, the government’s proposed carbon farming initiative will facilitate the sale of carbon credits on domestic and international markets providing a new source of income for farmers and reducing carbon pollution.

As the world’s driest inhabited continent Australia must carefully steward its precious water resources especially those of our greatest river system, the Murray-Darling.

The government has already purchased more than 900 billion litres of water entitlements for environmental flows, and the release of the Murray-Darling Basin Plan guide next month will advance this important national priority.

To better protect our most sensitive marine habitats and assist the long-term viability of our ocean based industries, the government will seek to build a representative network of protected areas in Australian waters.

During this term, the government will also respond to the independent review of the Environment Protection and Biodiversity Conservation Act, and will develop a national food plan to examine the long-term sustainability of Australia’s food production.

**National security and international relations**

Honourable members and senators, as a diverse multicultural nation dedicated to free trade and creative middle-power diplomacy Australia has a constructive role to play on the world stage.

The government will continue to foster those relationships that are so essential to Australia’s interests, including our alliance with the United States and our core bilateral relationships with partners in our region.

The government will also ensure that Australia remains an active and effective member of key multilateral institutions, including the United Nations, the G20, the East Asia Summit and the Asia-Pacific Economic Co-operation forum.

There is no higher policy priority than national security, and the government will continue to build a whole-of-government approach to meet the full range of threats and challenges that may arise.

The government’s most immediate national security priority is Afghanistan, where the international community seeks to prevent that country from again becoming a terrorist staging ground.

Our nation’s engagement has come at a high price and we honour the memory of the 21 Australians who have made the supreme sacrifice in Afghanistan since 2001.

The government remains committed to the task in Afghanistan and will continue to provide the support necessary for Australian forces to complete their mission.

Acknowledging the increasing number of personnel who are injured on duty, the government will introduce a new support scheme, the Simpson program, which will provide increased assistance, training and access to specialist rehabilitation for wounded Defence Force members.

More broadly, the government remains committed to ensuring Australia has the defence capabilities it needs to meet current and future challenges while also ensuring that defence spending remains prudent and cost effective.

The loss of Australian lives in Bali in 2002 and 2005 is a potent reminder of the need for vigilance and resolve against the threat of terrorism.

Accordingly, the government remains committed to a comprehensive approach to counterterrorism which focuses on prevention and reducing the risks faced by Australians at home and abroad.
The government also recognises the grave threat to international peace posed by the proliferation of nuclear, biological and chemical weapons and know-how, and will continue to pursue the cause of disarmament together with our international partners.

On the issue of border protection, the government seeks to remove the incentive for asylum seekers to undertake dangerous sea voyages to Australia while promoting an approach to assessing refugee claims that is efficient, timely and fair.

Accordingly, the government remains committed to an effective response to irregular maritime migration through the development of a regional protection framework in cooperation with our regional neighbours as well as the United Nations High Commissioner for Refugees and the International Organisation for Migration.

The government will always honour the obligations under the United Nations Refugee Convention to which our country became a party under Prime Minister Menzies in 1954.

Conclusion

Honourable senators and members, with the convening of the 43rd Parliament, our system of government ventures into terrain not encountered since the far-off days of World War II.

As one of the world’s oldest continuing democracies, we have it within our grasp to ensure that the challenges posed by the configuration of this parliament become a source of renewal and change.

Certainly the story of our nation tells us that nothing is impossible when we work together and seek the best in each other—drawing upon the qualities of resourcefulness and courage that are such a hallmark of the Australian spirit.

The government acknowledges that the measures outlined today are not the complete sum of what can be accomplished by this parliament.

Rather, it is the government’s hope that through its strong leadership, combined with goodwill and consensus, even more can be achieved to the benefit of our people and the advancement of our Commonwealth in the term that lies ahead.

I therefore wish you well in your deliberations and warmly commend your dedication to the service of our nation.

And with great faith in the enduring strength of our democratic institutions, I take pride in opening the 43rd Parliament of the Commonwealth of Australia.

Her Excellency the Governor-General and members of the House of Representatives retired—

Sitting suspended from 3.58 pm to 5.20 pm

The PRESIDENT (Senator the Hon. John Hogg) read prayers.

GOVERNOR-GENERAL’S SPEECH

The PRESIDENT—I inform the Senate that I have received a copy of the opening speech which Her Excellency the Governor-General was pleased to deliver to both houses of the parliament.

Ordered that consideration of the Governor-General’s opening speech be made an order of the day for the next day of sitting.

Suspension of Standing Orders

Senator CHRIS EVANS (Western Australia)—Leader of the Government in the Senate) (5.20 pm)—by leave—I move:

That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General’s opening speech has been adopted.
MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (5.21 pm)—by leave—I have the honour to inform the Senate that, following the election held on 21 August 2010, the Governor-General commissioned the Prime Minister to form a government. Ministers and parliamentary secretaries were appointed on 14 September 2010. For the information of honourable senators I have a list of the full ministry. The document lists all ministers and parliamentary secretaries and the offices they hold. It shows those ministers who comprise the cabinet and provides details of representation arrangements in each chamber. I would also like to inform the Senate that Senator McEwen has been elected as the Government Whip in the Senate and that Senator Carol Brown and Senator Polley have been elected as Deputy Government Whips in the Senate. I look forward to working with them in their new roles.

I would like to congratulate all our frontbenchers on their election to the roles of ministers and parliamentary secretaries. I am pleased to say we have a larger frontbench than last time, although we are down one minister—but that position has been ably replaced by five parliamentary secretaries. I would particularly like to congratulate Senators Lundy, Collins, Feeney and Farrell on their new appointments and to welcome Senator McLucas on her return to the frontbench. I would also like to place on record my thanks to the other members of the government team who served on the frontbench in the first term of the government for the contribution they made. I particularly note the contributions of Senator Faulkner and Senator Stephens, who no doubt will continue to serve with distinction in the Senate.

In conclusion, on behalf of Labor senators I note the passing of Neil Bessell, who I understand passed away on 5 July this year. Neil was a long-serving and dedicated Senate officer who was known to all senators. On behalf of the government and, I am sure, all members of the Senate, I would like to acknowledge Neil’s contribution to the Senate and extend our condolences to his family, friends and colleagues.

I would also like to congratulate those members of the coalition who have been appointed to their frontbench, particularly those who have recently moved into shadow ministerial roles. We look forward to crossing swords with them in the years to come.

Senator Abetz—in the days to come.

Senator CHRIS EVANS—We will see. I seek leave to have the document I described earlier in these remarks incorporated in Hansard.

Leave granted.

The document read as follows—

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>The Hon Simon Crean MP</td>
<td>Senator the Hon Nick Sherry</td>
</tr>
<tr>
<td>Minister for the Arts</td>
<td>The Hon Simon Crean MP</td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
<td>Other Chamber</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Tanya Plibersek MP</td>
<td>Senator the Hon Mark Arbib</td>
</tr>
<tr>
<td>Minister for Privacy and Freedom of Information</td>
<td>The Hon Brendan O’Connor MP</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Sport</td>
<td>Senator the Hon Mark Arbib</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Special Minister of State for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Kate Lundy</td>
<td></td>
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<tr>
<td>Treasurer (Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
<td>Senator the Hon Nick Sherry</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
<td>Senator the Hon Nick Sherry</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon David Bradbury MP</td>
<td></td>
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<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations</td>
<td>Senator the Hon Chris Evans</td>
<td>The Hon Simon Crean MP</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<td>(Jobs and Workplace Relations)</td>
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<td>The Hon Peter Garrett AM MP</td>
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<td>(Tertiary Education and Skills)</td>
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<td>Senator the Hon Chris Evans</td>
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<td>The Hon Jenny Macklin MP</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
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<tr>
<td>Minister for Employment Participation and Childcare</td>
<td>The Hon Kate Ellis MP</td>
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<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>Senator the Hon Mark Arbib</td>
<td></td>
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<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Jacinta Collins</td>
<td></td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy</td>
<td>Senator the Hon Stephen Conroy</td>
<td>The Hon Anthony Albanese MP</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Kevin Rudd MP</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Trade</td>
<td>The Hon Dr Craig Emerson MP</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Richard Marles MP</td>
<td></td>
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<tr>
<td>Minister for Defence</td>
<td>The Hon Stephen Smith MP</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td>The Hon Warren Snowdon MP</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs</td>
<td>The Hon Warren Snowdon MP</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Defence Science and Personnel</td>
<td>The Hon Warren Snowdon MP</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Minister for Defence Materiel</td>
<td>The Hon Jason Clare MP</td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>Senator the Hon David Feeney</td>
<td>Senator the Hon Kim Carr</td>
</tr>
</tbody>
</table>
### Title

| Minister for Immigration and Citizenship | The Hon Chris Bowen MP | Senator the Hon Kate Lundy |
| Minister for Infrastructure and Transport | The Hon Anthony Albanese MP | Senator the Hon Kim Carr |
| Parliamentary Secretary for Infrastructure and Transport | The Hon Catherine King MP |
| Minister for Health and Ageing | The Hon Nicola Roxon MP | Senator the Hon Joe Ludwig |
| Minister for Indigenous Health | The Hon Warren Snowdon MP | Senator the Hon Joe Ludwig |
| Minister for Mental Health and Ageing | The Hon Mark Butler MP | Senator the Hon Joe Ludwig |
| Parliamentary Secretary for Health and Ageing | The Hon Catherine King MP |
| Minister for Families, Housing, Community Services and Indigenous Affairs | The Hon Jenny Macklin MP | Senator the Hon Mark Arbib |
| Minister for the Status of Women | The Hon Kate Ellis MP | Senator the Hon Penny Wong |
| Minister for Social Housing and Homelessness | Senator the Hon Mark Arbib | The Hon Jenny Macklin MP |
| Parliamentary Secretary for Disabilities and Carers | Senator the Hon Jan McLucas |
| Parliamentary Secretary for Community Services | The Hon Julie Collins MP |
| Minister for Sustainability, Environment, Water, Population and Communities | The Hon Tony Burke MP | Senator the Hon Stephen Conroy |
| Parliamentary Secretary for Sustainability and Urban Water | Senator the Hon Don Farrell |
| Minister for Finance and Deregulation | Senator the Hon Penny Wong | The Hon Wayne Swan MP |
| Special Minister of State | The Hon Gary Gray AO MP | Senator the Hon Penny Wong |
| Minister Assisting on Deregulation | Senator the Hon Nick Sherry |
| Minister for Innovation, Industry, Science and Research | Senator the Hon Kim Carr | The Hon Peter Garrett AM MP |
| Minister for Small Business | Senator the Hon Nick Sherry | The Hon Bill Shorten MP |
| Attorney-General | The Hon Robert McClelland MP | Senator the Hon Joe Ludwig |
| (Vice President of the Executive Council) | The Hon Brendan O’Connor MP | Senator the Hon Joe Ludwig |
| Minister for Home Affairs | The Hon Brendan O’Connor MP | Senator the Hon Joe Ludwig |
| Minister for Justice | The Hon Dr Mike Kelly AM MP |
| Minister for Agriculture, Fisheries and Forestry | Senator the Hon Joe Ludwig | The Hon Tony Burke MP |
| (Manager of Government Business in the Senate) | The Hon Martin Ferguson AM MP | Senator the Hon Nick Sherry |
| Parliamentary Secretary for Agriculture, Fisheries and Forestry | Senator the Hon Nick Sherry |
| Minister for Resources and Energy | The Hon Martin Ferguson AM MP | Senator the Hon Nick Sherry |
| Minister for Tourism | The Hon Martin Ferguson AM MP | Senator the Hon Nick Sherry |
| Minister Assisting the Minister for Tourism | Senator the Hon Nick Sherry |
Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio and a Department of Regional Australia, Regional Development and Local Government in the Prime Minister’s portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.

**LIBERAL AND NATIONAL PARTIES**

**Leadership and Office Holders**

*Senator ABETZ* (Tasmania) (5.24 pm)—by leave—I will commence my remarks by associating the coalition with the Leader of the Government’s comments in relation to Neil Bessell. Senator Stephen Parry and I represented the coalition at his funeral service. He was a dedicated servant of this parliament and this Senate. I personally had the great pleasure of working with him when I was Chair of the Senate Legal and Constitutional Affairs Committee and he was its secretary. Whilst I think we got a hint at his funeral of his political beliefs, I confess I was never aware of them whilst working with him. He was a great standard-bearer for the Senate and the professionalism of the secretarial services that we have in this chamber.

I congratulate Senator Evans and members of the Labor Party on being recommissioned by Her Excellency the Governor-General to form a government. I can assure the Leader of the Government in the Senate that he will not need to wait for the years to come to cross swords; we will keep the government accountable. I congratulate Senator Evans on his reappointment and those ministers who have been promoted—the backbenchers who have received commissions and been sworn in. It is a great privilege to be able to serve in that role. On a personal basis I wish them well but of course look forward to the day when they sit on this side. I also acknowledge the services of Senator Faulkner and Senator Stephens to this parliament and in the ministerial roles they played.

In relation to the coalition, Senator George Brandis and I were honoured by being re-elected as deputy leader and leader respectively of the coalition in this place at a recent party meeting. I congratulate Senator Fifield on his appointment as Manager of Opposition Business in the Senate and also on having the disability portfolio elevated to a shadow ministerial role. I believe that was very significant. I also congratulate Senator Mason on his elevation to the shadow ministry and Senators Nash, Ryan and Cash on their elevation as shadow parliamentary secretaries.

I seek leave to have incorporated in *Hansard* the full list of the coalition shadow ministry. Leave granted.
The document read as follows—

### COALITION SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
<th>Other Chamber</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Trade (Deputy Leader of the Opposition)</td>
<td>Senate the Hon David Johnston</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Infrastructure and Transport</td>
<td>The Hon Warren Truss MP</td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of The Nationals) Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Employment and Workplace Relations (Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
<td></td>
</tr>
<tr>
<td>Shadow Attorney-General</td>
<td>Senator the Hon George Brandis SC</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Minister for the Arts (Deputy Leader of the Opposition in the Senate)</td>
<td>Mr Michael Keenan MP</td>
<td>Senator the Hon George Brandis SC</td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Senator Gary Humphries</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney- General</td>
<td>The Hon Tony Smith MP</td>
<td></td>
</tr>
<tr>
<td>Shadow Treasurer</td>
<td>The Hon Joe Hockey MP</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform (Deputy Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Tony Smith MP</td>
<td></td>
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<tr>
<td>Shadow Minister for Education, Apprenticeships and Training (Manager of Opposition Business in the House)</td>
<td>The Hon Christopher Pyne MP</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Christopher Pyne MP</td>
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<tr>
<td>Shadow Minister for Youth and Sport (Deputy Manager of Opposition Business in the House)</td>
<td>Mr Luke Hartsuyker MP</td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Affairs (Deputy Leader of the Nationals)</td>
<td>Senator the Hon Nigel Scullion</td>
<td>The Hon Kevin Andrews MP</td>
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<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
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</tr>
<tr>
<td>Shadow Minister for Regional Development, Local Government and Water</td>
<td>Senator Barnaby Joyce</td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
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</table>

CHAMBER
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon Bob Baldwin MP</td>
<td>Senator Hon Ian Macdonald</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator the Hon Ian Macdonald</td>
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<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
<td>Senator the Hon Ian Macdonald</td>
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<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction</td>
<td>The Hon Andrew Robb AO MP</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>(Chairman, Coalition Policy Development Committee)</td>
<td></td>
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<tr>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td>Shadow Minister for COAG</td>
<td>Senator Marise Payne</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>(Chairman, Scrutiny of Government Waste Committee)</td>
<td>(Mr Jamie Briggs M P)</td>
<td></td>
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<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
<td>Senator the Hon George Brandis SC</td>
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<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
<td></td>
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<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator the Hon Ian Macdonald</td>
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<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
<td>Senator Simon Birmingham</td>
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<tr>
<td>Shadow Minister for Regional Communications</td>
<td>The Hon Luke Hartsuyker MP</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Shadow Minister for Mental Health</td>
<td>Dr Andrew Southcott MP</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Laming MP</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health</td>
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<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
<td>Senator Mitch Fifield</td>
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<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
<td>The Hon Kevin Andrews</td>
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<tr>
<td>(Manager of Opposition Business in the Senate)</td>
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<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
<td>The Hon Kevin Andrews</td>
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<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
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<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
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<tr>
<td>Shadow Minister for Climate Action,</td>
<td>The Hon Greg Hunt MP</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
</tbody>
</table>
Title Shadow Minister Other Chamber
Environment and Heritage
Shadow Parliamentary Secretary for Environment Senator Simon Birmingham
Shadow Minister for Productivity and Population Mr Scott Morrison MP Senator the Hon Eric Abetz
Shadow Minister for Immigration and Citizenship The Hon Teresa Gambaro MP Senator Michaelia Cash
Shadow Parliamentary Secretary for Citizenship and Settlement Senator Michaelia Cash
Shadow Parliamentary Secretary for Immigration Senator Michaelia Cash
Shadow Minister for Innovation, Industry and Science Mrs Sophie Mirabella MP Senator the Hon Richard Colbeck
Shadow Parliamentary Secretary for Innovation, Industry, and Science Senator the Hon Richard Colbeck
Shadow Minister for Agriculture and Food Security The Hon John Cobb MP Senator the Hon Richard Colbeck
Shadow Parliamentary Secretary for Fisheries and Forestry Senator the Hon Richard Colbeck
Shadow Minister for Small Business, Competition Policy and Consumer Affairs The Hon Bruce Billson MP Senator Scott Ryan
Shadow Parliamentary Secretary for Small Business and Fair Competition Senator Scott Ryan
Shadow Cabinet Ministers are shown in bold type.
In addition, the Hon Philip Ruddock MP will act as Shadow Cabinet Secretary

AUSTRALIAN GREENS
Leadership and Office Holders
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.27 pm)—by leave—I inform the Senate that, in a reappointment of remarkable stability, on 8 September members of the Greens party room reappointed me as leader, Senator Milne as deputy leader and Senator Rachel Siewert as whip.

I would also like to add a word of great thanks for the service of Neil Bessell, a remarkably courteous and intelligent gentleman and a helpful officer of this Senate. His contribution has marked many of us and helped many of us, and I pay tribute to his dedicated service to the national parliament.

FAMILY FIRST PARTY
Leadership and Office Holders
Senator FIELDING (Victoria—Leader of the Family First Party) (5.28 pm)—by leave—First of all, I would like to extend my condolences to the family and friends of Neil Bessell. Second, my party room has re-elected me as whip and party leader. I will leave it at that.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Order! Pursuant to standing order 12, I hereby nominate Senators Barnett, Bishop, Boyce, Crossin, Fisher, Forshaw, Hurley, Hutchins, Kroger, Ludlam, McGauran, Marshall, Moore, Pratt, Troeth and Trood to act as Temporary Chairs of Committees when the Deputy President and Chairman of Committees is absent.
NOTICES

Presentation

Senator Ludwig to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend various Acts relating to law and justice, and for related purposes. Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2010.

Senator Ludwig to move on the next day of sitting:


Senator Ludwig to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to crimes, and policing, on aircraft and at airports, and for related purposes. Aviation Crimes and Policing Legislation Amendment Bill 2010.

Senator Ludwig to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend various Acts relating to the enforcement of the criminal law, and for other purposes. Crimes Legislation Amendment Bill 2010.

Senator Farrell to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Water Efficiency Labelling and Standards Act 2005, and for related purposes. Water Efficiency Labelling and Standards Amendment Bill 2010.

Senator Carr to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law in relation to measurement, and for related purposes. National Measurement Amendment Bill 2010.

Senator Kroger to move on 17 November 2010:

That the Extradition (United Arab Emirates) Regulations 2010, as contained in Select Legislative Instrument 2010 No. 36 and made under the Extradition Act 1988, be disallowed.

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed. (to be resolved on the 1st sitting day in 2010)

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) Australia and the world appear to have failed to meet the 2010 biodiversity target to achieve a significant reduction in the rate of biodiversity loss,

(ii) on Wednesday, 22 September 2010 United Nations Secretary-General Ban Ki-moon implored the world’s leaders to commit to reversing the alarming rate of biodiversity loss before it is too late, and

(iii) the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 10) will take place in Nagoya, Japan from 18 October to 29 October 2010; and

(b) calls on the Australian Government to:

(i) push for ambitious measurable and time-bound biodiversity targets at COP10, and

(ii) support the target of halting the loss, degradation and fragmentation of natural habitats by 2020 and a ten-fold increase in capacity (human resources and financing) for implementing COP 10.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that the week of 17 October to 23 October 2010 is National Carers Week and
the theme for 2010 is ‘Anyone, Anytime can become a carer’ reflecting the unexpected and indiscriminate nature of the caring role and particularly how it can impact upon people at any life stage;

(b) acknowledges that across Australia carers are providing unpaid care and support for family members or friends with a disability, mental illness or disorder, chronic condition, terminal illness or who are frail;

c) recognises that unpaid family carers come from all walks of life, that their experiences and needs are diverse and that they can come into their caring responsibilities at any stage throughout their life;

d) acknowledges the 2.6 million unpaid family carers who provide a vital contribution to Australian society; and

e) recognises that more needs to be done to support the role of carers in our community.

Senator Xenophon to move on the next day of sitting contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

Senator Xenophon to move on the next day of sitting contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Xenophon to move on the next day of sitting contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

Senator Xenophon to move on the next day of sitting contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Senator Xenophon to move on the next day of sitting contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Xenophon to move on the next day of sitting contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

Senator Xenophon to move on the next day of sitting contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

Senator Xenophon to move on the next day of sitting contingent on the President proceeding to the placing of business on any day:
That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Xenophon to move on the next day of sitting contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

Senator Xenophon to move on the next day of sitting contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Xenophon to move on the next day of sitting contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Henry Tax Review made a number of recommendations in relation to superannuation,
(ii) those recommendations were not adopted by either the Rudd or Gillard governments which pursued proposals criticised in the context of the Henry T
ax Review,
(iii) the Government so far has not released any of the Treasury modelling or other relevant information and advice about the impact of those Henry Tax Review recommendations, and
(iv) release of that information is in the public interest to enable a fully informed community discussion about the best way forward for superannuation;
(b) calls on the Government to honour its stated commitment to openness and transparency and release all the information it holds about the Henry Tax Review recommendations on superannuation forthwith; and
(c) orders that there be laid on the table by noon on Thursday, 30 September 2010:

(i) any modelling, assessments or advice generated on superannuation-related issues for the purposes of the Henry Tax Review before it finalised its report and recommendations,
(ii) any Treasury modelling, assessments and advice to the Government about the impact of the Henry Tax Review's recommendations on superannuation, and
(iii) any other information held by the Government about the superannuation-related recommendations in the Henry Tax Review.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Government continues to hide key assumptions it has used to estimate revenue from its original as well as its revised mining tax proposals,
(ii) since the last sitting of the Senate, the Select Committee on Fuel and Energy repeatedly sought information from the Government about changes it made to those assumptions between the 2010-11 Budget and the announcement of the new proposed mining tax arrangements on 2 July 2010,
(iii) the committee specifically sought information about changes to commodity price, production volume, exchange rate assumptions and any other vari-
ables relevant to its mining tax revenue estimates,
(iv) the information sought by the committee is published by the Western Australian State Government in its budget papers as a matter of course,
(v) the Government did not allow the Secretary of the Department of the Treasury (Dr Henry) to provide that information even when he appeared before the committee for a second time on 13 July 2010,
(vi) the Prime Minister (Ms Gillard) to this day has not responded to Senator Cormann’s letter, dated 12 July 2010, asking for this information to be released,
(vii) the Treasurer (Mr Swan) has since conceded that:
(A) under the revised assumptions, the original Resource Super Profits Tax (RSPT) proposal would have raised approximately $24 billion over the forward estimates rather than the $12 billion revenue estimate contained in the Budget,
(B) a massive $6 billion out of the $10.5 billion revised mining tax revenue estimate was based on changes to government assumptions, and
(C) under the original assumptions the Mineral Resource Rent Tax (MRRT) or expanded Petroleum Resource Rent Tax (PRRT) would only have raised $4 billion over the forward estimates, and
(viii) the release of all relevant government assumptions is necessary to enable proper scrutiny of the Government’s mining tax proposal and that, as such, release of that information is in the public interest;
(b) calls on the Government to honour its stated commitment to openness and transparency and release all the information it holds about mining tax revenue estimates forthwith; and
(c) orders that there be laid on the table by noon on Thursday, 30 September 2010 all the Government’s assumptions used to estimate:
(i) the revenue from the RSPT as contained in the 2010-11 Budget, including but not limited to, the assumptions on commodity prices, production volumes and exchange rates, and
(ii) the revenue and overall fiscal impact of the MRRT/expanded PRRT arrangement announced on 2 July 2010, including all changes to assumptions used for the 2010-11 Budget.

Senator Cormann to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the Government conducted negotiations about its revised mining tax with BHP Billiton, Rio Tinto and Xstrata in secret before entering into an agreement about this new mining tax proposal with those three companies only,
(ii) approximately 99 per cent of the mining industry was excluded from those secret mining tax negotiations, and
(iii) in its haste to reach a new deal quickly, the Government gave those three companies an unfair competitive advantage, including by:
(A) allowing them to directly influence the ultimate design of the new tax while excluding their competitors,
(B) using data provided by those three companies on commodity prices, production volumes and other key assumptions, and
(C) giving them preferential access to inside information about Government assumptions and thought processes around the new tax;
(b) considers that:
(i) information made available by the Government to those three companies should be made available to everyone,
(ii) any data provided by those three companies for use in any Treasury modelling of the revised mining tax proposals should be publicly released, and

(iii) all parts of any agreement between the Government and those three companies, about the revised mining tax arrangements, including any schedules and other attachments, should be publicly available; and

(c) orders that there be laid on the table by noon on Thursday, 30 September 2010:

(i) any information held by the Government related to the negotiations and agreement about the new mining tax proposal announced on 2 July 2010, including but not limited to, briefing notes, e-mails, data provided to the Government by BHP Billiton, Rio Tinto and Xstrata and any other information generated in the context of the negotiations about the new mining tax proposal, and

(ii) a copy of the signed heads-of-agreement on the new mining tax proposal between the Government and BHP Billiton, Rio Tinto and Xstrata.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the executive director of the Revenue Group in the Department of the Treasury (Mr David Parker), told the Select Committee on Fuel and Energy on 5 July 2010 that the department:

(a) had assessed where the $10.5 billion estimated revenue from the revised mining tax was expected to come from 'by commodity', and

(b) had not assessed where that revenue would come from on a state-by-state basis, but that 'it would not be a difficult piece of analysis to do',

(ii) despite repeated requests since, the Government has refused to provide that information,

(iii) this information is required to properly assess and scrutinise the impact of the proposed mining tax on the economy, jobs and on individual states and territories and individual sectors of the resources industry,

(iv) furthermore, the Rudd and Gillard Governments made a commitment that funding from the mining tax related 'infrastructure fund' would be allocated to individual states and territories based on the level of mining tax revenue raised in those jurisdictions, and

(v) as such, information about where the revenue is expected to come from on a state-by-state and territory basis is necessary to properly scrutinise whether, and ensure that, individual jurisdictions would receive a fair share of funding from that fund; and

(b) orders that there be laid on the table by noon on Thursday, 30 September 2010:

(i) Government estimates of where the $12 billion in revenue from the Resource Super Profits Tax was expected to come from by commodity and by state and territory, and

(ii) Government estimates of where the $10.5 billion in revenue from the Minerals Resource Rent Tax/expanded Petroleum Resource Rent Tax is expected to come from by commodity and by state and territory.

Senator Xenophon to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to put in place interim measures to regulate the rate of poker machine losses. Poker Machine (Reduced Losses—Interim Measures) Bill 2010.

Senator Ludlam to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 29 September is International Radioactive Waste Action Day,
(ii) locating domestically produced nuclear waste at Muckaty Station in the Northern Territory is highly contested by traditional owners, is currently being challenged in the Federal Court and is inappropriate due to under and above ground water movements and high seismic activity in the region,

(iii) winning public confidence and social licence is internationally recognised as essential for successful and sustainable waste management, as noted by the International Atomic Energy Agency [IAEA], the Organisation for Economic Co-operation and Development [OECD], the International Commission on Radiological Protection [ICRP], the European Union, and the United Kingdom and Japanese governments, and

(iv) above ground, dry storage of radioactive waste at or near the site of origin is recognised as providing access for routine monitoring, repair of leakages and responsible isolation from the water table and environment; and

(b) calls on the Australian Government to:

(i) abandon proposals to dump radioactive waste at Muckaty Station, and

(ii) establish a process for identifying suitable sites, transport and storage of Australia’s radioactive waste that is consistent with international best practice scientific processes, and that is transparent, accountable, fair, allowing access to appeal mechanisms and full community consultation.

Senator Fielding to move on the next day of sitting contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

Senator Fielding to move on the next day of sitting contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Fielding to move on the next day of sitting contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

Senator Fielding to move on the next day of sitting contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Senator Fielding to move on the next day of sitting contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Fielding to move on the next day of sitting contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.
Senator Fielding to move on the next day of sitting contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

Senator Fielding to move on the next day of sitting contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Fielding to move on the next day of sitting contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Fielding to move on the next day of sitting contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that document be tabled.

Senator Joyce to move on the next day of sitting contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

Senator Joyce to move on the next day of sitting contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

Senator Joyce to move on the next day of sitting contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

Senator Joyce to move on the next day of sitting contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Senator Joyce to move on the next day of sitting contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Joyce to move on the next day of sitting contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:
That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

**Senator Joyce** to move on the next day of sitting contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

**Senator Joyce** to move on the next day of sitting contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

**Senator Joyce** to move on the next day of sitting contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent that senator making that statement.

**Senator Joyce** to move on the next day of sitting contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that document be tabled.

**Senator Abetz** to move on the next day of sitting contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

**Senator Abetz** to move on the next day of sitting contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

**Senator Abetz** to move on the next day of sitting contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

**Senator Abetz** to move on the next day of sitting contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:

That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

**Senator Abetz** to move on the next day of sitting contingent on the chair declaring that
the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

**Senator Abetz** to move on the next day of sitting contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

**Senator Abetz** to move on the next day of sitting contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

**Senator Abetz** to move on the next day of sitting contingent on a minister at question time on any day asking that further questions be placed on notice:

That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

**Senator Abetz** to move on the next day of sitting contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

**Senator Abetz** to move on the next day of sitting contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

**Senator Bob Brown** to move on the next day of sitting contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166:

That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

**Senator Bob Brown** to move on the next day of sitting contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

**Senator Bob Brown** to move on the next day of sitting contingent on the Senate proceeding to the consideration of government documents:

That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

**Senator Bob Brown** to move on the next day of sitting contingent on a minister moving a motion that a bill be considered an urgent bill:

That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

**Senator Bob Brown** to move on the next day of sitting contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill:
That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Senator Bob Brown to move on the next day of sitting contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired:

That so much of standing order 142 be suspended as would prevent a senator moving an amendment to the motion.

Senator Bob Brown to move on the next day of sitting contingent on the President proceeding to the placing of business on any day:

That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

Senator Bob Brown to move on the next day of sitting contingent on any senator being refused leave to make a statement to the Senate:

That so much of the standing orders be suspended as would prevent that senator making that statement.

Senator Bob Brown to move on the next day of sitting contingent on any senator being refused leave to table a document in the Senate:

That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Senator Xenophon and Senator Hanson-Young to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to enable the Murray-Darling Basin Authority to manage the water resources of the Basin as a single system during periods of extreme crisis, and for related purposes. Water (Crisis Powers and Floodwater Diversion) Bill 2010.

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

That the following bill be introduced: A Bill for an Act to amend the Ombudsman Act 1976 to establish the Education Ombudsman, and for related purposes. Ombudsman Amendment (Education Ombudsman) Bill 2010.

Senator Hanson-Young to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009 to guarantee 26 weeks government-funded paid parental leave, and for related purposes. Fair Work Amendment (Paid Parental Leave) Bill 2010.

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

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

Senator Ludlam to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to provide for environmentally sustainable use of resources and best practice in waste management by establishing a national beverage container deposit and recovery scheme, and for...
related purposes. *Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010.*

**Senator Ludlam** to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to amend the *Defence Act 1903* to provide for parliamentary approval of overseas service by members of the Defence Force. *Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010.*

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


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

That the following bill be introduced: A Bill for an Act to reform anti-terrorism laws, and for related purposes. *Anti-Terrorism Laws Reform Bill 2010.*

**Senator Ludlam** to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to prohibit disruptive advertising during SBS television programs, and for related purposes. *Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2010.*

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

That the following bill be introduced: A Bill for an Act to provide for the establishment of a Stolen Generations Reparations Tribunal to decide and make recommendations on claims for reparation and other matters, and for related purposes. *Stolen Generations Reparations Tribunal Bill 2010.*

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

That the following bill be introduced: A Bill for an Act to prohibit the addition of synthetic trans fatty acids to food, and for related purposes. *Food Safety (Trans Fats) Bill 2010.*

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

That the following bill be introduced: A Bill for an Act to prohibit the addition of synthetic trans fatty acids to food, and for related purposes. *Stolen Generations Reparations Tribunal Bill 2010.*

**Senator Siewert** to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to prohibit the addition of synthetic trans fatty acids to food, and for related purposes. *Stolen Generations Reparations Tribunal Bill 2010.*

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

That the following bill be introduced: A Bill for an Act to introduce an emissions intensity cap and building efficiency certificate trading scheme for non-residential buildings to provide an economic incentive for investment in energy efficiency, and for related purposes. *Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2010.*

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

That the following bill be introduced: A Bill for an Act to amend the *Renewable Energy (Electricity) Act 2000* to support the greater commercialisation of renewable energy technologies, and for related purposes. *Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2010.*
Senator Siewert and Senator Bob Brown to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999 to prohibit the provision of services, support and resources to whaling ventures. Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010.

Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918 to repeal provisions relating to group voting tickets and provide for preferential above-the-line voting, and for related purposes. Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2010.

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

That the following bill be introduced: A Bill for an Act to abolish the power of the Commonwealth executive government to disallow or amend any Act of the Legislative Assembly of the Australian Capital Territory, and for related purposes. Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010.

Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to provide for the accurate labelling of food, and for related purposes. Food Standards Amendment (Truth in Labelling) Bill 2010.

Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to establish the office of the National Integrity Commissioner, and for related purposes. National Integrity Commissioner Bill 2010.

Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to require a plebiscite on whether Australia should become a republic. Plebiscite for an Australian Republic Bill 2010.

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

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

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

That the following bill be introduced: A Bill for an Act to amend certain territory legislation to restore legislative powers concerning euthanasia and to repeal the Euthanasia Laws Act 1997, and for related purposes. Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010.

Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to deliver essential financial services at reasonable cost, fair loans and mortgages and increased competition for the community, and for related purposes. Banking Amendment (Delivering Essential Financial Services) Bill 2010.

Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to provide for the assessment and collection of a levy on the use of plastic bags at retail points of sale. Plastic Bag Levy (Assessment and Collection) Bill 2010.

Senator Xenophon and Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to provide for the accurate labelling of palm oil in food, and for related purposes. Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010.
Senator Bob Brown to move on 30 September 2010:

That the following bill be introduced: A Bill for an Act to amend the Broadcasting Services Act 1992 to encourage healthier eating habits among children by restricting the broadcasting of advertisements for junk food, and for related purposes. Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2010.

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

That the following matter be referred to the Procedure Committee for inquiry and report by 25 October 2010:

Consideration of the following amendments to Senate standing order 104 and recommendations for their implementation:

Standing order 104, relating to the correction of divisions, be amended to read as follows:

104 Correction of divisions
(1) If there is misadventure, or in case of confusion or error concerning the numbers reported (unless it can be otherwise corrected), the Senate shall proceed to another division.

(2) A division under this standing order must be taken as early as is convenient.

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

That the following matter be referred to the Procedure Committee for inquiry and report by 25 October 2010:

Consideration of the following amendments to Senate standing orders and recommendations for their implementation:

That the following operate as a temporary order of the Senate until the end of the first sitting week in August 2011:

(1) The routine of business on Mondays from 7.30 pm until 9.50 pm shall be consideration of general business orders of the day for the consideration of bills, in accordance with this order.

(2) Each bill shall be considered under a limitation of debate as follows:

(a) the time allotted for the remaining stages of each bill (or package of bills) shall be two hours; and

(b) if there is a requirement under standing order 115 that a bill be considered in committee of the whole, the time allotted for the second reading of the bill (or bills) shall be one hour.

(3) This order shall operate as an allocation of time under standing order 142.

(4) Each senator speaking to a motion for the second reading or third reading of the bill (or bills) shall speak for not more than 10 minutes.

(5) An amendment or request for an amendment to a bill considered under this order shall not be considered in committee of the whole unless it was circulated no later than 30 minutes after the commencement of consideration of the bill on that day.

(6) If there is no requirement under standing order 115 that the bill (or bills) be considered in committee of the whole, the question for the third reading of the bill (or bills) shall be put without debate immediately after the second reading of the bill (or bills).

(7) The order of bills for consideration shall be determined by the Senate.

It is intended that the order for the consideration of bills be determined by agreement between the opposition, minor parties and independent senators, in accordance with the usual practices of the Senate. This agreement would be implemented by a motion at placing of business.

It is also intended that, if a senator is unable to speak to the motion for the second reading of a bill because of the expiration of the allotted time, the Senate will allow the incorporation of that senator’s speech in Hansard, subject to the usual practices of the Senate.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) in July 2009, the Council of Australian Governments requested that the Department of Infrastructure, Transport, Regional Development and Local Govern-
ment produce a Regulatory Impact Statement (RIS) of 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,

(ii) on 22 June 2010 the Government said that the ‘draft RIS is expected to be released for public comment when it is finalised shortly. This process will give relevant stakeholders input into the policy process and the RIS will then be finalised’.

(iii) during the election campaign the Government flagged its preference to introduce average mandatory fuel efficiency standards of 190g/km by 2015 and 155g/km by 2024, and

(iv) these targets are weak compared with other nations, for example Europe is in the process of legislating for a target of 130g CO2/km by 2015; and

(b) calls upon the Government to release the RIS into a mandatory scheme for vehicle fuel efficiency.

Senator Trood to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on the Reform of the Australian Federation, be appointed to:

(a) inquire into and report by 17 November 2010 on key issues and priorities for the reform of relations between the three levels of government within the Australian federation; and

(b) explore a possible agenda for national reform and to consider ways it can best be implemented in relation to, but not exclusively, the following matters:

(i) the distribution of constitutional powers and responsibilities between the Commonwealth and the states (including territories),

(ii) financial relations between federal, state and local governments,

(iii) possible constitutional amendment, including the recognition of local government,

(iv) processes, including the Council of Australian Governments, and the referral of powers and procedures for enhancing cooperation between the various levels of Australian government, and

(v) strategies for strengthening Australia’s regions and the delivery of services through regional development committees and regional grant programs.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by any minority group or groups or independent senator or independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, and minority groups and independent senators;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.

(6) That the committee elect a Government member as its deputy chair who shall act as chair of the committee at any time
when the chair is not present at a meeting of the committee, and at anytime when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(8) That 3 members of the committee constitute a quorum of the committee.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(10) That 2 members of a subcommittee form a quorum of that subcommittee.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator Ludwig to move on the next day of sitting:

That the days of meeting of the Senate for 2010 be as follows:

**Spring sittings (2010):**

Tuesday, 28 September to Thursday, 30 September 2010

**Spring sittings (2) (2010):**

Monday, 25 October to Thursday, 28 October

Monday, 15 November to Thursday, 18 November

Monday, 22 November to Thursday, 25 November.

Senator Ludwig to move on the next day of sitting:

(1) That standing order 25(1) be amended as follows:

Omit: ‘Environment, Communications and the Arts’

Substitute: ‘Environment and Communications’.

Omit: ‘Rural and Regional Affairs and Transport’

Substitute: ‘Rural Affairs and Transport’.

(2) That departments and agencies be allocated to legislative and general purpose standing committees as follows:

**Community Affairs**
Families, Housing, Community Services and Indigenous Affairs

**Health and Ageing**

**Human Services**

**Economics**
Innovation, Industry, Science and Research

**Resources and Energy**

**Tourism**

**Treasury**

**Education, Employment and Workplace Relations**
Tertiary Education, Skills, Jobs and Workplace Relations, including School Education, Early Childhood and Youth

**Environment and Communications**
Broadband, Communications and the Digital Economy

Climate Change and Energy Efficiency
Senator Ludwig to move on the next day of sitting:

(1) That the 2010-11 supplementary Budget estimates hearings be scheduled as follows:

Monday, 18 October and Tuesday, 19 October 2010 (supplementary hearings—Group A)

Wednesday, 20 October and Thursday, 21 October 2010 (supplementary hearings—Group B).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(3) That committees meet in the following groups:

Group A:
- Environment and Communications
- Finance and Public Administration
- Foreign Affairs, Defence and Trade
- Legal and Constitutional Affairs

Group B:
- Community Affairs
- Economics

Senator Chris Evans to move on the next day of sitting contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business:

That so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of any matter.

Senator Chris Evans to move on the next day of sitting contingent on the moving of a motion to debate a matter of urgency under standing order 75:

That so much of the standing orders be suspended as would prevent a minister moving an amendment to the motion.

Senator Bob Brown to move on 30 September 2010:

That the Senate notes the Australian Greens’ intention to debate and vote on the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010 as a matter of priority on the first Monday night dedicated to private senators’ bills or during general business on 28 October 2010, whichever occurs first.

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

That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to create the opportunity for marriage equality for people regardless of their sex, sexual orientation or gender identity, and for related purposes. Marriage Equality Amendment Bill 2010.

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

That the Senate—

(a) notes the continued suspension of processing asylum claims from Afghan nationals, which is due to end on 9 October 2010; and

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

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

That the Senate calls on the Government to immediately reverse its current practice of detaining children and their families in immigration detention facilities.

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

That the following bill be introduced: A Bill for an Act to amend the Evidence Act 1995, and for related purposes. *Evidence Amendment (Journalists’ Privilege) Bill 2010.*

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

That the Senate calls on the Government immediately to respond to the three detailed reports by the Joint Standing Committee on Migration into immigration detention in Australia, *Criteria for release from detention, Community-based alternatives to detention and Facilities, services and transparency,* tabled more than a year ago.

**SEATING ARRANGEMENTS**

**Senator Ian MacDonald** (Queensland) (5.30 pm)—Mr President, I raise a point of order. I have left it a little while because I did not want to do this at the beginning of the session. It relates to seating arrangements in the chamber. As I understand, the Greens are now in coalition with the Labor Party, in which case I wonder why they are sitting on the opposition side of the chamber rather than on the government side of the chamber.

The President—There is no point of order.

**Senator Bob Brown** (Tasmania—Leader of the Australian Greens) (5.31 pm)—by leave—After the vote we have just seen in the other place, I wonder if members to my right might determine which of them are still in coalition and which of them are not.

**LEAVE OF ABSENCE**

**Senator McEwen** (South Australia) (5.33 pm)—by leave—I move:

That leave of absence be granted to—

(a) Senator O’Brien from 28 September to the end of the 2010 spring sittings, on account of parliamentary business overseas; and

(b) Senator Arbib on 29 September and 30 September 2010, on account of parliamentary business.

Question agreed to.

**Senator Parry** (Tasmania) (5.33 pm)—by leave—I move:

That Senator Eggleston be granted leave of absence from 28 September 2010 to 25 November 2010, on account of parliamentary duties overseas.

Question agreed to.

**BUSINESS**

**Rearrangement**

**Senator Ludwig** (Queensland—Minister for Agriculture, Fisheries and Forestry) (5.34 pm)—by leave—I move:

That the Senate meet on Wednesday, 29 September 2010.

Question agreed to.

**DOCUMENTS**

**Tabling**

The President—Pursuant to standing orders 38 and 166, I present documents listed on today’s Order of Business at item 12, which have been presented to the President, the Deputy President and the Temporary Chairmen of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.
The list read as follows—

Committee reports

1. Finance and Public Administration References Committee—The funding arrangements for tax reform advertising (presented to temporary chair of committees, Senator Crossin, on 30 June 2010, 10.30 am CST).

2. Legal and Constitutional Affairs Legislation Committee—Report, together with the Hansard record of proceedings and submissions received by the committee—Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010 (presented to temporary chair of committees, Senator Troeth, on 30 June 2010, 2.17 pm).

3. Economics References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Access of small business to finance (presented to temporary chair of committees, Senator Troeth, on 30 June 2010, 3.04 pm).

4. Environment, Communications and the Arts References Committee—Energy Efficient Homes Package (ceiling insulation)—Interim reports (presented to temporary chair of committees, Senator Troeth, on 30 June 2010, 3.27 pm; and the Deputy President on 9 July 2010, 11.20 am CST).

Final report (presented to the President on 15 July 2010, 9.40 am).


6. Rural and Regional Affairs and Transport References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—The effectiveness of Airservices Australia’s management of aircraft noise (presented to temporary chair of committees, Senator Ryan, on 2 July 2010, 3.30 pm).


8. Legal and Constitutional Affairs References Committee—Interim report—Review of government discretionary payments in special circumstances (presented to temporary chair of committees, Senator Carol Brown, on 23 July 2010, 2.59 pm).


Submission received by the committee (presented to the President on 12 August 2010, 4.03 pm).

12. Legal and Constitutional Affairs Legislation Committee—Corporations Amendment (Sons of Gwalia) Bill 2010 [Provisions]—Report, together with a submission received by the committee (presented to temporary chair of committees, Senator Carol Brown, on 23 July 2010, 2.59 pm).

Further submissions received by the committee (presented to the President on 12 August 2010, 4.03 pm).


Report, together with submissions received by the committee (presented to temporary chair of committees, Senator Carol Brown, on 23 July 2010, 2.59 pm).

Further submissions received by the committee (presented to the President on 12 August 2010, 4.03 pm).

15. Legal and Constitutional Affairs Legislation Committee—Report, together with a submission received by the committee Military Court of Australia Bill 2010 [Provisions] (presented to temporary chair of committees, Senator Carol Brown, on 23 July 2010, 2.59 pm).


Submissions received by the committee (presented to the President on 28 July 2010, 3.46 pm).

Further submissions received by the committee (presented to the President on 12 August 2010, 4.03 pm).


19. Education, Employment and Workplace Relations References Committee—Interim report—Administration and reporting of NAPLAN testing (presented to the President on 27 July 2010, 10.24 am).

20. Select Committee on Fuel and Energy—Second interim report, together with the Hansard record of proceedings and documents presented to the committee—The mining tax: Still bad for the economy—Still bad for jobs (presented to temporary chair of committee, Senator Moore, on 30 July 2010, 8.46 am).

21. Environment, Communications and the Arts References Committee—Sustainable management by the Commonwealth of water resources—Interim report (presented to temporary chair of committees, Senator Moore, on 30 July 2010, 10.01 am).

Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator Moore, on 17 September 2010, 11.25 am).

22. Rural and Regional Affairs and Transport References Committee—Interim report—Biosecurity for Chinese apples and the Australia - US cherry trade (presented to temporary chair of committees, Senator Moore, on 30 July 2010, 4.15 pm).

23. Environment, Communications and the Arts Legislation Committee—Report, together with submissions received by the committee—Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009 (presented to the President on 6 August 2010, 2.30 pm).

24. Environment, Communications and the Arts Legislation Committee—Water (Crisis Powers and Floodwater Diversion) Bill 2010—Report, together with the Hansard record of proceedings and documents presented to the committee (presented to the President on 6 August 2010, 2.30 pm).

Additional information (presented to temporary chair of committees, Senator Forshaw, on 17 September 2010, 11.25 am).

25. Environment, Communications and the Arts References Committee—Administration and effectiveness of the Green Loans Program—Interim report— (presented to the President on 6 August 2010, 2.30 pm).

Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator Moore, on 17 September 2010, 11.25 am).

26. Select Committee on Agricultural and Related Industries—Report, together with the Hansard record of proceedings and documents presented to the committee—The incidence and severity of bushfires across Australia (presented to the President on 13 August 2010, 11.34 am).
27. Economics Legislation Committee—Tax Laws Amendment (Public Benefit Test) Bill 2010—
Interim report (presented to the President on 16 August 2010, 1.46 pm).
Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to temporary chair of committees, Senator Forshaw, on 7 September 2010, 3.12 pm).

28. Economics Legislation Committee—Report, together with documents presented to the committee—Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010 (presented to the President on 16 August 2010, 1.46 pm).


30. Economics References Committee—
Interim report—Role of liquidators and administrators in Australia (presented to the President on 16 August 2010, 1.46 pm).
Final report, together with the Hansard record of proceedings and documents presented to the committee—The regulation, registration and remuneration of insolvency practitioners in Australia: the case for a new framework (presented to temporary chair of committees, Senator Moore, on 14 September 20010, 11.30 am).

31. Finance and Public Administration Legislation Committee—Interim report, together with submissions received by the committee—Parliamentary Budget Office Bill 2010 (presented to the President on 17 August 2010, 3.58 pm).

32. Finance and Public Administration References Committee—Interim report—Reform of Australian Government administration (presented to the President on 17 August 2010, 3.58 pm).

33. Foreign Affairs, Defence and Trade Legislation Committee—Report, together with a submission received by the committee—Australian Civilian Corps Bill 2010 [Provisions] (presented to temporary chair of committees, Senator Hutchins, on 20 August 2010, 10.12 am).


35. Foreign Affairs, Defence and Trade Legislation Committee—Report, together with submissions received by the committee—Defence Legislation Amendment (Security of Defence Premises) Bill 2010 (presented to temporary chair of committees, Senator Hutchins, on 20 August 2010, 10.13 am).

36. Foreign Affairs, Defence and Trade References Committee—Interim report—Australia’s administration and management of the Torres Strait (presented to temporary chair of committees, Senator Hutchins, on 20 August 2010, 10.13 am).

37. Foreign Affairs, Defence and Trade References Committee—Interim report—Equity and diversity health checks in the Royal Australian Navy (presented to temporary chair of committees, Senator Hutchins, on 20 August 2010, 10.13 am).

38. Select Committee on Agricultural and Related Industries—Final report, together with the Hansard record of proceedings and documents presented to the committee—Food production in Australia (presented to temporary chair of committees, Senator Troeth, on 23 August 2010, 4.46 pm).

39. Community Affairs Legislation Committee—
Report, together with submissions received by the committee—National Health and Hospitals Network Bill 2010 [Provisions] (presented to the President on 24 August 2010, 11.10 am).

40. Rural and Regional Affairs and Transport Legislation Committee—Report, together with submissions received by the committee—Airports Amendment Bill 2010 [Provisions] (presented to the President on 24 August 2010, 11.40 am).

41. Community Affairs Legislation Committee—Report, together with submissions received by the committee—Food Standards Amendment (Truth
in Labelling—Palm Oil) Bill 2009 (presented to the President on 26 August 2010, 11.23 am).

42. Community Affairs Legislation Committee—Report, together with submissions received by the committee—National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010 [Provisions] (presented to the President on 26 August 2010, 11.23 am).

43. Community Affairs Legislation Committee—Report, together with submissions received by the committee—Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009 (presented to the President on 26 August 2010, 11.23 am).


45. Community Affairs Legislation Committee—Report, together with submissions received by the committee—Responsible Takeaway Alcohol Hours Bill 2010 (presented to the President on 26 August 2010, 11.23 am).

46. Community Affairs References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Impact of gene patents on the provision of healthcare in Australia (presented to the President on 26 August 2010, 11.23 am).

47. Community Affairs References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—New therapeutic groups under the Pharmaceutical Benefits Scheme (presented to the President on 26 August 2010, 11.23 am).

48. Select Committee on Fuel and Energy—Final report, together with the Hansard record of proceedings and documents presented to the committee (presented to the President on 30 August 2010, 12.12 pm).

49. Rural and Regional Affairs and Transport References Committee—Report, together with submissions received by the committee—Australian horse industry and an emergency animal disease response agreement (presented to the President on 30 August 2010, 1.34 pm).

50. Community Affairs References Committee—Report, together with submissions received by the committee—Planning options and services for people ageing with a disability (presented to the President on 2 September 2010, 11.09 am).

51. Community Affairs References Committee—Report, together with submissions received by the committee—Prevalence of interactive and online gambling in Australia (presented to the President on 2 September 2010, 11.09 am).

52. Standing Committee of Privileges—Report—Adequacy of advice contained in the Government guidelines for official witnesses before parliamentary committees and related matters (presented to the President on 2 September 2010, 2.39 pm).

53. Education, Employment and Workplace Relations References Committee—Interim report—Industry Skills Councils (presented to the Deputy President on 13 September 2010, 2.50 pm CST).

54. Select Committee on Regional and Remote Indigenous Communities—Final (fifth) report, together with a submission received by the committee (presented to temporary chair of committees, Senator Trood, on 24 September 2010, 10.50 am).

Government responses to parliamentary committee reports


3. Legal and Constitutional Affairs References Committee—Access to justice (presented to temporary chair of committees, Senator Moore, on 19 July 2010, 4.15 pm).

Ministerial statement

Minister for Climate Change, Energy Efficiency and Water (Senator Wong)—Green Loans Program, together with the following documents:
• Independent inquiry—Green Loans Program: Review of procurement processes and contractual arrangements
• Review of the Green Loans Program—Final report prepared by Resolution Consulting Services
• Internal audit review of the procurement practices in the Green Loans Program, prepared by protiviti
• Department of Climate Change and Energy Efficiency’s response to the Hawke report on the Home Insulation Program and the Faulkner inquiry into the Green Loans Program (presented to temporary chair of committees, Senator Cash, on 8 July 2010, 2.02 pm WA time).

Government documents
1. Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney airport for the period 1 January to 31 March 2010 (presented to the President on 15 July 2010, 10.29 am).
4. Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2009-10 (presented to the Deputy President on 13 September 2010, 2.50 pm CST).
5. Crimes Act 1914—Further independent review of Part 1D: DNA forensic procedures (presented to temporary chair of committees, Senator Trood, on 23 September 2010, 10.29 am).

Reports of the Auditor-General
2. Report no. 2 of 2010-11—Performance audit—Conduct by Infrastructure Australia of the first national infrastructure audit and development of the infrastructure priority list: Infrastructure Australia (presented to temporary chair of committees, Senator Carol Brown, on 23 July 2010, 10.55 am).
8. Report no. 8 of 2010-11—Performance audit—Multifunctional Aboriginal Children’s Services and Creches; Department of Education, Employment and Workplace Relations (presented to temporary chair of committees, Senator Trood, on 23 September 2010, 10.29 am).

**Tabling of guidelines pursuant to an Act**

**Returns to order**

**Statements of compliance with Senate orders**

**Indexed lists of departmental and agency files** (continuing order of the Senate of 30 May 1996, as amended on 3 December 1998):

- Australian Institute of Family Studies (presented to temporary chair of committees, Senator Ryan, on 7 September 2010, 5.04 pm).
- Department of the Prime Minister and Cabinet [together with a 100 page attachment] (presented to the Deputy President on 13 September 2010, 2.50 pm CST).
- Agriculture, Fisheries and Forestry portfolio agencies (presented to the Deputy President on 13 September 2010, 2.50 pm CST).
- Innovation, Industry, Science and Research portfolio agencies [together with a 15 page attachment] (presented to temporary chair of committees, Senator Troeth, on 16 September 2010, 4.08 pm).
- Health and Ageing portfolio agencies (presented to temporary chair of committees, Senator Trood, on 23 September 2010, 10.29 am).
- Austrade (presented to temporary chair of committees, Senator Trood, on 23 September 2010, 4.32 pm).

**Lists of contracts** (continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003):

- Department of Families, Housing, Community Services and Indigenous Affairs portfolio agencies (presented to the President on 19 August 2010, 1.42 pm).
- Finance and Deregulation portfolio agencies (presented to the President on 30 August 2010, 2.18 pm).
- Prime Minister and Cabinet portfolio agencies (presented to the President on 30 August 2010, 3.08 pm).
- Treasury portfolio agencies [4] (presented to the President on 31 August 2010, 3.10 pm and 3.55 pm; and presented to the President on 2 September 2010, 10.27 am (x2)).
- Broadband, Communications and the Digital Economy portfolio agencies (presented to the President on 31 August 2010, 3.10 pm).
- Environment, Heritage, Water and the Arts portfolio agencies (presented to the President on 2 September 2010, 4.29 pm).
- Agriculture, Fisheries and Forestry portfolio agencies (presented to the President on 13 September 2010, 2.50 pm CST).
- Infrastructure, Transport, Regional Development and Local Government portfolio agencies (presented to the Deputy President on 15 September 2010, 11.25 am CST).
- Innovation, Industry, Science and Research portfolio agencies (presented to the Deputy President on 15 September 2010, 11.25 am CST).

**List of departmental and agency appointments/vacancies** (continuing order of the Senate of 24 June 2008, as amended):

- Resources, Energy and Tourism portfolio agencies (presented to temporary chair of committees, Senator Troeth, on 30 June 2010, 2.17 pm).

**List of departmental and agency grants** (continuing order of the Senate of 24 June 2008):

- Resources, Energy and Tourism portfolio agencies (presented to temporary chair of committees, Senator Crossin, on 30 June 2010, 1.32 pm CST).

The PRESIDENT—In accordance with the usual practice and with the concurrence of the Senate, the government responses will be incorporated in Hansard. The documents read as follows—
Joint Standing Committee on Foreign Affairs, Defence and Trade
Report into the Defence Annual Report 2007-08
Government Response
July 2010
Recommendation 1
The Committee recommends that, in the absence of a clear strategic case for high-risk first-of-type acquisitions, military off-the-shelf purchases should be the default option for procurement projects.
This recommendation does not necessarily relate to any particular acquisitions currently under consideration but rather represents a broader statement of policy reflecting on issues relating to past acquisition programs.

Government Response
Agreed in principle.
The Defence White Paper 2009 states at para 16.17 that the “Government has decided that military-off-the-shelf and commercial-off-the-shelf solutions to Defence’s capability requirements will be the benchmark against which a rigorous cost-benefit analysis of the military effects and schedule aspects of all proposals will be undertaken. Such an approach is consistent with the Defence Procurement and Sustainment Review.”

The Government’s response to the Defence Procurement and Sustainment Review (the Mortimer Review) stated that off-the-shelf (OTS) options will be considered as an option for all procurements. Defence will provide Government with clear information on the costs and benefits of OTS options for all procurements.
The Department of the Prime Minister and Cabinet updated its Cabinet Handbook in July 2009. The associated Drafter’s Guide – Preparation of Cabinet Submissions and Memoranda states, “The options must include at least one off-the-shelf option, where such an option exists, and where it is judged not to exist, this must be explained in the first-pass approval submission.”

Defence is fully implementing these requirements.

In summary, where an off-the-shelf option does exist, it will be presented for Government consideration and will be the benchmark against which a rigorous cost benefit analysis of the military effects and schedule aspects of all proposals will be undertaken; and when an off-the-shelf option is judged not to exist, this will be explained in the first-pass submission to Government.

Recommendation 2
The Committee recommends that the Department of Defence review its current procedures for rapid acquisition to ensure that it is meeting the ADF’s needs, particularly where they are linked directly to overseas operational commitments.

Government Response
Agreed.
Defence has a robust and flexible rapid acquisition policy in support of operations. This policy and its processes were re-issued in February 2008, and are subject to regular review to ensure they meet the Australian Defence Force’s requirements. The policy and procedures are currently being reviewed by the Defence Logistics Working Group. All acquisitions follow a rigorous and responsive process where the customer is engaged at all stages. The Defence Materiel Organisation also reports its progress every six months to the Chief of the Defence Force, the Service Chiefs and other key staff.
The purchase of capital equipment by rapid acquisition, which by-passes the usual two pass approval process, is used where an unforeseen operational capability is urgently required by the ADF for current operations. The Government may provide additional funding to Defence, in cases of exceptional circumstances, where such a capability is required as a result of major operational or strategic discontinuities or in cases of exceptional and unanticipated operational contingencies. Defence will bring forward any such requests on a case-by-case basis for Government consideration in accordance with the standard approval thresholds for major capital equipment. For instance, National Security Committee or Prime Ministerial agreement is required for acquisitions over $100 million. The Government decides on a case-by-case basis whether supplementation will be provided or Defence will ab-
sorb the cost of rapid acquisition proposals. Generally speaking the Defence Capability Plan is the source of funding for meeting Defence’s major capital equipment needs, both current and future, particularly where there is an ongoing utility past the immediate requirement associated with the equipment being procured.

**Recommendation 3**
The Committee recommends that Defence places a high priority on developing a solution to the difficulties that it, and KPMG, has identified with the current pay systems.

**Government Response**
Defence does not have a modern, integrated human resource and pay system for its total workforce. The current separate systems – PMKeyS, ADFPAY and CENRESPAYII – feature old technology and vendor support is expensive and problematic. These systems represent a significant business continuity risk to Defence. Additionally, the technology and platforms are not capable of enabling the business reform expected of Defence under the Strategic Reform Program (SRP), and particularly that required to move to a shared services business environment in human resource administration.

Defence will address these problems by bringing forward investment in sustainment and modernisation of these systems, and integrating those projects with business redesign and reform. This will be achieved, initially, through a Technical Refresh of the core management information system PMKeyS and, in the longer term, through a system upgrade under Defence Capability Plan Project JP2080 phase 2B.1. In the interim, some changes have been made to existing business processes and systems.

Further, simplification of the remuneration structure and the remediation and modernisation of Defence personnel and pay systems will take place as part of the broader workforce and shared services reforms and will be conducted in accordance with an Integrated Master Plan.

The cost of the Personnel Systems Technical Refresh, which is estimated at $61m and will take 23 months to complete, will be funded from the Chief Information Officer Group’s operating budget. JP2080 phase 2B.1 is listed in the Defence Capability Plan 2009 as having an acquisition cost of $100m-$500m (towards the upper end of the band) and will be decided during 2012-13.

The Defence senior leadership is committed to the remediation and modernisation of Defence’s personnel systems to enable a shared services business future and achieve identified SRP savings outcomes.

On 2 February 2010 the then-Minister for Defence Personnel, Materiel and Science announced the establishment of a high powered ADF Payroll Task Force to be co-chaired by Lieutenant General David Hurley, Vice Chief of the Defence Force, and Mr Martin Bowles, Deputy Secretary Defence Support.

The Task Force will focus on the reform of the ADF Pay and Personnel processes and will:

- Review and report on the adequacy of existing payroll procedures and compliance with them;
- Create a small specialist deployed civilian payroll administration cell that will drive consistency between the in-theatre and in-country payroll processing;
- Undertake quality assurance checks of International Campaign Allowance payments;
- Promote a common customer access channels strategy including the 1800 DEFENCE number for members and their families to contact about pay related issues;
- Review the entire process for payment of deployed allowances and put in place revised checks and balances to ensure members are paid correctly;
- Enhance quality assurance processes that provide greater focus on control, supervision and checking of personnel data from local commander to the transactional processing area;
- Widen the current performance management regime to include control and compliance reporting on payment of ADF allowances;
- Develop a systematic forward looking Audit program to support the controls and compli-
ance reporting around payroll processing; and

• Issue further official advice outlining the steps being put in place to improve the payroll system. This advice will also emphasise the obligation of personnel to meet their responsibilities on payroll matters including review of payslips and notification of errors as soon as possible.

The Task Force will also focus on ensuring long term reform of the ADF pay and personnel processes. In keeping with the Strategic Reform Program this will include the consolidation of all military payroll processing under one area of responsibility within 18 months. This will result in complex transactions and manual processing being undertaken by one central authority, not fragmented as is currently the case.

**Recommendation 4**

The Committee recommends that Defence ensure the provision of submarine escape training at HMAS Stirling be re-established.

**Government Response**

Agreed in principle.

The provision of Submarine Escape training at HMAS Stirling has never ceased. Rather one element of the submarine escape training course, namely the two day pressurised escape training component is currently being undertaken in Canada.

Activities are well progressed for pressurised escape training to be re-established at HMAS Stirling. The escape tank and life support systems remain under remediation and are expected to undergo final set to work and certification in April 2010. The significant repair and refurbishment program was necessitated by contaminants in the breathing air system, complicated by significant obsolescence issues prior to rebuilding to ensure the hyperbaric systems comply with contemporary standards. A contract has been put in place with “The Underwater Centre Fremantle” to provide in-water instructors, whose competency training will complete once the tank and life support systems are approved for use.

Current planning has the in-water instructor competency training completed and submarine crew pressurised escape training commencing in July 2010.

**Recommendation 5**

The Committee recommends that the deployability issues governing the Australian Submarine Rescue Vehicle (ASRV) Remora be resolved without delay.

**Government Response**

Agreed in principle.

The ASRV Remora is in storage in Western Australia having been repaired, upgraded and recertified by Det Norske Veritas (DNV), subject to final sea trials that will occur once the Launch and Recovery System (LARS) is recertified. Both the ASRV Remora and LARS are receiving all appropriate layup maintenance while in storage.

In December 2008 the Classification Society DNV advised the DMO that there were re-certification issues with the submarine rescue vehicle’s LARS. The LARS Original Equipment Manufacturer (OEM) Caley subsequently proposed a modification to satisfy DNV contemporary certification requirements. The DMO engaged DNV to review the Caley modification for its acceptability. The design concept was endorsed by DNV with Caley engaging to develop a detailed design. Delivery of the detailed design solution by Caley was due in December 2009, but delayed by coincident litigation by the Commonwealth of Australia against Caley for loss of Remora in December 2006. Once received, DNV will be contracted to review the design for its acceptability and identify any limitations that they might impose on its operation. This detailed design review by DNV is not expected to be complete until April 2010, assuming the design is received in January 2010.

There remains some risk that the design modifications could ultimately fail to achieve final DNV certification, which would present further difficulties in the recommissioning of the existing LARS system.

A decision on the future of the existing ASRV Remora and LARS will not be possible until July 2010 following evaluation of the DNV design review. The decision will require careful consideration of the system’s utility, particularly if significant operational limitations are identified by
A final decision would also need to include consideration of the cost and capability that might be achievable if the current LARS was replaced with a new system.

It should be noted that an interim submarine rescue capability has been contracted with James Fisher Defence United Kingdom. Their LR5 submarine rescue system has been prepositioned at Henderson Western Australia, and is maintained at 12 hours notice for emergency deployment in the event of a disabled submarine. A demonstration of the capability and subsequent Black Carillon exercise is planned for the first quarter of 2010.

**Recommendation 6**

The Committee recommends that Defence adopt a more assertive strategy with regard to oil shocks and alternative fuels, with the specific purpose of providing a capability to mitigate risk due to a dependence on oil-based fuels. Defence should provide such a capability, sufficient to maintain an identified core capability, within a timeframe of 10 years.

**Government Response**

**Agreed in principle.**

Defence supports the recommendation that it adopt a more assertive strategy to minimise the impact an oil shock may have on Defence and its ability to fulfil its role. Defence, however, does not agree that it should be developing capability that is not dependant on oil-based fuels within 10 years. To agree to such a commitment would impose significant challenges for Defence.

Defence has established a number of bodies as a response to the raising cost of oil, as well as to examine potential alternative fuels options for use by Defence. The Directorate of Strategic Fuel, within Joint Logistics Command, was established in December 2008 to resolve some of these challenges and has focused initially on identifying fuel issues and opportunities across Defence with the primary aim of developing an integrated Fuel Strategy and Defence Fuel Manual.

The Defence Fuel Management Committee has been set up within the Directorate of Strategic Fuel to coordinate and over-sight strategic fuel management and policy across Defence, including sponsorship of research into alternative fuels and energy through collaboration with Defence Science and Technology Organisation, fuel companies, Defence industry and allied forces. Defence, through the Defence Science and Technology Organisation, engages with the US and other countries in the research of alternative fuels for military application.

Defence strategic planning takes account of possible disruptions to fuel supplies. The Department of Resources, Energy and Tourism is the lead agency responsible for developing a national, whole-of-Government approach to resolving Australia’s future energy security challenges. Defence is a member of the National Oil Supplies Emergency Committee, which provides the main channel through which the Commonwealth and the State and Territory Governments formulate an overall management response to any national liquid fuels emergency.

Alternative fuels are only expected to be used as a supplement to the use of oil based fuels over the next 20 years. It is expected that there will be a growth in the use of flexible fuel vehicles, hybrid electric drive designs and semi-synthetic fuel blends. However, currently there are limited fuel alternatives to petroleum product for military transport. It is expected that the likely higher cost of oil based fuels to 2030 will generate investment and production of synthetic fuels and bio-fuel, and further stimulate research and development in alternative and renewable energy sources.

Defence will continue to work together in a national approach with other agencies and allied forces to investigate the use of viable alternative fuels for use in its platforms and will continue to develop robust policy and strategy for the management of its fuels and to reduce the impact of oil shocks.

**Recommendation 7**

The Committee recommends that new fuels developed to mitigate risk to Australia’s defence capability from oil shocks and oil scarcity be designed to reduce Defence’s carbon footprint, where possible, in balance with energy yields and other practical considerations.
**Government Response**

**Agreed in principle.**

Defence supports the recommendation that it develop strategies to reduce its energy carbon footprint but does not agree to develop new alternative fuels. Defence does not have the ability to drive commercial research or the type of commercial fuels available and therefore needs to work with whole-of-Government and allied partners in investigating possible alternative fuels for use by Defence.

Fuel is a critical component of Defence capability as it provides the ADF with the means to operate its military platforms. However, it should be noted that Defence represents less than two per cent of the total National liquid fuels market and therefore as a relatively small customer.

Defence is considering its transport fuel mix in response to global developments and working in a national approach with agencies such as the federal Department of Resources, Energy and Tourism and the Commonwealth Scientific and Industrial Research Organisation, on the use of viable alternative energy sources and in the reduction of Defence's carbon footprint.

Petroleum is expected to be available for military use past 2030, and during this time is expected to remain the dominant military fuel source. Trends in conventional military fuels are cleaner fuels, and more efficient use of fuel through hybrid energy systems. Alternative fuels, energy sources, and propulsion systems are considered part of the mobility and energy solution for ADF platforms and operations.

Defence also sponsors a number of reports and studies on peak fuel and the feasibility of using alternative fuels in the ADF and has undertaken some initial preparatory research into the effects of possible alternative fuels on some ADF platforms.

It should also be noted that International military organisations, such as the United States Air Force and the United Kingdom Ministry of Defence are playing a significant role in promoting the uptake and commercialisation of alternative fuels and power generation (for example, gas/coal/biomass to liquids for aviation fuels). However, in general, these processes are being developed in the commercial arena. The Defence Science and Technology Organisation is a partner with the US, UK and Canada in a Study Group examining future military power and energy requirements and supplies, to identify collaborative opportunities in the energy domain. The exchange of this information will allow Defence to position itself to exploit the benefits of alternative fuels as they are certified for use and become commercially available.

Defence is well placed to meet the challenges of the future and is focused on policy reform, internal realignment and strategic engagement to provide a more comprehensive whole-of-Defence approach to fuel management and carbon reduction.

**Government Current Position**

The Government is currently developing an Energy White Paper that will identify a comprehensive policy framework out to 2030.

The development of a White Paper on energy issues was agreed to by the Australian Government in September 2008. In developing the White Paper, the Government intends to ensure the provision of clean, adequate, reliable and affordable energy supplies to meet Australia’s growing energy needs. The White Paper is due for completion in mid to late 2010.

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**Senate Committee on Legal and Constitutional Affairs**

**Personal Property Securities (Corporations and Other Amendments) Bill 2010**

**Government Response**

**Recommendation 1**

3.51 The Committee recommends that the Senate pass the Bill. Government response:

Noted.

Additional comments from Liberal Senators

**Recommendation 1:**

1.8 That the Department immediately publish an implementation plan for the approximately 12-month period leading up to the commencement of the PPS Act; the Plan should detail a comprehensive agenda for engagement with and education of all key stakeholders. including small business
sector, about the operation and potential impacts of the new PPS regime.

**Government response**

Accepted.

The Department has published a schedule of program activities for PPS reform describing the activities to be undertaken in the lead up to the commencement of the PPS system. The Department also publishes information about the operation of the PPS system and upcoming events such as public seminars to assist with the education of stakeholders. More information about planned stakeholder engagement and education activities, including a stakeholder roadshow aimed at small business, will be published as it becomes available. The 2010/11 Budget included funding to conduct a stakeholder roadshow as well as an additional $1m for a formal communications campaign to explain the impact of PPS reform to stakeholders.

**Recommendation 2:**

1.9 That, in the three month period prior to the commencement of the PPS Act, the Minister report to Parliament on the preparations for the commencement of the new scheme; the Minister’s report should address the extent to which key stakeholders, and specifically the small business sector, have been assisted with and are prepared for the commencement of the new PPS Act regime.

**Government response**

Accepted.

**Government response to Senate Legal and Constitutional Affairs References Committee report**

Access to justice December 2009

**Introduction**

The Australian Government welcomes the Committee’s report Access to justice released on 8 December 2009.

Access to justice is central to the rule of law and integral to the enjoyment of basic human rights. It is an essential precondition to social inclusion and a critical element of a well functioning democracy.

Submissions to the Committee highlight several areas where reforms to the legal system would be beneficial in making justice more accessible to Australians, particularly those suffering disadvantage.

An accessible and effective federal justice system is a key priority of the Australian Government’s agenda for reform. Improving access to justice is not only about access to courts and access to lawyers, but also about having the means to improve ‘everyday justice’: the justice quality of people’s social, civic and economic relations. Improving access to justice involves providing timely access to good information about the law, improving the quality of primary-decision making, ensuring that laws are clear, and improving the knowledge of and engagement with less adversarial dispute resolution options.

The commitment to this priority is demonstrated in a range of initiatives already undertaken by Government to improve the accessibility and effectiveness of our federal justice system:

(a) adopted a Strategic Framework for Access to Justice which is based on five key principles of accessibility, appropriateness, equity, efficiency and effectiveness. These principles will guide future policy development,

(b) endorsed the five principles by all State and Territory Attorneys-General at the Standing Committee of Attorneys-General meeting, November 2009, which promotes a consistent and coordinated approach to access to justice,

(c) injected $154 million over four years for legal assistance services in 2010-11 Federal Budget, taking the total Commonwealth contribution to over $1.2 billion. An important component of access to justice is supporting those who cannot afford legal services. This is the most significant injection of new Commonwealth funding for legal assistance programs in well over a decade. The new funding will focus on early intervention services and will reinforce a shift away from expensive adversarial court litigation,

(d) negotiated a new National Partnership Agreement on Legal Assistance Services with the States and Territories. The new Agreement promotes reform to legal assistance service delivery by promoting early intervention services, which
avoids the need for litigation, and more appropriate targeting of legal assistance services to people who experience, or are at risk of experiencing, social exclusion. The new Agreement provides greater flexibility for legal aid commissions to provide preventative and early intervention services regardless of whether the matter type comes within Commonwealth or State and Territory law. Commissions will have the flexibility to use Commonwealth funds for grants of aid for State law matters where a child’s welfare or an applicant’s safety is at risk and there is an overlapping family law matter.

(c) established a new National Legal Assistance Advisory Body to help develop national responses to critical challenges affecting the legal assistance sector. The Advisory Body will provide strategic policy advice to the Attorney-General on issues affecting the provision of legal assistance services, including the coordination and integration of services, improved access and availability, and early intervention.

(f) launched an Access to Justice website to provide seamless access to local information about legal assistance and related services at <www.accesstojustice.gov.au>,

(g) passed important legislative reforms to the case management powers of the Federal Court aimed at reducing unnecessary delay and time spent in court,

(h) introduced the Civil Dispute Resolution Bill requiring people to take genuine steps to resolve their disputes before going to court, and encouraging parties and their lawyers to consider a range of options which can assist with resolving the matter or narrowing the issues involved. This Bill implements recommendations of the National Alternative Dispute Resolution Advisory Council (NADRAC) in the Council’s report The resolve to resolve.- embracing ADR to improve access to justice in the federal jurisdiction, November 2009,

(i) issued three new terms of reference to NADRAC for specific work. These terms of reference include the preparation of a statement of national ADR principles, the development of a model dispute management plan for Government agencies, and providing advice on the integrity of ADR processes,

(j) requested a review by the Australian Law Reform Commission of discovery and to identify options to improve the discovery process in civil litigation which will promote early information exchange.

(k) committed to develop improved administrative law guidelines for Commonwealth officials, and

(l) invested $1.6 million to attract and support lawyers working in rural, regional and remote areas.

Government response to recommendations

Recommendation 1

The committee recommends that the federal, state and territory governments jointly fund a comprehensive national survey of demand and unmet need for legal assistance services in Aboriginal and Torres Strait Islander communities, with particular identification of rural, regional and remote communities and indigenous women’s needs, to be jointly undertaken with state/territory legal aid commissions, community legal centres, Aboriginal legal services, National Legal Aid and the Law and Justice Foundation NSW.

The recommendation is noted.

The Australian Government is committed to the delivery of high quality and culturally sensitive legal assistance services to Indigenous Australians. The Government is also aware of the increasing demand for legal assistance services and the significant funding pressures faced by all legal aid service providers, including the Aboriginal and Torres Strait Islander Legal Services (ATSILS).

The Government announced additional ongoing funding of $34.9 million over four years from 2010-11 for Indigenous legal services. This additional funding will assist in meeting increasing demand and costs for Indigenous legal services and will improve access to justice for Indigenous Australians across Australia, supporting key Government priorities, including social inclusion and closing the gap on Indigenous disadvantage. In 2010-11 the Government has allocated over $63.7 million for Indigenous legal aid services through the ATSILS, and for law reform and community legal education activities.
Ministers discussed Indigenous legal services funding at the May 2010 meeting of the Standing Committee of Attorneys-General. The Commonwealth will undertake a review of the relationship between the delivery of legal services for Indigenous Australians by legal aid commissions and Indigenous legal service providers.

The Australian Government provided funding to the Victorian Aboriginal Legal Service to supervise a national review of the workload of the Aboriginal and Torres Strait Islander Legal Services. A consultant has been engaged to conduct the review and is expected to report by the end of 2010. The findings are expected to include data on the demand for Indigenous legal services experienced by the Aboriginal and Torres Strait Islander Legal Services.

A comprehensive National Legal Needs Survey is being conducted by the Law and Justice Foundation of NSW on behalf of National Legal Aid and will report in 2011. The Survey will include data on the legal needs of Indigenous people.

Recommendation 2
The committee recommends that the federal, state and territory governments, in conjunction with relevant stakeholders, and using an evidence-based approach, review existing legal assistance service programs to determine whether the legal aid system is meeting the needs of the Australian people.

The recommendation is agreed in principle.

In November 2009 the Standing Committee of Attorneys-General agreed that to inform negotiations for the National Partnership Agreement on Legal Assistance Services, National Justice CEOs will consider:

- opportunities for greater coordination and collaboration of service delivery across the legal assistance sector,
- empirical information on factors affecting supply and demand of legal assistance services as well as unmet legal need, and
- alternative sources of revenue to put funding of legal assistance programs on a more sustainable footing, including introduction of cost recovery schemes.

National Justice CEOs agreed to convene a separate working group to examine these issues. The Working Group, chaired by the Commonwealth, will focus on investigating opportunities for greater coordination and collaboration of service delivery across the legal assistance sector and canvassing empirical information on factors affecting supply and demand of legal assistance services as well as unmet legal need. The third issue referred by ministers, alternative sources of revenue, has been dealt with separately through the National Justice CEOs’ discussions on the National Partnership Agreement.

As detailed above, in May 2010 the Attorney-General announced the establishment of the new National Legal Assistance Advisory Body. The Advisory Body will provide advice on strategic policy issues affecting the provision of legal assistance services, including the coordination and integration of services, improved access and availability, and early intervention. The Advisory Body will inform and be informed by work undertaken by State and Territory based forums outlined in the National Partnership Agreement on Legal Assistance Services.

Recommendation 3
The committee recommends that the federal, state and territory governments, in conjunction with relevant stakeholders, and using an evidence-based approach, review existing funding programs for legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander legal services and Family Violence Prevention Legal Services units with a view to sufficiently resourcing the legal aid system to meet the legal needs of the Australian people, including appropriate loadings for high needs areas such as remote, rural and regional areas.

The recommendation is noted.

The Government is committed to ensuring that legal assistance programs are appropriately resourced so that disadvantaged Australians who cannot afford legal services are able to receive assistance. This includes fostering efficient and effective ways to support the delivery of legal services in remote, rural and regional Australia.
From 1 July 2010, the Australian Government will invest an additional $154 million over four years in legal assistance services: $92.3 million for legal aid; $34.9 million for Indigenous legal services; and $26.8 million for community legal services. The new funding will build on over $70 million in additional funding provided by the Australian Government for legal assistance services over the last three financial years.

In 2010-11 the Australian Government will provide the following Budget funding:

- legal aid commissions - $194.2 million,
- Indigenous legal services - $63.7 million,
- community legal services - $31.5 million,
- Indigenous family violence prevention legal services - $19.5 million, and
- Commonwealth legal financial assistance schemes - $7.7 million.

Current funding models for legal aid and Indigenous legal assistance programs take into account a range of factors including consideration of the specific issues which affect the delivery of legal assistance services in remote, rural and regional Australia such as population dispersion, through the increased costs of communication and travel in servicing clients, and the number and location of courts serviced by Aboriginal and Torres Strait Islander Legal Services (ATSILS). Community legal centres which provide services to remote, rural and regional areas have received support to provide outreach services in these areas and assistance with costs of delivery such as travel, accommodation and equipment.

**Recommendation 4**

The committee recommends that the state/territory governments and legal professional associations throughout Australia take such steps as are necessary to:

- advertise and promote participation in formal pro bono schemes, including the National Pro Bono Aspirational Target Scheme;
- mandate a pro bono legal work requirement for all classes of practising certificate, including those issued to government employees; and
- abolish the practising certificate fee for legal practitioners whose practise involves pro bono legal work only.

The recommendation is accepted in principle.

The Australian Government commends the legal profession for the high quality pro bono work it performs. The Government is committed to working with the legal profession and other stakeholders to encourage and support pro bono legal work, both in Australia and internationally. The Australian Government has undertaken a number of steps in recent years to recognise and support pro bono legal services in Australia and the Asia-Pacific region.

The Australian Government supports and provides ongoing funding to the National Pro Bono Resource Centre. The Centre will receive funding of $275,480 in 2010-11. The Government also provided one-off funding of $40,000 to assist with the completion of the research project Engaging Retired and Career-Break Lawyers in Pro Bono. The Government also provides funding to support the Biennial Access to Justice and Pro Bono Conference which provides an opportunity for community and private sector lawyers, academics and judicial officers to come together and discuss current issues in the area of pro bono and legal assistance.

In 2008, the Government amended the Legal Services Directions 2005 to require that Commonwealth agencies must take the following matters into account when offering a contract for legal services:

(a) the amount and type of pro bono work the legal services provider has carried out or will carry out, and

(b) whether the legal services provider has signed up to the National Pro Bono Aspirational Target of the National Pro Bono Resource Centre.

The COAG National Legal Profession Reform project has given particular consideration to how legal profession regulation can help facilitate volunteerism and reduce the burden on community legal centres and other community legal service providers. In so doing, the National Legal Profession Reform Taskforce has taken into account submissions from the National Pro Bono...
Resource Centre and National Association of Community Legal Centres.

The Taskforce is proposing the introduction of a no or nominal cost volunteer practising certificate for legal practitioners who wish to volunteer at non-profit or community legal centres anywhere around Australia, and who do not otherwise hold a practising certificate.

This would, for example, allow retired lawyers and government lawyers to volunteer their legal expertise. The proposal also includes ensuring that there are no practising certificate related impediments to undertaking pro bono and volunteer work for those who hold a general practising certificate.

The Taskforce is also proposing to simplify the regulatory system to which non-profit or community legal services are subject by creating a single system of regulation, rather than different systems in each jurisdiction, and by clarifying the responsibilities of the principal or ‘supervising’ legal practitioners of community centres providing legal services. The centres would have the flexibility to designate a volunteer supervising legal practitioner rather than formally employing one.

The proposal also includes allowing legal practitioners working or volunteering at those centres to choose not to handle trust money. The benefits are that those legal practitioners and the legal centre would not be subject to the regulation that comes with handling trust money and, as there would be no risk of them defaulting with trust money, the practitioners would not need to pay fidelity contributions.

The model proposed by the Taskforce also makes it clear that legal practitioners volunteering at a non-profit or community legal centre may be covered by the professional indemnity insurance of the centre, and would not be required to obtain additional, individual professional indemnity insurance.

The Taskforce is currently consulting on its proposals and will be submitting its final proposals to COAG by the end of 2010.

The Attorney-General’s International Pro Bono Roundtable will host an International Pro Bono Roundtable to coincide with the third National Access to Justice and Pro Bono Conference in Brisbane in August 2010. The Roundtable will include a panel of speakers with a range of different experiences in international pro bono work and development assistance in the law and justice sector.

Recommendation 5
The committee recommends that the Australian Government investigate means by which small to medium sized legal firms could be encouraged to further participate in the provision of pro bono legal services.

The recommendation is noted.

The proposals of the National Legal Profession Reform Taskforce outlined in the response to Recommendation 4 are also expected to lower the burden on law practices offering the time of their legal practitioners to non-profit or community legal centres.

The National Pro Bono Resource Centre, which receives funding from the Australian Government, plays a key role in promoting pro bono work, including to small and medium sized legal firms. The Attorney-General’s International Pro Bono Advisory Group, which was established in July 2009, will also help to promote and support international pro bono work by Australian lawyers. The Attorney-General’s Department has updated the Advisory Group’s website to provide a portal on international pro bono legal work with a range of general resources such as factsheets and evaluation templates, and links to the websites of brokers and clearing houses. These resources will be of assistance to all firms interested in undertaking international pro bono work.
sources will be of assistance to all firms interested in undertaking international pro bono work.

Recommendation 6
The committee recommends that the federal, state and territory governments provide additional funding to legal aid commissions, community legal centres and Indigenous legal services with a view to expanding service delivery in rural, regional and remote areas. This funding must take into account the significant resources required by legal aid commissions, community legal centres and Indigenous legal services in undertaking resource-building initiatives in rural, regional and remote areas. The recommendation is agreed in principle.

The Australian Government acknowledges the significant resources required by legal aid commissions, community legal centres and Indigenous legal services in undertaking resource-building initiatives in rural, regional and remote areas. That is why the Government injected an additional $154 million over four years into legal assistance services, to make the Commonwealth’s overall injection of funding to $1.2 billion over four years.

New funding announced in the 2010-11 Budget will enhance the capacity of legal assistance services to deliver services in rural, regional and remote locations. The sharper focus on preventative and early intervention services that will be reflected in the National Partnership Agreement is expected to lead to more outreach services to areas which now lack services. The Government has also funded some specific initiatives to improve services in rural, regional and remote areas. In June 2008, the Government announced the allocation of $5.8 million over four years for the Regional Innovations Program for Legal Services. This initiative aims to improve access to legal services for communities in regional, rural and remote Australia. Legal aid commissions are eligible to obtain funding for programs which take an innovative approach to improve service delivery in rural and remote areas.

In addition to the increase in funding announced in the 2010 Budget, the Australian Government has provided Legal Aid Western Australia with one-off funding of $500,000 to continue its Country Lawyers Program which aims to encourage lawyers to practice in regional and remote areas of Western Australia. This funding is in addition to the $1.1 million already invested in the program since 2007. In May 2010, the Australian Government provided an additional $1.1 million for the Law Council of Australia and a range of legal assistance providers to work collaboratively to attract lawyers to rural, regional and remote areas.

Recommendation 7
The committee recommends that incentives be considered to encourage lawyers to practice in rural, regional and remote areas.

The recommendation is noted.

Ensuring that legal practitioner services are available to people living in rural, regional and remote (RRR) areas is a high priority. The Australian Government has provided $6.9 million over the four year period 2007-08 to 2010-11 through the Regional Innovations Program for Legal Services to improve legal services in regional Australia. The Government notes the Law Council of Australia’s September 2009 report regarding the recruitment and retention of lawyers in RRR areas. The Government is looking closely at the recommendations in the report. The Government will work with the Law Council of Australia and other stakeholders in responding to the challenge of ensuring that legal services continue to be available in country Australia.

As outlined in the response to recommendation 6, in May 2010 the Government allocated $1.1 million to work in collaboration with the Law Council of Australia to attract lawyers to work in legal assistance programs in RRR areas of Australia. The Government also continues to fund the Regional innovations Program for Legal Services. The Government has also provided $1.1 million in one-off funding for the development of a range of initiatives to encourage lawyers to practice in rural, regional and remote areas, including a collaborative arrangement between the National Association of Community Legal Centres and the Law Council of Australia to develop a range of awareness activities to assist in attracting and retaining lawyers in RRR areas with a dedicated website and other resources. This initiative will
complement the Regional Innovations Program for Legal Services and other Australian Government initiatives such as Country Lawyers Western Australia to:

- deliver an approach consistent with the Access to Justice Framework,
- assist in building up the capacity of the legal profession generally in targeted RRR locations, and
- assist in addressing concerns highlighted by the Law Council regarding lack of lawyers in RRR areas.

The initiatives funded by the Regional Innovations Program for Legal Services are detailed below.

**New South Wales**

The Australian Government funding has contributed to the expansion of Legal Aid New South Wales’ Cooperative Legal Service Delivery (CLSD) program. The program provides legal advice, minor assistance and community workshops, including monthly outreach clinics in eight regions across New South Wales. Projects focus on early intervention and prevention with the aim of preventing the escalation of legal issues into complex problems.

Legal Aid New South Wales is also extending and enhancing the Regional Outreach Clinic Program (ROCP). This will involve:

- increasing the frequency and hours of a number of current ROCP clinics in areas of high demand,
- developing and rolling out additional ROCP clinics in disadvantaged areas of rural and remote New South Wales where there is limited access to free legal services, and
- developing and implementing cross-border initiatives with Victoria Legal Aid.

The ROCP increases access to free legal advice for disadvantaged people in rural and remote New South Wales, increases the viability of small regional private practices and facilitates access to grant of aid for private practitioners. Legal Aid New South Wales also provides training of regionally based lawyers in areas of legal aid practice.

**Victoria**

Victoria Legal Aid was funded for a Regional Legal Access Coordinator (RLAC) in the Murray-Mallee and Albury-Wodonga areas. The RLAC position aims to improve the legal outcomes for marginalised and disadvantaged groups in a number of ways including:

- improving referral systems between legal and non-legal providers, private practitioners, community legal centres and Victoria Legal Aid offices,
- developing outreach legal clinics to areas where there are no or limited services, and
- developing and coordinating community legal education and training and community development activities.

**Queensland**

Legal Aid Queensland currently provides 16 regional solicitor placements under its regional solicitor placement scheme in 11 locations throughout Queensland and will be providing an additional two placements for 18 months. Legal Aid Queensland supports the Queensland Legal Assistance Forum, a regionally-based grouping of service providers similar to Legal Aid New South Wales’ Cooperative Legal Service Delivery program.

Legal Aid Queensland was funded to develop and deliver community legal education in two rural and remote locations during 2009-10 and in five rural and remote locations during 2010-11. This will be done in collaboration with Family Violence Prevention Units, community legal centres and Aboriginal and Torres Strait Islander Legal Services. Joint promotional material will be developed to assist clients to seek assistance from the most appropriate source, including family relationship centres.

**Western Australia**

Legal Aid Western Australia is developing a range of online interactive Continuing Professional Development (CPD) modules. The program is designed to help reduce professional isolation and enable regionally-based, publicly-funded lawyers to maintain their professional accreditation, without having to return to Perth for costly face-to-face training and development. The first suite of
five modules is scheduled to be available by mid 2010.

_Tasmania_

The Legal Aid Commission of Tasmania was funded to provide regular outreach services by private practitioners operating from Burnie, Devonport and Launceston to benefit the northern-central and northern-eastern areas of Tasmania and establish a regional young lawyers’ network in these areas.

_Northern Territory_

The Northern Territory Legal Aid Commission has been funded for a regional solicitor position to provide salary subsidies to a private law firm to recruit lawyers to be based in Alice Springs or Katherine but who could undertake legal work in the Central Australian, Barkly and Katherine regions.

The Family Violence Prevention Legal Service (FVPLS) Program is focusing service delivery on the Australian Government Remote Service Delivery sites across Australia. The sites currently being serviced by a FVPLS are:

- Northern Territory: Angurugu, Galiwin’ku, Gunbalanya, Hermannsburg, Nguu, Ngukurr, Wadeye, Yirrkala and Yuendumu,
- Queensland: Mornington Island, Doomadgee, Hope Vale, Aurukun, and Coen,
- New South Wales: Walgett and Wilcannia,
- South Australia: Amata and Mimili, and
- Western Australia: Fitzroy Crossing, Halls Creek, Ardyaloon and Beagleay

In the Northern Territory the sites of Gapuwiyak, Lajamanu, Maningrida, Milingimbi, Numulwar and Umbakumba, and in Queensland, Mossman Gorge, may be serviced by other legal assistance providers under Commonwealth or State and Territory funding arrangements.

**Recommendation 8**

The committee recommends that the federal, state and territory governments, in conjunction with the relevant stakeholders, jointly develop and implement a national civil law program in identified high need areas.

The recommendation is noted.

The Government considers that reforms under the National Partnership Agreement aimed at promoting the earliest resolution of legal problems and supporting connected services in the legal assistance sector will assist in improving access to services to resolve civil law matters.

The broadening of Commonwealth legal aid funding policy to allow Commonwealth funds to be used for preventative and early intervention services will provide legal aid commissions with the capacity to expand service delivery in areas of civil law, particularly to address problems that can lead to social exclusion, such as tenancy, consumer debt and employment.

In 2009-10, the Government provided more than $26 million directly to community legal centres under the Commonwealth Community Legal Services Program. More than 60% of activities undertaken by community legal centres (information, advice and casework) involve civil law. Of these activities, tenancy, credit and debt, and employment are the most common problem types. Additional funding in these areas has been allocated in the 2010-11 Budget including resources to enhance access to services providing assistance in the areas of consumer credit, matters affecting older people and those at risk of or experiencing homelessness, and enhanced services in regional, rural and remote areas.

**Recommendation 9**

The committee recommends that the Australian Government increase the level of funding for the Legal Aid Program with a view to sufficiently resourcing the legal aid system to meet the legal needs of the Australian people, including specific funding for community education programs and telephone advice services.

The recommendation is agreed.

From 1 July 2010, the Australian Government will provide an additional $92.3 million over four years for legal aid. The funding supports a more strategic approach to legal assistance service delivery, consistent with the Government’s Strategic Framework for Access to Justice. The focus is on early intervention and resolving disputes before they get to court. By helping people early in their disputes, costly litigation and entrenched legal problems can be avoided.
Community legal education and early access to advice and assistance, including telephone advice, are important services already being provided by all legal assistance providers. Under the new Agreement these services will be given greater emphasis, with the requirement that States and Territories implement an Information and Referral Strategy that ensures comprehensive access to information and seamless referral for preventative and early intervention services.

Recommendation 10
The committee recommends that the Australian, state and territory governments jointly develop and implement realistic and consistent national means tests income and assets levels with an in-built mechanism for ensuring that the levels do not stagnate over time.

The recommendation is agreed in principle.

The National Partnership Agreement on Legal Assistance Services sets the Commonwealth’s key principles for standardising eligibility for a grant of legal aid in relation to Commonwealth law matters. These are detailed in Schedule B of the Agreement as set out below.

- Where a person receives the maximum rate of an income support payment or benefit administered by Centrelink as their total income, that person will be taken to satisfy the income component of the means test.
- Where a person does not receive the maximum rate of an income support payment or benefit administered by Centrelink, the person’s income will be determined by making deductions from their total income in relation to certain living costs measured against a nationally standardised income threshold.
- A person who does not initially satisfy the income component of the means test but who is still unable to afford private legal representation may still be eligible for legal aid, on the condition that a contribution towards the person’s legal costs is paid to the legal aid commission.
- A person may hold some assets and still be eligible for a grant of legal aid. An assets test component will include allowable exemptions such as the equity in the applicant’s principal place of residence, equity in a used motor vehicle and household furniture that are based on nationally standardised asset thresholds.
- A person who does not initially satisfy the assets component of the financial eligibility test may still be eligible for legal aid in limited circumstances, if they cannot reasonably be expected to borrow against their assets. Legal aid commissions have the discretion to determine whether it is appropriate in the circumstances to impose a client contribution and/or secure a charge over the property, to allow recovery of the contribution upon sale or transfer of the property.


The Commonwealth will work with States and Territories through the National Partnership Agreement to ensure that the key principles will be applied by legal aid commissions consistently across jurisdictions.

Recommendation 11
The committee recommends that each state and territory registry of the Federal Court of Australia be permanently staffed by a locally-based and legally trained registrar.

The recommendation is agreed in principle.

On 19 November 2009, Parliament passed the Access to Justice (Civil Litigation Reforms) Amendment Act 2009. The Act amended section 34 of the Federal Court of Australia Act 1976 to require the Federal Court Registrar to ‘ensure that at least one Registry in each State is staffed appropriately to discharge the functions of a District Registry, with the staff to include a District Registrar in that State’.

The District Registrar for Sydney and the District Registrar for Adelaide are responsible for district registries in the Australian Capital Territory and Northern Territory respectively. This arrangement is an efficient and effective use of the Court’s resources given those jurisdictions’ comparatively smaller workloads.
Recommendation 12
The committee recommends that the federal, state and territory governments create and fund a specific disbursement fund for pro bono matters, with eligibility designed to promote the provision of pro bono legal services by the private legal profession.

The recommendation is noted.

The Australian Government supports the private legal profession to undertake pro bono work in a range of ways as noted in the response to recommendations 4 and 5 above.

Recommendation 13
The committee recommends that the federal, state and territory governments develop and implement uniform general disbursement funds throughout Australia to be accessed according to defined criteria with a view to easing the cost of justice for disadvantaged Australians.

The recommendation is noted.

Implementing such a fund would require consultation with States and Territories, noting that in all States and Territories except for the ACT there are disbursement assistance schemes operated either by the legal aid commission or law society. The table below summarises existing schemes.

Issues around the costs of justice, such as the cost of disbursements, are the type of issues which could be considered further by the National Legal Assistance Advisory Body once it is convened.

In May 2010, the Australian Government announced additional one-off funding of $3 million for legal services that provide support and advice to victims of family violence across Australia. The funding will enable Family Violence Prevention Legal Services, Women’s Legal Services, and Indigenous Women’s Projects (funded under the Community Legal Services Program) to provide disbursements assistance for associated upfront costs such as medical reports.

Table of existing disbursement schemes

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Eligibility</th>
<th>Repayments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW - Pro Bono Disbursement</td>
<td>Lawyer acting on a pro bono or at reduced costs basis.</td>
<td>Successful parties must repay all funding.</td>
</tr>
<tr>
<td>Trust Fund</td>
<td></td>
<td>$100 application fee</td>
</tr>
<tr>
<td>Victoria - Law Aid</td>
<td>Lawyer acting on a pro bono or contingency basis.</td>
<td>Successful parties must repay all funding plus a fee equivalent to 5.5% of any damages awarded.</td>
</tr>
<tr>
<td>Queensland Civil Law Legal Aid Scheme</td>
<td>Lawyer acting on a pro bono or contingency basis.</td>
<td>Successful parties must repay all funding.</td>
</tr>
<tr>
<td>WA - Civil Litigation Assistance Scheme</td>
<td>Lawyer accepts to work at rates provided for under the scheme ($250 per hour).</td>
<td>Successful parties must repay all funding and a further fee equivalent to 25%-100% of the total funding provided.</td>
</tr>
<tr>
<td>SA - Disbursements Only Fund</td>
<td>Lawyer acting on a pro bono or contingency basis.</td>
<td>Successful parties must repay all funding.</td>
</tr>
<tr>
<td>SA - Litigation Assistance Fund</td>
<td>Lawyer accepts to work for ‘solicitor/client’ costs, paid according to scale.</td>
<td>Successful parties must repay all funding plus a fee equivalent to 15% of any damages awarded.</td>
</tr>
<tr>
<td>Scheme</td>
<td>Eligibility</td>
<td>Repayments</td>
</tr>
<tr>
<td>--------------------------------------------</td>
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</tr>
<tr>
<td>Tasmania - civil disbursement fund</td>
<td>Lawyer acting pro bono or contingency basis</td>
<td>Successful parties must repay all funding and a further fee equivalent to 20%-100% of the total funding provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Application fee of $200. Both successful and unsuccessful parties must repay all funding received. Successful parties must pay a further fee equivalent to a predetermined percentage of the total funding provided.</td>
</tr>
<tr>
<td>NT - Contingency Legal Aid Fund</td>
<td>Lawyer acting pro bono or contingency basis</td>
<td>Application fee of $200. Both successful and unsuccessful parties must repay all funding received. Successful parties must pay a further fee equivalent to a predetermined percentage of the total funding provided.</td>
</tr>
</tbody>
</table>


Recommendation 14
The committee recommends that the federal, state and territory governments enact legislation to abrogate the indemnity principle, to the extent necessary, to ensure that litigation costs can be awarded and recovered in pro Mono matters.

The recommendation is noted.

The Government is giving consideration to this recommendation in conjunction with the federal courts and other relevant stakeholders. Given the federal structure of the Australian legal system, the issue would also need to be addressed at a State and Territory level through the Standing Committee of Attorneys-General.

Recommendation 15
The committee recommends that federal, state and territory governments, in conjunction with affected stakeholders, review and modernise existing legal aid fee scales including an inflator to promote participation of the private legal profession in legal aid service delivery.

The recommendation is noted.

Under the National Partnership Agreement on Legal Assistance Services, States and Territories will have responsibility for determining how funds are used to achieve the outcomes identified in the National Partnership Agreement. This includes responsibility for input controls such as private practitioner fees. This is consistent with existing arrangements in which legal aid commissions are responsible for managing their own fee scales for work undertaken by private practitioners. Fee scales are determined by commissions in consultation with State and Territory legal professional bodies and are subject to each commission’s operating budget.

Recommendation 16
The committee recommends that the federal, state and territory governments commission research to quantify the economic effects that self-represented litigants have on the Australian justice system, including court, tribunal, other litigant, legal aid system and social welfare system costs.

The recommendation is agreed in principle.

Courts, tribunals and legal service providers have a variety of administration arrangements and many are responsible for their own data collection. However, the Australian Government recognises that consistent data collection is necessary for justice institutions to be able to identify and act on challenges and gaps, and to inform analysis.
and understanding of the performance of the justice system generally.

The Government acknowledges that statistical information in relation to the justice system is currently inconsistently collected and reported, with significant gaps existing, including in relation to self-represented litigants. The Government is currently considering options to improve the quality of data collection as part of its consideration of recommendations proposed by the Attorney-General’s Department’s Access to Justice Taskforce.

Recommendation 17

The committee recommends that the federal courts and tribunals should report publicly on the numbers of self-represented litigants and their matter types, and urges state and territory courts to do likewise.

The recommendation is noted.

While this recommendation is directed at the courts and tribunals, the Government supports initiatives which aim to improve the accuracy and quality of data collection across the civil justice system.

The federal courts currently publish some data on self-represented litigants in their annual reports. The Federal Court of Australia publishes broad statistics about the number of self-represented litigants appearing in the Court as applicants in a matter (respondents are not recorded), and the type of matter the majority of these applicants appear in. The Federal Magistrates Court (family law only) and the Family Court of Australia also provide statistics on the number of self-represented litigants, in respect of finalised applications for final orders.

A number of tribunals also report publicly on the number of self-represented applicants. The Social Security Appeals Tribunal provides a breakdown in its annual report on the number of represented and unrepresented applicants per jurisdiction (Centrelink or Child Support Agency), in addition to the type of representation (legal or non-legal). The Migration Review Tribunal and Refugee Review Tribunal publish data on the percentage of decided cases where the applicant was unrepresented, in addition to set aside rates for unrepresented applicants.

The collection and publication of further data is complicated by the fact that the status of a litigant’s representation may change throughout the duration of their case.

Recommendation 18

The committee recommends that the federal, state and territory governments jointly fund and establish a comprehensive duty solicitor scheme in identified high need areas throughout Australia with a view to reducing the length of litigation and increasing judicial efficiency in self-represented matters.

The recommendation is noted.

The Government recognises the value of duty lawyer services in contributing to the effective operation of the courts.

Legal aid commissions are funded to provide duty lawyer services to assist self-represented litigants in the Family Court, the Family Court of Western Australia and the Federal Magistrates Court.

This service provides a low-cost effective way of targeting legal assistance where people are not eligible for legal aid, improves court efficiency and is widely supported by the courts, and is effective for self-represented litigants. It is seen as an essential element of effective management of family law litigation particularly in large registries. The availability of duty lawyer services in key circuit sittings also enhances legal services for people in rural, regional and remote Australia. Legal Aid New South Wales also provides duty lawyer services for family law matters in local courts in regional New South Wales.

Family Court and Federal Magistrates Court registries serviced by a duty lawyer are as follows:

- Victoria: Melbourne, Dandenong, Federal Magistrates Court circuit: Ballarat, Bendigo, Geelong, Shepparton, Traralgon, Albury,
- Queensland: Brisbane, Townsville, Cairns. Circuit registries: Rockhampton, Mackay, Maroochydore, Toowoombra, Southport, Hervey Bay, Bundaberg, Ipswich,
- Western Australia: Perth,
- South Australia: Adelaide, Mount Gambier by telephone,
- Tasmania: Hobart, Launceston and Devonport,
- ACT: Canberra, and
- Northern Territory: Darwin, Alice Springs.

The Australian Government also provides funding to community legal centres located in Melbourne, Frankston, Newcastle and Brisbane areas to pilot alternative family law duty lawyer services to cover situations where a legal aid commission duty lawyer was unable to assist a client due to a conflict of interest. These locations have high-level of family law proceedings. Following a review of these services in early 2010, the Government committed additional funding through the May 2010 Budget to enable these services to continue for three years commencing 1 July 2010.

Duty lawyer services for criminal matters are funded by State and Territory governments.

Recommendation 19
The committee recommends that judicial and court officers receive training in relation to assisting self-represented litigants. The recommendation is noted.

Various bodies in Australia are responsible for the professional development of judicial and court officers including court education committees, judicial education bodies and the Australasian Institute of Judicial Administration. Judicial education bodies include the National Judicial College of Australia, the Judicial Commission of New South Wales and the Judicial College of Victoria. Various programs and tools provided by these bodies address issues with respect to assisting self-represented litigants.

The Government supports appropriate training for judicial and court officers in relation to assisting self-represented litigants. Duty lawyers provided by legal aid commissions work closely with judicial and court officers to help self-represented litigants through judicial processes.

Recommendation 20
The committee recommends that the Australian Government consider funding a number of restorative justice pilot programs in areas where there is an over-representation of minor offenders in the criminal justice system.

The recommendation is noted.

Restorative justice initiatives are primarily a State and Territory responsibility.

The Proceeds of Crime Act 2002 (Cth) enables the approval of programs for confiscated funds to be given back to the community to help prevent and reduce the harmful effects of crime. These include crime prevention measures, law enforcement measures, measures relating to treatment of drug addiction, and diversionary measures relating to the illegal use of drugs.

The most recent funding round closed on 1 February 2010 and focused on crime prevention measures addressing one or more of the following issues:
- diversion and prevention programs, including those focusing on indigenous persons,
- youth crime, including diversion and prevention programs,
- early intervention projects with families, children and schools,
- crime prevention for seniors (personal and financial security), and
- assisting victims of violent crime.

Restorative justice initiatives may be eligible for consideration for funding should the Minister decide to approve any funding programs in the future that focus on crime prevention measures.

The Attorney-General’s Department provides complementary funding through the Indigenous Justice Program (formerly the Prevention, Diver- sion, Rehabilitation and Restorative Justice Pro- gram) to develop and undertake projects to help reduce Indigenous Australians’ adverse contact with the justice system. This includes projects under the Restorative Justice Sub-Program that
strengthen community-driven justice responses that involve, or promote the involvement of, families, communities, victims and offenders. For example, the Department funded the Queensland Department of Justice and Attorney-General to consult with the community on Mornington Island about the development of a restorative justice initiative. This initiative is now being piloted on Mornington Island with funding from both the Department and the Queensland Department of Justice and Attorney-General.

**Recommendation 21**

In conjunction with Recommendation 1, the committee recommends that the federal, state and territory governments recognise the potential benefits of justice reinvestment and develop and fund a justice reinvestment pilot program for the criminal justice system.

The recommendation is noted.

The funding of justice reinvestment pilot programs is primarily a State and Territory responsibility.

The approach proposed for the justice reinvestment pilot programs appears to be seeking to deliver similar benefits to many of the crime prevention and diversionary projects funded under Section 298 of the Proceeds of Crime Act 2002 (Cth) and the now closed National Community Crime Prevention Programme.

It may be possible that lessons from relevant projects funded under these programs could be used to inform consideration of the potential effectiveness of justice reinvestment programs.

**Recommendation 22**

The committee recommends that the Attorney-General’s Department, consultation with interested stakeholders, expedite the development of a new funding model for the allocation of Australian Government funding to all community legal centres.

The recommendation is noted.

The review of the Commonwealth Community Legal Services Program published by the Attorney-General’s Department in March 2008 included a recommendation that a funding model be adopted for the allocation of any new funding provided to the Program. Consultations on the review recommendations identified that stakeholders generally supported the adoption of an evidence-based funding model but sought consultation on the detail and how the model would be implemented. Details of the proposed model were provided to stakeholders, and valuable and constructive feedback was provided to the Department. A new funding model will be a matter for further consideration by the Government.

**Recommendation 23**

Subject to increased accountability and transparency requirements, including measurable key performance indicators and benchmarks, the committee recommends that the federal, state and territory governments increase the level of funding for community legal centres with a view to sufficiently resourcing this sector of the legal aid system to meet the needs of the Australian people.

The recommendation is accepted in principle.

From 1 July 2010, the Australian Government will provide an additional $26.8 million over four years for community legal services programs. This will bring the total investment in the community legal services program to $135.2 million over four years. This will help providers to enhance and increase their services including strengthening the capacity of community legal services to continue to provide legal assistance to disadvantaged people particularly in areas such as family law, domestic violence and homelessness.

The Commonwealth Community Legal Services Program includes a range of accountability requirements that funded organisations must meet to be eligible for funding. The Program service agreements for 2010-2013 will include a new performance monitoring framework that will assist in enhancing the client-centred focus of the Program.

**Recommendation 24**

In conjunction with Recommendation 22, the committee recommends that the Australian Government reconsider the eligibility criteria of the Community Legal Services Program with a view to allowing for the admission of suitable community legal centres throughout Australia.

The recommendation is noted.
Funding under the Commonwealth Community Legal Services Program is not currently subject to eligibility criteria, other than a requirement that a funded organisation be an Australian company, an association incorporated under the legislation of the State or Territory in which it operates, or an Aboriginal association incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

Recommendation 25
The committee recommends that the Australian Government provide the Federation of Community Legal Centres with some funding support for its proposed Community Legal Centres Graduate program and that the future Community Legal Centre graduate schemes be similarly supported.

The recommendation is noted.

The Australian Government has already allocated $240,000 over four years for a feasibility study project for law graduates for community legal centres in regional Australia. This project is being undertaken by the National Association of Community Legal Centres.

In January 2010 the Australian Government provided additional one-off funding of $360,000 to seven community legal centres to develop or expand partnerships with universities providing placement opportunities for students in family law. These projects will help students develop their legal skills and awareness of social justice and equity issues in the legal system through access to practical legal education and experience. They will also include the opportunity for students to participate in alternative dispute resolution and to provide assistance to clients in rural and regional areas. Additional recurrent funding allocated by the Government to the Commonwealth Community Legal Services Program through the 2010-2011 Budget will enable these projects to continue over the period of the 2010-2013 service agreements with community legal centres.

Recommendation 26
The committee recommends that the federal, state and territory governments inquire into and report on joint funding for the Legal Aid for Indigenous Australians program and related services with a view to more equitably apportioning financial responsibility for Indigenous legal services funding.

The recommendation is agreed in principle.

In the 2010 Budget, the Australian Government allocated an additional $34.9 million over four years to Indigenous legal services. The Australian Government believes it is appropriate for State and Territory governments to provide funding for Indigenous legal aid services. Aboriginal and Torres Strait Islander Legal Services (ATSILS) are crucial to the effective operation of the State and Territory justice systems. In 2008-09, 89% of the services’ casework was in criminal matters which are mostly State and Territory laws. Additionally, demand factors are driven by changes to State and Territory laws and policies, such as increased court circuits and numbers of magistrates, which can impact on the ability to deliver services in conditions of limited funding and rising service delivery costs. The Australian Government will raise these issues with the States and Territories as part of its coordinated approach to the delivery of legal assistance services.

As noted in the response to recommendation 1, Ministers discussed Indigenous legal assistance services funding at the May 2010 meeting of the Standing Committee of Attorneys-General. The Commonwealth, in consultation with the States and Territories, will undertake a review of the relationship between the delivery of legal assistance services for Indigenous Australians by legal aid commissions and Indigenous legal service providers.

Recommendation 27
The committee recommends that the Australian Government increase the level of funding for Indigenous legal services with a view to sufficiently resourcing this sector of the legal aid system to meet the needs of Indigenous peoples, including appropriate loadings for extra service delivery costs.

The recommendation is noted.

From 1 July 2010 the Australian Government is investing an additional $34.9 million over four years for Indigenous legal services. This will assist providers to enhance and increase their ser-
vices including meeting the rising demand for Indigenous legal aid services.

Existing funding takes into account the additional costs for delivering services in regional and remote areas. This includes factors such as the number and location by region of courts serviced by ATSILS and the number and location by region of offices maintained by ATSILS.

Recommendation 28
The committee recommends that:

- the federal, state and territory governments provide additional funding to court-based interpreter services in each state and territory with a view to expanding that service in high need areas; and

- the Australian Government commence a process of consultation to seek solutions to the translating difficulties associated with some Indigenous languages, with a view to reducing language barriers to access to justice.

The recommendation is accepted in principle.

The Australian Government agrees that access to interpreter services is vital to ensuring that individuals understand their rights and responsibilities and, in particular, matters relating to law and justice.

The Department administers a Memorandum of Understanding between the Australian Government and the Northern Territory Government for interpreter services to Indigenous Australians. The funding provided under the agreement supports law and justice agencies in the Northern Territory and allows free access to interpreters for Indigenous legal aid providers, family violence prevention legal services units and community legal centres. Interpreter services will receive a total of $1.8 million in 2010-11.

The Northern Territory Aboriginal Interpreter Service (NTAIS) supports interpreters and translators of Indigenous Aboriginal languages throughout the Northern Territory. NTAIS provides a predominantly oral interpreter service representing 105 Indigenous languages with a core of 15 major languages necessary to ensure geographical coverage of all areas.

Funding allocated under the initiative Closing the Gap in the Northern Territory assists with meeting the increased demand for interpreter services as a result of the Northern Territory Emergency Response. This increased support allows legal assistance service providers to assist Indigenous people in understanding their rights and obligations. Additionally, under the Remote Service Delivery National Partnership Agreement, the Australian Government is contributing $19.8 million over six years for Indigenous translation and interpreting services, and the states will be contributing $18.9 million. The Australian Government will be working with the States and the Northern Territory to develop and introduce a national framework for the effective supply and use of Indigenous language interpreters and translators.

Recommendation 29
The committee recommends that the federal, state and territory governments jointly, and in conjunction with affected stakeholders, review current salary levels across legal aid commissions and Aboriginal and Torres Strait Islander legal services, and propose salary level reforms for this sector of the legal aid system with a view to eliminating wage disparity.

The recommendation is noted.

Conditions and entitlements of employees are a matter for the service providers in the legal assistance sector and are not set by the Australian Government. The Government acknowledges the impact of differences in salaries on services. The Government recognises that salary disparity is an issue affecting the capacity of legal services to attract and retain staff. This will be an issue for consideration under moves to establish a more integrated legal assistance framework.

Recommendation 30
The committee recommends the introduction of portable leave entitlements across legal aid service providers in Australia with a view to enhancing the retention of staff in these sectors.

The recommendation is noted.

Conditions and entitlements of employees are a matter for the service providers in the legal assistance sector. Agencies are governed under a wide
range of conditions, including Commonwealth legislation, State or Territory legislation or as non-government agencies. It is not appropriate for the Commonwealth to impose a uniform approach under these circumstances. Chief Executive Officers of each commission may have the discretion to approve portable leave entitlements for staff transferring to or from other legal aid commissions, and other Commonwealth, State or Territory public service agencies.

While it is a matter for individual services to manage, the Government supports the portability of entitlements and will work to promote it across the sector.

Senator McEwen (South Australia) (5.35 pm)—I move:

That the committee reports be printed in accordance with the usual practice.

Question agreed to.

Senator McEwen (South Australia) (5.35 pm)—by leave—I move:

That consideration of documents tabled today be listed on the Notice Paper as orders of the day

Question agreed to.

ELECTION PETITION
Court of Disputed Returns

The President—For the information of senators, I present an election petition of the Court of Disputed Returns in respect of the matter of Hawkins v Abetz.

DOCUMENTS
Tabling

The President—I present the following documents:

Supplement to the 12th edition of Odgers’ Australian Senate Practice—Updates to 30 June 2010
Business of the Senate: 1 January to 30 June 2010
Questions on Notice summary: 12 February 2008 to 19 July 2010
Work of Committees: Financial year statistics 2009-10; and Half-year statistics: 1 January to 30 June 2010

The President—I present a letter from the then Minister for Finance and Deregulation, Mr Tanner, relating to the ordinary annual services of government.

Responses to Senate Resolutions

The President—I present the following responses to various Senate resolutions:
(a) response from the Department of Health and Ageing to a resolution of the Senate of 12 May 2010 concerning Bisphenol A;
(b) from the Auditor-General (Ian McPhee) to a resolution of the Senate of 13 May 2010 concerning the SIHIP program for Indigenous Australians; and
(c) from the Ambassador of the People’s Republic of China (Zhang Junsai) and the Minister of Foreign Affairs, Republic of China (Taiwan) (Timothy C.T. Yang) to a resolution of the Senate of 24 June 2010 concerning China and Taiwan.

DELEGATION REPORTS
Parliamentary Delegation to the Republic of Korea and Parliamentary Delegation to European Parliaments and Institutions

The President—I present the report of the Australian parliamentary delegation to the Republic of Korea, which took place from 28 February to 4 March 2010. I also present the report of the Australian parliamentary delegation to European Parliaments and Institutions, which took place from 23 to 30 April 2010.

DOCUMENTS
Tabling

Senator Ferguson (South Australia) (5.37 pm)—I present the report of the 41st Conference of Presiding Officers and Clerks, which was held in Darwin from 3 to 8 July 2010.
DELEGATION REPORTS
Parliamentary Delegation to European Parliaments and Institutions

Senator BILYK (Tasmania) (5.38 pm)—I seek leave to move a motion in relation to the report of the parliamentary delegation to European Parliaments and Institutions.

Leave granted.

Senator BILYK—I move:

That the Senate take note of the document.

During April this year an Australian parliamentary delegation undertook a biennial visit to certain parliamentary, commercial and international institutions in Europe which are of significance to Australia. This delegation was led by the President of the Senate, Senator the Hon. John Hogg. The Hon. Philip Ruddock MP was the deputy leader of the delegation, and Mr Andrew Laming MP and I were accompanying members. Although the delegation was originally scheduled to depart Australia on 16 April and spend two weeks visiting parliaments and institutions in Sweden, Denmark, France, Belgium and Germany, the eruption of an Icelandic volcano, whose name I will not even attempt to say, and its subsequent emission of an ash cloud caused major disruption to European aviation and resulted in the cancellation of the Scandinavian component of the program. However, all was not lost. Following a few days of anxiety and much hard work by the organisers, the delegation was able to proceed on an amended program arriving in Paris on 24 April, where it was straight down to work.

On arrival we toured the Musee du quai Branly, which houses a wonderful collection of indigenous artwork from Africa, Asia, Oceania—including Australia—and America. Some members then visited the very ornate French Senate, and we all attended various First World War battle sites on the Western Front in preparation for commemoration services on Anzac Day. We visited Fromelles, where we inspected the Pheasant Wood site and received briefings concerning the recovery of the bodies of those Australian soldiers that have been reburied at the recently opened new cemetery.

The delegation moved on to Peronne and inspected the Historial de la Grande Guerre, or ‘Great War Museum’, which is built behind a medieval castle. We went to Villers-Bretonneux to inspect the cemetery and war memorial, where we were to return the next morning for the dawn service. We then visited Amiens.

As you know, Mr President, the Anzac Day dawn service was held at the Villers-Bretonneux War Memorial and Military Cemetery. It is estimated that more than 3,000 people were in attendance, many of them Australians of all ages. The President of the Senate, Senator the Hon. John Hogg, laid a wreath on behalf of the Parliament of Australia. Following a very moving service, we attended a breakfast reception and a further wreath-laying ceremony at the village war memorial. We then travelled to the Australian digger memorial, where I was asked to lay a wreath on behalf of the Australian government.

Later that day we travelled to Ypres, in Belgium, where we completed the Anzac Day formalities by attending the last post ceremony at the Menin Gate. This ceremony has been held every night since July 1928. The bugles fell silent during the years of German occupation in World War II. The bugle call rang out again on 6 September 1944, the day the Germans left town. There
is a story that one of the locals, one of the old prewar buglers, was sought out and encouraged to sound the last post for the first time in a liberated Ypres. Afterwards, British soldiers who had heard the sound supposedly sought him out and got him roaring drunk. Another story has it that he was already pretty inebriated by the time he got to the Menin Gate and, once there, encouraged by British, Polish and Canadian servicemen, he sounded the last post no fewer than six times! This nightly memorial is run by volunteers. It was indeed a privilege to be asked to read The Ode at this event. Anzac Day 2010 is a day I know everyone on the delegation will remember for a long time.

Anzac Day is probably Australia’s most important national occasion. It marks the anniversary of the first major military action fought by Australian and New Zealand forces during the First World War. It was a great honour to be part of the official ceremonies in France and Belgium. The heartfelt hospitality and friendship of the French and Belgian officials was truly appreciated by all members of the delegation.

During the following days, meetings were held at the European Parliament, the European Commission and the Belgian Senate. These meetings were both informal and formal, allowing delegation members the opportunity to meet with other members of the parliament and their staff. Over the next two days, we attended the first Australia-EU interparliamentary meeting as a guest of the Delegation for Relations with Australia and New Zealand. The agenda was quite broad. It included issues such as EU-Australian relations, including progress on implementation of the Partnership Framework; trade liberalisation and agriculture, including the WTO Doha round; FTAs and prospects for further reform of the common agricultural policy; the global financial crisis; integration of immigrants in the EU and Australia; minority issues; human rights; and foreign affairs.

Prior to leaving Australia, members of the delegation had been requested to prepare a presentation on one of the topics. My presentation was on the global financial crisis, including Australian and EU responses, economic difficulties in some of the Eurozone countries and the role of the G20. I was able to give a background on the strength of the Australian financial system and the government stimulus package which enabled Australia to weather the global financial crisis. As Europe is Australia’s largest trading partner—almost one-third of foreign direct investment in Australia is sourced from the EU—the discussions were of particular relevance. Wide-ranging discussions at these sessions were of great interest to all present.

One of the really important issues through these discussions was that the visit was a parliamentary delegation, as opposed to a government delegation, and it was bipartisan. Our visit and discussions brought to the fore the importance of parliamentary relationships and reciprocal visits and the need for face-to-face interaction.

While we were in Belgium we were also able to visit the Belgian Senate. Although they were in parliamentary recess, it was a useful opportunity to undertake discussions on matters of mutual interest, especially as we had spent the previous two days with the European Parliament and its members. In Germany the delegation met with a range of commercial and international organisations in Bonn and Cologne. Here the focus changed to research innovation, energy security, climate change, sustainable energy and smart technologies as well as strategies to combat desertification. The delegation visited a number of private sector companies and met with United Nations representatives.
We visited the offices of the European Commission—the executive arm of the European Union—and had discussion with staff from the office of the Commissioner for Research, Innovation and Science. This is a relatively new position, established in November 2009, and has the aim of improving cooperation in science and innovation. There was an obvious spirit of goodwill, and the European Commission is eager to encourage greater cooperation in the areas of food science, information communication technology and health. There was also discussion around intellectual property and audit processes.

While in Bonn, the delegation visited a company manufacturing solar panels where a briefing was given by both our hosts and an overview provided on the growing use of solar power in Australia, in the context of readily available coal resources supplying traditional large power stations. Interestingly, the growing availability of solar panels, the problems associated with quality control in a global market and the need for development of standards were discussed. The next day we were able to inspect a solar testing laboratory in Cologne where we were also able to view panels being put through a range of tests to ensure compliance. While in Germany we also attended the German Aerospace Centre just outside Cologne. Here a wide range of energy research activities for civilian and military purposes are undertaken with the focus on linking research to practical applications. We were also able to tour a prototype solar furnace which is capable of cutting through steel.

The delegation visited the United Nations Framework Convention on Climate Change office, where a frank discussion was held on current perspectives on climate change, Australia’s approach and the global situation since the Copenhagen summit in December 2009. We also met with the United Nations Convention to Combat Desertification office. This office, funded by the World Bank, is developing a 10-year strategy which is already leading to reform processes. It is anticipated that approximately two billion people are affected by this issue, and it was noted that Australian expertise is highly regarded in areas such as agriculture.

In the short time I have left to speak, I would like to record my thanks to many people. Firstly, I thank the Parliamentary Library staff for their briefings, both oral and in writing. The Department of Foreign Affairs and Trade were also of great help in providing advice on subjects related to their many areas of expertise. The Parliamentary Relations Office staff went to extraordinary lengths to rearrange travel plans and keep members of the delegation informed of the numerous changes following the eruption of the volcano in Iceland. Their hard work and good humour is greatly appreciated. To the parliaments, governments and dignitaries of the various countries, I would like to say thank you for your time and goodwill. I would also like to thank the staff of all the Australian posts who assisted us with briefings and our general day-to-day inquiries. Finally, can I say thank you to Ms Julia Clifford and Mr Brien Hallett for their great help throughout the tour; they accompanied us to assist us. Finally, to the President himself, the Hon. John Hogg: thank you for your company, friendship, advice and willingness to share knowledge and for facilitating in a most equitable manner a very successful mission. Without the generosity of spirit and hard work of all of those people and organisations the delegation would not have been the great success it was. *(Time expired)*

Question agreed to.
Bisphenol A

Senator SIEWERT (Western Australia) (5.48 pm)—I seek leave to move a motion in relation to the response by the Department of Health and Ageing to the Senate resolution concerning Bisphenol A that was tabled earlier.

Leave granted.

Senator SIEWERT—I move:

That the Senate take note of the document.

I will make my comments short because I know this has been a long day. I note the response from Ms Mary McDonald, First Assistant Secretary, from the Department of Health and Ageing to the motion passed by the Senate on 12 May on Bisphenol A, commonly known as BPA. As I have highlighted in this place before, tests are showing, and there is a great deal of concern about, the impact that this particular contaminant has on babies. It is found in plastics that make things like babies bottles and teething rings. I note that the motion on 12 May asked the government to reassess the potential impacts of BPA, particularly following reports from the Australian institute that highlighted the potential health impacts of BPA in products and the concerns raised about inadequate testing for BPA in products used for babies and how that contaminant can then go into the milk in babies bottles.

I note that the government seems to rely on the fact that major retailers such as Coles, Kmart, Target, Woolworth, Big W and Aldi said that they are voluntarily phasing out products containing BPA. While this is good, the fact is that these bottles can still be bought in other stores. I myself, to find out whether these products were still available, went into a number of chemists and was able to purchase babies bottles that contain BPA. So while we congratulate the major retailers for taking some action on this, the fact is that, sorry, government is not off the hook because these products are still available. Until a more widespread effort is made to ensure that these products are totally phased out from all chemists and all retailers, our babies will still be exposed to potential contamination with BPA.

This is advance notice that I will be bringing another motion back to this place about dealing with those retailers that have not phased out BPA. We cannot rely on voluntary action because obviously some retailers are not carrying out what I think is their responsibility to Australian families, and that is phasing out these products. So we will be bringing something back to this place to ask the government to take further action to require these products to be withdrawn.

Question agreed to.

Victorian Regional Forest Agreements

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (5.52 pm)—I table the final report of the independent reviewer on progress with implementation of Victorian Regional Forest Agreements.

COMMITTEES

Senator McEWEN (South Australia) (5.52 pm)—On behalf of the Community Affairs Legislation Committee and the Legal and Constitutional Affairs Legislation Committee, I present additional information received by the committees.

Community Affairs Legislation Committee—Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Ra-


Treaties Committee

Report

Senator McEWEN (South Australia) (5.52 pm)—I present the 113th report of the Joint Standing Committee on Treaties on a treaty tabled on 12 May 2010.

DELEGATION REPORTS

Parliamentary Delegation to the 55th Commonwealth Parliamentary Association Conference

Senator MOORE (Queensland) (5.53 pm)—by leave—I present the report of the Australian parliamentary delegation to the 55th Commonwealth Parliamentary Association Conference, which took place in Tanzania and Rwanda from 26 September to 6 October 2009. I move:

That the Senate take note of the document.

Both Senator Humphries and I wish to talk to this report at a later time, so I seek leave to continue my remarks.

Leave granted.

Parliamentary Delegation to the 18th Annual Meeting of the Asia Pacific Parliamentary Forum

Senator McEWEN (South Australia) (5.53 pm)—by leave—I present the report of the Australian parliamentary delegation to the 18th annual meeting of the Asia Pacific Parliamentary Forum, which took place in Singapore from 17 to 23 January 2010.

CONDOLENCES

Private Nathan Bewes
Trooper Jason Brown
Private Tomas Dale
Private Grant Kirby
Lance Corporal Jared MacKinney

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations) (5.54 pm)—by leave—I move:

That the Senate records its deep sorrow at the death of Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared MacKinney while on combat operations in Afghanistan, and places on record its appreciation of their service to our country and tenders its profound sympathy to their families and friends in their bereavement.

Senators and all Australians would be aware of the loss of these five Australian defence personnel since the Senate last met. Their service has been acknowledged. The funerals have occurred and due respect has been shown, but we think it is important that the Senate formally record its appreciation of their service and extend our sympathies to the families, friends and defence colleagues of those five Australian soldiers. We have seen significant loss of personnel in Afghanistan, 21 in total, but obviously these most recent five losses bring home the sacrifice and commitment of our defence personnel and the risks they take.

I want to acknowledge, first of all, the loss of Private Nathan Bewes, who was 23. He joined the Army in 2005. On completion of his recruit and infantry basic training he was posted to the 6th Battalion, Royal Australian Regiment, in Brisbane. Private Bewes completed a deployment to East Timor in 2006 and was on his second deployment with the First Mentoring Task Force in Afghanistan at the time of his death. To his parents, Gary and Kaye; to his sister, Stephanie; and to his
partner, Alice Walsh, please accept our deepest sympathies.

The second person I want to place some remarks about on the record is Trooper Jason Brown. Jason was 29. He joined the Army in 2000. On completion of his recruit and infantry basic training he was posted to the 1st Battalion, Royal Australian Regiment. In 2004 he joined the 4th Battalion, Royal Australian Regiment, the Commandos. Trooper Brown became a member of the Special Air Service Regiment after successfully completing that most searching selection course in 2007. He was deployed in June 2010 for the first time to Afghanistan as a member of the Special Operations Task Group. To Jason's parents, Graham and Ann; and to his sister, Stephanie, our deepest sympathies.

Private Tomas Dale was also killed in action. He was just 21. He joined the Army in 2007. After successfully completing his recruit and infantry basic training he was posted to the 6th Battalion, Royal Australian Regiment. This was Private Dale's first operational deployment. To his parents, Karen and David; and to his brothers, Samuel and Joe, our deepest sympathies.

Private Grant Kirby was 35 when he was killed while serving his country. He joined the Army in 2006. After successfully completing his recruit and infantry basic training he was posted to the 6th Battalion, Royal Australian Regiment. This was Private Kirby's first deployment to Afghanistan. However, it was his second deployment to the Middle East. He had previously been deployed to East Timor and Iraq. To his parents, Gary and Dianne, and Jo-Anne; his sister, Lauren; his brothers, Luke and Shaun; his former partner, Edwina; and his two daughters, Isabella and Madeleine, our deepest sympathies on your terrible loss.

Finally, I want to pay tribute to Lance Corporal Jared MacKinney. He was 28 when he joined the Army in 2002 and in the same year he successfully completed his recruit training. In 2003 he completed his infantry training, prior to being posted to the 6th Battalion, Royal Australian Regiment. This was his third deployment to the Middle East and his second to Afghanistan. I want to convey to his wife, Beckie; his daughter, Annabell; his son, Noah; his parents, Terry, Jane and Ian; and his siblings, Caleb, Jordan, Meg and Charlotte, our deep sympathies and condolences on his loss.

These five men have been laid to rest, but it is important that we in the parliament acknowledge their sacrifice. We will remember these five men, each from different backgrounds, who came together to serve in the Australian Defence Force and give to their country. They did so willingly, deliberately choosing to serve their country in what they knew was a dangerous mission.

The government takes its responsibility in committing troops to combat very seriously—I know every member of this parliament takes that responsibility very seriously—and the burden of those decisions, the burden of knowing what we ask of our defence personnel and the risks that they take. The loss of life brings home the seriousness and the import of these decisions. We know that not every Australian or indeed every member of the parliament necessarily accepts the wisdom of our presence in Afghanistan. That is obviously part of our democracy: that people have different views about this. But I do know the parliament is united in paying its respects to those who serve us and in paying its respects to those who have lost their lives and expressing its sympathy to their families, friends and colleagues.

We will shortly have a parliamentary debate on the subject of our ongoing involvement in Afghanistan. That is as it should be.
in a democracy; we ought to be able to debate these issues. I look forward to that debate because I think it will be useful to have proper consideration of all those issues. I am sure that will occur in the spirit of total support for our troops and recognition of the commitment they show. Obviously the government will argue that Australia’s mission to Afghanistan is essential for us to defeat the Taliban and the terrorist forces that are using it as a safe haven. As I say, we will have that debate in this place.

Today we want to honour the courage of these men, and their 16 colleagues, who have given their lives in pursuit of this mission. We have, as I said earlier, lost 21 soldiers in Afghanistan—historically, a large loss. Those 21 men have paid the ultimate price for maintaining the security of this nation and the world. I would like to reinforce to their families our gratitude for the sacrifice they have also made. I think all of us who have seen the television coverage as well as those of us who have attended the funerals have been moved by the real, personal impact of these losses on families and friends. Seeing the children left behind by some of these men made a real impact on me and many other members of parliament. We know that the families have to share the burden of their loved one’s decision to serve in our Defence Force, and these families are obviously now suffering after the tragic loss that they have experienced.

We know the magnitude of your loss, and the nation grieves with you. But you should take some comfort from knowing that this government and this parliament will continue to offer you their full support. Australia is deeply indebted to these five young men, and we acknowledge the tremendous sacrifice that they have made.

I wish to note the tragic toll on the 6th Battalion, Royal Australian Regiment, who have particularly suffered, having lost four of the five serving men who died recently—a huge hit to the 6th Battalion. We recognise their ongoing contribution and express our sympathies over what has been, I know, a terrible period for that very proud battalion.

I would also like to acknowledge the role of former defence minister Senator Faulkner in supporting the families of defence personnel. I think his commitment to those families and his support of them in their time of grief has been fantastic. There is a long tradition of defence ministers doing that, but I think his commitment has been quite obvious. I also acknowledge the continuing support of Senator Johnston and the opposition in this regard. I know Senator Faulkner took his role very seriously and had to bear the burden of those terrible losses. I know the Chief of the Defence Force, Angus Houston, an outstanding Australian, also carries the burden of the loss of those men, who were ultimately under his command, and I know the whole of the Australian Defence Force mourns the loss of these men and feels it very deeply indeed. Minister Smith, the new Minister for Defence, will of course carry on supporting the defence forces in this way. We will ensure to every extent possible that our troops are supported in every way possible while they undertake this mission for the nation.

I finish by saying that, clearly, the parliament will always acknowledge the courage and sacrifice of these five men. We acknowledge the suffering of their families but urge them to take great pride in the sacrifice offered by their loved ones. We record our appreciation of and our sympathy for their loss.

Senator JOHNSTON (Western Australia) (6.05 pm)—On behalf of the Leader of the Opposition in the Senate, Senator Abetz, and all opposition senators, I express my support
for and endorse completely Senator Evans’ remarks in this condolence motion.

Over a seven-week period Australia, tragically, lost five of its finest on the battlefields of Afghanistan, bringing our casualty list numbers, sadly, to 21 since the conflict began in 2001. On 9 July we lost Private Nathan John Bewes. He was serving with the Brisbane based 6th Battalion Mentoring Taskforce 1 when he lost his life from an improvised explosive device. Nathan was born in Kogarah, New South Wales, in 1986. He joined the Royal Australian Army in 2005 and in the same year successfully completed his recruit and infantry basic training period prior to being posted to the 6th Battalion, Royal Australian Regiment. This was his third overseas deployment and his second to the Middle East.

Just a month later, on 13 August, we lost Trooper Jason Thomas Brown from the Perth based Special Air Service Regiment. Jason was part of a combined Australian and Afghan patrol conducting operations in northern Kandahar at the time of the incident. His death was a very sad reminder of the dangers faced by our soldiers in Afghanistan on a daily, hour-by-hour basis and the risks that they take on behalf of our country to make Afghanistan a better place.

Seven short days thereafter, on 20 August, we had the terrible news that two more Australian soldiers, Private Tomas Dale, 21, and Private Grant Kirby, 35, of the First Mentoring Task Force in Afghanistan were killed in action when they were struck by an improvised explosive device. Both soldiers were also from the Brisbane based 6th Battalion of the Royal Australian Regiment. Tomas and Grant had dismounted from their Bushmaster protected mobility vehicle when they were fatally struck by the detonation of the explosive device. The deaths of Private Tomas Dale and Grant Kirby so soon after the recent death of Trooper Jason Brown was a stark and tragic reminder of the dangers and courageous work Australian defence personnel undertake every day in Afghanistan.

However, further tragedy was to strike just three days later on 24 August when Lance Corporal Jared MacKinney, also from the Brisbane based 6th Battalion Royal Australian Regiment, was killed in a firefight with Taliban insurgents in the Tangi Valley. Jared joined the Air Force Cadets at Amberley as a youngster and was named most outstanding cadet before joining the Royal Australian Regiment. However, what makes Jared’s death even more pointed and tragic is that his wife, Beckie, gave birth to their second child on the very day of his funeral.

I attended these gallant Australians’ funerals with my colleague Senator Faulkner; my leader, Tony Abbott; and the Prime Minister. I have to say that each and every one of them was an extremely sad, tragic, draining and emotional event. However, in every case, the mums, dads, brothers, sisters, friends and relations, in their eulogies, said how proud they were of their son or brother. They also said how committed each was to taking the fight up to the Taliban in Afghanistan because they overwhelmingly believed that they were fighting a just battle for a just cause.

I share with senators our nation’s gratitude to these gallant Australians. Their contribution to our national security is forever acknowledged and be assured that they will be remembered by all Australians forever. On behalf of coalition senators, I offer heartfelt condolences to the families and loved ones of Private Bewes, Trooper Brown, Private Dale, Private Kirby and Lance Corporal MacKinney.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (6.10 pm)—I rise today to concur with the remarks of
Senator Evans and Senator Johnston. Whilst we were going through an election, these people’s families have gone through a far greater turmoil with the loss of these loved and gallant men. It has also been an extremely bad time out at Enoggera Barracks for the Brisbane based 6th Battalion, RAR, losing four colleagues, and for the SAS Regiment based in Perth.

Without repeating the remarks on their service, these men and their families have paid the supreme sacrifice in the defence of our nation although not on our shores. Their lives were lost but not wasted. It is extremely important that our parliament continues to completely concur with the belief that their service was of ultimate worth in the protection of the people of Australia and that our forces seek out and close with the enemy on the enemy’s shores and not on ours.

Lance Corporal Jared MacKinney, who was 28 years old and with so much of his life ahead of him, has paid the supreme sacrifice. The lives of Private Grant Kirby and Tomas Dale were taken by an improvised explosive device—such a cruel mechanism that has claimed a number of Australian lives. It requires absolute and incredible bravery for those people, who not only know the prospect of imminent danger but see it and know exactly what can happen to them if things go wrong, to go forward. They have recent recollections of colleagues who have been killed and yet these brave Australians continue to go forward despite these absolutely cruel and inhumane devices which, we have to acknowledge, if they do not kill soldiers then they kill children, they kill other people and they kill innocent bystanders.

Trooper Jason Brown, who was also 29 years old and with so much of his life ahead of him, was a brilliant soldier and a member of the SAS. He was a person who had a great deal of pride in his position as a soldier. He saw himself as a warrior. As his father stated, he was a person who did not ask for acknowledgement; just respect for the service he gave. That is something that we are doing here right now. Private Nathan Bewes was another who was tragically killed by an improvised explosive device. All these people leave behind families, wives and children—tragically, Jared MacKinney did not meet his own child who was born on the day of his funeral.

It is so important that we give recognition of the lives they laid down for our nation in a way that we cannot even hope to comprehend and we hope never to have to emulate. We hope that no-one in our family ever has to experience this. Yet these soldiers have done it on our behalf so that we do not have to do it. We must now acknowledge the pain and the grief that their families are suffering. That pain and grief will be a reminder to them every time they see a spare bedroom, every time they see a photo on the wall and every time they go through the cupboards and see the clothes of their former lovers, partners—people that they have known. This section of their life has been taken away. We must acknowledge those children growing up not having the experience of a father who can take them to the footy or cricket. Other people in their lives will now have to play those roles in proxy for their father that was lost.

These are the ongoing sacrifices that these families make that go beyond the sacrifice that was made by the men who were killed. These sacrifices must be remembered in this chamber and they must be remembered by our nation. We must always honour their sacrifice because if they had not made that sacrifice then, within time, we would have had to make it on our shores.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.14
— I join with other members in expressing the greatest and most unreserved sympathy for and empathy with the families, the loved ones, the battalion mates and comrades, and the communities who have lost these five brave Australians from their midst—Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared MacKinney. They have died in the service of this great nation and their courage and their sacrifice will be in the annals of the history of this nation forever.

Their commitment has our unreserved respect. The loss now suffered by their families brings with it the unreserved sympathy of every member of this parliament. I hope that healing, as best it can, comes to their friends and loved ones so that life may get back on track and hope can be brought to future happiness for all those who are suffering now. These five young Australians have lost their lives so recently—since this Senate was last in session—and we hope their loved ones can move on and find future happiness again. Five brave young Australians are gone and our sympathy extends to all their loved ones.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.16 pm)—I also concur with the remarks that have been made in this condolence motion. Again, our heartfelt condolences, thoughts and prayers go to the families of Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared MacKinney. I think there is no greater sacrifice than laying down one’s life, and we have asked our soldiers to put themselves in harm’s way for the safety of our nation and the nation of Afghanistan. I think it is a big sacrifice and our hearts do go out to their families and our condolences as well.

Senator FAULKNER (New South Wales—Minister for Defence) (6.17 pm)—Since the parliament last met, since this Senate was last in session, five young Australians have lost their lives in Afghanistan, as we have heard—Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared MacKinney. They were fine young soldiers and brave young men. They were not only soldiers but also sons, brothers, partners, husbands and fathers.

It is the responsibility of the government, as every senator in this chamber knows, to protect Australia and Australians. But, as always when Australia’s security is safeguarded by force of arms, the burden of hardship and danger is shouldered by our men and women in uniform and the cost is borne by their families, their friends and their loved ones.

I have always had the greatest respect and admiration for the men and women of the ADF, a respect and admiration that grew during my time as Minister for Veterans’ Affairs and Minister for Defence, Science and Personnel in the Keating government. But I am sure that those of us who have had the honour to serve as Australia’s defence minister understand the particular sense of responsibility to the servicemen and women that role brings. One of the great privileges of serving as defence minister is the opportunity to meet so many of our serving soldiers, sailors and aircrew around the country and on deployment overseas. Their courage, their dedication to their country and their supreme professionalism, I can only say, has to be seen to be believed. Their dedication to their mates, their generosity of spirit and their very Australian trait of keeping their sense of humour in even the worst situations makes it unarguable that the spirit of Anzac is alive and well in our modern armed forces.
They do a magnificent job here in Australia and protecting our interests overseas, often very far overseas. They and their families bear long separations, the dislocation of the posting cycle and the constant awareness that they are doing very dangerous work. They do this work on behalf of all of us, and we should remember that our own safety is guaranteed by men and women giving up their own. We can be confident that our own families will return home at the end of the day because thousands of soldiers spend so many months away from their families. Those families endure anxious days and nights so we can lead our lives without such fears. They live with the daily reality of war so we can live with the daily blessing of peace.

I will not forget and none of us must ever forget the sacrifice of Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared MacKinney in Afghanistan. I will never forget Private Benjamin Ranaudo, Sapper Jacob Moerland, Sapper Darren Smith, Private Timothy Aplin, Private Scott Palmer and Private Benjamin Chuck. I will never forget, as none of us should ever forget, the other 10 Australians who died in Afghanistan and the 150 who were wounded serving our nation there. Nor will I ever forget and nor must any of us ever forget those who have served and continue to serve our nation with such bravery.

Question agreed to, honourable senators standing in their places.

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2010
INTERNATIONAL MONETARY AGREEMENTS AMENDMENT BILL (No. 1) 2010
MINISTERS OF STATE AMENDMENT BILL 2010

APPROPRIATION BILL (No. 1) 2010-2011
APPROPRIATION BILL (No. 2) 2010-2011
APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2010-2011
HEALTH LEGISLATION AMENDMENT (AUSTRALIAN COMMUNITY PHARMACY AUTHORITY AND PRIVATE HEALTH INSURANCE) BILL 2010
CUSTOMS TARIFF AMENDMENT BILL (No. 1) 2010
CHILD SUPPORT AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2010
CORPORATIONS AMENDMENT (CORPORATE REPORTING REFORM) BILL 2010
BUILDING ENERGY EFFICIENCY DISCLOSURE BILL 2010
NATIONAL HEALTH AMENDMENT (CONTINENCE AIDS PAYMENT SCHEME) BILL 2010
RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE TECHNOLOGY SHORTFALL CHARGE) BILL 2010
HEALTHCARE IDENTIFIERS BILL 2010
HEALTHCARE IDENTIFIERS (CONSEQUENTIAL AMENDMENTS) BILL 2010
TAX LAWS AMENDMENT (2010 MEASURES No. 2) BILL 2010
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Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

COMPETITION AND CONSUMER LEGISLATION AMENDMENT BILL 2010

BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION) BILL 2010

ELECTORAL AND REFERENDUM AMENDMENT (MODERNISATION AND OTHER MEASURES) BILL 2010

HEALTHCARE IDENTIFIERS BILL 2010

HEALTHCARE IDENTIFIERS (CONSEQUENTIAL AMENDMENTS) BILL 2010

Returned from the House of Representatives

ADJOURNMENT

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry) (6.25 pm)—I move:

That the Senate do now adjourn.

Child Care

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary for Immigration and Citizenship and Parliamentary Secretary to the Prime Minister) (6.26 pm)—As the Labor senator for the ACT I recently had the privilege to see first hand the tremendous and important work childcare professionals do. As part of the Liquor, Hospitality and Miscellaneous Workers Union Big Steps in Child Care campaign I worked a day in the life of a childcare worker at the Bruce Ridge Early Childhood Centre. This experience brought home to me the many challenges faced on a daily basis by childcare professionals and the importance of the LHMU Big Steps in Child Care campaign.

The Big Steps in Child Care campaign is about standing up for childcare profession-
It is about recognising childcare professionals’ skills and the need for financial support for training. The shortage of childcare professionals is also a high priority after what I believe was substantial neglect during the years of the former Howard government. Childcare professionals through their union want a government that is committed to introducing consistent national quality standards and career paths with better pay for workers. In the ACT we currently have over 1,400 childcare professional staff with a total of 687 vacant positions and a job turnover rate of 47 per cent, which is lower than South Australia’s job turnover rate of 60 per cent but still higher than the average of other Australian states.

I have given my personal commitment to the members of the union to be a LHMU Big Steps childcare champion. I support their campaign for better wages and better access to the upskilling opportunities and will do my best within government to help achieve these positive outcomes. Like so many working parents here in Canberra and elsewhere in Australia I have relied on the essential services provided by dedicated childcare professionals over many years. In fact, I still utilise the services of after-school care for my youngest child. I have long campaigned for improvements to wages and conditions in the childcare sector but I have to say that walking in the shoes of a childcare professional in this small way—and it was a few hours of very challenging work—meant I experienced what it was like to perform such important work. It was a privilege to be able to experience this and it reminded me of how challenging and wonderfully rewarding and complex it is to deal with young children at such an important phase of their development.

With a Labor government federally and in the ACT, it is a great opportunity to look extensively into the challenges facing the childcare sector and to build on the reforms that both the ACT and federal Labor governments have already implemented. I am proud to be part of a Gillard Labor government that is delivering on our commitment to child care. The Labor government have driven an ambitious and unprecedented national reform agenda for early childhood education and child care, because we understand that a child’s experience in the early years can set the course for the rest of the child’s life. We understand that professionals in child care and early education play a critical role in ensuring that children have good quality experiences in child care and they help each child to learn and develop. That is why this government is committed to reforms to lift the quality of child care and early education, including improvements to staff-child ratios so that each childcare professional has more time to spend with each individual child.

As part of these reforms the government is providing opportunities for dedicated and experienced childcare professionals to gain new qualifications. This includes $115 million to remove TAFE fees for childcare diplomas and advanced diplomas to support over 8,000 people per year, including existing childcare professionals, to gain a vocational education and training qualification in early childhood education.

In relation to pay and conditions, the Gillard Labor government has restored a strong safety net for all Australian workers through the modern awards system. Federal Labor welcomes engagement with the LHMU with regard to the low-paid bargaining stream introduced under the Fair Work Act. This stream gives access to bargaining for workers in sectors where it has been difficult to gain the benefits of enterprise bargaining. It is another important part of delivering on our commitment to a fair go for all Australian workers.
Overall the Gillard Labor government is investing a record $17.1 billion in early childhood education and child care over the next four years. This is $10 billion more than the last four years of the former coalition government. We are committed to the early years and to ensuring that each childcare professional can provide children with the high-quality care and attention we all know they need and deserve. The Gillard Labor government are delivering on our commitment to raise the quality of early childhood education and child care, with $630,000 being provided here in the ACT by the federal government over four years to develop sector training, development and support.

In December 2009, the Council of Australian Governments endorsed a new National Quality Framework which will, firstly, improve staff-child ratios so that each child gets more individual time and attention; secondly, introduce staff qualification requirements so that staff are better able to lead activities that inspire youngsters and to help them learn and develop; thirdly, include a new ratings system so that parents know the quality of care on offer and can make informed choices; and, fourthly, reduce the regulation burden so that services have to deal with only one regulator. These national quality reforms have been developed in close consultation with the early childhood education and childcare sector. Because the changes are being introduced over a number of years, services will have time to adjust and there should be no sudden increase in costs to families.

The Access Economics modelling on the quality reforms shows that these significant quality reforms would increase fees—if passed on by the childcare centre—for long day care, per child, per day by only $1.83 in 2010, $2.35 in 2011 and $3.44 in 2012. These costs have also been offset by a significant increase in the child care tax rebate by the federal Labor government to 50 per cent of the cost of child care, which has decreased childcare fees for parents by 20 per cent, according to the Australian Bureau of Statistics.

The ACT Labor government has signed up, with every other state and territory, to the COAG national quality agenda. ACT providers that have already improved staff-child ratios report that the improvements in quality of care for children are significant, that staff are less stressed and that the turnover of staff is reduced. These are very positive outcomes as a result of these reforms. The ACT government has also implemented, as of 1 July this year, a portable long service leave scheme for childcare professionals. This will ensure that childcare sector workers can move between centres and keep their fundamental entitlement to long service leave, allowing it to accrue overtime, boosting the attraction and retention of employees to the sector.

In conclusion, I would like to report to the Senate that I signed a pledge which commits me to continue my advocacy for childcare professionals, including their campaign for wage justice. I would like to pay my respects to the work of the LHMU in their representation of childcare professionals and their efforts to continue to progress the agenda of childcare reform nationally. I would particularly like to thank Yvette Berry from the LHMU here in the ACT; Jessica from Bruce Ridge; and Alyce, also from Bruce Ridge, for their forbearance and encouragement when I walked in their shoes, and I thank all the other staff and, of course, the children, who were terrific the whole morning at my day in the life of a childcare professional. I learnt a lot that day, and I pay my respects to childcare professionals throughout Australia.
Councillor Mike Downie

Senator COLBECK (Tasmania) (6.35 pm)—I rise to pay tribute to the life of a good friend of mine who passed away last week, Councillor Mike Downie, mayor of the Central Coast Council in the north-west of Tasmania. Mike was born in 1945 and spent his formative years in Victoria. He worked as a plumber around the Collingwood area of Melbourne where, unfortunately, he came into contact with asbestos, and it was that which finally took Mike’s life last week.

Mike and his wife, Kath, came to Tasmania from Victoria in the early 1970s and took over the store at South Riana. They fell in love with that district and, as I understand it, never sought to reside anywhere else. In fact, one of Mike’s last wishes was that he be able to die at home, and fortunately that wish was able to be facilitated. Mike and Kath settled in the district, raised a family, and Mike became a significant identity in that community.

He first ran for local government in 1979 and went on to represent his community for 29½ years in local government—making a significant contribution over many years to that community. When the Penguin municipality was combined with Ulverstone, he went on to maintain a position on what became the Central Coast Council. So he was a councillor for the Penguin Municipal Council from 1979 to 1991, including three years as treasurer, and he was a councillor on the Central Coast Council from 1993 until 2010. He was deputy mayor from 1996 to 1998 and he was mayor from 1998 until 2010. He made a huge contribution over that time to his local community and he was obviously respected by that community, because they continued to elect him as their leader for 12 years.

He was also a founding council representative on the Cradle Coast Authority, an organisation which was formed in 1999 to take over from the then north-west municipal councils association. It was an organisation that was set up with a very different structure: one where the councillors formed a council representatives group and set the policy for the region. A board appointed by that group made the local decisions. It has proved to be a very insightful structure for the region, because it took a lot of the local politics and the parochial politics out of the decision making for the region.

Mike, I think, was the chair of the council representatives group from the outset of that organisation until quite recently, but he is regarded quite rightly as one of the founding fathers of the Cradle Coast Authority. Roger Jaensch, the executive chairman, said last week:

We are going to miss him terribly ... He was one of the people who worked very hard to get the idea up and get it right. ... And once the authority was formed he held it to account at every turn.

And that was very much the way of Mike. Even though he was part of setting something up, he was always prepared to ask the hard questions and he was always prepared to ensure that an organisation was operating in line with community expectations.

He was a member of many local government bodies—including, the Premier’s Local Government Council from May 2002 to June 2008 and from May this year until September this year, when he passed away. He was a member of the general management committee of the Local Government Association of Tasmania and Cradle Coast Authority representatives group. He was also a council owner representative on the board of the newly created Cradle Mountain Water.
Obviously Mike’s passing has drawn tributes from a number of identities. I know that the Premier and the Leader of the Opposition in Tasmania paid tribute to his family on his passing. But I think Jan Bonde—Mike’s fellow councillor and the acting mayor at the moment—got it right when she made some very poignant comments in our local paper in the last couple of days. She wrote:

Mike will be missed around the council table for his unsurpassed knowledge of local government affairs, his ability to ask the hard questions and stand up for his community, his strong leadership and great sense of humour. In the office, Mike loved to chat with staff, especially when Collingwood had a win, and his easy and friendly manner will be sadly missed …

Mike was a mayor for the people. He loved talking to people, whether in the street helping ratepayers resolve issues or attending the many community functions and events where he always had a joke to share and a positive word. He led by example, wearing his ‘Hello’ badge proudly and believing that our community would be a better place if we lifted our heads, smiled and said ‘Hello’.

I have to say I can only agree with Jan, particularly with regard to Mike and his hello badge. It was a feature. He always wore it on his lapel. In fact, he appeared in national media on a couple of occasions promoting the concept that, if we were all prepared to say hello to each other, the place would be a much warmer place to live in and we would all get on so much better. That was very much a mark of Mike and what he was about. He was about being a warm and friendly face within his community.

He was also known for his love of sport. His sons were very adept athletes and were a feature of the coastal carnivals and you would see Mike at those sorts of events. He took up lawn bowls in the eighties and played division 1 pennant. He also involved himself in the administrative side of local sporting clubs, and as a councillor he worked really hard to see that the Central Coast region had the very best of facilities for the region’s sports. I know that one of the things he was really proud of was the new showgrounds facility that was recently opened at Ulverstone. He did an enormous amount of work with his council to bring the local community together and to actually bring that facility into being. It required a lot of work. There were a lot of groups that had very different perspectives and views on what they wanted as a regional facility, and he managed to bring them all together. He really did work hard to pull those things together.

Mike was also a candidate for state political office in 2002 for the Liberal Party. Unfortunately he was unsuccessful, by virtue of the vagaries of the Hare-Clark system in Tasmania; Mike got quite a good vote but was not elected. It is just one of those things. He maintained his relationships with all sides of politics and was respected by all sides of politics. I know Bryan Green, the Labor member for Braddon in Tasmania, paid significant tribute to Mike after his passing last week. Mike was prepared to give either side a bit of stick if he felt they deserved it—if it was in the interests of his communities. By the same token, if there were accolades to be handed out, they were handed out in equal measure. He was interested in the best interests of his community. And I think that says a lot about the man.

As I said, he had a number of wishes. One was to pass away at home, and I am delighted that he was able to do that. Another was to die in office, and again it is a mark of the kind of person Mike was that his council facilitated that—he was highly respected. He did not want his illness to be prolonged, and, thankfully, it was not; but he was expected to have more time. Unfortunately that was not the case, and we were all a bit surprised when Mike passed away last week. I suspect
too that he wanted to see Collingwood win a flag—he was a great Collingwood supporter—but unfortunately he was taken a little bit too soon to see that happen.

I pass my condolences on to his wife, Kath, who was always at Mike’s side at community events and continues to work for her community, and to their children, Andrew, David, Michelle and Vanessa. Mike was a significant contributor and character within our community, and he was taken from us much too soon.

Mr Neil Bessell

Senator MARSHALL (Victoria) (6.45 pm)—It is with some sadness that I rise tonight to pay a small tribute to Neil Bessell, who was one of the Senate team. He was a colleague of us all and a friend to many of us. Neil passed away suddenly and unexpectedly by a brief but very serious illness between the last sitting of the Senate and this one. They were tragic circumstances which took a life far too early. I had the honour and privilege to attend Neil’s funeral on behalf of the government, and I acknowledge that Senators Parry and Abetz also attended on behalf of the opposition.

When we get to know people through our work and become friends with them, a lot of the knowledge we have of them has to do with our work environment—the travel we may have done together or the committee work we may have done together—and sometimes we all too easily fail to acknowledge that they have a life outside their work as well. I learned at the funeral that Neil was also a family man, a father, a great sportsman, great fun in his academic life and had lots of interests outside of this place as well as being incredibly dedicated to it. I pay tribute to his family, to Cleaver Elliott and to others who contributed to his funeral, because it was a great tribute to and a great celebration of Neil’s life. We smiled, we laughed and we were able to shed a tear as well. To all those involved, it was a tribute to Neil. I know that if there was an afterlife and he was able to look back and he was looking down at the funeral, he would have enjoyed the celebration of his life and the tribute that was paid to it.

Neil Bessell was a parliamentary officer through and through. He dedicated his professional career—a career which we can all vouch was marked by passion, enthusiasm and commitment—to serving senators and the Senate. In his own words, he was, ‘Here to please, here to serve.’ To Neil, it was a privilege and a pleasure to serve the Senate and its senators. Neil joined the Senate in Old Parliament House in 1985 to work as a researcher on the Standing Committee on Education and the Arts. After that he served as publications officer in the table office, and within two years he was assigned as secretary to the then new Select Committee on Agriculture and Veterinary Chemicals. As many may know, this committee was very successful, and it was while under his administration that it mutated into the Standing Committee on Rural and Regional Affairs and Transport which still operates today.

After working on this committee, Neil was assigned to the Standing Committee on Legal and Constitutional Affairs, where he set records both for the number of reports produced in a year and for managing the first of the Senate’s mega inquiries: the inquiry into euthanasia, which received more than 12,000 submissions. Senators should remember that this occurred before the advent of the easy, push-of-a-button email submissions which we get today. It was during this time that Neil commenced serving as a clerk at the table of the Australian Senate and training under the watchful eye of the current Clerk of the Senate for a position which was to mean so much to him for the next 12 years. There in the cockpit of the Senate, in
the centre of the great debates and the law-making history of our time, he served our needs as senators.

Soon after completing his time as Secretary to the Standing Committee on Regulations and Ordinances, Neil took up the substantial responsibilities of Senior Clerk of Committees. It was in this position that he really blossomed. As a supervisor with a thorough knowledge of all aspects of the work which he expected of his staff, he was a great mentor, an excellent trainer, a great resolver of interpersonal difficulties between team members and at all times a compassionate supervisor. Neil was a great exponent of the art of making sure that his work met the needs of senators. He would say, ‘We are biros for hire.’ It was his constant refrain. His personal views were never relevant; he was writing for senators and reflecting their views. He was the consummate impartial parliamentary officer.

Neil’s last assignment in the department was as Director of Journals and Notice Papers, recording the minutes of the Senate for posterity. Once again, his skill in building bridges came to the fore, and he accomplished the important work in a small department of getting teams to understand and contribute to each other’s workload to the overall benefit of senators and the Senate. During his service as a Senate officer, Neil served six presidents of the Senate: the Hons. Doug McClelland, Kerry Sibraa, Michael Beahan, Paul Calvert, Alan Ferguson and the present President, John Hogg. All six of them have personally either phoned or emailed the Senate offices to express their condolences and to remark on the contribution which Neil made in assisting them, particularly in his capacity as a delegation secretary and as Secretary of the Inter-Parliamentary Union.

I am happy to say that for a couple of years I was a delegate to the Inter-Parliamentary Union, and Neil led us. He was incredibly well known in that environment, and to his credit Australia always punched above its weight in that forum. Australian senators in particular, and certainly Neil as a committee secretary, were sought after to lead where possible most of the working groups because of the nature of our democracy, in which senators from different political parties work together to find common ground and produce consensus reports. It is a skill that I think a lot of us here do not appreciate and a skill that not a lot of other parliaments have. It was Neil’s knowledge of the processes of the Inter-Parliamentary Union and his skill and experience as a committee secretary in that same environment which led Australians, and him in particular, to be in great demand in the IPU to assist in leading those working parties. Neil’s involvement enabled us to directly influence a lot of the policy development which that body conducts.

A lot of credit has to be paid to Neil, and that is acknowledged in a letter from the Secretary General of the Inter-Parliamentary Union to the Speaker, which I have just enough time to read and put on the record. It says:

Dear Mr Speaker,

My colleagues and I were absolutely devastated to learn of the sudden death of our dear friend and colleague Neil Bessell.

We would like to pay homage to his long and devoted service to the IPU. For many years he assisted the Australian delegations to IPU meetings, and more recently organized the meetings of Secretaries of delegations during the Assemblies. He undertook all his tasks with such energy, drive and good humour.

Neil was a truly great guy. He always had a friendly word for all. It was such a pleasure to see him at our meetings and to benefit from his advice and support, always given with a winning smile. We will miss him terribly. His loss will
also be keenly felt in the inter-parliamentary community where he made so many friends throughout his long involvement with the IPU.

May I ask you to address our heartfelt condolences to the Parliament and our deepest sympathy to Neil’s family at this very sad time.

And let me pass, on behalf of all senators, our condolences to Neil’s family. The words of the Secretary General of the Inter-Parliamentary Union sum up the high esteem in which they held Neil—the high esteem in which we held Neil—and it is very sad to see a man pass away so early. I considered Neil a friend as well as a colleague. I must say it is devastating when something happens so suddenly and so unexpectedly. Again, our condolences to his family. The words of the Secretary General of the Inter-Parliamentary Union sum up the high esteem in which they held Neil—and it is very sad to see a man pass away so early. I considered Neil a friend as well as a colleague. I must say it is devastating when something happens so suddenly and so unexpectedly. Again, our condolences to his family. The words of the Secretary General of the Inter-Parliamentary Union sum up the high esteem in which they held Neil—and it is very sad to see a man pass away so early. I considered Neil a friend as well as a colleague. I must say it is devastating when something happens so suddenly and so unexpectedly. Again, our condolences to his family.

Narrogin Beef Producers

Senator BERNARDI (South Australia) (6.54 pm)—I rise tonight to speak about the plight of a family on the cusp of losing everything they have worked for. Matt and Janet Thompson came to Australia from the United States in 2001. They had expertise in cattle farming and they applied their life savings to establishing a feedlot in Narrogin in Western Australia. It took a year for them to receive approval from the Department of Environment and Conservation for that feedlot, which is nearly five kilometres from Narrogin. Approval was given for the construction of a feedlot to house up to 15,000 cattle—or slightly less than 15,000 cattle. They invested their time and their money and they are at risk of losing it all.

I am advised the Thompson family have broken no law, they have no outstanding environmental infringements, they have done everything asked of them by government, they are popular in their local community and nearby towns, and yet they still face ruin. They run a profitable business—or they ran a profitable business. But an over-officious and what would appear to be an overzealous government bureaucracy has cut the profitability of their business and their ability to access any capital.

We go back: the Thompsons applied for construction approval for a feedlot. They received it and they gradually built their farm up to house more than 10,000 head of cattle by 2007. By all reports it was a very successful business. By all reports they were turning away business because people wanted to tap into their expertise. So they applied to further increase their licence to house the maximum of 15,000 cattle. And this is where the problem came in. They were advised to apply for their licence, which they did, and it took a full 11 months for it to be approved. But the unsettling case is that in 2007 the department started to make further inquiries into the feedlot operations because of complaints about the smell. What I neglected to mention before is that this feedlot is located next to a piggery. The piggery has been in operation for some decades in Narrogin, and apparently in the town some people have been complaining about the smell. They have not been complaining about the piggery smell; they have been complaining about the feedlot smell. I am not quite sure how you determine the smell of a pig versus the smell of a cow when they are located next to each other, but somehow the department has concluded that it is the feedlot that smells.

The end result of this is that rather than continue their licence for 10,000 head of cattle which the Thompson family had invested in—they had entered into contracts for feed and water for those cattle—the licence was cut to 6,000 for the Thompsons’ feedlot operation. They could not sustain that. They could not sustain their operations and fulfil their contractual operations with only 6,000 head of cattle. Everything, all the capital they
had invested—some $10 million in input costs in the previous year—had come to
nowt because this licence was cut unilaterally.

Even the department, in a meeting with the Thompson family, acknowledged that
there are procedures and processes that need to be gone through in order to cut people’s
 licences. And in a meeting on 15 December 2009 a department official said: ‘This is true.
The Thompsons have not been treated in a fair and proper manner by the department.
There was no process.’ So there was no appropriate process applied by the government
department. There has been no law broken by the Thompson family, and yet they still
stand on the cusp of losing everything simply because the department decided to change
the conditions of their licence.

In the department’s defence, whatever departmental defence I can mount for them,
they did, after some 15 months of stalling, give the Thompson family the ability to have
10,000 head of cattle on their property once again. The difficulty was that the licence was
due to expire only months after it had been approved and no bank would lend or advance
capital, on the assumption that all licences were in such short-term supply and that there
could be a reduction or a change in licence conditions without notice, without due proc-
ess, at the whim of the department. So the Thompsons have not been able to access the
capital necessary to sustain their operations.

Today the Thompson family have administrators at their gates trying to enter their
property because they cannot continue their operations, which were approved in the ini-
tial instance. The difficulties come because the department has also said that if one com-
plaint about smell is received then the licence can be removed and they will have to
reduce the number of cattle on their property again. Primary production business cannot
continue to operate like this. When people come to this country, become Australian citi-
zens, raise their families, invest their money, break no laws and establish profitable busi-
nesses, why is it that government departments can shut them down without due proc-
есс?

There are other alarming aspects to the Thompsons’ case. In 2008 they hired attor-
neys in Perth because they did not think they were going to get a positive outcome from
the Department of Environment and Conservation. After the attorneys got up to speed
with the case, the solicitor and barrister recom-

ommended they meet with a gentleman who
was an environmental attorney skilled in
property matters such as this, Dr Schoombee. The Thompsons met with Dr Schoombee,
who advised them that they had no legal standing for the approval of the original
feedlot and that they should apologise to the
Department of Environment and Conservation for their initial development. In his ad-
vice, which took 40 minutes, Dr Schoombee recom-

mended that he should be continually
retained to meet with the department and
smooth things over.

By the Thompsons’ account, for the origi-
nal 40-minute consultation they were
charged $4,000—at $100 a minute it is not
bad money if you can get it. But people can
charge what they like and give the advice
that they like as long as it is competent and
impartial. What is disturbing is that Dr
Schoombee is the convenor of an organisa-
tion called the Environmental Defender’s
Office. The Environmental Defender’s Of-
fice is a non-government organisation, but it
is actually funded by government and it ad-
vises and teaches a small group of complain-
ants how to file writs and appeals and target
businesses or practices with regard to envi-
ronmental matters. This is all a matter of fact
which the Thompsons have put on the re-
cord, I believe, at a Western Australian par-

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liamentary inquiry hearing. The fact is that Dr Schoombee is a convenor of the EDO and on its website the EDO lists ‘the fight against Narrogin Beef Producers’, which is the Thompsons’ business, as a major accomplishment in 2008. Dr Schoombee won lawyer of the year, partly for his work with the Environmental Defender’s Office.

I would suggest that something smells in Narrogin, but I do not think it is the Thompsons’ feedlot. Something smells when people come here, invest their money and seek unbiased advice and then find that government departments are running roughshod over people who have not broken any law and have complied with all the environmental requirements made of them and find that individuals who are advising these people on how to deal with their problems are also running organisations which specialise in advising people on how to mount such spurious complaints. Something does smell in Narrogin. Having now raised it in this place, I feel it might be too late for the Thompsons. But there is a lesson for all Australians: we cannot allow government bureaucrats and departments to ride roughshod over common sense and common decency. We cannot allow government to become unruly and unwieldy in its restraint of decent businesses. To do so would send a very poor message, not only to people intent on building up their own investments in Australia but to people who are interested in investing here from overseas, like the Thompsons.

I raise this issue not because I think it can make a great deal of difference to the Thompson family. It may be too late—though I hope it is not. I hope that they can retain their farm and that the people of Narrogin, who have already pledged a great deal of support, will be able to rise up and ensure that this previously successful business can continue to operate. But a point that I think we all need to be aware of is that the way government officials or people in public office respond to constituents is absolutely important. The Thompsons’ case needs to be aired publicly; a number of people are trying to do so. I stand with them and wish Janet and Matt Thompson and their family a successful outcome.

Desert Knowledge Australia

Senator CROSSIN (Northern Territory) (7.04 pm)—I rise this evening to talk about a recent event in Alice Springs at which I had the privilege to represent my honourable colleague Senator Carr. Two weeks after the election, on 6 September, representing Senator Carr, the Minister for Innovation, Industry, Science and Research—and I am pleased to see he is in the chamber this evening to hear what he missed out on—I was lucky enough to be able to open two new facilities at the Desert Knowledge Australia precinct in Alice Springs. The precinct, under its chief executive officer, Mr John Huigen, is developing into a major research and knowledge centre in the heart of Australia. It is a project which has always had my support, so I was very pleased to attend the opening of a new CSIRO office and laboratory building and also the new Cooperative Research Centre for Remote Economic Participation.

I will go first to the CSIRO opening. CSIRO is one of the organisations helping to forge the Desert Knowledge movement, focusing research on useful outcomes with commercial potential for those living in the arid zone. This commenced with researching pastoral production in arid areas and has now evolved to include an understanding of the interwoven social, economic and environmental factors of the outback in order to provide a sustainable lifestyle for those living in the region. Projects based at this site focus on natural resource management, sustainable desert industries and regional development. The impacts of climate change, biodiversity
decline, agricultural sustainability and understanding how people interact with this environment are just some of the complex issues scientists at Alice Springs will be addressing. While CSIRO is a national organisation, research outcomes so often rely on local knowledge. It is that local knowledge that staff in this new building in Alice Springs will help to provide. Partners with CSIRO in its research here are Meat and Livestock Australia, the South Australian Research and Development Institute and, of course, the new CRC for Remote Economic Participation.

The federal government has contributed $2.9 million to the cost of this new CSIRO building, which will include houses for up to 20 staff with office and laboratory facilities. It also has the capacity for expansion as new research programs develop. I acknowledge the presence at the opening of that new building of Dr Ashley Sparrow, the CSIRO’s officer in charge at Alice Springs and Dr Andrew Johnson, the CSIRO’s Group Executive, Environment. There were also many supporters of CSIRO research and CSIRO staff themselves present on that day.

Once the new building was opened, I had the privilege of having a walk through and making an inspection of the new offices and laboratories. I met with some terrific scientists and staff there, including Mr Gary Bastin, who is a rangeland ecologist with experience in rangeland monitoring using remote sensing and field-based methods. I also met Mrs Vanessa Chewings, Ms Marita Thompson, Dr Margaret Friedel, Dr Fiona Walsh, Dr Jocelyn Davies and Dr Michael LaFlamme. I also mention Ms Josie Douglas, an Indigenous woman with whom I had time to spend chatting about the research work she is doing. She is an Indigenous research fellow who is particularly interested in social and cultural aspects of regional and remote education, community based micro-enterprises and natural and cultural resource management. She is undertaking her PhD, and I take this opportunity to wish her all the best in that work. It will be a terrific outcome for an Indigenous woman such as her, with the knowledge that she has, to have a PhD in this area.

As was pointed out during the opening by the Northern Territory’s Minister for Central Australia, Karl Hampton, the CSIRO has had a presence in Alice Springs since the early 1950s. We know that there is a lot to innovation and laboratory R&D; however, investment in science and technology is critical to the growth of knowledge-based economies and an important indicator of innovation capacity and performance. The new CSIRO building enables the CSIRO to move into colocation with significant research partners such as the CRC for Remote Economic Participation. Research and innovation are the keys to making Australia more productive and competitive, and the organisations based in the Desert Knowledge Precinct are all playing a part in this. I was therefore very pleased to also be able to launch the new CRC for Remote Economic Participation, which is right next door to the new CSIRO facility and part of the Desert Knowledge Precinct.

CRCs offer a framework for bringing people and resources together to examine and research areas of need. This government understands the importance of collaborations, as demonstrated by the wonderful leadership of the Minister for Innovation, Industry, Science and Research, Senator Carr. That is why we had the CRC program reviewed and made reforms, including research in the areas of humanities and social science in their own right for the first time. The CRC for Remote Economic Participation is one organisation that has benefited from these changes, and is a great example of the value added to the program by the re-
forms. There are 42 CRCs across Australia, each focusing on particular challenges by bringing together people, resources and end users.

The people of Central Australia live in a pretty unique arid area. For centuries it was peopled only by our First Australians, who developed their own skills and knowledge which enabled them to live successfully, if perhaps basically, in the arid lands. Through this work we acknowledge their ability to live in these arid lands and applaud the skills they had and used. These skills are still useful today, so the Indigenous people of the region have a part to play in modern research, and that is very evident in the CRC for Remote Economic Participation. It is Indigenous people who have the knowledge about plants and animals, climate and water supplies, where they exist. They have the traditional knowledge that can lead and benefit this new CRC.

The CRC began its operations in July this year, and since then it has commenced research to strengthen the economy of the remote region. The CRC wants to see three main outcomes, and these will guide its work: to strengthen the economy of remote regions, to build remote enterprises to provide jobs and livelihoods for people living in remote regions and to improve education and training pathways for people living in remote regions. The CRC has set out to achieve these outcomes by starting to examine more precise pastoral enterprise management, looking at new business opportunities in Aboriginal art and tourism and developing better ways to enable communities to manage risks over the life cycle of a mining operation.

Along with the new CRC came its new logo, based on a painting called Two Women Learning by local Indigenous artist Kathleen Wallace. As the artist explained at the opening of the CRC, the painting shows how different people know different parts of a story but can share them with one another to make up the whole—a great metaphor for the partnerships being built by this new CRC. I acknowledge the chair of the new CRC on Remote Economic Participation’s governing board, Mr Paul Wand, Mr Tom Calma, who is the Deputy Chair, and the Managing Director, Jan Ferguson. That is a group of people which steered this CRC into its operation, its coming into being and its eventual launch on 6 September. Other board members whom I acknowledge are Ms Glenise Coulthard, Mr Ian Davey, Mr Harold Furber—who is a traditional and acknowledged Indigenous person from Alice Springs—Ms Tanya Hosch, Ms Alison Page, Mr David Ritchie and Mr Tony Tate.

There is no denying that the CRC for Remote Economic Participation is new, but it is up and running. It is an enthusiastic team of researchers, scientists and people who are willing to collaborate and to work closely with the CSIRO and other partners as well as many stakeholders. I take this opportunity to let the country know that in the centre of Australia there is some great work being done, and it is supported by this government. I wish the new CRC all the very best, and I look forward to my ongoing visits and support and my future consultation and the benefits that I know this CRC will bring, not only to remote Indigenous communities but also to the nation as a whole.

Senate adjourned at 7.14 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is
tabled with an instrument unless otherwise indicated by an asterisk.]


A New Tax System (Goods and Services Tax) Act—Select Legislative Instruments 2010 Nos—

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11 of 2010—Poultry and Game Birds Slaughtered Survey.
12 of 2010—Wool Receivals and Purchases Survey.

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17 of 2010—Information provided by life insurers and friendly societies
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75—Super Science Fellowships commencing in 2011.
76—Linkage Learned Academies Special Projects commencing in 2010.
78—Australian Laureate Fellowships commencing in 2010.
80—Linkage Infrastructure, Equipment & Facilities Proposals for funding commencing in 2010.
83—Linkage Projects Round 2 commencing in July 2010.
84—ARC Centres of Excellence commencing in 2011.

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237/10—Determination of meteorological minima [F2010L01738].
258/10—Approval and directions – operations without an approved digital flight data recorder [F2010L01962].
271/10—Direction – number of cabin attendants [F2010L02005].
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285/10—Permission and direction – helicopter special operations [F2010L02145].
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EX58/10—Exemption – recency requirements for night flying (Tiger Airways Australia Pty Limited) [F2010L01966].
EX60/10—Exemption – solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Camden Aerodrome [F2010L02055].
EX62/10—Exemption – from standard take-off and landing minima – Pacific Blue [F2010L02122].
EX66/10—Exemption – operations without an approved digital flight data recorder [F2010L02348].
EX67/10—Exemption – from standard take-off minima – Express Freighters Australia [F2010L02350].
EX68/10—Exemption – from standard take-off and landing minima – Qantas [F2010L02351].
EX69/10—Exemption – from standard take-off and landing minima – Jetstar [F2010L02352].
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2010/35—Member with dependants unaccompanied and district allowance—amendment.
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Determinations—
1/2010—Determination of the Balance Distribution Date for Grant Year 2008-09.
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154—Extradition (Commonwealth countries) Regulations 2010 [F2010L01748].
155—Extradition (Cook Islands) Regulations 2010 [F2010L01750].
156—Extradition (Kiribati) Regulations 2010 [F2010L01749].
157—Extradition (Nauru) Regulations 2010 [F2010L01769].
158—Extradition (Papua New Guinea) Regulations 2010 [F2010L01770].
159—Extradition (Samoa) Regulations 2010 [F2010L01772].
160—Extradition (Solomon Islands) Regulations 2010 [F2010L01773].
161—Extradition (Tonga) Regulations 2010 [F2010L01775].
162—Extradition (Tuvalu) Regulations 2010 [F2010L01776].
163—Extradition (Uruguay) Regulations 2010 [F2010L01778].
164—Extradition (Vanuatu) Regulations 2010 [F2010L01777].
196—Extradition (India) Regulations 2010 [F2010L01912].

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165—Family Law Amendment Regulations 2010 (No. 2) [F2010L01845].
238—Family Law Amendment Rules 2010 (No. 1) [F2010L02198].

Fair Work Act—Fair Work (State Declarations – employer not to be national system employer) Endorsement 2010 (No. 1) [F2010L02108].


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166—Federal Court of Australia Amendment Regulations 2010 (No. 1) [F2010L01848].
191—Federal Court Amendment Rules 2010 (No. 1) [F2010L01842].

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Determination of the GST Revenue Sharing Relativity for 2009-10 [F2010L01926].

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No. 15 (June 2010) [F2010L01883].
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No. 20 (June 2010) [F2010L01887].
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2010/10— Australian Quarantine and Inspection Service Account Variation and Abolition 2010 [F2010L01975].
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12 of 2010— Reporting Standard GRS 900.0 Transitional Arrangements 2010 [F2010L02333].


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  Gear Determination No. NPFGD 05 [F2010L02144].
  NPF Direction No. 143 [F2010L01946].
  NPF Direction No. 144 [F2010L02142].
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  145—Fisheries Management (Small Pelagic Fishery) Regulations 2010 [F2010L01834].
  146—Fisheries Management (Western Tuna and Billfish Fishery) Amendment Regulations 2010 (No. 1) [F2010L01828].
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  Declaration of Quality Assurance Activity—QAA No. 2/2010 [F2010L01937].
  Health Insurance (Allied Health Services) Amendment Determination 2010 (No. 2) [F2010L01965].
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  Health Insurance (Eligible Collection Centres) Approval Principles 2010 [F2010L01765].
  Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Service) Amendment Determination 2010 [F2010L02503].
  Health Insurance (Indium-labelled Octreotide Study) Determination 2010 [F2010L01654].
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  Select Legislative Instrument 2010 No. 230—Health Insurance Amendment Regulations 2010 (No. 1) [F2010L01978].
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  Commonwealth Scholarships Guidelines (Education) 2010—Amendment No. 1 [F2010L01875].
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5 of 2010—Gold Coast Institute of TAFE [F2010L01929].
6 of 2010—Design College Australia Pty Ltd [F2010L02291].
7 of 2010—St Patrick’s Business College Limited [F2010L02321].
8 of 2010—HRA Pty Ltd [F2010L02434].
9 of 2010—Navitas College of Public Safety Pty Ltd [F2010L02441].

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Declaration – Australian Family Assurance Limited, dated 15 October 2009 [F2010L02502].

Insurance (Prudential Standard) Determinations Nos—
3 of 2010—Prudential Standard GPS 001 Definitions [F2010L01713].
4 of 2010—Prudential Standard GPS 110 Capital Adequacy [F2010L01714].
8 of 2010—Prudential Standard GPS 116 Capital Adequacy: Concentration Risk Capital Charge [F2010L01718].
9 of 2010—Prudential Standard GPS 120 Assets in Australia [F2010L01719].
10 of 2010—Prudential Standard GPS 310 Audit and Actuarial Reporting and Valuation [F2010L01720].

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Select Legislative Instrument 2010 No. 168—High Court of Australia (Fees) Amendment Regulations 2010 (No. 1) [F2010L01850].

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Life Insurance (Prudential Rules) Determinations Nos—
A1 of 2010—Prudential Rules No. 40 – Approval of Benefit Fund Rules [F2010L01878].
A2 of 2010—Prudential Rules No. 41 – Approval of Amendment of Approved Benefit Fund Rules [F2010L01879].

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5 of 2010—Prudential Standard LPS 7.02 General Standard [F2010L01892].
6 of 2010—Prudential Standard LPS 1.04 Valuation of Policy Liabilities [F2010L01893].
7 of 2010—Prudential Standard LPS 2.04 Solvency Standard [F2010L01894].
9 of 2010—Prudential Standard LPS 4.02 Minimum Surrender Values and Paid-up Values [F2010L01897].

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Migration Act—Direction under section 499—Directions Nos—
  47—Required health assessments.
  48—Order of consideration – certain skilled migration visas.
Instrument IMMI 10/043—Revocation of section 499 Direction No. 34 [F2010L01485].
Migration Agents Regulations—Office of the MARA Notices—
  MN27-10b of 2010—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2010L01918].
  MN27-10c of 2010—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2010L01919].
  MN27-10f of 2010—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2010L01920].
  MN27-10g of 2010—Migration Agents (Continuing Professional Development – Pro Bono Activities) [F2010L01922].
  MN31-10a of 2010—Migration Agents (Continuing Professional Development – Program of Education) [F2010L02213].
  MN31-10b of 2010—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2010L02214].
  MN31-10c of 2010—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2010L02215].
  MN36-10b of 2010—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2010L02398].
  MN36-10c of 2010—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2010L02401].
  MN36-10g of 2010—Migration Agents (Continuing Professional Development – Pro Bono Activities) [F2010L02400].

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  10/023—Determination of the maximum number of certain skilled
visas that may be granted in the 2009-2010 financial year [F2010L01599].

10/025—Migration occupation in demand [F2010L01308].

10/028—Employer Nomination Scheme—occupations, locations, salaries, and relevant assessing authorities [F2010L01327].

10/053—Institutions and Disciplines for Subclass 476 (Skilled – Recognised Graduate) Visas [F2010L02496].

10/064—Health waiver—participating states and territories [F2010L02478].

10/070—Travel agents for PRC citizens applying for Tourist (Class TR) Visas [F2010L02479].


Select Legislative Instrument 2010 No. 232—Migration Amendment Regulations 2010 (No. 7) [F2010L02119].

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46A(2) [30].


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185—National Consumer Credit Protection Legislation Amendment Regulations 2010 (No. 1) [F2010L01810].

235—National Consumer Credit Protection Legislation Amendment Regulations 2010 (No. 2) [F2010L02121].

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National Health Act—

Commonwealth price (Pharmaceutical benefits supplied by approved medical practitioners) Determination 2010 [F2010L01723].

Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Determination 2010 [F2010L01712].

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43 of 2010—Data collection period from 1 January 2009 to 31 December 2009 (inclusive) [F2010L02534].
62 of 2010—National Health (Trastuzumab) Special Arrangements Instrument 2010 [F2010L01656].

63 of 2010—National Health (Highly specialised drugs program for public hospitals) Special Arrangements Instrument 2010 [F2010L01657].

64 of 2010—National Health (Highly specialised drugs program for private hospitals) Special Arrangements Instrument 2010 [F2010L01860].

67 of 2010—Amendment declaration and determination – drugs and medicinal preparations [F2010L02059].

68 of 2010—Determinations – pharmaceutical benefits [F2010L02062].

69 of 2010—Determination – responsible persons [F2010L02060].

70 of 2010—Amendment Determination – drugs on F1 and drugs in Part A of F2 [F2010L02061].

71 of 2010—Amendment determination – prescription of pharmaceutical benefits by authorised optometrists [F2010L02064].

72 of 2010—Determination – price determinations and special patient contributions [F2010L02066].

73 of 2010—Amendment determination – conditions [F2010L02067].

74 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program for Public Hospitals [F2010L02199].

75 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program for Private Hospitals [F2010L02201].

76 of 2010—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2010L02076].

77 of 2010—Amendment determination – exempt items [F2010L02088].

78 of 2010—Amendment to arrangements made under subparagraph 100(1)(b)(i) – IVF/GIFT Program [F2010L02200].


81 of 2010—Amendment determination – pharmaceutical benefits [F2010L02247].

82 of 2010—Amendment determination – responsible persons [F2010L02248].

83 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program for Public Hospitals [F2010L02266].

84 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program for Private Hospitals [F2010L02249].

85 of 2010—Data collection period from 1 May 2009 to 30 April 2010 (inclusive) [F2010L02535].


87 of 2010—Amendment declaration and determination – drugs and medicinal preparations [F2010L02529].

88 of 2010—Amendment determination – pharmaceutical benefits [F2010L02527].

89 of 2010—Amendment determination – responsible persons [F2010L02528].

90 of 2010—National Health (Highly specialised drugs program for public hospitals) Special Arrangements Amendment Instrument 2010 (No. 3) [F2010L02344].

91 of 2010—Amendment declaration and determination – drugs and medicinal preparations [F2010L02438].
92 of 2010—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2010L02530].

104 of 2010—Amendment determination – drugs on F1 [F2010L02538].

National Health (Collaborative arrangements for midwives) Determination 2010 [F2010L02105].

National Health (Collaborative arrangements for nurse practitioners) Determination 2010 [F2010L02107].

National Health (Eligible midwives) Determination 2010 [F2010L01509].

National Health (Pharmaceutical benefits supplied by private hospitals) Determination 2010 [F2010L02499].

National Health (Subsection 84C (7)) Determination 2010 [F2010L02139].

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6 of 2010—Safety of navigation and emergency procedures [F2010L01898].

7 of 2010—Load lines [F2010L01901].

Ozone Protection and Synthetic Greenhouse Gas Management Act—Exemptions Nos—

OZO00116344—Aeromil Pacific Pty Ltd, dated 8 June 2010.

OZO00116366—Singapore Flying College Pte Ltd, dated 8 June 2010.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2010 No. 148—Primary Industries (Excise) Levies Amendment Regulations 2010 (No. 4) [F2010L01800].

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Public Service Commissioner’s Amendment Directions 2010 (No. 2).
Select Legislative Instrument 2010 No. 182—Public Service Amendment Regulations 2010 (No. 1) [F2010L01807].

Public Works Committee Act—Select Legislative Instrument 2010 No. 173—Public Works Committee Amendment Regulations 2010 (No. 1) [F2010L01725].

Radiocommunications Act—
Radiocommunications Advisory Guidelines (Protection of Apparatus-licensed and Class-licensed Receivers – 2 GHz Band) Amendment Guidelines 2010 (No. 1) [F2010L02246].

Radiocommunications (Allocation of Multipoint Distribution Station Licences) Repeal Determination 2010 [F2010L02241].

Radiocommunications (Bench Testing by Corrective Services NSW of Mobile Telephone Jamming Device) Exemption Determination 2010 [F2010L02477].

Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2010 (No. 1) [F2010L01704].

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Radiocommunications Licence Conditions (PTS Licence) Amendment Determination 2010 (No. 2) [F2010L01703].

Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2010 (No. 1) [F2010L02428].

Radiocommunications (Spectrum Access Charge) Repeal Determination 2010 [F2010L02242].

Radiocommunications Spectrum Conversion Plan (2302-2400 MHz Band) Repeal Plan 2010 [F2010L02243].

Radiocommunications (Transmitter and Receiver Licences) Amendment Determination 2010 (No. 1) [F2010L02245].

Radiocommunications (Transmitter Licences – Auction) Amendment Determination 2010 (No. 2) [F2010L02218].

Remuneration Tribunal Act—Determinations—
2010/07: Remuneration and Allowances for Holders of Public Office [F2010L01891].
2010/08: Official Travel by Office Holders [F2010L02353].
2010/10: Remuneration and Allowances for Holders of Full-Time Public Office [F2010L02358].
2010/11: Remuneration and Allowances for Holders of Part-Time Public Office [F2010L02359].

2010/12: Judicial and Related Offices – Remuneration and Allowances [F2010L02360].


2010/14: Principal Executive Officer (PEO) Classification Structure and Terms and Conditions [F2010L02362].

2010/15: Remuneration and Allowances for Holders of Public Office [F2010L02488].

Renewable Energy (Electricity) Act—Select Legislative Instrument 2010 No. 204—Renewable Energy (Electricity) Amendment Regulations 2010 (No. 4) [F2010L01954].


Retirement Savings Accounts Act—Select Legislative Instruments 2010 Nos—

186—Retirement Savings Accounts Amendment Regulations 2010 (No. 2) [F2010L01813].

236—Retirement Savings Accounts Amendment Regulations 2010 (No. 3) [F2010L02057].

Safety, Rehabilitation and Compensation Act—


Select Legislative Instrument 2010 No. 193—Safety, Rehabilitation and Compensation Amendment Regulations 2010 (No. 1) [F2010L01881].

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Determination No. 2010-268—Specification of classes of visa for the purpose of determining eligibility of persons as “eligible humanitarian arrival” [F2010L02065].

Determination No. 2010-269—Specification of criteria for the purposes of the definition of “eligible new arrival” [F2010L02063].

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Disability Care Load Assessment (Child) Determination 2010 [F2010L01874].

Social Security (Exempt Lump Sum) (Farm Exit Support Grants) (DEEWR) Determination 2010 [F2010L01785].

Social Security (Exempt Lump Sum) (Farm Exit Support Grants) (FaHCSIA) Determination 2010 [F2010L01793].

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Social Security (Matched Savings Scheme (Income Management) Payment (Approved Courses)) (DEEWR) Determination 2010 [F2010L02264].

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Social Security Matched Savings Scheme (Income Management) Payment (Qualification) Principles 2010 [F2010L02225].
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Social Security (Administration) Act—
Social Security (Administration) (Declared child protection State or Territory – Northern Territory) Determination 2010 [F2010L02231].
Social Security (Administration) (Declared income management areas) Determination 2010 [F2010L02234].
Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2010 (No. 8) [F2010L02238].
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Select Legislative Instruments 2010 Nos—
187—Superannuation Industry (Supervision) Amendment Regulations 2010 (No. 2) [F2010L01814].
237—Superannuation Industry (Supervision) Amendment Regulations 2010 (No. 3) [F2010L02058].
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Taxation Administration Act—Select Legislative Instruments 2010 Nos—
188—Taxation Administration Amendment Regulations 2010 (No. 2) [F2010L01804].
189—Taxation Administration Amendment Regulations 2010 (No. 3) [F2010L01812].
Telecommunications Act—
Telecommunications (Data for Emergency Warning Systems) Instrument 2010 [F2010L02150].
Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2) [F2010L02217].
Telecommunications Service Provider (Premium Services) Revocation Determination 2010 (No. 1) [F2010L01833].
Telecommunications (Consumer Protection and Service Standards) Act—
Telecommunications (Approved Auditor) Determination 2010 [F2010L02495].
Telecommunications (Period for Providing Return of Eligible Revenue) Specification 2010 [F2010L02427].
Telstra Carrier Charges—Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2010) [F2010L01819].
Textile, Clothing and Footwear Investment and Innovation Programs Act—Select Legislative Instrument 2010 No. 202—Textile, Clothing and Footwear Strategic Investment Program Amendment Regulations 2010 (No. 1) [F2010L01936].
Therapeutic Goods Act—
Poisons Standard 2010 [F2010L02386].
Therapeutic Goods (Excluded purposes) Specification 2010 [F2010L01889].
Trade Practices Act—
Consumer Protection Notices Nos—
Monitoring of the prices, costs and profits relating to the supply of unleaded petroleum products in the petroleum industry in Australia, dated 13 May 2010 [F2010L02053].
Select Legislative Instruments 2010 Nos—
211—Trade Practices Amendment Regulations 2010 (No. 3) [F2010L01939].
213—Trade Practices (Consumer Product Safety Standard) (Motor Ve-
Vehicle Recovery Straps) Regulations 2010 [F2010L01931].
Veterans’ Entitlements Act—
Amendment Statement of Principles concerning Parkinson’s Disease and Parkinsonism No. 83 of 2010 [F2010L02339].
Statements of Principles concerning—
Acute Sprain and Acute Strain No. 69 of 2010 [F2010L02308].
Acute Sprain and Acute Strain No. 70 of 2010 [F2010L02309].
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Anal Fissure No. 74 of 2010 [F2010L02313].
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Blepharitis No. 64 of 2010 [F2010L02303].
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Chondromalacia Patella No. 80 of 2010 [F2010L02319].
Chronic Pruritus Ani No. 75 of 2010 [F2010L02314].
Chronic Pruritus Ani No. 76 of 2010 [F2010L02315].
Heel Bursitis No. 77 of 2010 [F2010L02316].
Heel Bursitis No. 78 of 2010 [F2010L02317].
Pilonidal Sinus No. 71 of 2010 [F2010L02310].
Pilonidal Sinus No. 72 of 2010 [F2010L02311].
Rapidly Progressive Crescentic Glomerulonephritis No. 81 of 2010 [F2010L02337].
Rapidly Progressive Crescentic Glomerulonephritis No. 82 of 2010 [F2010L02338].
Renal Stone Disease No. 65 of 2010 [F2010L02304].
Renal Stone Disease No. 66 of 2010 [F2010L02305].
Subarachnoid Haemorrhage No. 67 of 2010 [F2010L02306].
Subarachnoid Haemorrhage No. 68 of 2010 [F2010L02307].
Water Act—
Water Charge (Planning and Management Information) Rules 2010 [F2010L02133].
Items 3 and 4—Tabled papers

A statement of compliance and a letter of advice in response to the continuing orders relating to departmental and agency files and contracts are tabled.

Departmental and Agency Contracts

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2010—Statement of compliance—
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Families, Housing, Community Services and Indigenous Affairs: Capital Works Projects
(Question No. 1621)

Senator Abetz asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 29 May 2009:

(1) Can a list be provided, by agency, of all infrastructure and/or capital works projects that fall under the responsibility of an agency within the Minister’s portfolio.

(2) For each of the projects in (1) above:
   (a) when was it first announced, by whom, and by what method;
   (b) if applicable, what program is it funded through;
   (c) what is its total expected cost;
   (d) what was its original budget;
   (e) what is its current budget;
   (f) what is the total Federal Government contribution to its cost;
   (g) what is the total state government contribution to its cost;
   (h) if applicable, what other funding sources are involved and what is their contribution to the project cost;
   (i) what was the expected start date of construction;
   (j) what is the expected completion date;
   (k) (i)who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;
   (l) is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;
   (m) why was the project funded; and
   (n) what cost benefit or other modelling was done before the project was approved.

Senator Wong—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(1) and (2)(a)-(n) The following table provides all infrastructure and/or capital works projects that fall under the responsibility of an agency within Minister Macklin’s portfolio. *The table is available from the Senate Table Office.*

It should also be noted that the Minister for Housing and the Minister for the Status of Women has responded to the same questions in her answer to question S1637/1638 which include the housing components of the Department of Families, Housing, Community Services and Indigenous Affairs.

Housing, Status of Women: Capital Works Projects
(Question Nos 1637 and 1638)

Senator Abetz asked the Minister representing the Minister for Housing and Minister for the Status of Women, upon notice, on 29 May 2009:

(1) Can a list be provided, by agency, of all infrastructure and/or capital works projects that fall under the responsibility of an agency within the Minister’s portfolio.
(2) For each of the projects in (1) above:
   (a) when was it first announced, by whom, and by what method;
   (b) if applicable, what program is it funded through;
   (c) what is its total expected cost;
   (d) what was its original budget;
   (e) what is its current budget;
   (f) what is the total Federal Government contribution to its cost;
   (g) what is the total state government contribution to its cost;
   (h) if applicable, what other funding sources are involved and what is their contribution to the project cost;
   (i) what was the expected start date of construction;
   (j) what is the expected completion date;
   (k) (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;
   (l) is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;
   (m) why was the project funded; and
   (n) what cost benefit or other modelling was done before the project was approved.

**Senator Wong**—The Minister for Housing and Minister for the Status of Women has provided the following answer to the honourable senator’s question:

(1) and (2) (a)-(n) The following table provides all infrastructure and/or capital works projects that fall under the responsibility of an agency within Minister Plibersek’s portfolio:

<table>
<thead>
<tr>
<th>Project</th>
<th>(a) Date Announced, by whom &amp; method</th>
<th>(b) Program funded through</th>
<th>(c) Total expected cost</th>
<th>(d) Original budget</th>
<th>(e) Current budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nation Building Economic Stimulus Plan - Repairs and Maintenance</td>
<td>4/02/2009 Prime Minister</td>
<td>Separate appropriation</td>
<td>$400m</td>
<td>$400m</td>
<td>$400m</td>
</tr>
<tr>
<td>Nation Building Economic Stimulus Plan - construction</td>
<td>4/02/2009 Prime Minister</td>
<td>Separate appropriation</td>
<td>$5,988m</td>
<td>$5,988m</td>
<td>$5,988m</td>
</tr>
<tr>
<td>Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Partnership Agreement on Social Housing</td>
<td>29/11/2008 COAG</td>
<td>National Partnership Agreement on Social Housing - Special appropriation</td>
<td>The maximum amount of funding available under this Agreement is: (a) 2008-09 — $200m; and (b) 2009-10 — $200m.</td>
<td>(a) 2008-09 — $200m; and (b) 2009-10 — $200m.</td>
<td></td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Project</th>
<th>(a) Date Announced, by whom &amp; method</th>
<th>(b) Program funded through</th>
<th>(c) Total expected cost</th>
<th>(d) Original budget</th>
<th>(e) Current budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home in Queanbeyan</td>
<td>1/11/2007 Dr Mike Kelly MP Media release 8/04/2008</td>
<td>Home in Queanbeyan Mental Health Service</td>
<td>$3.5m</td>
<td>see previous</td>
<td>see previous</td>
</tr>
<tr>
<td>A Place to Call Home (APTC)</td>
<td></td>
<td>APTCH rolled into the National Partnership Agreement on Homelessness</td>
<td>$300m</td>
<td>see previous</td>
<td>see previous</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>(f) Federal govt contribution</th>
<th>(g) State govt contribution</th>
<th>(h) Other funding sources</th>
<th>(i) Expected start date</th>
<th>(j) Expected completion date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nation Building Economic Stimulus Plan - Repairs and Maintenance</td>
<td>$400m</td>
<td>Management of programs.</td>
<td></td>
<td>05/02/2009</td>
<td>30/06/2010</td>
</tr>
<tr>
<td>Nation Building Economic Stimulus Plan - construction</td>
<td>$5,988m</td>
<td>Varies by jurisdiction, includes management and some times land or part funding of some projects.</td>
<td>Community Housing providers may be contributing in some jurisdictions, either directly with land or capital or via project management.</td>
<td>05/02/2009</td>
<td>30/06/2012</td>
</tr>
</tbody>
</table>
![Image of the document with text]

**QUESTIONS ON NOTICE**

<table>
<thead>
<tr>
<th>Project</th>
<th>(f) Federal govt contribution</th>
<th>(g) State govt contribution</th>
<th>(h) Other funding sources</th>
<th>(i) Expected start date</th>
<th>(j) Expected completion date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Housing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Partnership Agreement on Social Housing</td>
<td>Varies by jurisdiction, includes management and some times land or part funding of some projects.</td>
<td>Varies by jurisdiction and may include additional funds leveraged from other sources such as funds leveraged through not-for-profit or private sector partnership arrangements.</td>
<td>01/01/2009</td>
<td>30/06/2010</td>
<td></td>
</tr>
<tr>
<td>Home in Queanbeyan</td>
<td>(a) 2008-09 — $200m; and (b) 2009-10 — $200m.</td>
<td>Balance of capital costs to be raised through community and business support.</td>
<td>25/09/2008</td>
<td>30/06/2010</td>
<td></td>
</tr>
<tr>
<td>A Place to Call Home (APTCH)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$2 million</td>
<td>Nil</td>
<td>$150m</td>
<td>$150m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Social Housing**

<table>
<thead>
<tr>
<th>Project</th>
<th>(k)(i) Responsible for delivery</th>
<th>(k)(ii) When will funding be released</th>
<th>(l) Is to be completed in stages/phases, timing &amp; cost of each</th>
<th>(m) Why project funded</th>
<th>(n) What cost benefit or modelling done</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nation Building Economic Stimulus Plan - Repairs and Maintenance</td>
<td>Jurisdictional governments</td>
<td></td>
<td>Funding release has commenced and will continue on a monthly basis.</td>
<td>National Partnership Agreement sets out timelines. Further information is available at: <a href="http://www.fahcsia.gov.au">www.fahcsia.gov.au</a>.</td>
<td>All projects have and are being assessed against the objectives of the National Partnership Agreement.</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Project</th>
<th>(k)(i) Responsible for delivery</th>
<th>(k)(ii) When will funding be released</th>
<th>(l) Is to be completed in stages/phases, timing &amp; cost of each</th>
<th>(m) Why project funded</th>
<th>(n) What cost benefit or modelling done</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nation Building Economic Stimulus Plan - construction</td>
<td>Jurisdictional governments</td>
<td>Funding release has commenced and will continue on a monthly basis.</td>
<td>National Partnership Agreement sets out timelines. Further information is available at: <a href="http://www.fahcsia.gov.au">www.fahcsia.gov.au</a>.</td>
<td>All projects have and are being assessed against the objectives of the National Partnership Agreement.</td>
<td>Treasury have reviewed potential jobs impact.</td>
</tr>
<tr>
<td>Housing National Partnership Agreement on Social Housing</td>
<td>State and Territory Governments</td>
<td>Funding for 2008-09 has been released to all States and Territories. Funding for 2009-10 will be released to the States and Territories in quarterly instalments through 2009-10 subject to jurisdictions meeting reporting requirements.</td>
<td>All projects funded must be complete within two years of funding being allocated. Timing and costs vary depending on the project.</td>
<td>All projects must satisfy the requirements of the National Partnership Agreement on Social Housing.</td>
<td>All projects were assessed against the requirements of the National Partnership Agreement.</td>
</tr>
<tr>
<td>Project</td>
<td>(k)(i) Responsible for delivery</td>
<td>(k)(ii) When will funding be released</td>
<td>(l) Is to be completed in stages/phases, timing &amp; cost of each</td>
<td>(m) Why project funded</td>
<td>(n) What cost benefit or modelling done</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------</td>
<td>-----------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Home in Queanbeyan</td>
<td>Payments based on completion of milestones.</td>
<td>Milestones based on five stages. Payment 1 - $250,000 paid 26/11/09. Payment 2 - $250,000 paid 1/6/09. Payment 3 - $500,000 - construction commenced. Payment 4 - $900,000 - construction 50 per cent completed. Payment 5 - $100,000 - practical completion achieved.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Place to Call Home (APTC)</td>
<td>State and Territory Governments</td>
<td>VIC and SA have received 2008 payments; all other states/ts will receive payment when Homelessness NPA Implementation Plans are agreed (funds flow from 1/7/09).</td>
<td>Election commitment</td>
<td>Nil</td>
<td>Election commitment</td>
</tr>
</tbody>
</table>

Outcome: minimum of 600 dwellings to be supplied over the 5 years of the agreement. Monthly payments released by Treasury; annual reviews determine out year payments.
Environment Protection, Heritage and the Arts: Hospitality
(Question No. 1800)

Senator Abetz asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 16 June 2009:

(1) (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

(2) For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) (a) Details of the amount spent on official hospitality by the environment, heritage and arts elements of the department from 24 November 2007 to 16 June 2009 are provided in the following table.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 November 2007</td>
<td>Griffith, ACT</td>
<td>Visiting Delegation of Chinese Mayors</td>
<td>$183.64</td>
</tr>
<tr>
<td>3 December 2007</td>
<td>Branka House Restaurant, Norfolk Island</td>
<td>Australian Heritage Council - formal dinner after meeting</td>
<td>$252.73</td>
</tr>
<tr>
<td>4 December 2007</td>
<td>Lounge Bar, Norfolk Island</td>
<td>Australian Heritage Council - formal dinner after meeting</td>
<td>$366.82</td>
</tr>
<tr>
<td>24 January 2008</td>
<td>Hobart, Tasmania</td>
<td>Meeting with National Science Foundation Facilities Manager (USA) to discuss Antarctic program</td>
<td>$343.10</td>
</tr>
<tr>
<td>4 March 2008</td>
<td>Mecca Bar, Manuka, ACT</td>
<td>Western Australia Delegation dinner - Kimberly oil and gas development</td>
<td>$468.54</td>
</tr>
<tr>
<td>17 March 2008</td>
<td>Aubergine Restaurant, Canberra, ACT</td>
<td>Launch Dinner with OECD Environmental Performance Review</td>
<td>$262.71</td>
</tr>
<tr>
<td>18 March 2008</td>
<td>Courgette Restaurant, Canberra, ACT</td>
<td>Dinner with State Government representatives involved in transition to Caring for our Country.</td>
<td>$2,356.35</td>
</tr>
<tr>
<td>25 March 2008</td>
<td>Feedback Café, Sydney, NSW, ACT</td>
<td>Media event for listing of Bondi Beach on National Heritage List</td>
<td>$1,165.54</td>
</tr>
<tr>
<td>3 April 2008</td>
<td>Williamstown, Vic</td>
<td>Workshop dinner - development of policy statement for the Spiny Rice Flower</td>
<td>$514.10</td>
</tr>
<tr>
<td>19 April 2008</td>
<td>Sydney, NSW Must Wine Bar, Highgate WA</td>
<td>Dinner for Getty Institute delegates</td>
<td>$289.57</td>
</tr>
<tr>
<td>6 May 2008</td>
<td>Melbourne, Vic</td>
<td>Working dinner to discuss key Commonwealth / Western Australia projects</td>
<td>$609.55</td>
</tr>
<tr>
<td>15 May 2008</td>
<td>Maritim Hotel, Bonn, Germany</td>
<td>Meeting with Fiction Panel, Prime Minister’s Literary Award</td>
<td>$167.80</td>
</tr>
<tr>
<td>21 May 2008</td>
<td>Maritim Hotel, Bonn, Germany</td>
<td>Catering for Conference of the Parties to the Convention on Biological Diversity side event hosted by Australian Government and the United Nations Environment Program - World Conservation Monitoring Centre</td>
<td>$596.31</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>26 May 2008</td>
<td>Mocha Espresso, National Library, ACT</td>
<td>Media event for handover of Spanish Map</td>
<td>$294.54</td>
</tr>
<tr>
<td>5 June 2008</td>
<td>Commonwealth Club, Canberra, ACT</td>
<td>National Portrait Gallery Board dinner</td>
<td>$653.00</td>
</tr>
<tr>
<td>11 June 2008</td>
<td>Grand Hyatt, Tokyo, Japan</td>
<td>Australia / Japanese Antarctic Science Cooperation Function</td>
<td>$3,961.54</td>
</tr>
<tr>
<td>13 June 2008</td>
<td>Trifis Kyiv Restaurant, Kiev, Ukraine</td>
<td>Margins function with members of the Australian and Japanese delegations to Antarctic Treaty Consultative Meeting XXXI</td>
<td>$716.98</td>
</tr>
<tr>
<td>23 June 2008</td>
<td>Old Parliament House, Canberra, ACT</td>
<td>National Portrait Gallery Stakeholder meeting working lunch</td>
<td>$43.86</td>
</tr>
<tr>
<td>25 June 2008</td>
<td>Explorers Inn, Emerald, Qld</td>
<td>Dinner with the Joint Steering Committee, Fitzroy Basin Association and staff</td>
<td>$370.00</td>
</tr>
<tr>
<td>2 July 2008</td>
<td>Thai Lemon Grass, Canberra, ACT</td>
<td>Maintaining Australia’s Biodiversity Hotspots program evaluation workshop</td>
<td>$635.54</td>
</tr>
<tr>
<td>4 July 2008</td>
<td>Sydney, NSW</td>
<td>Lunch with Southern Ocean research partnership</td>
<td>$878.64</td>
</tr>
<tr>
<td>9 July 2008</td>
<td>National Film &amp; Sound Archive, Canberra, ACT</td>
<td>Official NAIDOC Week event - Indigenous cultural performance and catering</td>
<td>$1,363.64</td>
</tr>
<tr>
<td>22 July 2008</td>
<td>Forrest, ACT</td>
<td>Heads of Collecting Institutions Meeting</td>
<td>$367.27</td>
</tr>
<tr>
<td>24 July 2008</td>
<td>Darwin, NT</td>
<td>Northern Territory Regional Heads meeting</td>
<td>$490.15</td>
</tr>
<tr>
<td>5 August 2008</td>
<td>Benchmark Restaurant, Canberra, ACT</td>
<td>Australian Heritage Council - formal dinner after meeting</td>
<td>$800.00</td>
</tr>
<tr>
<td>6 August 2008</td>
<td>Canberra, ACT</td>
<td>Access to genetic resources and benefit-sharing policy development meeting with Canadian Government</td>
<td>$227.36</td>
</tr>
<tr>
<td>7 August 2008</td>
<td>National Gallery, Parkes, ACT</td>
<td>Heritage Chairs and Officials of Australia &amp; New Zealand - formal dinner after meeting</td>
<td>$2,231.49</td>
</tr>
<tr>
<td>7 August 2008</td>
<td>South Australian Art Gallery, Adelaide, SA</td>
<td>Catering for the Caring for our Country presentation for the Natural Resource Policy and Program Committee (NRPPC).</td>
<td>$1,004.00</td>
</tr>
<tr>
<td>12 August 2008</td>
<td>Brassey Hotel, Canberra, ACT</td>
<td>Dinner for delegates following live import processes meeting</td>
<td>$1,040.00</td>
</tr>
<tr>
<td>12 August 2008</td>
<td>Hyatt Hotel, Canberra, ACT</td>
<td>Solar Cities Forum function following forum meeting</td>
<td>$2,300.00</td>
</tr>
<tr>
<td>27 August 2008</td>
<td>Hotel Ashok, Bangalore, India</td>
<td>Meeting of Renewable and Distributed Generation Task Force of Asia-Pacific Partnership</td>
<td>$590.50</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>4 September 2008</td>
<td>Commonwealth Club, Canberra, ACT</td>
<td>National Portrait Gallery Board dinner</td>
<td>$1,204.00</td>
</tr>
<tr>
<td>5 September 2008</td>
<td>Old Parliament House, Canberra, ACT</td>
<td>National Portrait Gallery Board lunch</td>
<td>$742.09</td>
</tr>
<tr>
<td>12 September 2008</td>
<td>Parliament House, Canberra, ACT</td>
<td>Presentation of the Prime Ministers Literary Awards</td>
<td>$22,799.50</td>
</tr>
<tr>
<td>8 October 2008</td>
<td>Kingston, Tas</td>
<td>Meeting with Russian Ambassador regarding collaboration on Antarctic programs</td>
<td>$321.25</td>
</tr>
<tr>
<td>14 October 2008</td>
<td>Kingston, Tas</td>
<td>Meeting with a Japanese official to discuss shared Antarctic interests</td>
<td>$131.82</td>
</tr>
<tr>
<td>16 October 2008</td>
<td>Canberra Southern Cross Yacht Club, Yarralumla, ACT</td>
<td>BBQ buffet dinner for attendees of the Performance Story Report National Summit</td>
<td>$2,954.54</td>
</tr>
<tr>
<td>19 October 2008</td>
<td>Old Swan Brewery, Crawley, WA</td>
<td>Lunch meeting with representatives from Dept Environment WA, Landvision &amp; National Oceans Office oil &amp; gas development, Kimberly WA</td>
<td>$190.27</td>
</tr>
<tr>
<td>24 October 2008</td>
<td>John Gorton Building, Canberra, ACT</td>
<td>Catering for meeting with representatives of Western Australia, regarding their development proposal</td>
<td>$70.91</td>
</tr>
<tr>
<td>7 November 2008</td>
<td>Sydney Olympic Park, Sydney, NSW</td>
<td>Catering for dinner for workshop on development of policy statement on Golden Sun Moth</td>
<td>$259.09</td>
</tr>
<tr>
<td>25 November 2008</td>
<td>The Deck at Regatta Point, Parkes, ACT</td>
<td>The dinner with stakeholders who attended the MERI Strategy Stakeholder Workshop</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>1 December 2008</td>
<td>Canberra, ACT</td>
<td>Catering for National Portrait Gallery - Circle of Friends Members events</td>
<td>$31,025.45</td>
</tr>
<tr>
<td>3 December 2008</td>
<td>Canberra, ACT</td>
<td>Catering for opening of the new Gallery</td>
<td>$49,246.60</td>
</tr>
<tr>
<td>4 December 2008</td>
<td>National Portrait Gallery, Parkes, ACT</td>
<td>Catering for My Favourite Australian exhibition launch</td>
<td>$1,718.18</td>
</tr>
<tr>
<td>5 December 2008</td>
<td>Canberra, ACT</td>
<td>Catering for Margin to Centre conference</td>
<td>$3,534.54</td>
</tr>
<tr>
<td>6 December 2008</td>
<td>Canberra, ACT</td>
<td>Catering for Rolf Harris Annual Lecture (entry fee charged)</td>
<td>$241.15</td>
</tr>
<tr>
<td>15 December 2008</td>
<td>Canberra, ACT</td>
<td>Catering for Nature Conservancy meeting</td>
<td>$127.18</td>
</tr>
<tr>
<td>17 December 2008</td>
<td>Ottoman Restaurant, Barton, ACT</td>
<td>Lunch with Korean Delegates</td>
<td>$450.00</td>
</tr>
<tr>
<td>29 December 2008</td>
<td>Maritime Museum, Fremantle, WA</td>
<td>Reception for Joint Australian-Japanese Voyage to Antarctica</td>
<td>$6,501.82</td>
</tr>
<tr>
<td>16 February 2009</td>
<td>Pavilion On Northbourne, Canberra, ACT</td>
<td>World Heritage Executive Officers Workshop Dinner</td>
<td>$2,056.36</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>17 February 2009</td>
<td>Catch Restaurant, Hobart, Tas</td>
<td>Hosting representatives from the French Polar Institute and Japanese Antarctic Research Division</td>
<td>$693.63</td>
</tr>
<tr>
<td>26 February 2009</td>
<td>John Gorton Building, Canberra, ACT</td>
<td>German delegation visit</td>
<td>$244.54</td>
</tr>
<tr>
<td>27 February 2009</td>
<td>Maldini Restaurant, Hobart, Tas</td>
<td>Meeting with New Zealand Antarctic Program Director</td>
<td>$554.56</td>
</tr>
<tr>
<td>3 March 2009</td>
<td>Old Parliament House, Canberra, ACT</td>
<td>Australian Heritage Council - formal dinner after meeting</td>
<td>$622.73</td>
</tr>
<tr>
<td>5 March 2009</td>
<td>National Museum of Australia, Canberra, ACT</td>
<td>Signing ceremony at the National Museum of Australia for MOU with the Korean Cultural Heritage Administration</td>
<td>$252.73</td>
</tr>
<tr>
<td>5 March 2009</td>
<td>Hyatt Hotel Axis Restaurant, Barton, Canberra</td>
<td>Lunch with delegates from Korean Cultural Heritage Administration</td>
<td>$521.82</td>
</tr>
<tr>
<td>7 April 2009</td>
<td>Baltimore, USA</td>
<td>Official function with key members of the Australian and Chinese delegations to the Antarctic Treaty Consultative Meeting</td>
<td>$678.25</td>
</tr>
<tr>
<td>17 April 2009</td>
<td>Feddish Restaurant, Melbourne, Vic</td>
<td>National Council on Education for Sustainability pre-meeting dinner</td>
<td>$790.00</td>
</tr>
<tr>
<td>20 April 2009</td>
<td>Canberra, ACT</td>
<td>Environment Protection and Biodiversity Conservation Act Review - Expert Panel Meeting</td>
<td>$138.27</td>
</tr>
<tr>
<td>21 April 2009</td>
<td>Bardi Jawi IPA, Kimberley, WA</td>
<td>Lunch ministerial visit to Indigenous Protected Area consultation project</td>
<td>$54.54</td>
</tr>
<tr>
<td>28 April 2009</td>
<td>Canberra, ACT</td>
<td>Dinner for Australian Biological Resources Study Committee members</td>
<td>$395.18</td>
</tr>
<tr>
<td>29 April 2009</td>
<td>National Portrait Gallery, Parkes, ACT</td>
<td>Museums Australia IMAGE education event - Information seminar on Education Section</td>
<td>$257.73</td>
</tr>
<tr>
<td>7 May 2009</td>
<td>National Portrait Gallery, Parkes, ACT</td>
<td>Sun In Me - catering for concert to celebrate Peter Sculthorpe’s 80th Birthday</td>
<td>$1,309.09</td>
</tr>
<tr>
<td>11 May 2009</td>
<td>National Portrait Gallery, Parkes, ACT</td>
<td>Catering for gallery tour, discussion and presentation</td>
<td>$240.54</td>
</tr>
<tr>
<td>28 May 2009</td>
<td>Hobart, Tasmania</td>
<td>Meeting with New Zealand officials to discuss greater cooperation in the Antarctic Treaty system</td>
<td>$611.70</td>
</tr>
</tbody>
</table>

(b) Details of the alcohol component of any official hospitality provided by the department are not recorded separately.
(2) (a) The Department of Finance and Deregulation (Finance) has provided details of the following official hospitality expenses incurred by the Minister for Environment Protection Heritage and the Arts from 24 November 2007 to June 2009:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 – 28 April 2008</td>
<td>Paris, France</td>
<td>Reciprocal hospitality afforded to foreign government officials, Members of Parliament and Ministers</td>
<td>$151.57</td>
</tr>
<tr>
<td>10 – 11 March 2009</td>
<td>Port Moresby, Papua New Guinea</td>
<td>Coral Triangle Initiative (CTI) Ministerial Meeting – Breakfast/ Morning Tea working session attended by the Indonesian Fisheries Minister</td>
<td>$360.41</td>
</tr>
</tbody>
</table>

According to Department of the Environment, Water, Heritage and the Arts records, the Office of the Minister for Environment Protection, Heritage and the Arts has incurred the following official hospitality expenses from 24 November 2007 to June 2009:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 March 2008</td>
<td>Element Restaurant, Griffith, ACT</td>
<td>Dinner to discuss Clinton Climate Change initiative</td>
<td>$215.82</td>
</tr>
</tbody>
</table>

(b) Details of the alcohol component of Ministerial official hospitality expenses met by Finance have not been provided. Finance advised that to provide the full details as requested in the question would involve an unreasonable diversion of resources.

As noted above, the Department of the Environment, Water, Heritage and the Arts does not record separately the alcohol component of any official hospitality, including Ministerial hospitality.

**Climate Change, Energy Efficiency and Water: Media Training**  
(Question No. 2009)

Senator Abetz asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 21 July 2009:

(1) Has the Minister undertaken any media training since 24 November 2007; if so:
   (a) when;
   (b) who was the provider; and
   (c) what was the total cost.

(2) Have any of the Minister’s staff undertaken any media training since 24 November 2007; if so:
   (a) who, including their Members of Parliament (Staff) Act 1984 classification;
   (b) when;
   (c) who was the provider; and
   (d) what was the total cost.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) No.
(2) No.
Climate Change, Energy Efficiency and Water: Website
(Question No. 2231)

Senator Abetz asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 16 September 2009:

(1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.

(2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
   (a) the total cost for each redevelopment;
   (b) who undertook each redevelopment; and
   (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.

(3) Does the department:
   (a) post all of the Minister’s and/or Parliamentary Secretary’s press releases, speeches and transcripts on these websites; and
   (b) have any guidelines for the posting of political material on these websites.

(4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Wong—The answer to the honourable senator’s question is as follows:

Climate Change

(1) The Department of Climate Change and Energy Efficiency (DCCEE) maintains ministerial websites for the posting of media related items by the Minister Assisting the Minister for Climate Change and Energy Efficiency, the Hon Greg Combet AM MP and myself such as media releases, transcripts and speeches.

DCCEE has maintained the ministerial website for Minister Combet (http://www.climatechange.gov.au/minister/combet.aspx) since 15 June 2009.

DCCEE has maintained my ministerial website: (http://www.climatechange.gov.au/minister/wong.aspx) since 15 October 2009 following the transfer of my website from the Department of the Environment, Heritage, Water and the Arts (DEWHA).

(2) My ministerial website has not been redeveloped since it was originally set up using existing templates by DEWHA.

Minister Combet’s ministerial website was set up using existing templates. Set up time was approximately one day of work at an estimated cost of less than $600. Development was undertaken in-house by DCCEE’s Web Team.

No market testing has been conducted for either Minister Combet’s or my websites.

(3) (a) Minister Combet’s and my media releases, transcripts and speeches are published by DCCEE.

(b) DCCEE maintains the ministerial websites and their contents under the general guidelines issued by the Australian Government Information Management Office.
QUESTIONS ON NOTICE

Water

(1) DEWHA maintains web pages (as a part of the environment.gov.au web site) for the posting of media related items by the Parliamentary Secretary for Water and myself such as press releases and speeches. My web pages were included on DEWHA's website until 15 October 2009, when they were transferred to the DCCEE's website at:


(2) My ministerial web pages have not been redeveloped since they were originally set up using existing templates. Set up time was approximately one day of work at an estimated cost of less than $600. Development was undertaken in house by DEWHA's Web and Intranet Management Section and no market testing was conducted.

Parliamentary Secretary Kelly's web pages have not been redeveloped since set up on 2 March 2009. The pages were based on existing ministerial site templates and took less than half a day to develop at an estimated cost of around $300. Development was undertaken in-house by DEWHA's Web and Intranet Management Section and no market testing was conducted.

(3) (a) My press releases, speeches and transcripts are now published by DCCEE. Parliamentary Secretary Kelly's press releases, speeches and transcripts relating to his responsibilities as Parliamentary Secretary for Water are published on the DEWHA site.

(b) DEWHA maintains the ministerial websites and its content under the general guidelines issued by the Australian Government Information Management Office.

(4) No.

1300 Numbers
(Question No. 2576)

Senator Abetz asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 11 January 2010:

With reference to the answer to question no. F45 from the Budget Estimates hearing of the Finance and Public Administration Legislation Committee held in May 2009 given by the Department of Finance and Deregulation regarding 1300 numbers and the statement that, '[t]he Department is examining the issues raised by Senator Abetz and will provide the Special Minister of State with further advice in relation to this matter':

(1) Has the advice been provided to the Special Minister of State; if so, (a) when was that advice received by the Special Minister of State; (b) can a copy of the advice be provided; and (c) has any action been taken on the advice.

(2) Will the Commonwealth Government allow 1300 numbers to be accessed from a mobile phone, as in the example of the State Government in Tasmania that already provides this service.

(3) Can a list be provided of the states and territories that have access to 1300 numbers from mobile phones; and in each case is the cost borne by the Commonwealth Government or the state/territory government.

(4) (a) Is the Government considering that the 1300 number lines that are provided to senators and members will be enabled to allow mobile phone calls at reduced rates; (b) has the Minister received any other calls for this service to be enabled; and (c) what action has the Minister taken.
Senator Conroy—The Minister for Finance and Deregulation has provided the following answer to the honourable senator’s question:

Please refer to the response provided by the Special Minister of State, Question on Notice 2577.

1300 Numbers
(Question No. 2577)

Senator Abetz asked the Special Minister of State, upon notice, on 11 January 2010:

With reference to the answer to question no. F45 from the Budget Estimates hearing of the Finance and Public Administration Legislation Committee held in May 2009 given by the Department of Finance and Deregulation regarding 1300 numbers and the statement that, ‘[t]he Department is examining the issues raised by Senator Abetz and will provide the Special Minister of State with further advice in relation to this matter’:

(1) Has the advice been provided to the Special Minister of State: if so, (a) when was that advice received by the Special Minister of State; (b) can a copy of the advice be provided; and (c) has any action been taken on the advice.

(2) Will the Commonwealth Government allow 1300 numbers to be access from a mobile phone, as in the example of the State Government in Tasmania that already provides this service.

(3) Can a list be provided of the states and territories that have access to 1300 numbers from mobile phones; and in each case is the cost borne by the Commonwealth Government or the state/territory government.

(4) (a) Is the Government considering that the 1300 number lines that are provided to senators and members will be enable to allow mobile phone calls at reduced rates; (b) has the Minister received any other calls for this service to be enabled; and (c) what action has the Minister taken.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) (a) Advice has been provided by the Department as a result of the honourable Senator’s question.

(b) No.

(c) Yes.

(2) No.

(3) No.

(4) (a) No.

(b) No.

(c) The Department has advised that distance is not a determining factor in the cost of mobile phone calls. The extension of this service would not reduce the cost of contact by constituents but would increase the cost of these contacts to the Commonwealth. On this basis no change is currently proposed.

Hawker Britton
(Question No. 2617)

Senator Cormann asked the Special Minister of State, upon notice, on 8 February 2010:

(1) On how many occasions has the current and/or former Minister and associated parliamentary secretaries in the current parliament, and any departmental officials:

(a) met directly with representatives of Hawker Britton; and/or (b) attended meetings that were also attended by representatives of Hawker Britton.
(2) For each abovementioned meeting: (a) what was the date; (b) what was the topic of discussion; and (c) which Hawker Britton representatives were present.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) (a) and (b) The former Special Minister of State (SMOS), Senator the Hon John Faulkner, has neither met directly with, nor attended meetings that were attended by, representatives of Hawker Britton during the term of the current Parliament.

As at 8 February 2010, the current SMOS, Senator the Hon Joseph Ludwig, has neither met directly with, nor attended meetings that were attended by, representatives of Hawker Britton.

Senator Ludwig did attend a session at the ALP National conference on 30 July 2009 that was chaired by Mr Bruce Hawker.

In respect of Finance and Deregulation Portfolio officials, please refer to the Minister representing the Minister for Finance and Deregulation’s response to Question No 2610.

National Indigenous Languages Policy

(Question No. 2736)

Senator Bob Brown asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 10 March 2010:

(1) What is the status of the implementation of the Government’s National Indigenous Languages Policy (the Policy)?

(2) Does the Government plan to undertake a national consultation on the policy; if so, when and how.

Senator Wong—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The Australian Government’s National Indigenous Languages Policy establishes a framework for ongoing national strategic support for Indigenous languages. In consultation with FaHCSIA, DEEWR and AGD the Department of Environment, Water, Heritage and the Arts is currently finalising an Action Plan as a blueprint to implement the Policy.

(2) The Action Plan will involve consultation with state and territory government agencies and Indigenous languages organisations to identify strategic initiatives which align with the objectives of the Policy. Details of this consultation are being finalised as part of the conclusion of the Action Plan, however discussions with key organisations, such as community-based Indigenous languages centres, umbrella bodies and AIATSIS, around issues identified in developing the Policy and the Action Plan are already underway.

President of Indonesia

(Question No. 2749)

Senator Bob Brown asked the Minister representing the Prime Minister, upon notice, on 11 March 2010:

(1) How many representatives of environment groups were invited to the lunch for the President of Indonesia in the Great Hall at Parliament House on Wednesday, 10 March 2010; and

(2) who were they.
Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:
I am advised that:

(1) There were a number of guests at the lunch referred to, representing a range of organisations with an interest in or that promote environmental sustainability however there were no individuals specifically representing themselves as from ‘environment groups’.

(2) Not applicable.

Capricornia and Flynn: Electorate Offices
(Question No. 2772)

Senator Ian Macdonald asked the Special Minister of State, upon notice, on 1 April 2010:

With reference to the relocation of the offices of the members for Capricornia and Flynn:

(1) What was the cost of:
   (a) renovating each building; and
   (b) outfitting each office.

(2) What is the annual lease cost for each office.

(3) For each premise:
   (a) who is the owner;
   (b) what is the term of lease; and
   (c) what is its total area.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) Capricornia
   (a) Fitout, including associated fees - $239,016
   (b) Furniture - $18,980

(1) Flynn
   (a) Fitout, including associated fees - $352,574
   (b) Furniture - $21,245

(2) Capricornia - $46,020
   Flynn - $67,160

(3) Capricornia
   (a) Ian Weigh Nominees Pty Ltd
   (b) Three years, commencing 1 June 2009, with two three-year options
   (c) 177m2

(3) Flynn
   (a) P. G. Richardson Enterprises Pty Ltd
   (b) Three years, commencing 1 August 2009, with two three-year options
   (c) 184m2

Figures quoted are GST exclusive.
Renewable Energy Target Scheme
(Question No. 2791)

Senator Boswell asked the Minister for Climate Change, Energy Efficiency and Water, upon notice, on 22 April 2010:

Can a copy be provided of the modelling undertaken of the impact on electricity prices resulting from the changes to the Renewable Energy Target Scheme that were announced on 26 February 2010.

Senator Wong—The answer to the honourable senator’s question is as follows:

Modelling of the enhanced Renewable Energy Target scheme announced on 26 February 2010 is available on the Department of Climate Change and Energy Efficiency website (www.climatechange.gov.au).

Employment and Workplace Relations: Staffing
(Question No. 2796)

Senator McGauran asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 30 April 2010:

(1) For each of the years 2005, 2006, 2007, 2008, 2009-2010 to date:
   (a) what was/is the total number of people on stress leave;
   (b) what was/is the total number of males on stress leave;
   (c) what was/is the total number of females on stress leave;
   (d) what was/is the total number of days lost by those on stress leave;
   (e) what was/is the average number of days taken for stress leave;
   (f) what was/is (i) the top 20 number of days taken for stress leave (including those still on stress leave), and (ii) the reasons for this stress leave;
   (g) what was/is the two most recent most common reasons taken for stress leave;
   (h) and (i) to which Government departments were those on stress leave attached, and (ii) how many for each department;
   (i) what was/is the total cost (in dollar terms) of stress leave;
   (j) what was/is the top 20 individual dollar payouts for those on stress leave.

(2) What therapeutic and/or medical facilities are provided for those on stress leave, for example, exercise trainers, gymnasium facilities, meditation, massage, holiday advisors or dietary experts.

(3) For each of the years 2007, 2008, 2009 and 2010 to date, what handbook, guidebook or advice was/is given to participants of stress leave.

(4) What is the legal definition of stress used by Comcare.

(5) (a) What is the process to assess whether an employee is entitled to stress leave; and (b) is there and appeal process for the employee if they are assessed to not be entitled to stress leave.

(6) What sections of the appropriate Acts relate to stress leave.

(7) Is there a time limit on how long a person can be on stress leave.

(8) Is there a dollar cap on the amount a person can receive when on stress leave.

(9) For each of the years 2007, 2008, 2009 and 2010 to date, have any Acts or regulations relating to stress leave been amended or changed, for example, its definition, entitlement and/or its payout; if so, can a comparison be provided showing the full details of the changes, i.e. the wording of the Act or regulation before and after the change.
Senator Chris Evans—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) (Tables at Attachment A)

Senator McGauran uses the term ‘stress leave’. However, from a medical perspective ‘stress’ is the factor that causes or worsens a psychological disease and therefore Comcare does not use ‘stress leave’ as an injury descriptor.

Comcare examined data from Australian Government employers relating to the number of injured workers who have an accepted compensation claim for psychological disease and who received incapacity compensation for more than one day in respect of that injury, as a proxy of an employee who was/is on ‘stress leave’. The data Comcare uses complies with the National Standard.

(a) (b) (c) Table 1 provides the total number of accepted claims for psychological disease and the gender of the injured worker, with one day or more incapacity compensation received, as a proxy for ‘stress leave’ for the financial years ending 2005, 2006, 2007, 2008 and 2009-2010 to date (5 May 2010).

The number of injured workers currently in receipt of incapacity payments is shown against the year their claim was accepted. For example 432 claims for psychological disease were accepted in 2004-2005. Of those claims 65 (15%) injured workers are currently in receipt of weekly compensation payments as a result of their injury. In comparison 131 claims for psychological disease were accepted in 2009-2010 to date. Of those claims 82 (62%) are currently in receipt of weekly compensation. Many of these injured workers have an active rehabilitation program and in the future less of these injured workers will be in receipt of weekly compensation payments.

(d) (i) The total number of days incapacity for injured workers with a claim for psychological disease and the total cost of those incapacity payments are represented in dollar terms against the year the claim was accepted. The duration and cost of time lost for those injured workers who are not back at work as a result of their injury in 2004-2005 is higher than those who had their claim accepted in 2009-2010 to date.

(e) The average number of days lost is provided in this Table and the costs provided are actual incapacity costs paid at 5 May 2010. The average does not take into consideration potential future time lost and cost and for this reason a median cost-to-date has been calculated to provide a better measure of central tendency.

(g) In 2009-2010 to date the most common reason for psychological disease are (1) work related harassment and/or bullying and (2) work pressure. In the preceding financial years the most common reason was work pressure, followed by work related harassment and/or bullying.

(f) (i) and (ii) Table 2 provides the 20 highest time lost claims for injured workers who had their claims accepted in 2005, 2006, 2007, 2008, 2009 to 2010 to date. The mechanism that contributed to their injury is also provided.

(j) The Safety, Rehabilitation and Compensation Act 1988 (the Act) does not provide injured workers with a ‘payout’. The only lump sum payments made under this Act are for permanent impairment, death and common law (non economic loss, capped at $110,000). As a proxy for ‘payout’ Table 3 provides the 20 highest incapacity cost-to-date compensation payments received by injured workers, represented in the year their claim for psychological disease was accepted.

(h) Table 4 provides the total number of psychological disease claims for each Government employer from 2004-2005 to date. Centrelink, Australian Tax Office and Department of Defence combined have over 50 percent of psychological disease claims for that period and are also the three largest Government employers. Agencies that have less than six claims for psychological disease have been categorised as ‘Other agencies’ to protect the privacy of their injured workers who could be identified.

QUESTIONS ON NOTICE
Department of Defence data relates to non-Australian Defence Force (ADF) workers only. Claims made under the Act by members of the ADF are not managed by Comcare. These claims are managed by Department of Veteran's Affairs, and this data has not been included.

(2) Answer 2

Injured workers suffering from a psychological disease received the following compensable medical treatment:
- General practitioner
- Psychologist
- Pharmaceutical costs
- Psychiatrist
- Hospital

(3) When a claim for compensation is accepted Comcare provides general advice in relation to an injured workers rights and obligations under the Act.

The following publications are available on Comcare’s website at www.comcare.gov.au
- All about workers’ compensation: A guide for employees injured at work before 13 April 2007 (Pub 12);
- All about workers’ compensation: A guide for employees injured at work on or after 13 April 2007 (Pub 71);
- Workers’ compensation: How Comcare determines claims made under the SRC Act (Pub 61) Edition 1; and

Comcare also provides workers with on-line information on how Comcare determines initial liability for psychological disease.

Comcare provides advice and support to case workers employed in government departments in returning their injured workers to suitable employment.

Comcare’s health and safety web page provides comprehensive information and links about psychological disease. For example, workers can link to the Beyond Blue web site and Government employers can link to publications such as Recognition resolution and recovery: Early intervention to support psychological health and wellbeing.

(4) Liability for psychological disease, caused or worsened as a result of workplace stressors, can be determined under the Act

Most claims for psychological disease are considered under the disease provisions of the Act because they usually are of gradual onset.

For liability to be determined for a disease, employment must have been a significant contributing factor to that disease.

There are some exceptions and exclusions to finding liability for injury (which includes disease). For example liability cannot be accepted if the psychological disease is as a result of reasonable administrative action taken in a reasonable manner. This includes appraisal, counselling, suspension, disciplinary action or as a result of workplace disappointments such as failure to gain promotion, transfer, benefit or promotion, etc.

(5) (a) When an employee makes a claim for compensation for psychological disease, including a claim for time off work as a result of their injury, the first step is for Comcare to determine liability for the injury.
To determine liability for injury (which includes disease) under the Act, Comcare requires certification from a legally qualified medical practitioner to establish whether the employee suffers from a psychological disease. The diagnosis provided should comply with diagnostic standards for psychiatric injury/illness or disease, in accordance with the Diagnostic and Statistical Manual of Mental Disorders v 4 (DSM4). For example ‘adjustment disorder, major depression etc’. The medical certificate should also provide causation (stressors) and their level of contribution to the injury.

Comcare will assess the facts and circumstances of the claim as provided by both the employee and the employer and possibly others to determine whether employment ‘significantly’ contributed or worsened the claimed condition.

Comcare may require a medical opinion from an independent medical specialist and if this is the case Comcare arranges and pays for that examination and report.

Comcare will need to be satisfied that employment has significantly contributed to the claimed injury and that the significant contribution does not fall within the meaning of an exclusionary provision for liability to exist.

If the claim for psychological disease is accepted Comcare can then decide if the time off work claimed is as a result of the compensable injury.

(b) The Act provides for a three tier decision and review process.

Primary Decision
Each primary determination made by Comcare, whether it is about liability for injury or payment of incapacity compensation, must be:
- in writing;
- provide reasons for decision; and
- provide a statement of rights and obligations about reconsideration and review.

Reviewable decision
In the event that a reconsideration of this determination is requested a review will be undertaken by another Comcare delegate. This may involve seeking further information and evidence from the injured worker, their employer, and/or medical practitioners. Each reviewable decision must also be in writing and provide reasons for decision and review rights.

Administrative Appeals Tribunal (AAT)
A review of a reviewable decision is requested by lodging an AAT application. The AAT application is usually heard in the State or Territory where the employee resides. The application will be the subject of at least one conciliation conference. If the application is not resolved between Comcare and the employee, the application will ultimately be heard and determined by a member of the AAT.

(6) Government workers are covered for workers compensation under the Act. Comcare is the determining authority and the Government employer is the rehabilitation authority under the Act.

The liability provisions of the Act that relate to psychological disease determination are:

Threshold considerations
- Section 54, claims for compensation
- Section 5, persons taken to be employees
- Section 53, failure to provide notice of injury

Medical relationship
- Sub section 14 (1) - liability for injury
- Section 5A – definition of injury

QUESTIONS ON NOTICE
- Section 5B – definition of disease

Employment relationship
- Sub section 5B (2) – contribution to a significant degree by the employee’s employment

Exclusions
- Subsection 14(2) – intentionally self inflicted
- Subsection 14(3) and 4(13) – wilful misconduct
- Subsection 5A (2) – reasonable administrative action taken in a reasonable manner in connection with employment

Provisions that relate to incapacity compensation are in section 19 of the Act.

(7) There is a time limit on how long an injured worker can be in receipt of weekly incapacity payments.

Incapacity compensation ceases to be paid when an injured worker is 65 years of age, except where an injured worker is 63 years of age or older when injured. If an injured worker is injured when they are 63 years of age or older they may be entitled to a maximum period of 104 weeks incapacity compensation, consecutive or otherwise.

Access to compensation for medical expenses and other entitlements are not restricted by the age of the worker.

Under the Act compensation is only payable if the worker is suffering from the effects of their accepted psychological disease and claims for injury are subject to medical evidence and review. Further to this a claim for compensation for incapacity must meet the tests of those particular provisions.

(8) Under the Act, there is no dollar cap on the total amount of compensation payable.

The Act does set a ceiling for the maximum amount of incapacity compensation payable per week. The maximum is 150% of the Average Weekly Ordinary Time Earnings of Full-time Adults as published from time to time by the Australian Statistician. The ceiling applies after entitlements have been paid for the first 45 weeks of incapacity.

The AWOTEFA ceiling is currently $1,834.95 per week.

(9) There has been one occasion, during the years 2007, 2008, 2009 and 2010, when the Act has been amended in relation to psychological disease claims. This was by passage of the Safety, Rehabilitation and Compensation and Other Legislation Amendment Act, 2007 (SRCOLA Act) by the previous Government in April 2007.

The definition of disease in the Act was changed so that the required level of employment contribution to enable the finding of workers’ compensation liability for a disease, for example a psychological disease, was increased. Previously the level of employment contribution was required to be to a ‘material’ degree, but following the SRCOLA Act amendment the required level needs to be at a ‘significant’ degree.

The 2007 SRCOLA Act amendment also provided, in the new definition of disease, a list of matters which may be taken into account in considering whether employment had contributed to at least a significant degree. Finally, ‘significant’ was defined in the SRC Act as a degree that is ‘substantially more than material’.

The SRCOLA Act also amended the SRC Act’s definition of injury to widen those employment events or circumstances which would exclude the finding of liability for a disease (usually a psychological or ’stress’ disease). The amendment did this by replacing the previously narrowly interpreted ‘disciplinary action’ exclusion clause to one of ’reasonable administrative action taken in a reasonable manner’.
The SRCOLA Act amendment also added a non-exclusive list of ‘administrative actions’. This list also incorporated and broadened the previous items which excluded liability due to an employee’s ‘failure to obtain a promotion, transfer or benefit’.

Attachment B provides the relevant excerpts of the SRC Act.

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**Attachment A**

**Table 1:** Lost time* psychological injury claims accepted in each financial year, 2004–05 to 2009–10

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<tbody>
<tr>
<td><strong>Number of claims:</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<tr>
<td>Female</td>
<td>269</td>
<td>222</td>
<td>236</td>
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<td>199</td>
</tr>
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<td><strong>Number of claims with incapacity after 30 Sep 2009</strong>:</td>
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<td></td>
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<tr>
<td>Male</td>
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</tr>
<tr>
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<td>22,785</td>
<td>31,000</td>
<td>37,245</td>
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</table>

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QUESTIONS ON NOTICE
### Most frequently reported mechanisms of incident:

**All claims**

- Work pressure (51%)
- Work related harassment and/or workplace bullying (27%)
- Work pressure (49%)
- Work related harassment and/or workplace bullying (32%)
- Work pressure (43%)
- Work related harassment and/or workplace bullying (32%)
- Work pressure (39%)

### Table 2: Top 20 claims by duration of incapacity-to-date for psychological injury claims accepted in each financial year, 2004–05 to 2009–10 Australian Government premium paying agencies

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<tr>
<td>18</td>
<td>313.0</td>
<td>Work Related Harassment And/Or Workplace Bullying</td>
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* Claims with one day or more incapacity

** The number of claims with incapacity recorded after 30 Sep 2009 is reported as a proxy for the number of employees currently off work due to an accepted psychological injury claim. This allows for delays in claim lodgement, claim processing or active litigation.

Incapacity cost-to-date represents compensation to date in relation to time lost from work. It does not include medical, rehabilitation, legal, common law, lump sum or administrative costs.

Data as at 5 May 2010. The data for 2009–10 is relatively immature and the ultimate cost and duration of claims may differ from the data reported here.
<table>
<thead>
<tr>
<th>Rank</th>
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2008–09

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<td>Muscular Stress With No Objects Being Handled</td>
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2009–10 to date

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## QUESTIONS ON NOTICE

**Rank Incapacity (weeks) Mechanism of incident**

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<th>Incapacity (weeks)</th>
<th>Mechanism of incident</th>
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Data as at 5 May 2010. The data for 2009–10 is relatively immature and the ultimate duration of claims may differ from the data reported here.

### Table 3: Top 20 claims by incapacity cost-to-date for psychological injury claims accepted in each financial year, 2004–05 to 2009–10 Australian Government premium paying agencies

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<tr>
<td>1</td>
<td>$444,726</td>
<td>$416,288</td>
<td>$497,361</td>
<td>$278,785</td>
<td>$240,240</td>
<td>$182,871</td>
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<tr>
<td>2</td>
<td>$415,174</td>
<td>$390,886</td>
<td>$328,285</td>
<td>$238,410</td>
<td>$198,798</td>
<td>$114,652</td>
</tr>
<tr>
<td>3</td>
<td>$381,383</td>
<td>$347,722</td>
<td>$254,915</td>
<td>$202,988</td>
<td>$184,113</td>
<td>$108,908</td>
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<tr>
<td>4</td>
<td>$378,986</td>
<td>$308,117</td>
<td>$242,825</td>
<td>$191,049</td>
<td>$178,037</td>
<td>$87,223</td>
</tr>
<tr>
<td>5</td>
<td>$369,731</td>
<td>$285,252</td>
<td>$236,344</td>
<td>$181,707</td>
<td>$163,223</td>
<td>$85,826</td>
</tr>
<tr>
<td>6</td>
<td>$338,324</td>
<td>$268,190</td>
<td>$230,426</td>
<td>$180,033</td>
<td>$159,664</td>
<td>$83,747</td>
</tr>
<tr>
<td>7</td>
<td>$335,435</td>
<td>$253,855</td>
<td>$224,456</td>
<td>$169,379</td>
<td>$158,359</td>
<td>$82,382</td>
</tr>
<tr>
<td>8</td>
<td>$324,269</td>
<td>$252,642</td>
<td>$208,999</td>
<td>$161,634</td>
<td>$147,515</td>
<td>$79,088</td>
</tr>
<tr>
<td>9</td>
<td>$293,489</td>
<td>$250,196</td>
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<td>$158,057</td>
<td>$142,157</td>
<td>$77,067</td>
</tr>
<tr>
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<td>$197,631</td>
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<td>11</td>
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<td>$150,265</td>
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<tr>
<td>12</td>
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<td>$239,476</td>
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<td>$114,703</td>
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<td>13</td>
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<td>$232,609</td>
<td>$184,350</td>
<td>$140,108</td>
<td>$112,495</td>
<td>$55,422</td>
</tr>
<tr>
<td>14</td>
<td>$250,490</td>
<td>$230,555</td>
<td>$181,982</td>
<td>$137,205</td>
<td>$112,461</td>
<td>$53,323</td>
</tr>
<tr>
<td>15</td>
<td>$249,398</td>
<td>$226,370</td>
<td>$179,116</td>
<td>$125,072</td>
<td>$111,657</td>
<td>$52,821</td>
</tr>
<tr>
<td>16</td>
<td>$245,846</td>
<td>$225,379</td>
<td>$175,960</td>
<td>$124,860</td>
<td>$107,947</td>
<td>$52,179</td>
</tr>
<tr>
<td>17</td>
<td>$242,919</td>
<td>$220,376</td>
<td>$174,199</td>
<td>$124,624</td>
<td>$104,770</td>
<td>$52,152</td>
</tr>
<tr>
<td>18</td>
<td>$234,315</td>
<td>$213,694</td>
<td>$170,390</td>
<td>$124,133</td>
<td>$103,748</td>
<td>$51,829</td>
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<td>19</td>
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<td>$208,020</td>
<td>$169,493</td>
<td>$120,556</td>
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<td>$50,563</td>
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<tr>
<td>20</td>
<td>$231,608</td>
<td>$206,132</td>
<td>$166,307</td>
<td>$118,669</td>
<td>$102,846</td>
<td>$47,815</td>
</tr>
</tbody>
</table>

Data as at 5 May 2010. The data for 2009–10 is relatively immature and the ultimate cost of claims may differ from the data reported here.

Incapacity cost-to-date represents compensation to date in relation to time lost from work. It does not include medical, rehabilitation, legal, common law, lump sum or administrative costs.

### Table 4: Lost time* psychological injury claims by agency for claims accepted in the period 2004–05 to 2009–10 Australian Government premium paying agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>2004–05 to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centrelink</td>
<td>372</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>338</td>
</tr>
<tr>
<td>Department of Defence</td>
<td>196</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>77</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>68</td>
</tr>
</tbody>
</table>
Agency | 2004–05 to date  
--- | ---  
Department of Immigration and Citizenship | 48  
Medicare Australia | 44  
Australian Customs Service | 44  
Australian Broadcasting Corporation | 38  
Department of Education, Employment and Workplace Relations | 36  
Department of Health and Ageing | 35  
Department of Agriculture, Fisheries and Forestry | 33  
Department of Veterans’ Affairs | 26  
Australian Bureau of Statistics | 25  
Department of Families, Housing, Community Services and Indigenous Affairs | 24  
Department of Innovation, Industry, Science and Research | 21  
Commonwealth Scientific and Industrial Research Organisation | 18  
Department of Finance and Deregulation | 16  
Aboriginal Hostels Limited | 14  
Department of Foreign Affairs and Trade | 13  
Department of the Environment, Water, Heritage and the Arts | 11  
Australian Electoral Commission | 9  
Bureau of Meteorology | 8  
Department of Parliamentary Services | 8  
Comcare | 8  
Medibank Private Ltd | 7  
Australian Security Intelligence Organisation | 7  
National Native Title Tribunal | 7  
Australian National University | 6  
Airservices Australia | 6  
Commonwealth Superannuation Administration | 6  
Family Court of Australia | 6  
Australian Securities and Investments Commission | 6  
Other agencies | 119  
All claims | 1700  

* Claims with one day or more incapacity  

Data as at 5 May 2010.  

Attachment B  
Attachment B – Relevant extracts of the Safety Rehabilitation and Compensation Act 1988  

(2) - Medical Treatment, Therapeutic Treatment and Compensation for Medical Expenses  

Section 4 – Interpretation  

“medical treatment” means:  
(a) medical or surgical treatment by, or under the supervision of, a legally qualified medical practitioner; or  
(b) therapeutic treatment obtained at the direction of a legally qualified medical practitioner; or  
(c) dental treatment by, or under the supervision of, a legally qualified dentist; or  
(d) therapeutic treatment by, or under the supervision of, a physiotherapist, osteopath, masseur or chiropractor registered under the law of a State or Territory providing for the registration of physiotherapists, osteopaths, masseurs or chiropractors, as the case may be; or
(e) an examination, test or analysis carried out on, or in relation to, an employee at the request or direction of a legally qualified medical practitioner or dentist and the provision of a report in respect of such an examination, test or analysis; or

(f) the supply, replacement or repair of an artificial limb or other artificial substitute or of a medical, surgical or other similar aid or appliance; or

(g) treatment and maintenance as a patient at a hospital; or

(h) nursing care, and the provision of medicines, medical and surgical supplies and curative apparatus, whether in a hospital or otherwise; or

(i) any other form of treatment that is prescribed for the purposes of this definition.

“therapeutic treatment” includes an examination, test or analysis done for the purpose of diagnosing, or treatment given for the purpose of alleviating, an injury.

Section 16 – Compensation in respect of medical expenses etc.

16(1) Where an employee suffers an injury, Comcare is liable to pay, in respect of the cost of medical treatment obtained in relation to the injury (being treatment that it was reasonable for the employee to obtain in the circumstances), compensation of such amount as Comcare determines is appropriate to that medical treatment.

(9) - The SRC Act 1988 definition of disease and injury prior to the SRCOLA Act 2007 amendments

Section 4 definition of disease:

disease means:

(a) any ailment suffered by an employee; or

(b) the aggravation of any such ailment;

being an ailment or an aggravation that was contributed to in a material degree by the employee’s employment by the Commonwealth or a licensed corporation.

Section 4 definition of injury:

injury means:

(a) a disease suffered by an employee; or

(b) an injury (other than a disease) suffered by an employee, being a physical or mental injury arising out of, or in the course of, the employee’s employment; or

(c) an aggravation of a physical or mental injury (other than a disease) suffered by an employee (whether or not that injury arose out of, or in the course of, the employee’s employment), being an aggravation that arose out of, or in the course of, that employment;

but does not include any such disease, injury or aggravation suffered by an employee as a result of reasonable disciplinary action taken against the employee or failure by the employee to obtain a promotion, transfer or benefit in connection with his or her employment.

The SRC Act 1988 definition of disease and injury following the SRCOLA Act 2007 amendments

5A Definition of injury

(1) In this Act:

injury means:

(a) a disease suffered by an employee; or

(b) an injury (other than a disease) suffered by an employee, that is a physical or mental injury arising out of, or in the course of, the employee’s employment; or
(c) an aggravation of a physical or mental injury (other than a disease) suffered by an employee
(whether or not that injury arose out of, or in the course of, the employee’s employment), that is an ag-
gravation that arose out of, or in the course of, that employment;
but does not include a disease, injury or aggravation suffered as a result of reasonable administrative
action taken in a reasonable manner in respect of the employee’s employment.

(2) For the purposes of subsection (1) and without limiting that subsection, reasonable administrative
action is taken to include the following:
(a) a reasonable appraisal of the employee’s performance;
(b) a reasonable counselling action (whether formal or informal) taken in respect of the employee’s
employment;
(c) a reasonable suspension action in respect of the employee’s employment;
(d) a reasonable disciplinary action (whether formal or informal) taken in respect of the employee’s
employment;
(e) anything reasonable done in connection with an action mentioned in paragraph (a), (b), (c) or (d);
(f) anything reasonable done in connection with the employee’s failure to obtain a promotion, reclassifi-
cation, transfer or benefit, or to retain a benefit, in connection with his or her employment.

5B Definition of disease

(1) In this Act:
disease means:
(a) an ailment suffered by an employee; or
(b) an aggravation of such an ailment;
that was contributed to, to a significant degree, by the employee’s employment by the Commonwealth
or a licensee.

(2) In determining whether an ailment or aggravation was contributed to, to a significant degree, by an
employee’s employment by the Commonwealth or a licensee, the following matters may be taken into
account:
(a) the duration of the employment;
(b) the nature of, and particular tasks involved in, the employment;
(c) any predisposition of the employee to the ailment or aggravation;
(d) any activities of the employee not related to the employment;
(e) any other matters affecting the employee’s health.
This subsection does not limit the matters that may be taken into account.

(3) In this Act:
significant degree means a degree that is substantially more than material.

Passenger Movement Charge

(Question No. 2813)

Senator Cash asked the Minister representing the Minister for Home Affairs, upon notice,
on 3 May 2010:
(1) What was the original charge when the Passenger Movement Charge (PMC) was introduced in
1995.

(2) For each financial year from the introduction of the PMC to 30 June 2009: (a) how much revenue
has been raised; and (b) how many liable passengers have paid the charge.
(3) (a) On which dates and by how much has the original charge increased; and (b) were these increases based on cost recovery; if not, what was the justification for the increases.

(4) What was the reason underpinning the introduction of the PMC.

(5) What is the definition of a ‘liable passenger’ in the context of the PMC.

(6) What class of passenger or other person is not required to pay the PMC on the grounds that they do not fall into the category of a liable passenger.

**Senator Wong**—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

(1) $27.00

(2) (a) —

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>PMC Collected ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994/95*</td>
<td>64.1</td>
</tr>
<tr>
<td>1995/96</td>
<td>147.8</td>
</tr>
<tr>
<td>1996/97</td>
<td>174.5</td>
</tr>
<tr>
<td>1997/98</td>
<td>189.0</td>
</tr>
<tr>
<td>1998/99</td>
<td>200.1</td>
</tr>
<tr>
<td>1999/00</td>
<td>226.2</td>
</tr>
<tr>
<td>2000/01</td>
<td>242.8</td>
</tr>
<tr>
<td>2001/02</td>
<td>283.6</td>
</tr>
<tr>
<td>2002/03</td>
<td>290.5</td>
</tr>
<tr>
<td>2003/04</td>
<td>329.8</td>
</tr>
<tr>
<td>2004/05</td>
<td>363.8</td>
</tr>
<tr>
<td>2005/06</td>
<td>374.6</td>
</tr>
<tr>
<td>2006/07</td>
<td>393.2</td>
</tr>
<tr>
<td>2007/08</td>
<td>420.0</td>
</tr>
<tr>
<td>2008/09</td>
<td>502.8</td>
</tr>
</tbody>
</table>

* PMC commenced on 1 January 1995

(b) Customs and Border Protection is not able to provide the requested information as the number of individual passengers who incur a PMC liability is not recorded.

(3) On 1 January 1999 PMC was increased by $3 to $30 to raise additional revenue to help meet the additional costs associated with the movement of people and games related equipment for the Sydney 2000 Olympic Games.

On 1 July 2001 PMC was increased by $8 to $38 to cover the increased cost of inspecting passengers, mail and cargo at Australia’s international airports as a result of increased quarantine intervention (IQI).

On 1 July 2008 PMC was increased by $9 to $47 to partially offset the costs of national aviation security initiatives.

(4) The PMC was introduced on 1 July 1995 to replace the previous Departure Tax. The underpinning reason for the introduction of PMC was to recover the cost of providing passenger processing and short-term visa processing services.

(5) Section 5 of the Passenger Movement Charge Act 1978 imposes a charge in respect of a person who departs from Australia:

(a) for another country; or

(b) for an installation in the Joint Petroleum Development Area; whether or not the person intends to return to Australia.
(6) Section 4 of the Passenger Movement Charge Act 1978 and section 5 of the Passenger Movement Charge Collection Act 1978 provide for certain people departing Australia to be exempt from the PMC. A copy of the current exemptions is attached.

Attachment

PERSONS EXEMPT FROM PASSENGER MOVEMENT CHARGE

Section 5 of the Passenger Movement Charge Collection Act 1978 (PMCC Act) provides that certain passengers departing Australia are exempt from payment of PMC. A passenger is exempt if that passenger:

<table>
<thead>
<tr>
<th>EXEMPTION as per s5 of the PMCC Act</th>
<th>INTERPRETATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) is under 12 years old; or</td>
<td>Less than 12 years of age on the day of departure from Australia evidenced by passport or birth certificate.</td>
</tr>
<tr>
<td>(b) is a traditional inhabitant whose departure is undertaken in connection with the performance of traditional activities; or</td>
<td>A person who is a traditional inhabitant of the Torres Strait Islands or Papua New Guinea and who is travelling in connection with the performance of traditional activities eg. Religious and secular gatherings, traditional fishing, barter and market trade. These activities must take place in the Torres Strait and adjacent territory to be eligible for exemption. A letter indicating where the person is going and the purpose of travel should be presented.</td>
</tr>
<tr>
<td>(c) is a member of the defence force of a country other than Australia whose departure is undertaken:</td>
<td>Foreign military members travelling on duty departing on an aircraft or ship owned or chartered by the military are exempt. They are not exempt if they are travelling on a commercial aircraft or ship. Foreign military members not travelling on duty departing on an aircraft or ship owned or chartered by the military are not exempt from PMC.</td>
</tr>
<tr>
<td>(i) in the course of his or her duty as such a member; and</td>
<td>Spouse and/or child (under 18) of foreign military members travelling on duty departing on an aircraft or ship owned or chartered by the military are exempt when travelling in the company of that member.</td>
</tr>
<tr>
<td>(ii) on an aircraft or a ship of a defence force; or</td>
<td>Spouse and/or child (under 18) of foreign military members not travelling on duty departing on an aircraft or ship owned or chartered by the military are not exempt from PMC unless exemption (a) applies.</td>
</tr>
<tr>
<td>(d) is a spouse or a child:</td>
<td>A ‘spouse’ includes a de facto partner. A ‘child’ includes a step child and a de facto partner’s child.</td>
</tr>
<tr>
<td>(i) of a member of the defence force of a country other than Australia to whom paragraph (c) applies; and</td>
<td></td>
</tr>
<tr>
<td>(ii) whose departure from Australia is undertaken in the company of the member; or</td>
<td></td>
</tr>
<tr>
<td>EXEMPTION as per s5 of the PMCC Act</td>
<td>INTERPRETATION</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>(e) is a crew member of an aircraft or a ship whose departure from Australia is on the aircraft or ship; or</td>
<td>Crew members travelling on duty departing Australia on an aircraft or ship are exempt. A ticket and document indicating the person is a member of the crew on duty is to be presented. Supernumerary crew on ships are exempt. Medical attendants (Medivac operators’ own attendants) on specific Medivac flights are exempt.</td>
</tr>
<tr>
<td>(f) is a spouse or a child: (i) of a crew member of a ship to whom paragraph (e) applies; and (ii) whose departure from Australia is undertaken in the company of the member; or</td>
<td>Spouse and/or child (under 18) of a crew member departing Australia on a ship are exempt when travelling in the company of that crew member. A ‘spouse’ includes a de facto partner. A ‘child’ includes a step child and a de facto partner’s child.</td>
</tr>
<tr>
<td>(g) is a positioning crew member; or</td>
<td>Passengers on an aircraft or ship whose departure from Australia is undertaken for the purpose of later becoming a crew member of that aircraft or ship, or another aircraft or ship are exempt. i.e. the purpose of the departure must be to later work as a crew member. This includes off-duty crew members returning to their home base to later work as a crew member on another aircraft or ship.</td>
</tr>
<tr>
<td>(h) is a transit passenger; or</td>
<td>Passengers who both arrive and depart Australia by aircraft, only for the purpose of reaching their intended destination (e.g. New Zealand – Australia – Singapore) without being immigration cleared or who are immigration cleared for reasons beyond their control are exempt. Passengers who arrive and depart Australia other than exclusively by aircraft for the purpose of reaching their intended destination (e.g. New Zealand - Australia - Singapore) within 48 hours of their arrival, or who are prevented from departing Australia within 48 hours for reasons beyond their control, are exempt (e.g passengers on ships making only 1 port of call in Australia; transfers from ship-to-ship; from ship-to-air; or from air-to-ship). Nature of transit should be established at time of booking. If passengers wish to enter Australia, PMC should be included in the ticket. If the passengers are remaining in the designated transit area, they are exempt.</td>
</tr>
</tbody>
</table>
**EXEMPTION as per s5 of the PMCC Act**

<table>
<thead>
<tr>
<th>INTERPRETATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) is an emergency passenger; or</td>
</tr>
<tr>
<td>Passengers who arrive in Australia on an aircraft or ship only because of: the illness of a person (including that person) on board the aircraft or ship; or bad weather conditions; or another kind of emergency. Departure from Australia should be as soon as it is reasonably practicable for the passenger to do so.</td>
</tr>
<tr>
<td>(j) is in the course of a journey that has involved a previous departure by the person from Australia by ship in respect of which the person paid the charge; or</td>
</tr>
<tr>
<td>Passengers on single journeys who depart Australia more than once in the course of the journey are only liable to pay PMC once. Passengers on fly/cruise journeys that involve multiple departures from Australia by ship only pay PMC for the first departure. Second and subsequent departures are exempt.</td>
</tr>
<tr>
<td>(k) does not have to pay the charge because of the operation of:</td>
</tr>
<tr>
<td>(i) the Consular Privileges and Immunities Act 1972; or</td>
</tr>
<tr>
<td>(ii) the Diplomatic Privileges and Immunities Act 1967; or</td>
</tr>
<tr>
<td>the International Organisations (Privileges and Immunities) Act 1963; or</td>
</tr>
<tr>
<td>the Overseas Missions (Privileges and Immunities) Act 1995; or</td>
</tr>
<tr>
<td>Consular officers, employees and members of their families forming part of their households are exempt. Diplomatic passport with visa class 995 or 426. Diplomatic agents (staff holding diplomatic rank, administrative, technical and service staff) are exempt. Diplomatic passport with visa class 995 or 426. High office holders of certain international organisations and their families are exempt. The head of a designated overseas mission, members of the staff and members of their families forming part of their household are exempt. Australian diplomatic and consular staff are not exempt.</td>
</tr>
<tr>
<td>(l) is a passenger whose departure from Australia is undertaken for the purpose of travelling to the Joint Petroleum Development Area in connection with the prospecting for petroleum or the undertaking of petroleum operations; or</td>
</tr>
<tr>
<td>(m) is a protective service officer (as defined in the Australian Federal Police Act 1979) on an aircraft for the purpose of enhancing the security of the aircraft.</td>
</tr>
</tbody>
</table>
### TRAVEL TO AND INVOLVING EXTERNAL TERRITORY AND INDIAN OCEAN TERRITORY

(Section 4 of the Passenger Movement Charge Act 1978)

<table>
<thead>
<tr>
<th>Territory</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>External Territory</strong></td>
<td>A passenger who departs Australia for an external Territory (where the external Territory is their final intended destination) is not liable to pay PMC. A passenger who departs Australia for an external Territory and who: is not ordinarily a resident of the external Territory; and intends to depart the external territory for an overseas destination within 3 months of arrival. Must pay PMC. The PMC must be included on the ticket for the overseas departure. A resident of an external Territory does not have to pay PMC when they depart the external territory for an overseas destination unless they are travelling via the Australian mainland and do not qualify as a transit passenger. At the time of booking, the residency of the passenger should be confirmed.</td>
</tr>
<tr>
<td>(e.g. Norfolk Island - but does not include Christmas Island or Cocos (Keeling) Island)</td>
<td></td>
</tr>
<tr>
<td><strong>Indian Ocean Territory</strong></td>
<td>A passenger who travels to an Indian Ocean Territory (where the Indian Ocean Territory is their final intended destination) is not liable to pay PMC. A passenger who departs an Indian Ocean Territory for an overseas destination is usually liable to pay PMC. A passenger who departs an Indian Ocean Territory for an overseas destination, and intends, at the time of departure, to depart from that other country and travel to the Australian mainland or another Indian Ocean Territory within 7 days after initial departure from the Indian Ocean Territory, is exempt from PMC.</td>
</tr>
<tr>
<td>(Christmas Island or Cocos (Keeling) Island)</td>
<td></td>
</tr>
</tbody>
</table>

If a passenger travels from the Australian mainland to another country, and the person intends, at the time of departure, to depart from that other country to an External Territory or to an Indian Ocean Territory within 7 days after initial departure from Australia, the passenger is exempt from PMC.

**National Broadband Network**

(Question No. 2820)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 11 May 2010:

What are the expenses and other costs accrued in the name of Mr Mike Kaiser since his appointment to NBN CO Limited in relation to: (a) travel; (b) airfares; (c) accommodation; (d) conferences; (e) training; (f) communications; (g) broadband connection; (h) laptop and other information technology; (i) vehicles; (j) hospitality; and (k) any other miscellaneous costs and expenses connected to his role and office.

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**QUESTIONS ON NOTICE**
Senator Conroy—The answer to the honourable senator’s question is as follows:

NBN Co advises me that the answer to the honourable senator’s question is as follows:

(a) Taxi expenses of $2,750 to end May 2010;
(b) Airfares of $13,031.30 to end May 2010;
(c) Accommodation expenses of $3,661.99 to end May 2010;
(d) Conferences – Nil expenses;
(e) Training – Nil expenses;
(f) to (h) Communications, broadband connection and laptop and other information technology are provided by the company for all employees. Executives are issued with a laptop computer and a mobile phone which are the property of the company.
(i) Vehicles – Nil expense: NBN Co does not provide Company vehicles;
(j) Hospitality - Nil; and
(k) There are no other miscellaneous costs and expenses.

Australian Fisheries Management Authority
(Question No. 2822)

Senator Cash asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 May 2010:

With reference to the Australian National Audit Office audit report no. 47 of 2008-09, Management of domestic fishing compliance:

(1) (a) What action has been taken by the Australian Fisheries Management Authority (AFMA) to comply with recommendation no. 1, para 3.27; and
(b) what additional costs has the AFMA expended to achieve this.

(2) Are any legislative amendments required for compliance with the abovementioned recommendation; if so:
(a) what is the nature of the amendments; and
(b) when is it proposed to introduce such amendments to Parliament.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Recommendation No. 1

3.27 To facilitate the effective management of quota within Commonwealth fisheries, the ANAO recommends that AFMA:

(a) review the extent to which legislative requirements, policy imperatives and administrative practices for managing quota align with the Government’s policy intent and, where necessary, seek amendments; and
(b) establish procedures and processes for producing management reports on the status of fisheries’ catch against quota at the end of reconciliation periods and additional trading periods

(1) (a) I am advised that AFMA is developing a quota management policy as part of a broader regulatory reform and simplification project. The quota management policy will set-out management arrangements that are consistent with legislative and policy objectives. The policy will consider all aspects of quota management including how to manage incidental catches above fisher entitlements and wasteful discarding of quota species. Implementing changes to AFMA’s quota management arrangements may require some fishers to change their fishing
practices. To assist AFMA in both understanding these impacts and to develop a draft policy, AFMA is collaborating with a panel comprising members of the Commonwealth Fisheries Association. A draft policy will be released for public consultation by December 2010.

AFMA has introduced an online licensing system. The system is designed to reduce management costs and provide a more timely and accessible service for fishers. Along with other functions, the system streamlines procedures and processes for monitoring catch against quota; this includes the development of various quota reports. AFMA procedures for producing catch against quota reports and undertaking all other licensing functions are guided by standard operating procedures (SOPs) implemented earlier this year. The SOPs ensure that AFMA completes licensing requests from fishers in the same way and to the same standard.

(b) There are no additional costs expended to achieve the above. The costs associated with implementation are part of existing programs.

(2) Yes

(a) Legislative amendments are required to facilitate the simplification of fishing regulations to assist concession holders to comply with their obligations.

(b) The Fisheries Legislation Amendment Bill (No.2) 2010 was introduced on 26 May 2010.

Australian Fisheries Management Authority

(Question No. 2823)

Senator Cash asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 May 2010:

With reference to the Australian National Audit Office audit report no. 47 of 2008-09, Management of domestic fishing compliance:

(1) (a) What action has been taken by the Australian Fisheries Management Authority (AFMA) to comply with recommendation no. 2, para 4.45; and

(b) what additional costs has the AFMA expended to achieve this.

(2) Are any legislative amendments required for compliance with the abovementioned recommendation; if so:

(a) what is the nature of the amendments; and

(b) when is it proposed to introduce such amendments to Parliament.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Recommendation No. 2

4.45 To improve the quality, consistency and targeting of its inspection program, the ANAO recommends that AFMA:

(a) target its inspection program towards those fishers/fish receivers at greater risk of non-compliance;

(1) (a) I am advised AFMA has adopted a risk based compliance and enforcement program for 2009-10. Resources are allocated to the highest compliance risks.

(b) revise its inspection report pro-formas to capture all significant observations, problems encountered and follow-up action undertaken; and

I am advised AFMA has commenced a program to revise its inspection pro-formas.

(c) develop and implement a quality assurance program for its inspections.

QUESTIONS ON NOTICE
As a part of the domestic compliance program I am advised AFMA will conduct quarterly reviews with a particular focus on inspections, intelligence, and investigations.

(b) Nil

(2) No

(a) N/A

(b) N/A

**Australian Fisheries Management Authority**

(Question No. 2824)

**Senator Cash** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 May 2010:

With reference to the Australian National Audit Office audit report no. 47 of 2008-09, Management of domestic fishing compliance:

(1) (a) What action has been taken by the Australian Fisheries Management Authority (AFMA) to comply with recommendation no. 3, para 5.37; and

(b) what additional costs has the AFMA expended to achieve this.

(2) Are any legislative amendments required for compliance with the abovementioned recommendation; if so:

(a) what is the nature of the amendments; and

(b) when is it proposed to introduce such amendments to Parliament.

**Senator Sherry**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

*Recommendation No. 3*

5.37 To improve the outcomes of its enforcement actions, the ANAO recommends that AFMA develop, where appropriate, and consistently implement, enforcement policies and fishery-specific responses for recurring non-compliance.

(1) I am advised AFMA has implemented a targeted, intelligence led, risk based centralised compliance model, guided by the *Domestic Compliance and Enforcement Policy*. The policy is supported by annual risk assessments and enforcement and compliance programs.

(a) The risk assessment and enforcement program provides fishery-specific responses to treat the highest risks within Commonwealth Fisheries.

(b) There are no additional costs expended to achieve the above. The cost associated with implementation is part of existing programs.

(2) No

(a) N/A

(b) N/A

**Australian Fisheries Management Authority**

(Question No. 2825)

**Senator Cash** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 May 2010:

With reference to the Australian National Audit Office audit report no. 47 of 2008-09, Management of domestic fishing compliance:
(1) (a) What action has been taken by the Australian Fisheries Management Authority (AFMA) to comply with recommendation no. 4, para 6.50; and
(b) what additional costs has the AFMA expended to achieve this.
(2) Are any legislative amendments required for compliance with the abovementioned recommendation; if so:
(a) what is the nature of the amendments; and
(b) when is it proposed to introduce such amendments to Parliament.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Recommendation No. 4
6.50 To improve the effectiveness of its centralised approach to domestic fishing compliance, the ANAO recommends that AFMA:

(a) develop and review annually a compliance monitoring strategy that integrates all compliance processes and activities; and

(1) (a) I am advised AFMA has developed a Domestic Compliance and Enforcement Policy which outlines its risk based compliance and enforcement model.
I am advised AFMA undertakes annual reviews of compliance risks. I am advised AFMA then prepares an (intelligence led) annual program to direct its resources to the treatment of the highest risks.
(b) identify the gaps between its current and desired intelligence capability and develop a workplan of the actions, resources, and timeframes for completion, to close the intelligence capability gaps.

I am advised AFMA has commenced a project to investigate a comprehensive compliance information system that will integrate its case management and intelligence records. I am advised AFMA has also commenced an analysis of its intelligence gaps.
(b) There are no additional costs expended to achieve the above. The costs associated with implementation are part of existing programs.

(2) No
(a) N/A
(b) N/A

Australian Fisheries Management Authority

(Question No. 2826)

Senator Cash asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 May 2010:

With reference to the Australian National Audit Office audit report no. 47 of 2008-09, Management of domestic fishing compliance:

(1) (a) What action has been taken by the Australian Fisheries Management Authority (AFMA) to comply with recommendation no. 5, para 7.22; and
(b) what additional costs has the AFMA expended to achieve this.
(2) Are any legislative amendments required for compliance with the abovementioned recommendation; if so:
(a) what is the nature of the amendments; and
(b) when is it proposed to introduce such amendments to Parliament.
Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Recommendation No. 5

7.22 To enable AFMA to more effectively meet its legislative reporting requirements, the ANAO recommends that it review its planning and reporting framework to:

(a) develop, where applicable, measurable intermediate outcomes linked to its overall outcome; and

(b) expand its deliverables to include relevant quantitative performance measures for its domestic compliance function.

(1) (a) I am advised AFMA has commenced a monthly and annual reporting regime which will report on program outcomes and quantified deliverables. The monthly report is internal at present but will be expanded to report to stakeholders via management advisory committees.

(b) NIL

(2) No

(a) N/A

(b) N/A

Australian Customs and Border Protection Service

(Question No. 2834)

Senator Milne asked the Minister representing the Minister for Home Affairs, upon notice, on 3 June 2010:

With reference to the seizure in May 2010, by US Customs and Border Protection of a consignment of seahorses shipped from Tasmania to the United States of America (US) for the aquarium trade under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) rules:

(1) Was the mistake in the paperwork a mistake of a customs officer; if so, what compensation is payable since the loss of the consignment was the fault of the Australian Customs and Border Protection Service.

(2) Are the rules pertaining to CITES exports and imports uniform globally.

(3) If the same mistake had been made by a US customs officer, would the Australian Customs and Border Protection Service have seized the consignment on arrival in Australia.

(4) Are customs officers trained in the rules as they apply to consignments under CITES.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

(1) Yes the Customs officer omitted to write the number of seahorses on relevant documentation after confirming the permit was correct. Compensation claims may be made under the Scheme for Compensation for Detriment caused by Defective Administration (CDDA) which aims to restore a person to the position they would have been in if there had been no defective administration.

(2) CITES rules are internationally recognised however individual countries may have additional documentary requirements for consignments subject to CITES. The United States of America (US) introduced its requirement for notation and endorsement in domestic legislation in 2008.

(3) Australian Customs and Border Protection Service does not have a similar requirement for additional information that US authorities have, so the issue would not arise for imports to Australia.

(4) Yes.
Defence: Accommodation
(Question No. 2865)

Senator Humphries asked the Minister for Defence, upon notice, on 17 June 2010:

Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

The Defence office accommodation portfolio is subject to ongoing monitoring, with the aim of providing for greater efficiencies within the space occupied by Defence. There may be some growth in the Defence ACT workforce over the next two years, however there is no plan to acquire additional office accommodation other than the Anzac Park West building, which is currently being fitted out for occupation later in 2010.

Infrastructure, Transport, Regional Development and Local Government: Accommodation
(Question No. 2871)

Senator Humphries asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 17 June 2010:

Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

There are no plans to take on additional or new office accommodation in the next 2 years.

Broadband, Communications and the Digital Economy: Accommodation
(Question No. 2872)

Senator Humphries asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 17 June 2010:

(1) Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years.

(2) If so, would that accommodation be provided in Canberra.

(3) And if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

Senator Conroy—The answer to the honourable senator’s question is as follows:

Subject to future Government decisions, the Department of Broadband, Communications and the Digital Economy and its portfolio agencies does not foresee a need for any additional office accommodation in Canberra within the next two years.

Environment Protection, Heritage and the Arts: Accommodation
(Question No. 2875)

Senator Humphries asked the Minister representing the Minister for Environment Protection, Heritage and the Arts, upon notice, on 17 June 2010:
Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

**Senator Wong**—The Minister for Environment Protection, Heritage and the Arts has provided the following answer to the honourable senator’s question:

Three of the agencies within my portfolio will require new or additional office accommodation in the next 2 years and some of that accommodation will be provided in Canberra. The details are:

- Bureau of Meteorology - approximately 16 staff (associated with the National Plan for Environmental Information)
- National Museum of Australia - approval was granted during the May 2010 Federal Budget for the Museum to extend the administration wing of its main building on Acton Peninsula in Canberra. The extension will enable existing museum space, currently used for administration, to be used for other museum purposes such as exhibition space. When the extension is complete, approximately 65 staff will move from the existing museum space and co-locate, in the extended administration wing, with staff already in the administration wing.
- National Film and Sound Archive - the NFSA anticipates that additional office accommodation will be required in Canberra and is investigating options for additional space to store its growing audiovisual collection with current space 95% full. Up to 20 staff could be relocated to any new storage facility.

**Attorney-General’s and Home Affairs: Accommodation**

(Question Nos 2876 and 2888)

**Senator Humphries** asked the Minister representing the Attorney-General and the Minister for Home Affairs, upon notice, on 17 June 2010:

Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

**Senator Wong**—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

The table below comprises the Attorney-General’s Department and other agencies in the Attorney-General’s portfolio that are considering new or additional office accommodation that may be required in Canberra in the next two years. There is no new or additional office accommodation planned outside of Canberra in the next two years. The table does not include new or additional office accommodation that is already under construction in Canberra. The staff estimates in the table are the estimated number of staff to be accommodated in new or additional offices.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Staff Estimate</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General’s Department</td>
<td>500</td>
<td>The Department proposes to vacate existing leases at Deakin and at CA House and Arts House in Barton and relocate staff during the second half of 2012 in leased accommodation in a new building at 4 National Circuit, Barton.</td>
</tr>
<tr>
<td>Australian Customs and Border Protection Service</td>
<td>7</td>
<td>Customs and Border Protection is currently undertaking a process to centralise records management. Options are being explored for warehousing space which may need to accommodate a small number of staff.</td>
</tr>
<tr>
<td>Agency</td>
<td>Staff Estimate</td>
<td>Additional Information</td>
</tr>
<tr>
<td>------------------------------</td>
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<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Australian Commission for Law Enforcement Integrity</td>
<td>30</td>
<td>ACLEI’s present lease in Canberra expires in mid-2012. In that context, ACLEI will test the market in 2011-12 to ensure that agency accommodation continues to meet strategic and operational needs and provide value for money.</td>
</tr>
</tbody>
</table>

**Agriculture, Fisheries and Forestry: Accommodation**

(Question No. 2878)

Senator Humphries asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 June 2010:

Do any of the departments or agencies within the Minister’s portfolio consider that new or additional office accommodation may be required in the next 2 years; if so, would that accommodation be provided in Canberra; and if so, approximately how many staff are estimated to need accommodation in the new or additional offices.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

I am advised that the Department of Agriculture, Fisheries and Forestry may require new and additional office accommodation over the next 2 years. No new or additional accommodation will be required in Canberra. Portfolio agencies have no plans for additional accommodation.

**Supplementary Tasmanian Regional Forest Agreement**

(Question No. 2898)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 June 2010:

(1) Has Tasmania committed $90 million of new funds between the signing of the Supplementary Tasmanian Regional Forest Agreement in 2005-06 and 2009-10, as required by clause 77 of the agreement:


(2) Has Tasmania provided an annual acquittal of both parties’ expenditure for Intensive Forest Management as required by clause 79.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Tasmanian officials advise that Tasmania has committed $90 million of new funds to the Supplementary Tasmanian Regional Forest Agreement between the periods 2005-06 and 2009-10. This will be detailed in the ‘2009-2010 Tasmanian Community Forest Agreement Annual Report’ due to be published later this year.

(2) Tasmania has provided an annual acquittal for both parties’ expenditure between 2005-06 and 2008-09. Tasmanian officials advise that they will soon provide an acquittal for the 2009-2010 financial year.

**Employment and Workplace Relations: Job Capacity Assessment**

(Question No. 2902)

Senator Siewert asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 21 June 2010:
(1) As a result of the Job Capacity Assessment Budget measure, over the forward estimates period for each of the following financial years 2010–11, 2011–12, 2012–13 and 2013–14, how many income support recipients are estimated to:
(a) not be paid a Disability Support Pension; or
(b) if a Newstart or Youth Allowance recipient, not be classified as having a partial capacity to work.

(2) What are the implications for a Newstart or Youth Allowance recipient of:
(a) obtaining partial work capacity status; and
(b) not obtaining partial work capacity status.

Senator Chris Evans—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) (a) Improvements to the assessment process will allow more people with disability, injury or ill health to be helped to overcome their barriers to employment through retraining and other appropriate assistance. As a result, an estimated 7500 people will not need to commence on the Disability Support Pension in 2011–12. For 2012–13 and 2013–14, the estimated numbers are 10,000 and 7500 respectively.

(b) From 1 July 2011, the Job Capacity Assessment process for job seekers on Newstart Allowance or Youth Allowance will be more streamlined. However, there will be no change to the assessment of partial work capacity in terms of either the numbers of people to be assessed or the outcomes of this assessment.

(2) (a) Job seekers with a partial work capacity of less than 15 hours per week are not required to participate in employment services, but may volunteer to do so. Those with a partial work capacity of between 15 and 29 hours per week are required to participate in job search, employment services or other suitable activities (for illustration, voluntary work or education and training) for a minimum of 30 hours per fortnight.

(b) Job seekers who are not assessed as having a partial capacity to work have full-time participation requirements.

Special Minister of State: Technology Services

(Question No. 2903)

Senator Parry asked the Special Minister of State, upon notice, on 21 June 2010:

(1) What is the reason for the delay in the implementation of the transfer of responsibility for electorate office information technology from the Department of Finance and Deregulation to the Department of Parliamentary Services?

(2) Is the cost of providing information technology services to Senators and Members more expensive at present than would otherwise be if the transfer had been completed?

(3) Are there any legislative changes required to affect the transfer?

(4) Does the Minister and the government support the change; if not, why not?

(5) Does the Minister acknowledge that there is bipartisan support for the transfer?

(6) Does the Minister accept that this matter has been delayed for in excess of 12 months?

(7) Does the Minister accept that the delay has been primarily occasioned by the Department of Finance and Deregulation?
Senator Ludwig—The answer to the honourable senator’s question is as follows:

(1) The Department of Finance and Deregulation and the Department of Parliamentary Services (DPS) continue to work together to address the requirements involved in this transfer.

(2) No.

(3) No.

(4) There is no formal agreement in place. Until such time, I am not in a position to comment.

(5) The issue of the transfer has been a matter of discussion within the Presiding Offices Information and Technology Advisory Group which has support of the cross party representation within that group.

(6) Extensive work has been undertaken to identify the requirements necessary for the transfer of these services to DPS. This is to ensure that both the services delivered and the management of the entitlements of Senators and Members can be undertaken in an efficient and effective manner.

(7) There has been no delay. The work necessary to recommend or not a transfer, has not been completed.

Governor-General

(Question No. 2911)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 25 June 2010:

For all passengers travelling on VIP flights requested by the Governor-General and listed in the Department of Defence document. Special purpose flights schedule for the period 1 July to 31 December 2009, can a list be provided of: (a) their full names and titles; (b) their positions and/or classifications; and (c) the reason for travel.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

The flights requested by the Governor-General between 1 July 2009 and 31 December 2009 were all to enable her, usually accompanied by Mr Michael Bryce, to undertake official business in places outside Canberra. Full details of the Governor-General’s activities during each visit are published in the Governor-General’s Program section of the Office of the Official Secretary to the Governor-General (OOSGG) website at www.gg.gov.au.

Staff of the OOSGG and military Aides de Camp (whose names appear in Table 1 below) accompanied the Governor-General on flights over the period to provide logistic, administrative and/or policy support during her visits, as directed by the Official Secretary.

The non-OOSGG persons listed in Table 2 below provided a range of official support services to the Governor-General when she travelled interstate or overseas.

Table 3 below provides details of persons who travelled as guests of the Governor-General at her invitation.

The flight listed as Sydney/Sydney on 19 August 2009 was to have landed in Norfolk Island, but could not do so due to extreme weather conditions prevailing at the scheduled time of arrival.

Table 1: OOSGG staff and Aides de Camp who travelled from 1 July to 31 December 2009

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>REASON FOR TRAVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer, Ms Michelle</td>
<td>Apprentice chef</td>
<td>Official duties</td>
</tr>
<tr>
<td>Begg, Mr Sam</td>
<td>Assistant Media &amp; Communications Adviser</td>
<td>Official duties</td>
</tr>
<tr>
<td>NAME</td>
<td>POSITION</td>
<td>REASON FOR TRAVEL</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Brady, Mr Stephen</td>
<td>Official Secretary to the Governor-General</td>
<td>Official duties</td>
</tr>
<tr>
<td>Burke, Flight Lieutenant Renee</td>
<td>Aide de Camp to the Governor-General</td>
<td>Official duties</td>
</tr>
<tr>
<td>Chapple, Ms Kate</td>
<td>Consultant speechwriter</td>
<td>Official duties</td>
</tr>
<tr>
<td>Creed, Ms Niree</td>
<td>Senior Media &amp; Communications Adviser</td>
<td>Official duties</td>
</tr>
<tr>
<td>Cruickshank, Dr Frances</td>
<td>Manager, Speechwriting &amp; Community Relations</td>
<td>Official duties</td>
</tr>
<tr>
<td>Evered, Mr Stephen</td>
<td>Senior Chef</td>
<td>Official duties</td>
</tr>
<tr>
<td>Fraser, Mr Mark</td>
<td>Deputy Official Secretary to the Governor-General</td>
<td>Official duties</td>
</tr>
<tr>
<td>Hollins, Ms Sue</td>
<td>Executive Assistant to the Governor-General</td>
<td>Official duties</td>
</tr>
<tr>
<td>King, Mr Roger</td>
<td>Household attendant</td>
<td>Official duties</td>
</tr>
<tr>
<td>King, Flight Lieutenant Sonia</td>
<td>Aide de Camp to the Governor-General</td>
<td>Official duties</td>
</tr>
<tr>
<td>Leake, Ms Sally</td>
<td>Manager, Strategic Program Planning Assistant Manager Household Operations</td>
<td>Official duties</td>
</tr>
<tr>
<td>Mace, Ms Lynette</td>
<td>Assistant Manager Household Operations</td>
<td>Official duties</td>
</tr>
<tr>
<td>McConnell, Mr Mark</td>
<td>Manager Household Operations</td>
<td>Official duties</td>
</tr>
<tr>
<td>McKenzie, Mr Nathan</td>
<td>Senior Events Adviser</td>
<td>Official duties</td>
</tr>
<tr>
<td>Nibaldi, Lieutenant Rebecca</td>
<td>Aide de Camp to the Governor-General</td>
<td>Official duties</td>
</tr>
<tr>
<td>O’Grady, Ms Pamela</td>
<td>Director, Executive and Protocol Branch</td>
<td>Official duties</td>
</tr>
<tr>
<td>Schaefer, Mr Ryan</td>
<td>Household attendant</td>
<td>Official duties</td>
</tr>
<tr>
<td>Sciaccia, Ms Sarah</td>
<td>Household attendant</td>
<td>Official duties</td>
</tr>
<tr>
<td>Singer, Mr Paul</td>
<td>Senior Operations Adviser</td>
<td>Official duties</td>
</tr>
<tr>
<td>Townsend, Ms Leanne</td>
<td>Indigenous Adviser</td>
<td>Official duties</td>
</tr>
<tr>
<td>Williams, Captain Matthew</td>
<td>Aide de Camp to the Governor-General</td>
<td>Official duties</td>
</tr>
</tbody>
</table>

Table 2: non-OOSGG support persons who travelled from 1 July to 31 December 2009

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>DATE OF TRAVEL</th>
<th>REASON FOR TRAVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean, Mr Robert</td>
<td>Queensland Police</td>
<td>Multiple 19 August 2009</td>
<td>AFP CPP * RAAF support</td>
</tr>
<tr>
<td>Fairweather, Flight Officer Nicholas</td>
<td>Staff Officer VIP Operations, 34 Squadron RAAF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hill, Federal Agent Peter</td>
<td>Australian Federal Police</td>
<td>Multiple 29-30 August 2009</td>
<td>AFP CPP Medical support for overseas visit</td>
</tr>
<tr>
<td>Jackson, Federal Agent Mick</td>
<td>Australian Federal Police</td>
<td>Multiple 29-30 August 2009</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Killer, Dr Graeme</td>
<td>Consultant physician</td>
<td>29-30 August 2009</td>
<td>Medical support for overseas visit</td>
</tr>
<tr>
<td>Lane, Squadron Leader Ian</td>
<td>Staff Officer VIP Operations, 34 Squadron RAAF</td>
<td>29-30 August 2009</td>
<td>RAAF support</td>
</tr>
<tr>
<td>Mellon, Mr Neil</td>
<td>Northern Territory Police</td>
<td>15 July 2009</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Ramsden, Mr Andy</td>
<td>Western Australian Police</td>
<td>30 October 2009</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Reed, Federal Agent Dan</td>
<td>Australian Federal Police</td>
<td>Multiple</td>
<td>AFP CPP</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>DATE OF TRAVEL</th>
<th>REASON FOR TRAVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richardson, Federal Agent Mark</td>
<td>Australian Federal Police</td>
<td>29-30 August 2009</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Smith, Federal Agent Brett</td>
<td>Australian Federal Police</td>
<td>Multiple</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Smith, Federal Agent Jason</td>
<td>Australian Federal Police</td>
<td>Multiple</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Spies, Federal Agent Jodie</td>
<td>Australian Federal Police</td>
<td>Multiple</td>
<td>AFP CPP</td>
</tr>
<tr>
<td>Vecchie, Mr Paul</td>
<td>Northern Territory Police</td>
<td>15 July 2009</td>
<td>AFP CPP</td>
</tr>
</tbody>
</table>

* AFP CPP – Australian Federal Police Close Personal Protection

Table 3 – Guests travelling at the invitation of the Governor-General between 1 July and 31 December 2009

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>DATE OF TRAVEL</th>
<th>REASON FOR TRAVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buergenthal, HE Judge Thomas and Mrs Peggy</td>
<td>International Court of Justice Judge</td>
<td>18 August 2009</td>
<td>Travelling to Sydney at the same time the Governor-General was to attend an official event</td>
</tr>
<tr>
<td>Button, Ms Penny</td>
<td>QANTAS Founders Museum Longreach</td>
<td>14 September 2009</td>
<td>Attending official events with the Governor-General in Longreach and Winton</td>
</tr>
<tr>
<td>Coles, Ms Jenny</td>
<td>Personal Assistant to Kirsty Gusmao</td>
<td>6 August 2009</td>
<td>Travelling to Rockhampton to attend same official event as Governor-General</td>
</tr>
<tr>
<td>Cosgrove, General Peter and Mrs Lyn</td>
<td>Former Chief of the Defence Force</td>
<td>30 August 2009</td>
<td>Returning to Canberra after attending same official event as Governor-General in Dili</td>
</tr>
<tr>
<td>Gill, Flight Lieutenant Naomi</td>
<td>Aide de Camp (RAAF) to Chief of the Defence Force</td>
<td>31 August 2009</td>
<td>Travelling to Sydney to attend same official event as Governor-General</td>
</tr>
<tr>
<td>Gusmao, Ms Kirsty</td>
<td>Founder and Chair of Alola Foundation, Timor-Leste</td>
<td>6 August 2009</td>
<td>Travelling to Rockhampton to attend same official event as Governor-General</td>
</tr>
<tr>
<td>Hannon, Ms Cate</td>
<td>Journalist, AAP</td>
<td>29-30 August 2009</td>
<td>Media covering Governor-General’s visit to Timor-Leste</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
NAME | POSITION | DATE OF TRAVEL | REASON FOR TRAVEL
--- | --- | --- | ---
Hope, Lieutenant Commander David | Office of the Chief of Defence Force | 31 August 2009 | Travelling to Sydney to attend same official event as Governor-General
Houston AC AFC, Air Chief Marshal Angus | Chief of the Defence Force | 31 August 2009 | Travelling to Sydney to attend same official event as Governor-General
Kingswell, Ms Sue | Coordinator, Contact Incorporated | 30 October 2009 | Returning from Albany after attending same official events as Governor-General
Porritt, Mr Alan | Photographer, AAP | 29-30 August 2009 | Media covering Governor-General’s official visit to Timor-Leste
Razak, Mr Ishkander | Journalist, ABC Darwin | 15 July 2009 | Media covering Governor-General’s official visit to Maningrida
Rosas, Mr Elton | Cameraman, ABC Darwin | 15 July 2009 | Media covering Governor-General’s official visit to Maningrida

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 30 June 2010:

(1) In addition to its statement alerting major stakeholders to the review, what measures were put in place by the Australian Communications and Media Authority (ACMA) to solicit responses to the discussion paper The way ahead – Decisions and implementation options for the 400MHz band from those who operate within the Citizens Band Radio Service (CBRS) UHF 476.4125 to 477.4125 MHz.

(2) Why has the ACMA decided to allocate further channels to this service by reducing existing channel bandwidths from 25 kHz to 12.5 kHz (Wide-band to Narrow-band) spacing, thus increasing to 80 channels overall.

(3) What investigation work was undertaken by the ACMA to support its decision.

(4) Did the ACMA’s Field Operations section provide assistance to determine the level of congestion; if so, (a) how many officers were involved in this process; and (b) were any monitoring stations or mobile field units used.

(5) Given that the 400MHz band is congested, how many complaints received were from operators within the CBRS.

(6) What additional information supported the inclusion of the CBRS as part of the major restructuring of the UHF waveband.

QUESTIONS ON NOTICE
(7) Given that costs will be incurred by a majority of users and also taxpayers, when considering government usage of this band, why are costs to be imposed on all users within the CBRS (either via modification of existing radio sets or the purchasing of new radios) and the owners of CBRS repeaters having to undertake modification.

(8) How many licensed repeaters are there in: (a) Australia; and (b) each of the states and territories.

(9) With reference to information available on the ACMA’s website which states, ‘In September 2008, the ACMA established a Working Group for the Review of the 400 MHz band under the guidance of the Radiocommunications Consultative Committee [RCCC] to: assist as appropriate with the review of the 400 MHz band; provide advice on issues related to the ACMA’s ongoing review; and operate as a forum for in-depth consultation, as required, with major industry stakeholders on future arrangements for the frequency band 403–520 MHz (the 400 MHz band)’: (a) how many times has the working group met since September 2008; (b) how does the working group reflect the majority of users excluding government services; (c) noting that the working group has received guidance from the RCCC, what information, if any, has been provided to it to assist it with its task; and (d) are there any plans to disband the working group.

(10) What additional reforms, if any, are being considered by the ACMA for the CBRS UHF [Ultra High Frequency] section, and does this include a switch to digital transmitters.

(11) Can the ACMA clarify its position on the operation of channels 22 (telemetry) and 23 (telecommand).

(12) Are channels 22 and 23 currently used for voice communications; if so, how widespread is this usage.

(13) What measures are being taken to ensure that these channels are not used for voice communications.

(14) With reference to the CBRS UHF emergency channels 5 and 35: (a) what information is available on the level of interference being generated on these channels in Melbourne, Brisbane and Sydney; (b) will the level of interference increase considerably on these channels during the transition period; (c) how does the ACMA define ‘non-emergency’ traffic; (d) how many complaints been received from operators and emergency groups who provide a service on these channels; and (e) is the ACMA aware of issues relating to the activity by some operators on these channels in the Brisbane area and across the federal electorate of Longman to the north of Brisbane, and with this as an example, what is the ACMA doing to ensure that operators are aware of their obligations not to engage in non-emergency traffic on the emergency channels.

(15) With reference to existing UHF CB [Citizen Band] equipment standards, is there a need for these standards to be amended to resolve ongoing problems across all input repeater channels.

(16) Within the Radiocommunications (Citizen Band Radio Stations) Class Licence 2002, is there a provision which allows operators to use all channels, excluding emergency channels 5 and 35, if they are not within range of an operation repeater.

(17) How many CBRS UHF repeaters are currently licensed: (a) across Australia; and (b) in each of the states and territories.

(18) When considering that there are channels within the VHF [Very High Frequency] Maritime Mobile band and the CBRS (such as VHF 16 and 67 and CBRS UHF 5 and 35) specifically designed for emergency communications that remain under increasing pressure from users, what additional measures are being considered to resolve this issue.

Senator Conroy—The answer to the honourable senator’s question is as follows:

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of spectrum. I have received the following advice from ACMA in relation to the question:
(1) The ACMA review of the 403-520 MHz band (including the UHF Citizen Band) has been ongoing since April 2008. Consultation on this review has been extensive and has involved the publication of website material, the release of three discussion papers (made available on the ACMA website – www.acma.gov.au – and also emailed to known interested parties), media releases, conference and meeting attendances and the use of twitter and Facebook. Additionally, licensees have been advised via a letter sent around June/July 2010 and also via a note attached to their licences, which are renewed annually, that the band is under review.

Formal Discussion Papers
On 18 April 2008 the ACMA released the discussion paper, Spectrum Options 403–520 MHz: Initial consultation on future arrangements for the 400 MHz band (the Options Paper). This was the first formal step in a review of spectrum management arrangements in the 400 MHz band. The purpose of that discussion paper was to stimulate discussion and gather information from stakeholders to assist the ACMA to develop future arrangements for the 400 MHz band. A media release accompanied the publication of the paper.

Seventy five responses were received to the Options Paper, with several comments on UHF CB issues. Subsequent analysis of the responses and additional work carried out by the ACMA resulted in the development of the refined options and proposals set out in the Spectrum Proposals: 403-520 MHz - Proposals for future arrangements in the 400 MHz band (the Proposals Paper) released on 2 April 2009. This paper was also sent via email to respondents to the previous paper and to other known interested parties. A media release also accompanied the publication of the paper. Sixty-one responses were received by the ACMA to the Proposals paper again including responses from the UHF CB community. The ACMA also updated its website material on the 400 MHz review and released a summary of the responses received to the Proposals paper to provide stakeholders with a broad insight into the submissions received.

Key outcomes of the review were released on 30 April 2010 in the ACMA paper The Way Ahead – Decisions and Implementation Options for the 400 MHz Band. This paper was also sent via email to respondents to the previous papers and to other known interested parties. A media release and web material also accompanied the publication of that paper.

Conferences and meetings
ACMA staff have attended several meetings with commercial, government and other stakeholder and have presented on the review at:
• RadComms 08;
• 400 MHz Review Briefing (before RadComms 09);
• RadComms 09;
• Radiocomms Connect 2008;
• Radiocomms Connect 2009; and
• Mining Automation and Communication Conference, 2010.

Additionally, updates on the progress of the review have been provided to the ACMA’s Radiocommunications Consultative Committee (RCC). A working group of the RCC was formed to consider issues associated with the review of the 400 MHz band. This group has met four times (details below) and consists of members representing a range of users in the 400 MHz band – a member of this group represents the interests of UHF CB users.

The ACMA has also consulted with Citizen Band equipment manufacturers and individual CB users during the review process.
The ACMA has also held a series of “tune-ups” on the 400 MHz review in July/August 2010, visiting all capital cities and Townsville. Changes to the UHF CB arrangements were discussed at these events.

(2) The ACMA has decided to allocate further channels in the UHF Citizen band by reducing existing channel bandwidth because additional spectrum is not available for the UHF Citizen Band service to expand into if the current channel bandwidth arrangements were maintained. Therefore the only option available to increase the number of channels is to add new channels in the spectrum opened up by reducing the existing channel bandwidth. This mirrors the approach used throughout the broader 400 MHz band.

(3) The ACMA analysed trends in use of the 400 MHz band, surveyed international trends in use, conducted a survey of frequency assigners and employed a consultant to engage with CB equipment manufacturers and CB users on the proposed changes to arrangements. Feedback from frequency assigners was that it had become difficult to find frequencies in the 400 MHz band in high and medium density areas to assign new services. The consultant examining use of the UHF Citizen Band found that in high and medium density areas the demand for UHF CB repeater licences is constrained by the current arrangements and that many new applications were not able to be accommodated. Demand in rural and remote areas was not constrained. The demand for UHF CB repeaters arises from pastoral and mining industries, Shire Councils, Aboriginal Communities and Emergency Services.

(4) An organised regime of spectrum monitoring was not used to quantify use of the UHF Citizen Band. The ACMA has conducted monitoring in other areas of the 400 MHz band and the results of that work show that monitoring of use does not correlate well with licence availability.

(5) The ACMA has received sporadic complaints about congestion in the UHF Citizen Band over the years: precise information on how many is not available as this feedback takes on many forms and is received by a number of areas of the ACMA. It should be noted that the review of the UHF Citizen Band was largely driven by a desire to increase the utility of the band by offering additional channels and not solely by a need to relieve congestion. Feedback on the proposal to increase the number of channels has been overwhelmingly positive.

(6) The UHF Citizen Band is part of the 400 MHz band – when considering changes to the 400 MHz band to increase its utility the ACMA concluded that similar measures should be applied to the UHF Citizen Band.

(7) The ACMA believes that the costs to users will be minimal or zero in many cases as the timeframes given to transition to the new arrangements align with the typical lifecycle of equipment. The ACMA also believes that the overall benefits offered by the new arrangements will be attractive to UHF CB users, leading to a desire to upgrade equipment. The ACMA has also discussed with equipment manufacturers the possibility of upgrading existing UHF CB equipment to render it compatible with the new arrangements. They have responded positively to this and have indicated that this service may be offered on some equipment models.

(8) The following table shows the number of UHF Citizen band repeaters in Australia and each of its states and territories as of 1 July 2010. There are no HF Citizen band repeaters.

<table>
<thead>
<tr>
<th>State</th>
<th>Repeater Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>0</td>
</tr>
<tr>
<td>NSW</td>
<td>160</td>
</tr>
<tr>
<td>NT</td>
<td>79</td>
</tr>
<tr>
<td>Qld</td>
<td>370</td>
</tr>
<tr>
<td>SA</td>
<td>114</td>
</tr>
<tr>
<td>Tas</td>
<td>13</td>
</tr>
<tr>
<td>Vic</td>
<td>52</td>
</tr>
<tr>
<td>WA</td>
<td>158</td>
</tr>
<tr>
<td>TOTAL</td>
<td>946</td>
</tr>
</tbody>
</table>
The following table shows the number of licensed assigned VHF Maritime Mobile band repeaters in Australia and each of the states and territories as at 23 July 2010 (as recorded in the ‘register of radio-communications licences’).

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>0</td>
</tr>
<tr>
<td>NSW</td>
<td>26</td>
</tr>
<tr>
<td>NT</td>
<td>7</td>
</tr>
<tr>
<td>QLD</td>
<td>38</td>
</tr>
<tr>
<td>SA</td>
<td>11</td>
</tr>
<tr>
<td>TAS</td>
<td>13</td>
</tr>
<tr>
<td>VIC</td>
<td>8</td>
</tr>
<tr>
<td>WA</td>
<td>34</td>
</tr>
<tr>
<td>TOTAL</td>
<td>137</td>
</tr>
</tbody>
</table>

It should be noted that the above list of maritime mobile repeaters does not show any repeaters that are licensed under non-assigned licensing arrangements. The non-assigned licensing arrangements authorise licensees to operate on a range of frequencies, including repeater frequencies, but do not require that the use of the frequencies is recorded in the ‘register of radio-communications licences’. It is, in any case, understood that the numbers of repeaters used under the non-assigned arrangements will be low by comparison with the number of assigned repeaters.

(9) (a) The working group has met three times since September 2008 (8 October 2008, 5 January 2009, 19 October 2009) and at a workshop attended by the working group and around 50 other interested parties held on 28 April 2009.

(b) Membership and scope of representation of the working group is as follows:

<table>
<thead>
<tr>
<th>Industry Sector</th>
<th>Scope of Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARCIA</td>
<td>commercial users</td>
</tr>
<tr>
<td>Wireless Institute of Australia (WIA)</td>
<td>the amateur community and citizen band users</td>
</tr>
<tr>
<td>Australian Tetra Forum (ATF)</td>
<td>TETRA</td>
</tr>
<tr>
<td>Telstra</td>
<td>large commercial user</td>
</tr>
<tr>
<td>Vertel</td>
<td>large commercial user</td>
</tr>
<tr>
<td>National Coordinating Committee for Government Radio-communications (NCCGR)</td>
<td>government users</td>
</tr>
<tr>
<td>Australasian Railways Association (ARA)</td>
<td>the rail sector</td>
</tr>
<tr>
<td>Department of Defence</td>
<td></td>
</tr>
<tr>
<td>Ergon Energy</td>
<td>power utilities</td>
</tr>
<tr>
<td>Spectrum Engineering</td>
<td>Frequency Assigners</td>
</tr>
<tr>
<td>Radspec</td>
<td>Frequency Assigners</td>
</tr>
<tr>
<td>Motorola</td>
<td>Manufacturers</td>
</tr>
<tr>
<td>Australian Communications and Media Authority (ACMA)</td>
<td></td>
</tr>
</tbody>
</table>

(c) Updates on the progress of the 400 MHz working group have been provided to the RCC from time to time when requested.

(d) The RCC 400 MHz group will be disbanded when the outcomes of the 400 MHz review are settled and the review moves into its implementation phase.

(10) Additional reforms currently in train for the UHF citizen band service are:

1. Relaxing the duty cycle restriction for telemetry and telecommand transmissions on UHF channels 22 and 23 from “3 seconds in any period of 60 minutes” to “10 seconds in any period of 60 minutes”;

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2. Permitting the transmission of electronic station identification and position information;
3. Prohibiting the indirect linking of CBRS Repeater Stations;
4. Prohibiting the retransmission of signals from a repeater station; and
5. Prohibiting the transmission of non-traditional citizen band equipment such as, ‘baby monitors.’

The additional reforms mentioned above are proposed to be implemented through variations to the Radiocommunications (Citizen Band Radio Stations) Class Licence 2002.

Reforms 1 and 2 above reflect recent changes made to the UHF citizen band equipment standard (AS/NZS 4365:2002) that authorise the respective new features to be included in citizen band equipment.

Reform 3 above reflects the need to close a legislative loophole that is allowing individual citizen band operators to circumvent an ACMA policy that generally precludes repeaters from being linked together. This policy, which is implemented to prevent congestion and interference, allows linking, justified on a case by case basis, where congestion and interference will not occur.

Reform 4 above is intended to prevent ‘local’ citizen band operation from being interfered with by individuals ‘importing’, via the internet, the high traffic volumes of repeaters elsewhere; even overseas.

Reform 5 above is intended to prevent citizen band operation from being interfered with by the operation of stations that are unable to comply with operational practices applicable to the harmonious use of shared frequencies i.e., wait until the frequency is clear before transmitting.

The ACMA is not currently considering a switch to digital transmitters in the UHF Citizen band channels used for voice communications.

(11) Telemetry is the process of obtaining measurements and relaying them, for recording or display, at a distant point. Telecommand is the electronic remote control of equipment.

Examples include:
- monitoring water levels in dams;
- controlling equipment such as irrigation pumps; and
- opening and closing gates.

The class licence authorises the use of telemetry and telecommand applications on UHF channels 22 and 23.

(12) The Citizen band class licence prohibits the use of voice communication on the current UHF Citizen band channels 22 and 23. No complaints on the use of voice communications on channels 22 and 23 have been received in the period July 2009 to June 2010.

(13) Since the introduction of telemetry and telecommand applications in 2002, the citizen band equipment standard provides only for equipment that does not permit voice communications on channels 22 and 23.

The ACMA informs users of the appropriate use of channels through information on its website and information included with CB equipment. If interference is reported appropriate compliance action is taken.

(14) (a) Misuse of the emergency channels in Melbourne, Brisbane and Sydney varies sporadically from hour to hour and hence it is difficult to quantify. The principal issue the ACMA receives complaints about with regard to the emergency channels 5 and 35 is that operators using channel 35 unknowingly trigger a repeater on channel 5. When issues of misuse are reported to the ACMA the channels are monitored to determine whether the issue is still ongoing. If it is, the user is located and advice on the correct use of the channel is provided. Once found and advised users generally move to a more appropriate channel.
(b) The level of interference to emergency channels 5 and 35 is expected to diminish as additional repeater channels become available for use. The level of interference will also diminish as operators purchase new equipment and commence to use the new channels (including repeater channels).

(c) While non-emergency traffic is not directly defined, the Radiocommunications (Interpretation) Determination 2000 defines ‘emergency signal’ as:

a) a request for assistance; or b) a signal of distress; or c) a message that is related to a request for assistance or a signal of distress.

(d) In the last 12 months, the ACMA has received 3 complaints (2 Newcastle, 1 Rockhampton) about interference on UHF channels 5 and 35 that contained sufficient information to commence a field investigation. However in 2008 the ACMA dealt with a number of complaints, mainly from one individual, concerning interference to UHF channels 5 and 35 in the Brisbane area.

(e) The ACMA website provides information about licensing the operation on the citizen band. The ACMA FACT Sheet ‘Citizen band radio’, includes specific information about the use of UHF emergency channels 5 and 35. However, the ACMA's response to interference to the emergency channels is largely complaint driven and tailored to the individual circumstances of the complaint. Responses include making educational announcements over the air through to the use of direction finding equipment to identify stations causing the interference. As a first step, individuals that are identified as causing interference are provided with advice about appropriate operation.

In respect to the Brisbane problems referred to in part (d) above, the interference on UHF channels 5 and 35 was caused by many different individuals associated with major construction activities. In this case the ACMA resolved the situation through discussions with the prime contractors.

(15) The relevant UHF CB equipment standard is being updated to provide for changes in equipment specifications and performance. The standard mandates equipment specifications and performance and cannot prohibit users from initiating problematic use of repeater channel inputs. The standard does, however, provide for information on use of the equipment to be included in the packaging of new CB equipment, to educate users on the correct use of repeater input channels.

(16) Yes.

(17) The following table shows the number of UHF Citizen band repeaters in Australia and each of its states and territories as of 1 July 2010. There are no HF Citizen band repeaters.

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
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<tbody>
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<td><strong>TOTAL</strong></td>
<td><strong>946</strong></td>
</tr>
</tbody>
</table>

(18) (a) The World Radio Conference to be held in 2012 is expected to consider the introduction of additional channels in the VHF Maritime Mobile band. Australia through the ACMA and the Australian Maritime Safety Authority participate in these processes. The allocation of additional channels is expected to alleviate inappropriate use of emergency channels 16 and 67. The ACMA is separately investigating reported congestion and misuse of VHF Maritime Mobile channels in Australian waters. One potential outcome of this investigation is the allocation of additional channels for use by the recreational maritime community.
(b) The ACMA commenced a review of operator qualification arrangements for VHF radio use on recreational marine vessels with the release of a public discussion paper in September 2009. Earlier advice from the National Marine Safety Committee (NMSC) indicated that there were concerns about declining standards in the operation of marine VHF radio and low compliance with operator certification. NMSC survey data suggests the level of certification to be around 50%. The ACMA understands the compliance level is significantly lower than this. The review is nearing completion and the ACMA is considering options to best support its spectrum management objectives and to increase VHF radio users’ awareness of correct channel usage and radio protocols. This review is planned to be completed by the end of 2010.

(c) The proposed introduction of additional channels, including repeater channels, into the UHF citizen band is expected to alleviate inappropriate use of the citizen band emergency channels 5 and 35.